

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Testimony

Testimony of

Terry Gestrin

Chair, Board of Commissioners, Valley County, Idaho

Before the Subcommittee on Forests and Forest Health, Committee on Resources

U.S. House of Representatives

April 22, 1999

Chairman and Members of the Committee:

Thank you for inviting me to speak to you about my views concerning the Chairman's draft bill, The Forest Roads - Community Right-To-Know Act

I am Terry Gestrin, Chair of the Board of County Commissioners of Valley County, Idaho. Eighty-eight percent of Valley County is managed by the Federal Government. Out of the 2,073,525 federally managed acres in Valley County, in excess of 800,000 are designated in the Frank Church Wilderness Area, which of course are Roadless. Significant other acres are also designated Roadless.

In today's testimony my observations and comments were prepared to represent not only Valley County Commissioners but in conjunction with the Idaho Association of Counties, a non-profit, non-partisan association dedicated to improving county government for the people of Idaho and representing each of the elected officials in all forty-four of Idaho's counties. I do not believe that my views are in any sense unusual, but, on the contrary, reflect the experience of my fellow county elected officials across Idaho.

The Forest Roads - Community Right-To-Know Act is designed to bring some relief to local governments from the unilateral action of the United States Forest Service. We regret that the Forest Service does not seem compelled to comply with the provisions of Title II of the Federal Land Policy and Management Act of 1976. FLPMA requires federal land management agencies to coordinate with local land use planning and management programs and to "...provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands..."

Allow me to give you some examples. Last winter, purely by accident, the Valley County Board of Commissioners discovered that the Forest Service had contracted to obliterate a three-and-a-half mile segment of road along the South Fork of the Salmon River at a cost in excess of seventy thousand dollars.

This contract had been let over a year earlier, in the Fall of 1997. Despite the fact that this road provides access to Circle N Creek and Tailholt Creek, long-standing timber harvest study areas, and as such, of critical importance to our timber-dependent communities, the Forest Service never saw fit to initiate communication with us. This failure to communicate makes it very difficult for us, as a Board of County Commissioners, to carry out our duties under Idaho law which includes the charge to "...maintain, control and manage public roads, turnpikes, ferries and bridges within the county..." (I.C. 31-805) Fortunately we were able to assert a public right-of-way under RS 2477 and were thereby able to prevent the obliteration. It is my view, however, that the whole episode was avoidable. The Forest Service ought to have come to us as soon as they knew that they were considering the possibility of changing the Valley County's transportation system and fulfilled their obligations under FLPMA. They chose not to and so we are here today asking you to make it crystal clear to them that they must consult and communicate with the elected representatives of the people whose lives and livelihoods they are affecting by their actions.

Allow me another example. After the catastrophic wildfires of 1994 and subsequent flooding, Elk Creek washed out four miles of the Warren - Profile Gap Road which provides the only access to the Yellow Jacket Ranch and critical secondary access to the Trail's End Subdivision, Edwardsburg and Big Creek. Access to these private lands is important for the safety and welfare of Valley County's citizens and visitors. Due to the endless delays of the Forest Service, the U.S. Fish and Wildlife Service and above all, the National Marine Fisheries Service, the road would have been permanently closed, a result we believe may well have been the real agenda of the agencies involved. Again, only by asserting an RS 2477 public right-of-way were we able to nudge the federal agencies into action. I am happy to report at long last, the Federal Highway Administration will let a bid this Spring to repair the Warren - Profile Gap Road. Sadly, we have had to spend the better part of four years to get the land management agencies to do what they should have done in the first place, that is to recognize and respect the interest of county government in the maintenance of public roads.

I would like to cite three current proposed actions by the Forest Service. The focus appears to be road closure, not forest health. The Payette National Forest proposes in the Brown Creek timber sale to close or obliterate 16.7 miles of road. The Boise National Forest original proposed action for the Whitehawk timber sale included zero road closures. This has been refined to include 11.7 miles of road to be closed or obliterated. The third proposed action is in the West Fork of the Weiser River watershed in the Payette National Forest. Their text states "obliterate 135 miles of non-system roads. Close 179 miles of system road to public motorized access in order to meet elk habitat objectives." These and all other proposed actions come to our office as generic mail titled "Dear Concerned Citizen".

Chairman and members of the Committee, I am sorry that I have had the story to tell that I have told, but it is the truth. Valley County is already suffering financially from the decimation of our timber industry and we just don't have the tax base to go out and hire expensive natural resource lawyers to force the federal agencies to comply with the law. It is my hope that a common-sense, plain English bill, like the one offered here today by Congressman Chenoweth, will help us make sure that we have the necessary cooperation from the federal land management agencies to do the job we were elected by our neighbors to do.

###