

Committee on Resources

Subcommittee on Forests & Forest Health

Testimony

STATEMENT OF
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FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

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

Concerning: S. 416, Conveyance of a certain parcel of land from the Deschutes National Forest to the City of Sisters, Oregon for development of a sewage treatment facility;
H.R. 1749, Proposed designation of Wilson Creek, North Carolina, as a component of the national Wild and Scenic River System,
Draft bill designing certain Federal lands in the Talladega National Forest in Alabama, as the Dugger Mountain Wilderness

August 3, 1999

MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to be here today to present the Administration's views concerning S. 416, a bill to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; H.R. 1749, a bill to designate a 23.3 mile segment of Wilson Creek in North Carolina as part of the National Wild and Scenic Rivers System; and the draft bill to designate certain Federal lands in the Talladega National Forest, in Alabama, as the Dugger Mountain Wilderness.

S. 416: While the Administration supports making federal lands available in certain circumstances for public purposes, such as wastewater treatment facilities, the Administration opposes this bill as it is written. However, the Administration will work with the Subcommittee to amend this bill to allow the Townsite Act purchase process currently underway to proceed and allow for the deposit of the sale receipts under the Sisk Act authority.

We have two major concerns with S. 416. **First**, authority already exists to make land available to the city of Sisters under the Townsite Act. **Second**, the bill would direct the conveyance of National Forest lands to the city of Sisters without compensation to the United States, of fair market value, for the lands conveyed.

I would like to address each of these points in more detail.

First, statutory authority already exists for conveyance of land to the city of Sisters, Oregon.

Deschutes National Forest Supervisors have had periodic discussions with elected officials in Sisters for over 10 years regarding the potential for a land exchange or conveyance for the purposes of a wastewater treatment facility. In January 1999, Sisters initiated the formal process for land acquisition by submitting an application for 240 acres under the authority of the Townsite Act. In a letter dated March 10, 1999, Regional Forester Robert Williams indicated that he would elevate the priority of this project in order to expedite the request. The Deschutes National Forest team has completed an Environmental Assessment with a decision to sell 160 acres to the City of Sisters. All deed transfer paperwork is being done on a concurrent track. This conveyance should be allowed to proceed administratively under the Townsite Act. If legislation is needed, then we would support an amendment to direct completion of the Townsite Act process.

Second, S. 416 would convey the property to Sisters at no cost, other than for preparation of documents required by environmental law in connection with the conveyance.

Current law requires payment of fair market value for any National Forest lands exchanged or conveyed to ensure a fair return to the American taxpayers. Indeed, the Federal policy backed by a bipartisan coalition in the executive and legislative branches in recent decades has moved toward maximizing return to the public for the value of lands conveyed out of Federal ownership. The Administration objects to reversing this policy by opening the door to less than fair market value consideration for the disposition of National Forest lands, particularly when other communities have complied with current law in acquiring National Forest lands by either paying fair market value or exchanging for lands of comparable value.

As stated previously, we support completion of this sale under the Townsite Act which requires purchase at fair market value based on the appraised value of the land, and does not require new legislation. If legislation is pursued, we would support a bill that allows for the deposit of the receipts from the sale into a special account established under Public Law 90-171 commonly known as the Sisk Act.

Madam Chairman, while the Administration supports the general objective of making Federal lands available for public purposes, such as wastewater treatment facilities, the Administration opposes S. 416 as written. However, the Administration remains open to discussions with the Subcommittee regarding an amendment that would provide for fair market return to the American public and allow for the deposit of the sale receipts under Sisk Act authority.

Dugger Mountain Wilderness: The Administration supports the concept of designating approximately 9,200 acres of the Talladega National Forest as the Dugger Mountain Wilderness. This area is located on the Shoal Creek Ranger District in Cleburne and Calhoun counties, Alabama. These lands are currently identified as a "Recommended Wilderness Study Area" in five of the eight alternatives under development in the ongoing Forest Land and Resource Management Plan revision process.

The 80 acre parcel of private land, known as the Tommy Taylor Tract, that lies within the recommended wilderness study area, along with an access corridor, are excluded from the proposed Dugger Mountain Wilderness (see July 28, 1999, area map for proposed boundary). There are no outstanding mineral or other property rights in the proposed area.

Approximately 8 miles of the Pinhoti National Recreation Trail cross the proposed area. With Wilderness designation the trail would be maintained to wilderness trail standards similar to the approximately 9 miles of the Pinhoti Trail managed in the Cheaha Wilderness.

A special administrative provision allowing use of mechanical and motorized equipment, for a limited time

period, to remove the fire tower on Dugger Mountain is acceptable to the Administration.

H.R. 1749: The Administration supports enactment of H.R. 1749 designating 23.3 miles of Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System. The study corridor would extend 1/4 mile from each bank running the length of the river. Land ownership within the corridor is: National Forest 9.9 miles, Blue Ridge Parkway 0.6 miles, and Private 12.8 miles.

The outstandingly remarkable values of the Wilson Creek corridor include scenery, recreation, geology, fish and wildlife, botanical communities, and historic and cultural sites.

Wilson Creek was identified on the 1982 Nationwide River Inventory (National Park Service) for potential inclusion in the National Wild and Scenic Rivers System. In 1987, the Final Environmental Impact Statement for the Nantahala and Pisgah National Forests Land and Resource Management Plan determined Wilson Creek to be eligible for designation.

In December 1998, members of the Caldwell County Commission expressed interest in pursuing Wild and Scenic River designation for Wilson Creek. County interests include long term protection for the creek, prohibition of darns and diversions, increased public awareness of the creek's values, and a framework for managing issues like sewage discharge, trespass, and overuse of recreation sites. County interests are consistent with Forest Service management objectives for the corridor.

After receiving much public comment in favor of designation from several public meetings in both Caldwell and Avery Counties, the County Commissioners have passed resolutions in support of designation. County staff estimates 85 - 90% of landowners within the study corridor were contacted about Wild and Scenic River status. They have received verbal comments in support and one letter of concern. The one concern was specifically addressed in the proposed legislation.

This concludes my statement. I would be happy to answer any questions you and Members of the Subcommittee might have.

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