

STATEMENT OF LESLIE A. C. WELDON
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

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

APRIL 17, 2012

CONCERNING

H.R. 3874, the Black Hills Cemeteries Act

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding H.R. 3874, the Black Hills Cemeteries Act.

H.R. 3874, the Black Hills Cemeteries Act, would require the Secretary to convey, without consideration, eight cemeteries located on National Forest System land in the Black Hills National Forest to local entities. This conveyance of these eight cemeteries is consistent with the Land and Resource Management Plan for the Black Hills National Forest. The Department does not object to making the Federal land available for use as cemeteries, but it does not support conveyance of National Forest System lands without consideration. The Forest Service does not have authority for the general sale of National Forest System lands. It is long standing policy that the United States receive market value for the sale, exchange, or use of National Forest System land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of FLPMA, as well as numerous land exchange authorities. Should the bill be amended to require consideration, we would like to work with the committee to explore whether a ninth local cemetery, the Cold Springs Cemetery, should also be included in the bill.

The bill provides for the conveyance of "at least two additional acres" adjoining each cemetery to ensure that unmarked graves are included and that cemeteries can expand. Given the variation

in topography of the sites and the presence of various private roads and structures, we suggest that the bill provide for conveyance of “**up to** two acres,” allowing some flexibility in achieving the stated purpose. In addition, we would like to work with the committee to add a provision that, in addition to covering the land survey costs, the recipient of each parcel also should cover the cost for heritage recordation and evaluation of significance for the National Register. The Forest Service would prepare the land survey instructions for the recipient’s land surveyor.

This concludes our testimony and I would be happy to answer any questions that you may have.

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CONCERNING**

H.R. 4073, to Authorize the Secretary of Agriculture to Accept the Quitclaim, Disclaimer and Relinquishment of a Railroad Right-of-Way within and Adjacent to the Pike National Forest in Colorado

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding H.R. 4073.

The Department supports H.R. 4073, which would authorize the Secretary to accept the quitclaim, disclaimer and relinquishment by the Manitou and Pikes Peak Railway Company of a right-of-way in the Pike National Forest in Colorado. The right-of-way was originally granted for a scenic railroad for tourists, but the railway company ceased operating the tramway years ago. Now it's a popular route for hikers to climb Pike's Peak, although this use is unauthorized. The Manitou and Pikes Peak Railway Company has sought to abandon the right-of-way. Previously they issued the quitclaim, disclaimer and relinquishment but it is without effect because the Act of March 8, 1922 requires either an Act of Congress or declaration by a court of competent jurisdiction to effect an abandonment. H.R. 4073 would remove this impediment, allowing the right-of-way to return to the National Forest System. The Forest Service would then issue an authorization to an outside party for management as a hiking trail.

Based on survey work completed in 2011, it has been determined that the legal description used in the original quitclaim deed (and incorporated into section 1(b)) did not include all portions of the right-of-way. Acceptance of that deed will not terminate the easement in its entirety. We would like to work with the Committee to address this concern.

This concludes our testimony and I would be happy to answer any questions that you may have.

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CONCERNING

H.R. 4193, the Land Acquisition to cut National Debt Act or the “LAND Act”

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today and provide the Department of Agriculture’s views regarding H.R. 4193, the Land Acquisition to cut National Debt Act or the “LAND Act”.

The Department appreciates the opportunity to provide its views on H.R. 4193, the “Land Acquisition to cut National Debt Act” or the “LAND Act.” As it applies to the Forest Service, this legislation would provide that there shall be no net increase in the acres of National Forest System land unless the Federal budget is balanced for the year in which the land would be purchased. A similar limitation would apply to land under the jurisdiction of the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management. The Department understands and shares the Committee’s desire for balancing the annual Federal budget and eliminating the annual deficit. While the Department supports fiscally prudent budgeting, the Department strongly opposes H.R. 4193.

To efficiently manage the National Forest System, the Forest Service must be able to make critical and strategic land acquisitions in order to consolidate and protect National Forest System lands and watersheds. Currently, the Forest Service makes targeted land acquisitions, based on a prioritization process using proceeds of the Land and Water Conservation Fund (LWCF), to reduce management costs associated with interspersed land jurisdictions and to support the effort to reduce the threat of fire on federal and adjoining private lands.

In addition to the protection of resources, land acquisition reduces operational costs by facilitating cost-effective management of the resources that are currently being protected. The strategic acquisition of land often serves to maximize management efforts and results in direct management cost savings through efficiencies and economies of scale, including simplifying management and reducing expenses related to signage, fencing, law enforcement patrols, legal permits, rights-of-way conflicts, fire-fighting, road maintenance, habitat management and restoration, fighting invasive species, and meeting other important landscape-level conservation objectives. The Forest Service is working on acquiring a number of inholdings that cost the Federal government more to monitor and provide infrastructure to support than if the lands are acquired and managed as part of the park in which they are located.

America's forests, grasslands and other open spaces are integral to the social, ecological and economic well-being of the Nation. More than half of our Nation's freshwater flows from public and private forestlands and approximately 66 million Americans rely on drinking water that originates from the National Forest System. Forest Service management of the National Forest System combined with assistance to private landowners helps protect the single greatest source of drinking water in the Nation. Additionally, forest stewardship and watershed restoration activities help generate wealth and economic opportunities in rural communities such as natural resource-related jobs, forest and biomass products industries, and restoration services. National forests attract over 170 million visits annually and recreation use that sustains nearly 223,000 jobs within 50 miles of National forests and grasslands, while contributing \$14.5 billion annually to the U.S. economy.

The long-term benefits of acquiring critical inholdings and certain land parcels adjacent to National Forest System lands include reduced costs related to boundary marking and maintenance, road construction and maintenance, and fire suppression costs, along with benefits of increased recreational access for sportsmen and other recreationalists. Also, land acquisitions also can reduce costs for control of invasive species and resolve encroachment and trespass situations.

We welcome the opportunity to work with the Committee on legislation to develop a bill that protects the long-term health of our National Forests and Grasslands while the effort to balance the annual Federal budget is under way.

This concludes our testimony and I would be happy to answer any questions that you may have.