

OPENNING STATEMENT
HEARING ON FOREST MANAGEMENT AND FIRE PREVENTION
Congressman John Shadegg
September 5, 2002

Let me first thank Chairman Hansen for the opportunity to testify at today's hearing, and Chairman McInnis for working with me on this issue. Let me also take the opportunity to welcome Dr. Wally Covington of Northern Arizona University who is a nationally recognized expert in the area of forest ecosystem restoration. I am happy to be back in the Resources Committee . . . even for only one day . . . to speak with you about the crucial issues of wildlands fire prevention and forest management.

This year has been one of the most catastrophic periods in the history of wildlands fire management. A total of 6.328 million acres has been consumed by fire this year including 649,000 acres in my own state of Arizona, 993,000 acres in Oregon, and an incredible 2.2 million acres in Alaska. Nor has the destruction of this fire season been confined to the West: Georgia has lost over 159,000 acres to fire this year and other Eastern states have also been hit hard. In fact, over 5 million acres have burned annually in three of the last four years.

Why have recent fire seasons been so devastating? While there are a variety of reasons, one which most objective observers will agree on is the lack of proper management of our National Forests and other federal lands. Many National Forest areas have an unnaturally high fuel load, including dense stands of younger trees. As Dr. Covington will discuss in greater detail, this is in contrast to pre-settlement vegetation patterns in many types of forests, most notably ponderosa pine and dry mixed conifer forests which, under more normal circumstances, feature lower densities of larger, more fire resistant trees. In forests of these types, reducing the fuel load through removal of some trees is needed to reduce the likelihood of catastrophic fires and restore healthy forest ecosystems.

While objective observers can agree on the need to thin trees as a necessary part of managing a

healthy, relatively fire resistant forest, current law allows even a single radical individual who is not interested in objectivity to stop even the most scientifically defensible project. Laws such as the National Environmental Policy Act and the Endangered Species Act were written to allow citizens to use the court system to ensure that federal agencies were making responsible land and resource management decisions. However, they have been seized upon by radical groups and individuals as means to bring activities which are legal and legitimate to a standstill under the guise of environmental protection.

Ironically, the actions of these groups and individuals are actually worse for the environment than the actions they seek to curtail. They attack projects primarily on the basis of short-term considerations and often with the primary objective of preventing thinning projects which include a commercial component.

However, the result of these attacks is the inability to remove excess trees from forests and the consequent overcrowding of unhealthy trees and build-up of fuel load. The long-term results are high intensity crown fires which wipe out all vegetation and wildlife, cause erosion by removing the plant structure which holds soil in place, and create air pollution. The excess fuel load causes these fires to burn at such high heat that the soil in many areas is literally sterilized.

An excellent example of the irony of the actions of these groups occurred this summer in my state of Arizona. The Center for Biological Diversity used the National Environmental Policy Act to sue the Forest Service in May, 2000 to stop a tree thinning project in the Apache-Sitgraves National Forest. This is an area which, according to Brian Segee of the Center, was home to endangered species including 21 Northern Goshawks and 12 Spotted Owls. The Center succeeded in stopping the project and thus prevented the Forest Service from reducing the fuel load by removing excess trees.

This June, the high fuel load in this area caused the Rodeo-Chediski fire to burn at an intensity which wiped out the habitat of these Northern Goshawks and Spotted Owls. Presumably these birds were able to fly away but thanks to the Center, their habitat is now a charred wasteland. To further show how the

Center was able to bring this, now obviously needed, thinning project to a halt, I am submitting for the Record of the Hearing an article from the Scottsdale Tribune on the issue.

To ensure that badly needed projects can move forward in the future, I have introduced H.R. 5309, the Wildfire Prevention and Forest Health Protection Act of 2002, along with 19 of my colleagues. H.R. 5309 is designed to break the current gridlock on responsible forest management by allowing projects involving the removal of trees to proceed if they meet certain criteria.

The legislation allows the Forest Service to proceed with a tree removal project on National Forest lands if the Regional Forester finds that the project will take place in an area with a high fuel load and that a significant possibility exists that a crown fire could occur which would cause extreme harm to the forest ecosystem. This criteria is based on the fact that fires in areas of high fuel load burn at such a high intensity that they devastate the ecosystem. Alternatively, a project could proceed if it involves trees which are either dead or severely damaged by fire. This criteria acknowledges that dead and dying trees can pose forest health concerns by providing an environment conducive to insect infestation.

In addition, the process incorporates two safeguards to ensure that these projects are in fact necessary for responsible forest management. First, the Regional Forester must make all decisions regarding the necessity of the projects on the basis of the best available scientific information to ensure an objective factual basis for the project. Second, the Regional Forester must certify the necessity of the projects to both the Chief of the Forest Service and Congress. This gives a meaningful opportunity for Congress and Forest Service headquarters to oversee the Regional Forester's findings and override them if they do not believe that the project is warranted or factually supported.

Once the Regional Forester has made these findings on the basis of the best available science and given Congress and the Chief of the Forest Service the opportunity to oversee his findings, the project may

proceed without legal challenge or review using the exact same language inserted by Senator Tom Daschle in the Supplemental Appropriations Act for fiscal year 2001. Unlike the Daschle approach, H.R. 5309 embodies greater flexibility because it is not project specific: it can be applied to projects in any Forest Service region which meet the science-based criteria and can withstand the oversight. Perhaps most importantly, it treats all areas of the country equally instead of decreeing that certain areas are more equal than others.

In closing, let me again thank Chairmen Hansen and McInnis for the opportunity to participate in today's hearing. I look forward to the testimony of the witnesses and to passing legislation which will break the gridlock in forest management.