

**STATEMENT
OF
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UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
NATIONAL PARKS FORESTS AND PUBLIC LANDS SUBCOMMITTEE
MAY 4, 2011**

CONCERNING:

***H.R. 241 TO AUTHORIZE THE CONVEYANCE OF CERTAIN NATIONAL FOREST
SYSTEM LANDS IN THE LOS PADRES NATIONAL FOREST IN CALIFORNIA***

H.R. 643 SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT

H.R. 765 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 three of the bills that you are considering today.

***H.R. 241 TO AUTHORIZE THE CONVEYANCE OF CERTAIN NATIONAL FOREST
SYSTEM LANDS IN THE LOS PADRES NATIONAL FOREST IN CALIFORNIA***

H.R. 241 is intended to address a long-standing encroachment by the White Lotus Foundation (Foundation) on National Forest System lands managed by the Los Padres National Forest in Santa Barbara County, California. The encroachment does not qualify for resolution under existing authorities, namely, the Small Tracts Act (P. L. 97-465). The Department appreciates this Committees' efforts to resolve this issue; however, we do not support H.R. 241 because there would be limited benefit to the public from this conveyance.

H.R. 241 differs from the bill introduced last Congress (H.R.129) in that it includes the provision for a land exchange and the requirement that the Foundation pay for the reasonable costs of any surveys, appraisals, and any other administrative costs associated with the proposed land exchange or sale. This legislation would require the Secretary to exchange up to five acres of National Forest System land upon which the Foundation has encroached if the Foundation offers

to convey a parcel of non-Federal land that is acceptable to the Secretary and if the Secretary determines that the public interest would be served by making the exchange. If the land exchange is not completed within 2 years following the date of enactment of the Act, the Secretary would have the option of selling the encroached-upon National Forest System land to the Foundation for fair market value.

It is unlikely a land exchange could be completed within two years of enactment because the Foundation has not been in consultation with the Forest Service about potential properties to be exchanged and the normal time frame for these exchanges exceeds a two year time frame. For lands to become part of the National Forest System, a rigorous and thorough vetting process that includes title and boundary work as well as surveys for hazardous materials must be completed prior to the exchange. Currently there is a two to three year wait in the Pacific Southwest Region for land exchanges. Therefore, the provision for a land exchange would likely not be used and instead, after two years, the land sale option to convey the land to the Foundation would be utilized.

Last Congress, the Department testified before this Subcommittee on H.R. 129 which authorized the sale of the same lands to the Foundation. As previously stated on H.R. 129, our concern is that H.R. 241 would benefit only the Foundation with no public benefit. This legislation would serve only a small, select group of citizens - the White Lotus Foundation. In addition, the conveyance would legitimize the Foundation's long standing encroachments on lands in the Los Padres National Forest by allowing the Foundation to acquire the encroached land through legislation for the Foundation's private use and enjoyment. There are other adjacent landowners in the area with similar encroachments on National Forest System lands in the Los Padres National Forest. These landowners are following this legislation with interest, as a model for resolving their encroachment cases. Resolving the White Lotus Foundation encroachments through H.R. 241 would therefore set a precedent for resolution of other encroachment cases through case-specific legislation.

H. R. 643 SUGAR LOAF FIRE PROTECTION DISTRICT LAND EXCHANGE ACT

H. R. 643 would provide for the exchange or sale of two parcels of National Forest System lands 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 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 last Congress (H.R. 3923).

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 1 year.

The Department supports the work of the SLFPD and its efforts to improve facilities to deliver services more effectively. We view H.R. 643 as both benefitting management of the Arapaho National Forest and promoting emergency services in the fire protection district.

H.R. 765 SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT OF 2011

H.R. 765 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 H.R. 765 and wishes to thank the Members of the Committee for addressing the concerns expressed when we testified last Congress on H.R. 2476. Like its predecessor, H.R. 765 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 H.R. 765 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, Ranking Member Grijalva and Members of the Subcommittee, this concludes my testimony. I'll be happy to answer any of your questions.