

**STATEMENT OF
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**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
JULY 20, 2012**

CONCERNING

**H.R. 5744 - CATASTROPHIC WILDFIRE PREVENTION ACT OF 2012
H.R. 5960 - DEPLETING RISK FROM INSECT INFESTATION, SOIL EROSION, AND
CATASTROPHIC FIRE ACT OF 2012 H.R. 6089 - HEALTHY FOREST MANAGEMENT
ACT OF 2012**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture regarding these bills. This is a difficult time for all of us. Wildland fires have disrupted lives and impacted lands across the West, and there is great interest, urgency and willingness to help provide tools for the Forest Service to apply restoration principles. We appreciate this interest and want to work with you to provide the best possible approaches to address these issues. Unfortunately, because of the short notice for this hearing, we have not had an opportunity to thoroughly analyze the bills before us, and thus, our testimony today will be general in nature. We will continue to work with Congress and others that have advanced proposals, such as in the bills we are discussing today as well as the House and Senate versions of the Farm Bill.

We recognize our collective ability to sustain the nation's forests and provide ecosystem services is increasingly at risk. Drought, invasive species, loss of open space, uncharacteristically severe wildfires, uncharacteristically severe outbreaks of insects and disease – all these stresses and disturbances are affecting America's forests on an unprecedented scale, with 60-80 million acres at risk.

Before I address the three bills, let me tell you about some of the initiatives we are implementing to increase restoration.

The Forest Service has initiated an Accelerated Restoration program to restore the functions and processes characteristic of healthy, resilient ecosystems on as many acres as possible. Our goal is to sustain and restore ecosystems that can deliver all the benefits that Americans want and need. The Forest Service recognizes that increasing the pace and scale of restoration and active

management of the National Forests is critically needed to address threats to the resiliency of our forests and watersheds and the health and safety of America's forest-dependent communities.

The Forest Service also recognizes the need for a strong forest industry to help accomplish forest restoration work. A vibrant industry can provide both the resources and the know-how to undertake mechanical treatments and other restoration activities. Forest industry also lowers the cost of restoration to the taxpayer by providing markets for forest products.

The Forest Service is committed to increasing the current total of acres being mechanically treated by 20% over the next three years. This increase would allow the Forest Service to increase the number of acres and watersheds restored across the system, while supporting jobs and increasing the amount of forest products sold. A critical part of this effort is building public support for forest restoration and management activities. To this end, the Forest Service continues to emphasize the importance of collaboration among diverse stakeholders in developing restoration projects on national forest lands. Such collaboration not only results in better projects, but it also reduces the risks of litigation.

An additional benefit of this restoration work is job creation. For example, through implementation of the Collaborative Forest Landscape Restoration Program (including the use of stewardship contracts), the proponents of projects on national forest lands anticipate creating or maintaining 1,550 jobs. The benefits of maintaining a robust forest industry flows not only to local communities but also to the Forest Service itself as the agency relies on local forest contractors and mills to provide the work force to undertake a variety of restoration activities. A study by Cassandra Moseley and Max Nielson-Pincus, Institute for Sustainable Development, has shown that every one million dollars spent on activities such as stream restoration or road decommissioning generates from 12 to 28 jobs. In addition, restoring the health and resilience of our forests generates important amenity values. Healthy, resilient forests and grasslands are magnets for outdoor recreation, with more than 170 million visits per year to the National Forest System. That in turn leads to jobs and economic opportunity.

The Forest Service continues to work toward restoring more land to accomplish restoration objectives, maintain a robust forest industry, and in turn create jobs. We are striving to efficiently implement existing programs and policies, as well as pursuing a number of new policies and initiatives to increase the pace of forest restoration and conservation through collaboration and management of the national forests. The aim of these efforts is to move beyond the conflicts which have characterized forest policy in the past and toward a shared vision that allows forest industry, environmentalists, local communities, and other stakeholders to work collaboratively toward healthier forests and watersheds, safer communities and more vibrant local economies.

Within the framework of the overall restoration program, the Forest Service is focused on the role of active forest management – including hazardous fuels reduction, reforestation, stream restoration, road decommissioning, forest thinning and harvesting, prescribed fire, and a range of other practices – as important tools to accomplish needed restoration work. The following are a series of actions that will allow the Agency to further restoration and management on the national forests:

Investing in restoration projects with partners through the Collaborative Forest Landscape Restoration Program (CFLRP).

In fiscal year 2012, the Forest Service received the full \$40 million authorized by the CFLR Act. The Secretary funded 10 new projects, in addition to the continued funding for 10 projects selected in 2010. Three additional high priority collaborative projects were also funded from other appropriated FS funding. These 23 projects have demonstrated that collaboration among stakeholders can facilitate large, landscape scale restoration, thereby improving forest health, reducing wildfire risk, restoring fire-adapted ecosystems, and increasing timber and biomass production from our national forests.

The U.S. Forest Service reduced fire threats on more than 123,000 acres of land under the Collaborative Forest Landscape Restoration Program nationwide in fiscal year 2011 as part of a larger effort to improve the health and resiliency of national forests.

In its second year of funding, the Collaborative Forest Landscape Restoration Program also contributed \$21 million to local economies through treatments that included prescribed burns and fuels thinning, producing 121 million board feet of lumber and 267,000 tons of woody biomass for bio-energy production on ten projects around the country.

On three National Forests throughout Colorado, CFLR projects have reduced fire threats over 14,000 acres using mechanical thinning and prescribed fire. The Deschutes has reduced 29,000 tons of woody biomass and made available 8 million board feet of lumber.

The CFLR project in California on the Sierra National Forest has reduced hazardous fuels on 8,000 acres of Wildland Urban Interface lands while at the same time yielding nearly 8 million board feet of lumber. The Four Forest Restoration Project in Arizona has improved forest vegetation, restored habitat on 111,000 acres and begun major rehabilitation work on areas affected by the Wallow and Schultz fires.

National Cohesive Wildland Fire Management Strategy (Cohesive Strategy)

The Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009 charged the Secretaries of Agriculture and Interior to create a cohesive wildfire management strategy. Federal Land Managers responded by working through the Wildland Fire Leadership Council to direct the development of the Cohesive Strategy. The nation's wildland fire problems do not stop at administrative boundaries; the Cohesive Strategy is a collaborative process with active involvement of all levels of government and non-governmental organizations, as well as the public, to seek national, all-lands solutions to wildland fire management issues. It is being built both from the top down and from the bottom up, and is science based. The Cohesive Strategy addresses the nation's wildfire problems by focusing on three key areas: 1) Restore and Maintain Landscapes, 2) Fire Adapted Communities, and 3) Response to Fire.

The Cohesive Strategy is now moving into Phase III, which includes a trade-off analysis of national risk. We expect to garner a better understanding of how the Forest Service can play a larger role in restoring and maintaining fire-adapted ecosystems and landscapes within an all-lands context. This understanding should help focus and support efforts I've already described under the umbrella of Accelerated Restoration and the Collaborative Forest Landscape Restoration Programs.

The Forest Service Bark Beetle Strategy.

Bark beetles have impacted nearly 18 million acres of NFS lands. The Bark Beetle Strategy, developed in 2011, focuses management efforts on priority treatment areas to ensure human health and safety and to reduce hazardous fuel conditions. In FY 2011, a total of approximately 16,822 acres were treated to reduce safety hazards to forest visitors, 50,145 were reforested, and 236,962 acres were thinned to improve resilience producing approximately 303.3 million board feet of timber sold, 153,801 green tons of biomass, and resulting in removal of hazard trees along 978 miles of road.

Use of Stewardship Contracting.

This tool allows the Forest Service to acquire needed restoration services. Reauthorizing this authority and expanding the use of this tool is crucial to our ability to collaboratively restore landscapes at a reduced cost to the government by offsetting the value of the services received with the value of forest products removed pursuant to a single contract or agreement. In Fiscal Year 2011, 19% of all timber volume sold was under a stewardship contract and funded activities such as watershed and wildlife habitat improvement projects, trails projects, road decommissioning, and hazardous fuels reduction. 208 contracts were awarded in 2011, treating 189,000 acres of hazardous fuels.

Improved efficiency of the National Environmental Policy Act (NEPA) process for restoration.

A robust, comprehensive and efficient Forest Planning/NEPA program is needed to accomplish the hundreds of thousands of acres of natural resource projects we do across the country each year. We continuously strive to save time and money in this program while meeting our statutory and regulatory obligations. In addition to the recently promulgated Forest Planning rule, the Agency has also initiated a NEPA learning networks project to learn from and share the lessons of successful implementation of efficient NEPA analyses. The goal of this effort is to ensure that the Agency's NEPA compliance is as efficient, cost-effective, and up-to-date as possible. Specifically we are looking at expanding the use of focused environmental assessment (EAs), iterative environmental impact statement (EISs) documentation, expanding categories of actions that may be excluded from documentation in an EA or an EIS, and applying an adaptive management framework to NEPA. Our landscape-scale NEPA projects will also increase efficiencies. For example, our Mountain Pine Beetle Response Project on the Black Hills National Forest in South Dakota is implementing a landscape-scale adaptive approach for treating future pine beetle outbreaks. We are also implementing the Four Forest Restoration Initiative project in the Southwest which is a very large, four forest landscape-scale restoration project.

The Good Neighbor Authority

The Good Neighbor Authority was first authorized in 2000, responding to increased concern regarding densely stocked stands at risk from insect and wildland fires. The law authorized the U.S. Forest Service to permit the Colorado State Forest Service to conduct certain watershed restoration activities on National Forest Service land when conducting similar activities on adjacent state or private land. In 2004 Utah and BLM received Good Neighbor authority. Federal and state officials who have used Good Neighbor authority cited project efficiencies and enhanced federal-state cooperation as its key benefits. The Department would like to see this authority expanded and reauthorized.

The Bills

Our preliminary review of the three bills today before the Committee will be discussed next. While the Department opposes H.R. 5744 and H.R. 6089 as drafted, there are elements that we support and we would like to continue to work with the Subcommittee in developing bill language that will meet our forest restoration objectives. The Administration can support H.R. 5960 but would like to have further discussion on some of its elements. We support the reauthorization of Good Neighbor and Stewardship Contracting Authority.

H.R. 5744, the Catastrophic Wildfire Prevention Act of 2012, was introduced to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System lands and public lands managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, forest and watershed restoration, and threatened and endangered species habitat protection. The Administration agrees with the intent of the bill. However, we have significant concerns with some of the provisions and would like to further analyze and discuss several aspects, including provisions that modify the public comment and environmental analysis under National Forest Policy Act (NEPA), grazing utilization standard waivers, and timeframes for public petitions. In particular, we oppose the NEPA provisions in the bill because we do not believe 30 days will allow for adequate environmental review of most projects. It is also important to apply utilization standards for livestock grazing to wildfire prevention projects so that soil and vegetative cover is maintained.

H.R. 5960, the Depleting Risk from Insect Infestation, Soil Erosion, and Catastrophic Fire Act of 2012, was introduced to amend the Healthy Forests Restoration Act of 2003 (HFRA) to improve the response to insect infestations and related diseases and to make the Stewardship Contracting authority permanent and to extend Good Neighbor authority to western states. The bill authorizes the Secretary, in consultation with the Governor, to designate in each State one or more sub-watersheds that are experiencing an insect or disease epidemic, and to carry out priority projects to reduce the risk or extent of, or increase the resilience to, insect or disease infestation. The projects may be carried out under the HFRA provisions, including those

providing for expedited environmental analysis, pre-decisional review, and judicial review. We agree that it would be helpful to make tree mortality due to insect or disease eligible treatment using the HFRA provisions, but would like to further analyze and discuss several aspects including timeframes for eligible projects, proactive approaches, and large and old-growth tree retention. We support the extension of stewardship contracting. However, we would like to see stewardship contracting authority made permanent. The Department supports extending Good Neighbor Authority, but would like to further analyze differences between H.R. 5960 and current authority in Colorado, where we have had significant success.

H.R. 6089, the Healthy Forest Management Act of 2012, was introduced to address the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfire on National Forest System land and land under the jurisdiction of the Bureau of Land Management by expanding authorities established in the Healthy Forest Restoration Act of 2003, to make permanent Forest Service and Bureau of Land Management authority to carry out Good Neighbor authority with States, and to extend the Stewardship Contracting Authority. The Forest Service supports reauthorization of the Stewardship Contracting Authority and Good Neighbor authority. We do not support provisions in the bill that authorize the Governors to designate high risk areas on National Forest System lands and to provide for development of emergency fuels reduction projects in the areas. We would like to discuss further several topics, including projects in inventoried roadless areas, timeframes, and the criteria for projects.

In summary, the Forest Service would like to thank you for the opportunity to testify on these pieces of legislation. We continue an increased pace of restoration and job creation on our National Forest System lands. As wildland fires have impacted lands across the West, we recognize the interest, urgency and willingness of many Members of Congress to provide tools for the Forest Service to apply restoration principles. Be assured that our resources are directed at the suppression of these fires as well as efforts to provide emergency stabilization of burned lands, and fuels reduction projects.