Statement of

Mark Rey

Under Secretary, Natural Resources and Environment

United States Department of Agriculture

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S. 868, "Coos, Lower Umpqua, and Siuslaw Restoration Amendments Act of 2003"

Mr. Chairman, thank you for this opportunity to present the Department's views on S. 868, the Coos, Lower Umpqua, and Siuslaw Restoration Amendments Act of 2003. I am Mark Rey, Under Secretary, Natural Resources and Environment.

While the Department agrees with the general goals of cultural restoration and economic benefits that S. 868 would provide, we have some concerns about aspects of the bill and could not support it as introduced. In particular, the Department would not support a land transfer from the Siuslaw National Forest of the magnitude envisioned in this bill. We would like to have further discussion with the committee on the complex issues presented by the bill and potential alternative approaches to achieve the stated goals.

S. 868 would transfer approximately 62,865 acres of land from the Siuslaw National Forest to be held in trust by the Bureau of Indian Affairs for the long-term use and benefit of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (the

"Confederated Tribes") as the Coos Tribal Forest. The transfer would be subject to valid existing rights, the continued enforcement of state laws, with continuation of public access.

Under S. 868, the Coos Tribal Forest would be managed in accordance with the National Indian Forest Resources Management Act, retain all endangered species critical habitat designations, and be managed consistently with management and restoration goals of Federal land in the area. Revenue from the sale of forest products would be distributed for the benefit of tribal members, would continue to be subject to payments to counties, and for the first 15 years, 20 percent of revenues would be dedicated to a watershed restoration account. The bill calls for a land exchange program for the first five years following transfer, and directs the Forest Service to provide assistance in the development of a Forest management plan and transition of management operations for the Forest.

The Forest Service manages the national forest system lands and resources entrusted to its care for the benefit of the general public, while respecting the special trust relationship of the United States with Indian tribes. Tribes have been culturally tied to the land and its resources for thousands of years. The Forest Service and Tribes share many common values and interests that can contribute toward the common goal of resource stewardship.

Federal law and policy provide for government to government relationships with Indian tribes that respect tribal sovereignty and honor tribal interests. The Forest Service is

taking measures to improve relationships with all Indian tribes, including new policy direction regarding consultation, access to sites and products of traditional and cultural interest, repatriation of funerary objects, and emphasis on contracting, grant, and research opportunities. We have consulted with the Confederated Tribes over the past several years in land management matters. We anticipate that our relationship with the Confederated Tribes will continue in the spirit of mutual trust that has already been established.

The Siuslaw National Forest is actively managing the lands being considered in S. 868, and has made considerable investments to improve resource conditions in the proposed transfer area. The lands are part of the Northwest Forest Plan, which guides the management of 24 million acres of federal lands, including all or parts of 17 National Forests. Most (93 percent) of the lands considered in the bill are classified as Late-Successional Reserves (LSRs) under the Plan. These lands are managed through thinning treatments to achieve and maintain a functional, interacting, late-successional and old growth forest ecosystem. To achieve the goals of habitat enhancement and movement toward old growth conditions, the Siuslaw National Forest awarded and sold commercial thinning products on 1,039 acres in 2003 and is planning the sale of additional commercial thinning products on 1,770 acres within the area considered for transfer. Two-thirds of the area is within the Siuslaw Basin Stewardship Restoration Pilot, which provides the Forest with authority to test new approaches of resource management to work with local communities and benefit the land. About twelve million board feet of timber will be offered in 2004 under this pilot.

The remaining seven percent of the proposed transfer lands are classified under the Northwest Forest Plan as Matrix, most of it in riparian reserve. While Matrix includes non-forested areas, most timber harvest would be conducted in that portion of the matrix with suitable forest lands. The timber stands within the area include 19,806 acres of plantations and 42,758 acres of natural stands in various age classes, 8,400 acres of which is mature conifer.

In recent years, the Forest Service has purchased over 2,000 acres of land in the lower reaches of riparian areas that provide critical connectivity to salmon spawning habitat. The Siuslaw National Forest has been investing in stream restoration to improve this habitat over the past several years.

The area includes six trailheads, with 12 miles of hiking trails, and more currently under construction. One trail leads to the scenic twin waterfalls at Kentucky Falls and another leads to the very popular Sweet Creek Falls. The Forest maintains nearly 200 miles of roads in the area. A variety of cultural resources are found there, including sites of former homesteads, ranger stations, lookout sites, the Sunset Wagon Road, and other historic resources.

The proposed bill would transfer approximately 10 percent of lands from the Siuslaw National Forest to create the Coos Tribal Forest. The proposal is unusual in that it limits the Confederated Tribe's autonomy in managing the new forest by including provisions

relating to law enforcement, regulations, and public access, among others. Land would be managed, to the extent practicable, to achieve management and restoration goals established for nearby or adjacent Federal land. However, because management would no longer be subject to the National Forest Management Act, this is not guaranteed. The proposed transfer would fragment relatively contiguous watersheds and would significantly reduce the Forest Service's flexibility for management of the Siuslaw National Forest.

There is another issue of concern to us, of which this bill is only one small part—that is the precedent it would set for additional proposals for large land transfers from other National Forests to other tribes, where there may be limited offsetting circumstances that warrant such actions. While the Department would not support the transfer of such a large amount of land from the National Forest System, in a case such as this, and without offsetting national benefits, we are mindful of the potential benefits this bill would provide to the people of the Confederated Tribes. We would like to continue discussions with the committee, Senator Smith, and the Confederated Tribes to explore options to the proposed bill.

I will be pleased to answer any questions that the committee may have.