



Written statement of

The Honorable Joel Bousman
Commissioner
Sublette County, Wyoming

On behalf of the National Association of Counties

U.S. House Committee on Natural Resources
Improving the Health and Resiliency of our Nation's Forests through Active Management

Testimony of the Honorable Joel Bousman, Commissioner, Sublette County, Wyoming

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Ranking Member Westerman and members of the U.S. House Committee on Natural Resources, thank you for holding this forum to explore solutions to reduce the risk of catastrophic wildfire and improve the resiliency of our national forests.

My name is Joel Bousman, and I have been a member of the Sublette County, Wyoming Board of Commissioners since 2007. I currently serve as the Chairman of the National Association of Counties' (NACo) Public Lands Steering Committee. I offer my testimony on behalf of NACo.

I am a lifelong rancher and resident of Sublette County, a rural county in Western Wyoming with a population of approximately 10,000. The county makes up approximately 4900 square miles and is home to a large portion of the Bridger-Teton National Forest. Our economy is based on the wise use of natural resources on federal and non-federal lands—from oil and gas development to livestock grazing to recreational activities in federally protected wilderness areas. In other words: the multiple-use mandate is the lifeblood of our economy.

Sublette County's government is constrained in collecting the necessary revenue to meet our governing mission because 78 percent of the land within our boundaries is federally owned and therefore tax-exempt. We are caught in limbo when it comes to financing essential county government services because the Payments In Lieu of Taxes (PILT) program is subject to the annual discretionary appropriations process. The Secure Rural Schools (SRS) program expired in September, forcing counties to consider making cuts to critical services, like search and rescue operations. We are excited to see the inclusion of one-year of full funding of PILT in the House Interior Appropriations bill and an extension of SRS in the Senate Energy and Natural Resources Committee's recent infrastructure bill. We respectfully request that Congress act on both vital programs to ensure continuity in county budgets.

In addition to the budgetary constraints caused by federal land ownership, the management decisions made by federal lands agencies directly impact county governments and residents. While counties work closely with the U.S. Forest Service (USFS), the Bureau of Land Management (BLM) and other agencies to better manage natural resources, we are constrained in our ability to influence outcomes. Federal land management practices over the last few decades have left our national forests overgrown, vulnerable to insect and disease infestation and increasingly fire prone.

Active forest management will reduce the threat of wildfire to our citizens and local communities in the West. Reducing fuel loads on our national forests will help to reestablish healthy, thriving ecosystems and improve local economies and landscapes. Healthy forests managed through practical, scientific practices purify air and water supplies, increase biodiversity, are less susceptible to catastrophic fire and support economic growth. Increasing commercial timber harvests from our national forests, expanded use of mechanical thinning and controlled burns, reducing red tape to get through the National Environmental Policy Act (NEPA) process, and combating frivolous special interest lawsuits will help to drastically improve the health of the National Forest System.

Counties play a key role in ensuring public safety, environmental stewardship and economic opportunities in and around federal forests. We are excited to see the recent reintroduction of *The Resilient Federal Forests Act*. This legislation will strengthen the partnership between counties and the federal government, streamline forest health regulations and reduce wildfire risks. We thank Ranking Member Westerman for sponsoring this legislation and encourage Congress to pass it swiftly.

Fire Threat and Impacts on Public Health and the Economy

The landscape-scale catastrophic wildfires in the national forests in Wyoming and other Western states have had a disproportionately large impact on our environment and communities. Fire seasons used to last for a few months—they now last an entire year. Increased wildfire suppression costs in money and man hours rob our national forests of much needed active management projects. On July 14, USFS Chief Vicki Christiansen sent a letter to all regional foresters calling up non-fire personnel earlier than normal to assist in combating wildfires to “respond to the enormity of the national wildfire crisis we all face.”

So far this year, over 2.5 million acres have burned nationwide. Record temperatures and drought have battered western communities and left us vulnerable to a longer, more catastrophic wildfire season. Sublette County is no stranger to wildfire.

Sublette County has had at least four major wildfires in recent years, including the Yellowstone Fire, in which adjacent fires spilled over into Sublette County. Other recent major fires include the Cliff Creek Fire and the Roosevelt Fire which destroyed approximately 70 homes in our county in 2018. The severity of all these fires could have been greatly reduced if the Forest Service had been engaged in active forest management practices. When the Bonneville Fire reached scientifically managed areas of the forest, the fire laid down and went around these areas as witnessed by helicopter flyovers.

Wildfires also have a detrimental effect on local public health. Smoke billows into the air, impacting children, sick people, and the elderly in particular. Warm daytime air lifts smoke higher into the atmosphere, but when cooler weather sets in at night, the smoke descends back into our communities. Furthermore, charred post-fire landscapes are vulnerable to mudslides, which can pollute water sources and risk lives and property.

Opportunities to Address Wildfire Threats

For the hundreds of counties around the country containing federal forest lands, including my home county, the health and resilience of our national forests has a direct impact on the health and safety of our residents. While the causes of catastrophic wildfire are complex, the *status quo* of inaction exacerbates the situation, presenting an enormous risk to surrounding communities and the environment. However, we can manage our forests in a sound, scientific manner that benefits our economy and environment.

Counties believe active management of federal lands and forests must be done in a sustainable manner that ensures the health of our federal lands. This can be achieved by promoting locally-driven

collaborative processes for consensus driven decision making. Counties across the United States have engaged in collaborative efforts to address their natural resources challenges. By bringing a broad cross-section of local stakeholders into collaborative processes, counties, industry, recreation groups, conservationists and federal and state land managers have solved some of the most complex natural resource management challenges. Management projects developed through consensus-based collaborative processes should be approved expeditiously to increase the number of acres treated. County governments help to build consensus by serving as cooperating agencies with federal agencies in the development of NEPA analyses. Furthermore, USFS is required to coordinate forest management plans with county government land management plans to reduce conflicts. Counties have a long track record of working in good faith through cooperation and coordination to build consensus.

In Sublette County, we have an active forest collaborative made up of all multiple use groups. Our collaborative works very closely with the Forest Service, BLM, the State Forestry Division, and Sublette County Unified Fire to address landscape health issues in the Wildland Urban Interface (WUI), fuels reduction and post-fire management projects in the national forest, and expanded use of active management tools. Our collaborative and our local population realize that a healthy, resilient forest is a benefit to all multiple users of the resource, including agriculture, recreation, and wildlife and the environment in terms of carbon sequestration. An actively managed forest sequesters carbon, while insect and disease infested or overgrown forests emit carbon during a wildfire. The smoke from out-of-control hot burning wildfires is a human health risk, whereas the smoke from a controlled burn is less harmful to human health.

The Sublette County Forest Collaborative is working with our federal agency partners and State Forestry to support development of a long-term management strategy that will identify board feet of timber available on a sustained basis, the accessibility of these areas, and a transportation system that will benefit not only active management, but recreation and all other multiple uses.

The Forest Service at this time lacks the capacity to engage in management at the level required to effectively address the issues we are talking about. Sublette County has engaged with State Forestry, using Good Neighbor Authority, to perform a small timber sale in the Upper Green portion of the Bridger-Teton National Forest. We would be interested in county Good Neighbor Authority if counties are authorized to keep the receipts from a timber sale and invest them into the next project, similar to state governments. Congress can further support these goals by funding our federal partners at levels that encourage them to ramp up timber sales, hazardous fuels reduction projects and stewardship contracting. It is in the interests of local communities, our nation's economy and the environment to also partner with private industries to better manage our forests. We also must develop solutions to deal with low-value wood products, such as increased research and technology in biofuels, which can reduce carbon emissions and contribute to healthier forestlands.

The cost of developing solutions that would result in sustained, active management leading to a healthy, resilient National Forest System would be offset by the reduction in cost of dealing with intense, out-of-control wildfires.

NEPA should be reformed by requiring the costs and benefits of a proposed forest project to be weighed against the consequences of doing nothing to address wildfire threats, disease and insect infestation, and potential impacts to local water supplies, air quality and wildlife habitat. The choice not to manage the forest is a management decision that directly impacts public health, safety and the environment.

In addition to improving forest health and reducing wildfire risk, active management will generate revenues for the federal and county governments and create good paying jobs that cannot be outsourced. The growth in stewardship contracting in recent years has shown that a market-driven approach to forest management projects can work to achieve both environmental goals and increased forest production. Counties support and are active partners in stewardship contracting initiatives across the United States. Forest revenue sharing payments support critical county services such as transportation infrastructure and education. Counties support expanding stewardship contracting receipt sharing to allow counties and tribes the same authority as states to reinvest receipts in management projects.

Finally, we must address the chronic litigation that hinders our resource and land management professionals and provides financial incentives to litigate projects. The Equal Access to Justice Act (EAJA) must be reformed to ensure litigants are not able to exploit the law and avoid legal caps on attorney's fees. EAJA's original intention was to compensate those without the financial means to challenge federal actions in court. While individuals with a net worth greater than \$2 million and organizations with a net worth above \$7 million are not eligible for reimbursement of legal fees, non-profit organizations are not subject to these limitations. Additionally, some litigants suing to stop land management projects have successfully argued their expertise is specialized, and therefore not subject to the cap. We need to prevent this abuse of a system designed to protect the vulnerable.

Conclusion

Ranking Member Westerman, thank you for the invitation to testify. Counties urge Congress to enact viable legislation, such as the *Resilient Federal Forests Act*, to help to slow the threat of catastrophic fire to federal lands, neighboring private lands, public health and rural economies. I appreciate the opportunity to tell Sublette County's story and to share some of our ideas for improving the health of our federal forest lands.