

Subcommittee on Federal Lands

Tom McClintock, Chairman
Hearing Memorandum

June 5, 2018

To: All Subcommittee on Federal Lands Members

From: Majority Committee Staff— Chris Marklund
Subcommittee on Federal Lands (x6-7736)

Hearing: Oversight Hearing entitled: “*Wildfire Risk, Forest Health, and Associated Forest Management Priorities of the U.S. Forest Service*”
June 7, 2018 at 2:00p.m. in 1324 Longworth House Office Building

Summary

The Subcommittee on Federal Lands will hold an oversight hearing on “*Wildfire Risk, Forest Health, and Associated Forest Management Priorities of the U.S. Forest Service*” on **Thursday, June 7, 2017, at 2:00 p.m.** in 1324 Longworth House Office Building. During the 115th Congress, the Subcommittee has held several hearings examining the health of National Forest System (NFS) lands, management challenges facing the Forest Service, as well as the extreme wildfire risk present on NFS lands. Protracted environmental reviews, obstructionist litigation and challenges associated with “fire borrowing” were commonly cited as barriers to increasing the pace and scale of active management of NFS lands. The Subcommittee’s legislative work culminated with H.R. 2936, the Resilient Federal Forests Act of 2017, which passed the House on November 1, 2017.

The Consolidated Appropriations Act for Fiscal Year (FY) 2018 had several forest management and fire borrowing reform provisions, including more than \$20.8 billion in new budgetary authority from FY 2020 to FY 2027 to end fire borrowing, and a new categorical exclusion from National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 et seq.) review for wildfire resilience projects. With the enactment of a fire funding fix, Congress must now exercise its oversight authority to ensure the Forest Service is stepping up to address management priorities that have long been neglected.

Witnesses

Ms. Vicki Christiansen
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Background

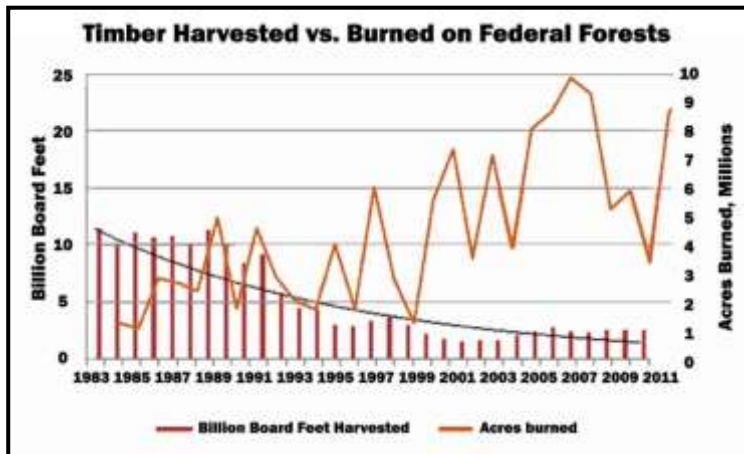
America's 154 national forests¹ are becoming increasingly overgrown, insect- and disease-infested fire-prone thickets due in part to a lack of active management, such as forest thinning, to promote resiliency and enhance forest health. As a result, insect infestations are killing mature trees on millions of acres of federal forests and catastrophic wildfires are burning unusually hot and growing in number and scale, with devastating impacts on the environment.



Map 1: Source: USDA Forest Service

The U.S. Forest Service (USFS) manages mostly forested areas in 43 States and Puerto Rico,² an area equivalent to approximately ten percent of the continental U.S. land base (193 million acres).³ In written testimony before the Senate Energy and Natural Resources Committee in 2015, Forest Service Chief Tom Tidwell indicated, “58 million acres of national forest are at high or very high risk of severe wildfire”⁴ – or nearly one third of all of the USFS’s acreage and an area roughly the size of Pennsylvania and New York combined.

The USFS faces numerous barriers to greater forest management and health, including administrative obstacles (e.g., cumbersome planning processes, high costs and analysis paralysis), legal obstacles in approving forest management projects, and budgetary uncertainties associated with fire borrowing – the practice of diverting funds from other USFS programs to pay for immediate wildfire suppression needs - exacerbate the ongoing forest health crisis.



Source: United States Senate Environment and Public Works Committee, Critical Thinking on Climate Change, September 4, 2014

USFS can employ various forest management activities, such as thinning to reduce stand density, to promote resiliency against forest health threats like insects and disease and against wildfire. Commercial timber harvests and stewardship contracts often accomplish these necessary management activities on USFS lands.

From the mid-1950s through the mid-1990s, the amount of timber harvested from the national forests averaged 10 to 12 billion board feet.⁵

¹ Ibid. About the Agency.

² Ibid.

³ Ibid. By the Numbers.

⁴ Ibid. Chief Tom Tidwell Testimony.

⁵ Ibid. USDA Forest Service, FY 1905-2015 National Summary Cut and Sold Data and Graphs, January 20, 2016.

In FY 2015, USFS harvested less than 2.9 billion board feet of timber across 204,763 acres;⁶ a small fraction of the acreage in need of treatment. Beginning in 1996, the average amount of timber harvested from federal forests fell to between 1.5 and 3.3 billion board feet.⁷ Conversely, since 1996, the average annual number of acres burned due to catastrophic wildfire totaled over 6.2 million acres per year.⁸

Significant Impacts of Catastrophic Wildfire

Annually, there are more than 7,000 fires on NFS lands.⁹ The 2017 fire season recorded over 8.5 million acres burned by wildland fire, including over 2.3 million acres burned on NFS lands, the most since 2012.¹⁰ Catastrophic wildfires have far-reaching impacts on impacted landscapes and surrounding areas, including:

- *Water* -- One of the biggest post-catastrophic wildfire challenges is the impact of ash and debris on domestic water delivery and water quality. Water agencies have spent hundreds of millions of dollars to dredge reservoirs, clean intake facilities and replace burned-up infrastructure.¹¹ Mudslides, flooding and erosion, which often occur on the heels of a severe wildfire, threaten water availability and water quality.¹²
- *Wildlife Habitat* -- Agency staff rate catastrophic wildfire as one the biggest threats to endangered species habitat. As wildfires continue to increase in size, number and intensity, their adverse impacts to wildlife habitat grow as well. Hot, long-burning fires scorch nutrients out of the soils and reduce water retention, both of which are critical to reestablishing vegetation after a fire.
- *Rehabilitation Costs* -- The direct costs to the USFS for responding to the impacts of catastrophic wildfire, including landslides, flooding and other threats to life, property, water quality and ecosystems, have topped \$166 million from FY 2011 to FY 2016.¹³ This figure does not include costs to private landowners, counties, municipalities and water districts.
- *Reforestation Needs* -- At the beginning of FY 2017, USFS identified 1,125,931 acres (1,759 square miles) in need of reforestation treatment because of the impacts of catastrophic wildfire.¹⁴
- *Property* -- The impact to homes has been devastating. Between 2006 and 2016, USFS reported that wildfires destroyed 36,827 structures.¹⁵

⁶ USDA Forest Service, Fiscal Year 2017 Budget Justification, February 2017.

⁷ Ibid. FY 1905-2015 National Summary Cut and Sold Data and Graphs.

⁸ Ibid. Total Wildland Fires and Acres (1960-2015).

⁹ Forest Service FY 2019 Budget Justification, page 127.

¹⁰ Forest Service FY 2019 Budget Justification, page 128.

¹¹ Andy Fecko, Director of Resource Development, Placer County Water Agency, in testimony before Federal Lands Subcommittee on April 23, 2015, information provided by Jim Lochhead, Director, Denver Water Board and others.

¹² Doug Inkley, 5 Ways Wildfires Threaten Western Wildlife, National Wildlife Federation, June 19, 2012.

¹³ Total expenditures for the Burned Area Emergency Response program FY 2011 to FY 2016. Data provided by the U.S. Forest Service in response to a request from the Committee.

¹⁴ USDA Forest Service, Fiscal Year 2017 Budget Justification, February 2017.

- *Human Life* -- Most tragic has been the 349 wildfire-related fatalities which have occurred over the past twenty years.¹⁶

H.R. 2936, the Resilient Federal Forests Act of 2017

H.R. 2936, the Resilient Federal Forests Act of 2017, is the legislative culmination of the Federal Lands Subcommittee’s oversight of the causes of and solutions to, our nation’s forest health crisis. It is a compilation of the best legislative concepts introduced in this and previous Congresses to address the disastrous consequences of catastrophic wildfire and other threats to our nation’s federal forests and the inability of the USFS and the Bureau of Land Management (BLM) to address those threats.

The legislation does the following for our federal forests:

- Utilizes tools that USFS and BLM can implement immediately to reduce the threat of catastrophic wildfire, insect and disease infestation and damage to municipal watersheds.
- Utilizes tools that USFS and BLM can implement immediately to quickly remove dead trees after wildfires (in limited areas) to pay for reforestation and rehabilitation after fire and reduce threats to infrastructure and human health and safety.
- Incentivizes collaboration and speeds the implementation of collaborative projects.
- Creates a pilot program to resolve legal challenges against forest management activities through binding arbitration, providing outside organizations the opportunity to offer an alternative to the challenged activity to be weighed against the USFS or BLM proposal by an independent arbitrator.
- Simplifies environmental process requirements, reduces project planning times and lowers the cost of implementing forest management projects, while still ensuring robust protection of the environment through thorough environmental review.
- Encourages and accelerates wildlife habitat improvement for wild turkey, ruffed grouse, elk and deer and other “early seral” species. USFS is significantly behind on its targets for this type of wildlife habitat.
- Updates and modernizes the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393) and further empowers the Resource Advisory Committees that have brought diverse viewpoints together to solve national forest management problems.

¹⁵ National Interagency Coordination Center (NICC) Wildland Fire Summary and Statistics Annual Reports, <https://www.predictiveservices.nifc.gov/intelligence/intelligence.htm>

¹⁶ National Interagency Fire Center, Wildland Fire Accidents and Fatalities by Year, https://www.nifc.gov/safety/safety_documents/year.pdf

- Provides new methods of funding USFS and BLM projects such as “revolving funds” for projects on national forests funded by States (Montana, New Mexico and Oregon have made efforts to fund national forest projects to prevent catastrophic wildfire).

H.R. 2936 was reported out of the Committee in October 2017, by a vote of 23-12 and reported by the House Committee on Agriculture by voice vote on the same day. In November 2017, the bill passed the House of Representatives with a bipartisan vote of 232-188.

Consolidated Appropriations Act, 2018 (H.R. 1625)

H.R. 1625 included several provisions to provide new forest management authorities to USFS and combat fire borrowing.

H.R. 1625 authorized a new categorical exclusion under NEPA for forest management projects that promote resilience to insects, disease and wildfire that have been developed through a collaborative process. The categorical exclusion prioritizes work in the wildland urban interface and limits projects to no more than 3,000 acres in size. The legislation also expands the applicability of NEPA action/no-action analysis for fire and fuel break projects, extends the maximum term for stewardship contracts for up to 20 years, and includes new authorities for the reconstruction, repair, or restoration of a road that is necessary to carry out a good neighbor agreement. Also included in the legislation were provisions to streamline and improve the way the Department of Agriculture and Department of the Interior develop vegetation management plans for utility rights of way. Similar vegetation management legislation, H.R. 1873, was reported favorably by the Natural Resources Committee on June 12, 2017.

H.R. 1625 also provided new budgetary authority to address the practice of so-called “fire borrowing”. Beginning in FY 2020, H.R. 1625 provides \$2.25 billion in new budgetary authority to fund fire suppression costs that exceed Congressionally-appropriated amounts. Congressional appropriations must provide at least the President’s FY 2015 budget request (\$1.011 billion). The new budget authority increases by \$100 million each year, capping out at \$2.95 billion in new budget authority in FY 2027. Taken in total, the authority provides \$20.8 billion in new budgetary authority from FY 2020 to FY 2027 over the life of the authorization.

Fiscal Year 2019 Budget Request

USFS FY 2019 Budget Request

FY 2018 Omnibus	\$5.93 billion
FY 2019 President’s Request	\$4.77 billion¹⁷

The FY 2019 President’s budget request was a total of \$4.77 billion for the USFS. Of note, the request includes \$1.72 billion allocated for the management of NFS lands and \$2.5 billion for Wildland Fire Management. The President’s FY 2019 budget request for USFS represents a \$1.6 billion decrease from FY 2018 appropriations.¹⁸

¹⁷ Forest Service FY 2019 Budget Justification, page 1.

¹⁸ Forest Service FY 2019 Budget Justification, page 1.

National Forest System Management

FY 2018 Omnibus	\$1.92 billion
FY 2019 President's Request	\$1.72 billion¹⁹

Within the USFS budget, funds appropriated for the NFS provide for the operations, management, and protection of our nation's forest lands, including funds to support hazardous fuels reduction and other active management activities. Within this allocation, the forest products and hazardous fuels accounts support many of the activities that are critical to creating and sustaining healthy and resilient landscapes and communities.

For the Hazardous Fuels Reduction program, \$390 million is proposed. This program supports the USFS' mission to improve the condition of federal forests and grasslands and enhance their resilience to wildfires.²⁰ For FY 2017, USFS reported it "treated over 2,750,000 million acres of NFS lands and adjacent areas to mitigate wildfire risk. Nearly 60 percent of these acres were in high-risk wildland-urban interface (WUI) areas."²¹ In comparison, 2.75 million acres represents approximately 4.6 percent of the 58 million acres at high and very high risk of severe wildfire.

The Forest Products program provides funding to complete analysis, planning, implementation and administration of timber sales, among other functions. For FY 2019, the President's budget requests \$341 million for the Forest Products line item, a decrease of \$25 million from FY 2018 enacted levels.²² With these funds, USFS has set a goal of 3.7 billion board feet of timber sales on an estimated 2.1 million acres of forest land in FY 2019, an increase of approximately .6 billion board feet over the FY 2017 sale level of 3.023 billion board feet.

Wildland Fire Management

FY 2018 Omnibus	\$2.8 billion
FY 2019 President's Request	\$2.5 billion²³

The FY 2019 President's budget requests \$2.5 billion for the Wildland Fire Management program. Over half of the funds (\$1.34 billion) are allocated to Preparedness, to maintain the agency's firefighting capability, and fund all base salary costs for firefighters.²⁴ The rest of the \$1.165 billion is allocated to Suppression, fully funding the rolling 10-year average for wildfire suppression costs. This line item funds the rolling 10-year average expenditures for fire suppression.²⁵

¹⁹ Forest Service FY 2019 Budget Justification, page 61.

²⁰ Forest Service FY 2019 Budget Justification, page 66.

²¹ Forest Service FY 2019 Budget Justification, page 77.

²² Forest Service FY 2019 Budget Justification, page 68.

²³ Forest Service FY 2019 Budget Justification, page 118.

²⁴ Forest Service FY 2019 Budget Justification, page 121.

²⁵ Forest Service FY 2019 Budget Justification, pages 121 and 122.