

Committee on Resources

Witness Testimony

Testimony on HR 1739 and HR 2149

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MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to appear before you today to discuss H.R. 2458, "the Community Protection and Hazardous Fuel Reduction Act of 1997." I am Bob Joslin, Deputy Chief for the National Forest System.

I would like to preface my remarks by saying that the Administration has not had sufficient time to fully analyze this bill, thus my testimony reflects only our initial reaction. The Forest Service has not had an opportunity to go over the bill with your staff to clarify our interpretations of the language. We understand that the Bureau of Land Management (BLM) has also not had an opportunity to review the bill using its normal process. While the BLM has provided some technical input, today's remarks should not be interpreted as a representation of the official BLM position.

As we understand it, H.R. 2458 would expand the contracting authorities of the Secretary of the Interior and the Secretary of Agriculture. These authorities would allow the Secretaries to require treatment or removal of hazardous fuel buildup, or other activities, to improve noncommodity resources as conditions in contracts for the sale of forest products, including timber sales, within wildland/urban interface areas. The bill would also establish authorities for forest management project credits to be used by the purchaser to offset the cost of the forest management project against the payment for forest products.

While the Administration certainly agrees with the stated purpose of H.R. 2458, -- to safeguard communities, lives, and property by reducing the threat of wildfire in the wildland/urban interface -- we cannot support the bill as introduced but would be willing to work with you to address these issues.

While H.R. 2458 focuses on forest health in the wildland/urban interface, this problem requires a broader view and extends beyond the urban interface area. There is a great deal of scientific uncertainty about the effectiveness of treating the wildland/urban interface without a concurrent examination of the health conditions of adjacent federal forest and range lands. For this reason, the Administration believes that the legislative solution proposed in H.R. 2458 might not be consistent with the emerging science, inventory, and analysis of the issues involved.

Until we have more information to address the long-term situation we would object to legislation that takes such a narrow focus and may not provide adequate authorities to deal with these issues. Once the necessary information is available, we would be interested in reevaluating the scope of this bill.

Current Efforts Underway

Congress has placed a priority on improving the forest health and fire-defensibility of the wildland/urban interface and has restructured the Forest Service fire management budget to add fuel reduction work to the fire suppression program. In the short-term, funding proposals for FY 1998 would provide sufficient appropriations to address areas of immediate concern and to develop the necessary science and procedures to assess the long-term situation.

The Departments of the Interior and Agriculture have also identified this issue as a high priority in our interagency Federal Wildland Fire Management Policy. The Forest Service has currently identified and is treating, with the assistance of the state foresters, fuels around many at-risk communities. The Forest Service is also inventorying other areas of concern in efforts to identify future priorities, primarily in forest and range lands that have historically had recurrent fire episodes.

There are several administrative efforts underway to identify the management needs and authorities that fully address the protection of wildland/urban interface lands. The Administration is currently collecting information necessary to assess risk and treatment needs as part of our efforts to develop balanced approaches at the landscape scale. The Forest Service is developing a long-term management strategy based on this data collection.

We are also currently working in close partnership with local communities around the country to assess and reduce the risks of wildfire losses. I will share one of these efforts today.

The Pike and San Isabel National Forest and Canon City District of the BLM in Colorado are working through the State Forester, who is with us today, with a number of partners and communities along the front range of the Rocky Mountains to identify opportunities in response to wildland/urban interface issues.

The Pikes Peak Wildfire Prevention Partners (including the units identified above; staff from the Colorado State Forest Service; National Park Service; United States Air Force Academy; El Paso, Teller and Douglas county governments communities of Colorado Springs, Woodland Park, and Castle Rock; and Colorado State Historical Society) are working on a number of efforts together. They include:

- Revamping a suppression/training facility to improve the efficiency of wildfire suppression and to serve as a demonstration area for fire-safe building materials.
- Completion of fire protection assessments in the three county area that identify priorities for treatment. The U.S. Air Force Academy provided technical expertise and assistance to map the assessment area.
- Establishment of a slash/mulch project where homeowners can bring woody debris from private property fuels treatment for disposal. The material is mulched on site and then made available to the public for use in landscaping at no cost.

The Forest Service is carrying out many of these partnership programs under authority of the Cooperative Forestry Assistance Act.

Current Authorities

In addition to the Cooperative Forestry Act, the Administration has significant existing authorities to address the conditions of public lands as part of the urban interface issue. The authority of the Knutson-Vandenberg Act (16

U.S.C. 576) and the Deposits from Brush Disposal Act of 1916, (16 U.S.C. 490) allow for forest protection, reforestation and restoration inside timber sale area boundaries and the abatement of fuels generated by harvest activities, if sale proceeds are available. The Timber Production Act of 1922 (16 U.S.C. 594) provides for the Secretary of the Interior to protect and preserve, from fire, disease, or the ravage of beetles or other insects, timber on public lands.

Both Secretaries can address conditions on lands under their jurisdictions under a number of shared authorities. The Sikes Act (16 U.S.C. 670) allows them to expend appropriated funds for cooperative programs for the conservation and rehabilitation of wildlife, fish and game. The Taylor Grazing Act (43 U.S.C. 315) provides for the protection, administration, regulation, and improvement of grazing districts to preserve the land and its resources from destruction or unnecessary injury. Finally, the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901) provides for any activity or program on or relating to rangelands to improve forage, change vegetative composition, control patterns of use, and provide habitat for livestock and wildlife.

We are currently examining administrative options for new ways of accomplishing ecosystem management through the timber sale program, including the potential for stewardship contracting. This effort will provide valuable information about whether there is a need for additional legal authorities.

Concerns about HR 2458

While the authorities proposed in H.R. 2458 would allow additional improvement activities outside sale acres boundaries using timber sale contracts and increases the opportunities to treat fuels not generated by harvest activities, there are substantive concerns related to H.R. 2458 that merit more analysis and discussion.

For example, Section 101(b) appears to exempt the identification of wildland/urban interface acres from interdisciplinary environmental analysis and documentation. The Administration believes that this exemption from the normal application of NEPA is unnecessary.

We are also concerned with the implications of Section 102(b) which establishes a new system of "forest management project credits" and permits their transfer to purchase future timber sales. This provision would have PAY-AS-YOU-GO implications as it would reduce receipts.

Section 201(a) authorizes and encourages the Secretaries to enter into contracts for grazing when the local county commission or other unit of local government certifies that there is a danger of fire in a wildland/urban interface area. Forest Service regulations already provide for issuance of temporary grazing permits on a charge basis when excess forage is created by unusually favorable climatic conditions. The Forest Service, therefore would not need this authority in areas designated by forest plans as available for grazing. Further, the Forest Service authorizes grazing through issuance of grazing permits rather than contracts.

There are additional technical difficulties with the bill as drafted. For example, several of the definitions in section 3 that would be critical to the operation of the bill need to be clarified and refined. Specifically, the definitions of "wildland urban interface" and "hazardous fuel buildup" are both too broad to be practical. Also, it is not clear if the definition of forest management project includes "fuel reduction." Finally, the timeframe for development of regulations implementing the bill in Section 301 is too short and appears to conflict with section 102(g) of the bill.

Closing

Madam Chairman, while we agree that protection of communities, lives, and property in wildland/urban interface areas is a national priority, and agree that we need to continue our efforts to reduce threats of high intensity wildfires to human life and property, we cannot support H.R. 2458 as introduced.

USDA funding proposals for FY 1998 would provide sufficient appropriations to address areas of immediate concern and to develop the necessary science and procedures to assess the long-term situation. Once information from that work is available, we can develop long-term strategies and implementation proposals on the priority areas. Once we have that information we will know more about the need for additional authorities and would then like to work with the Committee.

This concludes my statement. I would be happy to answer any questions you or other members of the subcommittee may have.

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