

**STATEMENT OF
GLENN CASAMASSA
ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE**

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

October 8, 2015

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. 1295, S. 1448, S. 1941, and S. 1942.

S. 1295, the “Arapaho National Forest Boundary Adjustment Act”

S. 1295 would modify the boundary of the Arapaho National Forest in the State of Colorado to incorporate approximately 92.95 acres of land currently outside the proclaimed National Forest boundary. All Federal land within the new boundary would be included in the Bowen Gulch Protection Area established under section 6 of the Colorado Wilderness Act of 1993. S. 1295 requires the Secretary to obtain written permission from the owners of lots to include the lots in the boundary adjustment. Private land owners have provided letters of support.

The Federal lands within the new boundary would be closed to motorized use by the public. S. 1295 allows for continued motorized access over historical routes by owners of non-Federal land within the new boundary.

The Department supports S. 1295. It would provide National Forest status for parcels previously purchased. It would also allow the Forest Service to use its existing land exchange authorities to acquire additional parcels from willing landowners within the new boundary. Completion of these acquisitions would ensure protection of the Rocky Mountain National Park view-shed and the resource values of the Bowen Gulch Protection Area. We would also like to work with the Committee to clarify that motorized use for administrative purposes within the new boundary area is allowed.

S. 1448, the “Frank Moore Wild Steelhead Sanctuary Designation Act”

The Department supports S. 1448, which establishes the “Frank Moore Wild Steelhead Sanctuary”. The area proposed for designation (Steamboat Creek) represents the major spawning tributary for wild steelhead in the North Umpqua River, and serves as an important sanctuary for conservation and long term persistence of this highly valued fisheries resource. Scientific studies and data indicate this area provides an important thermal refuge for wild steelhead production in the basin. Its designation and associated watershed restoration activities

will aid in promoting a resilient landscape for wild steelhead conservation into the future in the face of changing climate.

Frank Moore is a legendary fly angler, wild fish conservationist, and World War II veteran who stormed the beaches of Normandy, France in 1944 for the D-Day allied invasion. He survived and together with his wife of 70+ years, Jeanne, built and were the long-time proprietors of the world-renowned Steamboat Inn along the North Umpqua River. In 2010, Frank Moore was inducted into the Fresh Water Fishing Hall of Fame, and is also featured in the recent, critically acclaimed documentary “Mending the Line.”

This designation is a tribute to Frank Moore and his service to our country in more ways than one. In a TED Talk last year (TEDxPortland, May 15, 2014), one of the viewers commented: “Absolutely amazing... I am 19 and my generation needs role models like this man.”

S. 1941, the “Craggs, Colorado Land Exchange Act of 2015”

S. 1941 would require a land exchange between the United States and Broadmoor Hotel, Inc. (BHI). The United States would convey an 83 acre tract of National Forest System Land and a non-exclusive perpetual easement for access in exchange for a 320 acre parcel and a permanent trail easement for a section of the Barr trail owned by BHI. Both exchange parcels are located within the Pike National Forest.

The Department generally supports S. 1941 but would like to work with the committee on concerns with the bill. For example, we would like to help develop language that would ensure the northern boundary of the land conveyed is located to provide adequate space for Forest Service road maintenance and administration.

The National Forest parcel that would be conveyed in the exchange has long been encumbered with significant resort improvements managed under special use authorization. In return for this parcel, the United States would receive an isolated inholding that the Forest Service has placed a high priority on acquiring. The inholding has significant recreational values and provides additional access for the public to the National Forest.

As a result, the exchange will eliminate potentially significant development in a sensitive area in exchange for conveying Federal land where development impacts have already occurred. In addition, The United States would secure legal access on a segment of the very popular Barr trail. This trail provides an important recreational access to the Pike National Forest.

S. 1942, the “Elkhorn Ranch and White River National Forest Conveyance Act Land Exchange Act of 2015”

S. 1942 would direct the conveyance of a 148 acre parcel of National Forest System land to the Gordman-Leverich Partnership. The parcel is located within the White River National Forest.

While the Administration has serious reservations about the use of Federal lands to compensate a private landowner, acknowledging the unusual circumstances in this specific case, the

Department does not oppose S. 1942. The bill would resolve a long standing title issue associated with the property.

A dependent resurvey, which is a survey dependent upon prior surveys of record, was completed in 1949, and established a property monument approximately 2,100 feet from the corner, relied upon by the original homesteaders. This meant that this parcel of national forest land had been managed as private land. 43 U.S.C. 772, enacted in 1909, provided for such resurveys and guaranteed that the bona fide rights of landowners would be protected.

Because this land survey discrepancy only came to light within the past 15 years, and because the parcel has never been managed as National Forest, protection of the bona fide rights of the landowners is appropriate. Resolution of this title issue will end a long-standing title claim in an efficient, fair manner.

This concludes my remarks. I would be happy to answer any questions. Thank you for the opportunity to testify.

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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.414, S.1592, and S. 2069.

S. 414, “California Desert Conservation and Recreation Act of 2015”

The Department supports S. 414 and would like to work with the Committee and bill sponsor on several clarifications, some of which we will highlight in the testimony that follows. We defer to the Department of Interior regarding the provisions in this bill concerning lands under its management.

The majority of National Forest System lands in S. 414, Title XIV (Sand to Snow National Monument) are within the San Gorgonio Wilderness Area on the San Bernardino National Forest (NF). The San Bernardino National Forest Land and Resource Management Plan (Forest Plan) was revised in 2006 and then amended in 2014 using an extensive public process. The proposed Monument and wilderness designations in S. 414, Title XIV, are closely aligned with recommended wilderness and forest management objectives included in the Forest Plan.

S. 414 would designate approximately 62,648 acres of the San Bernardino National Forest, along with approximately 73,000 acres administered by the Bureau of Land Management (BLM), as the Sand to Snow National Monument. The Monument would be managed jointly by both agencies. This approach has been successful for over 15 years on the Santa Rosa and San Jacinto Mountains National Monument in California. The purpose of the Monument would be to preserve the nationally significant biological, cultural, educational, geological, historic, scenic, and recreational values at the convergence of the Mojave and Colorado deserts and the San Bernardino Mountains.

The 2014 Forest Plan Revision for the San Bernardino NF recognized the importance of wildlife connections and corridors to and from the Forest, as well as the significant biological, cultural, scenic and recreational values of the greater San Gorgonio Mountain ecosystem.

The Department welcomes the opportunity to work with the Secretary of the Interior in jointly managing the proposed Monument using the different authorities and guidelines governing the National Forest and Bureau of Land Management lands designated within the Monument. Using a joint management model, the Secretaries would be responsible for separately managing lands

under their jurisdictions. The Department recommends distinguishing between the Secretary of Agriculture and the Secretary of Interior in this legislation to avoid confusion about which sections of the bill pertain to National Forest System or BLM-administered lands.

In Section 1403(b), the Department is asking the Committee and the bill sponsor to consider adding “management” to the general authority on Cooperative Agreements that could be used in the Monument. This change would allow the Forest Service to work with the BLM and the advisory committee in considering a Service First Agreement to manage the Monument. This approach is currently being used successfully on the Santa Rosa and San Jacinto Mountains National Monument.

Section 1501(c), as added to the California Desert Protection Act of 1994 by S. 414, would designate a 7,141-acre wilderness addition on the west and south ends of the existing 95,953-acre San Gorgonio Wilderness; this addition includes 1,000 acres of private property owned by the Wildlands Conservancy. The area under consideration is currently an inventoried roadless area. The Department supports this wilderness addition as it would improve management efficiencies in this area, and would like to work with the Subcommittee to ensure the roadless areas can be consistently managed pursuant to this Act and the Wilderness Act

Section 104(2)(209)(A) and Section 104(2)(210)(A) of this legislation would designate approximately 76.3 miles of the specified rivers as part of the National Wild and Scenic Rivers System. Of this total, approximately 34.5 miles of Deep Creek, including its principal tributary, Holcomb Creek, and 17.1 miles of the North, Middle and South Forks of the Whitewater River are within the boundary of the San Bernardino National Forest and would be administered by the Forest Service. In order to ensure consistency with the current provisions of the Wild and Scenic Rivers Act and the 2014 Revision of the San Bernardino NF Plan, the Department would like to work with the Subcommittee to include some technical corrections in Section 104(2).

The Forest Service has found each of these rivers to be eligible for designation based on their free-flowing character and regionally important river-related values. The Department supports designation of these eligible rivers as Wild and Scenic based on general support from the communities of interest and consistency of designation with the management of National Forest System lands within the river corridors.

Section 1406 of this bill would establish an advisory committee to provide advice on the development and implementation of the management plan for the proposed Monument, closely mirroring the successful approach of the Santa Rosa and San Jacinto Mountains National Monument. The Department believes an advisory committee would contribute greatly to the development of the management plan for the Sand to Snow National Monument. Given the length of time necessary to establish a committee under the Federal Advisory Committee Act, and the importance of creating a successful monument management plan, the Department requests the time frame for completing the plan be changed to three years after the advisory committee is established, rather than three years after the date of enactment of the bill.

Finally, Section 1403(g)(4) of this legislation states that pending completion of the Monument management plan, the Secretary shall manage any Federal land and Federal interests in land within the boundary of the Monument in accordance with section 1.6D of the Bureau of Land Management manual numbered 6220, dated July 13, 2012, and entitled “National Monuments, National Conservation Areas, and Similar Designations.”

The Department would like to work with the Committee and the bill sponsor on this section to ensure that interim management of the Monument is consistent with current uses occurring on both National Forest System and BLM-administered lands under the authorities, policies, and existing management plans of both the Forest Service and the BLM for such lands, and in a manner that is consistent with other applicable Federal laws.

Title XIX of S. 414, Section 1905 (“Transfer of Administrative Jurisdiction”), would transfer administrative jurisdiction of over approximately 40 acres of National Forest System land to the BLM for inclusion in the proposed Alabama Hills National Scenic Area. This is an isolated parcel of land and the Department supports the transfer of administrative jurisdiction to the BLM.

In Title XX – Miscellaneous, Section 105 (Conforming Amendments) the Department would like to work with the Committee and bill sponsor on proposed amendments to provisions of the California Desert Protection Act to address concerns related to effects on wilderness from activities outside the wilderness boundary.

S. 1592, “A Bill to clarify the description of certain Federal land under the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005 to include additional land in the Kaibab National Forest”

S. 1592 would authorize the Secretary of Agriculture to convey an additional 25 acres to Young Life Lost Canyon Organizational Camp. The Department can support enactment of S. 1592, if a technical amendment is included that would provide an easement for a proposed extension for the Water Storage Tank Road.

This legislation clarifies the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005. The original Act authorized a land exchange with Yavapai Ranch and the United States that was not completed. The Act also authorized the sale of a parcel of National Forest System lands to Young Life Lost Canyon Organizational Camp on the Kaibab National Forest. The legislative map referenced by the Act for the Young Life private property showed an area of only approximately 212 acres to be conveyed, instead of the approximately 237.5 acres stated in the Act. The area shown on the legislative map excluded a particular 25-acre parcel. Because the legislative map controlled over the reference to approximately 237.5 acres, the Act did not authorize conveyance of the 25-acre parcel excluded by the map. S. 1592 was introduced to clarify that conveyance of the 25-acre parcel is also authorized, allowing the United States to convey a total of approximately 237.5 acres to Young Life.

In summary, S. 1592 would resolve the disparity between the legislative map and the total acreage authorized for conveyance, allowing the Secretary to proceed with the direct sale of a

total of approximately 237.5 acres to Young Life Lost Canyon Organizational Camp. In order to ensure agreement between the acreage and the legal description, the Agency is willing to provide additional technical assistance to the Committee, and wants to work with the Committee to include the easement for the Water Tank Road Extension.

S. 2069, “Mount Hood Cooper Spur Land Exchange Clarification Act”

S.2069 concerns the Mount Hood Cooper Spur Land Exchange Clarification Act. We would like to work with the Committee and Sponsor to address several concerns. The Cooper Spur Land Exchange was initially authorized by the Omnibus Public Land Management Act of 2009. Clarifications are needed to move forward with the exchange.

The following issues concern the Forest Service:

- The bill would require the Forest Service to reserve a 24-foot wide trail easement. The width of the easement would restrict the ability of the Forest Service to appropriately address reconstruction and repair needs of the trail, the drainage and soil protection features that go beyond the normal 3-4 foot tread path, and the loss of buffer between the trail and any non-federally owned building or facility adjacent to the trail.
- The bill would eliminate the requirement that the Forest Service reserve a conservation easement on the Federal land to be conveyed. We understand there may be state-level protections under the bill; however, the Forest Service will have no legal right or obligation to monitor and enforce the status of any of the identified wetlands after conveyance because the United States will have no property interest, such as a conservation easement, protecting the property. In addition, without a reserved federal interest like a conservation easement, Executive Order 1990 will become inapplicable to the lands once they leave federal ownership.
- The bill would require the joint selection of an appraiser by the Forest Service and Mount Hood Meadows within 60 days after enactment of this legislation. Selection of an appraiser is not attainable within a 60 day period. The process to hire a non-agency appraiser must follow federal contracting regulations. The contracting process typically takes 120 days for contract selection.
- The bill would require the land exchange be completed within 1 year after passage of the legislation. It typically takes the better part of a year to just obtain an approved appraisal. Realistically, it will take more than 18 months to complete the appraisal and all necessary analysis to complete the exchange.

We look forward to working with the Committee and the Sponsor to resolve these issues.

This concludes my remarks. I would be happy to answer any questions. Thank you for the opportunity to testify.