

Statement
of
Abigail Kimbell
Associate Deputy Chief
Forest Service
United States Department of Agriculture
Before the
Subcommittees on:
Forests and Forest Health, National Parks, Recreation and Public Lands,
and Fisheries Conservation and Oceans
U.S. House of Representatives, Committee on Resources

July 25, 2002
Concerning
H.R. 2386, H.R. 1811, H.R. 5081, H.R. 5810 and H.R. 5032

-
Mr. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEES:

Thank you for the opportunity to testify on these five bills before us today. I am Abigail Kimbell, Associate Deputy Chief, National Forest System. I would like to briefly discuss H.R. 2386 - "Outfitter Policy Act of 2001," H.R. 5032 - Conveyance of certain lands on the Mendocino National Forest, and H.R. 5810 - Conveyance of certain lands on the Dixie National Forest. We defer to the Department of the Interior on H.R. 1811 and H.R. 5081.

H.R. 2386 – Outfitter Policy Act of 2001

-
-
H.R. 2386, the "Outfitter Policy Act of 2001" establishes terms and conditions for use of federal lands by outfitters. The Department of Agriculture supports the purpose of H.R. 2386, but would like to work with the Subcommittee to resolve several important issues that we feel would make this a better bill.

There are millions of people who lack outdoor skills yet want to experience the beauty and diversity of their public lands. Many of these Americans seek out the skills and experience of commercial outfitters and guides to help them enjoy a safe and pleasant journey through spectacular forests and deserts and over the rivers and lakes that are often found only on federal lands. Without outfitters and guides, many of our citizens and international visitors would never experience the awesome grandeur of America's great outdoors.

For more than a half century the Forest Service has had a positive relationship with the outfitter/guide industry. We currently have approximately 6,000 permit holders that provide very necessary and sought-after services. These services range from traditional hunting and fishing trips to llama treks: from jeep tours and white water rafting, to prehistoric treks. The providers of these services range from the traditional small family operations to large commercial non-profit entities, from small local government programs to large educational institutions.

Commercial outfitters and guides serve as an extension of the agency by introducing the public to their lands and by providing positive environmental understanding and teaching skills to enjoy the outdoors. In fact, outfitters and guides have at times gone beyond the requirements of their permits. One example is the "Raft-Along" program in Region 4

(Utah/Idaho) where police officers raft with “At Risk” Youth. In addition, as the agency has become more involved with various tourism associations, we have learned that many international groups wish to provide eco-tourism trips to the United States to visit our public lands.

I believe this positive relationship continues, but increasingly complex challenges in managing the National Forests, antiquated business practices, and competing demands have placed an increased burden on the agency and its outfitters and guides, and is affecting this critical relationship.

This challenge can be illustrated by the explosion in the types of outfitter and guide activities competing for a limited resource, increased competition with the general public for space, increased activism by the public on how they wish to see their public lands managed, and antiquated business practices creating inefficiencies in the day to day program administration. There is also the need to update agency policy, including obtaining market value for the rights and privileges granted in the use authorization. Because of these challenges, I can understand why venerable, well-established businesses feel threatened and devalued.

Our challenge is to manage this program by having an efficient business management approach and a balanced administrative system that addresses public concerns and provides a pleasant, safe, and healthy visitor experience while protecting the environment. In addition, we must address local and national program management issues protecting the interests of the government while using appropriate business practices that allow business stability for our outfitter and guides. We have been working with all interested parties and other agencies for the last couple of years to resolve these issues. We would like to expedite that process.

H.R. 5032 - Land Conveyance on the Mendocino National Forest

HR 5032 authorizes the direct sale of two parcels comprising 120.9 acres of National Forest System lands on the Mendocino NF in California to the Faraway Ranch. Various improvements and facilities have been constructed on these lands and they have lost much of their National Forest character. This bill provides Faraway Ranch the opportunity to acquire these lands associated with their improvements and activities and allows the Forest Service to utilize the receipts to acquire replacement lands elsewhere in California.

At time of conveyance, Faraway Ranch will make full payment of the fair market value as determined by an appraisal that is acceptable to the Secretary and cover all direct costs associated with completing this transaction. We support this bill, however, we would like to work with the Subcommittee to develop a workable timeline that takes into account the time needed to properly complete the survey and appraisal.

H.R. 5810 - Conveyance of Real Property in the Dixie National Forest

H.R. 5810 directs the Secretary of Agriculture to convey approximately 560 acres of National Forest System (NFS) land within the Dixie National Forest to Kirk R. Harrison. The conveyance is intended to be at fair market value, for all right, title and interest of the United States using appraisal standards acceptable to the Secretary. While we do not oppose the bill, we believe it may be unnecessary. We are working with the landowner and are optimistic that a solution can be found that satisfies his needs, but does not require legislation. If this is not the case, we are willing to work with the Subcommittee.

Mr. Harrison, who resides in Las Vegas, Nevada, owns property in the town of Pinto, located in Washington County, in southwest Utah. Pinto consists of approximately 767 acres of private property, including Mr. Harrison’s property, and is surrounded by the Dixie National Forest. The Forest Service has thoroughly reviewed Mr. Harrison’s title claims, and under existing laws and authorities, is unable to approve or give validity to any of his claims. In addition, there are a number of other factors that must be taken into consideration.

All the Federal land surrounding Pinto and subject to this bill lies within the East Pinto Grazing allotment currently used by two local families. Removing acres from the allotment would result in a prorated reduction in permitted

numbers of cattle.

The property of another landowner in the Pinto area is partially bordered by Harrison property and otherwise adjacent to NFS lands. If the proposed 560 acres were transferred to Mr. Harrison the other landowners' property would be totally surrounded by Harrison property and without guaranteed access. In addition conveying 560 acres to Mr. Harrison would place all known sources of water in the Pinto Valley on private land. Water rights of others and their use of those rights could be lost if this land goes into private ownership.

The sale of up to 560 acres to Mr. Harrison would increase the amount of private land in Pinto by over 70 percent. The future subdivision of this land could change the rural character of the area and create additional issues with other long-term landowners in the area.

The Forest has processed two legitimate cases under the Small Tracts Act (STA) in the Pinto area. In one case, 4.78 acres were conveyed to a local family based on a color of title claim. In the second case, an interchange occurred with a net gain of 1.38 acres for the Forest. These families may feel that a land sale or land exchange with Mr. Harrison is inequitable.

In 1996, Mr. Harrison submitted three STA applications totaling 25 acres to the Dixie National Forest. The basis of the application was occupancy of NFS lands in the form of fences and cultivation. In 1997, after thorough review, it was determined that the application did not meet the criteria of the Small Tracts Act. All levels of the agency concurred with this decision.

We do not oppose this bill, and believe it is unnecessary because there are reasonable alternatives. We would support selling Mr. Harrison 20 acres involving the disputed area. This would include Mr. Harrison's entire STA application area called Spring Field and the STA application for Platt Field. The third Harrison STA application, Reservoir Field, is not included because the Harrison family did not own the adjacent property until after 1965.

The sale of 20 acres to Mr. Harrison would remove a spring and over a mile of Pinto Creek from public ownership. Land exchange is an important tool for solving a variety of critical resource and social issues and we would prefer a public interest equal-value land exchange between Mr. Harrison and the National Forest, either in the immediate Pinto area or within the State of Utah.

Mr. Chairman, we look forward to working with you and the other members of the Subcommittees on these important issues. This concludes my testimony. I would be happy to answer any questions that you may have.