

**STATEMENT OF
CHRISTOPHER B. FRENCH
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES— SUBCOMMITTEE ON NATIONAL
PARKS, FORESTS, AND PUBLIC LANDS**

**May 11, 2022
Regarding**

**H.R. 279, The Roadless Area Conservation Act of 2021
H.R. 7329, Smith River National Recreation Area Expansion Act
H.R. 7399, Land Between the Lakes Recreation and Heritage Act
H.R. 7665, Mt. Hood and Columbia River Gorge Recreation Enhancement and
Conservation Act of 2022**

Chairman Neguse, Ranking Member Fulcher, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the views of the U.S. Department of Agriculture (USDA).

H.R. 279, The Roadless Area Conservation Act of 2021

Thank you for the opportunity to testify regarding H.R. 279, The Roadless Area Conservation Act of 2021. National Forest System Roadless Area protections through the 2001 Roadless Rule, Colorado Roadless Rule, and Idaho Roadless Rule have provided an enduring legacy of forest conservation through thoughtful limitations or prohibitions on road construction, road reconstruction, and timber harvesting, with limited exceptions. Roadless areas provide many social, cultural, economic and ecological benefits, including for wildlife and fish habitat, recreation, traditional and cultural values, and the ecosystem services they provide. Inventoried Roadless Areas constitute roughly one-third of all National Forest System lands, or approximately 58.5 million acres. Although they comprise only 2% of the land base in the continental United States, roadless areas are found within 661 of the over 2,000 major watersheds in the nation.

H.R. 279 appears intended to codify in statute the provisions of the Roadless Area Conservation Rule of 2001 and the subsequent rules for Idaho Roadless Management (2008) and Colorado Roadless Management (2012, 2016) promulgated by the Forest Service.

Section 2 outlines Congress' Findings and Purposes. However, some of the findings do not accurately represent the Forest Service's roadless rules or implementation of those rules.

Section 3 provides definitions. The definition of inventoried roadless areas includes a general and unspecific term "logging" whereas the regulatory prohibition is on the cutting, sale, or removal of timber. The text characterizes the Idaho and Colorado rules as modifications to the

2001 rule when in fact they are independent regulations with independent function. There are potential unintended consequences with the framing of the Colorado rule regarding the North Fork Coal Mining exception that could be clarified. Additionally, the definitions would benefit from clarity around how to handle roadless area boundary clarifications based on improved mapping technology, and how to handle boundary adjustments for areas mapped under the 2001 rule.

The technical corrections to Sections 2 and 3 are needed to improve accuracy. USDA recommends incorporating them and other adjustments to the provisions in Section 4 to better corollate the statutory language with the function of the existing regulations to avoid misinterpretation and legal uncertainty.

USDA supports the intent of H.R. 279 and looks forward to working with the Subcommittee and bill sponsors on technical fixes.

H.R. 7329, Smith River National Recreation Area Expansion Act

H.R. 7329, the Smith River National Recreation Area Expansion Act, would amend the Smith River National Recreation Area Act and the Wild and Scenic Rivers Act to include certain additions to the Smith River National Recreation Area and to designate specified Wild and Scenic Rivers in the State of Oregon. Enactment of this bill would result in the Smith River National Recreation Area being expanded from northern California to encompass the North Fork of the Smith River Watershed in southwestern Oregon and to be managed for its world class recreational access, special scenic value, natural diversity, cultural and historical attributes, wilderness, wildlife, and fisheries. Additionally, approximately 75 miles within the watersheds of the North Fork and mainstem of the Smith River would be added to the National Wild and Scenic Rivers System. On lands managed by the Department of Interior, USDA defers input to the Department of Interior.

Section 2(d) of this bill would require a study of the affected area within five years of enactment with modifications to land management plans being implemented upon completion of the study. No impacts to vegetation or wildfire management are noted in the bill and nothing in the bill affects the application of the Northwest Forest Plan or Roadless Rule in the State of Oregon. Section 2(h) requires the Secretary of Agriculture to execute a memorandum of understanding with applicable Indian Tribes to preserve and protect Tribal rights and to ensure access. Further, it is required that interpretive materials regarding the Tribes be developed and made publicly available.

Land acquisition authority is expanded and clarified with a directive to the Secretary of Agriculture to acquire a 555-acre area of state-owned land known as the Cedar Creek Parcel, pending availability of funding and approval by the State Land Board of Oregon. This would allow for contiguous management by the Forest Service of most lands within the proposed boundary.

USDA supports expanding recreational access to federal lands in a manner that preserves the ecological, cultural, and historical integrity of a landscape and that supports the social and economic needs of adjacent communities.

Section 3 of this bill amends two existing Wild and Scenic River designations to add 25 segments totaling roughly 75 miles within the watersheds of the North Fork and mainstem of the Smith River. USDA supports Wild and Scenic River designations and recognizes the importance of protecting and enhancing identified river values for the benefit and enjoyment of present and future generations. While we support the goals of this bill, we would like to work with the Subcommittee and bill sponsors to clarify some timing and technical concerns associated with the proposed designations.

USDA would like to ensure that any new segments are properly integrated into the National Wild and Scenic Rivers System with enough time to develop comprehensive river management plans (CRMPs) and to establish detailed boundaries in cooperation with Tribes, State and local governments, and interested stakeholders. The timeframes identified under Sections 3(b) and 3(d) of the Wild and Scenic Rivers Act for completing detailed boundaries and CRMPs can be challenging to meet. Therefore, we would like to work with the Subcommittee and bill sponsors to identify ways to support timely completion of CRMP and boundary requirements.

The Forest Service embraces its mission to steward and safeguard its Iconic National Recreation Areas and free flowing Wild and Scenic Rivers with their outstandingly remarkable values and to provide recreational access, clean drinking water, and economic vitality to the American people. We are committed to collaborating openly with Congress, Tribes, and all members of the interested public to identify and propose appropriate parcels of land and segments of river within the National Forest System for designation as Wild and Scenic Rivers and National Recreation Areas and to manage those parcels responsibly.

USDA supports the intent of H.R. 7329 and looks forward to working with the Subcommittee and bill sponsors on technical corrections to the bill.

H.R. 7399, Land Between the Lakes Recreation and Heritage Act

USDA recognizes the significance of the Land Between the Lakes Protection Act and the uniqueness of this treasured piece of public land within the National Forest System. We share the commitment of this Subcommittee to ensure the Land Between the Lakes National Recreation Area is a safe and enjoyable place for visitors to recreate.

H.R. 7399 directs the Secretary to administer the Land Between the Lakes National Recreation Area as a separate unit of the National Forest System. USDA has managed Land Between the Lakes as a separate unit of the National Forest System since the Land Between the Lakes Protection Act was passed in 1998. USDA supports the amended text that will allow the USDA Forest Service to continue administering Land Between the Lakes as its own unit within the National Forest System.

This legislation proposes several changes to the Land Between the Lakes Protection Act, including changes to the membership and function of the Land Between the Lakes Advisory

Board. All Forest Service advisory boards are subject to the Federal Advisory Committee Act, and some of the amendments might conflict with that statute. Additionally, the agency would sustain impacts to established multi-year land management plans, funding, and annual planning. USDA would like to work with the Subcommittee and bill sponsors to ensure these changes do not disrupt existing programs, projects, and service to the public.

H.R. 7399 would allow the Secretary to charge reasonable recreation fees, as determined by the Land Between the Lakes Advisory Board, for admission to and the use of designated sites, or for activities, within the Land Between the Lakes Recreation Area. The Forest Service has recreation fee authority under the Federal Lands Recreation Enhancement Act. The bill appears to shift this existing recreation fee authority to the Land Between the Lakes Advisory Board. The Forest Service would like to retain its recreation fee authority for the Land Between the Lakes Recreation Area, and we look forward to working with the Subcommittee and bill sponsors on clarifying this language.

One of the unique aspects of Land Between the Lakes is the Land Between the Lakes Management Fund. H.R. 7399 would allow amounts in this fund to be available to the Secretary until expended, without further appropriation, to perform new work or deferred maintenance in the Land Between the Lakes Recreation Area but would preclude expenditure of amounts in the fund on salaries or other expenses. These limitations on expenditures would make it difficult for the Forest Service to perform the new work and deferred maintenance authorized by the amendment.

H.R. 7399 encourages the Secretary of Agriculture to execute memoranda of understanding with State or local governmental entities, including law enforcement, as appropriate, to clarify jurisdictional matters, such as road management, policing, and other functions that are typically performed by the State or local governmental entities on non-Federal land. USDA supports this amendment. The Forest Service's Law Enforcement and Investigations staff are actively engaging with local governmental and law enforcement entities to develop memoranda of understanding and cooperative law enforcement agreements.

There are approximately 270 documented cemeteries at Land Between the Lakes that remain available to residents and relatives. H.R. 7399 provides access to certain cemetery plots for qualified residents, relatives, and cemetery associations. USDA supports amendments to existing legislation that would increase access to cemetery plots at Land Between the Lakes. However, the amendments as written could cause complications, including: a situation where one person could cause others to incur expenses without their knowledge; the need to construct roads; and unlimited expansion, which could cause adjacent multi-use land to be degraded over time. USDA would like to work with the Subcommittee and bill sponsors to clarify concerns over the cemetery plot provision in the bill.

H.R. 7399 directs the Secretary of Agriculture to identify and manage the historical resources of the Land Between the Lakes Recreation Area in accordance with the requirements of division A, subtitle III, of title 54 of the United States Code (formerly known as the National Historic Preservation Act) and in coordination with qualified residents or relatives. H.R. 7399 also directs

the Secretary to consider requests by qualified residents or relatives to use and maintain areas of cultural importance, and to work cooperatively with qualified residents or relatives in the management of historical resources. USDA agrees all sites in the Land Between the Lakes National Recreation Area need to be evaluated for historical significance. However, the Department is concerned about the language as written, as it would have significant budgetary impacts and does not address the parameters for revitalizing the historical resources.

The Forest Service has received multiple notifications regarding historical buildings at Land Between the Lakes Recreation Area that are not structurally safe and are in such poor condition that revitalization would require millions of taxpayer dollars. The agency would like to work with the Subcommittee and bill sponsors to establish parameters for identifying and managing the historical resources at Land Between the Lakes.

The Forest Service appreciates the increase in authorized funding for Land Between the Lakes. However, shifting this funding from the agency's existing budget would create significant hurdles for other National Forest System lands in the 13 Southern Region states and Puerto Rico.

USDA would like to work with the Subcommittee and bill sponsors to address these concerns to make future management of the Land Between the Lakes National Recreation Area more efficient and feasible.

H.R. 7665, Mt. Hood and Columbia River Gorge Recreation Enhancement and Conservation Act of 2022

H.R. 7665, Mt. Hood and Columbia River Gorge Recreation Enhancement and Conservation Act of 2022 would establish Treaty Resource Emphasis Zones for the Confederated Tribes of the Warm Springs, manage recreation, designate Wilderness areas and Wild & Scenic River corridors, and establish advisory committees for the Mt. Hood National Forest and Columbia River Gorge National Scenic Area.

Title I, Section 101 establishes Indian Treaty Resource Emphasis Zones for the Confederated Tribes of the Warm Springs Reservation of Oregon in the Mount Hood National Forest. The establishment of these Zones, whose boundaries and management will be decided through consultation and agreement with the Tribe, the contents of which are very specifically laid out in the proposed legislation.

USDA is committed to respecting the treaty rights, priorities, interests, and values of Tribes, and to incorporating traditional ecological knowledge into land management. We are also very supportive of the goals and outcomes associated with co-stewardship and are actively exploring how to increase opportunities for co-stewardship, including through many of the existing authorities listed in Section 101.

While we support the intended purpose of this legislation, the level of specificity and direction in this section could create significant implementation challenges for the agency that would likely result in an inability to meet the intended purpose and could significantly constrain the ability of both the agency and the Tribes to navigate changing conditions and resources in the future. We are also concerned that legislating specific agreements for individual tribes could create

inequities with other tribes and lead to an unsustainable patchwork of legislative agreements with significant implementation and potential litigation challenges.

We are committed to working with the Confederated Tribes of the Warm Springs Reservation of Oregon on co-stewardship opportunities in the Mount Hood National Forest. We would like to work with the Subcommittee and bill sponsors to provide technical assistance that focuses on the intended purpose of this bill.

More broadly, we are evaluating gaps in our current authorities and would like to explore with Congress the potential for enhanced statutory co-stewardship authority for the agency that would apply for all Tribal nations. We look forward to working with the Subcommittee on this issue in the future.

Title II, Section 201 establishes a National Recreation Area and an associated Sustainable Recreation Management Plan within the Mount Hood National Forest. The Plan must include a comprehensive assessment of and plan to achieve sustainable recreation, transportation, public safety, natural resource protection and enhancement, and other uses, be established within five years and updated every 10 years. The exemption of Wild and Scenic Rivers in the legal description could cause confusion and negative management impacts. Section 202 requires a Sustainable Recreation Management Plan for the Columbia River Gorge National Scenic Area. The Plan must be published within five years of enactment, updated every 10 years, and include a vision for socially, economically, and ecologically sustainable recreation, recreation planning, and recreation infrastructure. In creating the Plan, the Forest Service must also study the development of interconnected trails around the Gorge and, specifically, the potential for a trail connecting Mosier and the Dalles. Section 203 establishes Recreation Centers for Excellence for the Mount Hood National Forest and the Columbia River Gorge to create and implement the Mount Hood and Columbia River Gorge Sustainable Recreation Management Plans and engage with the public to address issues including trail stewardship, communication between agencies and partners, recreation infrastructure needs, and equitable recreation access. Current staffing levels, current staff qualifications, and competing agency and unit priorities typically limit the ability of the Forest Service to successfully develop and implement plans with such provisions as described in this title. The overlapping planning and collaborative efforts called for in these provisions need clarity of intent. While we support the goals of these recreation planning efforts, we would like to work with the Subcommittee and bill sponsors to clarify some associated timing and technical concerns.

Title III, Section 301 requires the development of a wildfire assessment for the Mount Hood National Forest, the Columbia River Gorge National Scenic Area, and any private, state, or tribal adjacent lands within 280 days of enactment. Based on that assessment, a wildfire mitigation and adaptation plan is required within two years of enactment. The wildfire mitigations and adaptation plan would consider possible sources of ignition, estimated impacts to natural resources, tribal treaty resources, and infrastructure, and would implement cost-effective, non-commercial, science-based restoration treatments and wildfire mitigation techniques informed by traditional tribal ecological knowledge to improve wildfire resilience and reduce wildfire risk and damage. Section 302 directs the Secretary of Agriculture to prioritize the rebuilding,

rehabilitation, and relocation of recreation infrastructure in the Mount Hood National Forest and Columbia River Gorge that is damaged due to wildfire. Also, Section 302 directs the Secretary to consider the construction of educational wildfire kiosks to improve public understanding of the role of wildfire in the region's forests. Administrative efforts are already underway to achieve the outcome called for in this Title, and as such USDA supports these provisions.

Title IV, Section 401 designates approximately 7,583 acres of additions to existing wilderness areas and a reduction of approximately six acres of land in the Salmon-Huckleberry Wilderness in the Mount Hood National Forest. Section 402 designates approximately 83.1 miles of rivers as new Wild and Scenic Rivers and additions to existing Wild and Scenic Rivers that would be administered or co-administered by the Mount Hood National Forest. USDA has concerns about potentially negative management impacts by not requiring legal descriptions for new Wilderness areas and Wild and Scenic River corridors. Section 403 directs the Secretary of Agriculture to assess existing use of the Pacific Crest Trail and ensure adequate management, protection, and enhancement of the Trail's resources, values, and recreation opportunities. Section 404 renames the Mark. O. Hatfield Wilderness as the Nancy Russell Columbia River Gorge Wilderness. In general, USDA supports Wilderness and Wild and Scenic River designations and recognizes the importance of protecting and enhancing identified values for the benefit and enjoyment of present and future generations. While we support the goals of these proposed designations, we would like to work with the Subcommittee and bill sponsors to clarify some associated timing and technical concerns.

Title V, Section 501 and 502 direct the Secretaries of Agriculture and Transportation to establish Access Committees that will create comprehensive, coordinated, multi-jurisdictional plans to improve safe, equitable, and ecologically sustainable access to the Columbia River Gorge National Scenic Area and the Mount Hood National Forest within one year of enactment, to be updated every two years, subject to the availability of funding.

Title VI, Section 601 allows the Forest Service to enter into cooperative agreements with the state, local, and tribal governments for search and rescue, firefighting, and law enforcement services. Section 601 also directs the Mount Hood National Forest and Columbia River Gorge National Scenic Area to hire five additional law enforcement officers who have undergone extensive diversity, equity, and inclusion training, to ensure public safety. While we support the goals of these public safety efforts, we would like to work with the Subcommittee and bill sponsors to best achieve these objectives.

Finally, while we defer to the Department of the Interior (DOI) regarding the bill's provisions concerning DOI-managed lands in titles II and IV, we have been informed that DOI supports the bill's conservation designations on DOI-managed public lands.

USDA supports much of the intent of H.R. 7665 and looks forward to working with the Subcommittee and bill sponsors to improve the legislation.