

**STATEMENT
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BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
COMMITTEE ON NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES
NOVEMBER 5, 2009**

CONCERNING

H.R. 2476, TO AMEND THE NATIONAL FOREST SKI AREA PERMIT ACT OF 1986

AND

H.R. 1769, TO EXPAND THE ALPINE LAKES WILDERNESS IN THE STATE OF WASHINGTON, TO DESIGNATE THE MIDDLE FORK SNOQUALMIE RIVER AND PRATT RIVER AS WILD AND SCENIC RIVERS, AND FOR OTHER PURPOSES

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 2476 and H.R. 1769.

H.R. 2476, To Amend the National Forest Ski Area Permit Act of 1986

The Administration supports this legislation with technical amendments. We would appreciate the opportunity to work with the Committee to refine the bill to provide the appropriate natural resource-based experience for visitors to the National Forests while ensuring the protection of the natural environment.

The bill would amend the National Forest Ski Area Permit Act of 1986 to authorize the Secretary to permit seasonal and year-round natural resource-based, outdoor-developed recreational activities and associated facilities at ski areas, in addition to those that support Nordic and alpine skiing and other snow sports that are currently authorized by the Act.

The Act authorizes issuance of permits for Nordic and alpine ski operations and appropriate ancillary facilities(16 U.S.C. 497b(b)(3)). Congress intended the term “appropriate ancillary facilities to include “only those facilities directly necessary for the operation and support of a winter sports facility... ” (S. Rep. No. 99-449, 99th Cong., 2d Sess. 5 (1986)).

The additional seasonal and year-round recreational activities and associated facilities authorized by the bill would encourage outdoor recreation and have to harmonize with the natural environment. The bill would make clear that the primary purpose of the authorized use and occupancy would continue to be skiing and other snow sports.

Background and Need for Legislation

Current law does not address activities other than Nordic and alpine skiing, snow sports, and their ancillary facilities at ski areas. Ski areas serve as portals to national forest recreation. There are 121 ski areas operating under permit on national forests. These ski areas occupy a fraction of 1 percent of the total National Forest System land base. Nevertheless, about one-fifth of all recreation on national forests occurs at these ski areas. For many Americans, ski areas are gateways to our national forests and a means to greater appreciation of the natural world. Further, these recreational opportunities provide a great avenue for visitors to reconnect to the land, a core tenant of Secretary Vilsack's vision for forests.

We have become concerned about trends showing a decline in appreciation and understanding of the natural environment among our youth. However, we still see strong visitation by youth and families at ski areas. The Forest Service has developed strong partnerships with many ski area operators that enhance visitors' understanding and appreciation of the environment through interpretive signing, programs, and exhibits. Expanding opportunities for year-round use will encourage more of the public to experience and appreciate the national forests. Ski areas introduce the national forests to our increasingly urban population.

Ski areas are some of the most developed sites on the national forests. Focusing more of the developed outdoor recreational activities in these areas could reduce negative impacts in other areas of the national forests. One example of a popular developed outdoor recreational activity is freestyle mountain biking. By focusing this activity at ski areas, ski area operators would be able to increase utilization of existing infrastructure, and the impacts on surrounding National Forest System lands caused by freestyle biking may be minimized.

Across the country we have received numerous proposals by ski areas to add off-season recreational activities. Some we have approved, perhaps without fully understanding the current limitations of the 1986 Ski Area Permit Act, while others we have denied, or not acted upon. We're aware that summer activities at a number of ski areas that operate summer facilities on non-National Forest Service land are very popular. Whistler-Blackcomb Ski Area in British Columbia has become a very popular destination for biking. In the Northeast, Bretton Woods Ski area offers an array of summer activities which reportedly "sell out" at times. We believe we'd see the most interest for summer uses at ski areas that are either located near large population centers or are near communities with large hotel capacities that tend to be underutilized in the summer.

Because of longer summers and higher temperatures due to climate change, it is possible that ski areas in some locations may see somewhat shorter winter operating seasons. Increasing the scope of activities and facilities that may be authorized under a ski area permit, where appropriate and in conformance with environmental law, could help ski areas remain economically viable by more fully utilizing their significant investment in infrastructure, such as ski lifts, in the off-season or year-round.

Recommended Changes to H.R. 2476

We would like to work with the committee to develop amendments in two areas:

- While we support allowing additional activities and infrastructure for year-round activities, activities should be appropriate to the natural resource setting and should contrast with an urban environment. Excluding facilities such as amusement and water parks, golf courses, tennis courts, and skateboard parks is consistent with Forest Service policy.
- Ski area boundaries should continue to encompass only the acreage the Secretary deems sufficient and appropriate to accommodate the permit holder's needs for snow sports and

appropriate ancillary facilities for winter operations. Permit boundaries should not be expanded to accommodate recreational activities and facilities that are not related to skiing and snow sports, which are the primary purpose of these resorts.

In addition, consistent with the discretion afforded the Secretary in the bill, we would develop directives that would establish criteria for implementing the expanded authority, based on case-specific review of proposals from ski areas in accordance with applicable regulations and environmental law. The criteria would likely include (1) availability and suitability of private lands as alternative sites for the activities; (2) the proposed location within the permitted area, including proximity to existing areas of concentrated development; (3) consistency with the applicable land management plan and applicable federal, state, and local law; (4) impacts on soil, water, wildlife, aesthetics, and other national forest resources; (5) effects on the primary purpose of the resort for alpine and Nordic skiing; (6) tribal interests; and (7) visitor safety.

If the bill is enacted, we would envision that more highly developed summer facilities would be focused in areas which already support extensive resort infrastructure, while lesser developed parts of ski areas would primarily be for hiking, mountain biking, and other activities that require more limited facilities.

The legislation does not provide a blanket approval for any particular summer facility or use. Proposals would be subject to the Agency's requirements for site-specific environmental review and public involvement. In those environmental reviews we would look very carefully at the sometimes sensitive nature of high elevation ecologic conditions before approving a proposal. While we might approve an activity or facility at one location at a given ski area, we might not at a different location at another ski area or even at a different location within the same ski area. In summary, this legislation would concentrate highly developed recreation in those areas that are currently the most developed sites on the national forests and enhance the long term viability of these ski areas and the adjoining rural economies. For these reasons, the legislation is a positive step and one which the Administration supports, with the suggested clarifications.

H.R. 1769, Alpine Lakes Wilderness, Pratt and Middle Fork Snoqualmie Wild and Scenic River

This legislation would designate approximately 22,100 acres as a component of the National Wilderness System and approximately 37 miles of river as components the National Wild and Scenic Rivers System on the Mt. Baker-Snoqualmie National Forest in the State of Washington. The Department supports this legislation in concept and we would like to work with the Committee to address some technical issues as outlined below. We would also like the committee to be aware however, while we have completed suitability studies for the wild and scenic rivers, we have not completed a wilderness evaluation of the area designated under this bill. For the area that would be designated wilderness, management direction under the Land and Resource Management Plan is aligned with wilderness values with the majority of the land being managed as Late Successional Reserve under the Northwest Forest Plan. We thank the delegation for its collaborative approach and local involvement that have contributed to this bill.

Alpine Lakes Wilderness

The proposed additions to the Alpine Lakes Wilderness lie in the valleys of the Pratt River, the Middle and South Forks of the Snoqualmie River. The existing 394,000 acre Alpine Lakes Wilderness is one of the jewels of our wilderness system, encompassing rugged ice carved peaks, over 700 lakes, and tumbling rivers. The lower valleys include stands of old growth forest next to winding rivers with native fish populations. The area is located within minutes of the Seattle metro area. Trails accessing the area are among the most heavily used in the Northwest as they lead to some exceptionally accessible and beautiful destinations. The proposed additions to the Alpine Lakes Wilderness would expand this area to include the entire heavily forested Pratt River valley and trail approaches to lakes in the wilderness area in the Interstate 90 corridor.

We would like to work with the subcommittee to address some technical aspects of the bill. These include:

- The Middle Fork Snoqualmie River Trail #1003 is popular among mountain bicyclists. The Department's concern is that the trail is immediately adjacent to the proposed wilderness, not allowing sufficient room for reconstruction or relocation if needed as a result of likely future events such as flooding or landslides. We suggest a modification of the proposed wilderness boundary to allow for reconstruction or for relocation.
- The entire Pratt River Trail #1035 is included within the boundary of the proposed wilderness. The first mile of this trail currently is used by large numbers of people and groups. The trail, which would be a primary access corridor for the newly designated wilderness, is scheduled for major reconstruction work beginning this fiscal year. The Department suggests that the wilderness boundary be drawn to exclude approximately three miles of this trail to allow this continued recreation opportunity and future reconstruction if needed. This change would not alter the wilderness proposal significantly, but would allow the current recreation opportunity for high-use and large groups along this stretch of the Middle Fork Snoqualmie. This adjustment would also reduce operation and maintenance costs along this segment of the Pratt River Trail as motorized equipment could be used in its maintenance.
- The northwestern boundary of the wilderness proposal includes two segments of Washington State Department of Natural Resources lands totaling about 300 acres. We recommend that the boundary of the proposed wilderness be adjusted so that only National Forest System lands are included.

Wild and Scenic Rivers

This legislation would also designate two rivers as additions to the National Wild and Scenic Rivers System: approximately 9.5 miles of the Pratt River from its headwaters to its confluence with the Middle Fork Snoqualmie River; and approximately 27.4 miles of the Middle Fork Snoqualmie River from its headwaters to within ½ mile of the Mt. Baker-Snoqualmie National Forest boundary. Each river was studied in the Mt. Baker-Snoqualmie National Forest Plan and determined to be a suitable addition to the National Wild and Scenic Rivers System.

The Pratt River has outstandingly remarkable recreation, fisheries, wildlife and ecological values. The corridor provides important hiking and fishing opportunities in an undeveloped setting. The river supports resident cutthroat trout and its corridor contains extensive deer and mountain goat winter range and excellent riparian habitat. Its corridor retains a diverse riparian forest, including remnant stands of low-elevation old-growth.

The Middle Fork Snoqualmie River also has outstandingly remarkable recreation, wildlife and fisheries values. The river is within an easy driving distance from Seattle and attracts many visitors. It provides important whitewater boating, fishing, hiking and dispersed recreation opportunities. The river corridor contains extensive deer winter range and excellent riparian habitat for numerous wildlife species. This is the premier recreational inland-fishing location on the National Forest due to its high-quality resident cutthroat and rainbow trout populations. Adding these rivers to the National Wild and Scenic Rivers System will protect their free-flowing condition, water quality and outstandingly remarkable values. Designation also promotes partnerships among landowners, river users, tribal nations and all levels of government to provide for their stewardship. We therefore support the designation of these rivers into the National Wild and Scenic River System.

The Department has one concern with the wild and scenic river designations relating to the management of the Middle Fork Snoqualmie River Road. We are currently in the process of improving this road and feel that this work is needed to protect the wild and scenic values associated with this river while improving visitor safety and watershed health. Approximately 20 years ago, the U.S. Forest Service submitted the Middle Fork Road to the Federal Highway Administration for reconstruction via their enhancement program. The project has been approved, design work is approximately 15% complete, and construction is planned for 2011 or 2012. The Federal Highway Administration has already expended approximately \$3 million to date on the project. We would like to work with the committee to ensure timely completion of the project.

This concludes my prepared statement and I would be pleased to answer any questions you may have.