

**Statement of
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U.S. Department of Agriculture
Before the
Committee on Natural Resources
Subcommittee on Public Lands and Environmental Regulation
United States House of Representatives**

September 9, 2014

Chairman Bishop and Ranking Member Grijalva and Members of the Subcommittee, thank you for the opportunity to appear before you today to provide the U.S. Department of Agriculture's (USDA) views regarding four bills: H.R. 3411, the "Sabine National Forest Land Exchange Act of 2013;" H.R. 5074, the "Land Adjacency Notification and Disclosure Act;" H.R. 4846, the "Arapaho National Forest Boundary Adjustment Act of 2014;" and H. R. 3326, the "Trinity County Land Exchange Act."

H.R. 3411 – Sabine National Forest Land Exchange Act of 2013

H.R. 3411 would require the Secretary of Agriculture to convey approximately 5,800 acres of National Forest System (NFS) land located within the boundaries of the Sabine National Forest in exchange for unspecified non-Federal land of approximate equal value owned by the Sabine River Authority of Texas (SRA) and mutually agreed upon by the SRA and the Secretary. Of the 5,800 acres, the SRA would acquire approximately 4,000 acres of NFS land, in a narrow strip along the shoreline of the Toledo Bend Reservoir and as many 1,800 acres of other NFS lands, on which six Forest Service recreation sites, including campgrounds and boat ramps, are located. The bill would require that the NFS lands conveyed from Federal ownership be encumbered with a restrictive covenant prohibiting certain activities, including subdivision and development. Congress intends that the exchange would be completed within one year of enactment. The NFS lands to be exchanged are currently within the Toledo Bend project area, which is licensed and regulated by the Federal Energy Regulatory Commission (FERC).

As drafted, the Department cannot support H.R. 3411. However, the Department is willing to work with the Committee to make changes to the bill that would address these concerns and also

meet the needs of SRA. The Department's primary concerns are: (1) the loss of approximately 240 acres within the Congressionally-designated Indian Mounds Wilderness Area, with no requirement for minimum suitable replacement lands; (2) the requirement to exchange unidentified land, as many as 1,800 acres of NFS land associated with the Forest Service campgrounds, which have not yet been specifically delineated, and non-Federal lands, which also have not been identified or may not be available for acquisition by SRA for conveyance to the United States; (3) the requirement for a restrictive covenant, which would likely diminish the appraised value of the Federal land and consequently decrease the value of the non-Federal land, thereby impairing the acquisition of adequate land to offset resource values leaving the Federal estate; (4) the short time frame within which Congress intends the exchange be completed—the objective of completing a land exchange of this scope within one year is overly optimistic, given that many of the involved lands have not yet been identified and the NFS lands entail approximately 130 distinct parcels; (5) the inability to recover the costs to the United States of conducting the exchange from the proponent of the exchange; and (6) the potential change of current protections for cultural and natural resource sites, including tribal heritage resources and habitat for threatened and endangered species. The Department understands the importance of this land exchange to SRA and the Texas and Louisiana delegations and will work with the relevant House and Senate committees to resolve our concerns.

H.R. 5074 - Land Adjacency Notification and Disclosure (LAND) Act

H.R. 5074 would amend the Federal Land Policy and Management Act of 1976 (FLPMA) to require the Forest Service to provide advance written notification to each owner of land adjacent to any parcel of land to be acquired or disposed of by the Secretary under any authority. It also requires any third-party facilitator to submit all purchase contracts and related agreements for a parcel before the Secretary can approve of the acquisition of the parcel and requires agency review of the purpose of the acquisition and other terms and conditions.

The Department supports the adjacent landowner notification objectives of H.R. 5074 but believes modification of FLPMA is unnecessary. Public participation and identification of affected landowners have always been a part of Forest Service landownership adjustment processes, with requirements specified in existing and interim Handbook direction. In regard to agency review of third party facilitator contracts and agreements, the Department believes that modification of FLMPA is unnecessary. Forest Service direction requires review of third party contracts and agreements to the extent necessary to ensure that the third party is able to convey title, if required, and to ensure there are no other unacceptable conditions associated with the property or the transaction

H.R. 4846 - Arapaho National Forest Boundary Adjustment Act of 2014

H. R. 4846 would modify the boundary of the Arapaho National Forest in the State of Colorado to incorporate approximately 92.95 acres of land currently outside the proclaimed National Forest boundary. The Secretary of Agriculture shall include all Federal land within the new boundary described in subsection (a) in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993. The Secretary is authorized to acquire non-Federal lands within the boundary. The lands within the boundary described in subsection (a) shall be closed to motorized use by the public.

The Department supports H.R. 4846. It would provide National Forest status for parcels previously purchased using Land and Water Conservation Funds. It would also allow use of land exchanges to acquire additional parcels from willing landowners. Completion of this acquisition project would ensure protection of the Rocky Mountain National Park viewshed and the resource values of the Bowen Gulch Protection Area. The Department would like the opportunity to work with the Committee on the language concerning motorized use to ensure consistency with the requirements for other lands within the Bowen Gulch Protection Area. Differences in language have the potential to lead to confusion by the public and user conflicts. We would also like to work with the Committee to clarify the language providing that motorized use for administrative purposes is allowed.

H.R. 3326 – Trinity County Land Exchange Act

H.R. 3326 would direct the Secretary of Agriculture to convey to the Trinity Public Utilities District (TPUD) certain parcels of National Forest System (NFS) land comprising approximately 100 acres in the Shasta-Trinity National Forest near the Weaverville Airport in Trinity County, in exchange for approximately 47 acres known as the Sky Ranch parcel, to be conveyed to the Secretary of Interior.

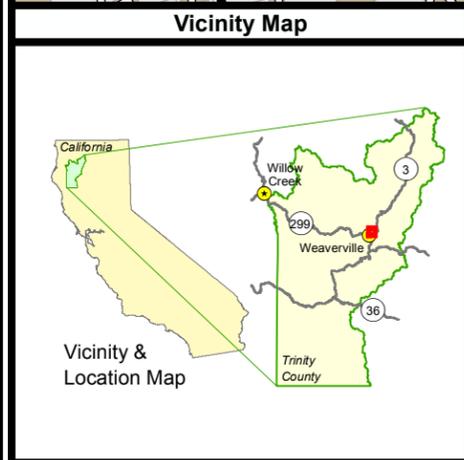
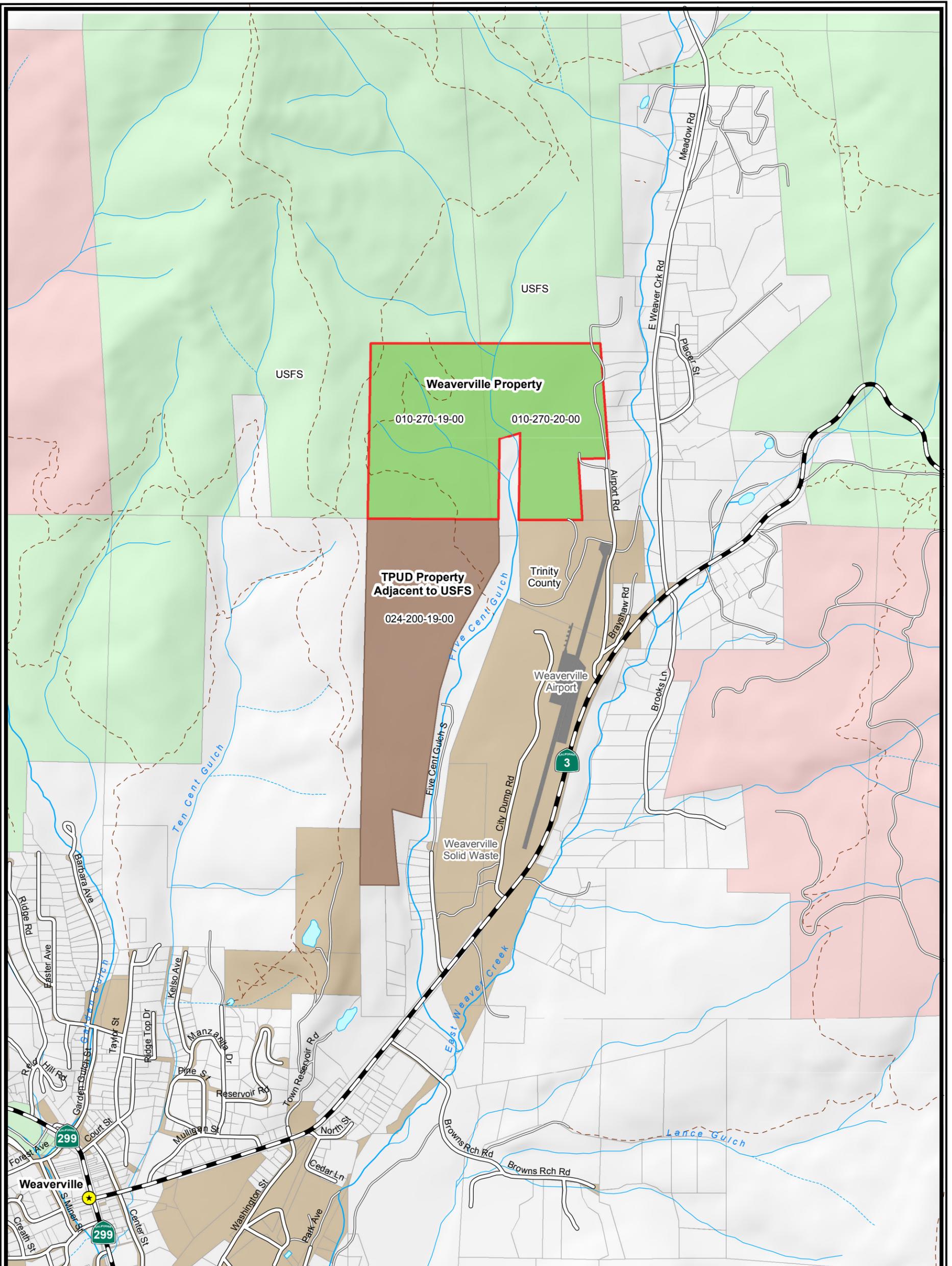
H.R. 3326 also directs that the land exchange be an equal value exchange, and if the values of the lands to be exchanged are not equal, they may be equalized through the use of a cash equalization payment in excess of 25 percent of the appraised value of the National Forest System land.

The Department generally supports this land exchange and TPUD's desire to facilitate access to TPUD land near the Weaverville Airport. This is especially due to substantial collaboration to improve the land exchange between TPUD, the Member of Congress representing the 2nd District of California, the Forest Service, and the Bureau of Land Management since the Forest Service testified on the previous bill in 2011. However, the Department would like to work with the Committee to address some technical issues with the bill to protect the public interest. These amendments would ensure that the land exchange could be completed in a reasonable time period for all parties, and that there is a reservation for the United States of easements for

unrestricted access to all roads and trails necessary for administrative purposes, as well as for public access to NFS lands adjacent to the airport property. Additionally, the changes would ensure that TPUD pays the costs associated with the conveyance of the National Forest System land, and that the land exchange is completed in accordance with existing laws and regulations.

The Bureau of Land Management has advised the Forest Service that they would welcome the acquisition of approximately 47 acres of Trinity County property as it would promote public access to the Trinity Wild and Scenic River (WSR) for recreation purposes, and restoration of riparian habitat along the WSR corridor. The Sky Ranch parcel lies between State Highway 299 and BLM-managed land on the Trinity Wild and Scenic River. This area has been identified for acquisition in the Redding (BLM) Resource Management Plan.

This concludes my testimony. I am happy to answer questions concerning any of the four bills.



References

Data and basemap were acquired from Trinity Public Utilities District. Data were acquired from a variety of sources of differing accuracy, precision, and reliability. Features represented by these data may not represent accurate geographic locations.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

Map Date: September 3, 2013

Administration

- Trinity Public Utilities District (TPUD)
- Private / Other
- Private - Timber (TPZ)
- County of Trinity
- U.S. Forest Service

Proposed Exchange: Parcel B, USFS to TPUD

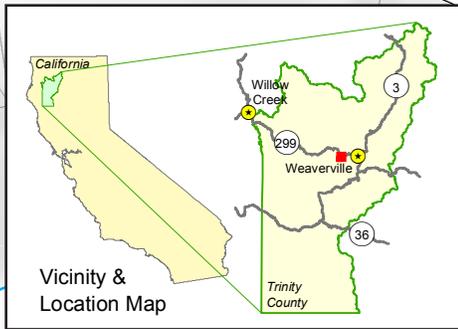
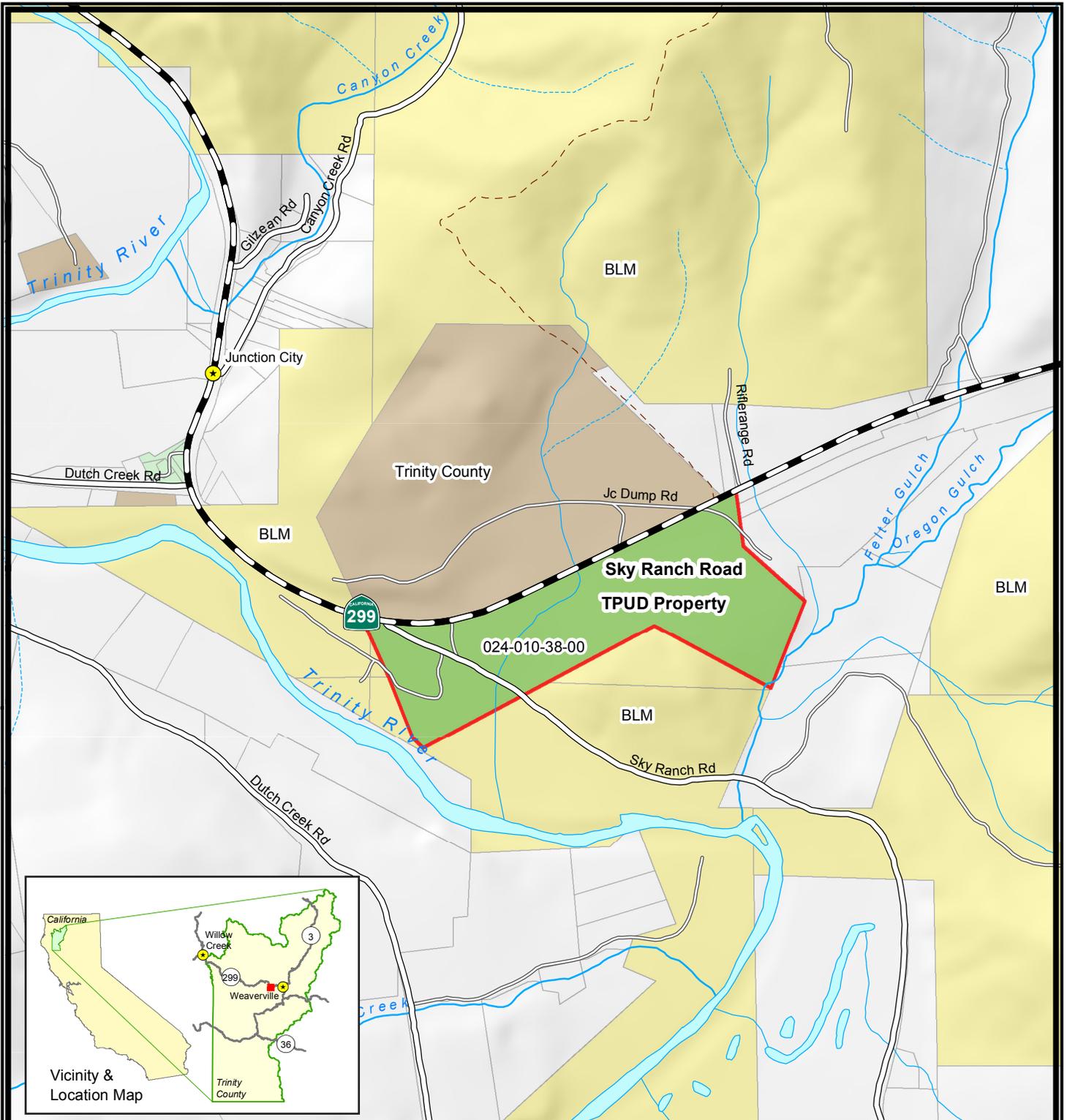
HR 3326 Trinity County Land Exchange Act of 2013

100 Acres, Lot 8, SW1/4 SE1/4 and S1/2 N1/2 SE, Section 31, Township 34 North, Range 9 West, Mt. Diablo Meridian, Trinity County, CA

U.S. Forest Service Pacific Southwest Region
Shasta-Trinity National Forest
U.S. Congressional District 2, California

Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region Vallejo, CA





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 **Proposed Exchange: Parcel A, TPUD to BLM**

Administration

-  Private / Other
-  County of Trinity
-  Bureau of Land Mgmt.
-  U.S. Forest Service

HR 3326 Trinity County Land Exchange Act of 2013

47 Acres, S1/2 of the S1/2 of Section 7 and the N1/2 of the N1/2 of Section 8, Township 33 North, Range 10 West, Mt. Diablo Meridian, Trinity County, CA

USDA Forest Service Pacific Southwest Region and Bureau of Land Management
U.S. Congressional District 2, California

Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA

0 1/8 1/4 Mile

Map Date: September 3, 2013

Boundary Adjustment

The hatched area (black) is the land acquired, or to be acquired, by the Arapaho National Forest. The eastern boundary of the hatched area is the boundary to be adjusted, to include these lands in the Arapaho National Forest Proclaimed Boundary.

R. 76 W.

12

Never Summer Wilderness

Boundary of land transaction should follow Colorado River/ NPS boundary. Rocky Mountain National Park Boundary (2012) follows 2009 river alignment (USGS NHD).

14

The Wedge

T. 4 N.

13

Bowen Gulch Protection Area

ROCKY MOUNTAIN NATIONAL PARK

Vicinity Map



ARAPAHO NATIONAL FOREST

FOREST NATIONAL BOUNDARY

PRIVATE

PRIVATE

Colorado River

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References

Data acquired from USFS, BLM, NPS, USGS and Grand County with differing accuracy, precision, and reliability. Features represented by any data source may not represent accurate geographic locations.

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Map Creation Date - November 6, 2013

Map Revision Date - September 3, 2014

Legend

- The Wedge
- Special Protection Area
- Wilderness Area
- National Forest System Land
- National Park Service Land
- Interstate/Highway
- Local Road
- Colorado River 2009 alignment
- National Forest Boundary
- Perennial Stream/River
- Lake or Reservoir

Sheet 1 of 1



Arapaho National Forest Boundary Adjustment

Arapaho National Forest Boundary Adjustment Act of 2014
H.R. 4846

Approximately 92.95 acres, Section 13, T4N, R76W
6th Principal Meridian, Grand County, Colorado

U.S. Forest Service - Region 2
Arapaho National Forest
U.S. Congressional District 2

Copies of this map are available for public inspection
in the Office of the Regional Forester, Region 2,
Golden, Colorado