

**Statement of
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**Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
S. 1459, Protecting Unique and Beautiful Landscapes by
Investing in California Lands Act
October 19, 2021**

Thank you for the opportunity to testify on S. 1459, the Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act. The bill would designate nearly 600,000 acres of wilderness, including over 97,000 acres of land managed by the Bureau of Land Management (BLM), 31,000 acres of land managed by the National Park Service (NPS), and over 470,000 acres of land managed by the U.S. Forest Service (USFS). S. 1459 would designate over 500 miles of wild and scenic rivers (WSR) spread among lands managed by the BLM, NPS and USFS. The bill also expands the San Gabriel Mountains National Monument to include approximately 109,000 acres of additional National Forest System land.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer to be part of the climate solution and outlines a historic and ambitious challenge to the nation to conserve them. The Biden Administration's America the Beautiful initiative calls for collaborative, locally-led conservation efforts of diverse landscapes and waterways that are vital in so many ways, providing habitat for fish and wildlife, holding resources that sustain our own lives, counteracting the damaging impacts of climate change, and underpinning our global economy. S. 1459 aligns with the Administration's conservation goals and the Department of the Interior supports the bill.

We defer to the U.S. Department of Agriculture (USDA) regarding provisions in the bill concerning lands and interests managed by the USFS.

Title I, Northwest California Wilderness, Recreation, and Working Forests

Title I provides direction for future management of Federal lands in Del Norte, Humboldt, Mendocino, Tehama, Siskiyou, and Trinity counties, California, and Josephine County, Oregon. Title I establishes the South Fork Trinity-Mad River Restoration Area, creates or expands 17 wilderness areas, designates seven new potential wilderness areas, and designates new wild, scenic, and recreational rivers on lands managed by the BLM, NPS, and USFS). Of the approximately 313,000 acres of new wilderness that would be designated by this title, approximately 246,000 acres are on USFS-managed lands while approximately 36,000 are on BLM-managed public lands and the remaining 31,000 are NPS-managed lands.

Title I also designates the Horse Mountain Special Management Area and Sanhedrin Conservation Management Area on lands managed by the USFS and authorizes the designation or study of three new recreation trails on lands primarily managed by the USFS, with a small portion of one of the trails traversing BLM-managed public lands. Finally, the bill includes language to facilitate the restoration of the Redwood National and State Parks, to authorize the Northwest California Public Lands Remediation Partnership, and to establish two visitor centers.

Restoration & Economic Development (Subtitle A)

Subtitle A creates the approximately 730,000-acre South Fork Trinity-Mad River Restoration Area for the purpose of establishing, restoring, and maintaining fire-resilient forest structures, reducing wildfire risk, protecting and restoring aquatic habitat and fisheries, and protecting the quality of water resources. The vast majority of the lands within this proposed area are managed by the USFS, while 1,291 acres are managed by the BLM.

The subtitle also authorizes the formation of a Northwest California Public Lands Remediation Partnership among multiple entities to remediate impacts from illegal marijuana cultivation on public lands. The BLM currently partners with Federal, state, tribal, county, and local partners to support a number of anti-marijuana cultivation initiatives and task forces, including the White House Office of National Drug Policy High Intensity Drug Trafficking Area Initiatives, the California Department of Justice Campaign Against Marijuana Planting Task Force, and the North State Major Investigative Team. The Department supports efforts to combat the deleterious effects of illegal marijuana cultivation on public lands.

Subtitle A authorizes initiatives to restore degraded redwood forest ecosystems in Redwood National and State Parks. The Department recognizes the need to rehabilitate degraded landscapes in Redwood National and State Parks and notes that the NPS is currently engaged with state and nonprofit partners, through existing authorities, in an effort to implement forest restoration treatments on approximately 39,500 acres in the parks.

Subtitle A also authorizes the establishment of a visitor center in Del Norte County, California, to assist in fulfilling the purposes of Redwood National and State Parks and the Smith River National Recreation Area. Currently, the NPS cooperates with state and nonprofit partners to operate existing visitor facilities in the county. Additionally, the NPS has formed a Visitor Center Futures working group to thoughtfully examine how to best meet visitor needs within the context of a park's larger portfolio of assets. The NPS would engage in careful planning to make the best choices for long-term fiscal and operational sustainability for the park and any potential visitor center.

Subtitle A authorizes a study to evaluate the feasibility and suitability of establishing overnight accommodations on Federal land at the southern and northern boundaries of Redwood National and State Parks, or on land within 20 miles of their boundaries. If found to be suitable and feasible, the bill further authorizes the establishment of agreements with private and nonprofit organizations for the development, operation, and maintenance of overnight accommodations. The Department recommends that the study be completed before Congress decides whether to authorize new partnerships for the purpose of offering overnight accommodations at Redwood National and State Parks.

Recreation (Subtitle B)

Among other provisions affecting the USFS, Subtitle B authorizes a study for the Bigfoot National Recreation Trail. The proposed trail route is primarily on USFS-managed lands, with less than three trail miles crossing BLM-managed public lands. The Department concurs that the USFS should be the lead agency in assessing the feasibility of the trail and ultimately administering it.

Subtitle B authorizes the establishment of agreements with qualified private and nonprofit organizations to undertake trail and campground maintenance, public education, visitor contacts, outreach, and visitor center staffing on Federal lands in Mendocino, Humboldt, Trinity, and Del Norte counties in California. The Secretary currently exercises existing authorities to work with private and nonprofit entities for these functions. We would appreciate the opportunity to work the Subcommittee to refine this section to ensure it does not conflict or overlap with existing law.

Conservation (Subtitle C)

Subtitle C creates or expands 17 wilderness areas and creates seven potential wilderness areas on over 313,000 acres of Federal land in northwestern California. These designations are on lands managed primarily by the USFS (approximately 246,000 acres), BLM (approximately 36,000 acres), and the NPS (approximately 31,000 acres). The BLM-managed public lands proposed for wilderness designation by Subtitle C serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in northwestern California.

The Department notes creation of the proposed Headwaters Forest Wilderness in Subtitle C may create a conflict of law between the enabling legislation of the Headwaters Forest Reserve (P.L. 105-83), the associated management plan, and the less restrictive Wilderness Act. In 1997, Congress authorized the Headwaters Forest Ecological Reserve managed in partnership with the California Department of Fish and Wildlife (CDFW). In 2003, supplementary rules were published for the Reserve, which prohibit horse use, direct hikers to use only established trails, and disallow camping. Horseback riding, hiking, and camping are permitted by the Wilderness Act. These more restrictive visitor management and recreation rules, intended to preserve and restore old growth forest ecosystems, could result in uncertainty among the public about what uses are permitted. The and the Department would like the opportunity to work with the sponsor to clarify intended management of the proposed wilderness.

The Department notes some of the proposed wilderness boundaries include portions of Wilderness Study Areas (WSAs). The Department would like to work with the sponsor on a few boundary modifications to include full rather than partial portions of WSAs. Further, the Department welcomes the opportunity to review the proposed wilderness boundaries with the sponsor to evaluate areas that currently contain roads used by private landowners, grazing lessees, CalFire, and the BLM for administrative use.

Subtitle C would also designate approximately 379 miles of new Wild and Scenic Rivers (WSRs) under the Wild and Scenic Rivers Act. Over 35 creeks and rivers are impacted by the

bill, including 20 that cross BLM-managed public lands and three that cross NPS-managed public lands. The BLM notes many of the proposed river segments have recently been evaluated and found eligible and suitable for WSR designation. The BLM recommends adjusting the proposed river classifications to include additional WSR designations that would align with the BLM's Wild and Scenic River Eligibility Report. Additionally, the BLM and NPS would like to work with the sponsor on language in the legislation that would make certain WSR designations contingent upon land acquisitions. WSR segments that cross private lands can be managed for their outstanding natural, cultural, and recreational values through voluntary partnerships, in accordance with the WSR Act and agency policy.

Finally, Title III designates approximately 31,000 acres of Redwood National Park as potential wilderness and directs the potential wilderness area to be managed as wilderness. The bill further requires a report to Congress every three years on the status of ecological restoration within the potential wilderness area and the area's progress toward eventual wilderness designation. The designation is to occur within 10 years or upon completion of restoration work that would be incompatible with a wilderness designation. The Department notes these lands are in need of extensive and long-term ecological restoration. The Department appreciates the flexibilities provided to continue ecological activities in the potential wilderness area and would like to work with the sponsor to ensure NPS has adequate time to rehabilitate forested watersheds throughout Redwood National and State Parks before a wilderness designation.

Title II, Central Coast Heritage Protection

Title II would designate three wilderness areas within the Carrizo Plain National Monument managed by the BLM. Title II would also establish the Black Mountain Scenic Area on lands managed by the BLM and the USFS, and designate or expand nine wilderness areas within the Los Padres National Forest, two of which would include some BLM-managed public lands. Finally, Title II designates the Condor National Recreation Trail across the Los Padres National Forest and small portions of BLM-managed public lands.

The Carrizo Plain National Monument, which includes over 206,000 acres of public lands, was designated in 2001. The monument, located only a few hours from Los Angeles in San Luis Obispo and Kern Counties, California, features the white alkali flats of Soda Lake, the pictographs of Painted Rock, open grasslands, and a broad plain rimmed by mountains. When conditions are right, numerous wildflowers can carpet the valley floor. In addition, the Chumash, Salinian, and Yokuts Tribes have called this area home for at least the last 10,000 years. Lands within the monument boundary are cooperatively managed by the BLM, CDFW, and The Nature Conservancy through a Memorandum of Understanding established to ensure the three entities manage their respective lands in a complementary fashion.

Under the monument's 2010 Resource Management Plan (RMP), the BLM currently manages approximately 44,500 acres of public lands for the protection of wilderness characteristics. The decision to manage these public lands for wilderness characteristics under the RMP occurred as part of a 10-year collaborative planning effort with strong public support. Within the monument, the BLM also manages the approximately 17,984-acre Caliente WSA in a manner that does not

impair its suitability for potential future preservation by Congress as wilderness, as required by the Federal Land Policy and Management Act of 1976.

Wilderness (Sections 203-204, 206)

The three new wilderness areas proposed for designation within the Carrizo Plain National Monument include the Caliente Mountain Wilderness (approximately 35,600 acres), the Soda Lake Wilderness (approximately 13,300 acres), and the Temblor Range Wilderness (approximately 12,500 acres). Each of these areas generally serves as habitat for a variety of plant and animal life, including tule elk, upland game birds, and other species managed by CDFW. They also provide many recreational opportunities, such as hunting, hiking, camping, and provide visitors with outstanding opportunities to be alone in nature.

The bill would also designate or expand nine additional wilderness areas within the Los Padres National Forest. We defer to the USDA regarding provisions in the bill concerning lands and interests managed by the USFS; however, the proposed addition to the Garcia Wilderness Area would include approximately 120 acres of BLM-managed public lands, and the proposed addition to the Machesna Mountain Wilderness Area would include approximately 530 acres of BLM-managed public lands. The Department recommends expanding the proposed wilderness boundaries to encompass the Caliente WSA boundary and adjacent lands identified with wilderness characteristics as identified in the 2010 Carrizo Plain RMP. Further, the BLM would like to work on minor and technical amendments to clarify references to land management agencies.

Wild & Scenic Rivers (Section 205)

Section 205 of S. 1459 pertains to lands managed by the USFS. The Department defers to the USDA regarding these provisions.

Scenic Areas (Section 207)

Section 207 of the bill would designate two scenic areas – the Condor Ridge Scenic Area (approximately 18,600 acres) in the Los Padres National Forest and the Black Mountain Scenic Area (approximately 15,800 acres) on lands administered by the USFS and the BLM. The Department supports this designation of BLM-managed lands and defers to the USDA on the designation of USFS-managed lands.

National Trails (Section 208)

Section 208 of the bill would establish the Condor National Scenic Trail. The trail almost exclusively traverses USFS lands, and the Department defers to the USDA on Section 208.

Miscellaneous Provisions (Sections 209-211)

Sections 209 and 210 of the bill pertain to lands managed by the USFS. The Department defers to the USDA regarding these provisions. The Department has no objection to section 211, which addresses use by members of Native American tribes.

Title III, San Gabriel Mountains Foothills and Rivers Protection

The Department shares the desire to enhance the protection of resources and increase opportunities for recreation within the San Gabriel River and Mountains area of greater Los

Angeles. However, we have significant concerns with the manner in which the bill would establish the national recreation area and provide for its management as currently written in Subtitle A of Title III.

The park unit that would be established by Subtitle A would be unlike any other entity in the National Park System. With an advisory council that has a joint role in creating the management plan for the unit, and a partnership organization modeled partially on a national heritage area local coordinating entity, we believe that the management of the area would be complicated and confusing. In addition, the NPS would manage little, if any, Federal land within the designated area. It is unclear exactly what the NPS role would be under this legislation.

A congressionally-directed 2013 NPS study found that a portion of the area met the criteria for inclusion in the National Park System, but recommended that the area be added as a unit of the Santa Monica Mountains National Recreation Area rather than designated as a separate national recreation area. We continue to recommend that the area be administered as a unit of the Santa Monica Mountains National Recreation Area, which will allow NPS to leverage existing administrative resources and extend its existing partnership-based management approach.

Subtitle B of Title III of the bill concerns lands managed by the USFS. The Department defers to the U.S. Department of Agriculture regarding these provisions.

Conclusion

Thank you again for the opportunity to testify on S. 1459, the Protecting Unique and Beautiful Landscapes by Investing in California Lands Act. The Department supports S. 1459, and we look forward to working with the sponsor and the Subcommittee on minor modifications.