

Testimony of  
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Representing

Forest Counties Payments Committee  
An Advisory Committee to Congress

Statement of Dr. Timothy H. Creal  
For  
The Forest Counties Payments Committee

Mr. Chairman and members of the Committee, thank you for inviting me to speak to you today. I am Tim Creal, Superintendent of Schools for the Custer School District in South Dakota. I am here today representing the Forest Counties Payments Committee of which I am a member. The seven-member Committee is comprised of four non-federal members appointed by Congress, and three federal members representing the Forest Service, the Bureau of Land Management, and the White House Office of Management and Budget. The Committee was created by Congress to advise it on long-term solutions for making payments to states and counties where National Forests and Revested Oregon and California Grant lands exist. The Committee is to evaluate certain impacts to states and counties, and to make recommendations on policy and legislation. Recommendations are to be consistent with sustainable forestry. In addition to its responsibilities to Congress, the Committee is chartered as an Advisory Committee to the Secretary of Agriculture under Federal Advisory Committee Act guidelines.

The Forest Counties Payments Committee has conducted an extensive public comment effort to understand issues affecting many of the 772 counties, parishes, and communities where these public lands exist. Listening sessions were held in many regions of the Country and announced in the Federal Register. All comments made by the public and elected officials were documented by a court reporter, and are part of the official record. A summary of issues from these listening sessions and alternatives for future payments was included in an Interim Report recently submitted to Congress.

Members of the Committee met in August to begin developing recommendations for future payment options. During this meeting the Committee discussed the need to make a recommendation to Congress regarding an issue the public raised at several listening sessions.

The current Forest Service Appeal Regulation governing decisions on projects has created a tremendous amount of frustration among people who try to work with the Agency collaboratively. Many of these citizens depend on timely decisions that affect their communities, and they are concerned about solving forest health problems. The work they do together, and with the Agency, can be un-done by someone who did not make the effort to find solutions for addressing forest management issues. Based on what it heard, the Committee felt it was important to make a recommendation to Congress now, rather than wait until a report on payment options is submitted early next year. That recommendation was recently submitted to the six Committees in Congress who have jurisdiction over our work.

Our recommendation includes two parts. The first is to repeal the statutory language that requires the Forest Service to have an appeals process for projects implementing resource management plans. The Forest Service should then review their current regulation at 36 CFR 215, and propose needed changes. When the Organic Act was passed in 1897, Congress recognized it could not develop regulations that would adequately address the unique biologic and social differences of the forest reserves. As a result, it vested authority in the Secretary to develop appropriate regulations for the management of those lands. The full authority to create and manage an administrative appeals process needs to be returned to the Secretary.

The Committee stopped short of suggesting specific changes to the Appeal Regulation. Those decisions should be made as a part of reviewing and developing a new regulation, with public comment and discussions with Congress.

The terrible effects from wildfires this year have caught the attention of the American public, Congress, and the President. As we stated in our letter, a bias for action is needed. The Forest Counties Payments Committee recommends that Congress provide language to exempt from appeal, salvage and restoration activities from wildfires occurring in 2002. This would provide the Forest Service time to review the current Appeal Regulation, and determine what changes are needed under these circumstances. Mr. Chairman, our Committee members are aware that different ideas exist for managing the public lands. It is clear to us having listened to people in many parts of the Country, that they don't object to reasonable laws and regulations for these lands. However, they have told us that some of those laws and regulations are not working well. The Forest Service Appeal Regulation is one of the biggest concerns we heard about.

Mr. Chairman, that concludes my remarks. I would be happy to answer any questions you, or members of the Committee may have.