

Statement of Leslie Weldon
Deputy Chief, National Forest System
Forest Service
United States Department of Agriculture

Before the United States House of Representatives

Committee on Natural Resources

Subcommittee on Public Lands and Environmental Regulation

July 19, 2013

Concerning

H.R. 587, the “Niblack and Bokan Mountain Mining Area

Roads Authorization Act”

Mr. Chairman, Ranking Member Grijalva, and members of the Committee, thank you for inviting me here today to testify regarding H.R. 587, the “Niblack and Bokan Mountain Mining Areas Road Authorization Act”.

H.R. 587 would require the Secretary of Agriculture, notwithstanding the Roadless Area Conservation Rule, to establish a road corridor connecting the Niblack and Bokan Mountain mining areas to the existing road system on Prince of Wales Island within 6 months of the date of enactment, choosing between two alternative routes as depicted on a map referenced in the bill for the connection to the Niblack mine. H.R. 587 would also establish criteria for choosing between the two alternative routes, including minimizing road costs, environmental effects, and compliance with applicable law; allow the

Prince of Wales Community Advisory Council and the State of Alaska to be cooperating agencies in developing any needed environmental impact statement; and express the intent of Congress that any required Federal permits be issued or denied within a year of application.

The Department of Agriculture opposes enactment of H.R. 587.

If the road is needed for mining operations it can be submitted as part of a mining plan of operations and would be considered through the existing process established by the Secretary for reviewing development in inventoried roadless areas, and through the National Environmental Policy Act process. H.R. 587 would pre-empt those processes, setting a precedent for future legislative actions to pre-approve road construction in roadless areas, regardless of the relative costs and benefits of doing so. Apparently the primary justification for building roads as envisioned in H.R. 587 is to allow residents of Prince of Wales Island to work at these mines. This could be accomplished more simply and inexpensively, however, if the Alaska Native Corporations, that owns the existing roads that would be used under H.R. 587, would allow a dock to be built on its land at the end of West Arm Cholmondeley Sound. From here the residents of Prince of Wales Island could be transported by boat to the Niblack mine site, just as the Kensington mine workers take a boat from a dock built by the Goldbelt Corporation on its land across Berners Bay from the Kensington Mine.

In addition, it would be very expensive to build these roads because of the difficult terrain they would cross. The existing roads that would be used under H.R. 587 are on lands owned by Alaska Native Corporations and were built as logging roads. It is not clear whether they are suitable for frequent use to transport miners to the Niblack or Bokan Mountain mines, or whether the owners of these roads would support such use and accept any related liability risks. Maintenance of the new and existing roads would also be difficult and expensive, especially during the winter. Additionally, the bill does not address who would pay the cost for building and maintaining the roads.

In summary, H.R. 587 would pre-empt existing processes through which any roads to the Niblack and Bokan Mountain mines will be considered if proposed by the mining companies and would set a very troublesome precedent as well.

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

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Concerning

H.R. 1684 – Ranch A Consolidation and Management Improvement Act

Thank you for the opportunity to testify on H.R. 1684, the “Ranch A Consolidation and Management Improvement Act”. The bill would direct the Secretary of Agriculture to convey to the State of Wyoming an approximately 10-acre parcel of National Forest System land located on the Black Hills National Forest. The bill also would remove a reversionary interest on land previously conveyed to the State under Public Law 104-276.

Public Law 104-276 directed the Secretary of the Interior to convey approximately 600 acres of the Ranch A property, containing a fish and wildlife facility, to the State of Wyoming for the limited purposes of “fish and wildlife management and educational activities.” Public Law 104-276

also provided that the property would revert to the United States if it was used for other purposes.

H.R. 1684 would remove this reversionary interest to accommodate the desire of the State and the Ranch A Foundation to broaden the purposes of the State's use of this land to include non-educational events, including weddings and reunions. The Ranch A Foundation was created to protect the Ranch A property while maintaining the ranch as an educational facility. The increased revenue generated from these additional purposes would result in better custodial care and restoration of Ranch A.

Under Public Law 104-276, the United States retained 80 acres of the Ranch A property, and the administrative jurisdiction over that land was transferred to the Secretary of Agriculture. H.R. 1684 would require the Secretary to convey approximately 10 of the 80 acres to the State without consideration. If the Secretary deems it necessary, the exact acreage and legal description of the parcel of land to be conveyed would be determined by a survey that is approved by the Secretary and paid for by the State.

Public Law 104-276 conveyed the Babcock House and other improvements such as a well to the State of Wyoming. But, the land the house and improvements stand on were conveyed to the Forest Service. Public Law 104-276 also granted a right-of-way to the State of Wyoming for access to use the Babcock House and the other improvements on the land conveyed to the Forest Service. The right-of-way has presented a number of management challenges to the Forest Service, the Ranch A Trust and the State of Wyoming. Conveyance of the property would solve issues

associated with the State owning the improvements and the Forest Service owning the property the improvements reside upon.

The Department supports the conveyance of this parcel to the State; however, we cannot support conveyance of National Forest System lands without consideration. We note that the value of the parcel to be conveyed is estimated to be less than \$25,000. In addition, the Department of Agriculture defers to the Department of the Interior on Section 4. Amendments, which would repeal the use restrictions and the reversionary clause on properties that were conveyed to the State of Wyoming by Public Law 104-276.

Mr. Chairman, this concludes my testimony. I look forward to working with the Committee on this bill. I am prepared to answer any questions from members of the Committee.

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Concerning

H.R. 2337, “To provide for the conveyance of the Forest Service

Lake Hill Administrative Site Designation and Conveyance

in Summit County, Colorado.”

Mr. Chairman, Ranking Member Grijalva, and members of the Committee, thank you for inviting me here today to testify regarding H.R. 2337, a bill “To provide for the administrative designation and conveyance of a portion of the Forest Service Lake Hill Administrative Site in Summit County, Colorado.”

The Department supports H.R. 2337.

H.R. 2337 would provide that the approximately 40 acre Lake Hill site on the White River National Forest is considered to be an administrative site under the Forest Service Facility Realignment and Enhancement Act (FSFREA) of 2005 (Public Law 109-54; 16 U.S.C. 580d) and conveyed to Summit County, Colorado under that Act. The Lake Hill parcel is undeveloped land that would be used by the County primarily for providing affordable local housing for municipal, school, hospital and emergency services employees. As a condition of the conveyance, the County would pay for all administrative costs associated with the conveyance and the proceeds of the conveyance will be made available for capital improvement and maintenance of Forest Service facilities.

The Department supports the conveyance the Lake Hill administrative site to Summit County Colorado. However, we have some technical concerns with the way in which the bill directs the use of the proceeds. Typically, the Secretary is directed to deposit the proceeds in the Sisk Act account and is authorized to use the proceeds for construction, maintenance and improvements in the State or Region.

The Lake Hill site has lost its National Forest character. It is severed from the remaining White River National Forest. Interstate Highway 70 runs parallel on the Northwest side of the parcel, Dillon Reservoir and the Dam Road border the Southeast side and the community of Frisco borders the Southwestern boundary. A community water storage reservoir and utility corridors also occupy NFS lands on, or adjacent to, the parcel.

The conveyance will benefit both Summit County and the Forest Service. Summit County has identified the need to provide workforce housing in the area. The conveyance of the Lake Hill Administrative Site will provide space for this important county project. The Forest Service benefits by the opportunity to use funds generated by the legislation to improve the condition of Forest Service facilities within the Region.

In summary, we support H.R. 2337 and would be glad to answer any questions.