

Statement of
Elizabeth Estill
Deputy Chief, Programs and Legislation
Forest Service
United States Department Of Agriculture

Before the
Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives

April 10, 2002

Concerning

H.R. 3962 Good Neighbor Act
H.R. 3401 California Five Mile Regional Learning Center Transfer Act
H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Elizabeth Estill, Deputy Chief for Programs and Legislation, USDA Forest Service. I am here today to provide the Department's views on three bills: H.R. 3962 Good Neighbor Act, H.R. 3401 California Five Mile Regional Learning Center Transfer Act, and H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act.

The Department supports H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act with some technical corrections. The Department would like to work with the Committee to make a number of improvements to H.R. 3401 California Five Mile Regional Learning Center Transfer Act and H.R. 3962 Good Neighbor Act before these bills move forward.

H.R. 3962 Good Neighbor Act

H.R. 3962 Good Neighbor Act limits the ability of the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and the Forest Service to acquire land within counties already containing 50 percent federally controlled land. H.R. 3962 would require the agencies to dispose of land equal to 97 percent of the value of the land to be acquired in those counties. In addition, H.R. 3962 requires the Agency to notify the Governor, chief executive of the county, and Members of the House and Senate prior to the acquisition. H.R. 3962 also requires the Agency to hold a hearing, prior to the acquisition, within the county in which the land is located. If the federally controlled land within the county exceeds 66 percent of the land area of the county, H.R. 3962 requires approval of the Federal acquisition by the governing legislative body of the county.

The Department recognizes and supports addressing the needs of local citizens to participate in decisions regarding Federal lands within their counties. However, we would like to work with the Committee to modify where necessary limitations imposed on Federal acquisitions by H.R. 3962.

For example, we should ensure that H.R. 3962 is consistent with existing individual state enabling acts that authorize and provide conditions on approvals of Forest Service acquisitions as required by the Weeks Act (P.L. 61-435).

H.R. 3962 also requires the Federal agencies to dispose of land equal in value to lands acquired without providing a related sales authority. The Forest Service does not have a general sales authority to accomplish the bill's purpose.

Finally, we should work to ensure that H.R. 3962 would not unnecessarily limit the ability of the Forest Service to acquire lands to further the purposes of land management mandates imposed under other statutes, such as the Federal Land Policy and Management Act, the Multiple-Use Sustained Yield Act, the Forest and Rangeland Renewable Resources Planning Act, and the National Forest Management Act.

We agree that additional federal acquisitions should, as a rule, be discussed with local elected officials to communicate the needs as well as understand the impacts on communities and are committed to work with the Committee to meet that objective. We look forward to working with the Committee to identify ways to better involve local citizens in land acquisition decisions while still retaining authority of the Federal government to acquire those lands which are in the broader public's interest.

H.R. 3401 California Five Mile Regional Learning Center Transfer Act

H.R. 3401 directs the Secretary of Agriculture to convey without consideration 27 acres of National Forest System lands to the Clovis, California Unified School District. The conveyance would also include the improvements that comprise the Five Mile Regional Learning Center. In addition, the bill directs the Secretary of Agriculture to enter into negotiations on the terms of a special use permit with the school district to allow their use of an additional 100 acres of National Forest System land. The bill includes a reversionary clause in which the property conveyed would revert to the United States if the school district discontinues its operation of the Learning Center.

The Department does not support the conveyance of land and improvements without consideration. Rather, the Department would like to work with the Committee to pursue this transaction in a manner consistent with either the Sisk Act, P.L. 90-171 or the Education Land Grant Act, P.L. 106-577, which both allow conveyance of National Forest System lands for educational purposes. Presently, personnel on the Stanislaus National Forest are working with the school district to explore conveyance of this land under P.L. 106-577. In addition, we would like to work with the Committee to ensure that a reversionary interest in the land would limit potential liabilities to the Government.

H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act.

H.R. 3954 Caribbean National Forest Wild and Scenic Rivers Act amends Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate three rivers in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic River System. The segments to be designated by H.R. 3954 include 4.4 miles of the Rio Mameyes, 2.1 miles of the Rio de la Mina, and 2.3 miles of the Rio Icacos. H.R. 3954 would allow, subject to the Secretary's discretion, installation and maintenance of data collection and transmission facilities, construction and maintenance of structures to allow monitoring of threatened and endangered species, and construction and maintenance of trails for research facilities.

The Department supports H.R. 3954 with a small number of technical corrections. We recommend that subsection 2(c) be eliminated as the Wild and Scenic Rivers Act includes direction for establishing a river corridor boundary, submitting the resulting map and legal description to Congress, and providing for public inspection of the map and legal description (16 U.S.C. 1274 (b) and (c)). This matter has been discussed with your staff, as well as other minor technical corrections.

Conclusion:

This concludes my testimony. I look forward to answering any questions you may have.