

**STATEMENT
MARY WAGNER
ASSOCIATE CHIEF
US FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
UNITED STATES SENATE**

MAY 18, 2011

CONCERNING

**S. 220 OREGON EASTSIDE FORESTS RESTORATION, OLD GROWTH
PROTECTION, AND JOBS ACT OF 2011**

Mr. Chairman, and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to share the Administration's views on S. 220, the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2011. Under Secretary Sherman testified before this Committee during the last Congress on S. 2895. At that hearing, the Under Secretary expressed his appreciation to Senator Wyden for the leadership, energy and effort that went into developing this legislation and for his work to bring diverse interests together.

There are numerous concepts in the legislation that the Department fully supports including: conducting assessments at a broad landscape scale to focus our efforts to achieve restoration results on the ground, reducing our road system to what is needed, applying a pre-decisional administrative review process more broadly, maintaining a much needed wood products industry and infrastructure, promoting sustainable use of biomass as an energy source, and collaborating with interested parties. We look forward to working with the Senator, his staff and the Committee to make adjustments to the parts of the legislation that, as currently written, would cause problems for the National Forest System.

S. 220 would authorize the Secretary to select all or part of one or more National Forests in Oregon as part of the Initiative. The provisions of the bill would apply to the covered area for a period of 15 years. In the covered area, the Secretary would be directed to seek accomplishment of certain land management goals, consider opportunities to carry out certain objectives, use landscape scale planning, prioritize vegetative management and hazardous fuel reduction to achieve performance goals, and carry out projects that would, to the maximum extent practicable, mechanically treat not less than 39,000 acres in the first fiscal year following enactment, not less than 58,000 acres in the second fiscal year; and not less than 80,000 acres in each of the subsequent years.

S. 220 also would direct the Secretary to delineate areas of aquatic and riparian resources in the covered area and would provide that vegetative management projects in the delineated areas protect and restore those resources and comply with aquatic and riparian protection requirements in the existing land management plans. The Secretary would be directed to prepare a restoration assessment of the covered area, prepare a restoration strategy to assist in the development and implementation of projects using the restoration assessment, carry out ecological restoration projects including projects at a landscape scale, and carry out experimental ecological restoration projects.

In implementing these provisions, the Secretary would seek advice from the scientific advisory panel established under the bill. The Secretary also would consult with collaborative groups. Environmental restoration projects would be subject to a pre-decisional administrative review process and provisions relating to the judicial review of projects under the Healthy Forests restoration Act of 2003.

On National Forests in Oregon, we are currently engaged in numerous administrative efforts to encourage and expand programs and activities that embrace many of the concepts in this legislation.

When Secretary Vilsack articulated his vision for America's forests, he underscored the overriding importance of forest restoration by calling for complete commitment to restoration. He also highlighted the need for pursuing an "all-lands" approach to forest restoration and for close coordination with other landowners to encourage collaborative solutions. To that end, the President's FY 12 budget proposal includes \$854 million Integrated Resource Restoration line-item. This integrated approach, similar to the landscape scale efforts envisioned in this bill, will allow the Forest Service to apply the landscape scale concept across the entire National Forest System. This line item includes \$80 million for Priority Watersheds and Job Stabilization to improve watershed conditions. In addition, \$40 million, the full authorized amount, is provided for the Collaborative Forest Landscape Restoration Program.

Three notable efforts in eastern Oregon include the Skyline Project, the Lakeview Stewardship Project, and the Southern Blue Mtn. Projects. The Skyline Project on the Deschutes National Forest was initiated in 2010 and selected as a Collaborative Forest Landscape Restoration Program (CFLRP) project last year. The Forest has been working with Central Oregon collaborative groups to restore a 200,000+ acre landscape. CFLRP funding in FY 2010 (\$500,000) was obligated and combined with matching National Forest System funding to increase the pace of restoration implementation in the project area. CFLRP funding for the Skyline Project in FY 2011 is \$710,000 and, when combined with matching National Forest System funding, will double the amount of acres we can restore.

Other examples are the Lakeview Stewardship and Southern Blue Mtn. Projects which have strong collaborative support from their communities. Collaborative groups helped the Fremont-Winema and Malheur National Forests develop CFLRP proposals in FY 2011. This could lead to additional CFLRP funding and effectively double the capacity of both Forests to implement needed restoration work.

I am very interested in expanding collaborative successes not only within the State of Oregon, but throughout the country. I am focusing on advancing several principles I believe are paramount to accomplishing restoration on the entire National Forest System. These principles include collaboration with diverse stakeholders, efficient implementation of the National Environmental Policy Act, greater dialogue over areas of conflict prior to the decision, ensuring opportunities for local contractors, expansion of the use of stewardship contracting and monitoring to track our results on the ground.

In previous testimony, the administration identified several items of concern. The Senator's office, committee staff, and the Forest Service have worked together and have made significant progress in addressing the Administration's concerns. However, as Secretary Vilsack has noted, the Forest Service has reservations about legislating specific treatment levels and other aspects of our forest plans. The Agency has a meaningful national approach to management of the national forests that takes into account local conditions and circumstances through the development and implementation of Land and Resource Management Plans. Achieving performance levels proposed in this bill is outside agency current capacity and could result in the shifting of funds from other areas of the country where high priority work is also underway and important to achieve. In addition, specific levels of treatment may result in unrealistic expectations on the part of the communities and forest product stakeholders that the agency would accomplish the quantity of treatment required.

I want to again thank Senator Wyden for his leadership and strong commitment to Oregon's national forests, their surrounding communities, and forest products infrastructure. I look forward to working with the Senator, his staff, and the Committee, and all interested stakeholders to help ensure sustainable communities and provide the best land stewardship for our national forests. We also have a number of technical corrections that we will share with Committee staff. This concludes my prepared statement and I would be pleased to answer any questions you may have.

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**BEFORE THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
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UNITED STATES SENATE**

MAY 18, 2011

CONCERNING

S. 271: THE WALLOWA FOREST SERVICE COMPOUND CONVEYANCE ACT

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity to appear before you today to provide the Department of Agriculture's views on S. 271, which would require the Secretary of Agriculture to convey land, the Wallowa Ranger Station, to the City of Wallowa, Oregon.

S. 271 would require the Secretary of Agriculture, to convey to the City of Wallowa, Oregon, on the request of the City, all right, title, and interest in the Wallowa Forest Service Compound, approximately 1.11 acres located within the City, subject to valid existing rights and to such terms and conditions as the Secretary may require. The bill provides that, as conditions of the conveyance, the City shall use the compound as a historical and cultural interpretation and education center, shall ensure that the compound is managed by a nonprofit entity, and shall manage the compound with due consideration for its historic values.

It is long standing policy that the United States receive market value for the sale, exchange, or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of FLPMA, as well as numerous land exchange authorities. The parcels have value to the United States for their potential to be used to facilitate future land conveyance.

Our preference would be to convey the compound to the City under existing authorities. The Forest Service has identified the Wallowa Compound as a site to be sold under the Forest Service Facility Realignment and Enhancement Act (FSFREA). Disposition under FSFREA would

allow the proceeds from the sale to be used to address other administrative site needs. In the past 3 years, the Forest Service has expended funds to prepare the compound for disposal and hopes to derive benefit on behalf of the public from the sale by re-investing proceeds from the sale in other deteriorating infrastructure on the Wallowa-Whitman National Forest as provided for under FSFREA.

However, because of special circumstances, we do not object to the conveyance to the City under the bill. Originally the parcels were owned by the City. During the Depression, the City defaulted on taxes owned on the land and the County assumed ownership. The County donated the parcels to the United States in 1936.

We recommend, however, that the bill should provide that the City of Wallowa be responsible for bearing all administrative costs associated with the conveyance. Additionally, the legislation would provide for the reversion of the property to the United States, at the election of the Secretary, if the conditions under subsections 2(c) or 2(d) are violated. We would like to work with the Committee to address concerns with S. 271, including the reversionary language.

This concludes my statement and I would be happy to answer any questions you might have.

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MAY 18, 2011

CONCERNING

**S. 278: SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT OF
2011**

Mr. Chairman and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture on S. 278.

The Department supports this legislation and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified on the bill under consideration in the last Congress.

S. 278 would provide for the exchange or sale of two parcels of National Forest System lands, totaling 5.08 acres, within the boundaries of the Arapaho National Forest in Colorado to the Sugar Loaf Fire Protection District (SLFPD). A portion of one parcel is currently being used by SLFPD as a fire station under special use permit. The other parcel was under a similar permit that has expired.

The National Forest System lands proposed for conveyance have lost their national forest character. The lands that would be conveyed to the United States have suitable national forest character and would contribute to increased management efficiency. In addition, thanks in large part to previous work that has been done between the Forest Service (Arapaho-Roosevelt National Forest) and the Sugar Loaf Fire Protection District, we believe that the Forest Service and SLFPD will meet Congress' intent to have the parcels exchanged within one year.

The Department supports the work of the SLFPD and its efforts to improve its facilities to deliver services more effectively. We view S. 278 as both benefitting management of the Arapaho National Forest and promoting emergency services in the fire protection district.

Mr. Chairman, Ranking Member and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

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MAY 18, 2011

CONCERNING

S. 322, TO EXPAND THE ALPINE LAKES WILDERNESS IN THE STATE OF WASHINGTON, TO DESIGNATE THE MIDDLE FORK SNOQUALMIE RIVER AND PRATT RIVER AS WILD AND SCENIC RIVERS, AND FOR OTHER PURPOSES

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity to provide the views of the Department of Agriculture on S. 322, the Alpine Lakes Wilderness Additions and Pratt and Middle Fork Snoqualmie Rivers Protection Act.

This legislation would designate approximately 22,173 acres as a component of the National Wilderness System and approximately 37 miles of river as components the National Wild and Scenic Rivers System on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department supports this legislation in concept and we would like to work with the Committee to address some technical issues as outlined below.

We would also like the Committee to be aware that although we have completed suitability studies for the wild and scenic rivers, we have not completed a wilderness evaluation of the area to be designated under this bill. The area that would be designated wilderness is currently managed in an undeveloped manner as late Successional Reserve under the Northwest Forest Plan. A wilderness designation would be compatible in this area. We thank the delegation for its collaborative approach and local involvement that have contributed to this bill.

The proposed additions to the Alpine Lakes Wilderness lie in the valleys of the Pratt River, the Middle and South Forks of the Snoqualmie River. The existing 394,000 acre Alpine Lakes

Wilderness is one of the jewels of our wilderness system, encompassing rugged ice carved peaks, over 700 lakes, and tumbling rivers. The lower valleys include stands of old growth forest next to winding rivers with native fish populations. The area is located within minutes of the Seattle metro area. Trails accessing the area are among the most heavily used in the Northwest as they lead to some exceptionally accessible and beautiful destinations. The proposed additions to the Alpine Lakes Wilderness would expand this area to include the entire heavily forested Pratt River valley and trail approaches to lakes in the wilderness area in the Interstate 90 corridor. These lands have not been analyzed as part of the forest plan to determine their suitability to be designated wilderness. However, the Forest Service would support their designation with a few technical adjustments.

We would like to work with the subcommittee to address some technical aspects of the bill. These include:

- The entire Pratt River Trail #1035 is included within the boundary of the proposed wilderness. The first mile of this trail currently is used by large numbers of people and groups. The trail, which would be a primary access corridor for the newly designated wilderness, is currently undergoing reconstruction by contract and volunteer crews. The Department suggests that the wilderness boundary be drawn to exclude approximately three miles of this trail so that wilderness use limitations relating to solitude do not factor into future management concerns that may limit public access to this area. This change would not alter the wilderness proposal significantly, but would allow the current recreation opportunities for high-use and large groups along this stretch of the Middle Fork Snoqualmie to continue. This adjustment also would reduce operation and maintenance costs along this segment of the Pratt River Trail as it would ease any future reconstruction efforts and allow for motorized equipment to be used in its maintenance.
- The northwestern boundary of the wilderness proposal includes two segments of Washington State Department of Natural Resources lands totaling about 300 acres. We recommend that the boundary of the proposed wilderness be adjusted so that only National Forest System lands are included, as the legislation does not include authority for these lands to be acquired from the State of Washington.
- In T.23 N, R.10 E, Section 24, there are two Forest Development Roads proposed for decommissioning. It is likely that the decommissioning project will require the use of motorized equipment to help restore the wilderness setting. We anticipate analyzing the use of motorized equipment under the Forest Service's minimum requirements analysis process.

S 322 also would designate two rivers as additions to the National Wild and Scenic Rivers System: approximately 9.5 miles of the Pratt River from its headwaters to its confluence with the Middle Fork Snoqualmie River; and approximately 27.4 miles of the Middle Fork Snoqualmie River from its headwaters to within ½ mile of the Mt. Baker-Snoqualmie National

Forest boundary. Each river was studied in the Mt. Baker-Snoqualmie National Forest Plan and determined to be a suitable addition to the National Wild and Scenic Rivers System.

The Pratt River has outstandingly remarkable recreation, fisheries, wildlife and ecological values. The corridor provides important hiking and fishing opportunities in an undeveloped setting. The river supports resident cutthroat trout and its corridor contains extensive deer and mountain goat winter range and excellent riparian habitat. Its corridor retains a diverse riparian forest, including remnant stands of low-elevation old-growth.

The Middle Fork Snoqualmie River also has outstandingly remarkable recreation, wildlife and fisheries values. The river is within an easy driving distance from Seattle and attracts many visitors. It provides important whitewater boating, fishing, hiking and dispersed recreation opportunities. The river corridor contains extensive deer winter range and excellent riparian habitat for numerous wildlife species. This is the premier recreational inland-fishing location on the National Forest due to its high-quality resident cutthroat and rainbow trout populations.

Adding these rivers to the National Wild and Scenic Rivers System will protect their free-flowing condition, water quality and outstandingly remarkable values. Designation also promotes partnerships among landowners, river users, tribal nations and all levels of government to provide for their stewardship. We therefore support the designation of these rivers into the National Wild and Scenic River System.

The Department has one concern with the wild and scenic river designations relating to the management of the Middle Fork Snoqualmie River Road. We are currently in the process of improving this road and feel that this work is needed to protect the wild and scenic values associated with this river while improving visitor safety and watershed health. Approximately 20 years ago, the U.S. Forest Service submitted the Middle Fork Road to the Federal Highway Administration for reconstruction via their enhancement program. The project has been approved, design work is approximately 30% complete, and construction is planned for 2013 or 2014. The Federal Highway Administration has already expended approximately \$3.2 million to date on the project. We would like to work with the committee to ensure timely completion of the project and assure long-term maintenance of the road.

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

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MAY 18, 2011

CONCERNING

S.382: SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

Mr. Chairman and Members of the Subcommittee, I am Mary Wagner, Associate Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture (USDA) on S. 382, the Ski Area Recreational Opportunity Enhancement Act of 2011.

S. 382 would amend the National Forest Ski Area Permit Act of 1986 to authorize the Secretary to permit seasonal or year-round natural resource-based recreational activities and associated facilities at ski areas, in addition to those that support Nordic and alpine skiing and other snow sports that are currently authorized by the Act.

The Department supports S. 382 and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified last Congress on S. 607. Like its predecessor, S. 382 would promote seasonal or year-round recreation opportunities at ski resorts on National Forest System lands and, by doing so, would expand the opportunities for ski areas to attract visitors during all four seasons.

The additional seasonal or year-round recreational activities and associated facilities authorized by the bill would have to encourage outdoor recreation and enjoyment of nature and, to the extent practicable, would have to harmonize with the natural environment. The bill specifies certain recreational activities and facilities that could, under appropriate circumstances, be authorized and those that would be excluded from authorization. The bill would make clear that the primary purpose of the authorized use and occupancy would continue to be skiing and other snow sports.

There are 122 ski areas operating under permit on National Forest System lands. These ski areas occupy less than 1 percent of all National Forest System lands. Nevertheless, about one-fifth of all recreation in national forests occurs at these ski areas. The ski areas are some of the most developed sites in the national forests. However, for many Americans, ski areas are portals to the national forests and a means to greater appreciation of the natural world.

Focusing more of developed outdoor recreational activities within ski areas is appropriate and would reduce impacts on less developed areas in the national forests. If S. 382 is enacted, we would develop criteria for the types of seasonal or year-round activities that would be appropriate at ski areas to provide a basis for case-specific proposals at the local level in accordance with established law, regulations, and procedures including the Secretary's duties to involve the public in his decision-making and planning for the national forests.

In summary, this legislation would encourage greater recreational use of the national forests and would concentrate highly developed recreation in areas that are currently among the most developed sites in national forests. In addition, the legislation would enhance the long-term viability of the ski areas on National Forest System lands and the adjoining rural economies.

Mr. Chairman and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

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MAY 18, 2011

CONCERNING

**S. 607: THE CATHEDRAL ROCK AND HORSE HEAVEN WILDERNESS ACT OF
2011**

Mr. Chairman, Honorable Ranking Member and distinguished members of the Committee, I am Mary Wagner, Associate Chief of the U.S. Forest Service. Thank you for the opportunity to speak with you today about S. 607, the Cathedral Rock and Horse Heaven Wilderness Act of 2011.

S. 607 provides for land exchanges between the Bureau of Land Management (BLM) and a number of private parties. We defer to BLM for its position on those exchanges. One of the exchanges, identified in the bill as the Young Life Exchange, would involve the conveyance of two parcels of National Forest System (NFS) land, comprising approximately 690 acres. The Forest Service has no objection to either of the parcels being exchanged out of federal ownership if the conclusion of BLM's analysis for a land exchange leads to a public benefit determination.

Additionally, the bill would effectuate the transfer of administrative jurisdiction of certain BLM lands that lie within, or are adjacent to, the Ochoco National Forest, to the Forest Service. The Forest Service supports the transfer of jurisdiction over these lands to the Forest Service. Such mutually beneficial land exchanges will make management of the public lands easier and this is a good investment for the taxpayer.

Mr. Chairman, Ranking Member and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.

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MAY 18, 2011

CONCERNING

S. 683: To Provide for the Conveyance of Certain Parcels of Land in the town of Mantua, Utah

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity today to present the Department's view on S. 683, legislation to provide for the conveyance of certain parcels of land in the Town of Mantua, Utah.

S. 683 would direct the Secretary of Agriculture to convey, without consideration, to the Town of Mantua, Utah, all right, title and interest of the United States in approximately 31.5 acres of National Forest System (NFS) land in Box Elder County, Utah. This land is currently part of the Uinta-Wasatch-Cache National Forest. The 31.5 acres in question comprise three parcels identified in the bill as parcels A, B, and C as shown on the accompanying map. The parcels are encumbered with several outstanding rights in Brigham City, including three pipelines, a right to construct a pipeline, and use of four springs.

The Department does not object to conveyance of this NFS land, but notes that these parcels have not been officially described; a federal survey would be required in advance of conveyance. Although the bill does require the Town to cover the Federal land survey costs associated with the conveyance, it does not clearly state who would be responsible for bearing other administrative costs.

We believe that the Forest Service could meet the objectives of the bill administratively through either the Townsite Act of July 31, 1958 (16 U.S.C. 478a) or the Weeks Act of March 1, 1911 (16 U.S.C. 516) as supplemented by the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (P.L. 94-579, 90 Stat. 2743; 43 U.S.C. 1716; as amended). The Townsite Act

authorizes communities to acquire up to 640 acres of NFS land in order to serve community objectives and requires payment to the United States of the market value of the federal land. The Weeks Act authorizes the exchange of NFS land for non-Federal land on the basis of equal value.

It is long standing policy that the United States receive market value for the sale, exchange or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of FLPMA, as well as numerous land exchange authorities. The parcels were acquired by donation from Box Elder County in 1941. They have value to the United States for their potential to be used to facilitate future land exchanges.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 683, the Forest Service is committed to working with the bill sponsors, the Town of Mantua, and the Committee, in hopes of assisting the Town. We would appreciate the opportunity to work with the Committee to address concerns with S. 683, including regarding the definition of public purpose and the revisionary language.

Also, to avoid constitutional concerns, the Department of Justice recommends that the bill be revised to make absolutely clear that the town would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding “and subject to the Town’s agreement” after “the Secretary shall convey to the Town,” in section 2(b) of the bill.

This concludes my statement and I would be happy to answer any questions you might have.

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**BEFORE THE
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UNITED STATES SENATE**

MAY 18, 2011

CONCERNING

S. 684, to provide for the conveyance of certain parcels of land to the Town of Alta, Utah

Mr. Chairman and members of the Subcommittee, I am Mary Wagner, Associate Chief of the United States Forest Service.

Thank you for the opportunity to appear before you today and provide the Department of Agriculture's views regarding S. 684, to provide for the conveyance of certain parcels of land to the town of Alta, Utah. S. 684 would direct the Secretary of Agriculture to convey, without consideration, certain parcels of National Forest System (NFS) land comprising approximately two acres located in the Uinta-Wasatch-Cache National Forest to the Town of Alta, Utah, for public purposes. While supportive of the Town's desire to consolidate its municipal resources, the Department does not support S. 684.

The Forest Service can convey the parcel under current authorities through the Townsite Act of July 31, 1958 (16 U.S.C. 478a). The Townsite Act authorizes communities to acquire up to 640 acres of NFS land in order to serve community objectives, and requires payment to the United States of the market value of the federal land. Similarly, the lands could be made available by exchange for equal value consideration.

It is long standing policy that the United States receive market value for the sale, exchange, or use of NFS land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of the Federal Land Policy and Management Act (43 U.S.C. 1701), as well as numerous land exchange authorities. Based on recent land sales in the Alta area, we estimate the value of the lands proposed to be conveyed under S. 684 to be approximately \$500,000 per acre.

Finally, S. 684 would require the Town of Alta to cover the Federal land survey costs associated with the proposed conveyance. It also should provide that the Town should bear other administrative costs associated with the conveyance.

Although the Department does not support S. 684 as written, we are willing to work with the bill sponsors, the Town of Alta, and the Committee, in hopes of assisting the Town in achieving its desired consolidation of municipal resources.

The Department of Justice also advises that the bill raises a constitutional concern. In order to address this concern the Department of Justice recommends that the bill be revised to make absolutely clear that the town would have to agree to the proposed conveyance, which is what we understand Congress intends. This change might be accomplished by adding “and subject to the Town’s agreement” after “the Secretary shall convey to the Town,” in section 2(b) of the bill.

This concludes my statement and I would be happy to answer any questions you might have.

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MAY 18, 2011

CONCERNING

S. 766, THE “DEVIL’S STAIRCASE WILDERNESS ACT OF 2011”

Mr. Chairman, Honorable Ranking Member and distinguished members of the Committee, I am Mary Wagner, Associate Chief of the Forest Service. Thank you for the opportunity to speak with you today about a bill that addresses Wilderness designation in the coastal Douglas-fir forests of Oregon.

S. 766 would designate an area known as the Devil’s Staircase as wilderness under the National Wilderness Preservation System. In addition, S. 766 would designate segments of Wasson and Franklin Creeks in the State of Oregon and within the proposed Devil’s Staircase Wilderness as wild rivers under the Wild and Scenic Rivers Act.

The Department supports the designation of the Devil’s Staircase Wilderness as well as the Wild and Scenic River designations on National Forest System lands. We would like to offer minor modifications to S. 766 that would enhance wilderness values and improve our ability to manage resources in the area.

The Devil’s Staircase area lies in the central Oregon Coast Range, north of the Umpqua River and south of the Smith River. Elevations in the area range from near sea level to about 1,600 feet. The area is characterized by steep, highly dissected terrain. It is quite remote and difficult to access. A stair step waterfall on Wasson Creek is the source of the name Devil’s Staircase.

The area that would be designated as wilderness by S. 766 encompasses approximately 30,540 acres of National Forest System (NFS) and Bureau of Land Management (BLM) lands. NFS lands are approximately 24,000 acres, and BLM lands are approximately 6,500 acres.

All NFS lands that would be designated as wilderness are classified as Late Successional Reserve under the Northwest Forest Plan, which amended the Siuslaw National Forest LRMP in 1994. This land allocation provides for the preservation of old growth (late successional) habitat and is compatible with a wilderness designation. There is no planned resource management or developed recreation projects within the NFS portion of the lands to be designated as wilderness.

Most of the area is forested with older stands of Douglas-fir and western hemlock, and red alder in riparian areas. All three tree species are under-represented in the National Wilderness Preservation System, relative to their abundance on NFS lands in Washington and Oregon. These older stands provide critical habitat and support nesting pairs of the northern spotted owl and marbled murrelet, which are listed as threatened species under the Endangered Species Act.

The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. The Oregon Coast Range has been largely modified with development, roads, and logging. Three small wilderness areas currently exist along the Oregon portion of the Pacific Coast Range, and the proposed Devil's Staircase Wilderness would more than double the acres of old-growth coastal rainforest in a preservation status. Wilderness designation would also preserve the Devil's Staircase, which is a unique landscape feature.

There are approximately 24 miles of National Forest System roads within the proposed boundary, 10.5 miles of which are not needed for administrative use and would be decommissioned and obliterated. The remainder would be converted to a trail as discussed below. The Department recognizes that decommissioning and obliteration of this magnitude may require the use of motorized equipment to remove road related structures and grading. We anticipate analyzing such use under the Forest Service's minimum requirements analysis process.

The remaining 13.5 miles of road comprise Forest Service Road 4100, which bisects the proposed wilderness. The Department recommends that this road be converted and managed as a non-motorized, foot and/or horse trail compatible with wilderness uses. The Forest Service would use a minimum requirement analysis process to determine the appropriate tools necessary to complete activities associated with the road.

The bill would transfer administrative jurisdiction over 49 acres of BLM land to the Forest Service. The Forest Service supports the transfer of jurisdiction.

S. 766 also would designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest.

Both Wasson and Franklin Creeks have been identified by the National Marine Fisheries Service (NMFS) as critical habitat for Coho salmon (Oregon Coast ESU [Evolutionarily Significant Unit] of Coho salmon), a threatened species under the Endangered Species Act. While the critical habitat portion of Wasson Creek is below the Devil's Staircase waterfall and thus largely outside the proposed wild and scenic designation, the designation will nevertheless help ensure that the lower portion of the creek remains suitable as Coho habitat.

The Department defers to, and agrees with, the Department of the Interior concerning the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic rivers designation as part of the forest planning process for the Siuslaw National Forest. However, the agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National Wild and Scenic Rivers System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 5.9 miles of the Wasson Creek on NFS lands based on the segment's eligibility.

At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. Subsequent to the 1990 eligibility study, the Forest Service has found that Franklin Creek provides critical habitat for Coho salmon, currently listed as threatened under the Endangered Species Act, and also serves as a reference stream for research because of its relatively pristine character, which is rare in the Oregon Coast Range. Due to the presence of Coho salmon and the pristine character the Department does not oppose its designation. Designation of the proposed segments of both Wasson and Franklin Creeks is consistent with the proposed designation of the area as wilderness. The actual Devil's Staircase landmark is located on Wasson Creek.

Mr. Chairman, this concludes my testimony. I am happy to answer any questions that you may have on Devil's Staircase Wilderness Act.

**STATEMENT
MARY WAGNER
ASSOCIATE CHIEF
U.S. FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE**

MAY 18, 2011

CONCERNING

S. 896, THE PUBLIC LANDS SERVICE CORPS ACT OF 2011

Mr. Chairman and members of the Committee, thank you for the opportunity to testify before you today on S. 896, the Public Lands Service Corps Act of 2011. I am Mary Wagner, Associate Chief of the Forest Service.

S. 896 is a welcome amendment to the Public Lands Corps Act of 1993. The Nation's forests and grasslands are unique and special ecosystems that the Forest Service manages to meet the needs of present and future generations. These lands yield abundant sustainable goods and ecosystem services for the American people. The National Forest System lands, managed under a multiple-use, sustained-yield mission are perfect places for the Public Lands Service Corps participants to learn and practice an array of conservation, preservation, interpretation and cultural resource activities, and take advantage of outstanding and unique educational opportunities. In states in every region, the Forest Service has benefited greatly from the services of Conservation Corps on National Forest System lands.

The Department strongly supports S. 896. This bill would strengthen and facilitate the use of the Public Land Corps (PLC) program, helping to fulfill the vision that Secretary Vilsack has for engaging young people across America to serve their community and their country. It is also consistent with the goals of the President's America's Great Outdoors Initiative which includes catalyzing the establishment of a 21st century Conservation Service Corps to engage young people in public lands service work. S. 896 will help USDA and our sister agencies, DOI, NOAA, expand opportunities for our youth to engage in the care of America's Great Outdoors, and is a great example of multiple agencies coming together to implement a shared goal.

In recent years, the Forest Service has greatly expanded partnerships with local, state, and urban based conservation Corps programs and our Job Corps Center portfolio.

Under S. 896, we will be able to increase partnerships with Corps programs and expand opportunities for Job Corps graduates in the Green Careers program. In 2010, our partnerships with the Students Conservation Association, The Corps Network, and multiple youth, conservation and veterans Corps in every region resulted in nearly 5,500 youth and young adults serving on public lands. The expanded authority provided by S. 896 will improve the Act by providing increased flexibility to use interns and Conservation Corps teams. It will also help ensure that underserved populations are able to participate by defining minimum match requirements while also providing flexibility with the match requirement.

The emphasis on experiential training and education will help promote the value of public service in addition to contributing to the accomplishment of much needed work. S. 896 will expand our usage of the PLSC in a variety of program areas by providing additional resources and mechanisms to engage young people in a range of developmental opportunities. This authority will further assist in providing even more outdoor opportunities that will nurture the next generation of public land stewards.

The broader definition of natural, cultural and historic resource work under the amendment benefits the Nation's forests and grasslands by authorizing a wider variety of different types of youth engagement. The expanded authority to engage Native Americans through the Indian Youth Service Corps and resources assistants and consulting interns will contribute to our goals of creating a more diverse workforce as we seek to fill positions in an aging workforce. These new and expanded authorities will ultimately promote public understanding and appreciation of the mission and work of the federal land, coastal and ocean management agencies.

We appreciate the flexibility of the expanded authority in section 205, which would authorize the use of residential facilities. Our history of program delivery through Forest Service Job Corps Civilian Conservation Centers has allowed us to reach more than six million youth since the program was established in 1964. The U.S. Forest Service operates residential Civilian Conservation Centers through an interagency agreement with the Department of Labor Job Corps program. The 2009 Omnibus appropriations Act authorized the Forest Service to operate six additional Job Corps Centers formerly run by the Bureau of Reclamation. The now 28 Job Corps Civilian Conservation Centers have the capacity to house, educate and train over 6,200 enrollees between the ages of 16 and 24. Our extensive experience operating residential facilities successfully has resulted in the establishment of many best practices and in-depth operational knowledge about residential conservation centers.

The Job Corps Civilian Conservation Centers not only help cultivate and develop emerging leaders within the Forest Service, but also provide a pipeline of entry-level workers. Each year the Forest Service hires dozens of Job Corps graduates that have participated in forestry and conservation programs. Through Job Corps, the Forest Service is building a skilled and diverse workforce capable of advancing the agency's mission.

With our partners, we can confidently leverage resources and expand our ability to develop a well-trained and responsible workforce in natural and cultural resources. Youth will participate in community service, restoration and stewardship projects; leadership and civic engagement programs; recreation; and team building and independent living skills training.

The Forest Service is uniquely positioned to manage residential conservation centers on the National Forests and Grasslands. This initiative could become an important component of the emerging youth outdoors initiative. It will also provide us with a unique opportunity to develop and implement innovative programming that will engage more urban youth and people that have been previously underserved.

There are a number of implementation issues that should be considered in establishing new residential conservation centers. These include the costs of operating and maintaining the facilities, potential liability issues, and questions about the impact on contract and labor laws. We would like to work with the Committee on addressing these types of issues.

S. 896 would increase the opportunity for Public Lands Service Corps members to leverage their education and work experience in obtaining permanent full-time employment with Federal agencies, but we offer a few amendments to the bill that are outlined below:

1) Hiring preference

The Administration recommends changing eligibility for former PLSC for noncompetitive hiring status from two years to one year. This change would make eligibility status consistent with other Government-wide, non-competitive appointment authorities based on service outside of the Federal government.

2) Cost sharing for nonprofit organizations contributing to expenses of resource assistants and consulting interns:

Under current law in the case of resource assistants, and under S. 896 in the case of consulting interns, sponsoring organizations are required to cost-share 25 percent of the expenses of providing and supporting these individuals from “private sources of funding.” The Administration recommends giving agencies the ability to reduce the non-Federal contribution to no less than 10 percent, if the Secretary determines it is necessary to enable a greater range of organizations, such as smaller, community-based organizations that draw from low-income and rural populations, to participate in the PLSC program. This would make the cost-share provisions for resource assistants and consulting interns parallel to the provisions under the bill for other PLSC participants.

3) Department-wide authorities

The Administration recommends technical amendments to clarify that PLSC activities will be carried out on public lands as enumerated in the law. “Eligible service lands” may be interpreted to include non-Federal lands.

4) Agreements with Partners on Training and Employing Corps Members

The Administration recommends striking the provision in S. 896 that would allow PLSC members to receive federally funded stipends and other PLSC benefits while working directly for non-Federal third parties. The need for this language is unclear, since agencies already have flexibility in how they coordinate work with cooperating associations, educational institutes, friends groups, or similar nonprofit partnership organizations. Yet, the language could raise unanticipated concerns over accountability, liability, and conflicts of interest. For example, this language could allow an individual to receive a federally funded stipend under a PLSC agreement, and then perform work for a different non-federal group (such as a cooperating association) that is subject to agency oversight under different agreements. This language could blur the lines of responsibility that have been established in response to IG concerns over the management of cooperating associations and friends groups.

5) Living Allowance Differentials

The Administration recommends striking the provision in S. 896 that would allow for the Secretary to provide living allowance differentials to employees. Current law provides the Secretary with broad authority to set “living allowances” at an appropriate rate. Adding “cost-of-living” language to a law that would modify compensation for Federal employees may unnecessarily introduce confusion.

The Forest Service has offices already in place to help coordinate the Public Lands Service Corps through its National Job Corps Civilian Conservation Centers program and the Office of Recreation, Heritage and Volunteer Resources Volunteers (RHVR) and Service program. The Forest Service RHVR Volunteers and Service program could likely be the coordinating office for Public Lands Service Corps in the Forest Service.

The Forest Service is fully committed to the advancement of young people through a variety of conservation projects, training, and service learning and conservation education. Along with the Bureau of Land Management, we can provide participants with an understanding of the agency’s

history and training on multiple-use and sustained-yield management of natural, cultural, historic, archaeological, recreational and scenic resources. Our mission, *“To sustain the health, diversity and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations,”* can only be achieved by educating future generations and training the future public and private land managers. In turn, they will promote the value of public service and continue the conservation legacy of natural resource management for the United States. The America’s Great Outdoors initiative has generated a national dialogue on how to reconnect Americans with the outdoors. The AGO report released February 2011 includes a major emphasis on youth and career pathways. The very first goal in the report is "develop quality conservation jobs and service opportunities that protect and restore America's natural and cultural resources”.

USDA Forest Service staff are a part of an interagency workgroup that is presently working to 1) catalyze the establishment of a 21st Century Conservation Service Corps that will engage young Americans in public lands and water restoration; 2) work with OPM to improve career pathways and to review barriers to jobs in natural resource conservation and historic and cultural preservation; and 3) improve federal capacity for recruiting, training and managing volunteers and volunteer programs to create a new generation of citizen stewards. The proposed amendments to the Public Lands Corps Act align well with these objectives and will undergird our efforts to fully implement the President's America's Great Outdoors priorities.

Mr. Chairman and Members of the Committee, this concludes my prepared statement. I am happy to answer any questions that you or Members of the Committee may have.