

**TESTIMONY of
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FOREST SERVICE**

**BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING**

July 12, 2023

Concerning

- S. 1015, “To require the Secretary of Agriculture to convey the Pleasant Valley Ranger District Administrative Site to Gila County, Arizona”**
- S. 1254, “Wild Olympics Wilderness and Wild and Scenic Rivers Act”**
- S. 1634, “Colorado Outdoor Recreation and Economy Act”**
- S. 1776, “PUBLIC Lands Act”**
- S. 2136, “Utah State Parks Adjustment Act”**
- S. 2149, “Blackfoot Clearwater Stewardship Act”**
- S. 1622, “End Speculative Oil and Gas Leasing Act of 2023”**
- S. 2216, “Montana Sportsmen Conservation Act”**
- S. 636, “Dolores River National Conservation Area and Special Management Area Act”**

Madam Chairman Cortez Masto, Ranking Member Lee, and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) on several bills pertaining to the USDA Forest Service. We defer to the U.S. Department of the Interior (DOI) for its views on those elements of the bills that would affect federal lands under its jurisdiction.

S. 1015, “TO REQUIRE THE SECRETARY OF AGRICULTURE TO CONVEY THE PLEASANT VALLEY RANGER DISTRICT ADMINISTRATIVE SITE TO GILA COUNTY, ARIZONA”

S. 1015 would authorize a land conveyance between the USDA Forest Service, Tonto National Forest and Gila County, Arizona. The conveyance would be required if requested within 180 days after enactment of the bill. The bill would establish the terms for the conveyance as well as conditions for reversion of the conveyance.

The Tonto National Forest is currently using a portion of the administrative site that consists of a fire warehouse, helipads, and a fenced parking/storage area as depicted on the legislative map as

“USFS Area.” The remainder of the administrative site depicted as “Gila County Area” is currently under a special use permit as a term lease and the Tonto National Forest does not have existing plans to use it in the future. Transferring the site should not impact the Forest’s administrative or firefighting capacity, and executing the transfer is unlikely to impede the Forest and the Agency’s ability to serve the public.

This bill would include several provisions related to the transfer. The action to initiate the transfer is clearly described, and the parcel for transfer is identified through a legislative map. All of the costs of conveyance are to be borne by the recipient of the transfer, and the agency is not required to provide a covenant or warranty with respect to environmental conditions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Finally, the interest of the public and government are protected through the reversion clause; should the land cease to be used for the purpose identified in the legislation, the ownership reverts back to the USDA Forest Service.

The USDA supports S. 1015, as a straightforward and commonsense solution to provide Gila County Arizona with a facility that they can use to provide services to veterans, but would like to work with the committee to ensure historic resources are protected as the agency complies with Section 106 of the National Historic Preservation Act and to provide the Secretary with some oversight authority should the reversionary clause be utilized and the parcel to return to federal ownership.

S. 1254, “WILD OLYMPICS WILDERNESS AND WILD AND SCENIC RIVERS ACT”

USDA supports S. 1254, “Wild Olympics Wilderness and Wild and Scenic Rivers Act,” and would like to work with the committee and the sponsor of this bill to address some technical and timing concerns.

S. 1254 would designate new and expand existing Wilderness areas, potential Wilderness areas, and certain rivers in the Olympic National Forest and Olympic National Park as wild and scenic rivers. My testimony pertains only to the designations proposed on the Olympic National Forest. We defer to the DOI on portions of the bill pertaining to the Olympic National Park. USDA recognizes the importance of Wilderness areas and wild and scenic rivers, and the USDA Forest Service embraces its mission to steward and safeguard Wilderness character in Wilderness areas, and the free-flowing condition, water quality, and outstandingly remarkable values of wild and scenic rivers.

We would like to work with the committee and bill sponsor to consider Wilderness boundary modifications. Our experience is that Wilderness boundaries that follow topographic features like contour lines, creeks, and ridgetops are more manageable than boundaries based on age-class differences in timber stands, which can be difficult to describe and survey.

Of the 19 rivers proposed for wild and scenic river designation in the bill, 13 include segments flowing through the NFS. Portions of two of those rivers, the Duckabush River and the

Dungeness River, were found eligible and suitable for designation under the 1990 Olympic National Forest Land Management Plan. As part of that public planning process, the Olympic National Forest found that two segments totaling 9.4 miles of the Duckabush River have outstandingly remarkable values for fish, geology, and scenery. For the Dungeness River, the Olympic National Forest determined that six segments totaling 22.7 miles of the mainstem and its tributary the Gray Wolf River have outstandingly remarkable values that include fish, scenery, and geology. We would like to work with the committee and bill sponsor to identify potential locations for future restoration or habitat improvement work to ensure the wild and scenic river designations appropriately support the specific fisheries and water quality management needs of these watersheds.

Additionally, USDA wants to ensure any new designations are properly integrated into the National Wild and Scenic Rivers System with enough time to develop comprehensive river management plans and to establish detailed boundaries in cooperation with Tribes, state and local governments, and interested public stakeholders. The short timeframes identified under Sections 3(b) and 3(d) of the Wild and Scenic Rivers Act for identifying detailed boundaries and completing comprehensive river management plans will be challenging to meet. We appreciate language included in Section 3(c) of this bill to provide an additional degree of flexibility on timeframes associated with completing comprehensive river management plans for these designations. However, we would like to work with the committee and bill sponsor to clarify the intended effect of this provision in relation to the timelines and scale of future land management plan revisions for the Olympic National Forest.

S. 1634, “COLORADO OUTDOOR RECREATION AND ECONOMY ACT”

S.1634, the “Colorado Outdoor Recreation and Economy Act” (CORE Act) includes provisions that pertain to management of the National Forests in Colorado, including designation of new Wilderness areas, designation of wildlife conservation areas, mineral withdrawals, boundary modifications, transfer of jurisdiction of National Forest System (NFS) lands, and other administrative provisions. This bill would provide wilderness and special management protection on over 400,000 acres of land in Colorado.

USDA supports S.1634, the CORE Act, and defers to the DOI for their views on the bill as it affects public lands under their jurisdiction.

The USDA Forest Service is deeply committed to connecting all Americans to the outdoors. Outdoor recreation attracts people to visit, live, and work in gateway and rural communities and supports the health, well-being, and economic vitality of those communities. Recreation on NFS lands contributes more than \$13.7 billion to America’s gross domestic product and supports more than 161,500 full and part-time jobs, the vast majority of which are in gateway and rural communities.¹ Recreation on NFS lands sustains more private sector jobs than any other USDA Forest Service program and provides the single largest economic stimulus for many local communities adjacent to or within NFS lands. Outdoor recreation opportunities and amenities are

¹ 2021 National Visitor Use Monitoring survey. These numbers reflect total benefits (direct, indirect, and induced).

consistently ranked as one of the primary reasons people move to rural towns and can be a leading contributor to small town economies.

TITLE I—CONTINENTAL DIVIDE

Title I of the CORE Act would designate five Wilderness area additions, one potential Wilderness area addition, and three Wildlife Conservation Areas, as well as the “Sandy Treat Overlook” at an existing interpretive site within the newly established Camp Hale – Continental Divide National Monument. These areas are located on the White River National Forest, the most visited forest in the country. The landscapes are generally high elevation and attract millions of visitors wanting to enjoy the views and recreate as hunters, anglers, hikers, mountain bikers, skiers, and off-road riders. These areas also support sensitive ecosystems and diverse wildlife. Title I would also include a boundary adjustment to the White River National Forest to include approximately 120 acres as well as an adjustment to the boundary of the Potential Wilderness within the Rocky Mountain National Park.

The proposed designations would permanently withdraw, subject to valid existing rights, all NFS lands within these areas on the White River National Forest from location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws. USDA supports the designations and the boundary adjustment to the White River National Forest. USDA defers to the DOI for their views on the bill as it affects public lands under their jurisdiction.

The Ptarmigan Peak Wilderness Additions

Section 102(a)(1) would designate 6,896 acres of the White River National Forest, currently depicted as the “Proposed Ptarmigan Peak Wilderness,” for incorporation into and management as part of the existing Ptarmigan Peak Wilderness designated by section 2(a)(18) of Public Law 103-77.

The Ptarmigan Peak Wilderness lies on the western flank of the Williams Fork Mountain Range, three miles east of Silverthorne, Colorado, on the White River National Forest. The four proposed Wilderness additions encompass approximately 6,896 acres of NFS lands adjacent to the existing Wilderness. These additions include Ute Pass, Acorn Creek, Straight Creek, and Ptarmigan. The proposed designations would largely be consistent with current management.

The Eagles Nest Wilderness Additions

Section 102(a)(2) would designate 7,634 acres of the White River National Forest, depicted as the “Proposed Freeman Creek Wilderness Addition” and the “Proposed Spraddle Creek Wilderness Addition,” to be incorporated into and managed as part of the “Eagles Nest Wilderness” designated by Public Law 94-352. The Act would designate two separate parcels on the west side of the existing Wilderness area. The proposed designation would largely be consistent with current management.

The proposed Freeman Creek Wilderness Addition would encompass 978 acres within the National Forest boundary. In the Forest Plan, 289 acres of the proposed addition are

recommended for Wilderness designation. The remaining acres are currently managed for non-motorized recreation opportunities and the four remaining acres are private lands.

The proposed Spraddle Creek Wilderness Addition would encompass 6,656 acres. Of those, 872 acres are recommended for Wilderness designation under the Forest Plan. The remaining acres are currently managed for primitive backcountry experiences. Although this designation would remove 2,797 acres from consideration for commercial timber harvest and active forest management, there are no current plans for any commercial harvesting in the area.

Spraddle Creek Wildlife Conservation Area

Section 106 would designate the “Spraddle Creek Wildlife Conservation Area” (Spraddle Creek WCA) on approximately 2,674 acres of the White River National Forest to conserve, protect and enhance wildlife, scenic, roadless, watershed, recreational and ecological resources. Motor vehicles and mechanized transport would be prohibited in the Spraddle Creek WCA except for emergency response and as a minimum requirement in carrying out vegetation management. Activities may be undertaken in the WCA to manage wildfire and treat hazardous fuels, insects and diseases, including the sale of merchantable material that is a byproduct of those activities.

TITLE II—SAN JUAN MOUNTAINS

Section 202 would designate several parcels of the Grand Mesa, Uncompahgre, and Gunnison National Forests totaling approximately 22,841 acres as Wilderness under the National Wilderness Preservation System. These parcels would be additions to the existing Lizard Head and Mount Sneffels Wilderness areas.

Section 203 would also designate the Sheep Mountain and Liberty Bell East areas as Special Management Areas to be managed to maintain or improve the area’s existing Wilderness character for potential inclusion in the National Wilderness Preservation System. Section 203(e) would require the Secretary of Agriculture to complete a study on ensuring safe access for Nordic skiing in the vicinity of the Sheep Mountain Special Management Area.

Additionally, Section 205(h) would permanently withdraw these designated lands as well as 6,590 acres of NFS lands in Naturita Canyon on the Uncompahgre National Forest from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and operation under the mineral leasing and geothermal leasing laws.

USDA supports these designations and withdrawals and defers to the DOI regarding the proposal in section 203 to designate approximately 8,884 acres of Bureau of Land Management lands as the McKenna Peak Wilderness and the release of the Dominguez Canyon Wilderness Study Area in section 204.

TITLE III—THOMPSON DIVIDE

Section 303 would withdraw approximately 200,567 acres of NFS lands from operation of the public land, mining, mineral leasing, mineral materials, and geothermal leasing laws, subject to

valid existing rights. The Forest currently operates grazing permits, outfitter and guide permits, and mineral leases in the area consistent with their respective Land Management Plans. USDA supports these withdrawals in the CORE Act and defers to the DOI for their views on the bill as it affects public lands under their jurisdiction including fugitive coal mine methane collection and use. Title III is aligned with recent steps by the Biden-Harris administration to protect the Thompson Divide area in Central Colorado through an administrative withdrawal process which would include approximately 200,518 acres of NFS lands. USDA would prefer that the minor difference in affected NFS acreage between the CORE Act and the administrative proposal be resolved in favor the administrative withdrawal map to better achieve management efficiencies.

TITLE IV—CURECANTI NATIONAL RECREATION AREA

Section 402 would establish the Curecanti National Recreation Area (NRA), consisting of approximately 50,300 acres in Colorado and allows DOI to enter into management agreements, or modify existing agreements, relating to the authorities of several DOI bureaus and USDA Forest Service to manage federal land within the National Recreation Area. Section 403 would transfer administrative jurisdiction of approximately 2,500 acres of the Gunnison National Forest to the National Park Service as part of the NRA. USDA supports the establishment of the Curecanti NRA and the transfer of administrative jurisdiction to the National Park Service.

S. 1776, “PUBLIC LANDS ACT”

USDA supports the goals of S. 1776, Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act, and would like to work with the subcommittee and bill sponsor to address some technical concerns.

As a general matter, USDA would like to ensure that any new wild and scenic river designations are properly integrated into the National Wild and Scenic Rivers System with enough time to develop comprehensive river management plans (CRMPs) and to establish detailed boundaries in cooperation with Tribes, State and local governments, and interested stakeholders. The timeframes identified under Sections 3(b) and 3(d) of the Wild and Scenic Rivers Act for completing detailed boundaries and CRMPs could be challenging to meet. We would like to work with the subcommittee and bill sponsors to identify ways to support timely completion of CRMP and boundary requirements.

In this testimony, we address proposed designations on lands administered by the Forest Service. We defer to the DOI regarding the designations on the lands and interests administered by the Bureau of Land Management and the National Park Service.

Title I - Northwest California Wilderness, Recreation, and Working Forests

Title I would address restoration needs, recreation, and land conservation on federal lands in California. It accomplishes these goals through forest restoration activities, authorizing new partnerships for various activities, and requiring that fire management planning be incorporated into the land management plan revision process. Title I would also add or potentially modify recreation trail systems, designates new wilderness areas, creates additions to existing

wildernesses, and designates certain rivers in California as wild and scenic rivers. USDA understands the overarching intent of this legislation is to recognize the importance of wilderness areas, recreation, and wild and scenic rivers.

Subtitle A

Several provisions in Subtitle A would be challenging to reconcile and implement with the agency's existing land management plans. For example, section 111 would include a level of detail on management activities such as details on shaded fuel breaks, trail management, and special area designations, that would be better resolved through our planning process. Section 113 would establish the Northern California Public Lands Remediation Partnership for the purpose of providing for the remediation of the specified NFS lands and Bureau of Land Management lands in northern California affected by illegal marijuana cultivation or other illegal activities. The Forest Service has robust protocols and procedures for on-the-ground and aerial law enforcement patrols for addressing illegal marijuana cultivation in California, where over 75% of all cultivation sites on public land are located on NFS lands. It would be beneficial for the Forest Service to have additional representatives in the California Public Land Remediation Partnership.

The agency is concerned about the prescriptive nature of section 117 and would like to work with the Committee to address that concern. The agency appreciates the increased timeframes for the feasibility studies and management plans required in the bill.

Subtitle B

USDA supports creating trail systems that enhance connections to communities and welcomes working with the Subcommittee, bill sponsor, local governments, and stakeholders to provide new recreation opportunities. However, the agency already possesses the authority to designate trails described in these provisions. The agency also possesses the partnership authorities outlined in Subtitle B.

Subtitle C

This subtitle would establish new wilderness areas, as well as potential wilderness areas, expand existing wilderness areas and designate certain rivers in Northwest California as wild and scenic rivers. The agency has some technical concerns and clarifications that we would like to work with the subcommittee and the sponsor of this bill to address. My testimony pertains only to the designations proposed on NFS lands.

Of the 37 rivers proposed for wild and scenic river designation in the bill, 17 are in areas managed by the Forest Service. Of these, portions of five of these rivers (the North Fork Trinity River, South Fork Trinity River, Hayfork Creek, Canyon Creek, and Middle Eel River) were previously supported for designation through the agency's land management planning process. A portion of one additional river (Red Mountain Creek) was previously found eligible but a suitability study has not been completed. The outstandingly remarkable values identified by the agency for these eligible and suitable segments include scenery, fish, recreation, and geology.

Subtitle C includes additions to seven existing wildernesses, designates six new wilderness areas and six potential wilderness areas on NFS lands. Several proposed areas for “Potential Wilderness” designations have a variety of non-conforming uses or conditions affecting wilderness character, including previously harvested areas as well as roads. While these additions and designations were not recommended for designation through the agency’s land management planning process, USDA is supportive of these designations.

The bill includes a provision that would allow for continuation of a competitive equestrian event after the Chinquapin Wilderness is established in substantially the same manner and degree in which it has been operated in the past. This type of event is not consistent with current wilderness policy, which prohibits competitive events, and USDA is concerned that this will set a precedent for future events in other wilderness areas. We would like to work with the bill sponsors to remove this special provision and provide for alternate routes for this event that would not intrude into wilderness. USDA recognizes that climbing is an appropriate activity in wilderness when conducted in accordance with applicable law, regulations, directives, and land management and climbing management plans and would like to work with the bill sponsors regarding the text of this subtitle.

Title II – Central Coast Heritage Protection

We recognize and appreciate the ongoing multi-year efforts of the sponsor and subcommittee toward improving the manageability of the multiple areas identified in this legislation. The bill would designate certain NFS lands on the Los Padres National Forest in California as wilderness, would create additions to existing wildernesses, and would designate potential wilderness areas, Scenic Areas, and a National Scenic Trail. The legislation directs the Forest Service to study the feasibility of connecting the northern and southern portions of the Los Padres National Forest using a trail corridor, the feasibility of opening a new trail to an existing off-highway vehicle trail system, and the possibility of improving non-motorized recreation trail opportunities on certain lands. Finally, the bill would include a provision to ensure Tribes have access to wilderness, scenic areas, and potential wilderness areas for traditional cultural and religious purposes.

Specifically, the bill would include additions to eight designated wilderness areas and one new wilderness designation for a total of 182,940 acres of NFS lands; provisions for two potential wilderness areas that would convert to two additions to designated wilderness areas within 20 years for a total of 41,937 acres. Three of the proposed wilderness additions in the bill were recommended for designation through the agency’s land management planning process: Chumash, Dick Smith and Matilija. The USDA has concerns with the fragmentation and ability to manage the Fox Mountain potential Wilderness Area, which would become an addition to the San Rafael Wilderness Area. The cherry stems and four excluded mountain bike trail corridors within the wilderness area would have a high potential for mountain bike trespass into the wilderness area. To preserve wilderness character, we would like to work with the bill sponsor to not exclude these trails and make them non-mechanized.

The bill would also include additions to three existing wild and scenic rivers and designation of three new wild and scenic rivers, adding a total of 159 miles to the National Wild and Scenic

Rivers System. Portions of two of these rivers (21.3 miles of Sespe Creek and 38.5 miles of Piru Creek) were previously found to be eligible and suitable for future designation through a congressionally authorized study completed by the Los Padres National Forest. An additional 11.5 miles of Piru Creek has been found eligible but a suitability study has not been completed. The outstandingly remarkable values identified by the agency for these segments include recreation, scenery, wildlife, geology, and cultural values. Finally, the bill contains provisions that would create the Condor Ridge and Black Mountain Scenic Areas comprising 34,882 acres and creates the Condor National Scenic Trail.

USDA would like to work with the subcommittee on minor technical corrections required to ensure that the acres listed in the legislation match the acres shown on the maps referenced in the bill. Also, USDA would like to ensure a consistent and deliberate approach to mapping the areas proposed for wilderness to maximize effective management of the wilderness areas, including forest health and resiliency and approaches to mitigate conflicts with existing uses.

This title requires maps and legal descriptions for the boundaries of the potential wilderness areas, and updated maps and legal descriptions when the trail(s) have been reconstructed, realigned or rerouted. USDA would like to work with the subcommittee to ensure that correct and accurate maps and legal descriptions underpin this legislation.

The Department would also like to clarify the intent of the bill sponsor as to whether motorized equipment and mechanical transport will be allowed on the Condor National Scenic Trail in the non-wilderness segments, including use of mechanical/motorized tools to maintain the trail such as chainsaws. USDA would like to work with the bill sponsors to consider an alternative route to the proposed Condor Trail to avoid potential impacts to the Research Natural Area.

Section 211 would require the Secretary to ensure that Tribes have access, in accordance with the Wilderness Act, to wilderness areas for traditional, cultural, and religious purposes. In carrying out this provision, the Secretary would be authorized, upon request of an American Indian Tribe, to temporarily close public access to portions of areas designated by the bill to protect the privacy of Tribal traditional cultural and religious activities in the area. USDA is very supportive of ensuring Tribal access to National Forest System lands.

Title III – San Gabriel Mountains Foothills and Rivers Protection

Title III would expand the boundaries of the San Gabriel Mountains National Monument to include an additional 109,143 acres of NFS lands, as well as designate approximately 29,042 acres in four areas as components of the National Wilderness Preservation System on the Angeles National Forest, and 45.5 miles of four rivers as components of the National Wild and Scenic River System. We defer to the DOI for a position on Section 313, which would establish the San Gabriel National Recreation Area.

USDA has not analyzed a proposed expansion of the San Gabriel Mountains National Monument. All four rivers proposed for wild and scenic river designation in the bill are in areas managed by the Forest Service. While three of these rivers (the East Fork, North Fork, and West Fork of the San Gabriel River) were previously found to be eligible, a suitability study has not been completed. The eligibility determinations in the Angeles National Forest's Land

Management Plan for these three rivers identify outstandingly remarkable values that include fish, history, scenery, recreation, and wildlife. One of the four rivers (Little Rock Creek) is not currently identified by the Forest Service as eligible or suitable for designation.

The bill also includes two wilderness additions and designation of two new wilderness areas on NFS lands. One of the proposed wilderness additions (Sheep Mountain) in the bill was recommended for designation through the agency's land management planning process.

The bill includes a provision that would allow the Angeles Crest 100 competitive running event to take place in two wilderness areas (Pleasant View Ridge Wilderness Area and the proposed Sheep Mountain Wilderness Addition) in substantially the same manner and degree in which it has been operated in the past. This type of event is not consistent with the wilderness act nor implementing policy, which prohibits competitive events, and the Administration is concerned that this will set a precedent for future events in other wilderness areas. We would like to work with the bill sponsors to remove this special provision and provide for alternate routes for this event that would not intrude into wilderness.

S. 2136, "UTAH STATE PARKS ADJUSTMENT ACT"

S. 2136 would convey several federal lands under different federal jurisdictions to various Utah State parks. The act would require the Secretary of Agriculture to convey approximately 272 acres of NFS lands in Sevier County, Utah.

The parcel described by the Fremont Indian State Park Conveyance is managed by the Forest Service and includes a public campground, remnants of a historic guard station with an associated interpretive site, and an important entry point to a non-motorized historic trail, all of which are open to the public. The parcel also contains part of a grazing allotment under permit by the Fishlake National Forest and water rights held by the Forest Service that provides water to the campground, Forest Service pack stock, and potentially to livestock on the permitted allotment.

The USDA has concerns with the Fremont Indian State Park Conveyance as described in S. 2136. These concerns relate to certain details for the proposed conveyance, including prescribed time frames and diligence, future access by the Forest Service for roads and trails easements, addressing current public uses, and procedures for resolving conflicts between the maps, acreage estimates and legal descriptions. USDA would like to work with the bill sponsors and the Committee to address specific concerns related to the conveyance to ensure continued public use and enjoyment of these lands.

S. 2149, “BLACKFOOT CLEARWATER STEWARDSHIP ACT”

S. 2149, the Blackfoot Clearwater Stewardship Act, is a multi-faceted bill affecting the Lolo National Forest (Lolo) in Montana. USDA supports this bill and strongly appreciates Senator Tester’s commitment to Montana’s natural resources and public lands. We recognize that the proposed bill is the product of a collaborative effort, and we appreciate that this legislation would provide benefits to Montana’s communities and the Lolo National Forest. We look forward to working with the subcommittee and Senator Tester as the bill progresses.

The bill directs the Secretary of Agriculture to develop a landscape assessment of watershed conditions and restoration needs on the Seeley Lake Ranger District within three years of enactment. It further directs the Secretary, in collaboration with interested parties, to develop a 10-year schedule of restoration projects as soon as practicable following the assessment. Restoration projects developed pursuant to the Act may be implemented using the authorities found in the Healthy Forests Restoration Act of 2003.

Additionally, the bill would establish a 2,013-acre Otatsy Recreation Management Area in which recreational motorized and mechanized uses and temporary roads generally would be prohibited and snowmobiles would be allowed during the winter, as determined by the Secretary. S. 2149 also would establish a 3,835-acre Spread Mountain Recreation Area in which motorized use generally would be prohibited but mechanized use would be allowed. S. 2149 would require the Secretary to analyze, within three years of receipt, a collaboratively developed proposal to improve motorized and non-motorized recreational trail opportunities within the district if such a proposal is submitted within five years of enactment. Finally, the bill would designate an additional 79,060 acres to the National Wilderness Preservation System.

The Lolo Land Management Plan revision, which includes extensive public engagement, has begun. The land management plan revision includes a forest-wide assessment to inform the development of desired conditions and objectives for the restoration and maintenance of ecological conditions across the plan area. It identifies priority watersheds for restoration using the National Watershed Condition Framework. As that effort overlaps with and informs the requirements in Title 1, we would like to work with the bill sponsor to coordinate the desired outcomes of this legislation with our plan revision process.

Title II, section 203, would require the Forest Service to prepare a NEPA analysis for any collaboratively developed proposal to improve motorized and non-motorized recreational trail opportunities within the Ranger District within three years of receipt of the proposal. USDA would like to work with the bill sponsor to align this work with the land management plan revision process to enhance efficiency.

USDA recognizes and appreciates that the bill is the product of a collaborative effort. The concepts embodied in this legislation—such as recognizing collaboratively developed landscape scale restoration and recreation proposals—are greatly appreciated. USDA shares Senator Tester’s respect for and commitment to collaboration, and the Forest Service is working with and will continue to work with Senator Tester on modifications to ensure that implementation of the bill will complement the Lolo National Forest land management plan revision process.

S. 1622, “END SPECULATIVE OIL AND GAS LEASING ACT OF 2023”

S.1622 establishes conditions under which the DOI’s Bureau of Land Management (BLM) may issue federal oil and gas leases. These conditions consider the status of a reasonably foreseeable development scenario (RFDS) analysis and emphasize evaluation of other land uses in leasing decisions. S.1622 directs the Secretary of Interior to cooperate with the Secretary of Agriculture when it conducts an RFDS analysis for lands within the NFS.

Recognizing that the BLM develops reasonably foreseeable development scenarios, issues leases, and then issues all permits for post leasing drilling, production, and reclamation activities, my testimony will focus on issues and information specific to NFS lands.

Oil and gas leasing on NFS lands is a partnership between the BLM and the Forest Service. The BLM is the administrator of the federal mineral estate and regulates all oil and gas activities below ground, as well as issues drilling permits and conducts the actual sale of oil and gas leases. In context of use and development of federally owned oil and gas resources, the Forest Service’s principal responsibility is for management of surface resources. The Forest Service seeks to ensure that development of subsurface resources is carried out in a manner that will minimize the impact on these surface resources.

The Secretary of the Interior has the authority to issue oil and gas leases on federal lands. The Mineral Leasing Act directs that on NFS lands reserved from the public domain, no lease may be issued over the objection of the Secretary of Agriculture. The Forest Service’s consent to lease is similarly required for acquired NFS lands (e.g., those lands added to the NFS by the Weeks Act of 1911 or the Bankhead Jones Farm Tenant Act of 1937) pursuant to the Mineral Leasing Act for Acquired Lands of 1947.

Under a memorandum of understanding, signed in 2006, the BLM provides the RFDS analysis when the Forest Service is conducting a leasing analysis. The Forest Service reviews the RFDS and provides comment. Using the RFDS, the Forest Service conducts its own analysis of surface use implications, including compliance with all environmental laws and full public participation. The completed leasing analysis includes the agency’s determination regarding which lands are unavailable for leasing and which lands are available and under which conditions. The Forest Service uses the leasing analysis to identify which NFS lands the agency could consent to being included in a BLM oil and gas lease. The Forest Service consent decisions always include the necessary lease stipulations for the protection of natural and cultural resources, as well as any needed stipulations for minimizing conflicts with other land uses, such as recreation.

After evaluating the Senate bill, we found its lone requirement of the USDA is that we cooperate in developing the RFDS. Since this is a current practice, the bill would place no additional administrative burden on the Forest Service. We would like to work with the Committee to address certain technical wording issues to confirming this understanding.

USDA agrees and supports the bill’s noted effect in section 8(a)(2) that by law the Secretary of Agriculture must consider and weigh the multiple use and sustained yield values of the NFS

lands when making our leasing consent decisions. USDA defers to the BLM's testimony for other aspects of the Senate bill.

For the Committee's information and consideration, the number of federal oil and gas leases on NFS lands has been fairly stable over the past several years at around 5,000 leases covering roughly 4 million acres. These leases effect about 2% of NFS lands over 53 national forests and grasslands. Of the 5,000 leases, about 3,000 leases covering 2 million acres are actively producing oil and gas. The 2 million acres on non-producing leases have generated an average of \$1.1 million dollars in rentals annually over the past 3 years. USDA defers to the BLM as to the administrative cost of maintaining nonproducing leases since the Forest Service does not bear that cost.

S. 2216, "MONTANA SPORTSMEN CONSERVATION ACT"

The Montana Sportsmen Conservation Act would release three Wilderness Study Areas (WSAs) located in Montana to general federal land management. Two WSAs are located on federal lands managed by the BLM. The Forest Service comments focus on the third WSA that is the subject of this bill, known as the Middle Fork of the Judith Wilderness Study Area, located on the Helena-Lewis and Clark National Forest in the Northern Region of the Forest Service in central Montana. The Act proposes to release all 81,000 acres which were originally identified as a WSA per the Montana Wilderness Study Act of 1977.

The Forest Service released a Final Environmental Impact Statement (FEIS) and study of the Big Snowies and Middle Fork Judith WSAs in 1982 in accordance with the Montana Wilderness Study Act, which required that these areas be monitored to ensure the WSAs' potential for inclusion in the National Wilderness Preservation System was retained. At that time, the Forest Service recommended the Middle Fork of the Judith WSA to be managed as non-wilderness primarily due to the presence of 14 miles of primitive roads as well as 36 miles of low-standard road, with motorized and mechanized use having predated the 1977 Montana Wilderness Study Act. Land Management plans for the then Lewis & Clark National Forest and later the Helena-Lewis and Clark National Forests maintained the posture of the 1982 FEIS, including in the most recent plan signed in 2021.

USDA would like to better understand the purpose and need for the legislation from the bill's sponsor and the Committee. USDA further recommends caution anytime that Congress is considering releasing WSAs as they are a critical component of the nation's public lands conservation legacy. WSAs located on Forest Service land play a key role in carrying out the agency's multiple-use mandate and provide important opportunities for solitude, scientific discovery, quiet recreation, hunting and fishing, retention of biodiversity, and a host of other values the American people hold dear.

S. 636, “DOLORES RIVER NATIONAL CONSERVATION AREA AND SPECIAL MANAGEMENT AREA ACT”

Title II of S. 636 would create the Dolores River Special Management Area (SMA), consisting of approximately 15,452 acres in the San Juan National Forest, to be managed in accordance with applicable federal laws. To meet the purpose of the SMA as established by Section 201, Section 202 would require the development of a management plan in coordination with State and local governments, the public, the advisory council created by section 103, the Native Fish Monitoring and Recommendation Team as described in section 402, and the Secretary of the Interior. Title III states that its purpose is to remove certain segments of the Dolores River from future consideration for designation as a wild and scenic river under the Wild and Scenic Rivers Act, 16 U.S.C. 1271 *et seq.* One of these is a 5.5-mile segment running from McPhee to Bradfield Bridge that has been determined to be eligible and suitable for designation as a wild and scenic river under the San Juan National Forest Land Management Plan. This segment was found through the federal land management planning process to have outstandingly remarkable values that include scenery, geology, fish, and wildlife, with a preliminary classification of “recreational.” Title IV contains general management provisions for the SMA, including establishment of special requirements in the area identified as Ponderosa Gorge, as well as certain protections for the SMA from the construction or modification of water resource projects. Section 404(a) specifies that nothing in the Act would affect the treaty rights of any Indian Tribe, including rights under the Agreement of September 13, 1873 (the Brunot Agreement), ratified by the Act of April 29, 1874.

USDA supports S. 636 and appreciates the broad support for the bill across Southwest Colorado.

That concludes my testimony. Again, I thank Madam Chairman Cortez Masto and members of the Subcommittee for the opportunity to present the views of the USDA on this legislation. I would be happy to answer any questions.