

Statement of
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Committee on Resources
Subcommittee on Forests and Forest Health

Concerning Forest Service and Bureau of Land Management Accomplishment in Implementing the Healthy Forests
Restoration Act
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INTRODUCTION

Mr. Chairman. Thank you for the opportunity to testify on the Administration's progress in implementing the Healthy Forests Restoration Act of 2003 (HFRA). This important piece of legislation received bipartisan support in both houses of Congress and was signed into law by President Bush on December 3, 2003. I want to thank you and the members of this subcommittee for your role in the passage of the legislation and in your continuing support for our implementation efforts.

THE HEALTHY FORESTS INITIATIVE

The President's Healthy Forests Initiative (HFI) includes both the HFRA and administrative reforms that give federal agencies tools to reduce the risk of severe wildland fires and restore forest and rangeland health. The Act recognizes that critical fuels treatment and forest and rangeland restoration projects have been unnecessarily delayed by administrative procedures. This delay puts rural communities and critical ecological resources at substantial risk from severe wildland fire.

The HFRA complements administrative reforms that were put into place previously. These reforms help expedite hazardous fuel treatments and ecological restoration projects on federal land and have been successfully implemented.

My statement will address the various components of the hazardous fuel reduction program. First I want to state that the Forest Service and the Department of the Interior (DOI) agencies accomplished 4.2 million acres of hazardous fuel reduction for 2004, including 2.4 million acres in the Wildland Urban Interface (WUI), and exceeded our program goals. So far, in FY 2005 about 919,000 acres have been treated. A more complete accounting of our accomplishments in 2004 can be found in the Healthy Forests Report located on the internet at www.HealthyForests.gov. I also want to point out that in the FY2006 President's Budget more than \$867 million have been proposed for a variety of activities that will enable the departments to continue our efforts to prevent the risk of catastrophic wildfires and restore forest and rangeland health. We expect these efforts to include utilizing the new legislative and administrative tools provided under the Healthy Forests Initiative. The new administrative tools include:

- Developed a new categorical exclusion under the National Environmental Policy Act (NEPA) to facilitate implementation of hazardous fuels treatment projects having minor environmental effects; we plan to use this exclusion on 950 treatments in FY 2005;
- Finalized Counterpart Regulations for Endangered Species Section 7 consultation on National Fire Plan projects issued by the Fish and Wildlife Service and National Marine Fisheries Service; this has streamlined Section 7 consultations on these projects. The Forest Service has entered into Alternative Consultation Agreements with the services. Those agreements called for development of a training and certification process which is now in place. Over 650 Forest Service employees have been certified under that process;
- Five pilot projects that applied new direction from the Council on Environmental Quality (CEQ) on conducting environmental assessments under NEPA were completed and the Forest Service is working with the Bureau of Land Management and CEQ to assess the results of the process; and
- The 2003 amendments to the Forest Service administrative appeals regulations expanded the categories where emergency determinations can be used in order to expedite project operations. (36 C.F.R. 215.10) That authority has been employed in several cases to protect the government's interest in salvage timber projects, where the value of dead or dying timber, such as in the aftermath of a fire, diminishes over time. In three cases, the Department has prevailed, thus far, against efforts to halt operations. In two of those cases, the Ninth Circuit also declined to issue preliminary relief.

Another important and related action is the authority provided by Congress to expand the use of stewardship contracting by

the Forest Service (FS) and the Bureau of Land Management (BLM) under the Omnibus Appropriations Act for Fiscal Year 2003 (Section 323 of P.L. 108-7). The Forest Service awarded 162 stewardship contracts and agreements between fiscal years 1999 and 2004, 114 of these in the last two years alone. We anticipate the use of this tool is likely to increase with the release of four integrated resource contracts specifically designed for stewardship contracting, and with the enactment of the Tribal Forest Protection Act. As a result of two workshops held with the Intertribal Timber Council we are now receiving proposals to treat agency lands adjacent to tribal lands.

PROGRESS MADE ON IMPLEMENTING HFRA

In the time since Congress passed HFRA, the Departments have taken a number of actions to implement each title of the Act including:

Title I – Hazardous Fuels Reduction on Federal Lands

HFRA provides for the collaborative development and expedited environmental analysis of authorized projects, a pre-decisional Forest Service administrative review process, and other measures on National Forest System and BLM lands that are at-risk of catastrophic fire. HFRA focuses attention on four types of federal land: the wildland-urban interfaces of at-risk communities, at-risk municipal water supplies, land where threatened and endangered species or their habitats are at-risk of catastrophic fire and where fuels treatment can reduce those risks, and land where windthrow, or insect or disease epidemics threaten an ecosystem component or forest and rangeland resources.

Restoring fire dependent ecosystems is the long-term solution to reducing the harmful effects of catastrophic wildfire. The 10 Year Implementation Plan continues to guide the agencies' priorities, and we are placing our resources where we have the greatest risk, the most capability, and highest efficiency. We know it is not possible to treat all the acres in need; our goal is to treat the right acres in the right place at the right time. Forest Service Chief, Dale Bosworth, and DOI Assistant Secretary Lynn Scarlett issued joint national direction to establish a collaborative process for prioritization and selection of fuels treatment projects. This direction is consistent with the performance measures established in the 10-Year Implementation Plan. Specifically, we monitor the number of acres treated that are in the WUI or outside the WUI in condition classes 2 or 3 in fire regimes 1, 2 or 3, and are identified as high priority through collaboration consistent with the Implementation Plan. In FY 2005, 97% of Forest Service proposed treatments are in these high priority areas.

Fire Management Plans have been completed for 99 percent of the National Forests and National Grasslands. These plans follow an interagency format, which provides an increased level of consistency among federal agencies, facilitating local collaboration and increased accomplishment on fuel treatment projects. Many of these new plans have enabled wildland fire use for the first time or have substantially increased the area where wildland fire use can be implemented. Increasing wildland fire use will result in increases in inexpensive fire use treatments in many areas.

The LANDFIRE project is a multi-partner ecosystem and fuel assessment mapping project. It is designed to map and model vegetation, fire, and fuel characteristics for the United States. The objective is to provide consistent, nation-wide spatial data and predictive models needed by land and fire managers to evaluate, prioritize, plan, complete, and monitor fuel treatment and restoration projects. Two prototypes, in Montana and Utah, will be completed this spring. A rapid assessment of fire regime condition class at the mid scale is expected to be completed this year. We expect national delivery of LANDFIRE products to occur over the next 5 years with the western United States due in 2006. These data will help agencies focus where the risk is the greatest.

The HFRA encourages the development of Community Wildfire Protection Plans to improve the strategic value of fuels treatments in and around the WUI. Our partners, the National Association of State Foresters, the Society of American Foresters, the National Association of Counties, and the Western Governor's Association have prepared guidance for at-risk communities on how they might prepare a Community Wildfire Protection Plan (CWPP). The state foresters are leading the efforts to organize communities to draft CWPP's and report over 600 plans completed across the nation. For example, in Northeastern Oregon the Oregon Department of Forestry is providing staff to facilitate and document the development of CWPPs in partnership with the county commissioners. The Forest Service and other federal agencies provide technical support in fuels assessment, mapping and fire behavior modeling.

Title II – Utilization of Woody Biomass

Title II provides authority to help overcome barriers to the production and use of woody biomass material produced on fuels reduction and forest restoration projects. Title II contains three focus areas: it amends the Biomass Research and Development Act of 2000 to provide for research on woody biomass production and treatment; it amends the authority for the Rural Revitalization Through Forestry program by providing for cooperation with the Forest Service Forest

Products Laboratory, and State and Private Forestry programs to accelerate adoption of biomass technologies and market activities; and it authorizes federal grants to facilities using biomass for wood-based products to help offset the cost of the biomass.

The Departments of Agriculture, the Interior, and Energy have signed a memorandum of understanding that lays the groundwork for the interagency biomass committee to implement biomass projects. The FY 2004 grant solicitation process under the Biomass Research and Development Act was modified to incorporate Section 201. This action generated a significant increase in the number of woody biomass related proposals received. USDA awarded over \$6 million in 2004 as part of a joint biomass research and development initiative with the Department of Energy.

The Forest Service has new provisions in some timber sale, service, and stewardship contracts that allow contractors the option to remove woody biomass by-products from land management activities. This option, where ecologically appropriate, will provide economic and social benefits by creating jobs and conserving natural resources. Removal or use of woody biomass will reduce smoke and emissions from prescribed and natural fires, preserve landfill capacities, and reduce the threat of catastrophic wildfires to communities and utilities.

The Forest Service, Forest Products Laboratory published a request for proposals in the Federal Register on February 10, 2005, looking for creative solutions to address the nationwide challenge in dealing with low-value material removed from hazardous fuel reduction efforts. Up to \$4.4 million will be available in 2005 to help improve utilization of, and create markets for small-diameter material and low-valued trees removed from hazardous fuel reduction activities. These funds are targeted to help communities, entrepreneurs, and others turn residues from hazardous fuel reduction projects into marketable forest products and/or energy products. The President's FY 2006 Budget includes a \$10 million request for capital improvements in our Forest Products Lab, which has been a world leader in developing innovative products made from wood and other forest materials.

Title III – Watershed Forestry Assistance

Title III authorizes the Forest Service to provide technical, financial and related assistance to private forest landowners aimed at expanding their forest stewardship capacities and to address watershed issues on non-Federal forested land and potentially forested land. Title III also directs the Secretary to provide technical, financial and related assistance to Indian tribes to expand tribal stewardship capabilities to address watershed issues.

The Forest Service, working with State forestry agency personnel and Tribal members, has developed separate draft guidelines to implement the State and Tribal Watershed Forestry Assistance programs. These draft guidelines will be published in the Federal Register for public comment this summer.

Title IV—Insect Infestations and Related Diseases

Title IV directs the Forest Service and U.S. Geological Survey to establish an accelerated program to plan, conduct, and promote systematic information gathering on insect pests, and the diseases associated with them. This information will assist land managers in the development of treatments and strategies to improve forest health; to disseminate the results of such information and to carry out the program in cooperation with scientists from colleges and universities including forestry schools, governmental agencies and private and industrial landowners.

The Secretaries of Agriculture and the Interior announced during the Forest Health Conference in Little Rock, Arkansas last summer the formation of a series of partnerships to help implement the HFRA in the southern United States. Among these are Forest Service partnerships with southern universities and state forestry agencies to conduct two landscape scale applied research projects on the Ozark-St. Francis National Forest to address infestations of the southern pine beetle and red oak borer, which threaten forest health in the region. The study plans for these two projects have now been developed and peer reviewed and the public involvement phase will be completed in March. Another applied silvicultural assessment study plan for reducing mortality from gypsy moth and oak decline on the Daniel Boone National Forest is nearing completion. The Forest Service also has two projects on Hemlock Woolly Adelgid in North Carolina and on the genetic diversity of Western White Pine.

Title V – The Healthy Forest Reserve Program

Title V directs USDA to establish a program for private landowners to promote the recovery of threatened and endangered species, improve biodiversity and enhance carbon sequestration. Title V authorizes the Secretary of Agriculture to acquire 30-year or 99-year easements (not to exceed 99 years), or utilize 10-year cost-share agreements on qualifying lands. The Secretary may enroll up to two million acres depending on appropriations. Title V also contains provisions allowing the Secretary to make safe harbor or similar assurances to landowners who enroll land in the program and whose

conservation activities result in a net conservation benefit for listed, candidate, or other species.

The USDA Natural Resources Conservation Service (NRCS) has been designated to administer the Healthy Forest Reserve Program in coordination with the Forest Service, Fish and Wildlife Service, and the National Marine Fisheries Service, and is in the process of drafting rules to implement the title.

Title VI – Forest Inventory/ Monitoring and Early Warning Systems

Title VI directs the Secretary of Agriculture to carry out a program to monitor forest stands on some National Forest System lands and private lands to improve detection of and response to environmental threats.

The Forest Service announced in October, 2004 a national strategy to prevent and control the threat of invasive species and non-native plants in the United States. The strategy focuses on four key elements: preventing invasive species from entering the country; finding new infestations before they spread; containing and reducing existing infestations and restoring native habitats and ecosystems. The strategy will rely on "The Early Warning System for Forest Health Threats in the United States," developed as part of HFRA, which describes for the first time, in one place, the nation's system for identifying and responding to forest health threats, including web sites to obtain further information.

The Forest Service also conducted a rapid detection pilot survey of invasive bark beetles in 10 port cities in FY 2004 and has increased the number of surveyed sites to 40 in FY 2005. Based upon early detection results from FY 2004, we are initiating a rapid response to an orthotomicus beetle found in California which will include more extensive trapping and delimiting of this potentially destructive nonnative pest.

Additionally, the Forest Service is establishing two threat assessment centers in Prineville, OR and Ashville, NC to develop use oriented technology and cutting edge research on invasive species. These centers will develop predictive models that integrate all of the threats to forest health such as insects, pathogens, fire, air pollution and weather. Results will help prioritize where treatments should occur and the ecological, environmental and social costs of not doing necessary treatments.

OUTLOOK FOR FUTURE IMPLEMENTATION OF HFRA

We expect to continue to make headway into treating hazardous fuels to restore fire adapted ecosystems and to help make communities safer. Although we recognize that HFI and HFRA authorities are helping to restore healthy forest and rangeland ecosystems we have much work ahead of us. We need to solve the problem that much of the woody material removed in fuels treatment projects is below merchantable size and is very expensive to treat. We need to improve the public's understanding that it is appropriate to do mechanical treatment that removes merchantable trees. What is important is that we are leaving a healthier, more resilient forest on the landscape.

We need continued bipartisan congressional support of these hazardous fuels reduction efforts, and need to expand our capacity to treat more with less, using biomass utilization, stewardship contracting, and other activities. Homeowners need to continue to take responsibility for treating hazardous fuels on their own lands by taking action through the FIREWISE program, which helps people who live or vacation in fire-prone areas educate themselves about wildland fire protection. Homeowners can learn how to protect their homes with a survivable space and how to landscape their yard with fire resistant materials.

CONCLUSION

Mr. Chairman, the new authorities are proving to be very helpful in our efforts to make significant improvements to the health of this country's forests and rangelands. We will continue to work with our other Federal, State, Tribal and local partners to accomplish this. We appreciate your support. I would be happy to answer any questions the committee members may have.