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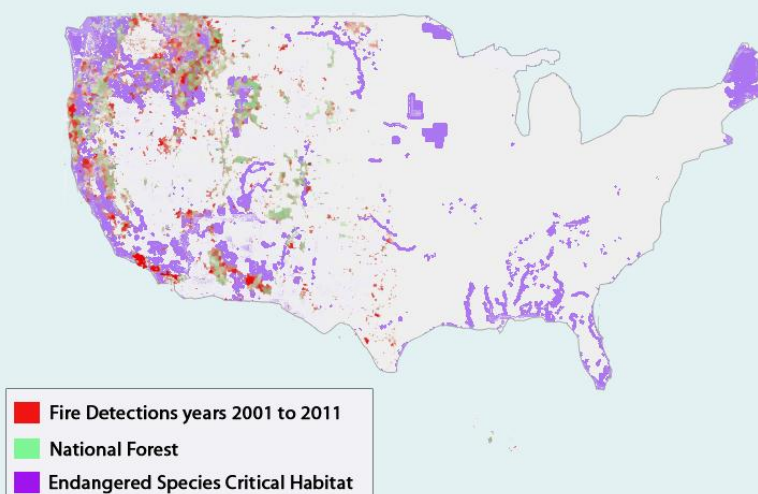
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All Witnesses Agree: Litigation, Red Tape Fuel Megafires that Damaging Forests, Communities, & Species

WASHINGTON, D.C. – Today, the House Natural Resources Committee held an [oversight hearing](#) on, “*The Impact of Catastrophic Forest Fires and Litigation on People and Endangered Species: Time for Rational Management of our Nation's Forests.*” The hearing focused on the devastating impacts of catastrophic wildfires on people and species and how Endangered Species Act litigation blocks activities that help prevent and fight fires.

“Information provided by the Justice Department to this Committee reveals that at least 59 environmental lawsuits against the Forest Service and BLM have been filed or are open during just the past four years. These suits have stopped most human or economic activity connected with forests, including eliminating thousands of jobs. They have also obstructed projects to improve species habitat on thousands of acres decimated by fires, by removing dead or diseased trees, maintaining access roads to fire areas, and removing ash and sediment. Ironically, some of these lawsuits aimed at ‘saving’ forests have resulted in their actual destruction, where once old-growth, critical habitat forests now resemble the moon’s surface after fires,” **said Chairman Doc Hastings (WA-04).** *“Our communities and endangered species deserve practical solutions now to address and reduce the risks of megafires. We owe it to them to improve federal forest health and species habitat and ensure that the Endangered Species Act works to protect species and people before and after these devastating fires occur.”*

Endangered Species Critical Habitat Destroyed by Wildfires



[José Varela López](#), President-Elect of the New Mexico Cattle Growers' Association, testified regarding obstacles Endangered Species Act related litigation creates that prevents proper forest management and significantly increases the time and resources necessary to suppress megafires. *"[T]he expense incurred to mitigate the immediate damage caused by the wildfires that decimate our fuel laden forests is many times more expensive than prudent, diligent forest management ever could be,"* said López. *"Additionally, proper and proactive forest management also provides jobs to rural communities, produces timber for homes and business, biomass for renewable energy, protects homes and other infrastructure, improves habitat for endangered species and other wildlife, increases forage production for livestock, and most importantly maintains or improves intact watersheds to deliver much needed water to our irrigated fields, municipalities and waterways."*

Environmental laws such as the Endangered Species Act have been used as a tool by third parties to effectively block proper forest management and fire suppression activities. **[Rick Dice](#), President of the National Wildfire Suppression Association**, representing 250 private fire contractors nationwide, and CEO of PatRick Environmental, a company that provides fire resources to multiple federal and state agencies for wildland fire suppression and other emergency efforts, discussed the obstacles firefighting crews face when trying to either prevent or suppress catastrophic wildfire. *"The Endangered Species Act, Federal Land Policy Management Act, and the National Environmental Policy Act individually provide important environmental safeguards. Collectively they overlap in contradictory ways that make it nearly impossible for the federal land managers, local elected officials, partnership groups, and private companies to navigate through the paperwork related to the laws."* Throughout his forty years in the firefighting business, Mr. Dice has observed a fundamental shift in federal land management. Rather than relying on proactive measures to prevent wildfire and promote forest health, land managers are forced to react to wildfires already in progress. *"We once worked in the woods to proactively prevent and or reduce damage from wildfires, now we only react to these larger catastrophic wildland fires after the ignition occurs,"* stated Dice.

Wyoming State Forester and Chair-elect of the Council of Western State Foresters [Bill Crapser](#) spoke of the barriers faced by states to achieve active forest management due to *"complex process requirements of federal laws, rules and policies"* including the Endangered Species Act, which discourages private landowners as well as states. *"Arguably, laws such as the ESA have placed too much focus on single species versus a comprehensive approach to resource management that looks at the full suite of ecological, economic and social issues and opportunities,"* he said. *"The use of the regulatory hammer causes confrontation with private forest landowners and...positive, voluntary incentives for landowners to manage their lands to provide habitat for threatened and endangered species would be more productive."* According to Crapser, *"The nation's forests will continually be subject to an increasing threat of wildland fire until barriers to active management are removed."*

When questioned by Chairman Hastings, **Alison Berry, an Energy & Economics expert at The Sonoran Institute**, [acknowledged](#) the need for federal reform of forest fire policy in order to reduce the risks of megafires. She also asserted that active forest management is necessary to prevent catastrophic wildfire. In fact, in a 2009 report on forest management, Ms. Berry wrote, *"The sources of the problems facing the Lolo and the Forest Service nationwide are many: never ending appeals and litigation drawing resources away from on-the-ground management, inherent flaws in large bureaucratic organizations relying on top-down planning, political interference, regulatory congestion, unstable funding streams, and so-on."* In the report, Ms. Berry went on to recommend that the Forest Service, *"Overhaul*

the public land laws that are dragging down federal land management. Reform should be directed at making national forests less vulnerable to seemingly endless litigation.”

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