



United States Department of Agriculture

**STATEMENT OF
GLENN CASAMASSA
ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. FOREST SERVICE
U.S. DEPARTMENT OF AGRICULTURE
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS AND MINING
CONCERNING**

S. 1423 – Central Coast Heritage Protection Act

APRIL 21, 2016

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. 1423, the Central Coast Heritage Protection Act.

S. 1423 designates National Forest System lands on the Los Padres National Forest in California as wilderness and additions to existing wilderness, and designates Potential Wilderness Areas, Scenic Areas, and a National Recreation Trail. The legislation directs the Forest Service to study creating a connection between the northern and southern portions of the Los Padres National Forest using a trail corridor, directs the Forest Service to study the feasibility of opening a new trail to an existing off-highway vehicle trail system, and ensures access to wilderness, scenic areas, and potential wilderness areas by Indian tribes for traditional cultural and religious purposes.

Specifically, the bill includes additions to eight designated wilderness and one new wilderness for a total of 183,461 acres of National Forest System lands; provisions for two Potential

Wilderness areas that would convert to additions to designated wilderness within 20 years for a total of 43,791 acres; additions to three existing wild and scenic rivers and would designate three new wild and scenic rivers, adding a total of 159.6 miles to the National Wild and Scenic Rivers System; creation of the Condor Ridge and Black Mountain Scenic Areas comprising 34,512 acres; and creation of the Condor National Recreation Trail.

While the Department is generally supportive of the 24 additions to eight existing wilderness areas listed in Section 3(a)(4) to Section 3(a)(11), and the designation of the new Diablo Caliente wilderness, it is concerned that the map associated with the bill is not of sufficient scale, detail or clarity to provide the level of review necessary. It is difficult to interpret the impact of the boundaries on existing land uses, such as existing trail corridors to see what is included in the additions and potential wilderness areas and what is not. The Department would like to work with the bill sponsor and the Subcommittee to create legislative maps that would clarify the intention of the bill sponsor and ensure that the requirements in the bill are consistent.

Sections 4 and 7 include the designations of the Machesna Mountain Potential Wilderness and the Fox Mountain Potential Wilderness. In the Machesna Mountain Potential Wilderness area, the Secretary would be authorized to reconstruct, realign, or reroute the Pine Mountain Trail and to allow use of motorized and mechanized vehicles in addition to hikers and equestrians. In the Fox Mountain Potential Wilderness, the Secretary would be authorized to construct a new trail for use by hikers, equestrians, and mechanized vehicles that connects the Aliso Park Campground to the Bull Ridge Trail and to reconstruct or realign the Bull Ridge and Rocky Ridge Trails. These sections also state that the Secretary shall use the minimum tool or administrative practice necessary to accomplish the work and the Forest Service may use motorized vehicles and machinery for construction, reconstruction, or realignment of the trails and may permit the use of mechanized vehicles on the existing trails until such date as the potential wilderness areas are designated wilderness in accordance with subsection (h).

The Department would like to work with the bill sponsor and Subcommittee to clarify whether section 4 and 7 are intended to create a corridor through the potential and later the actual designated wilderness for motorized and/or mechanized transportation, and if this trail corridor is within the boundary or outside the boundary of the potential areas and future wilderness

additions.

Section 4(g) requires that the boundary of the potential wilderness area be modified to exclude the realigned or reconstructed trails. Because this process would place a burden on staff resources, the Department would like to suggest that the modification be made when the area converts to wilderness.

Additionally, the Department would like to work with the Subcommittee on refinement of the potential wilderness boundaries so that they allow for possible fuel treatments around the periphery of the boundaries and better management of the areas.

Section 5(b)(1) and 5 (b)(2) address fire and fuels management, fire funding and agency approval procedures in wilderness areas or wilderness additions designated by this legislation. Section 4(d)(1) of the Wilderness Act already allows for control of fire, insect, and disease. Additionally, as the Forest Service is no longer developing stand-alone fire management plans but is using the Wildland Fire Decision Support System, the Department would like to work with the bill sponsor and Subcommittee to refine this language to reflect the current practice and existing language in the Wilderness Act.

In regards to Section 5(b)(4)(A), the Forest Service already has a process for delegation of authority. If this section remains, the Department would like to request that it does not override the Forest Service policy of retaining delegated authority at the regional level for heavy equipment approvals. This authority is not currently delegated to the Forest Supervisor level.

Section 5(d)(2) addresses fish and wildlife activities. The Department would like to work with the bill sponsor and Subcommittee to affirm that these activities are in accordance and consistent with an existing agreement between the State and the Forest Service. This agreement is an important guidance document for State and Forest Service responsibilities and when concurrence or approval is needed for certain activities.

Section 5(d)(3) provides for a wildlife water development special provision and allows the use of motorized vehicles by other agencies or their designees. The Department would like to work with the bill sponsor and Subcommittee on language that would clarify that the activities are the minimum necessary to preserve wilderness character and comply with the appropriate environmental analysis and permitting.

Section 5(g) states that nothing in this Act precludes horseback riding in, or recreational or commercial saddle or pack stock into wilderness areas or wilderness additions. Primitive recreation, including horse use, is already allowed by the Wilderness Act and commercial services are allowed to the extent necessary to meet the purposes of the Act. The Department would like to work with the bill sponsor and the Subcommittee to ensure that the current Wilderness Act commercial services definition is retained.

Section 5(j) may authorize the installation and maintenance of climatological collection devices in wilderness areas for flood warning and flood control. The Department would like to work with the bill sponsor and the Subcommittee to determine if these installations can be located outside the boundary of the wilderness area or if there are other alternative areas that can meet the needs and objectives of climatological data collection.

Section 6 designates three new wild and scenic rivers (Indian Creek, Mono Creek, and Matilija Creek) and also designates additions to three existing wild and scenic rivers (Sespe Creek, Sisquoc River, and Piru Creek) for a total of 159.6 new miles added to the National Wild and Scenic Rivers System. The Los Padres National Forest has determined portions of Sespe Creek and Piru Creek to be suitable for designation, and had determined that portions of Matilija Creek to be eligible for designation. These suitable and eligible segments have been assigned a preliminary classification and are being managed to protect the river values that provide the basis for their potential inclusion in the National System. The Department supports these designations and would be happy to share more details on this suitability, eligibility, and classification information with the bill sponsor and the Subcommittee to facilitate as much consistency as possible between the agency's findings and the river segments proposed for designation in this bill. While the agency has not found any other of the segments that would be designated by the

bill as eligible or suitable, the Department does not oppose any of these wild and scenic river designations. However, the Department would like to work with the bill sponsor and the Subcommittee to clarify the scope of section 6(e) to ensure that it does not have any unintended consequences. Additionally, while motorized use of trails can be consistent with wild and scenic rivers designations, the Department has concerns that section 6(f) will limit the ability of the forest to make management decisions that best balance all uses and ensure that water quality and other river values are protected and enhanced in the future.

Section 8 designates the Condor Ridge Scenic Area (18,666 acres) and the Black Mountain Scenic Area (15,846 acres). The Department would like to work with the bill sponsor and the Subcommittee to strengthen the language to better emphasize the importance of protecting the scenic qualities of the area. Additionally, the Department would like to clarify if the restriction on timber harvesting in Section 8(f)(1) also includes other vegetation and fuel management activities.

Section 9 designates the Condor National Recreation Trail. The Department would like to work with the bill sponsor and the Subcommittee to add “scenic” to the list of values the area promotes and to better define the use of the trail per segment. The Department would also like to clarify the intention of the bill sponsor on whether mechanized and motorized transport will be allowed in the Condor National Recreation Trail in the non-wilderness segments. Additionally, the Department is concerned that the language regarding acquisition of property rights and locating the trail on private land with a letter of consent is not adequate for obtaining an easement.

Finally, in Section 9(b)(31)(F), the Department would like to work with the bill sponsor and Subcommittee to extend the study timeframe to five years, which would allow for the incorporation of the additional work into budget cycles and work planning priorities, especially considering that multiple studies would be required in the same timeframe.

Section 12(b) would require the Secretary to ensure that Indian tribes have access to wilderness areas for traditional, cultural, and religious purposes. In carrying out this provision, the Secretary would be authorized, upon request of an Indian tribe, to temporarily close to the general public

the use of portions of areas designated by the bill to protect the privacy of traditional cultural and religious activities in the area by members of an Indian Tribe. We understand that implementation of this provision is at the discretion of the Secretary to determine whether the requested closure is appropriate and that providing access would be to the extent practicable in order to maintain the wilderness character.

This concludes my remarks on the Central Coast Heritage Protection Act. I would be happy to answer any questions. Thank you for the opportunity to testify.

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BEFORE THE
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S. 1777, To amend the Wild and Scenic Rivers Act

APRIL 21, 2016

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 1777, To amend the Wild and Scenic Rivers Act.

The Department opposes S. 1777 because it would create a negative precedent for other commercial recreation service providers on wild and scenic rivers across the nation. We hope to work with Senator Risch and Senator Crapo to find a solution that is mutually beneficial to their constituents and the Forest Service.

More than 200 rivers in 40 states and the Commonwealth of Puerto Rico comprise the National Wild and Scenic River System. More than 12,000 river miles are protected reflecting tremendous geographic diversity, from the remote rivers of Alaska, Idaho and Oregon to rivers threading through the rural countryside of Massachusetts, New Hampshire, and Ohio.

Smith Gulch is located within the Main Salmon Wild River corridor, located within the Frank Church-River of No Return Wilderness in Idaho. Both the Wild River and Wilderness were designated as such by the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132). The Act

mandates that the Main Salmon River corridor be managed according to the requirements of the Wild and Scenic Rivers Act.

Public Law 108-447, enacted in 2004, amended the Wild and Scenic Rivers Act, 16 U.S.C. §1274(a)(24)(D), and directed that the Forest Service continue to authorize the established use and occupancy of three commercial recreation services within the Main Salmon River Corridor, including the services at Smith Gulch. Such continued authorization is to be subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for revocation for noncompliance, and upon revocation, reoffering the concession through a competitive process.

The facilities and structures for commercial recreation services at Smith Gulch in Idaho are authorized and operated under a 20-year Term Special Use permit to River of No Return Lodge, Inc. (Permit #NFK299), issued and administered by the Salmon-Challis National Forest. The current permit authorizes gas-powered water pumps for emergency fire suppression. The permit is authorized under the authority of the Act of March 4, 1915, as amended July 28, 1956, (16 U.S.C. 497). This permit is issued with provisions and terms similar to those of recreation facilities throughout the National Forest System. The permit takes into account the location and surroundings of facilities and improvements, the public values affected by such an operation, and any specific public health and safety concerns.

The Forest Service has in place appropriate policies to accommodate the needs of a recreation service business operating at this location. Consistent with statutory guidance, the policies allow for such facilities and structures needed to provide the authorized recreation services. Smith Gulch operates under these policies and requirements; just as other similarly authorized businesses within the Main Salmon Wild River Corridor. For example, the management plan for the Frank Church River of No Return Wilderness already allows for the use of chainsaws in the Salmon River corridor by permit; the Smith Gulch operation has obtained such a permit annually.

The Department encourage the operators of the recreation service business at Smith Gulch to work with the appropriate local Forest Service officials to resolve any issues related to their utilizing existing agency regulations, policies and authorities. Allowing new facilities at this operation,

including those that do not conform with the Wilderness Act and the Wild and Scenic Rivers Act, opens the door to others seeking similar exceptions in the wild river corridor of the Main Salmon River, elsewhere in the Frank Church-River of No Return Wilderness. The Department believes that this would create an undesirable precedent for the National Wild and Scenic Rivers System.

This concludes my remarks. I would be happy to answer any questions. Thank you for the opportunity to testify.

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S. 1510 Wild Olympics Wilderness and Wild and Scenic rivers Act of 2015

APRIL 21, 2016

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify before you today on S. 1510, the Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015.

S. 1510 would designate new and expand existing wilderness areas, would designate potential wilderness areas, and would designate certain rivers in the Olympic National Forest and Olympic National Park as wild and scenic rivers. The Department supports this legislation, but has some technical concerns we would like to work with the committee and the sponsors of this bill to address. My testimony pertains only to the designations proposed on the Olympic National Forest.

The Department supports designation of suitable rivers to the National Wild and Scenic Rivers System. Of the nineteen rivers proposed for Wild and Scenic River designation in the bill, thirteen are in areas managed by the Forest Service. Three of these rivers were previously recommended for designation through the agency's land management planning process (Dungeness, Dungeness-Gray Wolf, and Duckabush). We support adding these river segments to the System. In addition, the Department would like to work with the Committee and bill

sponsor to identify potential locations of future restoration or habitat improvement work to ensure that the designations appropriately support fisheries and water quality management activities and are properly integrated into the system with reasonable time to develop Comprehensive River Management Plans in cooperation with the National Park Service and the interested public.

While we support the new wilderness areas and additions to existing wilderness in S. 1510, the Department looks forward to working with the Committee and bill sponsor on boundary modifications to ensure that the boundaries are crafted to best support the Agency's ability to manage and preserve wilderness character. As currently drafted, some enforcement actions would need to be executed to bring non-conforming uses into compliance. Specifically, some of the proposed wilderness areas are adjacent to open roads which could complicate compliance efforts.

The Forest Service fully embraces its mission to steward and safeguard wilderness character in wilderness areas and free flowing rivers with their outstandingly remarkable values. 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 and the Olympic National Forest for designation as Wilderness and Wild and Scenic Rivers and to manage those parcels responsibly when designated. We look forward to working with the sponsors of this bill to address the concerns outlined above.

I would like to thank the Chairman and committee members for inviting me to testify on this issue, and I welcome any questions you may have for me at this time.

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S. 1699, Oregon Wildlands Act

APRIL 21, 2016

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. 1699, the Oregon Wildlands Act.

Wild & Scenic River Designations

Section 202(a) amends the existing designation in Section 3(a)(69) of the Wild and Scenic Rivers Act to change the starting and ending points of the three main segments of the Chetco River consistent with the Siskiyou National Forest Land and Resource Management Plan. The total length of the Chetco Wild and Scenic River would remain 44.5 miles. In addition, this amendment would effectuate a mineral withdrawal of the Federal land within the boundary of the segments of the Chetco River designated as a wild and scenic river. Typically under the Wild and Scenic Rivers Act, only Federal lands within segments designated as wild are subject to a mineral withdrawal. The Department is supportive of these technical changes as they provide a more appropriate naming convention, and better reflect management classifications and direction for the Chetco River.

Section 202(b) officially changes the name of “Squaw Creek” to “Whychus Creek” to better reflect local usage, current geographic nomenclature standards, and the name change approved by the U.S. Board on Geographic Names in 2005. This section also updates the location description in the existing designation in section 3(a)(102) of the Wild and Scenic Rivers Act to incorporate several other name changes. The Department strongly supports this much-needed technical correction to remove the offensive name of the designations.

Section 203 would designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest. The Department defers to the Department of the Interior in regard to the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic river designation as part of the forest planning process for the Siuslaw National Forest. However, the Agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 1.7 miles of the Wasson Creek on NFS lands based on the segment’s eligibility. At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. However, the Department does not oppose Franklin Creek’s designation. We would also like to work with the Subcommittee on some potential amendments and map revisions that we believe would improve this section of the bill.

Section 205(a) would amend the Wild and Scenic Rivers Act by adding additional segments in the Elk River watershed to the National Wild and Scenic Rivers System on the Siskiyou National Forest. These additions would increase the Elk’s designated wild and scenic river mileage from approximately 29 miles to 63.4 miles. The Department takes no position on these additional

designated segments. None of the additional segments are currently identified as eligible or suitable for wild and scenic river designation under the 1989 Siskiyou National Forest Land and Resource Management Plan. However, the Department would be happy to work with the Subcommittee to provide additional relevant information concerning the Elk River segments identified in this bill.

Wilderness Designations

Section 301 of the bill would designate 56,100 acres managed by the Bureau of Land Management (BLM) and by the Forest Service as an addition to the Wild Rogue Wilderness. The Department supports this addition of wilderness on National Forest System and has testified in July 2015 in support of S. 132, the Oregon and California Land Grant Act of 2015 that also would make this designation.

Section 301(b) would expand the Wild Rogue Wilderness in Oregon by designating 56,100 acres of land currently managed by the Bureau of Land Management and the Forest Service as wilderness. The “Proposed USFS Wilderness” identified in this section and on the referenced “Wild Rogue Wilderness Additions” map is located along a “cherry stem” into the existing wilderness area. The “cherry stem” originally allowed for the existence of a Level II Forest System Road, part of the designated “Grave Creek to Marial Back Country Byway,” and the continuation of the Marial Lodge, a permitted resort. Marial Lodge accommodates hikers in the spring, rafters through the summer and commercial fishing trips in the fall. Proposed boundary adjustments in this area appear to be consistent with the continuation of the present and current use of the existing facilities.

Section 301(b)(1)(A) also includes language that turns back administration of a portion of the existing Wild Rogue Wilderness from Forest Service to BLM management. The Forest Service is currently authorized to manage this BLM area through a Memorandum of Understanding. The Department does not see any issues of concern related to management of this expanded Wilderness area. However, the Department would like to work with the committee to develop a

detailed "inset map" in the legislation to ensure that the boundaries between BLM and USFS parcels are clear and unambiguous.

Section 302 would designate the Devil's Staircase Wilderness (30,540 acres) on lands managed by the Forest Service and BLM surrounding Wasson Creek. Approximately 24,000 acres of this wilderness would be on the Siuslaw National Forest. There is an existing road within the proposed boundary of this wilderness that would require decommissioning by heavy equipment prior to designation. Section 302(h) of the bill also would effectuate the transfer of administrative jurisdiction of an approximately 49 acre parcel managed by BLM to the Forest Service to be managed as part of the Siuslaw National Forest. This parcel includes a site of cultural significance to the Coos, Lower Umpqua, and Siuslaw Indians. The Department supports this designation.

Section 302(b) would designate an area known as the "Devil's Staircase" as wilderness under the National Wilderness Preservation System. The proposed wilderness encompasses approximately 30,540 acres of NFS and BLM lands. Approximately 7,800 acres of the NFS lands are within the Wasson Creek Undeveloped Area under the Forest Plan for the Siuslaw National Forest and were evaluated for wilderness characteristics in the 1990 Siuslaw National Forest Land and Resource Management Plan. The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. There is an existing road within the proposed boundary of this wilderness that would require decommissioning by heavy equipment prior to designation as wilderness or allowance for use of mechanized equipment for this purpose after the enactment. The Department supports the designation of the proposed Devil's Staircase Wilderness.

Other portions of this bill would designate additional BLM lands and rivers flowing on BLM lands and would be administered by the Secretary of the Interior. Therefore, the Department defers to Department of the Interior on these proposed designations.

This concludes my remarks on the Oregon Wildlands Act. I would be happy to answer any questions. Thank you for the opportunity to testify.