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UNITED STATES DEPARTMENT of AGRICULTURE

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FORESTS AND FOREST HEARLTH

JULY 27, 2006

CONCERNING:

H.R. 2039/S. 225 – Federal Land Recreational Visitor Protection Act of 2005
H.R. 4235 – Browns Canyon Wilderness Act
H.R. 5149 – Eastern Sierra Rural Heritage and Economic Enhancement Act
H.R. 2718 – Idaho Land Enhancement Act
H.R. 5760 – Giant Sequoia National Monument Transition Act of 2006

Mr. Chairman and members of the subcommittee:

Thank you for the opportunity to appear before you today to provide the Department's views on the pending legislation.

H.R. 2039 and S. 225 – Federal Land Recreational Visitor Protection Act of 2005

H.R. 2039 and S. 222, the Federal Lands Recreational Visitor Protection Act of 2005, are companion bills that would require the Secretary of the Interior or Agriculture to establish a program to provide early notification of the risks from and to mitigate the effects of avalanches on visitors to public lands. The Department supports the concepts contained in these bills. However, we do not support the authorization of a grants program in either legislation and strongly recommend the designating the Secretary of Agriculture as the lead for the avalanche protection program in H.R. 2039. S. 225 designates the Secretary of Agriculture as the lead for the avalanche protection program. We cannot support S. 225 unless the grants program authority is deleted. At a time when we are giving priority to reducing the backlog of maintenance on National Forest System lands, we cannot afford to take on the new funding responsibilities under this grants program.

H.R. 2039 and S. 225 describe several goals that would be favorable to the public. These include improved program coordination and development to reduce the risk of avalanche to visitors of public lands, the creation of an advisory committee to assist in development and implementation of an avalanche protection program, and the establishment of a central depository for ordnance used for avalanche control purposes. We support a coordinated and improved avalanche protection program on public lands.

Visitors to public lands that are threatened by avalanches fall roughly into three categories: people driving on mountain highways; people visiting developed sites such as ski areas; and people going into the backcountry to cross country ski or ride a snowmobile. Much of the backcountry and developed winter recreation that takes place in avalanche terrain occurs on National Forests. Over the past 50 years, the vast majority of avalanche fatalities have occurred on National Forest System lands.

The Forest Service plays an important role in avalanche coordination and safety, and the expertise that the agency can bring to developing an avalanche program as envisioned in this legislation is significant. The Forest Service, working with the National Park Service, has a long history of addressing avalanche protection on all federal land. The Forest Service began permitting ski areas on the National Forests in the 1930's and soon recognized that avalanches threatened skiers' safety both traveling to and within permitted ski areas. To reduce the threat, the Forest Service established the Snow Ranger Program in 1938 to provide Forest Service winter sports personnel with rigorous snow science expertise, avalanche forecasting, and training in the use of explosives for avalanche control. Since the 1950's, the Forest Service has played a significant role in furthering research on avalanches.

To further public safety, the Forest Service established the National Avalanche Center in the early 1990s. The National Avalanche Center manages the military artillery program for avalanche control, coordinates a network of backcountry avalanche education and advisory centers, transfers state of the art avalanche technology to the advisory centers, facilitates avalanche research, and develops and distributes avalanche safety products.

There are 17 avalanche backcountry centers located in various locations in Alaska, Washington, California, Colorado,

Utah, Idaho, Montana, Wyoming, and New Hampshire. The Forest Service manages 16 of the centers and the State of Colorado manages one. All of these centers depend upon volunteer efforts and donations in addition to appropriated funds. The Forest Service typically provides about 50 percent of the operating funds for each of its centers, and community "friends" organizations and other agencies typically provide the other 50 percent.

In light of these past and ongoing efforts that the Forest Service has contributed towards avalanche awareness and protection, we recommend that H.R. 2039 designate the Secretary of Agriculture to lead the establishment of a coordinated avalanche program in cooperation with the Secretary of the Interior. In addition, we recommend that the formation of a new grants program under section 3(e) of H.R. 2039 and S. 225 be deleted from both bills. The Departments of Agriculture and the Interior must focus existing funding on effectively managing Federal lands, including avalanche awareness and protection. Creating a new responsibility to fund grants could divert available funds away from these operational needs.

H.R. 2039 and S. 225 would establish a Central Depository for ordnance that is used for avalanche control. A Central Depository is important because all of the military artillery and ordnance assets appropriate for avalanche control are surplus and antiquated. A Central Depository would allow the assets to be stored in a single location. The Depository would assure that artillery and ordnance assets would be better managed to insure that they are not inadvertently destroyed by the military and that optimal climatic storage conditions are provided.

In looking towards the future, it is important that we find alternatives to military artillery and ordnance. These assets are no longer manufactured, and there is no guarantee that they will remain usable throughout their estimated supply life. It is estimated that there is a 10 to 15 year supply of appropriate and usable military artillery and ordnance assets remaining in the United States. The technology exists to develop a system that could replace and out-perform military artillery, could be non-toxic and not leave any shrapnel or other litter when used. At the outset, costs for development and use of this technology will generally be higher than using existing munitions. Once set up costs and R&D costs have been absorbed, the cost would most likely remain the same as using military artillery, or decrease.

H.R. 4235 Browns Canyon Wilderness Act

H.R. 4235 would designate approximately 20,000 acres of the San Isabel National Forest and Bureau of Land Management (BLM) lands near Salida, Colorado as the Browns Canyon Wilderness for inclusion in the National Wilderness Preservation System. The Department supports enactment of H.R. 4235 and the designation of the Browns Canyon Wilderness Area. We recognize and appreciate the efforts of Congressman Hefley in working with the local communities in Chaffee County to reach consensus on this proposal. It is our understanding that the bill has wide community support.

The San Isabel National Forest consists of over one million acres of mountains, rivers, canyons and meadows. The Forest is bounded on the west and north by the Continental Divide and on the east by the Pike National Forest. The Pike and San Isabel National Forests are hosts to approximately 5 million recreation visitor days annually; placing them in the top five most visited urban national forests. There are currently 9 designated Wilderness areas totaling 444,000 acres on the Pike and San Isabel National Forests.

The Forest Service's 12,104 acre portion of the proposed wilderness is bordered on the north by the Fourmile Motorized Use Area, on the west by the Aspen Ridge Road (Forest Service Road #185), on the south by the Railroad Gulch drainage and on the east by the BLM's Wilderness Study Area (WSA) boundary.

All of the Forest Service lands were studied for potential wilderness in the 1984 Pike-San Isabel National Forest (PSINF) land and resource management plan. Under the 1984 Revised Plan, the Browns Canyon area is mostly managed as Big Game Winter Range (Management Prescription 5B) in the west and south portion and Livestock Grazing (Management Prescription 6B) in the north and east portion of the area. Under H.R.4235, primitive recreation, wildlife, scenic and scientific values would be maintained. Although the Browns Canyon area was not recommended for wilderness during the initial planning process, management conditions have changed since the original evaluation. The area contains many attributes that contribute towards the wilderness character. The area represents a lower-lying ecosystem (primarily pinyon/juniper and cottonwood), which contrasts with the high-elevation ecosystems of the fourteen thousand foot peaks across the Arkansas River to the west. It also enhances the adjacent BLM Wilderness Study Area along the Arkansas River.

In the last five years, motorized use issues on the north end of the proposed wilderness boundary have mostly been resolved by the development of the Fourmile Area, leaving the area to the south --in the proposed wilderness -- largely non-motorized and roadless. Additionally, to the northwest of the old gold mining town of Turret, the Forest Service plans to close and gate an existing four-wheel drive road that extends about three miles past Turret towards the BLM's WSA. These two

management changes will greatly improve the overall wilderness character of the area and make this proposed wilderness an outstanding addition to the National Wilderness Preservation System.

H.R. 5149 – Eastern Sierra Rural Heritage and Economic Enhancement Act

H.R. 5149 would provide for the designation of 39,680 acres of the Humboldt-Toiyabe National Forest as an addition to the Hoover Wilderness Area and 640 acres of the Humboldt-Toiyabe National Forest as an addition to the Emigrant Wilderness Area.

H.R. 5149 would also provide for the continued operation and maintenance of the Piute Cabin located in the western portion of the Hoover Wilderness addition as well as providing the appropriate direction for fire, insect and disease management activities, livestock grazing and fish and wildlife management.

The Department supports the designation of the wilderness additions since it is consistent with the Humboldt-Toiyabe Forest Plan direction which recommended the areas for wilderness designation.

The West Hoover area contains the headwaters of the West Walker River with outstanding examples of East-side Sierra Pine Forest leading up to the alpine crest of the Sierra. In addition, portions of the Pacific Crest Trail, a nationally significant National Scenic Trail traverse through the area before entering Yosemite National Park. The area is replete with high mountain meadows, craggy mountain crests, and fishable streams.

The 640 acre addition to the Emigrant Wilderness establishes a non-motorized zone adjacent to the Pacific Crest Trail. The boundary change will maintain the non-motorized experience along the Pacific Crest Trail.

Section 5 of H.R. 5149 would provide for the designation of approximately 24 miles of the Amargosa River under the Wild and Scenic Rivers Act. Four separate segments of the Amargosa would be designated under H.R. 5149 including one wild segment, two scenic segments and one recreational segment. The Amargosa, the “Crown Jewel of the Mojave Desert,” is the only free flowing river in the Death Valley area and as such provides a rare and lush riparian space. These 24 miles flow through lands managed by the Bureau of Land Management (BLM). The BLM supports the designation which is consistent with BLM planning and has strong local backing. The wild and scenic river designations in this bill are the result of a community based effort, and excellent example of cooperative conservation.

H.R. 2718 Idaho Land Enhancement Act

The Idaho Land Enhancement Act would authorize the Forest Service and the Bureau of Land Management (BLM) to enter into a collaborative land exchange with the State of Idaho and the City of Boise, Idaho. The exchange was initiated by the City of Boise to preserve open space in the Boise Foothills. In May 2001, Boise residents voted a special \$10 million levy to protect open space in the Boise Foothills. These funds have been used for transactions such as conservation easements and land purchases as well as support of land exchanges between various government agencies. This exchange would culminate a long-term effort by all parties to preserve the character of the Boise Foothills, to increase long term financial return to the Idaho State Endowment Fund and to improve land management through consolidation of land ownership on federal and state lands. The Department supports enactment of H.R. 2718, and we have some recommendations for the committee to consider.

The Boise metropolitan area is one of the fastest growing regions in the nation. The Boise Foothills region provides a scenic backdrop as well as multiple opportunities for outdoor recreation activities by area residents. The State of Idaho manages approximately 5,000 acres of State Endowment lands within the Foothills that have significant residential development potential. These lands have a State Constitutional mandate to maximize revenue to benefit State public schools. These lands currently yield very little revenue from livestock grazing or from any other source thus there are incentives to convey the land out of public ownership.

To reduce the potential of scenic and recreational lands that are highly-valued by the City of Boise from being developed, H. R. 2718 would authorize the exchange of certain state and Federal lands. The bill would direct the Secretary to accept an offer from the State to convey State lands in the Foothills to the BLM and the Forest Service in exchange for federal timbered lands under the jurisdiction of the Forest Service. The administrative costs associated with the conveyance of the Federal land and State land would be paid by the City of Boise.

The proposed land exchange addresses threats of unmanaged recreational use, habitat fragmentation, and fire and fuels reduction in both Northern and Southern Idaho. This proposal has been proceeding through the administrative process for land exchanges. Upon determination that the exchange was feasible and worthy of continued study, on April 26, 2005,

the City of Boise, Idaho Department of Lands, Forest Service and the BLM signed an agreement to initiate an exchange.

As part of the agreement, BLM, the Forest Service and Boise City agreed to be jointly responsible for completing environmental and cultural review work on Federal lands being transferred to the State of Idaho. Boise City paid for contract environmental and cultural review work approved by all parties to the agreement. BLM, the Forest Service, Idaho Department of Lands, and Boise City were jointly responsible for the completed mineral potential reports, also financed by the City of Boise.

Under the agreement, initial scoping was done for the purposes of the National Environmental Policy Act. BLM and the Forest Service have completed the following resource assessments: cultural/historic, Threatened and Endangered Species, biological, botanical, noxious weeds, timber, wetlands, floodplains, water resources, recreation, wilderness, visual, socio-economic and environmental justice, mineral and mineral potential. Pursuant to the Congressional Finding in Sec. 5(e), the Forest Service would carry out no further administrative or environmental analysis in completing the exchange as delineated in the bill.

The April, 2005 agreement to initiate provides the framework for H.R. 2718. Since the introduction of H.R. 2718 the agreement was modified in March of 2006 to include the addition of a 730 acre parcel of State of Idaho land as part of the exchange to be conveyed to the BLM. This additional parcel was added to incorporate a previously planned exchange between the BLM and the State of Idaho which helps to equalize the overall values for the Idaho Land Enhancement exchange. Under the proposed exchange, approximately 7,220 acres of National Forest System land within the Idaho Panhandle National Forest and the Clearwater National Forest would be conveyed to the State of Idaho. Approximately 11,815 acres of land under the jurisdiction of the Idaho Department of Lands would be conveyed to the Bureau of Land Management (7,730 acres) and to the U.S. Forest Service (4,085 acres). In addition 2,111 acres in the Grandmother Mountain area currently under the jurisdiction of the Bureau of Land Management in Shoshone County, Idaho would be transferred to the Secretary of Agriculture to be administered by the Forest Service on the Idaho Panhandle National Forests. Appraisals were conducted, reviewed and approved by the interdepartmental appraisal review team. The appraisals were conducted in accordance with applicable Federal appraisal standards and the appraisals reflect market value. These appraisals are valid until mid September of 2006.

Management of National Forest System lands within the Idaho Panhandle, Boise, Wallowa-Whitman and Clearwater National Forests would be improved with the consolidation of land ownership patterns achieved by the Act. Efficiencies will be realized by reducing the number of joint-use roads and easements, and decreasing costs associated with boundary management. Consolidation of National Forest ownership within the Elk Creek watershed will prevent habitat fragmentation and increase opportunities for public recreation in a popular area of the Clearwater National Forest. Likewise, the State of Idaho and the BLM will benefit from land ownership consolidation and increase ability to achieve important management objectives.

The 2,111 acre Grandmother Mountain tract is in an area where other land under BLM jurisdiction was previously transferred to the Forest Service. Through the Arkansas-Idaho Land Exchange Act of 1992 approximately 10,000 acres of land administered by the BLM were conveyed to the Forest Service. The 2,111-acre remaining BLM tract is identified as a Wilderness Study Area. The legislation provides that land transferred to the Forest Service that was previously designated as a Wilderness Study Area shall be managed in a manner that preserves the suitability of the land for designation as wilderness until Congress determines otherwise.

For efficiency in completing the exchange and to eliminate the need to reappraise the properties, we recommend that the legislation be amended to extend the validity of the current appraisal reports beyond September of 2006. We would be willing to work with the committee on specific language. We would also recommend that the reference to the agreement in Sec. 2 – Definitions, be modified to add subsequent amendments to the Agreement to Initiate.

H.R. 5760 Giant Sequoia National Monument Transition Act of 2006

Giant Sequoia National Monument Sale Program

In April of 2000, President Clinton designated through Proclamation the Giant Sequoia National Monument on approximately 327,000 acres of National Forest System lands within the Sequoia National Forest. The Presidential Proclamation states that the establishment of the Sequoia Monument is “subject to valid existing rights” and that “timber sales under contract as of the date of the Proclamation and timber sales with decision notices signed after January 1, 1999 but prior to December 31, 1999 may be completed consistent with the terms of the decision notice and contract.”

Subsequent to the designation of the National Monument, the United States District Court for the Northern District of

California issued a preliminary injunction as a result of a lawsuit involving three timber sales either partly or wholly within the Monument. The timber sales were among those timber sales that could be completed pursuant to the proclamation. The court has enjoined the operation of two of the timber sales, Saddle Helicopter and Ice Helicopter. The third timber sale, White River, was not operating at the time of the lawsuit, and so has not been enjoined. A decision on the challenged timber sales is pending.

H.R. 5760 would allow the Secretary of Agriculture to proceed with and complete timber sales within the boundaries of the Giant Sequoia National Monument that were under contract or for which a decision notice was signed during the time periods referenced in the proclamation. Approximately 16.4 million board feet of timber were sold under the contracts for these timber sales. Section 2(b) of the bill would state that nothing in the terms of an applicable contract or decision notice for a timber sale described in section 2(a) would be considered to be arbitrary or capricious under any provision of law so long as trees greater than 30 inches in diameter at breast height are not harvested for other than safety reasons, as determined by the Secretary.

The Department does not object to the provisions of H.R. 5760 that would enable the timber sales to go forward, as provided for in the Monument Proclamation. Consistent with the Administration's long standing policy, these timber sales do not involve the offering for sale of any trees classified as giant sequoia (*Sequoiadendron giganteum*).

Kings River Demonstration Project

H. R. 5760 would redesignate the Kings River Demonstration Project as the "Kings River Research Project" for the purposes of providing research on the short-term and long-term impacts of fuels reduction and forest health treatments on the Pacific Fisher, California spotted owl, and the Kings River Watershed.

The Kings River Demonstration Project was started in 1994, out of concern about the status of the California spotted owl and the need for new directions for managing National Forest System lands in the Sierra Nevada for multiple resources and values. To determine whether forested ecosystems could be managed to maintain essential components and still support a variety of uses, the Sierra National Forest teamed up with the Pacific Southwest Research Station (PSW) in an adaptive management study. Two adjacent watersheds covering about 132,000 acres have been included in the Kings River Demonstration Project. The current emphasis is to restore historical pre-1850 forest conditions across the watersheds using uneven-aged silvicultural treatments with regeneration in groups and prescribed fire. Managers and researchers would then examine the response of an array of ecosystem elements to these forest management activities and conduct subsequent related management activities through an adaptive management process with scientifically designed protocols. The intention is to implement these treatments in suitable locations over time and to monitor the response of physical, chemical, and biological features of these watersheds.

Of the 132,000 acres in the two watersheds, about 13,700 acres, divided into 8 project areas, have been analyzed in a Draft Environmental Impact Statement. In addition to the emphasis on restoring historical pre-1850 forest conditions, these projects, planned to begin during the next three years, have the following key purposes: to reduce the risk in the wildland urban interface from catastrophic fire, to increase the number of large trees, to control noxious and non-native weeds, and to improve watershed conditions.

The proposed legislation would require the Secretary of Agriculture to complete a final environmental impact statement and issue a record of decision for the Kings River Research Project by no later than October 31, 2006. The legislation would deem the final environmental impact statement, record of decision, and all actions implementing the Project to be in compliance with the Forest and Rangeland Renewable Resources Planning Act, section 14 of the National Forest Management Act, the National Environmental Policy Act and other applicable environmental laws so long as any timber removed under the Project is removed using uneven-aged silvicultural treatments.

The Department does not oppose the provisions of H.R. 5760 related to completion of the required environmental review and compliance with applicable laws for the Kings River Research Project. We are currently developing the applicable environmental documents for this project. We intend to complete the Final Environmental Impact Statement and issue a Final Record of Decision in a timeframe similar to that identified in H.R. 5760. We plan to continue to work with our interested publics through the established public involvement processes as we develop these documents through completion.