

Testimony

**TESTIMONY OF
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BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
July 20, 2005
CONCERNING
S. 997 - Montana Cemetery Act of 2005,
S. 1131 - Idaho Land Enhancement Act of 2005,
S. 1238 - Public Lands Corps Healthy Forests Restoration Act of 2005**

Mr. Chairman and Members of the Subcommittee, thank you for giving me the opportunity to present the views of the U.S. Department of Agriculture on S. 997, the Montana Cemetery Act of 2005; S. 1131, the Idaho Land Enhancement Act of 2005; and S. 1238, the Public Lands Corps Healthy Forest Restoration Act.

S. 997 - Montana Cemetery Act of 2005

This legislation directs the Secretary to convey for no consideration, all right, title, and interest in 10 acres of land within the Beaverhead-Deerlodge National Forests to Jefferson County, Montana to be used for cemetery purposes. The Department is supportive of S. 997, but would recommend that the Committee add provisions to the legislation that will protect historic interests and provide consideration to the Federal government for the conveyance.

The parcel to be conveyed to Jefferson County is currently being used for cemetery purposes but a special use authorization has never been issued for this purpose. The 10-acre conveyance will provide a sufficient amount of land to accommodate all known grave sites and any additional sites that may be outside of the concentration of known sites. In addition the conveyance is of adequate size to include the cemetery parking lot so that it will be located on private property.

The parcel to be conveyed is a National Register eligible property that contributes to the significance of the Elkhorn town site and the Elkhorn historic mining district. We would like to work with the committee and through the NEPA process to ensure that the land conveyed will be managed with due consideration for the historic and cultural values associated with the cemetery. Also, we are concerned about conveying public land to other jurisdictions without any form of consideration. The Department does not object to making the Federal land available for use as a cemetery, but requests that the conveyance of the public land estate include consideration for the market value of the property and for the administrative costs associated with the conveyance.

S. 1131 – Idaho Land Enhancement Act

The Idaho Land Enhancement Act would authorize the Forest Service and the Bureau of Land Management (BLM) to enter into a collaborative land exchange with the State of Idaho and the City of Boise, Idaho. The exchange was initiated by the City of Boise to preserve open space in the Boise foothills. The exchange culminates a long-term effort by all parties to preserve the character of the Boise foothills, to increase long term financial return to the Idaho State Endowment Fund and to improve land management through consolidation of land ownership on federal and state lands. The Department supports enactment of S. 1131. We have a few recommendations that we would like the committee to consider.

The Boise metropolitan area is one of the fastest growing regions in the nation. The Boise foothills region provides a scenic backdrop as well as multiple opportunities for outdoor recreation activities by area residents. The State of Idaho manages approximately 6,000 acres of State Endowment lands within the Foothills that have significant residential development potential. These lands have a State Constitutional mandate to maximize revenue to benefit State public schools. These lands currently yield very little revenue from livestock grazing or from any other source thus there are incentives to convey the land out of public ownership.

To reduce the potential of scenic and recreational lands that are highly-valued by the City of Boise from being developed, S. 1131 proposes to convey lands in the foothills from the State of Idaho to the BLM and the Forest Service. To equalize the value of the exchange, federal timbered lands under the jurisdiction of the Forest Service would be conveyed to the State of Idaho. The administrative costs associated with the conveyance of the Federal land and State land would be paid by the City of Boise.

The proposed land exchange addresses threats of unmanaged recreational use, habitat fragmentation, and fire and fuels reduction in both Northern and Southern Idaho. This proposal has been proceeding through the administrative process for land exchanges. Upon determination that the exchange was feasible and worthy of continued study, on April 26, 2005, the City of Boise, Idaho Department of Lands, Forest Service and the BLM signed an agreement to initiate an exchange. As part of the agreement, BLM, the Forest Service and Boise City agreed to be jointly responsible for completing environmental and cultural review work on Federal lands being transferred to the State of Idaho. Boise City is to pay for contract environmental and cultural review work approved by all parties to the agreement. BLM, the Forest Service, Idaho Department of Lands, and Boise City will be jointly responsible for completing mineral potential reports, also to be paid for by the City of Boise.

Under the agreement, initial NEPA scoping was done. BLM and the Forest Service have completed the following resource assessments: cultural/historic, Threatened and Endangered Species, biological, botanical, noxious weeds, timber, wetlands, floodplains, water resources, recreation, wilderness, visual, socio-economic and environmental justice, mineral and mineral potential. Pursuant to the Congressional Finding in Sec. 5(e), the Forest Service would carry out no further administrative or environmental analysis in completing the exchange as delineated in the bill. We will work with the Committee so that there is a common understanding of the additional administrative or environmental review that would otherwise be undertaken by the agency.

This agreement provides the framework for S. 1131. Under the proposed exchange, approximately 7,220 acres of National Forest System land within the Idaho Panhandle National Forest and the Clearwater National Forest would be conveyed to the State of Idaho. Approximately 11,085 acres of land under the jurisdiction of the Idaho Department of Lands would be conveyed to the Bureau of Land Management (7,000 acres) and to the U.S. Forest Service (4,085 acres). In addition 2,111 acres in the Grandmother Mountain area currently under the jurisdiction of the Bureau of Land Management in Shoshone County, Idaho would be transferred to the Secretary of Agriculture to be administered by the Forest Service on the Idaho Panhandle National Forests.

Management of National Forest System lands within the Idaho Panhandle, Boise, Wallowa-Whitman and Clearwater National Forests would be improved with the consolidation of land ownership patterns achieved by the Act. Efficiencies will be realized by reducing the number of joint-use roads and easements, and decreasing costs associated with boundary management. Consolidation of National Forest ownership within the Elk Creek watershed will prevent habitat fragmentation and increase opportunities for public recreation in a popular area of the Clearwater National Forest. Likewise, the State of Idaho and the BLM will benefit from land ownership consolidation and increase ability to achieve important management objectives.

The 2,111 acre Grandmother Mountain tract is in an area where other land under BLM jurisdiction was previously transferred to the Forest Service. Through the Arkansas-Idaho Land Exchange Act of 1992 approximately 10,000 acres of land administered by the BLM were conveyed to the Forest Service. The 2,111 acre remaining BLM tract is identified as a Wilderness Study Area. The legislation provides that land transferred to the Forest Service that was previously designated as a Wilderness Study Area shall be managed in a manner that preserves the suitability of the land for designation as wilderness until Congress determines otherwise.

We would like to work with the committee to implement the following recommendations concerning this bill. The intent of Sec. 3 (d) is to require that the exchange be of equal value between state and federal lands, however, the cash equalization provision is the only method described to facilitate this result. Since none of the parties wish to incur a large cash obligation, we recommend adding a provision allowing for the deletion of parcels as an alternative method of equalizing values.

There are several of the State of Idaho parcels that would be acquired by the Forest Service that are located adjacent to but outside of the existing National Forest boundaries. We recommend amending Sec. 4(e) to modify the boundaries on all four of the affected National Forest to accommodate these parcels.

S. 1238 – Public Lands Corps Healthy Forest Restoration Act of 2005

The Department supports S.1238. However, the Department would like to work with the committee and bill sponsors to ensure specific conservation corps would be covered under S. 1238 since we work with several programs that service disadvantaged youths.

S.1238 would amend the Public Lands Corps Act of 1993 to direct the Secretary of Agriculture and the Secretary of the Interior, in carrying out priority projects in a specific area, to give preference, to the maximum extent practicable, to qualified youth or conservation corps located in that specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged. Priority projects are those that will: (1) reduce wildfire risk to communities, municipal water supplies, or other at risk Federal land; (2) protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire; (3) address the impact of insect or disease infestations or other damaging agents on forest and rangeland health; (4) protect, restore, or enhance forest ecosystem components to promote recovery of threatened and endangered species, to improve biological diversity, or to enhance productivity and carbon sequestration.

It is important to recognize that implementation of some priority projects requires a certain amount of maturity, decision-making capability, perspective and attention to safety. It is both appropriate and necessary to provide the Secretaries the discretion in determining the types of priority projects suitable for the target corps.

In many respects, the goals of S. 1238 are consistent with existing authorities that the Department has supported, including the Healthy Forests Restoration Act (HFRA) [P.L.108-208], the original

Public Land Corps Act of 1993, P. L. 103-82 Title II, and the Youth Conservation Corps Act of 1970, P. L. 91-378.

However, the Administration does have concerns about the Committee's expectation regarding the authorization of specific appropriations contained in the bill given current and future budgetary constraints.

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