

**TESTIMONY  
JIM PEÑA  
ACTING DEPUTY CHIEF FOR NATIONAL FOREST SYSTEM  
FOREST SERVICE  
UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS  
COMMITTEE ON NATURAL RESOURCES  
UNITED STATES HOUSE OF REPRESENTATIVES  
OCTOBER 25, 2011  
CONCERNING**

**H.R. 41 – Beauty Mountain and Agua Tibia Wilderness Act of 2011**

Thank you for inviting the Department of Agriculture to testify on H.R. 41, the Beauty Mountain and Agua Tibia Wilderness Act of 2011. We will confine our remarks to the provisions of the bill that are related to lands managed by the United States Forest Service, specifically the Agua Tibia Wilderness Area. We defer to the Department of the Interior on provisions relating to the Bureau of Land Management regarding the Beauty Mountain Wilderness Area.

The Department supports the additions to the Agua Tibia Wilderness and the additional protections that will be provided to the current Cutca Valley Inventoried Roadless area. Agua Tibia, which means “warm water” in Spanish, is a scenic area of deep canyons with chaparral-covered slopes that give way to stands of fir, pine and oak. HR 41 would designate as wilderness 7,796 acres known as the Cutca Valley inventoried Roadless area adjacent to the existing Agua Tibia Wilderness Area within the Cleveland National Forest in the State of California. The acres included in this proposed addition are consistent with recommended wilderness designation in the current Land Management Plan of the Cleveland National Forest.

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**H.R. 113, Angeles and San Bernardino National Forests Protection Act**

H.R. 113 would designate approximately 18,983 acres (Cucamonga Wilderness area) and 53,889 acres (Sheep Mountain Wilderness area) in the San Bernardino National Forest in the State of California as components of the National Wilderness System. In addition, this bill contains provisions regarding private property and water rights protections and permissible activities in the wilderness additions; authorizes the Secretary of Agriculture to take measures in the Cucamonga, Sheep Mountain, and San Gabriel Wilderness Areas that are necessary for the control of fire, insects, and diseases; directs the Secretary to assess a specified maintenance backlog in the Angeles and San Bernardino National Forests; and requires completion of the studies regarding the potential addition of portions of the San Gabriel River, San Antonio Creek, and Middle Fork Lytle Creek in California to the national wild and scenic rivers system. We support the additions of the Cucamonga and Sheep Mountain areas to the National Wildernesses Preservation System. In fact, we would like to request the Committee also consider inclusion of an additional 5,167 acre area to the Sheep Mountain Wilderness as recommended in the San Bernardino Forest Land Management Plan. This unit has solitude, outstanding scenic vistas, and superb all-season primitive backcountry recreation opportunities. It is identical in nature to the existing Sheep Mountain and Cucamonga Wildernesses and has a manageable boundary

The Department was notified of this hearing on October 17, 2011. Due to the lack of sufficient time to prepare for the hearing, we are unable to offer detailed thoughts on H.R. 113. However, among other things related to this bill, we are concerned about the impacts of eliminating the backlog of deferred maintenance on other capital improvement activities. To address the numerous issues related to this bill, a more detailed analysis will be provided to the Subcommittee at a later date.

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**HR. 490 – Cibola National Forest Boundary Expansion**

The Department supports the transfer of the “Manzano Strip” parcel to the Forest Service and it being added to and designated as part of the Manzano Mountain Wilderness.

H.R. 490 directs the Secretary of the Interior to transfer a parcel of land currently under the administrative jurisdiction of the Bureau of Land Management (BLM) to be incorporated into and managed as part of the Cibola National Forest. This parcel abuts the northwest corner of the Manzano Mountain Wilderness on the Mountainair Ranger District. This 896-acre parcel is known as the Manzano Wilderness Study Area. Per the Federal Land Policy and Management Act, BLM currently manages this area so as to not to impair its wilderness characteristics until further direction is provided by Congress.

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**HR. 608, TO EXPAND THE ALPINE LAKES WILDERNESS IN THE STATE OF WASHINGTON, TO DESIGNATE THE MIDDLE FORK SNOQUALMIE RIVER AND PRATT RIVER AS WILD AND SCENIC RIVERS, AND FOR OTHER PURPOSES**

Thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 608, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act.

This legislation would designate approximately 22,173 acres as a component of the National Wilderness System and approximately 37 miles of river as components the National Wild and Scenic Rivers System on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department supports, in concept, this legislation and we would like to work with the Committee to address some technical issues as outlined below.

We would also like the Committee to be aware that although we have completed suitability studies for the wild and scenic rivers, we have not completed a wilderness evaluation of the area to be designated under this bill. The area that would be designated wilderness is currently managed in an undeveloped manner as Late Successional Reserve under the Northwest Forest Plan. A wilderness designation would be compatible in this area. We thank the delegation for its collaborative approach and local involvement that have contributed to this bill.

The proposed additions to the Alpine Lakes Wilderness lie in the valleys of the Pratt River, the Middle and South Forks of the Snoqualmie River. The existing 394,000 acre Alpine Lakes Wilderness is one of the jewels of our wilderness system, encompassing rugged ice carved peaks, over 700 lakes, and tumbling rivers. The lower valleys include stands of old growth forest next to winding rivers with native fish populations. The area is located within minutes of the Seattle metro area. Trails accessing the area are among the most heavily used in the Northwest as they

lead to some exceptionally accessible and beautiful destinations. The proposed additions to the Alpine Lakes Wilderness would expand this area to include the entire heavily forested Pratt River valley and trail approaches to lakes in the wilderness area in the Interstate 90 corridor. These lands have not been analyzed as part of the forest plan to determine their suitability to be designated wilderness. However, the Forest Service would support their designation with a few technical adjustments.

We would like to work with the Subcommittee to address some technical aspects of the bill. These include:

- The entire Pratt River Trail #1035 is included within the boundary of the proposed wilderness. The first mile of this trail currently is used by large numbers of people and groups. The trail, which would be a primary access corridor for the newly designated wilderness, is currently undergoing reconstruction by contract and volunteer crews. The Department suggests that the wilderness boundary be drawn to exclude approximately three miles of this trail so that wilderness use limitations relating to solitude do not factor into future management concerns that may limit public access to this area. This change would not alter the wilderness proposal significantly, but would allow the current recreation opportunities for high-use and large groups along this stretch of the Middle Fork Snoqualmie to continue. This adjustment also would reduce operation and maintenance costs along this segment of the Pratt River Trail as it would ease any future reconstruction efforts and allow for motorized equipment to be used in its maintenance.
- The northwestern boundary of the wilderness proposal includes two segments of Washington State Department of Natural Resources lands totaling about 300 acres. We recommend that the boundary of the proposed wilderness be adjusted so that only National Forest System lands are included, as the legislation does not include authority for these lands to be acquired from the State of Washington.
- In T.23 N, R.9 E, Section 24, there are two Forest Development Roads proposed for decommissioning. These roads are within the proposed wilderness. It is likely that the decommissioning project will require the use of motorized equipment to help restore the wilderness setting. We anticipate analyzing the use of motorized equipment under the Forest Service's minimum requirements analysis process.

HR 608 also would designate two rivers as additions to the National Wild and Scenic Rivers System: approximately 9.5 miles of the Pratt River from its headwaters to its confluence with the Middle Fork Snoqualmie River; and approximately 27.4 miles of the Middle Fork Snoqualmie River from its headwaters to within ½ mile of the Mt. Baker-Snoqualmie National Forest boundary. Each river was studied in the Mt. Baker-Snoqualmie National Forest Plan and determined to be a suitable addition to the National Wild and Scenic Rivers System.

The Pratt River has outstandingly remarkable recreation, fisheries, wildlife and ecological values. The corridor provides important hiking and fishing opportunities in an undeveloped setting. The river supports resident cutthroat trout and its corridor contains extensive deer and mountain goat winter range and excellent riparian habitat. Its corridor retains a diverse riparian forest, including remnant stands of low-elevation old-growth.

The Middle Fork Snoqualmie River also has outstandingly remarkable recreation, wildlife and fisheries values. The river is within an easy driving distance from Seattle and attracts many visitors. It provides important whitewater boating, fishing, hiking and dispersed recreation opportunities. The river corridor contains extensive deer winter range and excellent riparian habitat for numerous wildlife species. This is the premier recreational inland-fishing location on the National Forest due to its high-quality resident cutthroat and rainbow trout populations. Adding these rivers to the National Wild and Scenic Rivers System will protect their free-flowing condition, water quality and outstandingly remarkable values. Designation also promotes partnerships among landowners, river users, tribal nations and all levels of government to provide for their stewardship. We therefore support the designation of these rivers into the National Wild and Scenic River System.

The Department has one concern with the wild and scenic river designations relating to the management of the Middle Fork Snoqualmie River Road. We are currently in the process of improving this road and feel that this work is needed to protect the wild and scenic values associated with this river while improving visitor safety and watershed health. Approximately 20 years ago, the U.S. Forest Service submitted the Middle Fork Road to the Federal Highway Administration for reconstruction via their enhancement program. The project has been approved, design work is approximately 50% complete, and construction is planned for 2013 or 2014. The Federal Highway Administration has expended approximately \$3.5 million to date on the project. Notwithstanding designation as a Scenic River under this legislation, we would like to work with the Committee to find language which would allow the Middle Fork Road project to proceed as designed and assure that long term maintenance objectives of the road are not adversely impacted by this designation.

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**H.R. 1413, the “Devil’s Staircase Wilderness Act of 2011”**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 1413, the “Devil’s Staircase Wilderness Act of 2011.”

H.R. 1413 would designate an area known as the “Devil’s Staircase” as wilderness under the National Wilderness Preservation System. In addition, H.R. 1413 would designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers under the Wild and Scenic Rivers Act. The Department supports the designation of the Devil’s Staircase wilderness as well as the Wild and Scenic River designations on National Forest System lands.

**Devil’s Staircase Wilderness Designation**

The Devil’s Staircase area lies in the central Oregon Coast Range north of the Umpqua River and south of the Smith River. Elevations in the area range from near sea level to about 1,600 feet. The area is characterized by steep, highly dissected terrain. It is quite remote and difficult to access. A stair step waterfall on Wasson Creek is the source of the name “Devil’s Staircase”. The proposed wilderness encompasses approximately 30,520 acres of National Forest System (NFS) and Bureau of Land Management (BLM) lands. Approximately 7,800 acres of the NFS lands are within the Wasson Creek Undeveloped Area under the Forest Plan for the Siuslaw National Forest and were evaluated for wilderness characteristics in the 1990 Siuslaw National Forest Land and Resource Management Plan.

All NFS lands that would be designated as wilderness are classified as Late Successional Reserve under the Northwest Forest Plan, which amended the Siuslaw National Forest Land and Resource Management Plan in 1994. This land allocation provides for the preservation of old growth (late successional) habitat. There are no planned resource management or developed recreation projects within the NFS portion of the lands to be designated as wilderness. Most of the area is forested with older stands of Douglas fir and western hemlock, and with red alder in riparian areas. All three tree species are under-represented in the National Wilderness Preservation System, relative to its abundance on NFS lands in Washington and Oregon. These older stands provide critical habitat and support nesting pairs of the northern spotted owl and marbled murrelet, which are listed as threatened species under the Endangered Species Act.

The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. The Oregon Coast Range has been largely modified with development, roading, and logging. Three small wilderness areas currently exist along the Oregon portion of the Pacific Coast Range, and the proposed Devil's Staircase Wilderness would more than double the acres of old growth coastal rainforest in a preservation status. Wilderness designation would also preserve the Devil's Staircase which is a unique landscape feature.

### **Wild and Scenic River Designations**

H.R. 1413 would also designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest.

Both Wasson and Franklin Creeks have been identified by the National Marine Fisheries Service (NMFS) as critical habitat for coho salmon (Oregon Coast ESU [Evolutionarily Significant Unit] of coho salmon), a threatened species under the Endangered Species Act.

The Department defers to the Department of the Interior in regard to the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic rivers designation as part of the forest planning process for the Siuslaw National Forest. However, the Agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 1.7 miles of the Wasson Creek on NFS lands based on the segment's eligibility.

At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. Subsequent to the 1990 eligibility study the Forest Service has found that, Franklin Creek provides critical habitat for Coho salmon, currently listed as threatened under the Endangered Species Act, and also serves as a reference stream for research because of its relatively pristine character which is extremely rare in the Oregon Coast Range. The Department does not oppose its designation. Designation of the proposed segments of both Wasson and Franklin Creeks is consistent with the proposed designation of the area as wilderness. The actual Devil's Staircase landmark is located on Wasson Creek.

We would like to work with the bill sponsors and the committee on several amendments and map revisions that we believe would enhance wilderness values and improve the bill.

I would be happy to answer any questions the committee has on these designations.



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**H.R. 2050, the “Idaho Wilderness Water Resources Protection Act”**

The U.S. Forest Service supports H.R.2050, which would direct the issuance of a special use permit, if certain conditions are met, for the continued use of a water storage, transport, or diversion facility located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in Idaho. Currently, there are over 22 water developments within the Frank Church and the Selway-Bitterroot Wilderness Areas that predate establishment of the wilderness, in some cases by decades. These developments include irrigation, domestic water uses and small private hydropower developments. The legislation establishing both wilderness areas did not address these pre-existing water developments. H.R. 2050 would direct the Forest Service to issue special use authorizations, if the Secretary makes the following determinations: the facility was in existence when the wilderness area on which the facility is located was designated as part of the National Wilderness Preservation System; the facility has been in substantially continuous use to deliver water for the beneficial use on the owner’s non-Federal land since the date of designation; the owner of the facility has a valid water right for use of the water on the owner’s non-Federal land under Idaho State law, with a priority date that pre-dates the date of designation; and it is not practicable or feasible to relocate the facility outside the wilderness and achieve the continued beneficial use of water on non-Federal land. We understand that the bill does not create any rights beyond what is provided in the special use permit and that both maintenance responsibilities and liabilities continue with the permit holder, and not the Federal government.