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Restoring America's National Forests with Good Science, Collaboration and Planning

Subcommittee on Federal Lands

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oversight hearing titled, "*Litigation and Increased Planning's Impact on Our Nation's Overgrown, Fire-Prone National Forests.*"

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I want to thank Chairman McClintock and Ranking Member Tsongas for inviting The Nature Conservancy to participate in this hearing concerning frustrations on the catastrophic fire risks faced by many of our National Forests. All of us gathered here today share a common interest in fostering healthy, productive and enduring National Forests that can continue to provide water, habitat, recreation, forest products and many other goods and services that are vital to America. I am honored to be part of this panel.

We believe that healthy National Forests are a great asset to America. These cherished lands produce our water, provide forest products and recreational opportunities and jobs, and support our wildlife and fish heritage. The freedom for Americans to roam and enjoy these vast and wonderful lands and waters is globally renowned. We also recognize that these lands are in need of expanded forest and watershed activity to increase forest resiliency and reduce risks of catastrophic fires. We cannot wait to act. My organization is deeply vested in helping the USDA Forest Service, local communities and many partners work to increase the pace and scale of restoration management. We believe that progress is being made, and this testimony will outline some ways to work together, integrating conservation, industry and public interests, to improve the outlook for the future of our National Forests.

My name is Christopher Topik; I am the Director of The Nature Conservancy's *Restoring America's Forests* Program. The Nature Conservancy is an international, non-profit conservation organization working around the world to protect important lands and waters for people and nature. Our mission is to conserve the lands and waters upon which all life depends. I have been working on forest ecology, management and policy full time since 1980. For the past four years I have had the honor and great experience of working for the Nature Conservancy throughout the United States. My specific project features thirteen large scale forest restoration partnership efforts with the USDA Forest Service and many others that touch down in 23 states. I have had the opportunity to visit all of these sites and to examine in some detail how collaborative methods can foster community engagement that provides the basis for forest restoration and accomplishments on the ground, benefitting people and nature. Also of note to this hearing, for the past three years I have served on the USDA Federal Advisory Committee

(FACA) sanctioned National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule as a conservation or watershed organization representative.

Once again, we are gathered in the spring as we ponder the potential for another extreme wildfire season ahead. The extreme drought in California and other western areas suggests that terrible, disastrous forest fires may occur again. In many cases the confluence of weather, high winds and dry fuels will lead to catastrophic megafires. We know this can happen, and we also know that there are a host of actions that we and society can jointly undertake to reduce and in some cases prevent these negative impacts while also providing healthy water supplies, forest products, and enhanced recreation opportunities and more resilient forests with improved wildlife habitat.

In my time here this morning, I would like to focus on positive methods to bring science, communities and people together to create and implement common visions that make forests more resilient and less fire prone. I believe that this can be done largely under existing law, without removing access to the judicial branch of government. This requires people and communities to invest time and personal effort to listen to the needs of others and it requires joint problem solving by the Forest Service and communities. The experience of The Nature Conservancy around the United States is that collaborative groups can indeed facilitate the implementation of forest and watershed management projects that enhance habitats while protecting communities. However, this will require increased investment by society at all levels of government as well as industry and non-governmental groups to foster science-based projects that take into account local needs and provide for local and national benefits. We support landscape scale restoration focused, active management that builds resiliency back into America's forests. Active management includes an appropriate understanding of social and economic values.

Climate change is exacerbating the fire problem as our forests are becoming warmer, dryer and subject to both more extreme weather events and longer fire seasons. The Forest Service itself expects severe fires to double by 2050, according to the US Global Change Research Program. The third biggest fire year since 1960 was in 2012, with 9.3 million acres burned—the Forest Service is estimating 20 million acres to burn annually by 2050. We are already seeing these impacts: the Four Corners region of the Southwest has documented temperature increases of 1.5-2 degrees Fahrenheit over the last 60 years.

The recent comprehensive climate science synthesis for the US Forest Sector suggests that, whereas currently forests sequester fully thirteen percent of the nation's fossil fuel carbon emissions, trends in forest cover loss due to fire, urbanization and other impacts will make forests a net emitter of carbon by the end of the century. This is another major reason why society should invest in keeping forests as forest. Besides all the historic and substantial benefits of forests mentioned above, maintaining forest cover is probably one of the most cost effective ways our nation has to mitigate climate change simply by helping forests adapt and become more resilient.

Today I am not going to focus on barriers imposed by litigants who oppose forestry projects. The Nature Conservancy does not litigate federal activities that we feel are in error. As major land owners and managers ourselves, we will act to protect those land interests. We are sensitive to concerns by others in society, but we prefer to work with federal officials and communities to construct project proposals that will not attract litigation while at the same time we recognize that certain parties often appear to be more litigious than solution oriented. We believe that the benefits of open and transparent government decision making that is fostered by proper use of the National Environmental Policy Act (NEPA) procedures is well worth the potential delays that some litigation can cause, as nearly every forest plan we have seen has resulted in a better plan through public engagement and participation. Diminishing NEPA will only weaken citizens' ability to have a voice in the management of the lands and waters they own. We also believe that carefully crafted land management plans and projects that reflect collaboration, science and community needs will face much less litigation and will withstand nuisance cases.

I. Science and evidence based assessment and management

The Nature Conservancy is a science-based conservation organization that believes that adequate science, including social sciences and economics, coupled with traditional knowledge and community values, is essential to create the atmosphere and the basis for forest management vision that bring people together in common pursuit of forest restoration. Our recently released, 20th anniversary edition of "Conservation By Design" [<http://www.nature.org/science-in-action/conservation-by-design/index.htm>] provides a framework for evidence based assessments, situation analyses and strategy and opportunity mapping for management action. Forest management projects that are not based on sound science are doomed to fail. It is essential to invest in up-front science and community engagement to help evaluate various alternative management paths and allow for common understanding of the likely results that different forestry actions will have on the ground. The current reductions in science capacity within the ranks of the National Forest System (NFS) management staff, as well as in the research and development branch, has made it more difficult to engage in adequate and sufficient scientific evaluations and assessments. The social and economic sciences in particular are lagging in capacity compared to the great need across the NFS.

II. Collaboration

It has become almost a cliché in the United States to hear people talking of the need for collaboration among various interest groups and across sectors of society. This applies to government activities as well as industry. Although collaboration in forest management is not a panacea, it does form the key basis for success to foster common understanding and to facilitate processes that can create new solutions to old issues and positions.

Collaboration in forestry and watershed management takes time and it takes commitment. It is not easy for communities and for governmental officials to take the time to understand the positions and needs that others may have. We understand that collaboration often seems like a lot of time spent talking, when the parties would rather be out in the woods pursuing projects that reduce fire danger. We do believe that enduring success at forest management will be much more difficult without investment of time, resources and energy in collaboration at various levels of government and landscapes. I'll briefly mention two current governmental programs that have

great potential for enhancing treatments for fire prone forests: the National Cohesive Wildland Fire Management Strategy (cohesive strategy) and the Collaborative Forest Landscape Restoration (CFLR) program.

National Cohesive Wildland Fire Management Strategy

For the past year, I have been deeply engaged in the Cohesive Strategy because it brought together Governmental sectors at all levels to enhance fire adapted landscapes and communities while enhancing wildfire operations. We see that the Cohesive Strategy is perhaps the most meaningful way to get all layers of government (finally) working together: cities, counties, states, tribes and our Federal Departments of Agriculture, Interior, Defense, and Homeland Security. This is vital because impacts of fire affect most aspects of life in our country including our water supplies, the air we breathe, the recreational open spaces that we cherish, our wildlife and fish, and vital wood products that are needed by society.

The Conservancy is engaged in each of the three key elements of the Cohesive Strategy. First is restoring and maintaining resilient landscapes. Only by working together across all of these levels of government and at various scales can we expect to make the big changes to forest management that are needed to foster forest resilience and reduce megafire risk to our National Forests. This focus on resilient landscapes is at the heart and soul of The Nature Conservancy's activities. We've been performing controlled burns for more than 50 years on our properties. We have tremendous experience in this arena. Since 1988, the Conservancy has burned close to two million acres. The Conservancy values fire as a conservation tool and as a means to reduce the risk of damaging fires and reduce the incidence of mega-fires. We are bringing our science and technical know-how to bear in dozens of communities across the US.

The second part of the cohesive strategy, enhancing fire-adapted communities, is also a vital area where we help withstand fire losses and learn to live with fire. Our people live in, and are parts of, communities. The Conservancy, for over twelve years, has run the Fire Learning Network in cooperation with the Forest Service and the Department of the Interior. The Fire Learning Network is a terrific program that helps bring together science and community organizational skills to develop ways of learning to live with fire. And recently, we've helped develop and implement the Fire-adapted Communities Learning Network; another way of spreading the word on fire-adapted communities. These programs require small investments but can contribute to vast gains in collaboration and community engagement in meaningful and repeatable ways that we feel will leverage to a national movement to reduce fire danger.

The third part of the Cohesive Strategy, wildfire response, means more than just better firefighting; it also means enhanced ability to manage wildfire to get beneficial result from wildfire events while protecting key infrastructure. It's also important for fire response that we and many others work with communities before emergencies, so they know what to expect when fire emergencies happen. Fire operations are all about risk management. We need collaboration to figure out more ways of allowing fire incident commanders and local communities to be fully engaged in collaborative planning so we can allow more wildfire incidents to be carefully, and safely, managed for resource benefits. It is difficult to see how we can make major advances in treatment acres on the National Forests without dramatic increases in fire use, but this takes collaboration and advance planning.

Collaborative Forest Landscape Restoration program

The CFLR just commemorated its fifth year with the [five-year report](#). The program has been a success. So far it has:

- Reduced fire risk across 1.45 million acres;
- Created and maintained 4,360 full and part-time jobs annually;
- Improved 2,078 square miles of wildlife habitat
- Generated \$661 million in local labor income;
- Improved 703 miles of stream habitat (length of the Yellowstone River);
- Produced 1,256 million board feet of sold timber;
- Treated 73,600 acres of noxious and invasive plants.

All of this which was achieved with \$155 million invested over five years, matched by \$76.1 million in other funding. By comparison, the single Waldo Canyon Fire of 2012 in Colorado cost \$352.6 million in damages, burned 18,247 acres, killed two people, and destroyed 347 homes.

We believe that this is a model program that should be enhanced and emulated in more and more areas of the NFS. The collaboration takes effort, but the results are more like co-management of forests with the local and regional communities benefiting. We see that CFLR can foster the new “zone of agreement” where traditional adversaries in the timber industry, conservation, and local county governments are working to advance common goals. In addition to thinning and fuel reduction, the program creates jobs by providing significant funding for watershed restoration, fish and wildlife habitat improvements, and weed control activities. This new cooperative attitude links forest jobs to forest health so we encourage the Congress to take action to increase the authorization level to \$80 million and the funding level to \$60 million in the upcoming Fiscal year 2016 appropriations process. Such an increase will guarantee that the existing 23 successful projects can continue, and that additional critical projects across America can begin.

III. Improved forest land management planning

We believe that good, science based land-use planning is essential for the national forest system and its many constituent groups. Forest planning provides the forum and the structure to bring all the various and sometimes competing interests together to take a long range view of National Forests and their role in the broader landscape, including watersheds, forest-dependent communities, and future generations of Americans. As mentioned above, I serve on the FACA committee on forest plan implementation. This testimony does not represent the views of the FACA committee, but it does draw on the strong, positive experience that this committee has provided for me. I would like to briefly highlight some of the critical aspects that the 2012 Forest Planning Rule fosters, with better public and science-based input that should speed up forest planning and see that solutions are flexible for local conditions and are linked to monitoring and evaluation so true adaptive management can occur.

I would like to first note that this FACA committee has demonstrated the effectiveness of collaboration. The 21 members represent a wide array of interest groups, from conservation and watershed groups like me, to representatives of a number of important industries (timber, grazing, recreation, mining and energy), wildlife interests, science and citizens groups. We even have an important representative for the interests of youth. The members of this group have

become proficient at working together for joint solutions. We listen intently to each other with good intent and do not pre-position ourselves on issues.

The FACA committee provided extensive, consensus comments and recommendations to the Forest Service on the lengthy directives that serve as handbooks to guide the next generations of forest plans. We provided many suggestions that will help the Forest Service do a better job of engaging more communities, such as youth and underserved populations, while helping define tricky concepts that are useful to planners, such as managing for the impact on the broader landscape and demonstrating use of the best available science. The Committee heard from most of the National Forests that are early adopters of the new rule. While starting a new process is not easy nor quick, I remain encouraged that the new regulation will get to better, more sound results in less time than occurred in previous forest planning.

Several aspects of the new planning regulation deserve special note. First, the rule features the role of collaboration and requires a number of steps to engage communities of interest. The upfront, robust public engagement and collaboration required for forest plan revision should allow stakeholders to work out some disagreements early, which will hopefully reduce the likelihood that parties will resort to litigation on the backend (project implementation).

The planning process allows better incorporation of various science and other evidence based input to assessments that form the basis of determining the need for change within the planning area. The rule also clearly outlines how the adaptive management process should work. This is vital. Absent monitoring, it is very difficult for the Forest Service to maintain trust and confidence in its actions by all the various user and interest groups. And true adaptive management means that parties do not need to make final, drop-dead declarations at the time of the plan formulation because the plan will be adjusted as circumstances and data suggest over time.

I think that it is also important that the new forest plans will be asked to consider aspects of climate change. The extensive droughts and fires that we see suggest that forest management will need to be thoughtful and thinking of the long run. The many stresses related to climate change all make future forestry and watershed management more difficult, but at the same time, it is all the more critical that we do not lose our forest cover. We face a future in which it will be harder and harder to maintain forests as forests for the many benefits they provide, such as water and timber production, recreation and tourism and wildlife and fish habitat.

Investing in forest planning does take time and resources. It is essential that the Congress provide sufficient resources for the Forest Service and collaborative groups to get the job done. With modern communication and data storage capability, we ought to be able to figure out ways of sharing assessment information broadly and learning and exchanging lessons learned to foster greater efficiencies for the forest and watershed work we want to get done on a broader scale. The Congress also needs to consider investing in new incentive programs that can help various parties participate, such as counties and Tribes and provide incentives for cost-sharing with states and others the on-the-ground work needed to reduce fire prone forest danger.

I also see a great leap in efficiency that can be possible with good forest planning and adaptive management. A good forest plan can provide the programmatic basis and information to back up a myriad of projects. I foresee much greater use of programmatic NEPA clearances and linkage

to various kinds of categorical exclusions from NEPA environmental assessments as a key way to provide both the environmental knowledge to ensure good project design and the increased scale of management to get more work done on the ground, faster.

The GAO report released this week, *Forest Restoration: Adjusting Agencies' Information-Sharing Strategies Could Benefit Landscape-Scale Projects* (GAO-15-398), provides documentation on 24 Forest Service landscape-scale forest restoration projects that appear to be helping increase the pace and scale of on-the-ground activity. Other large projects are happening in various areas, such as the Four Forest Restoration project (4FRI) in Arizona, the subject of a final record of decision on April 17, 2015, that approves restoration activities on over 586,000 acres across the Coconino and Kaibab National Forests. The collaborative efforts of over 30 stakeholders, through often treacherous conversations and including groups with considerable litigation history, has been vital to getting approval of such a large scale effort. This decision approves cutting trees and applying controlled fire on over 430,000 acres, as well as a long list of other road restoration and environmental improvements that benefit people and nature.

Another aspect that is very promising in the new planning regulations is the formal objections process. This process is still very new, but it offers a great way to avoid delays of the previous appeals process while affording the opportunity to have differing parties work together to arrive at new and at times novel solutions to perplexing issues. This objections process is very different from the arbitration process that has been discussed by certain parties on the Hill lately. In that arbitration process, the negotiation is all based on the formal and closed record and there is no room for a professional negotiations officer or reviewing officer to come up with solutions that were not in the record. A well run objections process, instead of the previous appeals process, should be more efficient and also can provide a structure that should often obviate the need for litigation. And by involving a variety of interested parties at the table, the objections process can foster collaborative decision making. I strongly encourage this committee to examine the current objections process before suggesting new legislation that would halt such pre-decisional administrative reviews that build trust among public constituencies and with the Forest Service. We should not halt access to the courts in cases of agency error when it could be corrected through such a review process.

IV. Summary of Additional forest policy and funding recommendations

The new planning regulation needs to have a chance to prove itself. Similarly, the very useful forest management provisions in the Agricultural Act of 2014 suggest that positive forestry legislative results can occur, such as permanent authority for Stewardship Contracting and Agreements and the Good Neighbor Authority. We are eager to see the Forest Service release its final regulations on these new authorities and look forward to using them fully so that partner agencies and organizations can contribute as much as possible to accelerate forest restoration.

Forest restoration is significantly obstructed by ballooning fire suppression costs. Over the past several years wildfire management has consumed at least 40% of the total Forest Service annual budget—in contrast to 13% of its budget only 20 years ago.

Congress can advance American life and livelihood by providing appropriate support to federal forest agencies in the FY 2016 Budget, and restore forests for people, water, and wildlife. Legislative changes alone will not result in the improved forest conditions that we all want.

Funding efforts need to be focused. Our top three priorities for the Congress to enhance National Forest conditions and reduce wildfire threats to nature and people are:

1. The Wildfire Disaster Funding Act. (H.R. 167)

The current system of funding fire preparedness and suppression at the expense of hazardous fuels and other key programs threatens to undermine – and eventually overtake -- the vital management and conservation purposes for which the USDA Forest Service and Department of the Interior bureaus were established.

The current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management activities. The agencies and first responders need a predictable, stable, and efficient budget structure to deliver their congressionally directed land management missions.

The Conservancy supports the bipartisan Wildfire Disaster Funding Act (H.R. 167), which would provide the Forest Service and the Department of the Interior with a funding structure similar to that used by other agencies that respond to natural disasters, through a disaster cap adjustment. This important change would free the agencies to reinvest in core activities which have been reduced in recent years due to a continued shift of limited resources to fund wildfire suppression, including the very programs that would help to decrease wildfire costs over time. Further, this change would significantly reduce the highly disruptive process of canceling and/or significantly delaying ongoing project work, most often at the time such work is being executed on the ground.

2. Investments in forest and watershed risk reduction

It is essential that the Congress and the Administration increase federal investments to reduce fire risk in a manner that makes forests more resilient and resistant to fire and other stressors. Strategic, proactive hazardous fuels treatments have proven to be a safe and cost-effective way to reduce risks to communities and forests by removing overgrown brush and trees, leaving forests in a more natural condition resilient to wildfires. Similarly, investments in Collaborative Forest Landscape Restoration and associated proactive federal land management and science will yield faster and more effective landscape forestry treatments. Strategic mechanical fuels reduction in wildlands, combined with controlled burning to reduce fuels across large areas, can significantly reduce the chance that megafires will adversely impact the water supply, utility infrastructure, recreational areas and rural economic opportunities on which communities depend.

3. State and community assistance and incentives for shared work

All levels of government need to work together with citizens and industries to achieve the kind of forest conditions that benefit all Americans. Greater federal involvement in cost-share efforts with the States and Tribes, as well as with county and local government will yield much greater results than the sum of the parts and the shared decision making will reduce conflict and litigious delays. This Committee should work with the other Committees of jurisdiction to establish new ways of increasing community capacity to engage in this new, collaborative forestry. We would be happy to work with the Committee on formulating new, better ways of incentivizing partner investments in healthy forests and watersheds.