

**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. 1777, To amend the Wild and Scenic Rivers 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 1777, To amend the Wild and Scenic Rivers Act.

The Department opposes S. 1777 because it would create a negative precedent for other commercial recreation service providers on wild and scenic rivers across the nation. We hope to work with Senator Risch and Senator Crapo to find a solution that is mutually beneficial to their constituents and the Forest Service.

More than 200 rivers in 40 states and the Commonwealth of Puerto Rico comprise the National Wild and Scenic River System. More than 12,000 river miles are protected reflecting tremendous geographic diversity, from the remote rivers of Alaska, Idaho and Oregon to rivers threading through the rural countryside of Massachusetts, New Hampshire, and Ohio.

Smith Gulch is located within the Main Salmon Wild River corridor, located within the Frank Church-River of No Return Wilderness in Idaho. Both the Wild River and Wilderness were designated as such by the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132). The Act

mandates that the Main Salmon River corridor be managed according to the requirements of the Wild and Scenic Rivers Act.

Public Law 108-447, enacted in 2004, amended the Wild and Scenic Rivers Act, 16 U.S.C. §1274(a)(24)(D), and directed that the Forest Service continue to authorize the established use and occupancy of three commercial recreation services within the Main Salmon River Corridor, including the services at Smith Gulch. Such continued authorization is to be subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for revocation for noncompliance, and upon revocation, reoffering the concession through a competitive process.

The facilities and structures for commercial recreation services at Smith Gulch in Idaho are authorized and operated under a 20-year Term Special Use permit to River of No Return Lodge, Inc. (Permit #NFK299), issued and administered by the Salmon-Challis National Forest. The current permit authorizes gas-powered water pumps for emergency fire suppression. The permit is authorized under the authority of the Act of March 4, 1915, as amended July 28, 1956, (16 U.S.C. 497). This permit is issued with provisions and terms similar to those of recreation facilities throughout the National Forest System. The permit takes into account the location and surroundings of facilities and improvements, the public values affected by such an operation, and any specific public health and safety concerns.

The Forest Service has in place appropriate policies to accommodate the needs of a recreation service business operating at this location. Consistent with statutory guidance, the policies allow for such facilities and structures needed to provide the authorized recreation services. Smith Gulch operates under these policies and requirements; just as other similarly authorized businesses within the Main Salmon Wild River Corridor. For example, the management plan for the Frank Church River of No Return Wilderness already allows for the use of chainsaws in the Salmon River corridor by permit; the Smith Gulch operation has obtained such a permit annually.

The Department encourage the operators of the recreation service business at Smith Gulch to work with the appropriate local Forest Service officials to resolve any issues related to their utilizing existing agency regulations, policies and authorities. Allowing new facilities at this operation,

including those that do not conform with the Wilderness Act and the Wild and Scenic Rivers Act, opens the door to others seeking similar exceptions in the wild river corridor of the Main Salmon River, elsewhere in the Frank Church-River of No Return Wilderness. The Department believes that this would create an undesirable precedent for the National Wild and Scenic Rivers System.

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