

Statement of
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Before the
Subcommittee on Forests and Forest Health
Committee on Resources
United States House of Representatives

Concerning
H.R. 3818, Forest Service Partnership Enhancement Act of 2005
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Mr. Chairman and members of the committee, thank you for this opportunity to present the Department's views on H.R. 3818, the Forest Service Partnership Enhancement Act of 2005. The Department strongly recommends that H.R. 3818 be enacted. The bill contains provisions from the Administration's draft legislation recently transmitted to Congress under the same title, as well as provisions relating to watershed restoration and enhancement agreements that the Forest Service has successfully used since 1999. Secretary of Agriculture Mike Johanns recently affirmed that, "Conservation today is no longer about conflict. Instead, it's about cooperation, about partnerships, about collaborative solutions from the bottom up." H. R. 3818 will improve the Forest Service's ability to contribute toward collaborative conservation efforts.

This bill would authorize the Forest Service to enter into mutual benefit agreements with cooperators. In addition, it would expand authority for enhancing visitor awareness of natural resources and cultural heritage through cooperative educational and interpretive programs, materials, services, and products. It would facilitate partner contributions by allowing the Forest Service to advance funds to cooperators under specified conditions. The bill would also provide permanent authority for agreements to carry out activities within a watershed to protect, restore, and enhance resources and reduce fire risk on or near National Forest System lands--which the Forest Service has successfully used under temporary authority since 1999.

The Power of Partnerships

Partnerships reflect a growing and important trend: the joining of passion and resources by committed citizens, organizations, and government agencies to achieve social, economic, and ecological goals. The American people are voicing their desire, as never before, to volunteer, participate, and share in the stewardship of natural and cultural resources and in decisions that affect their communities.

The Administration's support for such efforts is reflected in Executive Order 13352, Facilitation of Cooperative Conservation, which calls for collaborative activity among federal, state, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals. The White House Conference on Cooperative Conservation recently convened stakeholders from around the nation and from all walks of life to discuss ways of facilitating collaborative work. H.R. 3818 builds a new framework for the Forest Service to contribute toward the many opportunities that will come from the renewed emphasis on cooperative conservation.

Over the 100 year history of the Forest Service, land management challenges have grown more complex, the needs of the public have become more varied, and competition for resources has intensified. The Forest Service has accumulated numerous authorities for working cooperatively throughout its history, but these authorities do not always address today's resource conservation needs or allow for the delivery of a broad range of visitor services and interpretive and educational materials. At times, the Forest Service has fallen short in its collaborative efforts.

As Forest Service Chief Dale Bosworth has said, "Our partners have to really, really want to work with us because we don't always make it easy for them to do so." A Forest Service workgroup assessed agency partnership authorities, policies, and business practices. The workgroup established that partnerships are essential to achieving the agency's multiple-use conservation mission, but that internal process, policies, and lack of key legal authorities can hamper its ability to work with others, particularly within the National Forest System deputy area, which manages the National Forests.

In response to the workgroup's recommendations, in 2003 the Forest Service established a National Partnership Office (NPO) to increase the agency's capacity for, and effectiveness in, policy and coordination of its overall partnership and collaboration efforts. The NPO is making progress in streamlining processes and providing tools to make cooperative work

easier for both the agency and for those with whom it works. In cooperation with the National Forest Foundation, the NPO created the Partnership Resource Center, an online clearinghouse of information and tools to help partners and Forest Service employees initiate, learn about, or work cooperatively with others. The NPO is also building networks of Forest Service employees and partners to assist with cooperative efforts, and it is increasing accountability through formulating partnership performance measures and investigating better ways of communicating the value of cooperative work accomplishments.

In addition to recommendations to improve policy and procedure, the Forest Service partnership work group also recommended that the agency pursue additional authority to improve its ability to work cooperatively with others. The Administration transmitted a draft bill containing these authorities to Congress this past July. H.R. 3818 is substantially similar to the Administration's bill, and gives Congress the opportunity to guide the Forest Service's cooperative work relationships in the 21st Century.

Authorities for Cooperative Work Relationships

The Federal Grants and Cooperative Agreements Act of 1977 (FGCAA) creates uniform guidelines for agencies to use in determining whether a potential transaction involves a procurement of goods or services for the direct benefit of the government (which requires use of a contract) or assistance to stimulate a public purpose (which requires use of a grant or a cooperative agreement).

The Forest Service has a long tradition of working with others through these means. The agency has a large acquisition program, contracting with individuals and businesses to procure a full range of its needs, from consulting services to firefighting air tankers to construction and maintenance to materials and supplies. The Forest Service also makes effective use of grants and cooperative agreements to assist other entities, particularly in its State and Private Forestry, Research and Development, and International Programs branches.

H.R. 3818 provides for a third way of working with others through mutual benefit agreements. These agreements differ from grants and cooperative agreements as defined under the FGCAA, since they are neither procurement nor assistance relationships. They differ since they require some type of contribution by all participating parties (such as cash and in-kind services) and require that the parties mutually benefit from the activities or services being performed. Mutual benefit agreements provide a vehicle for parties to share the costs and resources needed to accomplish a task for their mutual benefit.

Projects completed under "challenge cost share" and "participating" agreements typify this mutual benefit arrangement. The bill would clarify, enhance, and consolidate these authorities. Recognizing the utility of such agreements, Congress provided authority for challenge cost share agreements in the Fiscal Year 1992 Interior and Related Agencies Appropriations Act (P.L. 102-154). Hundreds of projects have been completed under this authority, including: trail construction and maintenance; habitat enhancement; watershed planning assessments; wildland urban interface fire risk analysis and information dissemination; an environmental sustainability program for winter sports; historic and cultural restoration; interpretive and educational programs and services; and many other worthy projects. In fiscal year 2004 alone, projects valued at nearly 75 million dollars were accomplished, with a roughly one to one match in contributions between the Forest Service and cooperators.

Just one example of the benefits these agreements bring is on the Cibola National Forest in New Mexico. Through a participating agreement, in the summer of 2004 the Forest Guild sponsored and supervised a Youth Conservation Crew. This crew installed riparian fencing, improved trails, restored meadows, monitored forest thinning, installed water wildlife improvements, and built fire line for a prescribed burn. The crew members, from local Hispanic villages, learned about the environment, established new relationships, and made a difference in their own back yards. The Forest Guild benefited from this project because it supported their goal of training youth in stewardship excellence, and the National Forest benefited from the resource improvements.

Another mutual benefit authority is contained in the Fiscal Year 1999 Interior and Related Agencies Appropriations Act (P.L. 105-277) and subsequent reauthorizations in a provision that authorizes agreements to carry out activities within watersheds on National Forest System lands or on non-Federal lands within the same watershed, if the activity benefits resources on National Forest System lands. Eligible projects include the protection, restoration, and enhancement of resources, including fish and wildlife habitat, as well as reduction of risk from natural disasters where public safety is threatened. Benefits include improved, maintained and protected ecosystem conditions through collaborative administration and implementation of projects as well as increased operational effectiveness and efficiency through coordination of efforts, services, and products to accomplish the highest priority work. We would like to work with the committee to address the relationship of section 7 to other provisions in the bill.

Work on the Siuslaw National Forest in Oregon illustrates the benefits of working across landscapes using this authority. Since 1998, the forest has implemented 26 projects, leveraging \$321,000 in Federal investments with \$387,000 in partner contributions to restore floodplains, riparian areas, and estuaries; install in-stream structures; monitor activities; and share information. Strategic use of this tool has brought a tremendous benefit to watersheds affecting National Forest System lands.

H.R. 3818 allows for funds to be advanced to cooperators, which is not currently authorized under mutual benefit authorities. Cooperators are often organizations without large cash reserves, and they can encounter cash-flow problems in carrying out work. This provision will, for example, enable volunteer trail associations to transport their volunteers to worksites by advancing funds for gas, supplies, and other materials needed for the project, rather than reimbursing them after the project is completed.

Educational and Interpretive Materials, Programs, Products, and Services

The Forest Service partnership workgroup also identified the need to clarify statutory authority to meet the growing expectations of the public and visitors to national forests and grasslands for expanded programs and services. For example, the Cooperative Funds and Deposits Act of 1975 (P.L. 94-148), which authorizes the Forest Service to enter into cooperatively performed projects to develop and publish environmental education and forest history materials, is limited. H. R. 3818 includes broad authority to work with Interpretive Associations and other entities to provide educational and interpretive materials and products, within the framework of existing law or regulation, such as the Government Printing and Binding Regulations.

H.R. 3818 would also allow the Forest Service and cooperators to construct, maintain, or improve facilities for the sale or distribution of educational and interpretive materials, products, programs, and services on or in the vicinity of National Forest system lands. This authority would enhance and consolidate the sale and distribution of educational and interpretive materials, products, programs, and services. Efficiencies can be more readily achieved by working with communities to deliver the interpretive and educational services that their residents and visitors need in a single facility rather than in multiple ones. For example, most national forests are located near communities that share an interest with the Forest Service in providing visitor information and education about their respective resources and recreational opportunities. Under current law, the Forest Service cannot invest in modifying a facility off National Forest System lands to accommodate a work area or interpretive displays, resulting in unnecessary and costly duplication of visitor facilities, inconveniences to visitors, and inhibits collaboration in program delivery.

Another barrier to working with partners is that current authority is limited to the sale of environmental education and forest history materials. At visitor contact facilities in remote locations without commercial sales outlets, visitors often need and request health and safety convenience products such as sunscreen, bottled water, insect repellent, and photography supplies that are not otherwise available. H.R. 3818 provides authority to sell these items to meet visitor demand and address their safety.

H.R. 3818 would eliminate another barrier to agency partnerships by allowing for the collection of funds on behalf of cooperators for the sale of the materials mentioned above. Current law does not confer sufficient authority for Forest Service employees to accept payment for these materials on behalf of agency cooperators. As a result, visitors are unable to purchase these materials during a cooperator's absence or must purchase materials at two different cash registers at the same counter. Enhanced authority will improve efficiency and service to visitors while maintaining fiscal controls.

H.R. 3818 would require implementing regulations as may be necessary to guide the Forest Service and prospective cooperators and to maintain the public's trust.

A Collective Commitment to Conservation

During this, our Centennial year, as we've considered the future, the Forest Service has reached out for ideas and inspiration from the people and communities we serve. Our partners and the public tell us, with clarity and consistency, that the agency must continue to embrace partnerships and our role as a facilitator and convener for cooperative conservation. Doing so expands the realm of possibility, creating solutions for our forests and landscapes that benefit people, communities, and the land for generations to come. The principles and authorities contained in the Forest Service Partnership Enhancement Act of 2005 will not only enhance our ability to work with cooperators, but also reinforce the agency's commitment to a new century of service to the American people. I look forward to answering any questions you may have.