

**STATEMENT OF CHUCK MYERS
UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE
HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS**

JULY 15, 2008

CONCERNING

**H.R. 2297 – Arizona National Scenic Trail Act
and
H.R. 5671 - Whiskeytown-Shasta-Trinity National Recreation Area and Columbia
River Gorge National Scenic Area Fee Retention
and
H.R. 6159 – Deafy Glade Land Exchange Act**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Administration's views on H.R. 2297, a bill to amend the National Trails System Act to designate the Arizona Trail as a National Scenic Trail; H.R. 5671, a bill to allow the Forest Service to retain and spend land use fees paid in connection with the establishment or operation of marinas in the Whiskeytown-Shasta-Trinity National Recreation area and operation of the Multnomah Falls Lodge in the Columbia River Gorge National Scenic Area; and H.R. 6159, a bill to provide for a land exchange involving certain lands in the Mendocino National Forest.

H.R. 2297

The Administration does not object to H.R. 2297. While the Administration typically does not support the designation of a National Scenic Trail without the completion of a feasibility study, we recognize that the Arizona Trail presents a unique situation.

All but one of the National Scenic Trails designated subsequent to the enactment of the National Trails System Act have undergone a feasibility study prior to enactment. The Arizona Trail designation would be unique because it is located primarily on public land, it is already established for much of its length, it has strong local, regional and state

advocates, and it offers outstanding recreational opportunities. For these reasons we do not object to the expedited process in the bill that would lead directly to designation. We do, however, plan to continue efforts to engage the public in the management of the trail, especially to private land owners that may be affected by the designation.

In addition, the Administration would be unlikely to support future legislation to designate National Scenic Trails that bypass requirements under the national Trails System Act to conduct feasibility studies. A feasibility study allows the public to have a comprehensive look at the effects of designated national scenic trails and provides the public with the opportunity to comment on all aspects of the trail. Information provided by the public during this review adds value and is useful for the future management of the scenic trail. A study would also review and recommend the most effective and efficient management of the trail.

Approximately 85% of the trail crosses federal land, 10% crosses State lands, and the remainder of the trail crosses private, municipal or county lands. The trail was established as a primitive long-distance hiking, horseback, and mountain biking trail that links all of Arizona's major physiographic zones (the mountains, canyons, deserts, forests, historic sites, and mesas) to local communities and Arizona's major metropolitan areas. The Arizona Trail's significance is found in the diversity of resources, landscapes and recreational opportunities that it represents.

The Arizona Trail was conceived in 1985 as a continuous non-motorized trail from Mexico to Utah. The Arizona Trail connects Arizona's north and south borders across mountain ranges and deserts for approximately 807 miles. In 1993, the U.S. Forest Service, National Park Service, Bureau of Land Management, and Arizona State Parks developed a cooperative agreement to work together to develop this non-motorized trail. Since then more than 750 miles of trail have been opened to the public, maps and trail resource information have been developed, and routine trail maintenance has been carried out, while efforts continue to open the remaining 57 miles of trail. An important characteristic of all National Trails is the partnerships they generate. The Arizona Trail

already has strong regional, state and local advocates, all of whom have worked hard at creating and maintaining a trail featuring the incredible natural and cultural diversity of the State of Arizona. In 1994, the non-profit Arizona Trail Association (ATA) was founded “to coordinate the planning, development, management, and promotion of the Arizona Trail for the recreational and educational experiences of non-motorized trail users.” If designated by Congress as a National Scenic Trail, the Arizona trail would be administered by the U.S. Forest Service in close coordination with the Arizona Trail Association and any relevant State and local agencies that may wish to help with the Trail. The bill states the map will be on file in the appropriate offices of the Bureau of Land Management. Since the Arizona trail would be administered by the Forest Service, the bill should specify that the map will be available in the appropriate offices of the Forest Service.

H.R. 5671

The Administration generally supports the use of receipts from user fees to offset the costs of recreation activities as highlighted in this bill, but does have some concerns about H.R. 5671. This bill would authorize the Secretary of Agriculture to retain and utilize land use fees collected in connection with the establishment or operation of a marina in the Whiskeytown-Shasta-Trinity National Recreation Area and the operation of the Multnomah Falls Lodge in the Columbia River Gorge National Scenic Area.

Prior to the enactment of the Federal Lands Recreation Enhancement Act (REA), the Forest Service collected and retained land use fees from marinas in the Whiskeytown-Shasta-Trinity National Recreation Area under the Recreational Fee Demonstration Program authority. After enactment of REA, which repealed the Recreational Fee Demonstration Program and further defined qualifying criteria, the Forest Service reviewed all recreation fee projects for compliance with REA. The agency determined that the fee retention for long-term marina permits was not authorized under the new Act. We understand that the funds will be put to beneficial use on these sites. Nevertheless, we would like to have the opportunity to study and address the fee retention needs at

similar kinds of sites across the country so we can develop consistent and appropriate policy.

The bill would amend the Act of November 8, 1965 (16 U.S.C. 460q-8) to provide for land use fees collected for marinas in the Whiskeytown-Shasta-Trinity National Recreation Area to be deposited into an existing special account in the Treasury established for the Secretary for recreation management purposes. Annual land use fees for the Whiskeytown-Shasta-Trinity National Recreation Area are estimated to be approximately \$1.2 million.

The bill also would amend section 16 of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544n) to provide for land use fees for the Multnomah Falls Lodge in the Columbia River Gorge National Scenic Area to be deposited into the same account. Annual land use fees for the Multnomah Falls Lodge are estimated at \$125,000. The Secretary could expend funds from this account for a variety of recreation services, as well as operation, maintenance, and enhancement of facilities related to visitor enjoyment and access.

The bill also would authorize expenditure of funds from the Treasury account to cover costs associated with issuance of special use permits in the Whiskeytown-Shasta-Trinity National Recreation Area and the Columbia River Gorge National Scenic Area. The Administration recommends removing this language from the bill, as it is no longer necessary now that the Forest Service has promulgated cost recovery regulations. In addition, having separate accounts for cost recovery purposes could cause confusion from an accounting standpoint.

The bill would direct that the land use fees collected for marinas in the Whiskeytown-Shasta-Trinity National Recreation Area be expended in the recreation area, and that the land use fees collected for the Multnomah Falls Lodge in the Columbia River Gorge Scenic Area be expended in the scenic area. However, the bill allows up to 20 percent of the funds collected to be made available to other units or areas of the National Forest

System. REA allows up to 15 percent of the funds collected to be used for administration and overhead costs.

The Forest Service has authorized and continues to authorize the Multnomah Falls Lodge under Section 7 of the Granger-Thye Act. This statute authorizes issuance of permits for federally owned facilities like the Multnomah Falls Lodge and allows the Forest Service to offset all or part of the land use fee by the amount spent by the permit holder on renovation, reconditioning, improvement, and maintenance of the authorized facilities and their underlying land. Under this statute, the authority for land use fee offset is limited to the types of work enumerated in the statute, and the amount offset may be spent only on the facilities authorized by the permit and their underlying land.

H.R. 6159

The Administration opposes this bill, which would require the Secretary to convey 82 acres (including improvements) of land within the Mendocino National Forest (MNF) to Solano County, California if Solano County conveys to the Secretary 160 acres of land owned by the County.

The federal lands to be conveyed are located within the Grindstone Ranger District. They were acquired as part of a land exchange with the Setzer Box Company in 1944. The federal lands are currently occupied by the Fouts Springs Youth Facility. A 30-year special use authorization allows Solano to operate the 162-bed youth correctional facility. The current permit area is approximately 74 acres. The area adjacent to the Fouts Springs Youth Facility is a heavily developed off-highway vehicle area managed by the Forest Service.

The non-federal lands to be conveyed are also located within the Grindstone Ranger District of the MNF. They are known as the Deafy Glade parcels and contain approximately 161.7 acres. The four parcels are adjacent to the southerly boundary of the Snow Mountain Wilderness Area.

The Forest Service completed a Feasibility Analysis for this proposed land exchange, as required by policy, in 2006. The purpose of the Feasibility Analysis is to determine the public interest benefits of the exchange. The Forest Service determined that the land exchange was not in the best interest of the public or the federal government. This determination was based on the ability of the MNF to continue permitting the Fouts Springs Youth Facility under a longer-term special use permit and the impacts that exchanging the Fouts Springs Youth Facility lands would have on local recreation opportunities.

The proposed exchange lands are adjacent to the most popular off-highway vehicle recreation staging area on the MNF. The Fouts Springs staging area is the most heavily used of any in northern California under any jurisdiction. It receives about 76,000 recreation visits per year, comprising about 55% of the MNF's off-highway vehicle recreation use, and 30% of the MNF's total recreation use. In short, it is a key element of the MNF's primary recreation niche: high quality off-highway vehicle recreation opportunities.

The MNF has experienced about a 14% increase in off-highway vehicle use over the past five years. Because of its flat topography, the Fouts Springs area has the greatest potential of anywhere on the MNF for accommodating expansion of OHV parking and unloading. Loss or impairment of existing or future opportunities provided in connection with the Fouts Springs OHV staging area would be difficult or impossible to compensate for elsewhere on the MNF.

The current Fouts Springs Youth Facility special use authorization would continue to provide for Solano County's detention needs while protecting the quality recreation opportunities provided by the adjacent National Forest System lands. The Forest Service recently amended the special use authorization and increased the term from 20 years to 30 years. Extension of the term of the special use permit would allow Solano County the opportunity for long term operation of the Fouts Springs Youth Facility.

In addition, the Forest Service has offered to work with Solano County to purchase the Deafy Glade parcels. We look forward to continuing our cooperative relationship with the county to continue operation of the Fouts Springs Youth Facility, while maintaining recreation opportunities for the general public.

Thank you again for the opportunity to present the Administration's views on H.R. 2297, H.R. 5671 and H.R. 6159. I would welcome any questions you might have.