

FINAL

**STATEMENT OF
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UNITED STATES DEPARTMENT OF AGRICULTURE**

**Before the
Subcommittee on National Parks and Public Lands
Committee on Resources
United States House of Representatives**

**Concerning H.R. 150, Amendments to
the Recreation and Public Purposes Act to dispose of National Forest Lands
to education agencies**

February 4, 1999

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to be here today to present the Administration's views concerning H.R. 150, amendments to the Recreation and Public Purposes Act to dispose of National Forest lands to education agencies. The Administration commented on H.R. 2223 regarding this subject during a hearing before this Subcommittee last year. I am accompanied today by James B. Snow, Deputy Assistant General Counsel, Department of Agriculture.

While the Administration supports the objective of making federal lands available in certain circumstances for public purposes, the Administration strongly opposes this bill.

First, the bill is unnecessary because current statutory authority exists to make land available for educational purposes. Second, the bill would permit the disposal of National Forest lands for less than fair market value. Third, the deadline requirement to make the conveyance decision within 60 days is entirely inadequate.

Concerns about H.R. 150

The Administration appreciates the efforts the subcommittee has made to address the concern raised last year regarding H.R. 2223. However, H.R. 150 continues to raise serious problems for the Administration.

First, to include the disposal of National Forest lands for public purposes under Recreation and Public Purposes Act of 1926 (R&PPA) is unnecessary because the Secretary of Agriculture has existing authorities to accommodate public uses through authorities to permit, lease, exchange, and dispose of National Forest lands. For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska and in the contiguous western states. Within certain limits, the Sisk Act of 1967 authorizes the Secretary of Agriculture to exchange lands with states, counties, or municipal governments or public school districts for lands or lands and money. Moreover, the Secretary of Agriculture can exchange National Forest lands with State and local governments.

Second, the Administration objects to H.R. 150 because it would permit the disposal of National Forest lands for less than fair market value. The taxpayers of the United States should receive fair market value for the sale, exchange, or use of their National Forest lands. Unlike the R&PPA, other land exchange laws require the Secretary of Agriculture to obtain fair market value for exchanges or sales of National Forest lands. Indeed, the Federal policy backed by bipartisan coalition in the executive and legislative branches in recent decades has moved toward maximizing return to the public for the value of lands conveyed out of Federal ownership. The Administration objects to legislation that would reverse that policy by opening the door to less than fair market value consideration for the disposition of National Forest lands.

Third, the Administration objects to the requirement that, within 60 days, a decision on the R&PPA conveyance must be made. Decisions about the

appropriate uses of National Forest lands and resources are accomplished through the forest planning process under the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA). Under NFMA and NEPA, the Forest Service analyzes important environmental issues and the public is extensively involved. During this process, local Forest Service officials work closely with state and local governments to identify their concerns, needs for land, and lands appropriate for land ownership adjustments.

These processes take time, and since every land adjustment is unique, it would be difficult to predetermine an appropriate amount of time necessary to complete the environmental analysis. In fact, such a limit would only serve to create expectations that the agency could not meet and undermine the credibility of its public involvement process and environmental analysis. The agency strongly believes that attempts to short circuit environmental and public processes will only lead to more controversy

Closing

Mr. Chairman, while the Administration supports the general objective of making Federal lands available for education purposes, the Administration strongly opposes H.R. 150. However, the Administration remains open to discussions with the Subcommittee on other ideas for this bill.

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