

**Statement of  
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**Before the  
United States House of Representatives  
Committee on Natural Resources  
Subcommittee on Federal Lands  
Concerning  
H.R. 3371 the “Modoc County Land Transfer and Economic Development Act”**

**Dec. 7, 2017**

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 H.R. 3371, the Modoc County Land Transfer and Economic Development Act of 2017.

The bill would direct a transfer of 927 acres of National Forest System lands identified as the Tulalake Over-the-Horizon Backscatter Radar site (radar site), from the United States to Modoc County, California.

The radar site, originally permitted for use by the U.S. Air Force in 1987 and since decommissioned by the Air Force, is authorized by a special use permit issued by USDA’s Forest Service. The permit is in effect until all conditions have been met and remediation of the area is complete. The conditions include the removal of four buildings and a wood perimeter fence, other supporting infrastructure, and work to correct the floodplain. Work proceeds as funding is made available by the Air Force.

USDA and the Forest Service support efforts to enhance economic development in Modoc County and across rural America, and Modoc National Forest staff have worked for years in coordination with the County on studies to identify specific future uses of the radar site. The Forest Service has existing authorities to permit a variety of uses which could enhance economic development without conveying the parcel out of the National Forest System. This would allow for the economic benefits of multiple use management in addition to those uses desired directly by the County.

While management of the Modoc National Forest following conveyance of the radar site would certainly be manageable, concerns with that course of action include:

- Creation of an inholding surrounded by the Modoc National Forest which can create challenges for access and management of adjacent multiple uses.
- The disposition of four wells on the radar site which currently provide water used by grazing permittees on adjacent allotments.
- Other entities have expressed interest in transfer or conveyance of the land and facilities from the radar site including two Federally-recognized tribes.

USDA also is concerned that the environmental remediation provision in section 2(d) may nullify the existing permit conditions without adequately clarifying the responsibility of the

United States should those actions and any additional environmental remediation be deemed necessary. CERCLA Section 120(h)(3) requires the United States to provide deed notice and a covenant to the transferee regarding hazardous substances at the property to be transferred. The covenant requires the United States to conduct any remedial action found to be necessary after transfer.

USDA supports continuing a cooperative approach with all interested and affected parties to determine the most productive long-term use of the radar site. This planning effort would inform a determination on whether economic development goals would best be met by retaining lands within, or conveying lands out of the National Forest System. The Forest Service will continue to cooperate with all parties in planning a beneficial future for the radar site, and we look forward to working with the Subcommittee and the bill's sponsors to achieve that goal.

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