

**STATEMENT
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UNITED STATES FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
April 15, 2008**

CONCERNING:

**S. 570 and H.R. 1011 – Virginia Ridge and Valley Act of 2007,
S. 2581 - Wild Monongahela Act: A National Legacy for West Virginia's Special
Places,
S. 2109, California Desert and Mountain Heritage Act,
S. 2124, Montana Cemetery Act of 2007**

Thank you for the opportunity today to provide the Department's view on S. 570 and H.R. 1011, the Virginia Ridge and Valley Act of 2007; S. 2581, Wild Monongahela Act: A National Legacy for West Virginia's Special Places; S. 2109, California Desert and Mountain Heritage Act; and S. 2124, Montana Cemetery Act of 2007. I am Joel Holtrop, Deputy Chief, National Forest System of the Forest Service. I will address each of these bills separately.

S. 570 and H.R. 1011 – Virginia Ridge and Valley Act of 2007

S. 570 would designate 27,817 acres in the Jefferson National Forest as new components of the National Wilderness Preservation System (NWPS). Specifically, the bill would designate the following areas: Brush Mountain East Wilderness, Brush Mountain Wilderness, Raccoon Branch Wilderness, Stone Mountain Wilderness, Hunting Camp Creek Wilderness, and Garden Mountain Wilderness. S. 570 would also designate 11,344 acres as additions to existing wilderness areas namely, Mountain Lake Wilderness, Lewis Fork Wilderness, Little Wilson Creek Wilderness, Shawvers Run Wilderness, Peters Mountain Wilderness, and Kimberling Creek Wilderness.

S. 570 would designate 3,226 acres in the Jefferson National Forest as the "Lynn Camp Creek Wilderness Study Area." The bill also would designate 349 acres depicted on the map as the "Kimberling Creek Additions and Potential Wilderness Area" as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness. The bill would set forth requirements regarding ecological restoration within this area and would provide for the designation of the area as a wilderness within five years.

In addition, the bill would designate 11,583 acres of the Seng Mountain and Bear Creek areas as national scenic areas for purposes of ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources; protecting wildlife and fish habitat; protecting areas that may develop characteristics of old-growth forests; and providing a variety of recreation opportunities.

Finally the bill would direct the Secretary of Agriculture to develop a management plan for the designated national scenic areas. The Secretary also would be required to develop a trail plan for hiking and equestrian trails on lands designated as wilderness by this Act and to develop a plan for non-motorized recreation trails within the Seng Mountain and Bear Creek National Scenic Areas. The bill also would direct the Secretary to develop a sustainable non-motorized trail in Smyth County, Virginia.

We recognize and commend the delegation and the Committee for its collaborative approach and local involvement that has contributed to the development of this bill. The Department supports several of the designations included in the bill but we object to other designations and to mandatory planning and construction requirements. The Department would like to work with the Committee to offer suggestions which we think will improve S. 570.

Wilderness Proposals

During the development or revision of a forest land and resource management plan (LRMP), a national forest conducts an evaluation of potential wilderness or wilderness study areas that satisfies the definition of wilderness found in section 2(c) of the Wilderness Act of 1964. On National Forest System (NFS) lands in the Eastern United States (east of the 100th meridian) the criteria for evaluating potential wilderness recognizes that much, if not all of the land, shows signs of human activity and modification. The Record of Decision for the revised Jefferson National Forest LRMP, signed on January 15, 2004, was developed over an 11-year period with extensive public involvement. It contains recommendations for 25,200 acres of wilderness study areas, including new wilderness study areas and additions to existing areas designated as wilderness.

The Department supports the provisions in S. 570 that would designate new components of the NWPS that are consistent with the Jefferson National Forest LRMP recommendations for wilderness study. These areas are the proposed Garden Mountain, Hunting Creek Camp, and Stone Mountain Wilderness areas.

The Department supports the designation of additions to existing wilderness areas for the following areas: Kimberling Creek A and B Additions, Lewis Fork Addition, Little Wilson Creek Addition, Mountain Lake A and C Additions, Peters Mountain Addition, and Shawvers Run A Addition.

The Department does not oppose the designation of the "Lynn Camp Creek Wilderness Study Area," the Mountain Lake B Addition, and Shawvers Run Additions B and C areas. However, we have concerns about the suitability of the Lynn Camp Creek Wilderness Study Area as a component of the NWPS due to its small size, configuration, and manageability (due to outstanding mineral rights). The Department is willing to work with the committee to look at other options for protection of this area. We also have concerns about the suitability of the Mountain Lake B Addition and the Shawvers Run Additions B and C as components of the NWPS due to their size and configuration. An additional concern with the Mountain Lake Addition B is that it contains a 59-acre private inholding which could require associated road access in the future if the parcel is developed.

The Department does not support the designation as "potential wilderness" for the 349-acre portion of the Kimberling Creek area. The designation "Potential Wilderness" is not a designation referenced in the Wilderness Act of 1964. A subsequent designation of wilderness following a fixed time period and associated compulsory changes in conditions can serve to limit the Secretary's discretion in the allocation of scarce resources and other management actions associated with the administration of the NFS and the NWPS. We use the term, potential wilderness, in our wilderness evaluation process under our LRMP efforts to evaluate areas as potential additions to the NWPS. The Kimberling Creek addition was recently acquired as NFS land and in its current condition does not contain the basic natural characteristics that make it suitable for wilderness due to an extensive road network. We would recommend that the Committee consider allowing the Secretary to continue the current management prescription for this area which is Dispersed Recreation-Unsuitable. This management emphasis provides for a variety of dispersed recreation uses with minimal vegetation management and would allow use of motorized and mechanized equipment for needed road and trail rehabilitation work. We plan to develop rehabilitation plans and implement these plans within the next 5 to 10 years. While this area was not recommended as a potential wilderness area in the LRMP, future wilderness designation of this area could be reevaluated after restoration activities occur.

The Department does not support wilderness designation for the Brush Mountain and Brush Mountain East areas. These areas lie on the north side of Brush Mountain and are separated by a 345 kilovolt powerline corridor. They were not recommended for wilderness study in LRMP. They contain fire-dependent forest habitat which make up approximately 50 percent of these two areas. Additionally, the areas are largely surrounded by private lands. Wildland urban interface (subdivisions and housing developments) exists on the north and south boundaries. If designated as wilderness, our ability to utilize prescribed fire for the maintenance of southern yellow pine forest communities and to conduct hazardous fuels reduction projects would be hampered in these interface areas. Our ability to use prescribed fire is compromised when we cannot mechanically construct firelines to better control fire management activities. Additionally, the narrow width of these areas and the bisecting powerline corridor within these areas detract from their naturalness and offer few opportunities for solitude. We have also recently identified a need for a small boundary change in the proposed

wilderness area along the northwest side of Brush Mountain East. An electric distribution line is located along Craig Creek and the current boundary includes some of the line within the proposed wilderness. If the Committee proceeds with wilderness designation, we would like to work with the Committee to adjust the boundary to exclude this existing line.

The Department could support the designation of the Raccoon Branch area as a wilderness area if agreements are reached in resolving trail maintenance issues in the area and if the requirement contained in section 5(d) of the bill for a sustainable trail is amended to provide more flexibility for any future alternative trail locations. Nearly six miles of the Virginia Highlands Horse Trail (VHHT) and the Dickey Knob Trail traverse this area. These trails are heavily used by both equestrians and mountain bikers. Currently only four of the six miles of the VHHT in the Raccoon Branch area are open to mountain bike use due to the steep nature of the trail where it enters the west end of Raccoon Branch. Wilderness designation would eliminate mountain bike use within the area. While equestrian use is compatible with wilderness designation, heavy use and ground conditions along the VHHT necessitate extensive maintenance to sustain the integrity of the trail and protect watershed and other resources values. To maintain the trail to the standards that are needed without mechanized or motorized equipment will require cooperative agreements and commitments from user groups to help in maintenance to protect the resources and to provide for continued equestrian use of the trail. We would like to work with the Committee to adjust the boundary as now proposed in the bill. The adjustment would exclude the section of VHHT from the western boundary to its intersection with Hickory Ridge Trail #4516 which we believe would alleviate much of the concern with maintaining the trail for equestrian use.

National Scenic Area Proposals

Section 4 of S. 570 would establish Seng Mountain and Bear Creek National Scenic Areas (NSAs). In August 2007, the President signed Executive Order (E.O.) No. 13443, "Facilitation of Hunting Heritage and Wildlife Conservation." This E.O. requires Federal land management agencies to "...Manage wildlife and wildlife habitats on public lands in a manner that expands and enhances hunting opportunities..." Forest Service direction on compliance with the E.O. is being developed. Portions of both the Seng Mountain and Bear Creek NSAs are managed under the LRMP to manage black bear habitat. We would like to work with the Committee on language that would allow a low level of habitat management for black bear that would be consistent with the E.O. and compatible with the purposes for which the scenic areas are being established.

The proposed Seng Mountain NSA is within the congressionally designated Mount Rogers National Recreation Area (NRA). The Mount Rogers NRA is managed to provide public outdoor recreation benefits and the continued use by a diversity of recreation uses. The Seng Mountain area contains a motorized trail, the Barton Gap Trail #4624. Motorized use of the trail would be prohibited under S. 570. The Barton Gap Trail is one of only five designated motorcycle trails on the George Washington and Jefferson

National Forests and is an important part of the diversity of recreation opportunities that we provide the visitors that use the Forest and the Mount Rogers NRA. The Department would like to work with the Committee to resolve any confusion resulting from the overlapping designations for the Seng Mountain area. The Department recommends that the overlapping designation be clarified and continued motorized use on the Barton Gap Trail be allowed.

Trail Development Plans

S.570 would require the Secretary to establish a trail plan to develop hiking and equestrian trails on lands designated as wilderness by this bill. The designated lands would be administered in accordance with the Wilderness Act. The Forest Service already addresses trail management and planning standards within the LRMP planning process. The Department considers the requirement to develop additional trail plans to be unnecessary.

S.570 also would require the Secretary to develop a sustainable trail to provide a continuous connection for non-motorized travel between State Route (SR) 650 and Forest Development Road 4018. This trail would be along SR 16. We believe that it would be costly and difficult to provide a trail in this general location that would be safe for both equestrians and mountain bikers. The existing gravel road (SR 650) is winding and narrow and contains several blind curves. It receives high local use and is the main access road for campers and recreational vehicles to enter Hurricane Campground. Further, a potential connector trail for horses and bikes from SR 650 along the route of the old Marion-Rye Valley rail bed would require crossing SR 16, a 55-mph State highway that receives heavy commercial use, in a location with poor sight distance. Trail construction along the stream would be unlikely to meet our Forest standards for riparian protection. The bill language that specifies the terminus of the connector route limits our ability to locate and construct a trail that will meet Forest Service standards for safety and in a manner that is environmentally appropriate. We would like to work with the Committee on language that would allow us to construct trail facilities with adequate consideration for alternatives, priorities, and costs.

House Amendment to H.R. 1011

The Department had the opportunity to provide testimony on this bill to the House Natural Resources Committee on two separate occasions, May and September of 2007. H.R. 1011, as passed by the House, contains the following amendments to the bill as introduced.

Section 2 was amended to adjust the acreage of the Brush Mountain East Wilderness from 3,769 acres to 3,743 acres to provide for a setback of 100 feet along the 345 kilovolt powerline corridor. The Department supports this acreage adjustment, but we remain

concerned designating this area as wilderness for the reasons stated earlier in this testimony.

Section 4 was amended to adjust the acreage of the Seng Mountain National Scenic Area from 6,455 to 5,192 acres to provide for continued motorized use of the Barton Gap Trail and Black Bear habitat management. The Department supports this acreage adjustment but would like to work with the Committee to refine the boundaries of the designation further.

Section 4 was amended to authorize motorized travel on Forest Development Road 6261 in the Bear Creek NSA during bear and deer hunting seasons. In testimony before the House Committee on Natural Resources in May 2007, the Department expressed concerns regarding the proposed Bear Creek NSA. Specifically, we were concerned about the limitation on our ability to improve black bear habitat and to provide opportunities for hunting as a result of this designation and mandated closure of the road. The Department indicated it could support the Bear Creek NSA designation if allowances were made for seasonal motorized use of the road during hunting season. The Department supports this amendment since it provides these allowances.

Section 5 was amended to allow motorized access for emergency purposes involving the health and safety of persons, including search and rescue efforts and responses to an Amber Alert. The Department considers this addition to be unnecessary as these actions are currently allowed in wilderness under section 4 (c) of the Wilderness Act of 1964 and Forest Service policy, and recommends its deletion from the bill. Section 5 also was amended to provide more flexibility for the location of a non-motorized trail located along the southern boundary of the Raccoon Branch Wilderness. The Department supports this part of the amendment.

S. 2581- Wild Monongahela Act: A National Legacy for West Virginia's Special Places

S. 2581 would designate about 47,128 acres of the Monongahela National Forest as wilderness, adding to three existing wilderness areas and designating four new ones. The Department supports designation of Cheat Mountain, Cranberry Expansion, Dry Fork Expansion, and Roaring Plains West as wilderness. For all four areas, wilderness designation would be consistent with recommendations by the Monongahela National Forest in its 2006 forest plan revision.

We do not object to wilderness designation for the other three areas proposed by the bill. In the environmental impact statement that accompanied the 2006 forest plan revision, the Monongahela National Forest determined that Big Draft, the Dolly Sods Expansion, and Spice Run are all available for wilderness designation. The Monongahela National Forest designated all three areas as "semiprimitive nonmotorized" in order to help maintain their roadless attributes over time while still permitting other established uses.

The Monongahela National Forest has five existing wilderness areas, all of which offer outstanding wilderness experiences. I have personally visited some of the seven areas proposed in this bill, and I believe that all seven areas have outstanding wilderness attributes. All are rugged forested land minimally affected by outside forces, with natural processes operating and vestiges of human impacts (such as old roads and clearcuts) rapidly healing over. Ranging in elevation from just under 2,000 feet to over 4,000 feet, these landscapes harbor rare ecosystems (such as high-elevation red spruce) and habitat for federally listed species.

That is why the Monongahela National Forest recommended four of the seven areas for wilderness study in its revised forest plan in 2006: Cheat Mountain, Cranberry Expansion, Dry Fork Expansion, and Roaring Plains West. These units represent nearly 27,700 acres recommended for wilderness study. The Department supports their inclusion in this bill.

In its forest plan revision, after consulting with the public, the Monongahela National Forest decided not to include Big Draft, the Dolly Sods Expansion, and Spice Run among the areas recommended for wilderness. Instead, we designated all three as semiprimitive nonmotorized areas, one of the most restrictive allocations that the Forest Service can give. This management prescription protects their naturalness while permitting such popular and relatively low-impact uses as mountain biking. It also allows the manipulation of vegetation to create wildlife openings.

However, we recognize the wilderness eligibility of all three areas, and their designation as wilderness would be consistent with values that the Monongahela National Forest's revised forest plan is designed to protect. In other locations, the Monongahela National Forest maintains opportunities for mountain biking and for manipulating vegetation to improve wildlife habitat. Therefore, the Department would not object to including Big Draft, the Dolly Sods Expansion, and Spice Run in this bill if boundary adjustments and other issues are addressed.

If all seven areas are designated as wilderness, we would suggest adjusting some of the proposed boundaries to avoid conflicts and make the wilderness areas more manageable. Some proposed boundaries appear to be based on the boundaries of the roadless areas analyzed during the 2006 forest plan revision. Those roadless area boundaries were not intended to define wilderness boundaries. Adjustments should be made to account for mapping errors; to provide access to state and private land; to exclude developed sites and managed wildlife openings; to add offsets for powerlines and other features inconsistent with wilderness; and to align the boundaries with existing wilderness boundaries.

The largest boundary question regards the southwestern corner of the proposed Spice Run unit, an area of 974 acres. This area lies outside the area that the Monongahela National Forest evaluated for wilderness in its 2006 forest plan because it did not meet the criteria for roadless areas. Should it become designated wilderness, motorized access to three adjacent parcels of private land could become an issue.

We would like to work with the bill's sponsors and the subcommittee to adjust the boundaries to accommodate these and other concerns. The Forest Service has prepared a set of proposed boundary adjustments, taking care to ensure that our proposed adjustments would not detract from the overall wilderness legislation. We would welcome the opportunity to provide this information to the subcommittee.

Removing most of the structures incompatible with wilderness would not be necessary if our proposed boundary adjustments were made. Even with the adjustments, however, a hiking shelter and about 9 miles of road would remain within the wilderness boundaries. The shelter would likely be allowed to deteriorate and then be removed. Unless converted to trails, the roads (currently closed to vehicular traffic) would require decommissioning to protect water quality and other natural resource values. The Monongahela National Forest would conduct an analysis to determine the appropriate management actions and then make the investments needed, subject to available appropriations, to remove culverts, construct trail, or contour the land to reduce erosion.

We strongly support the spirit of this legislation, and we confirm that all seven areas proposed for wilderness designation meet the criteria for wilderness. Working with the subcommittee, we are confident that we can remedy boundary deficiencies and establish final wilderness boundaries that are sound and manageable.

The House Committee on Natural Resources approved an Amendment in the Nature of a Substitute to H.R. 5151. This amendment includes updated acreage figures resulting from boundary adjustments to the Big Draft Wilderness, the Cranberry Expansion, the Dolly Sods Expansion, the Otter Creek Expansion Proposed Wilderness, the Roaring Plains West Wilderness, and the Spice Run Wilderness. These adjustments address concerns raised by the Department in our previous testimony, and we support them.

H.R. 5151, as amended, allows for the continuation of a competitive running event in the vicinity of the Dolly Sods Wilderness and the Roaring Plains West Wilderness. Forest Service policy does not permit competitive events in wilderness. Our intent would be to work with the sponsors to find a suitable alternative for the competitive event.

Section 3 was added to H.R. 5151 to adjust the boundary to the Laurel Fork South Wilderness by 123 acres. Section 4 was added to confirm that the Monongahela National Forest boundary includes recently acquired tracts of land. The Department supports these changes to the bill. Section 4 should be amended to include reference to the Land and Water Conservation Fund Act (LWCFA) because expenditures of LWCFA funds are restricted to forest boundaries as they existed on the original date of the Act.

S. 2109, California Desert and Mountain Heritage Act

The Department of Agriculture supports S. 2109, if amended.

S. 2109 would create two new wildernesses on the San Bernardino National Forest, and would add additional acreage to existing designated wilderness on the Cleveland and San Bernardino National Forests. It would also designate stretches of four rivers on the San Bernardino National Forest as components of the National Wild and Scenic Rivers System. This bill would also expand the boundaries of the Santa Rosa and San Jacinto Mountains National Monument.

There are discrepancies between the proposed wilderness designations in the bill and the revisions to the forest plans for the Southern California forests (Forest Plan), for which the Record of Decision was published in the Federal Register on April 21, 2006. Of the 30,630 acres S. 2109 proposes for wilderness, only (approximately) 800 acres overlap with the Forest Plan's recommendation for wilderness. Discrepancies also exist between the proposed designations under the Wild and Scenic Rivers Act and the Forest Plan.

The Forest Service has always been a champion of wilderness. We believe that wilderness designation is special, and as a general principle, that natural processes should be allowed to work in wilderness without intervention. However, natural process may pose potential conflicts with other priorities or land use objectives such as protection from wildland fire. When situations arise, such as fuel buildup, climate change, and an expanding urban interface, our preference is still for natural processes to dominate.

During the revision process, most of these proposed wilderness designations were determined not to meet criteria for wilderness suitability. The areas were found unsuitable because of current or potential uses that would conflict with wilderness designation such as reduction of hazardous fuels (mechanical treatments and prescribed burning), elements of fire management (including Burned Area Emergency Response – BAER treatments), current recreational uses (e.g., mountain bikes), grazing improvement maintenance, existing protections (Research Natural Area), habitat management for threatened and endangered species, external influences and the availability of nearby wilderness.

For example, the portion of the Agua Tibia Wilderness addition in the Cleveland National Forest that would be designated by the bill is not the same as the area of National Forest recommended for wilderness designation in the Forest Plan. The Department does not support the addition of the area that was not recommended in the Forest Plan. We defer to the Bureau of Land Management (BLM) for its part of this proposal.

The Cahuilla Mountain Proposed Wilderness in the San Bernardino National Forest also was found not to meet Forest Service wilderness criteria during the Forest Plan revision process. We continue to support the Forest Plan's final recommendation, developed with public involvement. Therefore, the Department does not support this proposed addition.

Section 104(f)(2) of the bill contains provisions related to access and use of the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural and religious purposes, including temporarily closing areas to the general public for use by members of an Indian tribe. The Department supports and encourages providing access to tribes

consistent with PL 95-341 (also known as the American Indian Religious Freedom Act) but we do not support the provision in the bill. To that end, the Forest Service has directives that allow for voluntary temporary closures to protect privacy for tribes in the conduct of traditional cultural activities. We would like to work with the bill's sponsor, the Subcommittee, and the Department of Justice to address these concerns.

The proposed South Fork San Jacinto Wilderness on the San Bernardino National Forest was found not to meet the wilderness criteria during the revision process. The South Fork San Jacinto area is a combination of two inventoried roadless areas with the same issues as the Cahuilla proposal. The Department does not support this area to be designated as wilderness. We remain in support of our Forest Plan recommendation to manage this area as backcountry allowing greater flexibility to address resource management needs.

Additionally, during the revision process thirteen acres of Cactus Springs Inventoried Roadless Area were recommended as an addition to the Santa Rosa Wilderness. The Department supports this 13-acre addition, and defer to the Bureau of Land Management for its portion of the addition.

Although a suitability study has not been conducted for the four rivers that would be designated by the bill, the Department does not oppose their addition to the National Wild and Scenic Rivers System based on general support by the communities of interest and consistency of the designation with the management of the National Forest System lands within the river corridors. We wish, however, to work with the Committee to clarify river management and address differences between mileage and classifications in this bill and those in the Forest Plan.

The Department fully supports that portion of the expansion of the Santa Rosa and San Jacinto Mountains National Monument under National Forest management.

We would like to work with the Subcommittee, to remedy the inconsistencies this bill has with our California Forest Plan Revisions.

S. 2124, Montana Cemetery Act of 2007

This legislation directs the Secretary to convey for no consideration, all right, title, and interest in 10 acres of land within the Beaverhead-Deerlodge National Forests to Jefferson County, Montana to be used for cemetery purposes. The Department is supportive of S. 2124, but would recommend that this bill provide consideration to the Federal government for the conveyance.

The parcel to be conveyed to Jefferson County is currently being used for cemetery purposes but a special use authorization has never been issued for this purpose. The 10-acre conveyance will provide a sufficient amount of land to accommodate all known grave sites and any additional sites that may be outside of the concentration of known sites. In addition the conveyance is of adequate size to include the cemetery parking lot

so that it will be located on private property. The parcel to be conveyed is a National Register eligible property that contributes to the significance of the Elkhorn town site and the Elkhorn historic mining district. The bill provides for the continued protection of the historic and cultural values associated with the site but does not exempt the Forest Service from its obligations to comply with the National Historic Preservation Act, or any other law, at the time of transfer.

We are concerned about conveying public land to other jurisdictions without any form of consideration. The Department does not object to making the Federal land available for use as a cemetery, but requests that the conveyance of the public land estate include consideration for the market value of the property and for the administrative costs associated with the conveyance. The Department does not support the reversion of the lands back to the Secretary should this bill be enacted.

This concludes my statement, I would be happy to answer any questions that you may have.