

**STATEMENT OF
GREGORY C. SMITH
DIRECTOR OF LANDS AND REALTY MANAGEMENT
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**

March 1, 2022

Concerning

**H.R. 1638, Gilt Edge Mine Conveyance Act
H.R. 4178, To Extend the Authority to Collect Shasta-Trinity Marina Fees Through Fiscal
Year 2027
H.R. 5093 Wind River Administrative Site Conveyance Act
H.R. 5493, Land Grant-Mercedes Traditional Use Recognition and Consultation Act
H.R. 6366, Berryessa Snow Mountain National Monument Expansion Act**

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) on several bills under the jurisdiction of the U.S. Forest Service (Forest Service).

H.R. 1638, Gilt Edge Mine Conveyance Act

H.R. 1638, the “Gilt Edge Mine Conveyance Act,” would convey approximately 266 acres of National Forest System (NFS) lands administered by the Black Hills National Forest within the Gilt Edge Mine Superfund site boundary to the state of South Dakota. The Gilt Edge Mine is in Lawrence County, South Dakota, within the Black Hills National Forest boundary. The mine is an inactive gold mine. USDA supports H.R. 1638 to consolidate ownership in and around the Gilt Edge Mine. We would like to work with the committee and bill sponsor to clarify the responsibility for the United States related to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Currently the mine encompasses a patchwork of NFS lands and lands owned by the state of South Dakota. The U.S. Environmental Protection Agency (EPA) has jurisdiction and oversight of the Superfund site. The State of South Dakota will participate in the implementation of remediation actions and provision of long-term monitoring. Consolidating ownership of the entire Gilt Edge Mine to the state of South Dakota will make it easier for the State to fulfill its obligation for site remediation and monitoring.

H.R. 1638 requires the state of South Dakota to conduct an appraisal of the property following uniform appraisal standards for federal land acquisitions and conform to uniform standards of professional appraisal practices. The state of South Dakota will pay to the Secretary of

Agriculture an amount equal to the fair market value of the land to be conveyed. The cost of conveyance will be paid by the state of South Dakota including the cost of the appraisal and the survey. Proceeds from the sale of the 266 acres will be used for the maintenance and improvement of land or administrative facilities on the Black Hills National Forest within the state of South Dakota. We would like to work with the committee and bill sponsor to clarify the responsibilities for carrying out the appraisal process.

H.R. 4178, To Extend the Authority to Collect Shasta-Trinity Marina Fees Through Fiscal Year 2027

The USDA supports H.R. 4178, “To Extend the Authority to Collect Shasta-Trinity Marina Fees Through Fiscal Year 2027.” H.R. 4178 would extend the authority to retain and use fees collected from the Shasta-Trinity marina to fund the Shasta-Trinity National Recreation Area. That authority (section 422) was first included in the 2008 Interior Appropriations Act and has been subsequently reauthorized over the years to present day. The bill would extend the authority for five more years through September 30, 2027. Section 422 provides that the retained funds may be used for the specified purposes under the Federal Lands and Recreation Enhancement Act and for the direct cost associated with issuance of the marina permit.

Funds have been used to: meet critical health and safety standards; address portions of the maintenance backlog; provide for innovative projects (including high quality interpretive and environmental education programs); installation and maintenance of over 300 underwater obstacle markers and 100 safety-related floating directional signs; establishment and maintenance of the National Recreation Area Boating Safety Program; implementation and administration of the program’s Marina Standards; maintenance of a floating toilet program; and the construction of accessible facilities to provide greater access for persons with disabilities. The goal of these projects is to meet the objectives of the National Recreation Area, to provide recreation opportunities on site.

The Forest Service has requested extension of this provision with General Provision language in their annual budgets.

H.R. 5093, Wind River Administrative Site Conveyance Act

H.R. 5093, the “Wind River Administrative Site Conveyance Act,” would convey parcels totaling approximately 24.35 acres of NFS lands on the Gifford Pinchot National Forest to Skamania County in the state of Washington.

In 2001, a legislated land exchange transferred ownership of 187 acres of the site (nursery fields and some buildings) to Skamania County (County). The County has expressed interest in acquiring the remaining facilities and lands of the Wind River Administrative Site.

H.R. 5093 includes, under Section 3(c), Terms and Conditions for a right-of-way and restrictive easement for the protection of the Pacific Crest National Scenic Trail. Additionally, Section 3(h) requires the land use to be consistent with National Historic Preservation Act standards.

The USDA supports the Wind River Administrative Site Conveyance Act.

H.R. 5493, Land Grant-Mercedes Traditional Use Recognition and Consultation Act

The lands in northern New Mexico that became part of the NFS, managed by the Forest Service, have a rich and unique history dating back hundreds of years. The natural resources on the forests have been, and continue to be, fundamental to the interconnected economic, social, and cultural vitality of the state, which is home to federally recognized tribes and pueblos, land grant communities, acequia associations, traditional Hispanic communities, and contemporary residents. The people of northern New Mexico, their culture and traditions, and their knowledge of the land must be recognized and treated as unique resources.

The Forest Service recognizes it has an obligation to provide for multiple use and sustained yield across the forest, to comply with applicable laws in managing NFS lands, and to provide service to all publics. The Forest Service also recognizes the significance of addressing the unique and important historic and cultural setting of northern New Mexico.

H.R. 5493, the “Land Grant-Mercedes Traditional Use Recognition and Consultation Act,” would provide for consultation between USDA and the governing bodies of land grant-mercedes when developing written guidance as required by the bill. Notably, H.R. 5493 applies only to specific communities exclusive to the southwestern United States, many of which are surrounded by and rely on federal lands managed by the Forest Service. The word “Consultation” as it pertains to federal agencies has a specific meaning when relating to federally recognized Indian Tribes. Tribal Consultation, or Consultation, is generally a government-to-government consultation that involves the direct, timely, and interactive process of receiving input from Indian Tribes regarding proposed actions or policies that have Tribal implications. While the Forest Service strives for better collaboration and cooperation with our traditional communities, the term Consultation, as used with respect to federally recognized tribes, cannot be applied to this work with land grant-mercedes.

The Forest Service would like to highlight its efforts in working with traditional communities. Land grant-mercedes are recognized as cooperators in the forest planning process. For the past several years, the northern New Mexico national forests have held quarterly meetings with all interested land grant heirs. Draft forest plans for the Cibola, Carson, and Santa Fe National Forests each dedicated specific attention to Northern New Mexico Traditional Communities and Uses. This is a direct reflection of efforts by the Forest Service to collaborate with land grant-mercedes during the land management planning process. These plans will serve as an enduring commitment by the Forest Service to the communities of Northern New Mexico. Additionally, the Forest Service has a designated Government Liaison that works with the New Mexico Land Grant Council to ensure a consistent point of contact.

The Forest Service is committed to collaboration and transparency that address the unique needs of our local communities, however our obligation to federally recognized Tribes as sovereign nations and our requirement for Tribal Consultation cannot be misconstrued. The USDA supports H.R. 5493; however, we would like to work with the bill sponsors and Subcommittee to

differentiate this work from our relationship with federally recognized tribes and land grant communities.

H.R. 6366, Berryessa Snow Mountain National Monument Expansion Act

H.R. 6366, the “Berryessa Snow Mountain National Monument Expansion Act” would expand the boundary of the Berryessa Snow Mountain National Monument to include the Walker Ridge (Molok Luyuk) Addition, which is approximately 3,925 acres of Federal land administered by the U.S. Department of the Interior’s Bureau of Land Management (BLM) in Lake County, California. The Secretary of the Interior would administer the Walker Ridge (Molok Luyuk) Addition as part of the expanded Berryessa Snow Mountain National Monument.

H.R. 6366 would require the Secretary of Agriculture and Secretary of the Interior to jointly develop a comprehensive Monument management plan within one year of enactment of this Act. In developing the Monument management plan, the Secretary of Agriculture and Secretary of Interior will consult with affected federally recognized Indian Tribes.

The USDA does not oppose the Berryessa Snow Mountain National Monument Expansion Act. Given the proposed Walker Ridge (Molok Luyuk) Addition would be managed by the Department of the Interior (DOI), we defer comments on inclusion of these lands into the Berryessa Snow Mountain National Monument to the Secretary of the Interior.

The Mendocino National Forest has completed its administrative requirements for their Land Management Plan pertaining to protection of objects of interest identified in the executive proclamation of the Berryessa Snow Mountain National Monument. Because the proposed Walker Ridge (Molok Luyuk) Addition is solely on BLM-managed lands, the Forest Service would likely remain administratively complete in its tasks.

However, in the event that additional work is needed to update the joint Monument management plan, the USDA would like to work with the bill sponsors and the Subcommittee to extend the timeframe from one year to three years to develop or update the joint USDA/DOI comprehensive Monument management plan and consult with affected Indian Tribes. Since 2018, 98 percent of the Mendocino National Forest has burned. The Forest is focusing staff resources on fire recovery, hazard abatement, fuels treatments and ecosystem recovery of the forest and the Monument.

The USDA is committed to the management and protection of the dramatic geology, remarkable biological diversity, rich cultural history, and plentiful recreation opportunities in the Berryessa Snow Mountain National Monument. The USDA is also committed to our partnerships with DOI and BLM, affected Indian Tribes, and local communities in managing this unique resource. To accomplish the intent of this Act and ensure we have a comprehensive and updated Monument management plan with Tribal consultation, USDA would like to work with the bill sponsors and the Subcommittee to address the specific concern noted in our testimony regarding extending the timeline to update this plan.

That concludes my testimony, Chairman. I would be happy to answer any questions you or the other members have for me.