

**STATEMENT OF
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UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
JUNE 10, 2010
CONCERNING
H.R. 5009, DESIGNATING CERTAIN LANDS IN THE WASATCH MOUNTAINS
OF SALT LAKE CITY, UTAH AS WILDERNESS, AND FOR OTHER
PURPOSES**

Mr. Chairman, Ranking Member Bishop, and Members of the Subcommittee, I appreciate the opportunity to appear before you today to provide the Department's views on H.R. 5009, which would designate certain National Forest System lands within the Uinta-Wasatch-Cache ("Wasatch") National Forest as wilderness, establish the Helisking Special Management Area within the Wasatch National Forest, provide for a land exchange with Snowbird Corporation ("Snowbird"), and authorize activities for watershed management.

While we support the goals of adding to the Nation's wilderness areas, we have a number of concerns with H.R. 5009. Our principal concern is that the lands to be designated as wilderness in the Wasatch are generally not suitable for wilderness designation. In addition, we have concerns with other provisions of the bill which we summarize in this testimony. In summary, much of the land that would be designated as wilderness are close in proximity to Salt Lake City, and provides a wide variety of current uses that would not be permitted to continue in designated wilderness. In addition, the current forest plan, which was developed through extensive public involvement and input, already provides long-term watershed protection for the Wasatch Front.

Wilderness Designations

Section 2 of the bill would add to or designate additional wilderness areas in northern Utah within the Wasatch National Forest. Approximately 4,627 acres would be added to the Lone Peak Wilderness, and 813 acres to the Mount Olympus Wilderness. New designations include approximately 2,342 acres to be known as the Bear Trap Wilderness and approximately 7,759 acres to be known as the Wayne Owens Grandeur Peak/Mount Aire Wilderness.

The Forest Service fully analyzed these areas for potential wilderness designation in the 2003 forest plan revision for the Wasatch National Forest, and did not recommend them because many popular, current uses such as mountain biking and ATV-riding would no longer be allowed.

In addition, many of the proposed wilderness boundaries are in close proximity to communities, residences, major roadways and developed recreation sites. These boundaries pose a potentially significant constraint on future opportunities to construct or reconstruct vital public utility infrastructure, such as new or upgraded power lines, installation of broadband technologies or sanitation facilities, while maintaining the character of the wilderness areas.

Heliskiing Special Management Area

Section 3 would designate approximately 10,479 acres of National Forest lands contiguous to existing wilderness as a “Heliskiing Special Management Area.” The area would be managed to maintain its existing wilderness character, except that heliskiing authorized on the date of enactment would be allowed to continue. We have concerns about this designation as it sets an undesirable precedent for legislated designations based on one specific activity, and would compromise wilderness values. It is also not clear what activities would be allowed in the special management area to support commercial heliskiing and snowboarding. Forest Service land managers will have the difficult task of balancing the needs of a heliskiing business and the maintenance of wilderness character of the land.

Land Exchange

Section 5 of H.R. 5009 would direct the Secretary to expedite a land exchange with Snowbird involving land owned by Snowbird in the Flagstaff White Pine and Red Pine areas of Little and Big Cottonwood Canyons and National Forest System land located in the American Fork Twins. The bill states Congress’ intent that the land exchange be completed within one year of date of enactment of the bill. The bill also states it is anticipated that the lands acquired by Snowbird would eventually be used to expand its ski resort operations.

We have several concerns with the land exchange directed by the bill. We are uncertain exactly which National Forest System lands would be conveyed to Snowbird under the bill. Furthermore, given the history of this area, the parcels that may be exchanged by Snowbird are likely to exhibit the impacts of past mining operations, including abandoned mines, which will require hazardous materials assessment and remediation. These areas typically have tunnels, adits and other hazards. There is also no requirement that Snowbird convey the property free of hazardous materials or other conditions. Failure to correct any hazardous conditions will result in the Forest Service being required to remediate the issues to ensure maintenance of the wilderness character of the lands. The bill does not require Snowbird to convey land that has a clear title, consistent with Department of Justice standards. The bill also does not provide any mechanisms for an equal value exchange, which would be consistent with Administration land exchange policies.

The bill directs that the land exchange be completed in one year. However, this timeline would make it extremely difficult to involve the public and comply with the relevant regulations and laws regarding land exchanges. In addition, an environmental analysis under the National Environmental Policy Act of 1969 should be prepared before the land exchange, to involve the public and identify any impacts of the exchange. The Agency

line officer should make the decision on whether or not to proceed with the exchange and under what conditions. Alternately, the agency could perform the NEPA analysis and provide the results to Congress to provide further direction in subsequent legislation.

Watershed Management

Section 6 of the bill would authorize motorized access, road maintenance, and necessary vegetative management in the areas that would be designated as wilderness and in the special management area. Much of this area is a congressionally designated watershed, established as Public Law in 1934, and provides additional protections and considerations for the area. Vegetation management would conflict with wilderness character and values, and is one of the reasons that these areas were not recommended for wilderness in the Forest Plan.

Conclusion

While we have concerns with H.R. 5009, we support the primary goals of the bill, namely to increase wilderness, improve recreation opportunities and enhance watershed protection for the Wasatch Front. We look forward to working with the sponsor and the committee to achieve these goals.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I am happy to answer any questions that you or Members of the Committee may have.