

**Statement of Chris French**  
**Deputy Chief, National Forest System**  
**U.S. Forest Service, United States Department of Agriculture**  
**Before the**  
**Senate Energy and Natural Resources Committee**  
**Subcommittee on Public Lands, Forests and Mining**  
**Concerning**  
**H.R. 823 / S. 241, “The Colorado Outdoor Recreation and Economy Act”**  
**November 18, 2020**

Chairman Lee, Ranking Member Wyden and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 823 and S. 241, the “Colorado Outdoor Recreation and Economy Act,” as introduced in both chambers.

This bill includes provisions that pertain to the management of the National Forests in Colorado including the designation of new Wilderness areas, establishment of recreation management areas, designation of wildlife conservation areas, mineral withdrawals, boundary modifications, transfer of National Forest land, and other administrative provisions.

USDA does not support S.241, the Colorado Outdoor Recreation and Economy Act as drafted. This bill would impose land restrictions on nearly 400,000 acres of land in Colorado, and would reduce areas open for motorized recreation. The Administration has pledged to expand access to America’s public lands to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship. S.241, however, would not achieve these goals in a balanced way and would designate areas for wilderness that were not identified in the Forest Service’s Forest Planning process. USDA does not support this bill as currently drafted but would like to work with the committee to improve it.

**TITLE I—CONTINENTAL DIVIDE**

Title I designates six Wilderness area additions, two Wildlife Conservation Areas, one Recreation Management Area, and the first of its kind National Historic Landscape. 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.

The proposed designations would permanently withdraw, subject to valid existing rights, all the National Forest System lands within these areas on the White River 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.

## **The Ptarmigan Peak Wilderness Additions**

Section 102(a)(1) designates 6,876 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 6,876 acres of National Forest System lands adjacent to the existing Wilderness. These additions include Ute Pass, Acorn Creek, Straight Creek, and Ptarmigan.

The Forest Plan recommends Wilderness designation for the 1,998 acre proposed Ute Pass Wilderness Addition and 838 acre proposed Acorn Creek Wilderness Addition. The Act proposes designation of an additional 862 acres to the Ute Pass Wilderness Addition and 301 acres of the Acorn Creek Addition; both areas are currently being managed for wildlife habitat.

The Forest Plan does not recommend either the proposed Ptarmigan Wilderness Addition or the Proposed Straight Creek Wilderness Addition for Wilderness designation. Wilderness designation in the Proposed Ptarmigan Wilderness Addition will limit management of wildlife habitat using motorized equipment, mechanical transport and installations. The configuration of the proposed Straight Creek Addition may also present management challenges in the future. As a result, USDA does not support the proposed addition of the Ptarmigan Addition or Straight Creek Wilderness Addition.

## **The Holy Cross Wilderness Addition**

Section 102(a)(2) also designates 3,902 acres of the White River National Forest, currently depicted as the “Proposed Megan Dickie Wilderness Addition” for incorporation into the existing Holy Cross Wilderness designated by section 102(a)(5) of Public Law 96-560.

The Holy Cross Wilderness lies astride the Sawatch Mountain Range, six miles southwest of Vail, Colorado, on the White River and San Isabel National Forests.

The Forest Service has a unique concern regarding this area, as the area has a high probability of containing unexploded ordinance from the nearby WWII training site at Camp Hale. Mitigation of potential unexploded ordinance commonly requires motorized or mechanized equipment; and a Wilderness designation would potentially restrict this capability.

The Proposed Megan Dickie Wilderness Addition is a single parcel, encompassing approximately 3,902 acres of National Forest System lands adjacent to the existing Wilderness. The Forest Plan does not recommend any of this area for Wilderness designation given there are remnants of past timber harvests as well as the likelihood of unexploded ordinances in the area. As a result, USDA does not support the proposed addition of the Proposed Megan Dickie Wilderness Addition.

### **The Proposed Hoosier Ridge Wilderness**

Section 102(a)(2) designates approximately 5,235 acres of the White River National Forest to be named the “Hoosier Ridge Wilderness” as depicted on the “proposed Tenmile Wilderness” map.

The Proposed Hoosier Ridge Wilderness would be located on the northwestern slope of the Continental Divide three miles south of Breckenridge. None of this area was recommended for Wilderness designation in the Forest Plan. However, 328 acres were set aside as a Research Natural Area (RNA) and contain unique plants that contribute to the regional and national RNA system. Of the remaining area, 4,910 acres are currently managed for non-motorized backcountry recreation year-round; 3 acres are currently managed for motorized backcountry recreation year-round; and 12 acres of a private inholding. No mechanized recreation opportunities would be affected. The designation is largely consistent with current management. We would like to work with the bill sponsor and the committee to avoid future conflicts regarding access to private lands.

### **The Proposed Tenmile Wilderness**

Section 102(a)(2) also designates approximately 7,606 acres of the White River National Forest to be named the “Tenmile Wilderness”, as depicted on the “proposed Tenmile Wilderness” map.

The proposed Tenmile Wilderness is located astride the Tenmile Mountain Range, 3 miles southwest of the town of Breckenridge on the White River National Forest. Currently the Forest Service manages this landscape through a variety of strategies including 3,788 acres for backcountry non-motorized recreation, 2,127 acres as a special interest area for protection of high elevation tundra plant communities, 99 acres in backcountry year-round motorized recreation, and 1,509 acres in generally undeveloped recreation which allows for some potential motorized use. Although these area designations may allow for the possibility of motorized or mechanized use, this Wilderness proposal does not include any areas where motorized or mechanized use are currently allowed under the Forest’s travel management plan. Seventy-three acres are private or designated for other management in this area.

The Forest Service is concerned about manageability of the proposed southern Wilderness boundary. The 14,000-foot-tall Quandary Peak, just outside the proposed southern boundary, sees over 21,000 hikers annually. While the top of the peak is not within the proposed Wilderness boundary, the landing sites for helicopters which are needed for rescues several times a year do fall within the proposed boundary. The drainage to the north of Quandary Peak is McCullough Gulch, home to some spectacular geology and water features, and over 14,000 visitors annually. While the lower portions of the trail are not within the proposed Wilderness designation, the upper one and a half miles are. To the north, the drainage containing Spruce and Mohawk Lakes receives over 22,000 annual visitors. The current proposed Wilderness includes three high use trails that will not meet visitors’ expectations and agency standards for Wilderness.

USDA does not support the proposed addition as it is currently written. The department would like to work with the committee and bill sponsor to consider boundary adjustments to provide improved and consistent manageability for thousands of visitors.

### **The Eagles Nest Wilderness Additions**

Section 102(a)(2) designates 9,419 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 Eagles Nest Wilderness lies astride the Gore Mountain Range just to the north of Vail, Colorado, and to the east of Silverthorne, Colorado, on the White River National Forest.

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 encompasses 1,144 acres of National Forest System lands. In the Forest Plan, 290 acres of the proposed addition are recommended for Wilderness designation. The remaining 850 acres are currently managed for non-motorized recreation opportunities and the four remaining acres are private lands. The Forest Service supports the addition of the 290 acres recommended for Wilderness in the Forest Plan. Further Wilderness designations in the proposed area present access issues including to private structures.

The proposed Spraddle Creek Wilderness Addition encompasses 8,362 acres. Of those, 872 acres are recommended for Wilderness designation under the Forest Plan. USDA supports the addition of the 872 acres recommended for Wilderness. USDA does not support adding the remaining 7,490 acres as remnants from past forest management exist, along with continued access to a developed ski hut, which could impact the Wilderness character of the area. These areas also include forest and rangeland habitats that are actively managed for a variety of forest product and forest health purposes. Adding these areas will also remove 4,156 acres from consideration for commercial timber harvest and active forest management.

### **The Proposed Williams Fork Wilderness**

Section 103 designates approximately 8,192 acres of the White River National Forest, depicted as the “Proposed Williams Fork Wilderness” as a potential Wilderness area. The Act also directs the Secretary to publish a determination regarding whether to authorize livestock grazing on vacant grazing allotments known as, the Big Hole Allotment and the Blue Ridge Allotment.

The Proposed Williams Fork Wilderness is 14 miles north of Silverthorne on the western slope of the Williams Mountain Range. None of this area was proposed for Wilderness designation in the Forest Plan given the presence of roads in the area. As a result, USDA does not support the proposed addition of the proposed Williams Fork Wilderness.

### **The Proposed Tenmile Recreation Management Area**

Section 104 designates approximately 16,996 acres of the White River National Forest, as the Tenmile Recreation Management Area to conserve, protect and enhance recreational, scenic, watershed, habitat and ecological resources. The proposed Tenmile Recreation Management Area borders the Proposed Tenmile Wilderness area on three sides. This area is located immediately south of Frisco, Colorado, and straddles the Tenmile Mountain Range

The lands in the northern part of the Tenmile Recreation Management Area have historically been actively managed for a variety of uses, including timber harvest. This proposal would remove 3,479 acres from commercial timber harvest consideration. Otherwise, the designation is largely consistent with other current management of the area. USDA does not support this section as written. We would like to work with the committee and bill sponsor to ensure that the area will remain available for commercial timber harvest and fuel reduction activities.

### **The Proposed Porcupine Gulch Wildlife Conservation Area**

Section 105 designates approximately 8,176 acres of the White River National Forest as the Porcupine Gulch Wildlife Conservation Area, specifically to conserve, protect and enhance wildlife habitat and migration corridors primarily for lynx.

The proposed conservation area is located three miles east of Dillon, Colorado, extending to the Continental Divide. The proposed designation is consistent with the Forest wildlife landscape linkage, non-motorized backcountry recreation and special interest area designations in the 2002 Forest Plan.

### **The Proposed Williams Fork Wildlife Conservation Area**

Section 106 designates approximately 3,492 acres of the White River National Forest as the Williams Fork Wildlife Conservation Area, specifically to conserve, protect and enhance wildlife habitat and migration corridors.

The proposed Conservation Area is located 19 miles north of Silverthorne, Colorado, on the lower flank of Williams Peak. The proposed designation is consistent with the wildlife management emphasis in the 2002 Forest Plan. The use of bicycles would continue to be allowed on designated trails and roadways.

### **The Proposed Camp Hale National Historic Landscape**

Section 107 designates approximately 28,728 acres of the White River National Forest as the Camp Hale National Historic Landscape, to preserve and interpret historic events, structure and artifacts while also providing increased recreational opportunities.

This area is located 10 miles south of Vail, Colorado, in the Eagle River Valley.

Camp Hale has been listed on the National Register of Historic Places since April 1992 and is currently under evaluation by the National Park Service for a National Historic District designation.

If designated, Camp Hale would become the nation's first National Historic Landscape. The Act directs the Secretary to prepare a management plan within five years of enactment to enhance recreational activities, conserve historic values, create trails and road systems, improve watershed conditions and remove unexploded ordinance. Per Section 107, the Forest is required to coordinate with the U.S. Army Corps of Engineers, the Colorado Department of Public Health and Safety, the National Forest Foundation, the Colorado State Historic Preservation Office, the Camp Hale-Eagle River Headwaters Collaborative Group, and other units of government and organizations to develop and implement this plan.

The proposed designation is generally consistent with current Forest Plan management direction. The suitable timber base in the Camp Hale designation area is not planned for harvest in the foreseeable future because of the potential for unexploded ordinances. We would like to work with the committee and bill sponsor to clarify that commercial timber harvesting and fuels treatments will be allowed in the designated area where these activities can occur safely.

### **White River National Forest Boundary Modification**

Section 108 modifies the White River National Forest boundary by approximately 120 acres, and the Arapaho National Forest by 92.95 acres. USDA does not object to this boundary adjustment to the National Forest System.

### **Arapaho National Forest Boundary Adjustment**

Section 110 adjusts the boundary of the Arapaho National Forest to incorporate approximately 93 acres following written permission from the owners of the lots within the adjusted boundaries. Similar provisions were adopted in the John D. Dingell, Jr. Conservation, Management and Recreation Act (S. 47) signed by the President on March 12, 2019.

### **Bolts Ditch Access and Use**

Section 111 requires the Secretary to permit by special use authorization nonmotorized access and use of the Bolts Ditch headgate and the Bolts Ditch within the Holy Cross Wilderness for the purposes of water diversion and use, maintenance and repair of the ditch. Similar provisions were adopted as part of Public Law 116-9.

## **TITLE II—SAN JUAN MOUNTAINS**

Section 203 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 204 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.

Additionally, Section 206(g) would permanently withdraw these designated lands as well as 6,590 acres of National Forest System 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 defers to the Department of the Interior regarding the proposal in section 203 to designate approximately 8,884 acres of Bureau of Land Management (BLM) lands as the McKenna Peak Wilderness and the release of the Dominguez Canyon Wilderness Study Area in section 205.

The Grand Mesa, Uncompahgre, and Gunnison National Forests are currently revising their Forest Plan. During the plan revision process, the Forest is working with the public to identify lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any areas for Wilderness designation. The Forest initiated its Wilderness review process in January 2018. The draft Wilderness evaluation report and supporting materials were published on August 6, 2018. The draft environmental impact statement is scheduled to be released in the summer of 2021 with a draft decision on the Forest Plan, including analysis of areas for potential recommendations for Wilderness designation. A final decision will be made after the resolution of objections and is expected in 2022.

Due to this ongoing public process, USDA believes a formal position on Wilderness designations would be premature at this time. Specific considerations regarding the current management situation for the Wilderness additions and special management areas are as follows.

#### **Lizard Head Wilderness Additions**

The Lizard Head Wilderness lies astride the San Miguel Mountains, 10 miles southwest of Telluride on the Uncompahgre and San Juan National Forests. The proposed Wilderness additions include five parcels, encompassing approximately 3,141 acres of National Forest System lands adjacent to the existing Wilderness. The Forest Plan, completed in 1983, does not recommend any of the areas for Wilderness designation. However, Wilderness designation would not be inconsistent with the current management of the area. No summer motorized recreation is currently allowed and effects to winter motorized recreation would be minimal as there is little snowmobile use of the area.

#### **Mount Sneffels Wilderness Additions**

The Mount Sneffels Wilderness comprises more than 16,500 acres on the Uncompahgre National Forest between the communities of Telluride and Ouray. The proposed Wilderness additions include four parcels that encompass approximately 19,700 acres of National Forest System lands adjacent to the existing Wilderness. As with the Lizard Head Additions, the Forest Plan does not recommend any of the areas for Wilderness designation. However, the designation is generally aligned with Forest Plan direction.

#### **Liberty Bell East Special Management Area**

Section 204 would designate 792 acres of National Forest System lands located north of the town of Telluride as a special management area on the Grand Mesa, Uncompahgre, and Gunnison National Forests.

We would like to work with the sponsor and the subcommittee to address some technical aspects of the bill regarding language to maintain the suitability of the area for potential inclusion in the National Wilderness Preservation System while still providing for uses such as helicopter access for recreation and the use of bicycles, in the special management area.

### **Sheep Mountain Special Management Area**

Section 204 also would designate 21,663 acres of National Forest System lands located south of the town of Ophir as a special management area. About 10,930 acres are within the Uncompahgre National Forest and 10,733 acres are within the San Juan National Forest. This area contains some lands purchased recently with funds provided by Congress as part of the Ophir Valley Land and Water Conservation Fund project. Currently the Forest Plan identifies half of the area to be managed for semi-primitive non-motorized recreation and the other half for other recreation purposes.

### **Naturita Canyon Mineral Withdrawal**

National Forest System lands that would be withdrawn are within Naturita Canyon on the Uncompahgre National Forest, about five miles south of the community of Norwood. Naturita Canyon is relatively low-elevation river drainage (7,000 feet elevation) with steep canyon walls 1,000 feet in height.

USDA supports domestic energy and mineral production, including critical minerals, as important uses of the NFS. Presidential Executive Orders (EO) 13817, A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals, issued on December 20, 2017 and EO 13783, Promoting Energy Independence and Economic Growth, issued on March 28, 2017 reinvalidate USDA's responsibility to provide access and remove barriers to energy and locatable mineral development, including critical mineral commodities.

USDA's Forest Service stands ready to provide environmental, social, and economic analysis as Congress weighs the important considerations and consequences of permanent withdrawal.

### **TITLE III—Thompson Divide**

Section 303 withdraws approximately 187,00 acres found on the Gunnison National Forest 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 the Grand Mesa, Uncompahgre, and Gunnison NFs Forest Plan.

USDA supports domestic energy and mineral production as an important use of National Forest System Lands. We oppose the proposed withdrawal as it would have adverse effects on current lease holders and would not be consistent with the current Forest plan. In addition, the Forest is working with the public to identify lands that may be open to oil, gas and coal development as part of the Forest plan revision process. Due to this ongoing public process, USDA does not support a withdrawal at this time. USDA defers to the Department of Interior (DOI) for their views on the bill as it affects the public lands under their jurisdiction.



#### **TITLE IV—Curecanti National Recreation Area**

Section 402 establishes the Curecanti National Recreation Area consisting of approximately 50,667 acres in Colorado. Further, this section allows the DOI to enter into management agreements, or modify existing agreements, relating to the authorities of several DOI bureaus as well as the Forest Service to manage Federal land within the National Recreation Area (NRA). Section 403 transfers the jurisdiction of approximately 2,560 acres of the Gunnison National Forest to the National Park Service as part of the NRA.

The National Forest System (NFS) lands proposed for transfer are currently managed under the Grand Mesa, Uncompahgre, and Gunnison National Forests Forest Plan. Current activities in these areas include timber harvesting, grazing and recreation. Although there are no current timber sales, the area is a part of the suitable timber base. In addition, currently there are ongoing mechanical treatments for fuels treatments to increase forage production consistent with winter range objectives in portions of the proposed area.

In 2017, the Forest Service entered into an Interagency Agreement with the Curecanti National Recreation Area (NRA) to manage 710 acres of National Forest Systems (NFS) land. These two parcels were withdrawn from public entry when the Bureau of Reclamation created the NRA in 1958. Since 1966, the National Park Service has managed these acres under an interagency agreement awaiting further boundary adjustments. The Interagency Agreement was established for appropriate management of NFS lands incorporated within the current NRA boundaries.

The Forest Service has an interest in resolving the two parcels which were removed from public access during the creation of the NRA. However, the additional acres to the north of West Elk Creek and Soap Creek currently allow for active management, including timber harvest and fuels reduction activities, under the existing Forest plan. USDA supports continued effort to establish the NRA boundary by incorporating the historical 710 acres of inholdings, consistent with current management practices, but does not support the additional transfer of NFS land.

Thank you for the opportunity to testify on this bill, and I welcome any questions.

**Statement of Chris French**  
**Deputy Chief, National Forest System**  
**U.S. Forest Service, United States Department of Agriculture**  
**Before the**  
**Senate Committee on Energy and Natural Resources**  
**Subcommittee on Public Lands, Forests and Mining**  
**Concerning**  
**S. 1695 – Human-Powered Travel in Wilderness Areas Act**  
**November 18, 2020**

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the USDA Forest Service regarding S. 1695 – the Human-Powered Travel in Wilderness Act. My testimony pertains only to provisions affecting the Forest Service and National Forest System lands.

S. 1695 would amend the Wilderness Act of 1964 to create an exception to the current prohibition on mechanical transport in congressionally designated wilderness by requiring local officials to seek to accommodate all forms of non-motorized travel, including bicycles.

The Forest Service manages wilderness as an enduring resource and as one of the multiple uses of National Forest System (NFS) lands. Wilderness areas under the Department’s jurisdiction are found in 39 states and Puerto Rico. The 36.6 million acres of wilderness that the Forest Service manages in 448 wilderness units constitute 19.2 percent of the 193 million acres of the National Forest System. There are just over 32,000 miles of NFS trail within Forest Service wilderness units. Outside of designated wilderness areas, the Forest Service authorizes bicycle use on 120,660 miles (76%) of the NFS trail system.

**Section 2: Returning Human-Powered Travel to Wilderness Areas**

Section 2 would replace several provisions of section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)) to permit the use of bicycles within congressionally designated wilderness areas. The bill does so by, among other things, adding the term “nonmotorized travel” to the Wilderness Act, which the bill defines as “a method of human travel that does not use a propulsive internal or external motor with a nonliving power source.” This term covers several methods of transport currently prohibited by the Wilderness Act, including bicycles. Specifically, S. 1695 would modify section 4(c)’s prohibition on “other form[s] of mechanical transport” by adding a clause that creates an exception for any form of “nonmotorized travel.”

In addition, Section 2 would require local officials within the wilderness-managing Federal agencies—Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service,

and USDA Forest Service—to determine within two years of S. 1695’s enactment all permissible forms of nonmotorized travel over any permitted route in wilderness. Failure to make that determination for any wilderness within that timeframe would result in allowing any form of nonmotorized travel on permitted routes in that wilderness. Section 2 also requires local line officers to seek to accommodate all forms of nonmotorized travel in wilderness to the maximum extent practicable.

The Department supports expanding recreational access on National Forest System lands in a manner that preserves the ecological, cultural, and historical integrity of the landscape and supports the social and economic needs of adjacent communities. We welcome the opportunity to work with the bill sponsor and subcommittee members to explore ways to enhance nonmotorized travel opportunities, including building upon the existing network of high-quality mountain biking trails in non-wilderness settings throughout the National Forest System and promoting electric bicycle use on National Forest System trails where bicycles are allowed, consistent with applicable law.

### **Conclusion**

S. 1695 would provide greater access and recreational opportunities in wilderness areas managed on Department lands across the Nation. The USDA supports increased access to National Forest System lands, and thus supports the bill’s intent. We have concerns regarding implementation of the bill and would like to work with the Committee to address those concerns.

Thank you for the opportunity to testify on this bill. I welcome any questions.

**Statement of Chris French**  
**Deputy Chief, National Forest System**  
**U.S. Forest Service, United States Department of Agriculture**  
**Before the**  
**Senate Committee on Energy and Natural Resources**  
**Subcommittee on Public Lands, Forests and Mining**  
**Concerning**

**S. 2875 – The Smith River National Recreation Area Expansion Act**

**November 18, 2020**

Chairman Lee, Ranking Member Wyden, and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the U.S. Department of (USDA) Forest Service regarding S. 2875, the “Smith River National Recreation Area Expansion Act.” My testimony only pertains to provisions affecting the Forest Service and National Forest System (NFS) lands.

The Smith River National Recreation Area Expansion Act would amend the Smith River National Recreation Area Act and the Wild and Scenic Rivers Act to include certain additions to the Smith River National Recreation Area and to designate certain wild rivers in the State of Oregon. Enactment of this bill would result in the Smith River National Scenic Area being expanded from northern California to encompass the North Fork of the Smith River Watershed in Southwestern Oregon and managed for recreational access, special scenic value, natural diversity, cultural and historical attributes, wilderness, wildlife, and fisheries. Additionally, 74 miles of the North Fork of the Smith River and its source tributaries would be designated and managed as Wild and Scenic Rivers.

**Section 2: Additions to the Smith River National Recreation Area**

Section 2(d) of this bill would require a study of the affected area within five years of the bill’s enactment, and upon completion of the study, would require modifications to existing land management plans. No impacts to vegetation or wildfire management are noted in the bill and nothing in the bill affects the application of the Northwest Forest Plan or Roadless Rule in the State of Oregon. Section 2(h) of this bill would require the Secretary of Agriculture to enter into a Memorandum of Understanding with applicable Indian Tribes to preserve and protect tribal rights and to ensure access. Further, the bill requires that interpretive materials regarding the Tribes be developed and made publicly available.

In addition, this bill expands land acquisition authority by directing the Secretary of Agriculture to acquire a 555 acre area of state-owned land known as the Cedar Creek Parcel, pending availability of funding and approval by the State Land Board of Oregon.

The USDA does not support the acquisition of the identified parcel at this time as acquisition of additional non-federal lands would divert resources from ongoing work on other complex legislated exchanges and acquisition currently being adjudicated in the State. However, we would like to work with the Subcommittee on technical changes to the legislation to permit potential acquisition in the future. The USDA supports expanding recreational access in a manner that preserves the ecological, cultural, and historical integrity of a landscape and that supports the social and economic needs of adjacent communities.

### **Section 3: Wild and Scenic River Designations**

Section 3(a)(2) designates 23 segments across roughly 74 miles of the North Fork of the Smith River and its source tributaries as Wild and Scenic Rivers. The USDA supports designation of Wild and Scenic Rivers that have been analyzed and found eligible and suitable for such designation through the land management planning process and through public input. The USDA does not support this section as none of these segments have been found suitable based on current Agency records, although some of the segments have been found eligible for future designation.

Any new designations will need to be properly integrated into the National Wild and Scenic Rivers System with time to develop comprehensive river management plans and to establish detailed boundaries in cooperation with members of the interested public. The Agency requests exemption from the required timeframes identified under Section 3(d) to allow the river management plans for any new designations to align with future scheduled revisions of land and resource management plans of the applicable national forests. We would be interested in working with the Subcommittee and bill sponsor to explore options and possible clarifications on how the user capacities requirements under Section 3(d) of the Wild and Scenic Rivers Act can be satisfied for these designations.

### **Conclusion**

The USDA Forest Service embraces its mission to steward and safeguard free flowing Wild and Scenic Rivers with their outstandingly remarkable values and provide recreational access to the American people. We are committed to working with Congress, Tribes, and members of the interested public to identify and propose appropriate parcels of land and segments of river within the National Forest System for designation as Wild and Scenic Rivers and National Recreation Areas and to manage those parcels responsibly when designated. S.2875 sets forth similar objectives and we look forward to working with the Subcommittee and sponsors of this bill to address the concerns outlined above.

Thank you for the opportunity to testify on this bill, and I welcome any questions.

**STATEMENT OF CHRIS FRENCH  
DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**Before the  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING**

**Regarding**

**S.4215 – BONNEVILLE SHORELINE TRAIL ADVANCEMENT ACT**

**November 18, 2020**

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the U.S. Department of Agriculture (USDA) Forest Service regarding S. 4215, the “Bonneville Shoreline Trail Advancement Act.”

S. 4215 would designate parcels of National Forest System lands on the Uinta-Wasatch-Cache National Forest (Forest) in Utah as components of the National Wilderness Preservation System; the bill also makes boundary adjustments to existing wilderness areas on the Forest, thereby removing these components from the National Wilderness Preservation System.

Section 2 of the bill would add approximately 334.16 acres of National Forest System lands to the Mount Olympus Wilderness. While USDA supports designation of wilderness areas if they have been recommended for designation through the agency’s land management planning process, including local engagement and public input, the acres included in the proposed wilderness additions to the Mount Olympus Wilderness have not yet been evaluated for wilderness characteristics through the land management planning process.

Section 3 of S. 4215 makes boundary adjustments to existing wilderness components on the Forest, identifying approximately 334.16 acres for removal from the National Wilderness Preservation System. The bill stipulates that acres removed from the National Wilderness Preservation System shall be managed as part of the Forest. As depicted on the “Bonneville Shoreline Trail Legislative Map” dated June 23, 2020, the bill makes the following adjustments: approximately 9.8 acres are removed from the Twin Peaks Wilderness; approximately 107.9 acres of the Lone Peak Wilderness; approximately 19.06 acres are removed from the Mount Naomi Wilderness; and approximately 197.4 acres from the Mount Olympus Wilderness.

The proposed removal of the parcels from the National Wilderness Preservation System will advance completion of the Bonneville Shoreline Trail. While the Department does not oppose the adjustments to the National Wilderness Preservation System, USDA does have concerns that area removed from the Mount Naomi Wilderness contains an existing unauthorized user-constructed trail and the Lone Peak Wilderness area contains terrain that will pose significant challenges during construction and use of the proposed trail.

The Forest Service is committed to collaborating with Congress, Tribes, and all members of the interested public during our land management planning process to identify and propose appropriate acres of land within the National Forest System in Utah for designation or removal from wilderness, and to manage those parcels responsibly as designated. We look forward to working with the Subcommittee and bill sponsors to address the concerns outlined above.

That concludes my testimony, Mr. Chairman. I would be happy to answer any questions you or the other members have for me.

**STATEMENT OF CHRIS FRENCH  
DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
Before the  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING  
Regarding  
S. 4569 – SUNSET CRATER VOLCANO NATIONAL MONUMENT BOUNDARY  
ADJUSTMENT ACT**

**November 18, 2020**

Chairman Lee, Ranking Member Wyden and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 4569, the “Sunset Crater Volcano National Monument Boundary Adjustment Act.”

This bill modifies the boundary of the Sunset Crater Volcano National Monument in Arizona to include approximately 97.71 acres of identified National Forest System land immediately adjacent to the Monument. The bill transfers administrative jurisdiction over the land from the U.S. Department of Agriculture’s Forest Service, Coconino National Forest to the Department of the Interior, National Park Service. The bill directs that the National Park Service shall administer the land as part of the monument.

The Coconino National Forest’s forest plan allows for boundary adjustments such as that proposed, and includes management approaches to partner with the National Park Service to study, protect, and monitor heritage resource sites, and to manage recreation near the Sunset Crater Volcano National Monument. Furthermore, the Revised Forest Plan Final Environmental Impact Statement noted the continued need for coordination or potential interagency land transfers in the future. The Forest will continue to work, coordinate, and partner with the National Park Service on all desired conditions including threatened and endangered species habitat, archeological resources, wetlands and riparian areas and key recreation access points.

The adjustment includes an administrative area that contains maintenance facilities and park housing, a National Park Service visitor center, and a section of road that connects the entrance kiosk and the administrative area to the national monument.

While no existing recorded special uses would be impacted, the agency looks forward to working with the Committee to ensure that multiple uses would not be affected by the proposed boundary adjustment.

The National Park Service currently operates under an Interagency Agreement whereby any ground disturbing activity in the administrative area requires prior approval by the Forest Service. The proposed boundary adjustment would allow elimination of this requirement and thus remove a significant bureaucratic compliance burden for both agencies.



The U.S. Department of Agriculture's Forest Service supports the proposed boundary adjustment from the Coconino National Forest to Sunset Crater Volcano National Monument. The adjustment will allow better management of natural resources and topographic features that pertain to the Monument; provide clear jurisdiction to better serve the public; and, provide a stronger basis for cooperation between the two agencies.

**STATEMENT OF CHRIS FRENCH  
DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**Before the  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING**

**Regarding  
S. 4599 – PECOS WATERSHED PROTECTION ACT**

**November 18, 2020**

Chairman Lee, Ranking Member Wyden and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 4599, the “Pecos Watershed Protection Act.”

This bill withdraws identified federal land in the Pecos River watershed in New Mexico from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials. The area proposed for withdrawal includes approximately 165,000 acres of USDA Forest Service National Forest System land, as well as approximately 1,600 acres of Department of Interior Bureau of Land Management land, and approximately 611 acres of privately owned land. This proposed withdrawal constitutes 66 percent of the 253,343 acres of watershed depicted outside of the Pecos Wilderness, Santa Fe National Forest.

The proposed withdrawal would be subject to valid existing rights, meaning mining and associated activities can continue within the withdrawn area as long as valid rights were established at or prior to the time of the withdrawal. The respective federal agencies would need to conduct any necessary reviews to verify valid rights exist.

Under the current 1987 Forest Plan, just over 80% (~135,000 acres) of the proposed withdrawal area has limited surface use (no surface occupancy or seasonal restrictions) for leasable minerals, 18% (~29,000 acres) has no leasing restrictions, and the Pecos Wild and Scenic River wild classified segment (about 67 acres) is already withdrawn from leasing. The area is also composed of 8 Inventoried Roadless Areas (27,000 acres) and the Pecos Wild and Scenic River recreational classified segment (~1,500 acres) although these areas have no leasing restrictions in and of themselves. The Forest is currently revising their Forest Plan and expects to have a Final Plan and Environmental Impact Statement along with a draft Record of Decision in spring 2021.

The Forest Service acknowledges the deep tribal connection to this land and is committed to collaborating with Congress, Tribes, acequias, local communities, and watershed partners who value the Pecos Canyon watershed to balance our multiple-use mission and bolster resilient landscapes and watersheds. This is evidenced by ongoing tribal consultation and site visits to enhance communication, collaboration and share local knowledge.

The Administration opposes the proposed withdrawal in S. 4599, in support of the President's vision to balance conservation strategies and policies with the need to produce minerals that benefit the American economy by providing families with good paying jobs, businesses with economic opportunity, and manufacturers with raw materials that are produced at home. We would be happy to work with the bill sponsor to find a balance between preservation and economic opportunity.

Thank you for the opportunity to testify on this bill, and I welcome any questions.

**Statement of Chris French**  
**Deputy Chief, National Forest System**  
**U.S. Forest Service, United States Department of Agriculture**  
**Before the**  
**Senate Committee on Energy and Natural Resources**  
**Subcommittee on Public Lands, Forests and Mining**  
**Concerning**  
**S. 4603 – Forest Health and Biomass Energy Act of 2020**  
**November 18, 2020**

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the U.S. Department of Agriculture (USDA) Forest Service regarding S. 4603, “Forest Health and Biomass Energy Act of 2020.” My testimony only pertains to provisions affecting the Forest Service and National Forest System (NFS) lands.

**Section 4 & 5: Designation of High Hazard Areas and Classification of Timber as No-Value**

Section 4 requires the Secretary of Agriculture (Secretary) to designate high hazard areas of NFS land. High hazard areas encompass Federal land or non-Federal land located in an area in which a project is carried out under the Collaborative Forest Landscape Restoration Program (CFLRP) or a Good Neighbor Agreement (GNA) and drought, tree mortality, insects or disease pose an imminent wildfire risk, and the project is west of the 100<sup>th</sup> meridian. The high-hazard area designations are to be retained for no less than 15 years unless the Secretary of Agriculture, in consultation with the governor of a State, determines the designation is no longer warranted.

Section 5 proscribes the Secretary from charging a stumpage rate or assigning any value to timber removed through a CFLRP or GNA project in a high hazard area. This proscription is specifies such no-value classification for a tree less than 12 inches in diameter cut to reduce a fire hazard and make a forest stand more resilient, and to any forest processing residue or byproduct of forest restoration (such as tree tops) or large dead trees not suitable for higher-valued wood products.

USDA acknowledges that removal of low value material is a challenge and we appreciate the Subcommittee’s focus on this issue. We are addressing this issue administratively through

updating our Forest Management directives to give greater flexibility to Regional Foresters to encourage treatment where there is little or no economic value.

USDA has some technical concerns with language in these sections. Under the 2018 Farm Bill good neighbor authority, States use their contracts to implement timber sales on NFS lands. This legislation would limit the State's revenue, which may limit their interest in future GNA projects. USDA is also concerned that the definition of high hazard areas is too restrictive. By limiting the definition to areas where CFLR or GNA projects can be carried out, we are missing opportunities to treat additional low value material through other contracting instruments.

### **Section 6: Assessment of Federal Land for Wood Biomass Energy Potential**

Section 6 requires the Secretary of Energy, in coordination with the Secretary of the Interior and the Secretary of Agriculture, to produce a comprehensive assessment of the potential to produce biomass energy on Federal land, subject to certain exceptions. The assessment shall include an inventory to distinguish among live, dead or salvage trees, supplies prone to drought, insect or disease, mill residues; and trees that may be harvested. Further, the assessment shall evaluate whether biomass supplies listed in the inventory are sources of logging waste, unmerchantable timber, trees and fuels removed as part of restoration efforts, among other potential wood biomass sources. The assessment is also to consider the availability, potential, and distribution of forest biomass supplies, the infrastructure that supports the existing wood products and biomass energy production on Federal land, and existing and projected consumption of forest biomass energy in the United States. Finally, the assessment is to estimate 5- and 10-year supplies of biomass energy as well as the costs of transporting and processing those supplies for use as energy. The assessment as well as the supply estimates are to be reported by the Secretary of Energy to the relevant committees in Congress 1-year post enactment.

USDA agrees that bioenergy development needs to be based on a robust inventory of available forest biomass. We believe the assessment under Section 6 should be broadened to include opportunities for all renewable energy including heating, cooling, combined heat and power, and cellulosic biofuels. Further, the supply inventory under Section 6 should not be limited to mill residues, but any forest products manufacturing residues. USDA also believes the assessment should consider key market barriers (e.g., low fossil fuel prices, transportation costs, etc.) as well as recommendations for addressing them.

### **Section 7: Wood Biomass Targets**

Section 7 requires the President, in the annual budget submission, to include annual performance metrics, established by the Secretary, for the harvest of wood biomass material in green tons made available to the bioenergy market.

USDA values the biomass market for low value timber and would like to enable use of as much material as possible as we strive to reduce hazardous fuels on NFS lands. The Agency currently has the ability to track the number of green tons sold through timber sales and stewardship contracts. USDA would support a performance metric for green tons offered.

### **Section 8: High Hazard Area Wood Biomass Fund**

Section 8 establishes a “High Hazard Area Wood Biomass Fund” (Fund) in the U.S. Treasury whereby the Secretary may transfer a percentage of the revenue generated from base stumpage rates of timber sales from NFS lands. Revenue into the Fund does not include deposits under 16 U.S.C. 576b, 16 U.S.C. 500, or 43 U.S.C. 2621 and does not affect the amount of payments under the Secure Rural Schools and Community Self-Determination Act (16 U.S.C. 7101). Amounts in the Fund can be used to assist with the collection, harvest, storage and transportation of biomass material removed from NFS land in high hazard areas with a priority to providing assistance to electricity generation that converts from coal to a majority of biomass power operations.

USDA understands that transportation of biomass to power facilities is often cost prohibitive and would like to work with the Subcommittee to address technical considerations and explore options for addressing this concern.

### **Conclusion**

USDA supports the goals of S. 4603 to encourage the removal of an increased amount of biomass from NFS land particularly for hazardous fuels reduction. We look forward to working with the bill sponsor and Subcommittee to consider technical changes to the bill.

Thank you for the opportunity to testify on this bill, and I welcome any questions.

**STATEMENT OF CHRIS FRENCH  
DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**Before the  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING**

**Regarding  
S. 4616 —GILT EDGE MINE CONVEYANCE ACT**

**November 18, 2020**

Chairman Lee, Ranking Member Wyden, and members of the Subcommittee, thank you for inviting me to present the views of the U.S. Department of Agriculture on S. 4616, the Gilt Edge Mine Conveyance Act.

S. 4616 would convey approximately 266 acres of National Forest System lands administered by the Black Hills National Forest within the Gilt Edge Mine Superfund site boundary to the state of South Dakota. The Gilt Edge Mine is in Lawrence County, South Dakota within the boundary of the Black Hills National Forest. The mine is an inactive gold mine.

The U.S. Department of Agriculture supports the purpose of S. 4616 to consolidate the ownership in and around the Gilt Edge Mine. Currently the mine encompasses a patchwork of National Forest System lands and lands owned by the state of South Dakota. The state of South Dakota has jurisdiction and oversight of the Superfund site to implement actions to remediate the site and provide long term monitoring. Consolidating the entire land ownership of the Gilt Edge Mine to the state of South Dakota will make it easier for the State to fulfill their obligation for remediation of the site.

S. 4616 requires the state of South Dakota to conduct an appraisal of the property following uniform appraisal standards for Federal land acquisitions and conform to uniform standards of professional appraisal practices. The state of South Dakota will pay to the Secretary of Agriculture an amount equal to the fair market value of the land to be conveyed. The cost of conveyance will be paid by the state of South Dakota including the cost of the appraisal and the survey. Proceeds from the sale of the 266 acres will be used for the maintenance and improvement of land or administrative facilities on the Black Hills National Forest within the state of South Dakota.

### **Conclusion**

The conveyance of approximately 266 acres of National Forest System lands would simplify the remediation of the Superfund site by consolidating land ownership to the state of South Dakota who has jurisdiction and oversight. Thank you for the opportunity to testify on this bill, and I welcome any questions.

**STATEMENT OF CHRIS FRENCH  
DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**Before the  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING**

**Regarding  
S. 4625 – THE NATIONAL PRESCRIBED FIRE ACT OF 2020**

**November 18, 2020**

Chairman Lee, Ranking Member Wyden and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 4625, the “National Prescribed Fire Act of 2020.”

The objective of the bill is to substantially increase the number of acres of prescribed burning across all lands, especially in the western states. This would provide much needed help to reduce wildfire risk to communities and improve forest health. Many sections of the bill build upon existing USDA Forest Service programs. The bill addresses many of the agency’s concerns regarding expansion of the use of prescribed fire. The bill proposes a broad range of actions and incentives over a ten-year period that would promote and increase the use of prescribed fire on federal, state, and private lands. By increasing the use of prescribed fire, we may curtail some of the devastation to communities and natural resources from extreme wildfire behavior. We would like to work with the Committee and bill sponsors to address numerous sections that may be revised in order to achieve the bill’s intended purpose.

**TITLE I—USE OF FUNDS**

**Sec 101. PRESCRIBED FIRE ACCOUNTS** - This section establishes a new Prescribed Fire account within the Wildland Fire Management appropriation for both USDA’s Forest Service and Department of the Interior that is separate from the existing Hazardous Fuels appropriation. The new Prescribed Fire Account for the Department of Agriculture is authorized for appropriation of up to \$300 million and could be used to increase the total amount of prescribed burning done on both Federal and State lands. The intent would be to prioritize prescribed burning on large contiguous areas that cross jurisdictional boundaries and address the wildfire risk to communities and essential infrastructure.

USDA is committed to collaboratively working at larger scales with our Federal, Tribal, State and local government partners, as well as all members of the public in an effort to collectively and proactively use our resources to create resilient landscapes. These are also the goals of the program established in Section 101; however, the provision duplicates the existing Hazardous Fuels program. We would like to work with the Committee and bill sponsors to address this issue while still meeting the objectives of the section.



**Sec 102. POLICIES AND PRACTICES** – This section creates minimum and maximum accomplishments to adhere to funding associated with the Prescribed Fire Accounts. USDA agrees there is a significant need to increase the amount of prescribed burning and ensure it is completed on the highest priority areas. Requiring at least one prescribed burn on each unit that has a minimum of 100 acres in Fire Regimes I, II, or III and has not already burned over by wildfire does not completely align with this principle. USDA would value the opportunity to work with the Committee to discuss these existing prioritization strategies.

**Sec 103. COLLABORATIVE PRESCRIBED FIRE PROGRAM** – This section establishes a collaborative prescribed fire program within the Department of the Interior without a clear role for USDA. USDA would like to ensure that the establishment of this program compliments and enhances existing programs inside USDA and Department of the Interior. We would value working with the Committee to better understand how this can be accomplished.

**Sec. 104. LARGE CROSS-BOUNDARY PRESCRIBED FIRE INCENTIVE PROGRAM** - This section creates an incentive program to encourage the implementation of cross boundary landscape level prescribed burning. USDA strongly believes it is essential to partner with State and county entities so we can all collectively do our part in managing all lands and create greater wildfire resilience.

USDA would like to have a better understanding of the details of Section 104 and how the incentive program would function or incur financial impacts. USDA is committed to working with the Committee on program specifics and ensure any incentives created would fulfill programmatic objectives.

## **TITLE II- FACILITATING IMPLEMENTATION AND OUTREACH**

**Sec 201. COOPERATIVE AGREEMENTS AND CONTRACTS** – This section enables Federal agencies to enter into cooperative agreements and contracts with States and local entities to conduct prescribed burning on Federal lands. USDA supports strong collaborations with State and local entities and appreciates any efforts to create capacity to achieve wildfire resilience. The provisions in the section may duplicate and contradict existing USDA authorities and non-Federal financial assistance transactions resulting in potential interpretation challenges. We commit to working with the Committee to address these concerns.

**Sec. 202. HUMAN RESOURCES** – This section provides increased budget authority to hire additional personnel into permanent or permanent seasonal positions as prescribed fire practitioners, including: veterans, qualified applicants, the conversion of temporary employees to permanent positions, hiring of Job Corps qualified candidates, and employment of formerly incarcerated individuals. This section also describes additional training for prescribed fire practitioners and additional budget authority to fund overtime and other pay entitlements. The section also grants indemnity to Federal employees conducting prescribed burning. USDA believes some of these provisions warrant further consideration and we look forward to working with the bill sponsors and the Committee to consider adjustments to our firefighting workforce into the future.

**Sec 203. LIABILITY OF CERTIFIED PRESCRIBED FIRE MANAGERS** – This section encourages states to establish a covered law. USDA supports working with Governors on this important issue.

**Sec 204. ENVIRONMENTAL REVIEW** – This section would provide significant support for smoke management issues the Agency has identified. It recognizes the key challenge of managing smoke while increasing prescribed fire activities to reduce the risk of wildfire on National Forest System and adjacent lands. The goal is to manage smoke from prescribed fire and balance air quality and land management objectives. This section recognizes existing challenges in managing smoke from current levels of prescribed fire as well as issues imposed by the Clean Air Act and subsequent regulations. The proposed provisions provide a framework for more prescribed fire to occur at a meaningful scale while balancing the need for smoke management and maintenance of good air quality. Based on the spate of wildfires and the heavy smoke impacts on millions of people in 2020, the increased use of prescribed fire would allow for more effective smoke management practices to improve undesirable, long duration smoke impacts of wildfire to the public. To better meet the intent of Section 204(b), USDA would like to work with the committee to more closely align the requirements of this subsection with the guidance provided by the Council on Environmental Quality for the development of Categorical Exclusions.

**Sec 205. PRESCRIBED FIRE EDUCATION PROGRAM** – This section is an expansion of public information under the “Burner Bob” program. USDA supports the expansion of this important program.

### **TITLE III—REPORTING; 14 TERMINATION**

No Comments.

#### **Conclusion**

USDA agrees that more prescribed fire can help mitigate the risk of unplanned wildfire and looks forward to working with the Committee and bill sponsors to identify tools that help accomplish this goal.

Thank you for the opportunity to testify on this bill, and I welcome any questions.

**Statement of Chris French**  
**Deputy Chief, National Forest System**  
**U.S. Forest Service, United States Department of Agriculture**  
**Before the**  
**Senate Committee on Energy and Natural Resources**  
**Subcommittee on Public Lands, Forests and Mining**  
**Concerning**

**S. 4889 – ALASKA NATIVE CLAIMS SETTLEMENT ACT FULFILLMENT ACT OF 2020”**

**November 18, 2020**

Thank you for the opportunity to present the U.S. Department of Agriculture’s views on S.4889, Alaska Native Claims Settlement Act Fulfillment Act of 2020. USDA recognizes the special relationship that Alaska Natives have to the lands of southeast Alaska, which are the traditional homelands of the Tlingit, Haida, and Tsimshian people. We also acknowledge the important role that the resources we steward within the Tongass National Forest play in the customary and traditional use as well as contribute to the economic health of the region’s communities.

This testimony addresses the effect of section 7, Recognition and Compensation of Unrecognized Native Communities in Southeast Alaska, on the Forest Service management of the Tongass National Forest. We defer to the Department of Interior for its views on the remainder of the bill.

Section 7 would amend the Alaska Native Claims Settlement Act of 1971 (ANCSA) to authorize Alaska Natives enrolled in the Southeast Alaska communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell to form urban corporations. The legislation authorizes the conveyance, to each corporation, of 23,040 acres of surface estate selected from areas in the Tongass National Forest. Sec. 7 also conveys the subsurface estate of these parcels to the Sealaska Regional Corporation.

**Background**

The Alaska Native Claims Settlement Act effected a final settlement of the aboriginal claims in Alaska through payment of \$962.5 million and conveyances of more than 44 million acres of Federal land. There was a distinction made in ANCSA between the villages in the southeast and those located elsewhere. Prior to the passage of ANCSA, Alaska Natives in the southeast received payments from the United States pursuant to court cases in the 1950s and late 1960s, for the taking of their aboriginal lands. Because Alaska Natives in the Sealaska region benefitted from an additional cash settlement under ANCSA, the eligible communities received less acreage than their counterparts elsewhere in Alaska.

Congress named the villages in the southeast that were to be recognized in ANCSA. The communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell – the five communities addressed in S.4889 – were not among those listed.

Alaska Natives living in the five communities applied to receive benefits under ANCSA and were subsequently determined to be ineligible. Three of the five appealed their status and were denied. Notwithstanding the determination of ineligibility of some communities for corporate status under ANCSA at the time, Alaska Natives in these five communities were enrolled as at-large shareholders in the Sealaska Corporation. The enrolled members of the five communities comprise more than 20 percent of the enrolled membership of the Sealaska Corporation.

#### Analysis and Effect on Forest Service Management of the Tongass National Forest

S.4889, section 7, identifies approximately 115,201 acres of National Forest System lands selected in 56 named parcels, including some that are split into distinct parts or include adjacent islands. The parcels range in size from 38 to 9,106 acres and are located across seven Forest Service Ranger Districts. Although the total acreage proposed for transfer to new urban corporations is a small portion of the National Forest System lands within southeast Alaska, due to the high value of these lands for forest management activities and public use, the Forest Service anticipates that these selections could adversely impact the implementation and viability of the 2016 Forest Plan broadly across program areas. In my testimony today, I will focus on our initial analysis and the anticipated effects on the timber and recreation programs.

USDA anticipates the proposed conveyance will affect delivery of the Tongass National Forest timber program. Based on an initial review of the parcels, the proposed selection acreage will decrease the Tongass National Forest land base suitable for timber by nearly 37,000 acres, or 10 percent. This includes approximately 22,500 acres of old growth timber and 14,400 acres of young-growth timber. The selections include nearly 9,000 acres that are subject to the 2020 Alaska Roadless Rule direction to modify the timber land suitability and become available for timber harvesting. These 9,000 acres may be considered a nearly 50 percent addition to the estimated 18,650 acres that were projected to be harvested in roadless areas under the Alaska Roadless Rule. Also, the selections include about 40,500 acres of land designated by the Forest Plan as Old Growth Habitat, over 21,200 acres of land designated as Scenic Viewshed, and some 2,850 acres designated as Semi-Remote Recreation.

The proposed selections would impact three timber harvest projects currently in planning – Central Tongass Project, South Revilla Integrated Resource Project, and the Twin Mountain II Timber Sale. The highest impact would be to the Central Tongass Project; approximately 17 percent of harvest acres in this project are proposed for selection. Certain selected parcels bisect portions of the Central Tongass project area which could make accessing harvest units and other resources more challenging. The proposed selections include approximately 5.2 percent and 2.5 percent of the harvest acres in South Revilla and Twin Mountain II Timber Sale projects. While not large percentages of the overall projects, the inclusion of selections within the three project areas is likely to impact the Forest Service's ability to complete a timely review under the National Environmental Policy Act, issue decisions on schedule, and offer timber in fiscal years 2021 and 2022.

Additionally, USDA anticipates the proposed conveyance of the lands will affect the Tongass National Forest's delivery of its recreation program. Based on an initial review of the mapped selections, the Forest Service has identified that the following are located within the boundaries of the parcels: 13 developed recreation sites (3 camping sites, 7 public use cabins, 1 picnic site, 1 shelter, 1 trailhead), 3.5 miles of hiking trail, 26.5 miles of designated Off Highway Vehicle trails, 90.9 miles of open roads, and an estimated 12 marine access facilities. The agency's initial review also identified that outfitter/guide activity is authorized under special use permits within or adjacent to more than half of the selected parcels.

#### Conclusion

USDA looks forward to working with sponsor of the bill to consider technical changes to address the legislation's impact on the Tongass National Forest's program of work.

Thank you for the opportunity to testify on this bill, and I welcome any questions.