Statement of
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Before the

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

H.R. 3802 To Amend the Education Land Grant Act
H.R. 4870 To Make Adjustments to Mount Naomi Wilderness Area
H.R. 4952 Mount Wilson Conveyance
H.R. 4919 Tonto and Coconino National Forests Land Exchange Act
H.R. 4917 Los Padres National Forest Land Exchange Act of 2002

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I am Tom Thompson, Deputy Chief for National Forest System, Forest Service. I am here today to provide the Administration's comments on five bills:

- H.R. 3802—a bill to amend the Education Land Grant Act, Public Law 106-577, to require the Secretary of Agriculture to pay the costs of environmental reviews for conveyances under that act.

- H.R. 4870—a bill to make adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

- H.R. 4952—the Mount Wilson Conveyance.

- H.R. 4919—the Tonto and Coconino National Forests Land Exchange Act

- H.R. 4917—the Los Padres National Forest Land Exchange Act of 2002

The Department supports H.R. 4870 and H.R. 4917 and does not object to H.R. 3802, H.R. 4952 or H.R. 4919. The Department would like to work with the Committee to improve H.R. 4952.

H.R. 3802—A bill to amend the Education Land Grant Act to require the secretary of Agriculture to pay the costs of environmental reviews.

H.R. 3802 amends Section 202 of the Education Land Grant Act (ELGA) by requiring the Secretary of Agriculture to pay the costs of environmental reviews for conveyances under ELGA.

The Department does not object to the bill. However, the measure would prohibit a school district from paying the cost of environmental reviews if they choose. In some situations, the exchange process may be delayed because the Forest may have other funding priorities or funding limitations. In these instances, a school district may be able to expedite the exchange process by paying the cost of environmental reviews.

To meet this requirement, the Department would likely need to reprogram funding to effectively implement the bill.

H.R. 4870—Mount Naomi Wilderness Boundary Adjustment Act

The Department supports H.R. 4870, a bill that would adjust the boundary of the Mount Naomi Wilderness in the Wasatch-Cache National Forest in Utah. We believe the boundary adjustment will add to a higher level of wilderness value, including the areas solitude, scenery and pristine qualities.

The boundary adjustment would exclude approximately 31 acres of land currently part of the Mount Naomi Wilderness and would add, in accordance with valid existing rights, 31 acres to the wilderness area. The bill also requires the Secretary to manage the 31 additional acres pursuant to the Utah Wilderness Act of 1984 (Public Law 98-428).

This adjustment would provide for the alignment of the Bonneville Shoreline trail, which is a multi-county recreational trail. The trail is designed predominately for heavy non-motorized use, which does not conform to a wilderness trail. The boundary adjustment would also eliminate the need for a power line easement within the wilderness area, which is also a non-conforming use.

H.R. 4952—Conveyance of Mount Wilson Observatory

The Department has concerns with H.R. 4952 and would like to work with the Committee to improve the bill. The bill would convey 110 acres of National Forest System land—without consideration—to the Mount Wilson Institute. Approximately, 45 acres of the lands to be conveyed are currently leased to the Carnegie Institute of Washington, which in turn permits the Mount Wilson Institute to operate and maintain the Mount Wilson Observatory.

The bill also specifies that if the observatory is ever used for any reason other than scientific, educational, historic, or other public purposes it shall revert to the United States.

The Department believes it is in the public interest for this land to remain available for public recreational use. The area surrounding the observatory has extremely high recreational value as public open space and for dispersed recreation. Mt. Wilson is the center of the densest cluster of trails in the San Gabriel Mountain Range—a key destination on an extensive and highly used trail system—and connects to approximately 100 trails stretching across the San Gabriel Mountains. A large part of Mount Wilson's popularity is due to an almost 360-degree panoramic view that includes a view of the entire Los Angeles Basin.

The Department also recognizes and supports improving the manner in which the land surrounding the observatory is maintained. For that reason, Regional Forester Jack Blackwell has directed the Forest Supervisor of the Angeles National Forest to address the maintenance issues raised by the Mount Wilson Institute, including hazardous tree removal, adequate water supply and the upkeep of public restrooms. It is my understanding some hazardous trees have already been removed and other efforts are underway to address the other identified maintenance concerns.

Also, the Department would like to ensure that any conveyance of land surrounding the observatory be pursued in a fiscally responsible way. The value of the 110-acre parcel identified in the bill has not yet been determined. It is important that this value be factored into the conveyance proposal.

H.R. 4919—Tonto and Coconino National Forests Land Exchange Act

H.R. 4919 directs the Secretary to exchange approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona and currently occupied by 45 residential cabins under special use permits for 495 acres of non-federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona. This exchange is identified in the bill as the Diamond Point/Q Ranch Land Exchange.

The bill also directs the Secretary to exchange approximately 222 acres of National Forest System land adjacent to the Town of Payson near the municipal airport for roughly 157 acres of private land (owned by Montezuma Castle Land Exchange Joint Venture) adjacent to the Montezuma Castle National Monument and nearly 143 acres of private land known as Double Cabin Park Lands. Both of the private parcels are within the Coconino National Forest boundary.

H.R. 4919 requires that the values of the non-Federal and Federal land to be exchanged to be equal or equalized as determined by the Secretary through an appraisal by a qualified appraiser and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions and Federal Land Policy and Management Act of 1976.

The bill requires the Secretary to execute the Montezuma Castle and Diamond Point Land Exchanges within 6 months after receipt of an offer from the private landowners, unless the Secretary and the private landowners mutually agree to extend such deadline.

The Department supports the concept of exchanging the National Forest System lands, which were identified in H.R. 4919; however, we can meet this objective by utilizing existing statutory authorities. In fact, the Diamond Point Land exchange is currently being evaluated through our administrative exchange process and we anticipate completing the environmental analysis and making a decision on this proposal in March 2003. However, passage of legislation could conclude this process more quickly.

We have completed an initial review relative to the conveyance of the National Forest System lands adjacent to the Payson, Arizona airport. We believe a competitive exchange process, utilizing competing market forces would best meet the public interest in identifying priority private lands for acquisition. Due to the rapidly changing market variables in this major growth area and multiple interests anticipated for this Federal parcel, this competitive approach would serve as the most reliable means of estimating the market value of the Federal lands.

The Forest Service intends to initiate this competitive proposal this calendar year and all interested parties will be encouraged to participate in this process.

H.R. 4917—To provide for an exchange to eliminate private inholdings in the Los Padres National Forest, and for other purposes

H.R. 4917 authorizes the Secretary to exchange approximately 420 acres of National Forest System land for approximately 340 acres of inholdings in the Los Padres National Forest. The United Water Conservation District of California (UWCD) owns the inholdings.

This exchange would consolidate interior land boundaries on the Ojai Ranger District of the Los Padres National Forest and would provide UWCD with contiguous ownership around Lake Piru.

The bill requires the UWCD to construct a gravel parking area upon UWCD lands for the Potholes trailhead of the Los Padres National Forest. It also would protect the existing Federal Energy Regulatory Commission License for less than a 5-mega watt generator at the outfall.

The Department supports H.R. 4917, but we are concerned about the control the bill would give UWCD regarding restricting public vehicle access. Any decisions on regulating vehicle access should be made in consultation with the Los Padres Forest Supervisor. Additionally, the bill does not specify whether the Forest Service or United Water Conservation District of California will pay for the associated cost of the land exchange. We believe it is in both parties interest to have UWCD significantly share in the costs of processing this transaction. Finally, we believe that any receipts from cash equalization that are deposited into the Sisk Act Fund should be used to acquire replacement lands within the Los Padres National Forest instead of being used toward facilities. We would like to work with the Committee to address these concerns.

Conclusion:

This concludes my statement. We look forward to working with the Committee on making the suggested modifications as noted above, and I would be happy to answer your questions.