Statement
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United States Department of Agriculture

Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives

Concerning

H.R. 38, "Upper White Salmon Wild and Scenic River Rivers Act"
H.R. 517, "Secure Rural Schools and Community Self-Determination Reauthorization Act of 2005"
H.R. 539, "Caribbean National Forest Act of 2005"
H.R. 1905, "Small Tracts Reform Act"

May 11, 2005

Mr. Chairman and Members of the Subcommittee,

Thank you for the opportunity to present the Department's views on the four bills before the Subcommittee today.

H.R. 38, "Upper White Salmon Wild and Scenic River Rivers Act"

The Department supports the bill.

H.R. 38 would amend section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274 (a)) to designate portions of the Upper White Salmon River in the State of Washington as a component of the National Wild and Scenic Rivers System. The four segments that the bill would designate are located on the Gifford Pinchot National Forest and include 6.7 miles in the Mt. Adams Wilderness, classified as wild, and 13.3 miles, classified as scenic for a total of 20 miles.

The Forest Service conducted a study of the Upper White Salmon River and its tributary, Cascade Creek, as directed by the Columbia River Gorge National Scenic Act (16 U.S.C. 544 et seq.) to determine their eligibility for designation as a component of the National Wild and Scenic Rivers System. The "Upper White Salmon River Wild and Scenic River Study Report and Final Legislative Environmental Impact Statement" (July 1997)

recommended the entire 38.4 miles of the Upper White Salmon (including Cascade Creek) be added to the System. The recommended segments of the Upper White Salmon River possess outstanding wildlife, scenery, geology and hydrology, and are suitable for designation under the Wild and Scenic Rivers Act.

Although H.R. 38 does not designate the 18.4 mile segment of river from the Gifford Pinchot National Forest boundary to the confluence with Gilmer Creek, which is bounded by non-federal lands, its exclusion does not limit the suitability of this segment for future designation.

H.R. 517, "Secure Rural Schools and Community Self-Determination Reauthorization Act of 2005"

H.R. 517 applies to both the Forest Service and to the Bureau of Land Management at the U.S. Department of the Interior. As I am presenting the Administration's position on H.R. 517, my testimony today is on behalf of both Departments.

The Secure Rural Schools and Community Self-Determination Reauthorization Act of 2005, P.L. 106-393 ("Secure Rural Schools Act") embraces three objectives: 1) to establish a stable payment for schools and roads that supplements other available funds; 2) to make additional investments in public and adjacent private lands; and 3) to improve the cooperative relationships among the people who use and care for federal lands, and the agencies who manage them. The Secure Rural Schools Act authorizes payments through Fiscal Year 2006.

H.R. 517 would reauthorize the Secure Rural Schools Act for an additional seven years and would amend other provisions of the Act. The bill would clarify that States must notify the Secretary of Treasury of their counties elections to receive their share of either the 25 percent payment or the full payment amount. The bill would provide an opportunity for counties to return to the 25 percent payment if they wish to do so. Currently, if a county elects to receive its share of the State's full payment amount, the county may not change its election.

Additionally, H.R. 517 would clarify the source of payments to be reserved by the Secretary of the Treasury to make payments to the states and would revise the conditions for appointments of Resource Advisory Committee (RAC) members to provide greater flexibility. H.R. 517 also would revise the merchantable material pilot program to authorize projects under this program if they are recommended by RACs. Finally the bill would add notification and reporting requirements for the Secretary regarding county projects under Title III of the Secure Rural Schools Act.

The Secure Rural Schools Act has achieved stable payments to States. The establishment of RACs has improved cooperative working relationships with local communities. The projects implemented by the Forest Service under Title II of the Act have improved natural resource conditions on National Forests and Grasslands. However, receipts have not been sufficient to cover the payments required to be paid under the Secure Rural Schools Act. The Act requires any shortfall to be paid out of funds in the Treasury.

The Administration could support H.R. 517 with agreed upon savings that fully offset the payments that the bill would authorize and if the bill is amended to incorporate other changes. The Administration will be happy to work with the committee to identify offsets.

In addition to the offset provisions, the Administration would like to work with the subcommittee on other amendments to H.R. 517. For example, we recommend that section 2 (c) of the bill be deleted. We also oppose the notification and reporting requirements regarding county projects under Title III of the Secure Rural Schools Act in Section 2(f) because of the onerous requirements it would impose on the Secretary regarding the use of these funds by local units of governments. We would also like to work with the Committee on other technical and substantive amendments to the bill as it moves through the committee process.

H.R. 539, "Caribbean National Forest Act of 2005"

The Department supports H.R. 539.

H.R. 539 would designate approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico as the El Toro Wilderness and as a component of the National Wilderness Preservation System.

The Caribbean National Forest encompasses over 28,000 acres of land, making it the largest block of public land on the Island of Puerto Rico. The Forest, locally known as El Yunque, is one of the most popular recreation sites in Puerto Rico and the National Forest System. Almost a million tourists, from Puerto Rico, the U.S. mainland, and abroad, experience this tropical rain forest environment each year.

El Yunque is the only tropical rain forest in the National Forest System. It is home to the Puerto Rican parrot, one of the 10 most endangered birds in the world, and nearly 240 species of trees and 120 terrestrial animals—four of which are also listed as endangered species.

The 1997 revised Land and Resource Management Plan for the Caribbean National Forest/Luquillo Experimental Forest recommended wilderness designation for the 10,000-acre El Toro area. The El Toro Wilderness would become the only tropical forest in the National Forest Wilderness System and the only wilderness area in Puerto Rico. We believe the designation of the El Toro Wilderness would enhance the areas solitude, scenery and pristine qualities of the area.

H.R. 539 specifically provides that hydrologic, meteorological, climatological, or atmospheric data collection and transmission facilities may be installed and maintained within the designated Wilderness area's boundaries when they are determined by the Secretary to be essential to the scientific research purposes of the Luquillo Experimental Forest.

H.R. 1905, "Small Tracts Reform Act"

H.R.1905 would amend the Small Tract Act and would allow for the exchange of National Forest System (NFS) lands on the Tahoe National Forest with lands of the Christensen and McCreary families. These proposed exchanges are not currently authorized under the Small Tracts Act (STA) because, in one case the family's tract does not meet the law's requirement of innocent encroachment and in the other case the family's tract does not qualify as a mineral survey fraction.

The proposed amendments to the STA in H.R. 1905 are not necessary to affect the subject exchanges, and, if enacted, may have unintended consequences. The Department would not oppose H.R. 1905, if amended to provide the Secretary of Agriculture with discretionary authority to carry out the identified land but not amend the Small Tracts Act. We are prepared to work with the committee on amendments to H.R. 1905 that would achieve that result. This would allow the Forest Supervisor to work with the families on the actions necessary to complete the exchanges.

This concludes my statement. I would be pleased to answer any questions that you may have.