

**STATEMENT OF
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**BEFORE THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS
JUNE 3, 2015**

**CONCERNING
Discussion Draft
Returning Resilience to our Overgrown, Fire-prone National Forests Act of 2015**

Mr. Chairman and members of the Subcommittee, the National Association of Forest Service Retirees (NAFSR) respectfully submits the following statement for the record to the Subcommittee on Federal Lands regarding the discussion draft titled Returning Resilience to our Overgrown, Fire-Prone National Forests Act of 2015. I am a Board Member of NAFSR and retired from the position of Regional Forester, Intermountain Region in October 2007. During my career, I served 38 years including assignments in 5 of the 9 Forest Service regions. I was also a line officer at the District, Forest, and Regional level for 24 of those years. We appreciate this opportunity to provide testimony and recommendations to the Subcommittee as it moves forward to consider legislation that is important to the future of our National Forests.

THE CURRENT SITUATION

We believe the current situation on our national forests can be summarized in one word: **Unacceptable!** It is clear that forest health is poor and declining, especially west of the Mississippi. Catastrophic wildfire is increasing with devastating impacts to the environment and communities. It is also clear that the current legal and regulatory framework that has evolved in the last 40 years has led to unmanageable processes. It is not difficult to delay or stop an important community based project today and actually receive a financial incentive to do so. We all can demand that the Forest Service do more but it will remain impossible without the kinds of legislation you are now considering. You have received previous, thoughtful, and accurate testimony describing why this is true and how it happened. My testimony will not repeat it but rather focus on how to begin fixing what seems like an intractable problem. The discussion draft contains several components that have the potential to significantly improve the ability of the Forest Service to actively manage and protect our national forests and do so in a collaborative manner. We also believe the Forest Service remains staffed with passionate, dedicated, and hard working people who do everything in their power to care for the land

and serve people. However, imagine their frustration spending years trying to help a community and treat a fire prone forest only to have it all stopped by unending appeals and litigation. We commend them. The Subcommittee's work has the potential to benefit the Forest Service and its employees, the land, and communities across America.

EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

NAFSR applauded the provision in the 2014 Farm Bill to treat insect and disease infestations of 3000 acres or less through the Categorical Exclusion (CE) process. The proposal as described in the discussion draft to expand CE potential and definition to create an all encompassing CE for insects and disease, hazardous fuels, domestic reservoir watersheds, water yield and critical habitat for threatened and endangered species is a sound and important step. However, we don't think projects designed specifically to increase water yield should be included. It's not that we don't support water yield projects. Our concern is they lack the public support the other categories enjoy, can be controversial, and don't rise to the same level of need. Also, the premise of increased water yield and the timing of the increase in some situations is not fully supported by scientific research.

The 5000 acre size limit for a project area boundary and 15,000 acres for collaborative projects is reasonable and in line with our thinking that collaboration should be incentivized. The collaborative process itself involves the analysis and thorough discussion of alternatives. That is a key reason why we support the requirement of only two alternatives (action vs. no action) in collaborative forest management activities. Some might say this could lead to the potential for abuse. We disagree with such thinking which is nothing more than a generic attempt to keep an unacceptable status quo. Legions of safeguards in the hands of dedicated professional employees working collaboratively with dedicated citizens is a very low risk proposition especially when compared to the well known risks of no action. Most important is that each National Forest has a Forest Plan developed over many years with thousands of hours going into its development. It is full of detailed environmental requirements and checks and balances. Nothing in this legislation proposes, supports, or authorizes not following the Forest Plan.

One of our key NAFSR priorities is to better address and bring attention to the growing inability to reforest the massive and increasing acreages severely burned by catastrophic wildfires. We view the salvage facilitation CE proposal for projects with a size limit of 5000 acres or 15,000 acres if the project is collaborative as one sound and logical way to make some progress on this issue. It would provide a funding source for reforestation and the provisions and restrictions proposed in the draft are reasonable. The large sums of reforestation funds needed to reforest these landscapes are not going to be available in the current budget environment. That's why this approach is important. Because of the urgency of the reforestation problem we also support the three month requirement for an Environmental Assessment (EA) or Environmental Impact Statement (EIS) to be

completed for reforestation following a large scale wildfire. We recognize the hardship this may place on the Forest Service. We have one comment. Section 104 (b) (2) seems reasonable for large scale wildfires. For a small area in prime forest land, however, the requirement to limit salvage to one third of the area seems too restrictive.

The inclusion of early succession habitat including Aspen forests in the CE discussion is commendable. It is an important component of active management, is clearly supported by many important wildlife conservation organizations, and is backed by sound science. The 5000 acre CE authorization will mean more work on the ground and less work in the office that does not add ultimate value to the project.

COLLABORATIVE PROJECT LITIGATION REQUIREMENT

This is the other ‘top priority’ Title of the discussion draft to NAFSR. It is difficult to overstate the enormous effect litigation and especially the threat of litigation has on the Forest Service and the amount of land it is able to treat. It is damaging when an important collaborative project with widespread support designed to improve a fire prone forest adjacent to a threatened community is delayed or halted. For that reason, the bond requirement as part of legal challenges to collaborative projects is one of the most important parts of the discussion draft. It is a very reasonable requirement and has our strongest possible support. It is also discouraging to realize there is a financial incentive to pursue such litigation through the Equal Access to Justice Act. We specifically support the definition of the phrase “ultimately prevails on the merits” to mean a court must rule in favor of the plaintiff on at least one cause of action in all actions brought by the plaintiff.

SECURE RURAL SCHOOLS AND COMMUNITY SELF DETERMINATION ACT AMENDMENTS.

In general, these amendments seem reasonable to NAFSR but we believe they will be most important to the National Association of Counties whom we believe will provide thoughtful and detailed testimony. We support the continuation and strengthening of the Resource Advisory Committees (RAC’s). I have seen the positive benefits over my career of having local diverse interests solving local problems. It is good to see neighbors with different views working together. For that reason we support the provision specifying members on the RAC’s be residents of the areas represented by the RAC’s or live in close proximity. In general, we support measures that are supportive of Resource Advisory Committees.

STEWARDSHIP END RESULT CONTRACTING.

Stewardship contracting is a proven important tool for the present and future. The 2014 Farm Bill provision that provided permanent authority was essential for many reasons. NAFSR strongly supports legislation to apply a flexible cancellation ceiling for stewardship contracts. This is a change that is needed and will incentivize longer term

stewardship contracts. The end result will be more forest restoration with strong public support.

ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Planning is a necessary and vital component of any project. If planning funding is not available, that project will not move forward. Therefore, we support the language allowing the use of Collaborative Forest Landscape Restoration funds and Stewardship Revenues to cover up to 25 per cent of the cost of planning additional projects. Using similar reasoning, the state supported Forest Management fund language is also useful.

MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

We support the language requiring the court reviewing the Forest Service action to balance the short and long term effects of the proposed action compared to no action. It dovetails with the notion that promoting alternatives to litigation is a good thing.

Regarding the road decommissioning language NAFSR believes it is logical and common practice that the Forest Supervisor consult with County Government before decommissioning a road. We unequivocally support county involvement. However, we do not believe moving the decision authority up to the Regional Forester is useful or necessary. County government has other access to the Regional level as necessary and raising decision authorities to higher levels can have unintended negative consequences.

WILDFIRE SUPPRESSION FUNDING

While the focus of this hearing is on the critical need to encourage active management and reduce the many barriers to getting essential work done, NAFSR would be remiss if we did not note that the other half of the problem is the current dysfunctional Wildfire Suppression Funding situation. The first and most important step is to fix it either by passage of the Wildfire Disaster Funding Act or similar legislation. We feel strongly that paying for catastrophic wildfire in a manner similar to other natural disasters is a change that is long overdue. It is also essential to reprioritize the funds saved by the shift into those very programs that support the active management of the lands focused upon in the discussion draft. Fixing the suppression funding problem and the proposals in the discussion draft together is what it will take to finally and significantly address the size and scope of the huge problem facing the Forest Service and communities all over the American West. Fixing only half of the problem will not do the job. Regarding the overall tough budgetary climate, NAFSR understands and empathizes with that reality. However, to achieve the restoration goals that are needed, budgetary resources must be reliable, and without some increases some of those goals will not be reached.

CONCLUSION

NAFSR is a national, non profit organization of former Forest Service employees and associates who advocate in support of the multiple use mission of the Forest Service. Members of the Association possess a unique body of knowledge, expertise, and experience in the management of the National Forests, other public lands, forestry research, state and private forestry assistance, agency history, laws and regulations, and international forestry. Members of NAFSR are devoted to contributing and understanding and resolving natural resource issues through education, independent and cooperative analysis, and periodic review and critiques of agency policies and programs.

Mr. Chairman and members of the Subcommittee, this concludes NAFSR's statement for the record. We close by thanking you for your commitment to supporting the mission of the Forest Service and the needed active management of large areas of the National Forest System. Your support will be necessary to restore our nation's forests and rangelands and preventing the effects of catastrophic wildfire. We are ready to assist the Subcommittee at any time we may be of service.