

**STATEMENT OF
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UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT
UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
JULY 26, 2011**

**CONCERNING
H.R. 1581, THE WILDERNESS AND ROADLESS AREA RELEASE ACT OF 2011**

Thank you for the opportunity to provide the Department of Agriculture's views on H.R. 1581, the Wilderness and Roadless Area Release Act of 2011. I am Harris Sherman, Under Secretary for Natural Resources and Environment at the Department of Agriculture.

H.R. 1581 would direct that the provisions of the 2001 Roadless Area Conservation Final Rule and the 2005 State Petitions for Inventoried Roadless Area Management Final Rule are no longer applicable to inventoried roadless areas within the National Forest System (NFS), except those that are recommended for designation as wilderness and have been designated as wilderness by Congress prior to the enactment of this bill, and would direct that such lands be managed according to the applicable land and resource management plan instead. The bill would also prohibit the Secretary of Agriculture from issuing any system-wide regulation or order that would direct management of the lands released by this bill in a manner contrary to the applicable land and resource management plan. We defer to the Secretary of the Interior to provide views on the provisions in the bill relating to the release of public lands managed by the Bureau of Land Management.

The President and the Secretary strongly support roadless values and the 2001 Roadless Rule. By making the 2001 Roadless Rule's provisions inapplicable to inventoried roadless areas, and by precluding the Secretary from establishing any other system-wide management direction for such lands, this bill would undermine the ability of the Forest Service to carry out its responsibilities for conserving critical resource values. It would also subject local forest management efforts to increased conflict, expense and delay, as disputes about roadless area protection are reopened and replayed from one project proposal to the next, drawing limited capacity away from other efforts that could elicit broader support and deliver more benefits to rural communities. For these reasons, the Administration strongly opposes this bill.

Roadless areas play an important role in preserving water, biodiversity, wildlife habitat, and recreation opportunities including hunting and fishing: that's why they are an integral part of the Secretary's vision for America's forests. As development continues to fragment landscapes and watersheds around the nation, the remaining large tracts of undeveloped land represented by inventoried roadless areas are increasingly critical in protecting these values.

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. Maintaining them in a relatively undisturbed condition saves downstream communities millions of dollars in water filtration costs. 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 bulwark 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. These recreation opportunities connect people to the great outdoors, and support outdoor recreation and tourism businesses important to local economies.

The 2001 Roadless Area Conservation Rule strengthens the Secretary's ability to protect these values by prohibiting road construction and timber harvesting that may result in long-lasting impacts on roadless area characteristics. However, the Rule also provides important flexibility to permit beneficial management activities and allow the Agency to address issues of importance for public health and safety. For example, roads may be constructed, reconstructed or realigned in order to protect public health and safety, provide access to reserved or existing rights including for mining or oil and gas leases, conduct actions under CERCLA, or prevent resource damage from existing roads. Timber may be cut, sold and removed where needed to reduce the risk of uncharacteristic wildfire effects, improve habitat for threatened and endangered species, maintain or restore ecosystems, or provide for administrative or personal use including firewood collection, or where the removal is incidental to a management activity not prohibited by the rule or there was substantial alteration of an area in the inventory prior to January 12, 2001. Furthermore, the 2001 Rule places no restrictions on any form of motorized or non-motorized use.

Recent examples of projects that would meet the provisions described in the 2001 Rule include forest restoration work to reduce fire hazard near towns throughout the West; hydroelectric facility developments in Alaska that provide electricity for Sitka, Petersburg, Wrangell, Ketchikan, Upper Lynn Canal, and Hoonah; development of an aerial tram recreational facility in Ketchikan, Alaska; access roads that provide access to State Forest lands in Minnesota; clean-up activities at the Monte Cristo and Azurite mines in Washington; realignment of roads to reduce erosion effects in Montana, Alaska, Wyoming, and Utah; permits to drill methane vents to provide for worker safety at the Oxbow mine in Colorado; and mineral explorations under the 1872 General Mining Law in Utah, Nevada, Montana, Washington, and Alaska.

In addition to providing a flexible framework that protects resource values while permitting important forest management activities at the local level, the 2001 Rule allows local managers and stakeholders to focus on projects that have broader support and greater promise for delivering real benefits to communities. Previously, proposals for projects in roadless areas were often accompanied by acrimonious procedural battles requiring studies, appeals and litigation whose costs exceeded the value of any project benefits. We now see more collaborative relationships bearing fruit on individual forests in the form of stewardship contracts, landscape restoration projects, hazardous fuels reduction efforts, and other important activities, reflecting a

broader zone of agreement than seen in decades about the need for a healthy forest products industry to support the infrastructure for maintaining and restoring healthy forest landscapes. If this bill becomes law, successes such as these could become a thing of the past as we return to the pre-2001 mode of legal challenges to individual projects proposed in roadless areas.

We note that Idaho and Colorado have both petitioned for rulemaking, under the Administrative Procedure Act (P.L. 79-404), to establish state-specific roadless area management direction. In the case of Idaho, we believe the rule there is on balance comparable or even more protective than the 2001 Roadless Rule. Likewise, in Colorado, the propose rule is comparable or more protective on balance than the 2001 rule. Idaho's rule was completed in 2008, while the public comment period on Colorado's proposed rule closed on July 16, 2011. Since much of the roadless area covered by the two state petitions is included in the inventory that would revert to applicable forest plan direction under the bill, we are concerned about how the legislation would impact these respective state efforts.

We also note that there are multiple cases involving the 2001 Rule that have come before the Federal courts, including the following three: a California district court decision and Ninth Circuit appeal ruling that reinstated the 2001 Rule within the Ninth Circuit and New Mexico; a Wyoming district court decision, which we have appealed to the Tenth Circuit, that enjoins the agency from applying the 2001 Rule nationwide; and an Alaska district court decision that overturns a regulatory exemption for the Tongass National Forest and reinstates the 2001 Rule in that location. The Department has issued interim direction reserving to the Secretary the authority to approve or deny projects in inventoried roadless areas on a case-by-case basis.

In closing, the Administration strongly opposes H.R. 1581 because its prohibition on applying the 2001 Rule or any other system-wide management direction for an entire category of lands would compromise roadless area protections and hamper the Forest Service's ability to carry out its responsibilities, ultimately undermining the agency's ability to protect our Nation's forests while delivering benefits to rural communities.

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