

**STATEMENT OF
LESLIE A.C. WELDON
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION
CONCERNING
H.R. 4272 FOREST ACCESS AND RURAL COMMUNITIES ACT
JUNE 10, 2014**

Many National Forest visitors use motor vehicles to access the National Forests, whether for recreation, commercial purposes, or the other multiple uses of National Forest System (NFS) lands. For many visitors, motor vehicles represent an integral part of their recreational experience. People come to National Forests to ride on roads and trails in pickup trucks, ATVs, motorcycles, and a variety of other conveyances. Motor vehicles are a legitimate and appropriate way for people to enjoy their National Forests—in the right places, and with proper management. The Travel Management Rule of 2005 was developed to meet the growing popularity and capabilities of Off Highway Vehicles (OHVs), and continue to provide these opportunities while sustaining the health of NFS lands and resources.

The Travel Management Rule has three subparts, dealing with overall roads analysis, management of the road system, and management of over-snow vehicles. Subpart A of the Travel Management Rule requires identification of the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of NFS lands. Subpart B of the Travel Management Rule of 2005 provides a national framework for local Forest Service units to use in designating a system of roads, trails, and areas for motor vehicle use as the Agency moves toward a road system that can be sustainably maintained and that minimizes environmental impacts. The goal of Subpart B is to secure a wide range of recreation opportunities while ensuring the best possible care of the land. Subpart C of the Travel Management Rule provides for designation of routes and areas for over-snow vehicle use.

Under the Travel Management Rule, travel management decisions are made by the forest supervisor or district ranger, and the rule provides for involving a broad spectrum of interested and affected citizens, other state and federal agencies, and tribal governments in making travel management decisions.

H.R. 4272 would prohibit implementation and enforcement of all subparts of the Travel Management Rule on all NFS lands derived from the public domain; it would require consultation with affected county governments in making travel management decisions under all subparts of the Travel Management Rule and decisions affecting non-motorized access on public domain NFS lands; and it would require concurrence of each affected county for implementation of travel management decisions and decisions affecting non-motorized access on public domain NFS lands.

The Administration opposes H.R. 4272 because it would impair the agency's ability to manage NFS lands and resources safely, effectively, and efficiently.

Specifically, the bill would undercut the significant work already completed during the process of obtaining public input and coordinating with federal, state, county, and tribal governments in making travel management decisions. Approximately 90 percent of administrative units have already completed implementation of Subpart B of the Travel Management Rule. Designations are displayed on motor vehicle use maps, which show the public where and when they may operate motor vehicles on NFS lands. The agency is on track to achieve implementation on all units by the end of this fiscal year.

Additionally, approximately 35 percent of units have completed or nearly completed the requisite travel analysis that will support implementation of Subpart A. The travel analysis does not effect any changes on the ground, including road closures. Travel analysis for Subpart A is expected to be completed on all units by the close of fiscal year 2015.

In the specific case identified by Representative Walden—designation of routes and areas for motor vehicle use in the Wallowa-Whitman National Forest—the Forest Supervisor has agreed to reassess the travel management decision in response to public input, thus illustrating the agency's response to public involvement and the impact of public involvement on the designation process.

The bill could preclude the Forest Service from enforcing public safety prohibitions and restrictions on NFS roads, such as speed, load and weight limits, closures during forest fires, and prohibitions on operating a motor vehicle carelessly and recklessly. Additionally, some travel management decisions involve other programs. Curtailing implementation and enforcement of travel management decisions could therefore affect ongoing programs in other disciplines because of interdependent NEPA decisions and Endangered Species Act consultation.

The consultation requirements in the bill are duplicative. All subparts of the Travel Management Rule provide for involvement of a broad spectrum of interested and affected citizens, other state and federal agencies, and tribal governments in making travel management decisions.

Moreover, the bill's concurrence requirements would significantly delay or prevent implementation of future individual travel management decisions needed to protect NFS lands and resources, address use conflicts, and provide for public safety. It would be difficult to obtain concurrence from even one county, but "affected county" as defined in the bill includes a county that contains NFS lands affected by a travel management decision, as well as a county adjacent to that county. To illustrate the scope of the concurrence requirement, there are six counties adjacent to Representative Walden's Umatilla County. Four of those are in Oregon, and two are in Washington. Therefore, to implement travel management decisions affecting Umatilla County, it would be necessary to get concurrence from seven counties.

To the extent H.R. 4272 would apply only to public domain NFS lands and not to acquired NFS lands, the bill would result in inconsistent management of NFS lands.

This bill is not needed because the 2005 Travel Management Rule provides for dynamic management of the forest transportation system. Access can be changed or otherwise managed as needed to address issues that are important to the public and the ecosystem, including issues raised by affected counties.

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H.R. 4283, TO AMMEND THE WILD AND SCENIC RIVERS ACT
JUNE 10, 2014**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify before you today on H.R. 4283, to amend the Wild and Scenic Rivers Act.

The Administration opposes H.R. 4283 because it discriminates between the businesses operating within the Main Salmon Wild River Corridor and would place an undue financial burden on the public for the operation of a private enterprise. We hope to work with Representative Simpson to find a solution that is mutually beneficial to his constituents and the Forest Service.

More than 160 rivers in 38 states and the Commonwealth of Puerto Rico comprise the National Wild and Scenic River System. More than 11,000 river miles are protected reflecting tremendous geographic diversity, from the remote rivers of Alaska, Idaho and Oregon to rivers threading through the rural countryside of Massachusetts, New Hampshire, and Ohio.

Smith Gulch is located within the Main Salmon Wild River corridor, located within the Frank Church-River of No Return Wilderness in Idaho. Both the Wild River and Wilderness were designated as such by the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132). The Act mandates that the Main Salmon River corridor be managed according to the requirements of the Wild and Scenic Rivers Act.

Public Law 108-447, enacted in 2004, amended the Wild and Scenic Rivers Act, 16 U.S.C. §1274(a)(24)(D), and directed that the Forest Service continue to authorize the established use and occupancy of three commercial recreation services within the Main Salmon River Corridor, including the services at Smith Gulch. Such continued authorization is to be subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for termination for noncompliance, and if terminated, reoffering the site through a competitive process.

The facilities and structures for commercial recreation services at Smith Gulch in Idaho are authorized and operated under a Term Special Use permit to River of No Return Lodge, Inc. (Permit #NFK249). The permit is authorized under the authority of the Act of March 4, 1915, as amended July 28, 1956, (16 U.S.C. 497). This permit is issued with provisions and terms similar to those of recreation facilities throughout the National Forest System. The permit takes into account the location and surroundings of facilities and improvements, the public values affected by such an operation, and any specific public health and safety concerns. Through such authorizations, the responsibility for a fairly-offered, high quality outdoor recreation service is shared by the Forest Service, which represents the public at large, and the private business enterprise.

H.R. 4283 would require the public to bear more of the cost of providing recreation services in the operation of a private business, with the Forest Service bearing the cost of environmental analysis. Under the existing approach, regulations directing the assignment of costs are found in 36 CFR 251.58, with Forest Service policy in FSH 2709.11 Chapter 20. These regulations direct the assessment and collection of fees to recover agency processing and monitoring costs for new and existing authorizations. This legislation as written does not explain why the agency should bear the costs of a privately-provided recreation service in this location.

The Forest Service has in place appropriate policies to accommodate the needs of a recreation service business operating at this location. Consistent with statutory guidance, the policies allow for such facilities and structures needed to provide the authorized recreation services. Smith Gulch operates under these policies and requirements; just as other similarly authorized businesses within the Main Salmon Wild River Corridor.

As evidenced by the proclamation of June 2014 as Great Outdoors Month, the Forest Service recognizes and fully embraces its mission to provide high quality outdoor recreation services to the public. I encourage the operators of the recreation service business at Smith Gulch to work with the appropriate local Forest Service officials to resolve any issues related to their utilizing existing agency regulations, policies and authorities.

I would like to thank the Chairman and committee members for inviting me to testify on this issue, and I welcome any questions you may have for me at this time.