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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

Opening Statement of
Chairman Tom McClintock
Subcommittee on Federal Lands

On Thursday, May 14, 2015

1324 Longworth House Office Building

**Oversight Hearing on "Litigation and Increased Planning's Impact on Our Nation's
Overgrown, Fire-Prone National Forests"**

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The Subcommittee on Federal Lands meets today to examine Litigation and Increased Planning's Impact on Our Nation's Overgrown, Fire-Prone National Forests.

Between 1989 and 2008, 1,125 lawsuits were filed against the Forest Service. Many more have been filed since then and much more case law created. There is no doubt that litigation has had a profound impact on the Forest Service and subsequently the management and mismanagement of our national forests. Sadly, litigation has become a cottage industry for some extremist groups whose sole purpose is to litigate the Forest Service with little regard to the impact and destruction they are causing.

Responding to appeals, lawsuits or even the threat of frivolous lawsuits, Forest Service employees have reduced the size and scope of projects and tried to 'bullet-proof' environmental documents required to implement forest management projects. The goal of the Forest Service then becomes not good forest management, but to prevent litigation or endless legal delays. The result is thicker and thicker environmental documents, more agency time and taxpayer dollars spent on smaller projects that accomplish less. During the 80's, environmental documents to approve average forest management projects took roughly 3-6 months. Now they take anywhere from 14 to 20 months to complete—that is if they are ever completed.

Millions of taxpayer dollars are spent on shuffling paper, over-analysis and ensuring process is followed. We currently estimate planning and environmental analysis are roughly 60% of the costs of forest management projects. The increased cost of paperwork does not translate into greater benefits to the environment. In fact, it's just the opposite. The greatest threat to many endangered species and their habitat is catastrophic wildfire. Yet rather than thinning the forest to protect this habitat, we're spending millions upon millions on extraordinarily long, complicated, voluminous documents that impede our ability to properly manage the forests for the benefit of all species.

A quarter century of extremist litigation has placed our forests in extreme distress. Forest Service employees are demoralized and have little incentive to plan meaningful projects. Vibrant rural communities that once had an integrated forest products industry providing high wage jobs have faded away and instead find their finances hostage to largess from the Federal Government. Our forests are dying and burning up at an alarming rate. This is surely not the vision Teddy Roosevelt and Gifford Pinchot had when they created the Forest Service.

California's National Forests serve as one of many examples of this problem. Its national forests average 266 trees per acre on a landscape that historically sustained 20 to 100 trees per acre. This extreme overcrowding means that forests are dangerously stressed, falling prey to disease, pestilence and catastrophic wildfire.

Today, we are pleased to have Dale Bosworth, who served as Chief of the Forest Service from 2001-2007. Chief Bosworth is a second generation forester and Forest Service employee, native Californian and was raised on ranger station compounds. During his time as Chief he provided great leadership and valiantly confronted the problem he aptly named the "process predicament." While some progress was made, I think the Chief will agree that much more needs to be done.

Also appearing today is Dr. Robert Malmshemer, professor of Forest Policy and Law at the State University of New York's College of Environmental Science and Forestry. Dr. Malmshemer has published numerous articles on Forest Service litigation and will give us an update on his latest research.

We also have Supervisor Randy Hanvelt of Tuolumne County, California. Supervisor Hanvelt's district, which includes a great deal of the Stanislaus National Forest, was severely impacted by the Rim Fire—the largest fire in California's history. For all of the members on this subcommittee that have not seen the damage done by a catastrophic wildfire, I urge you to pay close attention to Randy's testimony. The Rim Fire burned 402 square miles.

Eric Hofer once observed that every great cause becomes a movement, which becomes a business, which becomes a racket. Environmental litigation has reached this last stage, and Congress has a responsibility to the American people to set things straight.