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FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE
Before the
HOUSE NATURAL RESOURCES COMMITTEE,
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
Regarding
“TRAVEL MANAGEMENT IN THE NATIONAL FORESTS”

Introduction

Mr. Chairman, Congressman Amodei, thank you for the opportunity to appear before you today to discuss the important topic of travel management in the National Forests. My name is Harv Forsgren. I am the Regional Forester for the Intermountain Region of the Forest Service. The mission of the Forest Service is to sustain the health, diversity and productivity of America's forests and grasslands to meet the need of present and future generations. The Forest Service manages 155 National Forests and 20 National Grasslands in 44 States and the Commonwealth of Puerto Rico.

Forest Service Chief Tom Tidwell and Agriculture Secretary Vilsack have an ambitious vision for managing our forests and grasslands using a collaborative approach with a focus on improving forest health, protecting water resources and creating jobs and recreation opportunities.

As Regional Forester for the Intermountain Region, I oversee 34 million acres of National Forest System land in Utah, Idaho, western Wyoming, western Colorado, eastern California and Nevada. Here in Nevada, the Humboldt-Toiyabe National Forest is vast and diverse. The natural resources provide outstanding opportunities for a multitude of uses and outdoor adventures. Recreation opportunities in the Humboldt-Toiyabe help to sustain jobs and bring money directly to communities close to the National Forest. Approximately 70 percent of the water used in the State of Nevada comes from National Forest System land. Livestock grazing is a vital component of the Forest Service's multiple-use mandate and the Humboldt-Toiyabe has the largest range program in the National Forest System.

In Nevada and elsewhere in the National Forest System, an effectively managed road system is essential for the delivery of diverse goods and services, and crucial to providing the public with opportunities to enjoy their National Forests.

Travel Management

In the Intermountain Region, the Forest Service manages approximately 29,000 miles of National Forest System roads that are open to the public. Of this total, 5,131 miles are in the

Humboldt-Toiyabe National Forest. There are approximately 28,500 miles of National Forest System trails managed by the Intermountain Region, including 12,700 miles of trails open to motor vehicle use. The Humboldt-Toiyabe manages 900 miles of those 12,700 miles of trails. In addition, we know there are thousands of miles of user created routes in the Intermountain Region that are not part of the National Forest System of roads and trails. Before 2005, there was considerable variation across the National Forest System in regard to management of motor vehicles use with some administrative units open to cross-country motor vehicle use, others closed to cross-country motor vehicle use, and others at a variety of points along that spectrum.

In 2005, the Forest Service, with the support of the George W. Bush Administration, promulgated a rule that provides a national framework for designating a system of roads, trails and areas for motor vehicle use. This rule implements Executive Orders 11644 and 11989 related to motorized vehicle access to federal lands. The rule was prompted by the explosion in use of off-highway vehicles (OHVs) for recreation and other outdoor activities on National Forest System land over the past several decades and the need to manage that use to attempt to minimize environmental damage and other adverse impacts. For example, in Utah, the number of registered OHVs rose from 51,686 in 1998 to 172,231 in 2006, a 233 percent increase in just eight years.

In the ensuing seven years, the Intermountain Region completed route and area designation on all 12 National Forests in the Region. Consistent with the travel management rule, the Region obtained public input and coordinated with federal, state, county and other local government entities and tribal governments in the route and area designation process. The latest decision within the Region was made for the Bridgeport Ranger District, - involving lands within Lyon and Mineral Counties – and was signed in March 2010. There is one more motorized travel management decision to be made in the Intermountain Region, the Northeast Nevada motorized travel management project. The dozens of motorized travel management decisions made in the Intermountain Region resulted in the publication of 45 motor vehicle use maps which depict routes and areas accessible to public motor vehicle travel.

Changes to the system of roads and trails in National Forests and Grasslands have been and will continue to be based on community engagement and input and will be implemented at the local level. Here on the Humboldt-Toiyabe National Forest, we have successfully implemented six initial route and area designation decisions. I want to stress that we view motorized travel management planning as an ongoing process; as we gain experience with their implementation, and as circumstances change, there may be a need to modify the decisions, as provided for in the travel management rule. To illustrate that point, I note that we are working with the people who use the Forest's system roads and trails to update five of the initial six route and area designations implemented for the Humboldt-Toiyabe.

Conclusion

I recognize that implementation of public motorized route and area designation decisions may change the way people experience their National Forests. Properly managed public motor vehicle use is necessary for safe access and protection of natural and cultural resources in the

National Forest System. Unmanaged public motor vehicle use has been demonstrated to produce just the opposite. The Forest Service values sustainable public access, safety, and resource protection and will continue to seek balanced solutions to achieve its multiple-use mission. The agency will continue to seek public participation and partnerships to meet its often challenging goals with respect to public motor vehicle use in the National Forests of the Intermountain Region.

Collaboration with local communities, State partners and with members of Congress remains crucial to the successful management of America's forests and grasslands. I want to thank the members of the subcommittee for holding this field hearing in Elko, Nevada. To take time out of your busy schedules to travel to rural Nevada speaks volumes of your interest and commitment to the management of the National Forest System.

This concludes my prepared remarks and I will be please to answer any questions you may have. Thank you.

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**Before the
HOUSE NATURAL RESOURCES COMMITTEE,
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS**

**Regarding
Water Rights, Planning Rule and Inventoried Roadless Areas**

MARCH 12, 2012

Mr. Chairman, Congressman Amodei, thank you for the opportunity to appear before you today to discuss water rights, livestock grazing and other issues impacting the National Forests. My name is Harv Forsgren. I am the Regional Forester for the Intermountain Region of the Forest Service headquartered in Ogden, Utah.

Sustainable livestock grazing is a valid and integral use of National Forest System land. Livestock grazing requires water. If no water is available, grazing cannot occur despite favorable forage conditions. Adequate water is also important for maintaining livestock distribution on rangeland, to avoid over utilizing some areas and under utilizing others. Accordingly, availability of livestock water is a critically important component of the federal lands grazing program.

It is Forest Service policy to claim water rights for water used by permittees, contractors, and other authorized users of the National Forest System, in order to carry out activities related to multiple use objectives. These claims are made when both the water use and the water development are on the National Forest System and where they support programs or activities that will continue after the current permittee, contractor or other authorized user discontinues their operation. These claims are also made so that National Forest management alternatives and efficiency are not limited by third party ownership of a water right. The Forest Service respects the rights of States to allocate water rights and recognizes the responsibility of the Forest Service to secure the legal use of water for a variety of purposes including recreational use at campgrounds and resorts, firefighting, timber activities, road construction and maintenance, and livestock grazing.

The Intermountain Region manages livestock grazing allotments in six states. Approximately 70 percent of the 34 million acres within the Intermountain Region are part of permitted livestock grazing allotments. To ensure the continued viability of the federal grazing program, the United States, through the Forest Service, has secured thousands of livestock water rights on National Forest System land pursuant to State law. The United States cannot obtain livestock water rights via Federal law; therefore, compliance with State law processes is mandatory.

In addition, it is Intermountain Region policy that the Forest Service must have a water right on an allotment before funds are expended or construction begins on any livestock water development or facility as defined in the Code of Federal Regulation (36 CFR 222.9(b)(2)). The Intermountain Region will not invest in livestock water improvements, nor will the agency authorize water improvements to be constructed or installed and maintained with private funds, on National Forest System lands, where the water right is held solely by a livestock owner.

In 2003, the State of Nevada passed legislation that precludes the Nevada State Engineer from approving any new applications or permits, or issuing certificates to the United States to appropriate water for the purpose of watering livestock. Some believe that grazing permit holders should own the water rights because their livestock drink the water. The Forest Service, believes water sources used to water permitted livestock on Federal land are integral to the land where the livestock grazing occurs; therefore the United States should hold the water rights for current and future permitted grazing.

The Intermountain Region has successfully worked with the states of Utah, Idaho and Wyoming to identify ways to meet the need for livestock water use on grazing allotments. Recently, in Utah, the Forest Service filed an application to create the first subbasin water right. This new approach took 124 separate water rights already held by the United States and combined them into one subbasin water right. The application was supported by the grazing permit holders for the affected allotments and received public notice. It was recently approved by the Utah State Engineer. This approach to water right management on public land grazing allotments is a win-win for the Forest Service, the State and the grazing permit holders. It allows for the use of water within the subbasin based on animal units without the need to file expensive and time consuming paperwork every time a trough is added or moved.

In Wyoming, the Forest Service, Bureau of Land Management, and the Wyoming Department of Lands all entered into Memorandums of Understanding with the Wyoming State Engineer to enhance communication related to water right applications filed with the State. The public land management agencies all agreed to seek the consent of grazing permit holders on any application filed for water rights, such as a change in amount, place or type of water use that may affect a grazing allotment.

In Idaho, the Forest Service and Bureau of Land Management entered into a global stockwater settlement with a handful of grazing permit holders who had contested the United States' water right claims in the Snake River Basin Adjudication. The settlement allowed for dual water rights held by the United States and the grazing permit holder for stockwater purposes.

In these three States, the Intermountain Region has been able to work within unique State law and procedure to find common ground and to continue allotment management; including investing in water developments, because the legal right to the use of that water for permitted grazing was established.

The Forest Service believes it is critical that livestock watering rights associated with permitted use on National Forest System land be held in the name of the United States. These water rights enable continuation and management of livestock grazing on the National Forests, provide

tangential benefits to wildlife, maintenance of riparian, wetland, and aquatic ecosystems, and scenic and recreational values important to the millions of visitors annually. Awarding ownership of livestock water rights to grazing permit holders creates a risk that the water rights can be moved off of National Forest System land through sale, transfer or change application when there are financial incentives to do so, and could therefore eliminate important public benefits.

Planning Rule

On January 26, Agriculture Secretary Tom Vilsack signaled the Department of Agriculture's intent to issue a new planning rule for America's 193-million acre National Forest System by releasing a Final Programmatic Environmental Impact Statement for the National Forest System Land Management Planning Rule.

The planning rule provides the framework for Forest Service land management plans for the 155 forests, 20 grasslands and 1 prairie in the National Forest System. The purpose of forest-scale land management planning is to guide the long-term management, protection and restoration of our National Forests and grasslands for the benefit of human communities and natural resources.

The Forest Service worked diligently and collaboratively with the public as it drafted a proposed rule and accompanying draft environmental impact statement. It then carefully considered nearly 300,000 comments received on the proposed rule and draft environmental impact statement, to develop a preferred course of action for finalizing the planning rule. This collaborative rulemaking effort has resulted in a strong framework to restore and manage our forests and watersheds and help deliver countless benefits to the American people.

The preferred alternative released in January emphasizes collaboration and strengthens the role of public involvement and dialogue throughout the planning process. The final rule which will be based upon the preferred alternative will replace transition provisions of the 2000 planning rule that allow for use of 1982 planning procedures, thus creating a modern planning process that generates enhanced opportunities for public involvement and collaboration, Tribal consultation, and coordination with state and local governments. Revision of land management plans under the new rule is expected to take less time and cost less money than currently needed under the current 30-year old procedures. I believe the new rule, when in place will produce better results for people and the environment, and deliver stronger protections for forests, water and wildlife while supporting the economic vitality of our rural communities.

2001 Roadless Rule

Inventoried roadless areas play an important role in preserving water, biodiversity, wildlife habitat and recreation opportunities. That is why protecting inventoried roadless area values has had bi-partisan support from the past three Administrations. As development continues to fragment landscapes and watersheds around the nation, the remaining large tracts of land represented by inventoried roadless areas are increasingly critical in protecting these values.

Inventoried roadless areas cover all or part of over 300 municipal watersheds in the U.S., supplying clean and abundant drinking water for millions of Americans. Inventoried roadless areas support biodiversity by contributing habitat for approximately 25% of all federally listed threatened and endangered animal species and 65% of species identified as needing protection in order to avoid such listing. They protect landscapes and resource commodities by serving as a safeguard against the spread of nonnative invasive species. They provide important backcountry experiences for elk hunters, mule deer hunters, trout fisherman and other sportsmen and women. And they provide countless opportunities for other forms of recreation, including hiking and camping, biking, kayaking, snowmobiling, and more.

The 2001 Roadless Area Conservation Rule protects these values and at the same time provides flexibility to permit beneficial management activities and allow the Forest Service to address important public health and safety issues. For example, roads may be constructed, reconstructed or realigned in order to protect public health and safety or provide access to reserved or outstanding rights, and as needed in conjunction with an existing mineral lease. Timber may be cut, sold and removed in Inventoried Roadless Areas where needed to reduce the risk of uncharacteristic wildfire, improve habitat for threatened and endangered species, maintain or restore ecosystems, or provide for administrative or personal use including firewood collection. Generally, small diameter timber would be removed, and such harvest is expected to be infrequent. The 2001 Rule places no restrictions on any form of motorized or non-motorized use.

In 2006 the State of Idaho filed a State-specific Roadless Rule petition and today has a very successful Inventoried Roadless Area Management rule that enjoys the support of tribal, state and local governments, timber and mining industry, and the vast majority of environmental and sportsmen organizations. The success is due to extensive public engagement/collaboration; allocation of inventoried roadless areas to themed management strategies that provide for a variety of uses or protections tied to the particular values associated with the areas; and shared responsibility for oversight of implementation by the Governor's appointed Roadless Area Implementation Commission. The Agency is willing to review other state petitions as long as the protection of roadless values is equal to or greater than the 2001 Roadless Rule.

Implementation of the 2001 Rule will ensure the Forest Service's ability to balance the protection of our Nation's forests while delivering benefits to communities.

Conclusion

Mr. Chairman, Congressman Amodei, this concludes my prepared remarks for this portion of the hearing. I will be happy to answer any questions you may have.