

**Statement of
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Before the

**Subcommittee on Forest and Forest Health
Committee on Resources
United States House of Representatives**

**on
July 24, 2003**

Concerning

**H.R. 1723 Caribbean National Forest Act of 2003
H.R. 2707 Salt Cedar and Russian Olive Control Demonstration Act
H.R. 2766 Arapaho and Roosevelt NF Land Exchange Act of 2003**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I am Elizabeth Estill, Deputy Chief for Programs, Legislation, and Communications, Forest Service. I am here today to provide the Department's comments on three bills:

H.R. 1723—to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes.

H.R. 2707—to direct the Secretaries of the Interior and Agriculture, acting through the Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt Cedar and Russian Olive on forests and public lands administered by the Department of the Interior and the Forest Service.

H.R. 2766—to direct the Secretary of Agriculture to exchange certain lands within the Arapaho and Roosevelt National Forest in the State of Colorado.

The Department supports H.R. 1723. The Department supports the goals of H.R. 2766, but has a number of recommended changes. Further, the Department supports the goals of H.R. 2707, but has concerns about roles and requirements, and believes the work can be achieved within existing authorities. We would like to work with the Committee on the improvements we recommend to H.R. 2766 and H.R. 2707.

H.R. 1723—Caribbean National Forest Act of 2003

H.R. 1723 designates approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico as the El Toro Wilderness and as a component of the National Wilderness Preservation System.

The bill provides that designation of the Wilderness shall not be construed to prevent within the area's boundaries: (1) installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and transmission facilities when they are essential to the scientific research purposes of the Luquillo Experimental Forest; (2) construction and maintenance of nesting structures, observation blinds, and population monitoring platforms for threatened and endangered species; or (3) construction and maintenance of trails to such facilities as necessary for research purposes and the recovery of threatened and endangered species.

The Caribbean National Forest encompasses over 28,000 acres of land, making it the largest block of public land in the Island of Puerto Rico. The Forest, locally known as El Yunque, is one of the most popular recreation sites in Puerto Rico and the National Forest System. Almost a million tourists, from Puerto Rico, the US mainland, and abroad experience this tropical rain forest environment each year.

It is the only tropical rain forest in the National Forest System and by far the friendliest and most accessible in the world. It is also home to the Puerto Rican parrot, one of the 10 most endangered birds in the world, and nearly 240 species of trees and 120 terrestrial animals—four of which are also listed as endangered species.

The Department supports H.R. 1723. The 1997 revised Land and Resource Management Plan for the Caribbean National Forest/Luquillo Experimental Forest recommended wilderness designation for the 10,000-acre El Toro area. We believe the designation of the El Toro Wilderness would contribute to a more diverse wilderness preservation system and enhance the areas solitude, scenery and pristine qualities. Designation of the El Toro Wilderness would be significant. It would become the only tropical forest in the National Forest Wilderness System and the only wilderness area in Puerto Rico.

H.R. 2707—Salt Cedar and Russian Olive Control Demonstration Act

H. R. 2707, The Salt Cedar and Russian Olive Control Demonstration Act, directs the Secretary of the Interior and the Secretary of Agriculture, acting through the Forest Service, to carry out a demonstration program to assess potential water savings through control of Salt cedar and Russian olive on forests and public lands under their jurisdiction.

The Department agrees with the goals of H.R. 2707, which would provide important information for managing two non-native invasive species that pose a significant ecological threat in the western United States. However, the Department has some concerns and would like to work with the Subcommittee to clarify and improve the bill.

The genus Tamarix (commonly known as Salt cedar) is comprised of shrubs or trees native to arid, saline regions of Eurasia and Africa. Since the 1830s, ten species have been introduced into North America as ornamental plants and for windbreaks. Two species of Salt cedar have escaped cultivation and rapidly invaded riparian areas of the western United States. Today, Salt cedar has infested over one million acres in the western United States, consuming large quantities of water, intercepting deep water

tables and interfering with natural aquatic systems. It disrupts the structure and stability of native plant communities and degrades native wildlife habitat.

Russian olive (*Elaeagnus augustifolia*) is also a native of southern Europe and Western Asia that was first introduced in the late 1800s as an ornamental tree and windbreak. Although it is a non-native invasive species, Russian olive is a popular and hardy plant that is sold commercially for landscaping purposes. However, as its impact to native species has become evident, it has been declared a noxious species in states such as Utah, and sales have been banned in states such as Colorado. Like Salt cedar, Russian olive is a fast growing plant that can out-compete native vegetation and tax water reserves.

To manage invasive species, the Forest Service uses existing authorities to coordinate projects at the Federal, State, and local levels through its National Forest System, Research and Development, and State and Private Forestry Deputy Areas. The Forest Service participates with other Federal agencies in the National Invasive Species Council (NISC), established by Executive Order 13112. The Agency also participates in the Federal Interagency Committee for the Management of Noxious and Exotic Weeds (FICMNEW) to manage invasive plants. The NISC and FICMNEW continue to work collaboratively with local, State, Tribal, and regional interests to expand partnerships and coordination efforts among all stakeholders.

Section 3 of H.R. 2707 directs the Secretary of the Interior, in consultation with the Secretary of Agriculture through the Forest Service, to complete an assessment of current knowledge concerning Salt cedar and Russian olive invasion. It also calls for at least three projects to demonstrate and evaluate the most effective methods to control these invasive species. The bill specifies that no project may exceed \$7,000,000 and that the Federal share of the costs shall be no more than 65 percent of the total cost. The authorized funding is not in the President's budget and therefore must be considered within existing resources. The actions outlined in the bill can be achieved within existing authorities.

We would like to work with the Subcommittee and the Department of the Interior to:

- Clarify the roles of the Departments and Agency referenced in the bill,
- Specify components and requirements of the assessment report, and
- Develop criteria for selection of the demonstration project areas.

I commend the Subcommittee for addressing the ecological problems posed by these two non-native invasive species. The Subcommittee has recognized that the invasive species challenge to our Nation is enormous, and land managers and communities are stretching their limited resources significantly to address it. Increased understanding of the impact of these species on the quantity of surface and groundwater would advance our Nation's ability to address their ecological consequences.

H.R. 2766—Arapaho and Roosevelt National Forests Land Exchange Act of 2003

H.R. 2766 directs the Secretary of Agriculture to exchange to the City of Golden, Colorado all right, title and interest in 9.84 acres of Federal land within the Arapaho National Forest, upon receipt of acceptable title to 140 acres of non-Federal land. The 140 acres consist of two separate parcels, including 80 acres near Evergreen, Colorado known as Cub Creek and 60 acres near Argentine Pass, Colorado known as Argentine Pass. The 60-acre Argentine Pass property is made of 15 patented mining claims. The bill modifies the exterior boundary of the Arapaho National Forest to incorporate the Cub Creek parcel.

The bill requires the exchange values to be equalized. If the non-Federal parcel market value exceeds the approved market value of the Federal land, the values may be equalized by reducing the size of the Cub Creek non-Federal parcel or with a cash equalization payment without regard to the cash equalization limitation of 43 U.S.C. 1716(b), as amended.

If the Federal land market value exceeds the market value of the Cub Creek non-Federal parcel, the values shall be equalized by the Secretary preparing a statement of value for the Argentine Pass non-Federal parcel and utilizing as much of such contributory value as is necessary as a credit to equalize value. Argentine Pass lands not needed to balance the exchange values will be donated to the Forest Service. In the event the Secretary declines to accept the Argentine Pass lands for any reason, Golden shall make a cash equalization payment to the Secretary as necessary to equalize the values of the Federal land and the Cub Creek parcel. We recommend that any cash equalization funds received be considered money received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484 (a)), commonly known as the "Sisk Act," and may be used, without further appropriation, for the acquisition of lands for addition to the National Forest System in the State of Colorado.

Additionally, we note that only the surface estate is being offered relative to the Argentine Pass parcel. The management of split estates is problematic. We understand that it is not the minerals at issue but an underground water conveyance tunnel and associated access that the City of Golden wishes to protect. We prefer to acquire both surface and subsurface interests, in fee, and are willing to work with the Committee and the City to develop language which ensures continued use and operation of the tunnel.

H.R. 2766 indicates Congress' intent that the land exchange be consummated no later than 120 days after enactment and authorizes the City of Golden to construct a water pipeline on the 9.84 acres of Federal land immediately upon enactment and prior to the consummation of the exchange. We are concerned that we may not be able to complete environmental consultation and clearances required for the disposal of the federal property in 120 days. We request extending this timeframe to 180 days. We also do not support construction occurring prior to conveyance of this property to the City of Golden. At the very least, we would expect that the City would be required to operate under a special use permit as long as the property remains in Federal ownership. Our preference is to delay construction of the pipeline until the conveyance is completed.

H.R. 2766 directs the City of Golden to pay for any necessary land surveys and appraisals. Further, the bill authorizes and directs the Secretary to sell the Federal land to Golden at its appraised value, if the land exchange cannot be consummated for any reason.

The Department does not object to H.R. 2766 with changes recommended above.

Public interest could also be served by the Arapaho National Forest acquisition of the 140 acres of non-Federal land. Specifically, the acquisition would eliminate a forest inholding, and could: reduce cost of forest boundary administration: increase recreation opportunities: and ensure permanent public access to a portion of the Continental Divide National Scenic Trail. The Department supports the concept of the exchange identified in H.R. 2766 and would like to work with the Committee to see this exchange proceed with mutual benefit.

Conclusion

This concludes my statement. We look forward to working with the Committee on making the suggested modifications as noted above, and I would be happy to answer your questions.