

May 9, 2002 Thursday

SECTION: CAPITOL HILL HEARING TESTIMONY

LENGTH: 804 words

COMMITTEE: SENATE ENERGY & NATURAL RESOURCES

HEADLINE: LAND BILLS

TESTIMONY-BY: MARK UDALL, REPRESENTATIVE

BODY:

U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

STATEMENT OF REPRESENTATIVE MARK UDALL On H.R. 1576, James Peak **Wilderness** and Protection Area Act

May 9, 2002

Thank you, Mr. Chairman. I greatly appreciate your scheduling this hearing on the James Peak bill.

The bill passed the House last year on a voice vote. That could not have happened without the leadership and hard work of my colleague from Colorado, Representative Scott McInnis, who chairs the Forests and Forest Health Subcommittee. I want to note my great appreciation for what he has done to make it possible for your to be considering the bill today.

I also want to thank our Senior Senator, Senator Campbell, for sponsoring an identical companion measure here in the Senate. I greatly appreciate his initiative and support.

The bill will provide additional protection for a key part of the high alpine environment along Colorado's Continental Divide.

Rising to 13,294 feet above sea level, James Peak is a noticeable feature of this part of the Front Range section of our state. It is a dominant feature in a 26,000-acre roadless area within the Arapaho-Roosevelt National Forest that straddles this part of the Continental Divide.

The James Peak roadless area includes lands within 4 counties. Three -- Boulder, Clear Creek and Gilpin - are on the east side of the divide, within Colorado's Second Congressional District, which I represent. The other -- Grand County -- is on the western side. That county currently is in the Third Congressional District, represented by Mr. McInnis, but will become part of the Second District next year.

The area offers outstanding recreational opportunities for hiking, skiing, fishing, and backpacking.

This is the largest roadless area on the Northern Front Range that has no specific statutory protection - under current law it is open to mining claims, new roads, and other developments that can occur on general national forest lands.

In my opinion, these roadless lands are eminently qualified for and deserve to be added

to the National **Wilderness** Preservation System - and that is the view of many other Coloradans as well.

My predecessor, Representative David Skaggs, introduced a James Peak **wilderness** bill, but action on it was not completed.

Since my first election to Congress, I have been working to protect the **wilderness** qualities of the James Peak area. I introduced a bill in the 106th , Congress that would have designated about 22,000 acres of the James Peak roadless area as **wilderness**, including about 8,000 acres in Grand County.

That proposal was designed to renew discussions for the appropriate management of these lands that qualify for **wilderness** consideration - and that discussion certainly has taken place.

In fact, the bill as now passed by the House has been shaped by nearly two years of discussions with county officials, interested groups, and the general public.

The previous bill had broad support. However, after its introduction, the County Commissioners of Grand County - which includes the western side of the James Peak area - expressed some concerns with the proposed **wilderness** designation for the lands in that county.

As an alternative, the Grand County Commissioners put forth a suggestion for designation of a "James Peak Protection Area" that would include both the Grand County part of the roadless area and additional lands as well. That suggestion is a key part of the bill approved by the House.

The bill as passed by the House also incorporates a number of other changes that Representative McInnis and I developed through negotiations.

In short, this bill is a compromise - but a good compromise.

It does not do everything I would have liked, but it probably does more than some others would have liked. That is what a compromise is all about.

In particular, it does not designate as much **wilderness** as I would have preferred on the western side of the James Peak area.

But it also does not preclude the Forest Service from revisiting that issue in the future - and in fact it makes clear that at least part of these lands on the west side will be reviewed for possible **wilderness** recommendations.

Mr. Chairman, the James Peak area is indeed special. With the continuing pressure of population growth in Colorado, and particularly along the Front Range, I fear that if we do not protect these lands now, we could lose a critical resource for future generations.

So, again, I thank you for scheduling this hearing, and I urge you and your colleagues to move the House-passed bill forward without unnecessary delay so that it can be sent to the President for signing into law before the end of this Session of Congress. I will be glad to respond to any questions.

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LENGTH: 1337 words

COMMITTEE: SENATE ENERGY & NATURAL RESOURCES

HEADLINE: LAND BILLS

TESTIMONY-BY: GLORIA MANNING, ASSOCIATE DEPUTY CHIEF

AFFILIATION: U.S. DEPARTMENT OF AGRICULTURE

BODY:

Statement of

Gloria Manning Associate Deputy Chief, National Forest System Forest Service United States Department Of Agriculture

Before the

Subcommittee on Public Lands and Forests Committee on Energy and Natural Resources United States Senate

May 9, 2002

Concerning

S. 1139 Convey Land to Lander County, Nevada For Cemetery Use S. 1711 James Peak **Wilderness**, **Wilderness** Study, and James Peak Protection Area Act H.R. 1576 James Peak **Wilderness** and Protection Area Act

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Gloria Manning, Associate Deputy Chief for National Forest System, USDA Forest Service. I am here today to provide the Department's views on three bills: S. 1139, a bill to direct the Secretary of Agriculture to convey certain lands to Lander County, Nevada for continued cemetery use and S. 1711 and H.R. 1576, bills to designate the James Peak **Wilderness** and James Peak Protection Area in the Arapaho and Roosevelt National Forests.

S. 1139-Convey certain land to Lander County, Nevada for continued

use as a cemetery

In summary, Section 1 of S. 1139 'requires the Secretary through the Chief of the Forest Service to convey to Lander County, Nevada, for no consideration, all right, title, and interest of the United States in and to the 10 acres of National Forest System land known as Kingston Cemetery.

In accordance with Public Law 85-569, the Townsite Act, we have already conveyed 1.25 acres of land (on which the cemetery is located) to the Town of Kingston for \$500 on August 1, 2000. At the time of the conveyance, the Town of Kingston indicated the 1.25 acres encompassed all known marked and unmarked gravesites. The Town of Kinston also indicated that the 1.25 acres was adequate to accommodate their future expansion

needs.. Specifically, all of the gravesites were accounted for within a half acre fenced area that the 1.25 acres encompassed. The additional .75 acres were intended for parking and anticipated expansion of the current cemetery.

If new unmarked gravesites have been discovered or the needs of the Kingston Cemetery have changed and are in the public interest, we would be supportive of making additional Federal lands available to the county or city for fair market value and granting the county an easement to maintain the access road to the cemetery as a county road.

If Lander County is not willing to pay fair market value to purchase this land, we would be willing to consider authorizing its current and future use of this land under a special-use permit authorization.

The Department does not object to making additional Federal lands available to Lander County, Nevada in S. 1139, but the Department believes that the Forest Service can meet the objectives of Section 1 of this legislation under its current statutory authorities that would allow it to convey National Forest System lands to Lander County for land or fair-market value in cash.

For example, under the Townsite Act, the Secretary of Agriculture may convey, for fair market value, up to 640 acres of land to established communities located adjacent to National Forests in Alaska or the contiguous western states. Within certain limits, the Sisk Act authorizes the Secretary of Agriculture to exchange lands with states, counties, or municipal governments or public school districts for lands or money.

Moreover, under the General Exchange Act, the Secretary of Agriculture can exchange National Forest System lands with State and local governments. These laws require the Secretary of Agriculture to obtain fair market value for exchanges or sales of National Forest lands. Indeed, the Federal policy, in recent decades has moved toward obtaining a fair return to the public for the value of lands conveyed out of Federal ownership.

S. 1711/H.R. 1576--To Designate the James Peak **Wilderness** and

Protection Area

The Department does not object to S. 1711 and H.R. 1576, bills that would designate the James Peak **Wilderness** and the James Peak Protection Area in the Arapaho and Roosevelt National Forests in Colorado.

In summary, S. 1711 and H.R. 1576 designate a **wilderness** area and a protection area. In addition, S. 1711 and H.R. 1576 address acquisition of State and private lands within the protection area, direct the Forest Supervisor to construct a trailhead in the Fall River basin, and provide for technical assistance to local governments in repairing Rollins Pass Road. Both bills would designate approximately 14,000 acres of land within the Arapaho and Roosevelt National Forests as the James Peak **Wilderness** and add approximately 2,232 acres of the Arapaho and Roosevelt National Forests known as the Ranch Creek Addition to the Indian Peaks **Wilderness**.

Another 963 acres of the Arapaho and Roosevelt National Forests, known as the Fourth of July Addition, would also be added to the Indian Peaks **Wilderness**.

The bills would designate 16,000 acres of the Arapaho and Roosevelt National Forests as the James Peak Protection Area. Except as otherwise provided in the legislation, this area would be managed consistent with the direction established in the 1997 Revised Land and Resource Management Plan (LRMP) for the Arapaho and Roosevelt National Forests.

In addition, the bills require the Secretary to:

- Review and inventory all roads and trails in the Protection Area, no later than 2 years after the date of enactment, and restrict the use of motorized and mechanized travel to designated routes within the Protection Area.
- Make recommendations to Congress concerning the suitability of lands within the Special Interest Area for inclusion in the National **Wilderness** Preservation System.
- Conduct a study, not later than three years after funding, of the suitability and feasibility of establishing a loop trail for mechanized and other non-motorized recreation connecting Rogers Pass and Rollins Pass road. If the study indicates suitability and feasibility, the Secretary shall establish the loop trail;
- Prepare a report concerning the status of negotiations and acquisition of inholdings within the Protection Area. The Secretary may only acquire inholding within the Protection Area on a willing seller basis.
- Establish a trailhead in the Fall River basin and assign personnel to manage the use of National Forest System land in the Fall River basin south of the communities of Alice and St. Mary's Glacier, and prepare a report to Congress identifying the funding needed to implement this section.

S. 1711 and H.R. 1576 further state that the designation of **wilderness** areas and the Protection Area shall not establish buffer zones around those areas. The bills also direct the Secretary, upon request, to provide counties technical assistance and otherwise cooperate with respect to repairing Rollins Pass road.

If repairs are completed, the Secretary is to close to motorized travel the roads and trails shown on the Rollins Pass road and trail closure map.

The 1997 Revised Land Management Plan recommended **wilderness** designation for the Ranch Creek Addition to the Indian Peaks **Wilderness**. The plan also recommended the Bald Mountain and Chittenden Mountain roadless areas, located on the southeast boundary of the Indian Peaks **Wilderness**, for **wilderness** designation, but these two areas are not included in S. 1711 or H.R. 1576. The proposed James Peak **Wilderness** was not recommended for **wilderness** designation in the forest plan.

In addition, the forest plan provides direction under which concerns regarding travel management and dispersed recreation use can be addressed in the Rollins Pass, Rogers Pass, and Fall Creek basin areas.

While we believe the LRMP sufficiently protects the resource values in the proposed James Peak **Wilderness** and Protection Areas, we do not object to the additional designations contained in the bill.

Conclusion:

This concludes my statement; I would be happy to answer your questions.