

113,000 acres
113,167 NFA acres
113,327 total acres

**STATEMENT OF
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FOR PROGRAMS AND LEGISLATION**

**FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE**

**Before the
U.S. House of Representatives Committee on Resources
Subcommittee on Forests and Forest Health**

June 17, 1999

Thank you for your invitation to testify on H.R. 2079, "Terry Peak Land Transfer Act of 1999", and H.R. 1231, to convey certain National Forest lands to Elko County, Nevada for continued use as a cemetery. I appreciate the opportunity to join you today.

H.R. 2079, "Terry Peak Land Transfer Act of 1999"

The Administration supports H.R. 2079 for two reasons: 1) this conveyance will reduce significant administrative duties and costs for a 40 acre parcel of National Forest land within the Terry Peak Ski Area and, 2) the Forest Service will receive fair market value compensation for this land.

This 40 acre parcel is bordered on three sides by private land. Ski area facilities authorized under a special use permit are located on this parcel. Instead of retaining the parcel, the public would be better served by using the fair market value of this land to acquire private inholdings from willing sellers to add to the Black Hills National Forest.

Conveyance of the 40 acre parcel, which is less than 10% of the ski area, would eliminate Forest Service costs of administering a special use permit for the ski area facilities located on this land. Compensation for this land would be considered monies received and deposited pursuant to the Sisk Act and would be utilized to acquire private inholdings from willing sellers within the Black Hills National Forest for public use and enjoyment.

H.R. 1231, which conveys certain National Forest System lands to Elko County, Nevada

The Administration does not object to conveying the lands to Elko County, Nevada included in H.R. 1231, but opposes this bill because it does not require fair market value compensation. The taxpayers of the United States should receive fair market value for the sale, exchange, or use of their National Forest lands.

The Administration believes that this legislation is unnecessary because the Forest Service can meet its objectives through current statute that allow the Forest Service to convey this parcel to Elko County for land or cash value. For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska and in the contiguous western states. Within certain limits, the Sisk Act of authorizes the Secretary of Agriculture to exchange lands with states, counties, or municipal governments or public school districts for lands or money. Moreover, under the General Exchange Act, the Secretary of Agriculture can exchange National Forest system lands with State and local governments.

These laws require the Secretary of Agriculture to obtain fair market value for exchanges or sales of National Forest lands. Indeed, the Federal policy backed by a bipartisan coalition in the executive and legislative branches in recent decades has moved toward maximizing return to the public for the value of lands conveyed out of Federal ownership. The Administration objects to reversing this policy by opening the door to less than fair market value consideration for the disposition of National Forest lands.

The use of this land as a cemetery has been approved through a special-use permit. If Elko County is not willing to pay fair market value for this land, its current and future use of this land could continue to be authorized under the special-use permit authorization.

Closing

Madam Chairman, the Administration supports H.R. 2079, "Terry Peak Land Transfer Act of 1999". The Administration, however, opposes H.R. 1231, but would support the conveyance of this parcel of land to Elko County for fair market value compensation. The Administration remains open to discussions with the Subcommittee on other ideas for this bill.

This concludes my statement, I would be happy to answer any questions you and the Members of the Subcommittee might have.