

STATEMENT OF
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BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS
UNITED STATES HOUSE OF REPRESENTATIVES
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Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding the discussion draft bill, the “Locally-elected Officials Cooperating with Agencies in Land Management Act of 2016”. We want to continue to work with the Committee as the ideas in this draft document are deliberated.

Our National Forests and Grasslands are national treasures and provide a broad range of values and benefits, including biodiversity, recreation, clean air and water, forest products, erosion control, and more. Covering a third of the country’s landmass, forests store and filter more than half of the nation’s water supply and absorb approximately 12 percent of the country’s carbon emissions. Our mission of sustaining the health, diversity and productivity of our nation’s forests and grasslands is critically important to maintaining these values and benefits. In 2015, we produced 2.873 billion board feet of timber. Our timber harvest has increased 18 percent since 2008. In 2015 we improved 19 watersheds, and treated 2.5 million acres of hazardous fuels. The agency is achieving these results through an emphasis on collaboration, despite that since 1998, National Forest System staff was reduced by well over a third.

In order to achieve these benefits, the Forest Service and local governmental agencies must communicate and coordinate. We have demonstrated our commitment to local coordination at every level of our organization throughout the country and fully understand the critical role local government agencies play in land stewardship.

Currently, Forest Service employees meet with agencies and groups in order to accomplish the collaboration that is necessary to get our work done. Throughout the country, Forest Supervisors, District Rangers, and Regional Foresters attend business meetings, have monthly discussions and quarterly meetings, email, and problem solve with local government and state officials in a variety of circumstances. Many attend the monthly business meetings of the counties. The Regional Foresters for California, New Mexico, Montana, Arizona and Washington, and others have agreements in place with their state-county associations to enhance interaction, information sharing and communication. In Montana, the Helena and Lewis and Clark National Forests have an intergovernmental coordination council in place, with state agencies, and county

commissioners of the 15 plus counties that have portions of the Forest, facilitated by staff from the University of Montana. Throughout the country employees participate on work groups and collaboratives in their local communities. Many Forests' Secure Rural Schools Resource Advisory Committees are attended by Forest Supervisors, Deputies, or District Rangers, and information is shared regarding current forest programs and plans, as well as community needs and preferences. They also interface at various partnership meetings, such as with the Prescott Area Wildland Urban Interface Commission, Verde Front projects, and Prescott Basin Trails groups. These and other efforts build upon the extensive public engagement and notification requirements governing actions and policies on the National Forests and Grasslands.

Our collaboratives have also enhanced coordination and communication and supported forest restoration by developing better projects, working across larger landscapes, building public support and reducing the risk of litigation. Dozens of collaboratives across the country are enabling the Forest Service and our partners to achieve more significant results. These collaboratives are community groups with locally elected officials, conservation organizations, forest industry, and others who are committed to designing projects and practices that address forest restoration, supply wood to local mills, conserve watersheds and provide a range of other benefits, including creating and maintaining jobs in rural communities. Between 2011 and 2014 these projects generated \$661 million in local labor income and an average of 4,360 jobs per year (United States Department of Agriculture, Forest Service, March 2015, Collaborative Forest Landscape Restoration Program 5-Year Report. FS-1047).

We also recognize the important county funding and collaboration opportunities that the Secure Rural Schools program has delivered. The Secure Rural Schools Act has provided more than a decade of transitioning payments to eligible states and counties to help fund public schools and roads. In addition, it has also created a forum for community interests to participate in the selection of natural resource projects on the national forests, and assisted in community wildfire protection planning.

The Administration supports the Secure Rural Schools program, and recognizes the important county funding and collaboration opportunities that it provides. Some improvements have been made to the Act through reauthorization and we look forward to working with Congress on further improvements to enhance community involvement with title II program delivery and to strengthen economic opportunities provided by the Secure Rural Schools program.

Specific Comments

Section 101: The bill would provide that, at the request of the governing body of a greatly affected community, the Forest Service shall seek to enter into an agreement under which it would agree to participate in local governing business meetings to report on activities and respond to concerns.

Response: While we think that coordination and communication is very important, we don't think that this provision is necessary because the Forest Service works with local governments in many types of meetings which ensure flexibility and efficiency.

Section 102: The bill would require the Forest Service to coordinate with the governing body of the community regarding any forest management activity or other major action that would have a

significant impact on the affected community. It also would provide that as part of the environmental review process for any forest management activity or other major action, the Secretary shall offer to designate the governing body of each affected community that may have an interest “cooperating agency” status.

Response: Both of these provisions could add inefficiencies in terms of unnecessary burden. We cannot support these provisions because “any forest management activity” may add requirements and create confusion with the existing processes under the National Forest Management Act and the National Environmental Policy Act (NEPA) of 1969. Requiring a federal agency to offer “cooperating status” to the governing body of each affected local community that may have an interest in the activity adds complexity and unnecessary confusion, since NEPA regulations already specify which governing bodies may be cooperating agencies.

Section 103: This provision would amend the Secure Rural Schools (SRS) Act to expand the duties of the SRS Resource Advisory Committees (RACs) to serve as an advisory body for the Secretary regarding forest management activities on National Forest land. It temporarily reduces the number of RAC members to 3 for each subgroup, requires members to be appointed within 90 days and charters to be approved within 90 days, and provides that a RAC may propose projects upon approval of a majority of committee members, including at least one from each of the sub-categories. It also limits RAC members to reside within the county or counties in which the committee has jurisdiction or an adjacent county. It requires local line officers to provide to the RAC at least twice a year a presentation on forest management priorities and to solicit the advice and recommendations of the committee.

Response: We cannot meet the 90 day requirement for the approval of vacant positions on the RACs. We would like to explore the option of using the RACs for broader advisory purposes. We agree that there have been difficulties getting timely membership approval for the RACs and want to work internally and with the Committee to resolve membership and other questions that have arisen regarding implementation. Many of our line officers, including Forest Supervisors, Deputies, and District Rangers meet with their RACs to support collaboration.

Section 104: The bill would provide that, prior to a proposed land acquisition, the Forest Service would be required to conduct a study on impacts from lost tax dollars, other economic impacts, and other factors. Further, the Secretary would be required to request the affected community provide a written response to the agency indicating their position on the proposed land acquisition, and require the Secretary to give deference to this position when deciding whether or not to request funding for the acquisition from Congress.

Response: We could not support this section as written. This requirement would allow local government to interfere with the rights of individual landowners to manage their property and assets, and add unnecessary burden to the Forest Service to complete a limited economic analysis which tells only part of the story. Current Forest Service policy is to provide notification letters to the respective County Board of Commissioners regarding the proposed purchase of land and other land transactions.

Section 105: The bill requires that for any Forest Service road that extends from or through, or is directly connected to, a road under the jurisdiction of an affected local community, the Secretary shall obtain the concurrence of the governing body of the affected local community regarding any management direction for the Forest Service road.

Response: We would support language requiring the Secretary to consult with the governing body of the affected local community. The Forest Service would not support a requirement for concurrence, as we have broad objectives, numerous environmental considerations, and fiscal requirements by law and regulation which we have to meet.

Section 106: This section states that the Secretary may enter into a memorandum of understanding with the governing body of the affected local community to jointly determine and assign management responsibilities for the recreation facility.

Response: The Forest Service agrees that managing with communities can be a helpful tool. Currently we estimate that we have over 400 sites operated by local community, municipalities, counties, and states.

Section 107: This section requires that written notice of proposed new or increase in recreation fees and an opportunity to comment be provided to the affected local government. It also requires that comments from local government be submitted to Congress.

Response: The Forest Service currently includes notification to local legislators, and to a state or regional recreation RAC as part of our public participation requirements. However, the submission to Congress would increase the complexity and cost of the fee proposal process.

Section 201: The bill states that the duration of an assignment at a Forest Service duty station should be a minimum of three years, subject to such exceptions as the Secretary of Agriculture may prescribe.

Response: We cannot support this provision. The movement of personnel is both voluntary (for example, when someone applies for, is offered, and accepts a promotion or reassignment to another position,) and based on mission-critical needs. This discretion enables the Agency to meet mission requirements to address changing programs of work, budget and workforce needs. The Forest Service is exploring ways to transition employees in a purposeful way to maintain relationships and ties with local communities. We acknowledge that trusting and respectful relationships require attention.

Section 202: This section amends Title I of HFRA by requiring the Secretary to develop a schedule for the implementation of community wildfire protection plans. In addition, the Secretary is required to develop a program of work for Federal land that gives priority to authorized hazardous fuels reduction projects and the implementation of CWPPs.

Response: Under Section 202 (1), the Secretary would be required to schedule implementation of community wildfire protection plans, many of which involve private or state land. We believe that communities, state and other interested parties should play the lead role in the development and implementation of the substance and detail of their plans and procedures. We agree completely that the Secretary should continue to prioritize fuels reduction projects including implementation of community wildfire protection plans on Federal land. From 2012 to 2015, 85 percent of our Wildland Urban Interface treatments have been in areas with CWPPs.

Section 204: This section requires the Secretary to take all necessary and reasonable actions to protect and maintain survey monuments located on the impacted federal land.

Response: This is not necessary as we already have these sufficient standards in State and Federal laws and regulations.

Section 301: This section specifies that in response to tribal requests under the Tribal Forest Protection Act, the Secretary shall provide an initial response within 120 days and a denial not later than 1 year after the Secretary received the request. The bill requires the Secretary to complete all environmental reviews in connection with the agreement or contract and proposed activities and enter into an agreement or contract within two years.

Response: Regarding the two year requirement, we acknowledge this is an important goal to try and achieve. However, in some instances, there are complicated rights, permits, and other commitments, as well as sensitive resources, which need to be fully understood in order to complete a NEPA analysis and subsequent agreements, contracts, and litigation. In some circumstances we would not be able to achieve these timelines, thus we do not support the requirement.

Section 302: This section authorizes the Secretary, at the request of an Indian tribe, to treat Federal forest land as Indian forest land for purposes of planning and conducting forest land management activities, if the Federal forest land is located within, or mostly within, a geographic area that presents a feature or involves circumstances principally relevant to that tribe. Requirements include that the public will continue to have public access, there will be continued revenue sharing with state and local governments, prohibitions on exports will continue, and they are required to recognize existing of rights of way.

Response: We are generally supportive. We'd like to work with the Committee on technical details.

Section 303: Under Section 303, the secretary may carry out demonstration projects by which an Indian tribe may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004.

Response: This is not necessary, as the Secretary can already carry out projects, including demonstration projects, under the provisions of the Tribal Forest Protection Act of 2004.

Section 401: As amended by Section 401, funding for land acquisition under the LWCF Act would be limited 15 percent of the acreage must in the west; 75 percent must be adjacent to existing federal land, or 33 percent of funds to go to hunting and fishing access. It proposes that Land and Water Conservation Funds (LWCF) may be used to cover land exchange administrative costs between the United States and other entities.

Response: We oppose this section. Imposing a 75 percent adjacency requirement would inadvertently remove many tracts in the east from eligibility. Portions of eastern forests and the National Grasslands can be very fragmented. It is much harder to find tracts with 75 percent adjacency in the east. This provision would actually push more acquisition to the west - the opposite of the apparent intent of the bill. The proposal to limit acreage to 15 percent in the west is not supported by the demand for acquisition from many parts the Western delegation from states including Alaska, Idaho, Colorado, New Mexico, Montana, California and Oregon. Currently, approximately 16 percent of users participate in hunting and fishing (NVUM). Requiring that 33 percent of funds go to access to existing lands for hunting, fishing and shooting is not necessary; we have always tried to acquire lands that meet multiple needs, as access for the hunter is also access for the hiker, the snowmobiler and the general public. We estimate for LWCF, that in all "new" lands acquired, 75 percent of all projects provide for

hunting, shooting and trapping access. The Forest Service already has the authority to use LWCF funds to cover land exchange.

In conclusion, it is critical for the Forest Service to develop and maintain positive working relationships with locally elected officials. Coordination and cooperation at this level can greatly enhance the public's use and enjoyment of our national forests and grassland. To the extent that legislation can assist in fostering these relationships, we would like to work with the committee and bill sponsors to craft language that better utilizes local relationships while not creating new or excessive procedural and management burdens.

This concludes my statement and I'd be happy to answer any questions you may have.