

**STATEMENT OF
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U.S. DEPARTMENT OF AGRICULTURE
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS AND MINING
CONCERNING**

S. 1423 – Central Coast Heritage Protection Act

APRIL 21, 2016

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 1423, the Central Coast Heritage Protection Act.

S. 1423 designates National Forest System lands on the Los Padres National Forest in California as wilderness and additions to existing wilderness, and designates Potential Wilderness Areas, Scenic Areas, and a National Recreation Trail. The legislation directs the Forest Service to study creating a connection between the northern and southern portions of the Los Padres National Forest using a trail corridor, directs the Forest Service to study the feasibility of opening a new trail to an existing off-highway vehicle trail system, and ensures access to wilderness, scenic areas, and potential wilderness areas by Indian tribes for traditional cultural and religious purposes.

Specifically, the bill includes additions to eight designated wilderness and one new wilderness for a total of 183,461 acres of National Forest System lands; provisions for two Potential

Wilderness areas that would convert to additions to designated wilderness within 20 years for a total of 43,791 acres; additions to three existing wild and scenic rivers and would designate three new wild and scenic rivers, adding a total of 159.6 miles to the National Wild and Scenic Rivers System; creation of the Condor Ridge and Black Mountain Scenic Areas comprising 34,512 acres; and creation of the Condor National Recreation Trail.

While the Department is generally supportive of the 24 additions to eight existing wilderness areas listed in Section 3(a)(4) to Section 3(a)(11), and the designation of the new Diablo Caliente wilderness, it is concerned that the map associated with the bill is not of sufficient scale, detail or clarity to provide the level of review necessary. It is difficult to interpret the impact of the boundaries on existing land uses, such as existing trail corridors to see what is included in the additions and potential wilderness areas and what is not. The Department would like to work with the bill sponsor and the Subcommittee to create legislative maps that would clarify the intention of the bill sponsor and ensure that the requirements in the bill are consistent.

Sections 4 and 7 include the designations of the Machesna Mountain Potential Wilderness and the Fox Mountain Potential Wilderness. In the Machesna Mountain Potential Wilderness area, the Secretary would be authorized to reconstruct, realign, or reroute the Pine Mountain Trail and to allow use of motorized and mechanized vehicles in addition to hikers and equestrians. In the Fox Mountain Potential Wilderness, the Secretary would be authorized to construct a new trail for use by hikers, equestrians, and mechanized vehicles that connects the Aliso Park Campground to the Bull Ridge Trail and to reconstruct or realign the Bull Ridge and Rocky Ridge Trails. These sections also state that the Secretary shall use the minimum tool or administrative practice necessary to accomplish the work and the Forest Service may use motorized vehicles and machinery for construction, reconstruction, or realignment of the trails and may permit the use of mechanized vehicles on the existing trails until such date as the potential wilderness areas are designated wilderness in accordance with subsection (h).

The Department would like to work with the bill sponsor and Subcommittee to clarify whether section 4 and 7 are intended to create a corridor through the potential and later the actual designated wilderness for motorized and/or mechanized transportation, and if this trail corridor is within the boundary or outside the boundary of the potential areas and future wilderness

additions.

Section 4(g) requires that the boundary of the potential wilderness area be modified to exclude the realigned or reconstructed trails. Because this process would place a burden on staff resources, the Department would like to suggest that the modification be made when the area converts to wilderness.

Additionally, the Department would like to work with the Subcommittee on refinement of the potential wilderness boundaries so that they allow for possible fuel treatments around the periphery of the boundaries and better management of the areas.

Section 5(b)(1) and 5 (b)(2) address fire and fuels management, fire funding and agency approval procedures in wilderness areas or wilderness additions designated by this legislation. Section 4(d)(1) of the Wilderness Act already allows for control of fire, insect, and disease. Additionally, as the Forest Service is no longer developing stand-alone fire management plans but is using the Wildland Fire Decision Support System, the Department would like to work with the bill sponsor and Subcommittee to refine this language to reflect the current practice and existing language in the Wilderness Act.

In regards to Section 5(b)(4)(A), the Forest Service already has a process for delegation of authority. If this section remains, the Department would like to request that it does not override the Forest Service policy of retaining delegated authority at the regional level for heavy equipment approvals. This authority is not currently delegated to the Forest Supervisor level.

Section 5(d)(2) addresses fish and wildlife activities. The Department would like to work with the bill sponsor and Subcommittee to affirm that these activities are in accordance and consistent with an existing agreement between the State and the Forest Service. This agreement is an important guidance document for State and Forest Service responsibilities and when concurrence or approval is needed for certain activities.

Section 5(d)(3) provides for a wildlife water development special provision and allows the use of motorized vehicles by other agencies or their designees. The Department would like to work with the bill sponsor and Subcommittee on language that would clarify that the activities are the minimum necessary to preserve wilderness character and comply with the appropriate environmental analysis and permitting.

Section 5(g) states that nothing in this Act precludes horseback riding in, or recreational or commercial saddle or pack stock into wilderness areas or wilderness additions. Primitive recreation, including horse use, is already allowed by the Wilderness Act and commercial services are allowed to the extent necessary to meet the purposes of the Act. The Department would like to work with the bill sponsor and the Subcommittee to ensure that the current Wilderness Act commercial services definition is retained.

Section 5(j) may authorize the installation and maintenance of climatological collection devices in wilderness areas for flood warning and flood control. The Department would like to work with the bill sponsor and the Subcommittee to determine if these installations can be located outside the boundary of the wilderness area or if there are other alternative areas that can meet the needs and objectives of climatological data collection.

Section 6 designates three new wild and scenic rivers (Indian Creek, Mono Creek, and Matilija Creek) and also designates additions to three existing wild and scenic rivers (Sespe Creek, Sisquoc River, and Piru Creek) for a total of 159.6 new miles added to the National Wild and Scenic Rivers System. The Los Padres National Forest has determined portions of Sespe Creek and Piru Creek to be suitable for designation, and had determined that portions of Matilija Creek to be eligible for designation. These suitable and eligible segments have been assigned a preliminary classification and are being managed to protect the river values that provide the basis for their potential inclusion in the National System. The Department supports these designations and would be happy to share more details on this suitability, eligibility, and classification information with the bill sponsor and the Subcommittee to facilitate as much consistency as possible between the agency's findings and the river segments proposed for designation in this bill. While the agency has not found any other of the segments that would be designated by the

bill as eligible or suitable, the Department does not oppose any of these wild and scenic river designations. However, the Department would like to work with the bill sponsor and the Subcommittee to clarify the scope of section 6(e) to ensure that it does not have any unintended consequences. Additionally, while motorized use of trails can be consistent with wild and scenic rivers designations, the Department has concerns that section 6(f) will limit the ability of the forest to make management decisions that best balance all uses and ensure that water quality and other river values are protected and enhanced in the future.

Section 8 designates the Condor Ridge Scenic Area (18,666 acres) and the Black Mountain Scenic Area (15,846 acres). The Department would like to work with the bill sponsor and the Subcommittee to strengthen the language to better emphasize the importance of protecting the scenic qualities of the area. Additionally, the Department would like to clarify if the restriction on timber harvesting in Section 8(f)(1) also includes other vegetation and fuel management activities.

Section 9 designates the Condor National Recreation Trail. The Department would like to work with the bill sponsor and the Subcommittee to add “scenic” to the list of values the area promotes and to better define the use of the trail per segment. The Department would also like to clarify the intention of the bill sponsor on whether mechanized and motorized transport will be allowed in the Condor National Recreation Trail in the non-wilderness segments. Additionally, the Department is concerned that the language regarding acquisition of property rights and locating the trail on private land with a letter of consent is not adequate for obtaining an easement.

Finally, in Section 9(b)(31)(F), the Department would like to work with the bill sponsor and Subcommittee to extend the study timeframe to five years, which would allow for the incorporation of the additional work into budget cycles and work planning priorities, especially considering that multiple studies would be required in the same timeframe.

Section 12(b) would require the Secretary to ensure that Indian tribes have access to wilderness areas for traditional, cultural, and religious purposes. In carrying out this provision, the Secretary would be authorized, upon request of an Indian tribe, to temporarily close to the general public

the use of portions of areas designated by the bill to protect the privacy of traditional cultural and religious activities in the area by members of an Indian Tribe. We understand that implementation of this provision is at the discretion of the Secretary to determine whether the requested closure is appropriate and that providing access would be to the extent practicable in order to maintain the wilderness character.

This concludes my remarks on the Central Coast Heritage Protection Act. I would be happy to answer any questions. Thank you for the opportunity to testify.