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Written Testimony on

**Legislative Hearing on Bills to  
Reduce Risk of Catastrophic Wildfire, Improve Forest Health; "The Catastrophic Wildfire  
Prevention Act of 2012"**

**July 20, 2012**

Before the

**United States House of Representatives  
Natural Resources Committee Subcommittee on National Parks, Forests and Public Lands**

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Dear Chairman Bishop, Ranking Member Grijalva and Members of the Subcommittee:

The National Cattlemen's Beef Association (NCBA), Public Lands Council (PLC) and Arizona Cattle Growers Association (ACGA) appreciate the opportunity to voice to the Subcommittee on National Parks, Forests and Public Lands our strong support for H.R. 5744, the Catastrophic Wildfire Prevention Act of 2012. H.R. 5744 was introduced by Congressman Gosar (AZ) to address the forest health, public safety, and wildlife habitat threats presented by the risk of wildfire, including catastrophic wildfire, on National Forest System lands and public lands managed by the Bureau of Land Management (BLM). The legislation would require the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development. Timber thinning and livestock grazing projects aimed at reducing hazardous fuel loads on our Nation's forests would be expedited, particularly in forests surrounding communities.

### **Dire Situation Facing the Nation's Forests**

Fires are a natural occurrence in forest ecosystems in North America and, when occurring in healthy forests, should be considered beneficial. Fire acts to remove excess debris including dead and dying trees and herbaceous material, providing sunlight and nutrients for subsequent growing seasons. Removing young trees where sufficient canopy cover exists helps maintain a balance within the forest system. However, while naturally occurring fire is good for healthy forests, catastrophic wildfire—a result of excessive forage and trees--causes great harm to forest

ecosystems. Roughly four decades of severe mismanagement of our National Forests has resulted in vast areas of public lands that have either recently experienced or are at risk of experiencing catastrophic wildfire. According to the Evergreen Foundation, forest density has increased 40 percent in the U.S. over the last 50 years. ([http://evergreenmagazine.com/pages/Forest\\_Facts-v2.html](http://evergreenmagazine.com/pages/Forest_Facts-v2.html)). Also on the rise, largely as a result of this overgrowth, is insect infestation. According to the U.S. Forest Service, thinning trees would help put a stop to the growing pine bark beetle epidemic, which currently affects over four million acres across South Dakota, Wyoming and Colorado alone (<http://www.fs.fed.us/rmrs/bark-beetle/faq/>). Under current management, however, the infestation is leading to dead trees—and even more risk of catastrophic fire.

According the USDA Forest Service Rocky Mountain Research Station in Missoula, Montana there are vast areas of federal land managed by the federal government which are not meeting “condition class I” standards. “Condition class I” classification means fuel loads are within their historical range. According to the research station’s data released in February 2001 (which is the most recent data), only 31% or about 52 million acres of forested land managed by the federal government are classified as “condition class I,” leaving more than two thirds of the forests with fuel loads exceeding historical levels, which puts those lands and the surrounding areas at risk of wildfire (potentially catastrophic). Specifically, lands designated as “condition class II,” or lands characterized by vegetation that is moderately altered from historic levels, equate to about 66 million acres. Lands classified as “condition class III,” or lands characterized by vegetation that is significantly altered from historic levels, consists of about 50 million acres ([http://www.firelab.org/ScienceApps\\_Files/downloads/coarsescale/data\\_summary\\_tables.pdf](http://www.firelab.org/ScienceApps_Files/downloads/coarsescale/data_summary_tables.pdf) - Rocky Mountain Research Station report).

What are the effects? According to the National Institute for the Elimination of Catastrophic Wildfire, overstocked tree stands and dense canopies have contributed to “such disastrous fires as the 2002 Hayman Fire in Colorado, the 2008 fires in Trinity and Siskiyou counties of California, and the 2011 New Mexico and Arizona fires; more than one million acres of valuable national forest resources have been destroyed by these wildfires alone.” (<http://www.stopwildfire.org/>). In Texas in 2011, roughly 4 million acres, nearly 3,000 homes and over 2,700 other structures were destroyed by wildfire.

This year, this situation does not look much better. As of last month, over 25,000 fires had burned well over a million acres just this year ([http://www.amforest.org/images/pdfs/AFRC\\_Newsletter\\_6-22-12.pdf](http://www.amforest.org/images/pdfs/AFRC_Newsletter_6-22-12.pdf)). According to the National Interagency Fire Center, “Worsening drought conditions in the West are leading to below normal live and dead fuel moistures and above normal Energy Release Components (ERCs) from the southern California mountains east through New Mexico and Colorado, and north through Montana and the Dakotas. Expanding drought in the Midwest could lead to low fuel moistures in the Ohio and Mississippi Valleys. Additionally, many of these areas have increased fine fuel loading from lingering dead, standing fuels and below normal snowpack, creating a heavy and continuous fuel bed” ([http://www.predictiveservices.nifc.gov/outlooks/monthly\\_seasonal\\_outlook.pdf](http://www.predictiveservices.nifc.gov/outlooks/monthly_seasonal_outlook.pdf)).

One need only take a look at individual states to know the seriousness of the situation.

Colorado, for example, has seen over 85,000 acres and many structures burn, with more expected as the summer progresses. According to the American Forest Resource Council (AFRC), the state has vast acreages of lodgepole pine dying off due to insect infestation, but virtually no action has been taken to protect or thin the forests. Colorado has also lost most of its sawmilling infrastructure due to litigation, appeals and the inability of the Forest Service to offer timber sales. The southwestern United States, says AFRC, is facing the same fate. New Mexico has already seen nearly 350,000 acres burned. Fires are also taking a heavy toll in Montana, Nevada, California and Oregon. Southeastern Oregon's "Long Draw" fire, the biggest Oregon burn since 1865, spans over a half-million acres and has officially claimed 200 livestock; 400 more cattle are missing. Ranchers in this area and across the west will be in dire need of pasture. Some of them will likely go bankrupt and out of business.

### **What's the Cost?**

The fiscal costs of wildfire extend far beyond just suppression. However, suppression expenditures (aviation, engines, firefighting crews, agency personnel, etc.) are nonetheless formidable, adding up to over \$1 billion annually. And even though the agencies are dedicating more and more resources to wildfire suppression (the U.S. Forest Service spends nearly half its budget fighting fire), the number of burned acres continues to rise (<http://www.idahoforests.org/img/pdf/FUSEE.pdf>).

Fire suppression costs do not account for local and state governments' expenditures, or for the loss of private property, timber and forage loss, damage to utility lines, evacuation aid, and many, many more costs. The National Institute for the Elimination of Catastrophic Wildfire estimates that "overall damage costs of wildfires range from three to 10 times fire suppression costs, not counting associated property losses and personal injuries and deaths" (<http://www.stopwildfire.org/>). For ranchers, the costs include dealing with displaced cattle; lost pasture that takes years to recover; repairing fences, waterlines, and other infrastructure; and death loss of livestock to fire. In Arizona in 2011, the Arizona Cattle Growers Association reported that major fires impacted at least 100 ranching families and displaced approximately 10,000 head of cows and 8,000 head of calves.

### **Why does this situation exist?**

It has become all too clear from the millions of charred acres across the west, that the planning process currently in use by the federal agencies is woefully broken. Planning, studying, consulting, litigating, appealing then planning and studying more for months and even years on end is not working and must be changed. How long do we have to watch subdivisions go up in smoke on the nightly news before our country wakes up and stops the dangerous mismanagement of public lands?

There are many reasons why the federal government finds itself in a situation where over two-thirds of the land it manages is at risk of catastrophic wildfire due to fuel loads in excess of historical norms. The various reasons for the burgeoning fuel loads have one common theme:

overregulation and, as a result, environmental litigation that creates a self-perpetuating cycle. According to the BLM, livestock grazing has been reduced on BLM lands by as much as 50 percent since 1971, while the timber industry has been nearly destroyed over the last 30 years—all almost entirely due to federal laws and regulations and predatory environmental groups.

For far too long we have allowed outside interests and bureaucratic paralysis to dictate the management of our Nation's forests. Our federal government needs to reduce the current bureaucratic planning process and litigious playing field that our forests have been subject to for most of the last 30 to 40 years. Radical environmental groups masquerading as government watchdogs or protectors of the wildlife and forests drive their anti-livestock, anti-logging agenda through endless lawsuits and appeals – often times collecting attorney's fees in the process.

One of the major impediments to efficient management of National Forest System Lands is the National Environmental Policy Act (NEPA), an act intended to require agencies to analyze alternatives when making major decisions. Unfortunately, the law has been abused to the point that NEPA has become an endless process, creating a state of gridlock. The excessive regulations resulting from NEPA have led to massive paperwork backlogs. On grazing Forest Service decisions alone, the agency estimates that there are currently approximately 2,600 grazing allotments that (as interpreted by the courts) “need” NEPA analysis. Such backlogs inevitably lead to litigation from extremist environmental groups, who wait in the wings to sue on process-based matters such as missed deadlines. Their lawsuits then suck up more resources, creating the aforementioned self-perpetuating cycle—and keeping agency personnel from doing the job we hire them to do: work with ranchers and other on-the-ground managers to care for the land. Instead, our members' livelihoods are being jeopardized, as are the land, the environment and wildlife. Such “management” is unacceptable.

In addition to NEPA, the Endangered Species Act (ESA) has been abused to drive the anti-livestock and anti- multiple-use agendas of special interest groups. The irony is that wildfire poses a great threat to many wildlife species, yet the ESA is often used to limit activities such as timber thinning and livestock grazing that reduce fuel loads and diminish the instances of wildfire. Critical habitat designations for the spotted owl have all but whipped out the timber industry in the northwest. Mexican Spotted Owl and Goshawk critical habitat designations have impacted ponderosa pine/conifer forests all over the West, and have resulted in substantial reductions in livestock grazing over the years (of note: over half of the Mexican Spotted Owl nesting sites were destroyed in the Wallow Fire). Heaven help the sage grouse, should the U.S. Fish and Wildlife Service decide to list it as a “protected” species: the listing has the potential to limit or remove the most important tool to reducing the threat of wildfire on the sage brush sea-grazing. How can we continue to allow species “protection” to be the source of such destruction?

A number of other laws and regulations limit the management of our nation's forests to little more than preserves devoid of sustainable resource management through multiple-use activities.

### **Grassroots effort to bring commonsense solutions forward**

In 2011, in an effort to respond to the problems and threats faced by the livestock industry and communities across the west and in Arizona particularly, the Arizona Cattle Grower's Association drafted the Save Arizona's Forest Environment (SAFE) plan. This grassroots effort led directly to ACGA and the national livestock associations working together to pass policy and, ultimately, work with Congress to develop legislation to provide solutions.

More than twenty-five entities, listed below, endorsed ACGA's original SAFE plan, including Arizona's state Senate and House. The plan's goal was—and is—to reduce fuel loads and take other appropriate actions so that the risk of catastrophic wild fire is reduced in Arizona's National Forests by providing for long-term, self-funding mechanisms and infrastructure to eliminate the dangerous accumulation of overgrown trees and forests. More specifically, the plan seeks to achieve forest health, protect adjacent communities from catastrophic fire, achieve other forest management goals, and maintain Arizona's Forest lands in an ecologically sustainable condition. The ACGA proposes to use proven silvicultural practices, prescribed fire and proper forage management to achieve these goals. The Catastrophic Wildfire Prevention Act of 2012 shares the core principles of the SAFE plan.

#### **Endorsing Organizations of ACGA's SAFE Plan:**

National Cattlemen's Beef Association	City of St. Johns
Public Lands Council	Town of Pima
Yavapai County BOS	Catron County, New Mexico
Town of Prescott Valley	City of Safford
Mohave County BOS	Greer Fire District
Town of Chino Valley	Tri City Councils (Kingman, Bullhead City, Lake Havasu)
Sedona-Verde Valley Association of Realtors	Arizona Senate Committee on Water, Land Use and Rural Development
City of Cottonwood	Town of Thatcher
City of Kingman	Arizona House of Representatives
Town of Camp Verde	Committee on Energy and Natural Resources
Town of Miami	Town of Duncan
Town of Globe	Hidalgo County, New Mexico
Town of Eagar	City of Prescott, Arizona
Town of Springerville	
Lake Havasu City	

### **Catastrophic Wildfire Prevention Act of 2012**

In an effort to provide efficiencies to the regulatory process for reducing fuel loads on federal lands, Congressman Gosar introduced the Catastrophic Wildfire Prevention Act of 2012. The proposed legislation will expedite projects (timber thinning and livestock grazing), encouraging free enterprise solutions on federal lands to reduce the threat of catastrophic wildfire, ultimately reducing threats to communities, the landscape, and endangered species.

The bill proposes to first and foremost address areas with homes in the wildland/urban interface (where federal lands are adjacent to communities.) This element is important, as an estimated 44 million homes in the U.S. are currently located in fire-prone wildland/urban interface areas, and the Forest Service predicts a 40% increase in new homes in similar areas by 2030

<http://www.idahoforests.org/img/pdf/FUSEE.pdf>). It also focuses on the aforementioned “At-Risk Forests,” which include all federal land classified as condition II and III by the Rocky Mountain Research Station report titled “Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management.”

In these at-risk areas and in areas where endangered species are found, the bill expedites projects that focus on surface, ladder, and canopy fuels reduction activities and that enhance threatened and endangered species habitat. Informal consultation under the Endangered Species Act would be completed under the emergency provisions of the Act. Prior to the listing of any species under the Endangered Species Act research will be conducted to measure the impact a listing will have on fuel loads. Recovery plans and critical habitat designations will have catastrophic fire risk assessment analysis included.

Exceptions to utilization standards would be made for livestock grazing for fuels-reduction projects in the at-risk areas. Timber harvesting and thinning would also be authorized projects. Resource management plans, land use plans and forest plans would not have to be amended while implementing authorized projects. The Secretaries would complete an environmental assessment for timber harvest and grazing projects within 30 days after notice in the federal register. Failure to meet this deadline would deem projects compliant with all requirements under NEPA. Grazing projects would be approved for a minimum of 10 years and timber projects for a minimum of 20 years. Adequate public review (30 days) would be allowed. In order to prevent litigation, the only members of the public allowed to comment on the final decision would be those who commented on the draft.

## **Conclusion**

The National Forests are capable of providing the many values and benefits that people expect from our forests, but they need proper management in order to provide these values. The livestock industry supports prescribed fire, commercial timber harvest, noncommercial treatments and enhanced forage harvests on federally-managed forests. Further, we believe that commercial utilization payments could play a large role in bringing back private investment to help finance the many and extensive treatment needs of the forests.

It will be through the empowerment of private investment, individuals and communities that we set the guidepost for future forest planning. We need to direct and see through the initiative to return people to work in the woods, protect habitats and communities and return to the days of 5,000 to 10,000 acre fires in our forests – not 500,000 acre catastrophes.

We urge the committee to advance the Catastrophic Wildfire Prevention Act of 2012 without delay, to enact commonsense solutions to reduce the threat of wildfire on public lands. H.R. 5744 will provide tools the agencies need to effectively manage the Nation’s forests.

Again, we thank you for the opportunity to provide these comments to the Subcommittee. If you have any questions concerning these comments or need further information, you may contact

Dustin Van Liew at the Public Lands Council and National Cattlemen's Beef Association as our point of contact.

Sincerely,

David Cook  
National Cattlemen's Beef Association  
Public Lands Council  
Arizona Cattle Grower's Association