

**Testimony of
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National Forest System
Forest Service
U.S. Department of Agriculture**

**Before the
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
United States Senate**

July 30, 2014

CONCERNING

H.R. 3008, “To provide for the conveyance of a small parcel of National Forest system land in Los Padres National Forest in California”

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear before you today to provide the views of the U.S. Department of Agriculture (USDA) regarding H.R. 3008.

This legislation would require the Secretary to exchange approximately five acres of land within the Los Padres National Forest located in Santa Barbara County, California to the White Lotus Foundation if the Foundation offers to convey an acceptable parcel of non-Federal parcel. The bill specifies that if a land exchange is not completed in two years, the Secretary would be compelled to sell the five acre parcel to the Foundation for fair market value.

The Department appreciates the change made to the bill during House consideration. That change would require the Foundation to be responsible for the reasonable costs associated with the exchange or sale; however, we do not support H.R. 3008 because there would be limited benefit to the public from this conveyance. This legislation would serve only the White Lotus Foundation. In addition, the conveyance would legitimize the Foundation’s long-standing encroachments on lands in the Los Padres National Forest, which continue today, by allowing the Foundation to acquire these public lands through legislation for the Foundation’s private use and enjoyment.

The Department believes that addressing this encroachment issue legislatively would set an unwelcome precedent and undercut the Forest Service’s ability to address other encroachments of National Forest System lands. Specifically, there are other landowners in the area with encroachments on federal lands in the Los Padres National Forest who are following H.R. 3008 with interest and who may seek to use the bill as a model for resolving their encroachment cases.

If Congress determines that the Department should be directed to convey the lands that have been encroached upon, we recommend that H.R. 3008 be modified to eliminate the

initial requirement to complete a land exchange and instead direct a sale. The public would be better served by a direct sale, with the proceeds retained by the Forest Service to be used to supplement existing land acquisition funding to acquire a larger parcel or be held until a suitable parcel is identified.

The language contained in section 2(e)(2) prescribing that the Secretary may make a finding that the public is well served by an exchange or sale only creates ambiguity over the non-discretionary nature of this bill. As we have discussed in this testimony, the Department does not believe the public is well served by conveying this land. A finding that an exchange would be in the public interest is highly unlikely; it would be dependent on the Secretary determining that the natural resource values to be acquired in the exchange were so extraordinary that they outweigh the merits of conveying NFS lands to the Foundation.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I am happy to answer any questions that you or Members of the Committee may have.