

**Statement of
Leslie Weldon
Deputy Chief
National Forest System
Forest Service
U.S. Department of Agriculture**

**Before the
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
United States Senate**

**Concerning
S. 160, “to direct the Secretary of the Interior and Secretary of Agriculture to expedite
access to certain Federal land ...for Good Samaritan search-and-recovery missions”**

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 S. 160, the Good Samaritan Search and Recovery Act.

S. 160 would direct the Secretary of Agriculture to develop and implement a process to expedite access to National Forest System lands for eligible organizations and individuals to conduct Good Samaritan search-and-recovery missions for missing individuals presumed to be deceased at the time the search is initiated. S. 160 would provide that an eligible organization or individual may not be required to have liability insurance if the organization or individual agrees to release the United States from all liability. The bill also would require that the process include provisions clarifying that an eligible organization or individual would not be considered to be a Federal volunteer when carrying out a Good Samaritan search-and-recovery mission, and that the Federal Torts Claims Act and the Federal Employee Compensation Act would not apply to a Good Samaritan search-and-recovery mission.

Additionally, it would require the Secretary to provide notification of the approval or denial of a request to carry out a mission not more than 48 hours after the request is made. If a request is denied, the agency would be required to provide a reason and describe actions needed to meet the requirements for approval. The bill would also require the Secretary to develop partnerships with search and recovery organizations to help coordinate, expedite, and accelerate mission efforts. A report is also required to Congress no later than 180 days after the date of enactment on plans to develop partnerships, as well as efforts to expedite and accelerate Good Samaritan search-and-recovery mission efforts for missing individuals on Federal land.

The Department supports S. 160 with technical corrections and amendments. The provisions specified in S. 160 and the desired intent of the Act, to allow expedited access to Federal lands for search and recovery missions, are substantially consistent with current Forest Service policies and guidelines governing these types of activities and access. The provisions requiring the development and implementation of a process to expedite access would be unnecessary and redundant in most search and recovery cases on National Forest System lands.

The Forest Service currently has very few access restrictions to Federal lands under its jurisdiction for the type of activities described in the Act. Notable exceptions would include some restrictions to areas designated as Wilderness, and special area closures for events such as fire or avalanche.

In most areas, the County Sheriff has the primary responsibility for search, recovery, and rescue operations on National Forest System lands and can act without a permit issued by the Forest Service. The Forest Service currently has cooperative agreements with County Sheriffs, which could address procedures for them to conduct search and rescue missions on National Forest System lands.

Mr. Chairman, regardless of the ultimate outcome of the congressional consideration of S. 160, the Forest Service is committed to working with all organizations and the dedicated men and women who volunteer their time and expertise to assist in the search and recovery of those missing.

This concludes my prepared statement. I am happy to answer any questions you may have.

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**Before the
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**Concerning
S. 472, to promote conservation, improve public land, and provide for sensible
development in Douglas County, Nevada, and for other purposes.**

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 S. 472, the Douglas County Conservation Act of 2015.

The bill would, among other things, provide for conveyances to the State of Nevada and Douglas County Nevada; provide authority for competitive sales of certain Federal lands; address concessionaire permits; transfer lands from the Secretary of Agriculture to the Secretary of the Interior to be held in trust; and resolve the Burbank Canyons Wilderness Study Area.

The Department supports the goals and many of the objectives and provisions of the Bill, but, as it pertains to USDA/Forest Service-managed lands, we do not support S.472 as currently drafted.

Title I Section 101 –This section directs conveyance of several parcels for no consideration. It is consistently our position that the public needs to be compensated for its resources. This section also specifies that the Department utilize a reversionary provision in the conveyance of various parcels. While we appreciate language that makes reversion at the discretion of the Secretary, Forest Service resources can be more efficiently utilized if we do not have the permanent obligation of monitoring for compliance. Also, some parcels are oddly configured or would create isolated inholdings, surrounded by National Forest land. We would like the opportunity to work with the sponsors and the committee to develop configurations of parcels that increase the management efficiencies for all parties, and additionally, there are a number of resource and trail access issues that affect various parcels. We would like the opportunity to work with the sponsors and the committee to address these as well. Please note that the Department does support conveyance of two parcels to the State for use as a park, if language is added which specifically reserves rights-of-way for the Tahoe Rim Trail, a trailhead and parking area.

Title I Section 102 – This section directs the Department to make publicly available a prospectus for Round Hill Pines Resort and Zephyr Shoals recreation areas. The Forest Service is already using its authority to issue and manage Special Use Permits to concessionaires for facilities in these two recreation areas. The Round Hill Pines Management Area is already under

Special Use Permit, and the Forest Service is in discussions with the existing concessionaire in Zephyr Cove to expand their permit boundary and include the other developed recreation areas including Zephyr Shoals. Specifically;

Round Hill Pines Management Area is already under a 20-year Granger-Thye permit, with a 10-year extension opportunity. The permit was issued in 2013 to a concessionaire for the operation of the Round Hill Pines Resort, a family-oriented lakeside resort and marina on the East Shore of Lake Tahoe.

Zephyr Shoals Management Area as described in the legislative map dated January 27, 2015, includes the 448-acre area encompassing Zephyr Shoals (the Dreyfus Estate), an existing trail system, and an upland area across from Zephyr Shoals. It also includes the Zephyr Cove Resort, Zephyr Cove Corrals, and Zephyr Cove Campground, which are all currently under Special Use Permit to concessionaire Aramark.

The Forest Service is currently in discussions with Aramark regarding incorporating the Zephyr Shoals area into its existing permit boundary, and Aramark has offered some initial concepts for the site. The Department believes that incorporating this area into the permit boundary of an adjacent, successful concessionaire is preferable to issuing a prospectus to operate Zephyr Shoals as a separate site. A prior prospectus issued by the Forest Service for Zephyr Shoals generated no viable bids, due to issues with site access and the need to address the structures currently on site. Section 102 also states that should the Forest Service not meet the legislation's 30-month timeline, then jurisdiction of the land would be transferred, without consideration, for a period of 99 years to Douglas County. The Department believes this would not be in the best interest of the public.

Title I Section 103 - This section authorizes the conveyance, without consideration, of Federal Land subject to valid and existing rights and notwithstanding the land use planning requirements of section 202 of the Federal Land Policy and Management Act of 1976 not later than 180 days after the date on which the Secretary receives a request from the County. The Department supports the objectives of Douglas County government in providing for flood control, open space and outdoor recreation, but to the extent that this provision pertains to the Forest Service, the Department does not believe that an outright conveyance is necessary to meet those objectives. If Douglas County has specific flood control, recreation or other public management needs, then the Forest Service has the authority to issue Special Use Permits to the County for occupancy and use of those lands.

Title I Section 104 – Authorizes the sale of Federal lands described in subsection (b) to qualified bidders, notwithstanding sections 202 and 203 of the Federal land Policy and Management Act of 1976, and subject to valid existing rights. The Department supports the objective of providing authority to dispose of isolated, unmanageable parcels, including those which have lost their national forest character. We would like to work collaboratively with the local governments to determine appropriate parcels.

Title II Section 201- This section authorizes the transfer of Federal Land to the Tribe. The Department supports transfer of the identified National Forest System lands to the Department of

the Interior, to be held in trust for the benefit of the Washoe Tribe. The Forest Service has concerns over two of the identified parcels, which may be needed for future administrative purposes. We would like the opportunity to work with the sponsors and the committee to address concerns with those parcels.

Title II Section 202 – This section authorizes the department to develop and implement a cooperative management agreement for the identified Federal Parcel. The parcel referenced in this section is isolated from other National Forest System lands. The Department believes a transfer to the Department of the Interior, to be held in trust for the benefit of the Washoe Tribe and a conveyance to Douglas County at market value would be more appropriate than the proposed cooperative management agreement.

Title III – This Title resolves the Burbank Canyons Wilderness Study area by designating it as Wilderness. The term ‘Wilderness’ should be defined as the Burbank Canyons Wilderness designated by subsection 301(a) so that it is clear that the scope is local to Burbank Canyon Wilderness. Additionally, we have concerns with Section 302(i)(5)(B) which limits the ability of the President to develop new water facilities in any present or future designated wilderness in Douglas County. The President’s discretion under the Wilderness Act to review and approve any potential water resource facilities that is deemed in the national interest should not be limited. This Title would remove that Presidential discretion for any National Forest System lands in Douglas County that Congress may designate as Wilderness in the future. Otherwise, we defer to the Department of the Interior on the Bill’s provisions dealing with the Burbank Canyons Wilderness Study Area.

Title IV – This Title authorizes the Department to transfer Forest Service land or interest in Forest Service land described in subsection (b) as needed, on request by the State or County to the State or County, without consideration. The Department does not support Title IV as currently written because we believe the public needs to be appropriately compensated for their land. We welcome the opportunity to work with the sponsors and the Committee on language that gives the Secretary discretionary authority to convey parcels which are unsuitable for Forest Service administration or which have a necessary public purpose, but for which the public would receive market consideration.

This concludes my remarks. Thanks for the opportunity to testify.

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**Before the
Committee on Energy and Natural Resources
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Concerning

S. 583, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, and for other purposes.

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 S. 583, the “Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act”. To Senator Risch and other members of the Idaho delegation, we wish to thank you for your work on this bill. The Department supports the bill as it applies to lands managed by the Forest Service. We have included recommendations for your consideration, and we have also included concerns with the Bill that we would like to work with the Committee and sponsor to address. We defer to the Department of the Interior for matters concerning land administered by the Bureau of Land Management.

Title I Wilderness Designations

Section 101 would add additional areas in central Idaho to the National Wilderness Preservation System – 68,000 acres in the Sawtooth and Challis National Forests to be known as the “Hemingway-Boulders Wilderness”; 90,777 acres in the Sawtooth and Challis National Forests to be known as the “White Clouds Wilderness”; and approximately 120,148 acres in the Salmon-Challis National Forest and Challis District of the Bureau of Land Management to be known as the “Jim McClure-Jerry Peak Wilderness.”

The Department supports designation of the Hemingway-Boulders, White Clouds and Jim McClure-Jerry Peak Wildernesses as depicted on the maps referenced in the Bill. Most of the National Forest System acres that would be designated as wilderness by the bill were recommended for wilderness designation in their respective forest plan. The National Forest System acres that would be designated as wilderness by the bill that were not recommended for wilderness in their plan are either inventoried roadless areas or their current management direction is compatible with wilderness designation.

We recommend that language be added to the bill that would authorize the agency to maintain historical structures that may exist in the designated wilderness areas. The agency has language that we would be happy to share with you.

Section 102(e)(1) addresses livestock grazing on the lands designated as wilderness. The Department supports the language requiring the continuation of existing livestock grazing within designated wilderness in accordance with the 1964 Wilderness Act and House Report 96-617, also known as the “Congressional Grazing Guidelines.” We also support the proposal by the Idaho delegation in section 102(e)(2) to allow voluntary and permanent reductions in grazing in the designated areas. We would like to work with the sponsor and Committee on technical issues with the language of section 102(e)(2) regarding the donation of grazing permits. The Department also has minor technical corrections regarding references to provisions of the Wilderness Act in Section 102 of the Bill that we would be happy to share with the Committee.

The Department has concerns with section 103(b). The President’s discretion under the Wilderness Act to review and approve any potential water resource facilities that is deemed in the national interest should not be limited.

Title II – Land Conveyances for Public Purposes

Section 202 requires either conveyance or issuance of a special use authorization of a one acre parcel to Blaine County, Idaho for a school bus turnaround. Recently, Blaine County commissioners informed the Forest Service that they are no longer interested in developing a turnaround at this location. We recommend removing this section.

Section 203(d) requires the conveyance, without consideration, of the Forest Service road that passes through the parcel of National Forest System land, to the City of Stanley, Idaho, under section 206. The Department has concerns with conveying the road because the Forest Service currently manages the parcel that the road accesses. In addition, the Department believes the public should be appropriately compensated for its resources.

Section 206 requires the Secretary of Agriculture to convey an approximately four-acre parcel to the City of Stanley, Idaho for workforce housing. The City of Stanley is iconic on the central Idaho landscape. It is also a Designated Community under the Private Land Regulation and intrinsic to the Sawtooth National Recreation Area. The Department recognizes that the need for local workforce housing is a challenging concern for the City. We share that concern as the lack of housing can result in unauthorized use of National Forest System lands. However, the Department has concerns with section 206 as currently drafted and would like to work with the Committee to resolve these concerns.

The bill directs conveyance of the parcel for no consideration. Our consistently-held position is that the public must be compensated for its resources. Additionally, the bill requires removal of Forest Service improvements that are currently being used at the public’s expense. The identified parcel is physically separated from the City of Stanley and surrounded by Federal land. We would welcome the opportunity to work with the sponsors and the City to identify a parcel that is

potentially better suited for private development, including a Federal parcel within the developed area of Stanley and adjacent to existing infrastructure.

This concludes my remarks. Thank you for the opportunity to testify.

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Concerning

**S.814, to provide for the conveyance of certain Federal land in the State of Oregon to the
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians**

**S.815, to provide for the conveyance of certain Federal land in the State of Oregon to the
Cow Creek Band of Umpqua Tribe of Indians**

S.814 would provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians and **S.815** would provide for the conveyance of certain Federal land in the State of Oregon to the Cow Creek Band of Umpqua Tribe of Indians. We defer to the Department of the Interior for its position on these bills. There are no NFS lands included within the boundaries of the "Canyon Mountain Land Conveyance map dated 6-27-2013 or the Oregon Coastal Land Conveyance Map dated 6-27-2013.

This concludes my remarks. Thanks for the opportunity to testify.