

**Statement of
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**Before the
Committee on Energy and Natural Resources
United States Senate
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Madam Chairman and members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 346, S. 2991, S. 3192, S. 3203, S. 3254, and S. 3273.

S. 346, “Southwestern Oregon Watershed and Salmon Protection Act of 2015”

The Department of Agriculture supports the Southwest Oregon Watershed and Salmon Protection Act of 2015. This bill would permanently withdraw 101,022 acres of federal lands with exceptionally high conservation values from new mining claims, mineral leasing, and geothermal leasing. A total of 95,806 of the affected acres are located within the National Forest System on the Rogue River-Siskiyou National Forest (RRS). The remaining 5,216 acres are located on Department of the Interior Bureau of Land Management (BLM) land on the Medford and Coos Bay Districts. The parcel proposed for withdrawal includes the watersheds of the North Fork Smith River, which is designated as a Wild and Scenic River, and Rough and Ready Creek, which is eligible for designation as a Wild and Scenic River and is a tributary to the Illinois and Rogue Rivers, which are designated Wild and Scenic Rivers.

In light of this pending legislation, and acting on the direct written request of the bill’s sponsors, the Forest Service submitted a request to the BLM for execution of a five-year administrative withdrawal in aid of legislation. This application was completed on March 13, 2015, and, on June 29, 2015, the Assistant Secretary of the Interior for Land and Minerals Management published a Federal Register Notice proposing a five-year withdrawal (80 Fed. Reg. No. 124, p. 37,015). Publication of this notice initiated a two-year “segregation period” closing the land to

mining and mineral activities. The segregation and proposed withdrawal are both subject to valid existing rights and would not affect the approximately 1,680 acres of private inholdings that are located within this bill's footprint.

The segregation period allows time for processing of the withdrawal application and completion of National Environmental Policy Act (NEPA) analyses. The Environmental Analysis (EA) considered several alternatives including a five-year withdrawal term and the EA was subject to a public comment period. The comments that were submitted indicated overwhelming public support for the withdrawal.

More recently, the Forest Service has filed an application recommending an extended 20-year withdrawal term instead of the five-year term that was initially considered and modifying its purpose. Should the Secretary of the Interior approve this application, a new Federal Register Notice will be published and a new 90-day public comment period will commence.

S. 346 also includes technical corrections to prior legislation that protected 17 miles of the Chetco River, which is a designated Wild and Scenic River. This river is known for its wild salmon and steelhead populations and is a vital economic, recreation, and ecological resource. The Department of Agriculture supports these provisions of the bill.

S. 2991, "The Methow Headwaters Protection Act of 2016"

S. 2991 proposes to withdraw approximately 340,079 acres of Federal land and interests in the land located in the Okanogan-Wenatchee National Forest from all forms of mineral development. The Methow region is one of several areas on National Forest System lands across the country where the USDA Forest Service is analyzing complex and often controversial potential mineral activities. The agency anticipated completing the NEPA environmental assessment and making a decision during the summer of 2016 regarding a proposed permit for mineral exploration. However, through the public engagement process and subsequent analysis, several new considerations have surfaced, including tribal concerns regarding the impacts of

mining activity in the area proposed for exploration. The Department of Agriculture supports S. 2291 and believes a mineral withdrawal is the best path toward mitigating any impacts to the ecological, cultural and economic significance of the Methow Valley to the surrounding community.

S.3192, “The Alex Diekmann Peak Designation Act of 2016”

This bill would name a currently unnamed mountain for renowned conservationist Alex Diekmann. The 9,765-foot peak is located 2.2 miles west-northwest of Finger Mountain on the western boundary of the Lee Metcalf Wilderness, on the Beaverhead National Forest in Montana.

The Department of Agriculture supports this bill.

S. 3203, “The Alaska Economic Development and Access to Resources Act”

The USDA Forest Service will address Title V of S. 3203 in this testimony. The other titles of the bill are addressed in the Department of the Interior’s testimony.

Section 501

The Department of Agriculture opposes Section 501, which exempts National Forest System lands in the State of Alaska from the application of the 2001 Roadless Area Conservation Rule (the “Roadless Rule”).

The Roadless Rule protects and conserves inventoried roadless areas of national forests by prohibiting road construction, reconstruction, and timber harvest in inventoried roadless areas. These activities have a high likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics. Notwithstanding the Rule’s prohibitions, a road may be constructed or reconstructed, and timber may be cut, sold, or removed, in an inventoried roadless area under certain circumstances. Application of the Roadless Rule to national forests in Alaska has not hindered approval of appropriate access or removal of timber in accordance with the Rule.

The Chief of the Forest Service reviews activities planned in inventoried roadless areas to ensure that the agency is applying a nationally consistent approach to implementing the Roadless Rule and that the agency is complying with its mandate to protect roadless area characteristics. The national forests in Alaska have requested and received approval for approximately 46 projects within inventoried roadless areas since 2011, including, among other things, several hydroelectric and mineral exploration projects and an intertie project. These projects have been cleared by the Chief in a timely manner. Consequently, exempting the national forests in Alaska from the Roadless Rule is unwarranted.

Section 502

This section directs the USDA Forest Service to conduct a land exchange with the Alaska Mental Health Trust. The Department supports the goal of this legislation to preserve significant natural, scenic, and recreational values in southeastern Alaska communities through a land exchange with the Alaska Mental Health Trust. Since introduction of the bill, the USDA Forest Service and executives of the Alaska Mental Health Trust Authority have worked diligently to refine the technical details of the land exchange. However, the Department cannot support the bill as currently written. We would appreciate an opportunity to work with the Committee to make technical changes in the language to meet the objectives of the bill.

Section 503

This section directs the USDA Forest Service to convey up to 2,000,000 acres of the Tongass National Forest to the State of Alaska for use as state forest land. Alaska would pay market value for these lands, or convert lands selected by the State under section 6 of the Alaska Statehood Act, Pub. L. 85-508, as a credit towards conveyance of National Forest System land.

The Department opposes this section of the bill. Conversion of these lands to state forest land jeopardizes the values and benefits provided to Alaska by the multiple-use mandate of the USDA Forest Service to sustain the health, resilience and productivity of the national forests for current

and future generations. It would also alter the balance struck in the Alaska Statehood Act, which limited the State's entitlement to lands within national forests in Alaska to 400,000 acres, which have already been selected by the State. The Tongass National Forest is a major economic driver in southeast Alaska. Its 17,000 miles of undammed creeks, rivers and lakes provide optimal habitat for five species of salmon, which are critical to a seafood industry that in 2014 provided 4,372 jobs with \$259 million in earnings. The Tongass National Forest also is the largest intact temperate rainforest on Earth, containing a diversity of landscapes, more than 70 species of mammals, 275 species of birds, and unmatched recreation opportunities. Visitors from around the world come to sightsee, fish, hike, hunt, camp, view wildlife, and enjoy all that the Tongass National Forest offers, contributing over a billion dollars in visitor spending to Alaska's tourism industry and generating 6,923 jobs that provide \$189 million in earnings.

We have invested in collaborative approaches to better manage the forest, develop stronger projects, build public support for forest management and restoration, and reduce the risk of litigation. We continue to work collaboratively with communities, industry, environmental groups and others to supply wood to local mills, conserve watersheds, accomplish forest restoration, and provide employment and opportunities along with a range of other benefits.

There are several collaborative groups currently engaged in large-scale landscape planning to develop an ecologically, socially, and economically sustainable forest management strategy with an emphasis on young growth management, while providing the necessary "bridge" timber for the existing infrastructure on the Tongass National Forest. It is the Department's goal to continue these collaborative efforts towards sustaining a robust timber economy, while also leveraging the multiple other uses of this national forest.

S. 3254, "Spearfish Canyon and Bismarck Lake Land Exchange Act"

The Department opposes the Spearfish Canyon and Bismarck Lake Land Exchange Act, which proposes to exchange National Forest System land for land owned by the State of South Dakota, because the bill is unnecessary and contains provisions that raise concerns. Existing authority

already allows the Forest Service to exchange land with the State. The land conveyed to the State would be used for public recreation and conservation, while the land conveyed to the United States would be administered as National Forest System land subject to existing grazing agreements. In this bill, the Pennington and Lyman County lands conveyed by the State are located within the Nebraska National Forests and Grasslands, however the Nebraska National Forests and Grasslands are not referenced in the bill. Also, the recreation goals expressed in the bill are already met through services that the agency provides on the Black Hills National Forest.

In particular, the bill also would direct the Secretary to continue to allow grazing on the non-Federal land that is transferred subject to terms and conditions existing before the conveyance, including any existing leases, permits, or contracts for grazing; stocking rates; grazing fee levels; access rights; and ownership and use of improvements. These requirements to manage lands subject to existing state practices would interfere with the Secretary's ability to manage these lands in accordance with other Federal law and policy and would lead to fractured management across the landscape. Finally, the bill would require that the value of the land to be exchanged be based on "agricultural value," which is not recognized or defined as a method of land appraisal in the Uniform Standards of Professional Appraisal Practices nor in the Uniform Appraisal Standards for Federal Land Acquisitions with is the standard for land exchanges.

S. 3273, "The Alaska Native Claims Settlement Improvement Act of 2016"

The USDA Forest Service will address Sections 5 and 6 of S. 3273 in this testimony and will work with the Department of Interior to the extent that the Forest Service is affected by Section 10 of bill. The other sections of the bill are addressed in the Department of the Interior's testimony.

Section 5

The Department of Agriculture generally does not have concerns with Section 5 of the bill, however we have a technical issue with the assignment of responsibilities that we would like to discuss with the sponsor. This section permits consideration received by Shee Atiká Incorporated for the purchase of Cube Cove land by the United States to be treated as the receipt of land or interest in land within the meaning of section 21(c) of the Alaska Native Claims Settlement Act

(ANCSA) (43 U.S.C. 1620(c)) or as cash in order to equalize the values of properties exchanged under section 22(f) of ANCSA (43 U.S.C. 1621(f)).

The Cube Cove land purchase is in alignment with the current administrative process where the Forest Service and Shee Atiká Incorporated have entered into an Option Contract allowing for the United States to purchase approximately 23,000 acres of surface estate in Cube Cove from Shee Atiká Incorporated. The contract identifies 13 segments that can be purchased over five years. The first two segments have already been purchased by the United States through the Land and Water Conservation Fund. It is anticipated that the next 11 segments will be purchased over the next five years, provided the terms and conditions in the contract are met.

Section 6

This section directs the exchange of approximately 23,000 acres of subsurface estate owned by Sealaska Corporation at Cube Cove on Admiralty Island for approximately 8,872.5 acres of surface and subsurface estate and 5,145 acres of surface estate only within the Tongass National Forest. The Forest Service is pursuing this exchange under existing authorities to resolve the split estate issue where the Forest Service owns surface estate and Sealaska owns the subsurface estate. Although the Department agrees with the goals of this legislation, we believe this exchange should be completed using an equal value exchange following existing regulations and policies, including appraisal in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions. The Forest Service does not support this bill, and will continue to pursue resolution of the split estate and land interests with Sealaska Corporation using our administrative processes.