

**STATEMENT OF
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U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS**

Regarding

**H.R. 3047, “Apache County and Navajo County Conveyance Act of 2023”
H.R. 7732, “Utah State Parks Adjustment Act”
H.R. 3173, “Northern Nevada Economic Development and Conservation Act of 2023”**

March 7, 2024

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for inviting the U.S. Department of Agriculture (USDA) Forest Service, to discuss H.R. 3047, the “Apache County and Navajo County Conveyance Act of 2023,” H.R. 7732, the “Utah State Parks Adjustment Act” and H.R. 3173, the “Northern Nevada Economic Development and Conservation Act of 2023.”

H.R. 3047, “APACHE COUNTY AND NAVAJO COUNTY CONVEYANCE ACT OF 2023”

H.R. 3047 would require the Secretary of Agriculture to convey a parcel of land depicted on a map as “Pinedale Cemetery Expansion” on the Apache-Sitgreaves National Forests to Navajo County, Arizona, and to convey two parcels of land generally depicted as “Existing Alpine Cemetery” and “proposed Townsite Tract” both located on the Apache-Sitgreaves National Forests in Arizona to Apache County, Arizona.

The Department supports this legislation as it provides a straightforward and commonsense solution to cemetery management; however, the Department has concerns regarding the timeline for the conveyance in the legislation, and we would like to work with the Committee and the sponsor to address that aspect of this proposal.

H.R. 7732, “UTAH STATE PARKS ADJUSTMENT ACT”

H.R. 7732, the “Utah State Parks Adjustment Act” would convey several parcels of federal land under different federal jurisdictions to various Utah State parks. The act would require the Secretary of Agriculture to convey approximately 272 acres of NFS lands in Sevier County, Utah.

The parcel described by the Fremont Indian State Park Conveyance is managed by the Forest Service and includes a public campground, remnants of a historic guard station with an associated interpretive site, and an important entry point to a non-motorized historic trail, all of which are open to the public. The parcel also contains part of a grazing allotment under permit

by the Fishlake National Forest and water rights held by the Forest Service that provide water to the campground, Forest Service pack stock, and potentially to livestock on the permitted allotment.

The Department has concerns with the Fremont Indian State Park Conveyance as described in H.R.7732. These concerns relate to certain details for the proposed conveyance, including prescribed time frames and diligence, future access by the Forest Service for road and trail easements, addressing current public uses, and procedures for resolving conflicts between the maps, acreage estimates and legal descriptions. The Department would like to work with the bill sponsors and the Committee to address specific concerns related to the conveyance to ensure continued public use and enjoyment of these lands.

H.R. 3173, “NORTHERN NEVADA ECONOMIC DEVELOPMENT AND CONSERVATION ACT OF 2023”

H.R. 3173, the “Northern Nevada Economic Development and Conservation Act of 2023” contains multiple provisions that impact management of National Forest System lands on behalf of the American public.

Title I would convey or dispose of National Forest System lands managed by the Humboldt-Toiyabe National Forest and the Lake Tahoe Basin Management Unit. This title also provides authority to transfer administrative jurisdiction over Santini-Burton Act parcels in the Lake Tahoe Basin to the county or state and directs the agency to enter into special use permits or cooperative management agreements with Douglas County for identified parcels on both units.

Title II would convey lands managed by the Lake Tahoe Basin Management Unit to the Incline Village General Improvement District. Title IV would withdraw the Ruby Mountains from all forms of operation under the mineral leasing laws. Title VII would require the Department and the Bureau of Land Management to develop a federal interagency complex on a Forest Service parcel in Reno.

The Department maintains strong partnerships with local, state, and federal agencies; federally recognized Tribes; and nongovernmental organizations to manage national forests in the State of Nevada, including crown jewels of the National Forest System such as Lake Tahoe and the Ruby Mountains. The Department recognizes that our management must support conservation and economic opportunity, tribal rights and interests, and we strive to meet those goals through shared stewardship. The Department has successfully used our existing authorities to provide for recreation and public purposes under special use permits or agreements and to convey or dispose of lands as appropriate.

The Department does not support H.R. 3173 as written, specifically Titles I, II, and V, and we would like to work with the Committee and the bill sponsor to address the Department’s concerns, which I will broadly outline in my testimony. In addition, many of the maps associated with the bill appear to contain mapping errors. We would appreciate the opportunity to develop legislative maps to ensure accuracy and support implementation.

TITLE I—DOUGLAS COUNTY

Title I would convey National Forest System lands to various entities including the State of Nevada, Douglas County, and the Washoe Tribe; designate National Forest System lands for disposal; and direct the Department to issue special use permits or enter into cooperative management agreements, as well as other provisions.

Title I would convey or dispose of numerous parcels that are more appropriately retained in National Forest System management, including acquired lands and Forest Service administrative sites. The Department would like to work with the Committee to identify parcels appropriate for conveyance or disposal, develop legislative maps, and revise the language regarding conveyances and disposal processes and the terms surrounding these, such as reversionary clauses and timelines.

Regarding provisions directing the Department to issue special use permits or enter into cooperating agreements, the Department has existing authority to do both and would still be required to conduct National Environmental Policy Act analyses, comply with the Endangered Species Act and the National Historic Preservation Act Section 106, and meet other standard requirements. The goals of Title I, Section 112, relating to the Tahoe Rim Trail have been accomplished through an agreement with partners.

Title I, Section 121, would require the Department to hold certain lands in trust for the Washoe Tribe while retaining the Department's ability to carry out fuel reductions and landscape restoration activities. We recognize that Federal lands and waters managed by the Department are the traditional homelands of American Indians and Alaska Natives and we support Tribal self-determination. We would like to note that the Department of the Interior, not USDA, typically acquires land into trust because it has the authority to manage trust lands. We would like to work with the sponsors on clarifying that language. We would also like to work with the sponsor to develop legislative maps for this section to ensure accuracy and support implementation.

Title I, Sec. 141, provides new authority to transfer Forest Service land that is located within the boundaries of the area acquired under Public Law 96-586 (commonly known as the Santini-Burton Act parcels). These environmentally sensitive lands acquired by the Department are required to be managed in alignment with the Santini-Burton Act to maintain undeveloped open space; preserve the land's natural characteristics; and protect water quality, stream environment zones, and important wildlife habitat. The Department believes these lands should be retained under National Forest System management.

TITLE II—INCLINE VILLAGE FIRE PROTECTION

Title II would require the Secretary of Agriculture to convey two parcels of approximately 14.10 acres to the Incline Village General Improvement District in Nevada. These environmentally sensitive lands were acquired by the Department to maintain undeveloped open space; preserve the land's natural characteristics; and protect water quality, stream environment zones, and important wildlife habitat. The Department believes these lands should be retained and managed as part of the National Forest System.

TITLE IV—RUBY MOUNTAINS PROTECTION ACT

Title IV withdraws 309,272 acres of NFS land in the Ruby Mountains on the Humboldt-Toiyabe National Forest in Nevada from all forms of operation under the mineral leasing laws. The Administration supports the proposed withdrawal, which aligns with the President’s vision to boost conservation strategies and policies to preserve public, private, and Tribal areas of interest. The proposed withdrawal would be subject to valid existing rights. Existing leases and associated activities can continue as long as those leases were established at or prior to the time of the withdrawal.

The remainder of the Ruby Mountains managed by the Forest Service is designated as Wilderness. The Ruby Mountains offer extensive cultural, scenic, and ecological values that help to support a \$165 million recreation industry in Elko County. The area includes wildlife habitat for species including greater sage grouse, and the federally listed Lahontan cutthroat trout. The area also supports the state’s largest mule deer herd and an important migration corridor. Mapping of the area has determined that there is little to no potential for oil or gas resources because of unfavorable geologic conditions.

The Department conducted a detailed analysis for oil and gas leasing availability on a portion of lands within the Ruby Mountains. In March 2019, the agency released a draft Decision Notice and final Environmental Assessment concluding that no leasing should occur due to the low potential for oil and gas resources in the area and extensive citizen and community involvement with strong support for no leasing at this time. The decision notice was signed by the Humboldt-Toiyabe National Forest Supervisor on May 7, 2019.

TITLE V—CARSON CITY PUBLIC LANDS CORRECTION

Sec. 503, “Carson City Street Connector Conveyance” would convey a portion of the land occupied by the Department Carson Ranger District Office to Carson City for a roadway. This conveyance would significantly impair the operations of the district office. The Department does not support this provision.

TITLE VII—FEDERAL COMPLEX

Title VII requires the Department and the Bureau of Land Management to establish a federal interagency complex. In addition to the Forest Supervisor’s Office for the Humboldt-Toiyabe National Forest and the BLM Nevada State Office, the complex would house the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs Western Nevada Agency, and the Bureau of Reclamation. The Department and BLM would have the option to relocate their Carson City offices to the complex as well. Funding for the complex would be available through the proceeds of disposal under Titles I, V and VI of the legislation (up to ten percent of the amount in these special accounts), with the agencies authorized to use any other accounts to fund the balance. The Department has concerns regarding the implementation of Title VII, including costs due to lack of existing infrastructure and the need to align with Department procedures and legal requirements for facility relocation.

That concludes my testimony. Again, I thank Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee for the opportunity to present the views of the Department on this legislation. I would be happy to answer any questions that you may have.