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VIEWS AND VISION OF THE NEW CHIEF OF THE U.S. FOREST SERVICE, DALE N. BOSWORTH

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FORESTS AND FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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OVERSIGHT HEARING ON THE VIEWS AND VISION OF THE NEW CHIEF OF THE FOREST SERVICE, DALE N. BOSWORTH

Tuesday, May 15, 2001
U.S. House of Representatives
Subcommittee on Forests and Forest Health
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to call, at 3:34 p.m., in Room 1334, Longworth House Office Building, Hon. John E. Peterson presiding.

Mr. PETERSON. The Subcommittee on Forests and Forest Health will come to order. The Subcommittee is meeting today to hear the views and visions of the new Chief of the Forest Service, Dale Bosworth.

[The prepared statement of Mr. McInnis follows:]

Statement of The Honorable Scott McInnis, Chairman, Subcommittee on Forests and Forest Health

Today we will be discussing the future of our national forests with Dale Bosworth, the new Chief of the Forest Service. Chief Bosworth is not an unknown element. For the first time in a great number of years we now have a Chief who has worked at every level of the agency, who is recognized for his ability to balance divergent interests without compromising scientific principle, and who is highly regarded by the rank-and-file of the agency as a person of high integrity and intelligence.

Based on his track record, it is clear that this is a Chief who will not be beholden to any one interest group or political party. Rather, it seems, he will be a Chief whose primary concern will be the long-term health and sustainability of the forests themselves.

This could not come at a more critical time with the Forest Service finding itself in perhaps the most embattled period in its one hundred year history. Never before has the Forest Service been under greater stress and less able to carry out its goal of "caring for the land and serving people." Today, in fact, the Forest Service is struggling to accomplish either. So this may be the last chance to salvage a proud and dynamic agency.

This is a tall order for the new Chief, but one I believe that he and the agency are up to, that is, of course, with a little help from Congress. With this in mind, I look forward to working with the Chief through the challenges and opportunities of these times.

Mr. PETERSON. Does the Ranking Member have a statement he wants to make?

Mr. INSLEE. No, thank you, Mr. Chairman.

Mr. PETERSON. I would like to welcome Dale Bosworth, Chief of the Forest Service, to us today, and we are going to let you proceed

with your statement. We want to welcome you and let you know we are here to learn from you and work with you in your visions of the Forest System, so please feel free to proceed.

STATEMENT OF DALE BOSWORTH, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. BOSWORTH. Mr. Chairman and members of the Committee, thank you for the opportunity to be here. I am really looking forward to this hearing. Actually, it is a good opportunity for me to discuss the direction that I would like to move the Forest Service in and to answer your questions. I have a full statement that I have submitted, and I just want to summarize a few things very quickly so we can get to the questions.

But first I would like to say that I really do appreciate the chance to be here, and I am pleased that Secretary Veneman had the confidence in me to select me for the position of Chief of the Forest Service. And I also want to take this time to thank the thousands of Forest Service employees that are out there, that are doing just outstanding work, in my judgment. I want to thank them for their support and their encouragement to me here the last few weeks, and I expect that to continue.

I would also like to thank the Subcommittee in advance for working with me during this transition, and I think that if we work closely together, that we will be much more productive.

There are just a few things that I want to talk about. I want to talk about the priorities that I am going to be looking at over the next several months, and the first thing has to do with trying to get work done on the ground. I believe that the Forest Service is measured by the public in doing work on the ground. They don't measure our abilities by the amount of paper that we produce. They don't measure us by how much we talk. They measure us by results.

I want to get a focus in the organization to get more work done on the ground, to do what we say we are going to do, and we need to work with people and communities in order to do that. That is a high priority for me. My view is that we need, the work that we do in our national headquarters needs to be work that will facilitate our folks getting the job done on the ground, and so making the connection between the ranger district and the Washington office or the national headquarters is extremely important.

I also want to focus on a connection between the three parts of our organization, the Research Branch, the State and Private Forestry Branch, and the National Forest Systems Branch. If we want to be effective, we need to have those three parts of our organization working effectively together, where the kind of research we are doing is going to be research that is going to be used by other public land managers and others, and our State and Private Forestry programs will be effective, and I believe they are effective now, but more effective in terms of helping private landowners do the things that they need to do on their land, giving good advice and helping the private forest landowners.

Local decisionmaking is something that I am going to put some focus on. In order to be able to get this work done on the ground, we are going to have to get back to where we have district rangers

and forest supervisors making the decisions on the ground. And in order to do that, we are going to have to work closely with the public. I think that all of our folks work real hard at trying to engage the communities and trying to come up with solutions in a community collaborative way, but oftentimes some of the processes that we develop at our national headquarters seem to get in the way of some of those local collaborative decision-making processes.

While I say that, I don't want to imply that focusing locally means that we exclude people at the State or National level, because I believe that the policies that do get set by Congress and by the Administration, by my office, set sideboards for how we should proceed. And then at the local level you work with people, to work within those sideboards to come up with solutions that are going to work for the community and they are going to also work for the national audience in general.

We are going to be spending a lot of time working on accountability. Accountability is both financial accountability and performance accountability. We need to have our financial management in order. We have set off on a path to do that about 3 years ago, to get our financial management in order, and I think that if we proceed on that course, we will be in pretty good financial health here in just another year or two.

But the other side of accountability is performance accountability, and to me performance accountability is doing what we say we will do. I worry that we have spent so much of our focus and talked so much about the financial aspects of accountability, that we have maybe moved away a little bit from performance.

I don't have the figures exactly here, but I know that in the past couple of years we have had some timber volumes, for example, that we have been expected to produce, and we have fallen short of that. I would rather take the approach that we will tell you how much we can produce, and if we are able to do that—well, I won't be telling you something I don't believe to be the case. That is sort of putting it simply. If I tell you that I believe that we are going to be getting a certain amount of timber volume out, for example, then what I want to do is our very best to do that and be held accountable for that.

Part of the accountability also, I think, is our Washington office doing a better job of oversight of the regions, and I think that I would like to put into better place a system that we go to the regions, we review the work that they are doing, we find out whether things are working or not working, hold people accountable for getting the job done, and I expect regional foresters to do the same thing with forest supervisors and so on, down to district rangers. And again, I think by doing it that way we can reestablish the connectivity that we need to have. I expect the same kind of accountability to take place at the research stations and the State and private area.

I want to mention just very briefly the National Fire Plan, which has been an important priority for us now for this last year, and is going to continue to be an important priority. Congress gave us a good, healthy increase in dollars last year, and we need to be able to perform.

We are focusing the work around these communities where we are going to reduce the fuel hazards. We are working hard at restoration of areas that burned last year. We have hired a number of employees to bring us up to the most efficient level for firefighting. We have been working very closely with the States, both the State foresters and the State governors and other people in the communities, to make sure that our firefighting force is going to work together. We need to make sure that we think about both the State, the other Federal agencies, as well as the Forest Service when we are thinking about a firefighting force, and I believe that that is how we are operating right now, so we are going to continue to move forward with that.

Now, that is a very brief kind of outline on sort of the things that I said in my statement, but I would like to really focus on questions that you might have, and so once again I would like to say that I appreciate the opportunity to be here and I would be happy to answer any questions you might have.

[The prepared statement of Mr. Bosworth follows:]

Statement of Dale N. Bosworth, Chief, Forest Service, U.S. Department of Agriculture

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to be here today to talk about my views and vision for the Forest Service. Let me also say, as Chief of the Forest Service for only a few weeks, I am deeply honored to have been selected.

First, I am grateful to Secretary Veneman for her confidence in me, and I thank the dedicated, hard working employees of the Forest Service for their support and encouragement. Let me also express my appreciation in advance to you Mr. Chairman, Mr. Inslee, and members of the Subcommittee for working with the Forest Service and me during this transition.

I would like to start my testimony by saying a few words about myself and my life-long commitment to the Forest Service. I have worked in the Forest Service for 35 years. I am what in the agency is often called a "Forest Service brat," a title I inherited because my father was also a Forest Service employee. It is fair to say I have a lifetime of being part of the Forest Service culture, traditions, and debates about management of America's forests and rangelands. Coming from this background, I am truly humbled by the duties entrusted in me as Chief and I am eager to lead this agency through challenging times.

In my testimony today, I will briefly talk about a couple of themes of my leadership. First, I will discuss the fundamentals central to our ability to get the job done providing the support and resources for "on-the-ground" work, reconnecting the headquarters with the field, and empowering local decision-making. Next, I will discuss agency accountability. I will talk about accountability not only in the implementation of financial reforms, but also from the standpoint of getting our work done. I also want to talk about how the National Fire Plan, with its strong focus on protecting communities from the dangers of catastrophic fire represents a broader focus on how, in general, we need to manage the Nation's forests and rangelands to protect communities and natural resources, and provide services and products on a sustainable basis.

MANAGEMENT PRIORITIES

Mr. Chairman, as a Regional Forester in two regions over the past 7 years, and in many other positions in the Forest Service, I have developed an appreciation for the job being performed on-the-ground by our employees, the foundation of our credibility with the public. This applies to researchers, employees on the National Forests and Grasslands, and employees who provide support to State, local, private, Tribal and international stakeholders. It is the responsibility of employees in the national headquarters and at the regional offices to ensure the best possible support is given to that on-the-ground job. Over the next several months, I want to emphasize what I think is essential in establishing a "reconnection" between the headquarters and the field. I want to make sure that ongoing initiatives to improve financial compliance and track natural resource information do not unintentionally

hinder employees from doing their work. This assessment of ongoing initiatives does not alter the agency's commitment to moving forward with achieving financial accountability.

One of the greatest strengths of the Forest Service is the ability of line officers at the forest and ranger district level to make and implement decisions that take local community interests into account. I am concerned that in recent years this ability has been limited by an over-reliance on top-down initiatives that have disempowered local decision making, and have prevented the greatest possible funding from reaching the field unit level. I firmly believe that each field unit has different needs. A single management prescription cannot produce healthy forests and rangelands that provide opportunities to deliver goods and services across the wide array of environments in which our National Forests and Grasslands exist.

Along these lines I believe we need to adjust the role of our Washington Office. Instead of providing specific management direction, the goal of the Washington Office needs to be one of providing broad program and policy direction and then the necessary programmatic level of review to ensure that we are accountable for accomplishing funded objectives and achieving desired results.

In the immediate future, I will work closely with Secretary Veneman to assess recent initiatives to make sure the ability to manage and protect our diverse resources is not adversely affected. We will assess the agency's strategic goals and objectives to ensure full compatibility with local forest plans and priorities. To get the agency's work done it is critical to ensure funds held at the headquarters and regional levels are only those funds that are essential to accomplishing our mission. In recent years the amount of funds taken off the top has grown to unprecedented levels. While the majority of this funding ultimately goes to the field, too much does not. Too little of this money goes to projects that directly support on-the-ground accomplishments. Two weeks ago the Forest Service, with help from field line officers, began the most intensive screening of this off the top funding in years. I will personally make the final decision on funds held at the headquarters level.

I also intend to take a close look at the organizational leadership structure of the Forest Service. I want to make sure our line officers are empowered to make and implement natural resource management decisions at the field level, in the best tradition of our decentralized organization, while assuring that systems used in the field meet best business practices and are consistent and comply with national law, regulation, and policy. I intend to be available to all employees at all levels of the organization so they can give me their insights. One of the first things I did as Chief was to have the Regional Foresters and Station Directors report directly to me, so I can personally maintain day-to-day contact with the field.

ACCOUNTABILITY

Another key theme of my leadership will be to continue the improvement of our financial accountability that has been a significant emphasis of the agency for the past three years. Under the direction of Secretary Veneman, we will continue on the path of bringing our financial management and accounting of agency assets into full compliance with the best business management standards.

However, as I mentioned earlier, being accountable is much more than having good financial accountability. It is delivering on program commitments.

I intend to provide the agency's line officers with the resources to perform on-the-ground work, and systems that allow them to efficiently report their accomplishments. We must emphasize performance accountability as strongly as we emphasize financial accountability.

NATIONAL FIRE PLAN

As I mentioned, one of our greatest current needs is to address the threat to our forests and communities from the enormous build-up of hazardous fuels that has occurred in the National Forests and Grasslands. As a Regional Forester, I personally witnessed the catastrophic wildland fires that occurred in the Bitterroot Mountains of Montana last year.

The National Fire Plan is a good example of what can be achieved when Congress and the Administration work together. It also is a good example of how the Forest Service can integrate the full array of agency programs to improve the health of our Nation's forests by providing the resources needed to protect communities and natural resources from wildland fires and invasive species. Additionally, through our outstanding Research and State and Private Forestry programs, the Fire Plan provides emphasis to developing technologies that will increase the use of forest products by communities and industry. These programs have the potential to make it economically beneficial for the Forest Service and private industry to restore the

health of the land by increasing the value and use of traditionally non-or low valued forest products. The balancing process of restoring forests and protecting communities will integrate local community employment and expanding local economic capacity with the generation of forest and range products to accomplish restoration objectives.

Working with the States and local communities we have made a good start on implementing hazardous fuel reduction projects, increasing our fire suppression capabilities, and providing financial and technical assistance to assist communities to address wildfire concerns in the urban-wildland interface.

CONCLUSION

Mr. Chairman, Secretary Veneman has made clear to me that she wants the Forest Service to be a world-class provider of goods and services for America. I know the agency has that capability. To that end, I intend to personally devote my attention to achieving this goal through emphasis on the management priorities I have described and continued aggressive adherence to improved performance accountability. Let me again say that I am deeply honored to be the Chief of the Forest Service. I look forward to working with you and thank you for your support. I will be happy to answer any questions.

Mr. PETERSON. Well, thank you very much. We certainly look forward to working with you.

We are going to start with Mr. Otter from Idaho for 5 minutes.

Mr. OTTER. Thank you very much, Mr. Chairman. I was so excited when I heard that Mr. Bosworth was going to be here, and I wanted to be the first to ask questions and hear his testimony, that I got here yesterday, just to make sure that I was going to get to be first.

[Laughter.]

Dale, good to have you here before the Committee, and good to have you on board. And let me just say, Mr. Chairman, that I do have an opening statement that I would like to submit for the record, without objection.

Mr. PETERSON. Without objection.

[The prepared statement of Mr. Otter follows:]

Statement of The Honorable C.L. "Butch" Otter, a Representative in Congress from the State of Idaho

Thank you, Mr. Chairman, for giving me and other members of the Committee the opportunity to discuss critical forest issues with our new Forest Service Chief. As with his other important appointments, the President's choice to head the U.S. Forest Service is top-notch.

Although he was born in California, I'm sure he won't mind if I'm much more impressed that he received his Bachelor of Science in Forestry from the University of Idaho—and spent the better part of his career as a forester in Northern Idaho, working his way up the chain in positions that make him experienced and qualified to serve as Forest Service Chief.

Idahoans know Dale Bosworth. He has dedicated his entire 35-year career in the Forest Service—beginning as a forester for the St. Joe National Forest, then as district ranger on the Clearwater National Forest in Northern Idaho. Most recently, he has served as Northern Regional forester for an area covering northern Idaho, Montana, North Dakota, and northwestern South Dakota—areas that were devastated by last summer's wildfires. While the challenges will come as fast and mighty as water out of a fire hose, I believe Dale will seek solutions in a practical and effective manner, and I'm pleased to have him there.

Like the vast majority of my constituents in Idaho, I am particularly concerned—and hope Chief Bosworth will address the immediate threat to Idaho because of unhealthy forests, unwise management practices, and dangerously dry conditions. We simply cannot survive another year of devastating wildfires like those of last summer that destroyed millions of acres of forests, and has created even more problems of disease and insect infestation.

I also am hopeful that Chief Bosworth will meet with me and the particularly distressed timber-dependent communities in my District—such as Cascade and Emmett—where up to 400 jobs will be lost due to the likely closure of mills there. Many of these people—like Dale—have spent most of their lives living and working to maintain healthy forests, and we simply cannot turn our back on them. Aside from the economic concerns, I am convinced that we must strengthen locally-driven partnerships to thin and remove the fuel buildup in these areas, which is vital to maintaining healthy forests and reducing the risk of wildfires.

Access and locally-driven management of the forests—and private lands adjacent to forests—is critical. I strongly agree with Judge Edward Lodge's decision last Thursday that the previous Administration's forest roadless policy was flawed and did not follow the law. The Bush Administration has now been given a fresh opportunity to not only provide protection to areas of the forests that the roadless rule intended, but to also ensure, on a forest-by-forest basis, that the most critical concerns are addressed with full local decisionmaking, rather than through "top-down," "one-size-fits-all" management from Washington, D.C.

Thank you, Mr. Chairman, and welcome, Chief Bosworth.

Mr. OTTER. Mr. Bosworth, you have to know how encouraged Idahoans are, where 65 percent of our land mass, 21.5 million acres, are national forests. I know I was impressed with the fact that you were born in California and still survived Idaho for the great deal of time that you spent up there, including getting your degree there at the University of Idaho Forestry School.

But I say again, with the closure of 32 mills in Idaho during the Clinton Administration because of basically shutting down the thinning of the forest and the management of the forest on a health basis, it is very encouraging to Idahoans now to have somebody at the helm that understands from the ground up what the problems are, where we didn't have that the last 8 years.

I want to know how soon we are going to start seeing this ground-up, this attention to detail at ground zero. Are you going to start having regional meetings out there that we can all participate in, and come out and have these hearings out there, Chief? How are we going to accomplish that?

Mr. BOSWORTH. Well, first, I am more than willing to have meetings and hearings out in the field. The thing that I need to do internally is to work with the regions and work with the forests, in which I do intend to get to all the regions as quickly as I can and have some discussions about how we are going to be able to pull this off. And when I say "pull this off," I am talking about again getting the focus to where decisions are going to be made more locally.

We are looking at the process we have in place right now at the national level that may inhibit that. We are looking at what kind of processes we can change. I would like to say that, boy, you are going to see a big difference next week, but that would be untruthful. I think that we are going to see a slower evolution of change, because we are going to have to bring people along with us as we start making some of these changes.

Mr. OTTER. Chief, one of the problems that I see in that is that some of that has run into a serious case of anemia over the last 8 years, where you have actually had people on the ground making decisions, and I am kind of concerned about the decision-making muscle that may not be out there because they haven't been allowed to flex that muscle.

Most of the decisions that I know that affect the St. Joe and the Clearwater and the Payette and the Boise basically are coming not off the banks of the Snake River or the Clearwater River, but off the banks of the Potomac. And I am really concerned that when we do start doing the management work, that we do a good job, and one that we can be proud of environmentally and one that we can be proud of with the national treasure that we have in these national forests.

Do you think that you have the personnel in place today to make those kind of decisions and to offer that kind of direction and leadership?

Mr. BOSWORTH. Yes, we have. I believe that completely. If you get an opportunity to meet with some of our district rangers out in Idaho or any of the States, any of the national forests, and our forest supervisors, and get an opportunity to have some dialogue with those folks who are making the decisions at the local level, I think you will know that, as well.

Now, I don't want to imply that I think we have all the skills in place to meet all the kinds of requirements that we have through NEPA, through ESA, the Endangered Species Act, and all those things, but we do have the folks out on the ground that have the skills to make decisions, the desire to make the decisions, that have the management ability to bring people together and to cause those things to happen. What we have to do in here is to find ways to give them the flexibility to accomplish that.

Mr. OTTER. Chief, do you think you can build a working relationship as a partner with NEPA, with the ESA and all the other agencies that are going to have something to say? We haven't had a partnership, and we keep looking round for a place to surrender. Every time we come up with a problem, we don't know which agency is the lead agency in charge. And once we get past the Army Corps of Engineers or the Clean Water Act, then we run into NMFS. And then we get through with NMFS, and then we run into U.S. Fish and Wildlife, or vice versa. Do you really think, and are you prepared to try to build a partnership with those folks?

Mr. BOSWORTH. Well, yes. There are several things I want to say about this.

First, yes, we do need to build a partnership with the agencies that also have a legal responsibility for what takes place on national forest lands. It makes it more difficult, obviously, when the power is sort of shared, I guess is the way to say it, or when our rangers are sort of regulated in one way or another.

I think there are things that can be done to help that. There are things that we can do to streamline those processes. I think there are things that we can do to build better relationships with other agencies. But I also believe that those changes are going to only be incremental in terms of being able to help get the work done on the ground.

Frankly, we spend a huge amount of time and energy and effort doing analysis for the purpose of being able to win in court. It may not add a whole lot of value to the decisions being made or that need to be made, but because of the case law that has evolved over the years on the National Environmental Policy Act, for example,

there is a huge, high hurdle for our folks to leap over in order to be able to win in court.

As we work with communities and we collaborate in a way to try to bring people to the table and come up with solutions, it is discouraging to those people when it takes us then 2 years to work our way through the process to make a decision. Now, again, that doesn't mean that we don't have people who are capable of making the decision or people who want to make the decision, but the question is how long it takes to work our way through the process that we have to work through. And so what I want to do is work hard at trying to find ways of reducing that.

Mr. OTTER. Thank you.

Thank you, Mr. Chairman.

Mr. PETERSON. We will have another round, and you can prepare for that.

We have been joined by the Ranking Member of the Full Committee, Mr. Rahall from West Virginia. Did you have an opening statement you wanted to make?

Mr. RAHALL. Thank you, Mr. Chairman, if this is the appropriate time, but I don't want to jump in front of my colleagues who have been here.

Mr. PETERSON. The Ranking always ranks.

[Laughter.]

I recognize the gentleman from West Virginia.

Mr. RAHALL. Thank you, Mr. Chairman. Mr. Chairman, I want to welcome the new Forest Chief to the Subcommittee today, and certainly congratulate him on a distinguished career, having served at just about every level, I guess, and being a "forest brat" as he has described himself.

Your agency, as you no doubt know, has always been a challenged agency, often in conflict as to how to achieve your multifaceted mission and often buffeted by changing political winds, so I guess it is heartening to see a career professional now at the helm, and I am sure that you can rise to the challenge.

I would like to raise two issues briefly in my time allotted. The first involves the forest development road system. As you may or may not know, I have been advocating the pressing need for greater resources to address the critical maintenance and capital improvement backlog of this 386,000-mile system.

For its part, you have responded with the proposal to establish a 60,000-mile network of public Forest Service roads that serve the public as collector and arterial routes. Yet, at the same time, the proposed budget would barely keep up with the annual increase in maintenance needs, let alone address the backlog itself.

So I guess my first question, Chief Bosworth, then is how do we devise a financing mechanism to tackle this problem? Because until we do, the roadless policy currently under attack in courts does not make economic or environmental sense, until we are able to tackle the budget problem.

Let me go to the second. While you are thinking of that, I will also put another issue on the table, and that involves the county payments. As you are aware, last year Congress passed legislation aimed at stabilizing the amount of money forest counties receive as part of their share of receipts, such as from timber sales. The new

law, however, gives the counties two options on how to continue to receive these receipts, and the election of a given option has the potential to increase or decrease their payments.

Now, the first such election, as I understand it, has to be made by September 30th of this year, and what I am finding is that many of the counties are simply not aware of this situation. So what I think is needed, and again ask your comments, is a county outreach program, aggressive outreach to these county governments so that they understand this new procedure and know how to go about it.

Mr. BOSWORTH. Okay, I will start with the roads first, and it seems to me that the best approach to deal with the backlog of roads is, first you need to figure out what roads you want to keep, what standard you want to keep those. That means that some roads by definition are no longer needed, and need to be decommissioned. I have been around parts of the country where we have a lot of roads out there that most people would agree are no longer necessary.

Now it also can be very controversial when you talk about decommissioning roads, but there are places there where we have a number of miles of roads, some of them that don't get used, some of them that have got trees growing back up in them, or brush, that we would be best off just decommissioning those roads. They wouldn't be part of the 383,000 miles. They wouldn't be part of the backlog for maintenance. And they also would be in better condition when we have high runoff.

Mr. RAHALL. But can that be done within the budget, the budget request?

Mr. BOSWORTH. Well, obviously the amount of work that we are going to be able to do on decommissioning would depend upon the budget, but we can work our way through that. We are getting funding every year to decommission roads, maybe not at the rate that we would like to, but that is one place that we can make a difference. Another place—

Mr. RAHALL. Excuse me, though. But you did not say it could be done within the current budget request. You said it would depend on what that request ends up being. Is that correct?

Mr. BOSWORTH. Well, yes. When I say whether it could be done at the current, it depends on how fast you want to do it. You know, if we had the dollars to do all the decommissioning in 1 year, we couldn't do that, either, so over a reasonable period of time, and I haven't got that calculated out to tell you, based upon our current budget, how long that would take. But in a reasonable period of time, we should be able to decommission the roads that we need to decommission. We have got to go through the environmental analysis to do that, work with the public, decide which roads those are.

But that is just one part of it. The other, I think, is to find other ways of funding the backlog of maintenance, and I think that competing for some of the T-21 funds, for example, would be one way that we could help supplement some of the dollars. So we are just going to have to continue to look for innovative ways to try to take care of the backlog, because it is a challenge that does have effects, as you pointed out.

As far as the county payments, I guess I have been under the impression that our folks, and I believe they are, are doing a pretty good job of outreach to the counties right now. Now, there may be some places that we are not doing as good of a job, and that some of the people, some of the county commissioners, county supervisors, aren't as aware of what their choices and options are. And I would be happy to get with you and try to identify some of those places, and look for some other ways to try to reach those folks.

Mr. RAHALL. I would appreciate that, Chief Bosworth, because again, as I close, let me just say that I note your career has been in the West, but we do have national forests in my State of West Virginia and throughout the East, and they do have their own sets of challenges and promises, and your willingness to work with us on that outreach program will be accepted. I appreciate it.

Mr. PETERSON. The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

Chief, I am just finishing a book called "A Walk in the Woods" by a man named Bill Braxton, a very fine book about hiking the Appalachian Trail, and in that book he mentions that New England in 1850 was 30 percent forest and today it is 70 percent forest land. And I had read a similar figure earlier in the Christian Science Monitor, saying that New England was roughly almost 70 percent in forest land.

And in my own State of Tennessee, I read in the Nashville News Sentinel not long ago that in 1950 Tennessee was 36 percent in forest land, and today it is 50 percent in forest land. There have been similar increases in most States around the country, and yet I think if I went to any school in this country and asked the children there if the amount of forest land had gone up, way up or way down in the last 50 or 100 years or 150 years, they would almost all say that the amount of forest land had gone way down.

And there seem to be, we seem to have a lot of people in this country who think it is really bad if we cut any trees. And yet I don't think they stop to think that if you don't cut trees, that our homes go way up in price, houses go up in price, furniture, every product made out of paper, and you end up destroying jobs and driving up prices and hurting the poor and the lower income people in this country.

And so what I am saying to you, I think there is a lot of misinformation out there about forests, and I hope that you would consider—I am told that the Forest Service has about 34,000 employees. I don't know how accurate that is. But I wish that you would consider asking each of those employees to go one time a year into a middle school or a high school and speak to a class, and tell the story of the forests and how important wood and paper products are to this country, and to hopefully do away with some of these misconceptions, and tell them that the amount of forest land has gone way up and that we do occasionally need to cut some trees to have healthy forests, for instance. This attitude that we should turn all of our national parks and all of our national forests into untouched wilderness, I think is very bad from almost every standpoint that you can think of.

Would you consider doing something like that?

Mr. BOSWORTH. Well, first I would like to say that we have a lot of employees right now that do visit middle schools and high schools and do environmental education kinds of programs. One of the challenges is that most of those 34,000 employees live in the rural areas and the smaller communities.

We have some forest headquarters and districts that are in larger communities, but they often live in places where many of the people already, many of the kids, even, already have an understanding of the national forests and the woods, and they hear a lot more of those kinds of messages. We are not as effective in getting into some of the more urban areas with some of the environmental education messages.

Mr. DUNCAN. Well, I think you do have several thousand, though, that are in urban areas. I mean, my district is mostly an urban/suburban district in and around Knoxville, but we also have a big part, about half of the Great Smoky Mountains National Park, and about half of the Cherokee National Forest. And so I think it would be a good thing.

But let me ask you this: We had two hearings in this Subcommittee, one in early '98 and one in early 2000, in which they told us that because we are not even allowing the cutting or the removal of even half of the dead and dying trees in our national forests, that we were having this huge fuel buildup on the floor of the forests. And we were told by some people from the Forest Service and others that there were 39 million acres, almost 40 million acres in immediate danger of catastrophic forest fires.

Now, we were told that in early '98 and again in a hearing in early 2000, and then last summer those predictions came true and I think, what was it, 700,000 acres burned? I saw one estimate that almost $10 billion total damage was done. And I'm wondering, are we going to have some new policies hopefully that will allow the removal of more of the dead and dying trees, and that more will be done to, instead of beefing up the number of firefighters, being able to go into the forest to keep those forest fires, or at least many of them, from starting in the first place?

Mr. BOSWORTH. Just one correction on the numbers. Across the country last year I believe there was about 7 million acres of burn, not—

Mr. DUNCAN. Seven million acres, I am sorry. I remembered the seven. That is a lot of acres. And the shame of it is, if I went into one of the national forests and burned one tree, I guess I could be arrested, but because of the policies that the last Administration had, we burned these 7 million acres and caused $10 billion damage. And we need to change some things and do some things so that we don't burn millions of acres in the future.

Mr. BOSWORTH. I definitely believe that active management of the fuels is what we need to do, and it is what we are focusing on through the National Fire Plan. And the problem with the fuel build-up is, it is a problem that has evolved over a long period of time. We have been suppressing fires for many, many years in the Forest Service, and believing that we were doing the right thing.

I started on my first fire crew 40 years ago, and any fire that started, you know, it was our job to put that fire out by 10 a.m. of the following day. And now we are finding that the amount of

fuel that has built up over those years is something we can no longer be able to make those kinds of suppression efforts and be successful.

So to me it is going to take a number of things. It is going to take removing some of the smaller fuels from the forest. It is going to be a job of getting prescribed fire back into the national forests, and timber sales is not necessarily a bad way in certain cases to also accomplish that. So I think it takes some of the thinning, it can take salvage and timber sales in certain areas, and prescribed fire, and to help people understand in the communities what things they can do to also deal with their land, to keep fires from being more catastrophic when they hit their property or more destructive when they hit their property.

Mr. DUNCAN. Finally, I won't ask this as a question because my time is up, but I will make a very brief comment that in the national forest in my district one of the biggest issues is the access and opportunities for recreational use. And I do know that people in the Forest Service or Park Service would have easier jobs if we turned these areas into untouched wilderness, but I hope that you will allow some balance or have some balance in your policies so that all these millions of people that want to use the national forests for healthy, recreational, outdoor purposes will have the opportunity to do so and will not be kept out of these areas.

Thank you very much.

Mr. PETERSON. Yes, we thank you. We now recognize the Ranking Member for 5 minutes, Mr. Inslee from Washington.

Mr. INSLEE. Thank you, Mr. Bosworth. Welcome to the Committee, and I would like to give you an opportunity to express some personal thoughts here. Let me just ask you two kind of softball questions.

Number one, tell us what you think your proudest achievement to date has been, with all your great service. I would like to know about some of the good work you have done in the past. And, two, after you finish your service, what would you like the review of your service to be, the number one thing you would want to put on your accomplishment list?

The questions get harder after this, too.

[Laughter.]

Mr. BOSWORTH. Unfortunately, most of the achievements that I am proudest of have really been achievements from people that worked on my unit. When you are in some of the positions like District Ranger, Forest Supervisor, Regional Forester, it is the people that are on those units who really get the work done, and I have been blessed with having some outstanding employees that have done a lot to try to get the job done.

And I felt like, frankly, the job that our folks did last year during the 2000 fire season in the Northern Region of the Forest Service, as well as the Intermountain Region, which covers another part of Idaho and Utah and Nevada which got hit really hard, and are employees that I also know real well, I am very proud of the job, the fact that we got through a fire season that was as tough as that one was with a minimum—in our region no fatalities, there were some fatalities in other places—with a minimum of injuries, saved literally thousands of homes, worked with other agencies, in just

lock step with all the States and the other Federal agencies, and did it in a way that I think every Forest Service employee ought to be proud, and I am proud of them for doing that. While I didn't get a lot of soot on me, I still take pride in the work that those folks did.

Now, the second part of your question was—you will have to repeat that.

Mr. INSLEE. Yes. Sort of, sitting right now, what would you like to be—

Mr. PETERSON. Your legacy.

Mr. INSLEE. —your legacy? Thank you. I appreciate that.

Mr. BOSWORTH. I guess it is a little hard to describe but I will try to do it. I really didn't take this job to necessarily have some great legacy that people would speak about for years and years. What I really want to do is help this organization really be what it can be, and I think that is a world-class provider of services, and I think we can do that.

If all I accomplish is getting good management, I guess what I would say, back into the Forest Service, where we have got people that can make the decisions on the ground, where we are doing things at the next levels up to actually help facilitate work getting done on the ground, where we can reduce the amount of process and be efficient and effective, I would be thrilled if we could just accomplish that much.

I am not looking to make some huge change in the way that the national forests are managed. I frankly think that the evolution of change that has occurred over the years, where we have gone into ecosystem management, is a good way. I think that restoration of healthy watersheds is good. I think we also ought to be able to produce goods and services, which includes timber, but that ought not be the driving force behind our decisions. And if we can pull those things together, and you can get the public with us, then I will feel like I have made a really good accomplishment.

Mr. INSLEE. I appreciate that. I want to ask you about the roadless area policy, and I am sure you are aware that there is some disenchantment with the way the U.S. handled the litigation. I just want to ask you about the intentions of the Service.

And I will just tell you the principal source of this is the Attorney General's commitment during his confirmation hearings where he said, and I quote, "I will, regardless of whether or not I supported something as a Senator, defend the rule." And I think any fair reading of the response by the U.S. Attorney General to this lawsuit was essentially, "Go ahead and do what you want to do, Judge, because we don't like it either and we think it's wrong and it ought to be changed." And I don't think that was defending the rule by any stretch of the imagination.

So I guess the question is, do you intend to instruct your attorney, and I guess the Attorney General is your attorney in this case, to appeal this ruling, or what litigation strategy do you intend to follow?

Mr. BOSWORTH. Well, you know, I don't know that the Department of Justice would view themselves as taking instructions from me, frankly, but I work real closely with the Department

administration. I am not—let me just talk a little bit about where I see the roadless rule.

First, I want to say that I personally believe that roadless values need to be protected, and I think the Administration supports that. I believe, in fact, the Administration has stated they support that.

I think there were some problems with the existing rule that I believe that we need to make some adjustments to, and that is primarily in terms of the kinds of information we had for local areas. An example from my perspective would be maps that need some corrections, and that you need to have an opportunity for local people to feel like they had an involvement or they at least had an opportunity to feel like they could make a statement about a particular area, and that that would be heard and considered, and in the discussions I have had with lots of folks, I don't think a lot of people felt like they were heard.

We need to make some adjustments, and a proposal would be to make an amendment to the rule where we would be able to consider some of that local knowledge of some of those areas. I don't have the specifics on what that amendment would look like yet. We will come out with something that we propose to the public, and take comments from the public, and come out with a final amendment to the rule.

But I think the important thing is here that there is a strong support to maintain roadless values, that roadless values are important, and that we need to also take into consideration the local folks and the local governments in being able to have some input into that process.

Mr. PETERSON. We will let you come back to that.

Mr. INSLEE. Thank you.

Mr. PETERSON. Yes, we are going a bit by the time.

There was a report done by Chief Jack Ward Thomas called "The Crazy Quilt of Laws." It sort of disappeared. Is that a report that ought to be resurrected and reviewed?

Mr. BOSWORTH. Yes, I believe I made a commitment in another hearing a couple of weeks ago on the Senate side that we would look for that, a copy of that, dig it out, and we would review it and provide that, and I would be happy to provide it here as well.

Mr. PETERSON. You will provide us with a copy of it?

Mr. BOSWORTH. Yes. I haven't seen it yet. I know that—

Mr. PETERSON. They are searching?

Mr. BOSWORTH. Yes. I know that there is some out there, but I would like to review it first and see whether there are some things that we can add to it, and then pass that on.

Mr. PETERSON. Many feel the NEPA regulations were designed for a paperwork system many years ago. Do we need to revise that, those regs, so they can work in the modern e-commerce age today, with how we do business?

Mr. BOSWORTH. Yes, I believe that we do need to take a hard look at the NEPA regulations for a couple of reasons. First, I want to say that I strongly support the National Environmental Policy Act, but I think that the regulations that were developed some 25 years ago were developed at a time when we did not have things like the Internet, we didn't have GPS, GIS, and a lot of the other kinds of technology. And I think that the way that we developed

those, the way that we are operating with those rules, may not be the kind of way we ought to operate in a more electronic age, but that there are better opportunities for interaction with a broader part of the public, using the Internet, using some of the interactive kinds of things.

There is an opportunity for people to be able to see data tables and do it almost in more of a real-time kind of a thing, where our approach has been, you know, we go out and we scope, and then we get comments and we analyze those comments. Then we go out and develop alternatives, and then we get comments, and then we go out and select an alternative, and you know the process.

I think a lot of that could be done more back-and-forth with people, using some of the technology that we have today. Maybe the kinds of requirements we have for environmental impact statements are really outmoded. I would like to be able to involve the public in looking for ways that would meet their needs better, in terms of being able to work through NEPA and come up with solutions that are going to maybe help lead us more toward consensus than we have had in the past.

Mr. PETERSON. Well, I think it would help us get to the decision-making process a lot quicker, because now it seems endless to me.

Endangered Species Act, do you have plans to try to build a working relationship with the Fish and Wildlife Service to better work with the Endangered Species Act, or do you have any thoughts on that?

Mr. BOSWORTH. Well, yes. I don't believe that our working relationship with the Fish and Wildlife Service is bad. I mean, it really depends upon, often it depends upon how things are working locally, you know. And whenever you have people working together, sometimes you have got good relationships and sometimes you have relationships that become strained. There is many examples across the country where the Fish and Wildlife Service and the Forest Service are working very well together, and there is places where it is strained, and we need to work on those places where it is strained.

I also think that there are some sort of inherent aspects of the process that makes it more difficult for both the Forest Service and the Fish and Wildlife Service to develop those relationships, that I think we need to look at. I would like to see us work closely with the Fish and Wildlife Service and review the Consultation Handbook and see whether or not there are things that can be changed in there that would make the whole process work better.

Mr. PETERSON. I know in Pennsylvania, which is a three-State district, they had two-thirds of a biologist to deal with all these endangered species problems that were in three States. I mean, there is just no way that it can work timely. Because I was pressing them on a couple projects, they said, "Well, if you want that project done, then you are not going to get your bridges built, because we have problems with all the bridges on those two rivers." Of course, we helped them get some more biologists, but I don't know whether that is a problem across the country. In my area they just did not have adequate biologists to review the number of projects they had.

Mr. BOSWORTH. That is definitely a problem in parts of the country where I just came from. In Montana, the Fish and Wildlife

Service folks there were very good to work with, there just weren't hardly any of them, and we had a huge backlog of projects simply because there weren't enough people there to go through those projects and review them.

Again, I think if we had folks to work with and they had—I mean, the best idea would be to have a Fish and Wildlife Service biologist located in every one of our Forest Service offices where they are co-located and working together. I mean, that would be outstanding, you know, instead of having them all centralized in one location and maybe only three or four of them, and then—you know, it is different when you are working closely together and you are located in the same building. There aren't nearly enough of them to do that.

Mr. PETERSON. When we get a Fish and Wildlife Service Director, we will suggest that.

Mr. Kildee from Michigan for 5 minutes.

Mr. KILDEE. Thank you very much, and thank you, Chief, for being here today. I have been in Congress 25 years, and really we haven't had that many Chiefs. There have been more Cabinet officers. The tenure of the Chief has been quite long, and I have respected all of them, and I certainly have a high regard for you.

I know in the Ottawa, the Manistee, the Huron, the Hiawatha Forests in Michigan, that your people do an outstanding job, and they do reach out to the community. Even in times when the Federal Government might fall into a little less than high repute, they have done an excellent job of reaching out to the community and being really good citizens of the area in which they have been assigned by the Forest Service, and I greatly respect that, particularly because Michigan is trying to rebuild its timber industry.

When my dad was a lumberjack back in the early part of this century, Michigan was virtually covered with hardwood and Michigan white pine. There is only one stand of white pine in the lower peninsula now, about less than 100 acres, the hardwood pines. It was all cut, and it wasn't planned.

But with the Forest Service we are rebuilding a timber industry and wilderness, also. My bill, the Michigan Wilderness bill, sets aside 92,000 acres of your land that you are in charge of, and that was worked out very well, working with local people, with your people on the ground doing an excellent job. So I have great respect for you and I have great respect for the Forest Service.

Let me ask you one question. Could you expand upon your views on prescribed fires. You mentioned that that is one tool that you can use. Could you expand upon that?

Mr. BOSWORTH. Well, I think that in many parts of the country, particularly fire-dependent ecosystems, ecosystems that evolved with fire, I think we need to get fire back into those systems. The problem is that for a number of years, you know, we have suppressed fire, and so we have got large fuel build-ups. And so in many cases it is going to take active management or some kind of mechanical work, which may be thinning or may be some logging, to open up those areas so that we can treat the fuels. And when I say treat the fuels, we can treat them with fire.

We need to have good, highly skilled people as we do prescribed burning. They need to have developed good fire plans. They need

to do their burning within those fire plans, in other words, work with the plan and don't burn unless you are within prescription. And then they need to do a lot of work with the communities to make sure that people understand what it is they are doing and what kind of work they have gone through to make sure that they are doing the job right.

Every time you do things like, whenever you light a match, you are taking some kind of a risk, and we need to be able to support our folks, because on occasion there is going to be a problem. Hopefully it won't be very often, and hopefully we will have followed our rules and followed our plans and have done all the things correct, and even then you can end up having something happen that you wished wouldn't. So we need to recognize that and understand that, but if we are going to deal with the fuel build-up that we have and we are going to have the kind of healthy forest we want, we are going to have to have fire as a part of that.

Mr. KILDEE. So communication with the local units of government would be very important before you would have a prescribed fire?

Mr. BOSWORTH. Absolutely essential, both with the local governments as well as local people, just to make sure that they understand. People are affected by the smoke that gets generated from prescribed burning. Some people are nervous about it and worried about it, and we need to work with them and help them, again, understand what it is that we are doing, and build their confidence in our ability to be able to do that job right.

Mr. KILDEE. Thank you. And, as I say, I have worked with your predecessors and look forward to working with you. Thank you very much for your testimony.

Mr. BOSWORTH. Thank you.

Mr. PETERSON. Dale, a common complaint in the system is that it is harder and harder to get money on the ground. I don't know whether you find that a problem, but that is the perception. We have the same complaint in health care. We have doctors and nurses doing all paperwork today instead of patient care. Do you feel your system has become a bureaucracy that is busy fulfilling the paperwork needs and not enough time actually out in the forest?

Mr. BOSWORTH. Well, yes, I think there is a couple parts to that. One is that just in a general sense we need to work harder at getting more of the dollars that come to us all the way through the different layers of the organization to the ranger district and to the ground, and that is something that we need, that is a challenge at every level. And I think that there are some things that we can do to help move that along.

Then the next part of the problem is that even when dollars do get to a ranger district or to a forest headquarters, how much of those dollars actually end up being spent on the ground and how much of them are spent doing paperwork and analysis and some of those things. I believe that—again, I mentioned this a little bit a minute ago—but I believe that an inordinate amount is spent in trying to make sure that we can win the appeals and win the litigation, and in a lot of cases I don't believe that those add much value to the decision that is to be made, don't add much knowledge

to the decision. They really just add time to try to be able to withstand challenges.

I do not want to imply that I think we ought to short-shrift decisions or we ought to short-shrift our analysis process, but I think that there is a point where you go—that any additional information is really just redundant, and that you don't need to be doing additional analysis just for the sake of doing additional analysis. You end up doing that just so you can win in court.

Mr. PETERSON. Well, we are here to work with you and help you. Do you believe the planning rule needs to be revised?

Mr. BOSWORTH. The planning rule needs to be—needs to have some changes made to it. We had a team look very carefully at the rule. Most of the principles that are in there, I think are good, but once again there is so much additional process requirements that would come from that, that I think it would be very difficult to implement within any kind of a reasonable budget. And what we need to do is take a hard look at that and see, and come out with some proposals for some adjustments.

Again, I don't believe that it is necessarily a major overhaul, but I think that there are some changes that do need to be made.

Mr. PETERSON. Have you taken any actions to once again allow categorical exclusions for timber harvest?

Mr. BOSWORTH. I have not taken any actions yet, but I am intending to, and I don't know exactly what form that should take, frankly. But I do think that we need to have categorical exclusions as a tool that would work for commercial timber sales.

I think the problem that we had with our previous one was that it was deemed to be arbitrary and capricious because it was for I think 5 million board feet or less with no road construction that you could get categorically excluded. I think what we ought to be looking at is more a categorical exclusion based upon the environmental effects that you would anticipate rather than a set volume.

Mr. PETERSON. How do you plan to deal with the transportation system, the transportation policy? It is one that just has to be done somehow, but how do you hope to deal with that?

Mr. BOSWORTH. Well, the transportation policy, we are going to probably come out with a change in our manual, it is really our manual system is part of it, that would adjust the time frames for getting some of the requirements completed. We really haven't decided exactly, you know, all the parts of it that we want to change, but we are going to take a look at it and see if there are some adjustments that do need to be made without—because of the problem or part of the issue there would be that, you know, there is a close relationship between the roadless policy, between the transportation policy, between the planning rule, and we need to make sure as we look at one of those, we look at all three of them and make sure that they are going to work well together.

Mr. PETERSON. Should the Forest Service take into account the economies earlier in this decision process?

Mr. BOSWORTH. Take into account the economies? I think that as we are doing our analysis and as we are developing environmental impact statements, for example, we need to be looking both at the social, economic, as well as the ecological effects. I do believe that it is important for us to be good neighbors, to try to help

communities be economically viable. I don't believe it is necessarily our responsibility to ensure that there are economically viable communities, but I think that one of the things that we can do, particularly in these places that have a large proportion of a county, for example, that is national forest, I think that we have to take into consideration the effects that our decisions are making on people, both economically and socially.

Mr. PETERSON. Yes, I think that is what the point is. You know, when you are the big landowner, when you dominate a region, anything you do impacts economically a lot more than if you were a small player. I think that is the part that a lot of suburbanites and urbanites don't understand. Where a lot of our national forest and other public land is, we dominate. We are the dominant landowner, and what we do or don't do has huge impacts on the quality of life for those communities, and I think we all need to be more sensitive there.

I will now yield to the gentleman from Washington, Mr. Inslee.

Mr. INSLEE. Thank you. I wanted to go back to this issue about the potential appeal of the roadless area policy and the like, and I am just trying to get a handle on who is making those decisions. My understanding, the Attorney General, Mr. Ashcroft, did pledge to the U.S. Senate in his confirmation that he would defend this roadless area, and I would assume that would mean that he would appeal it, Judge Adler's decision, unless someone tells him not to.

So I guess I would like to ask you, if he decides to honor his pledge and essentially decides to appeal, or intends to go forward to appeal this decision, would that be acceptable to you? Would you try to tell him that he should not do that, or what would you do in that regard?

Mr. BOSWORTH. Frankly, there has been a number—there are always times when I would like to see something appealed, you know, and we just don't believe and our attorneys don't believe that we have a good case for appeal. I think that most of the choices or most of the decisions that get made about whether or not we are going to appeal some court ruling depends upon the case and what the judge said, and this particular one hasn't—you know, we have got the preliminary injunction but we haven't had the final ruling yet, and I couldn't say at this point what I think.

Mr. INSLEE. Well, has a decision been made by anyone in the Administration whether to appeal this, to your knowledge?

Mr. BOSWORTH. No, not to my knowledge. I mean, I have heard discussion about it, but nobody has told me, that I can recall, that it is not going to be appealed. But I frankly am not positive about that, what is—

Mr. INSLEE. Well, if Attorney General Ashcroft says, "Look, I pledged to the U.S. Senate under oath," under oath, "to defend this policy," and if he comes to you and says, "Look, I gave my word under bond to defend this policy, to the U.S. Senate, and I've got to go forward and appeal this to fulfill my obligation under my oath," are you going to tell him he shouldn't do that?

Mr. BOSWORTH. No, I am not going to tell him he shouldn't do that. Again, to me, the thing that I am after is making sure that we end up with a roadless policy that protects roadless values, that also allows people, local people, to have some input about specific

areas, to correct some of the mapping errors that we believe are there.

So to me, there needs to be some corrections, and whether or not it is appealed or not appealed, to me is not of huge significance. What is important to me is that we come up with something in the end that is going to work for people, both nationally and locally, and I think that can be done. I am not sure that, frankly, that in the courts is the place that we are going to find the solution.

Mr. INSLEE. Well, let me ask you about that as far as input. My understanding is, there were 1.6 million pieces of input by American citizens. That was the most input the Federal Government has ever had on a policy of this nature. We had over 600 community meetings. I know in my State you had them in Morton and Colville and, you know, some pretty small areas. It wasn't just downtown Seattle.

And I just for the life of me cannot figure out who is left out there who, you know, would have any interest in this policy, who didn't know about these hearings, to get there and give their two cents' worth. And I am also confused about this issue of maps. My understanding is, we got these maps years ago about areas that had been inventoried as roadless.

So I guess what I would like to know is, who have you talked to who said, "I didn't know about these hearings. I didn't get to give my testimony in time," who has told you that? I would like to know who they are.

Mr. BOSWORTH. Well, we held a number of hearings around the country, and almost every one of those were in the larger communities.

Mr. INSLEE. Morton, Colville, Washington? Those are 5,000 people there.

Mr. BOSWORTH. If you live in Republic, Colville is a pretty big town, and Republic is about 60 miles away from Colville.

Mr. INSLEE. Now, don't start on Republic. My grandmother was born in Republic.

Mr. BOSWORTH. My son was born in Republic, as well. But to the people in Republic that live close to those national forests there, Colville is a long ways away, especially if they have worked all day long and they don't have a chance to get there.

Now, I am not implying that the 1.7 million comments are not important, but I am saying that those people that lived in some of those communities like Republic feel like they didn't have a chance to talk to somebody or to say something about some of those local areas. The 1.7 million comments we got talk about the 58.5 million acres, but there are people in some of those communities who care a lot about how we are going to be managing specific roadless areas, that they don't feel like they were really heard very well.

I am not trying to imply that we ought to go back and change all those decisions, but I do believe that as local people have information about those particular areas, where some of the boundaries aren't correct or there are roads in some of those that didn't show on the maps, that we need to provide some opportunity for them to have some input.

Mr. PETERSON. Okay. We'll do another round.

Mr. INSLEE. Thank you.

Mr. PETERSON. I want to come back to that issue myself for a moment. I have a little different perspective. If my memory is correct, we started out at about 30 million acres, and then it was 40, and then it ended up being 58. It was like a freight train. If it had had another month, we would have had the whole Forest Service roadless.

But when you combine the roadless with the wilderness, you have half the Forest Service land that is really not inhabitable by people with vehicles, with any kind of mechanized vehicles. That would be my view. I guess when you have a policy from the top down, like it was, instead of from the bottom up. If each forest had been asked, "Give me the acreage that could be made roadless, that is roadless, that should be roadless," and it had started from the bottom up. When you come from the top down, I guess I think that is some of the things the judge is talking about. This was a top-down process, from my perspective, and it may have been above the Forest Service top-down.

When you get to the conclusion, I mean, I guess I understand why the judge kind of threw up his hands and said, "I don't see how you can defend this process." I mean, yes, there were a lot of hearings. There were close to a million postcards delivered through an organized process. I know how we evaluate those in our office; it is not very high, in comparison to people sitting down and writing us a letter or calling us up. In defense of it, I would hate to have the job of defending 59 million acres and how we got there, if I were in anybody's shoes, and I guess I would just like to say that for the record. You can comment to it if you want to.

Mr. BOSWORTH. Well, I would still like to make sure that you understand that I really believe that there are many areas out there where roadless values are extremely important, and in the end what we have to find is a way to protect those roadless values, help people to feel like they have had some part of that and engaged in that, and that we do the things that are going to make sense to people, to both the broad people, the American public, as well as those local folks.

And so that is what we have got to try to find, is a solution. We have been dealing with this roadless issue for 30 years that I know of, and it is time to try to resolve where we are going to have permanent roads and where we are not, so there needs to be more work to get that completed.

Mr. PETERSON. The gentleman from Michigan.

Mr. KILDEE. No further questions.

Mr. PETERSON. No further questions?

We recently had a hearing on community involvement in the national forests. What are your thoughts on how we can better integrate communities into the decision-making process?

Mr. BOSWORTH. Well, there is, of course there is lots of ways to try and involve the communities in the decision-making process, but I think one of the things that is going to help us a lot is the payments-to-States legislation that passed, that gives the opportunity to set up the advisory groups. I think that starting with something like that that gets these advisory groups working, and working with the Forest Service, will help set the tone maybe in some places where we haven't been doing it quite as well, might

help set the tone where we can work together between the counties, local government, as well as the people, toward the decision-making process.

I guess I believe that in most cases around the country, as decisions get made through the NEPA process, there has been a tremendous amount of public involvement. But my hope is that through these advisory councils we will be able to make that more effective.

Mr. PETERSON. Now, these advisory councils will come from who and where?

Mr. BOSWORTH. Well, they will be, those counties that elect to do that will nominate—

Mr. PETERSON. This will be for each individual forest?

Mr. BOSWORTH. Well, they are being designed—they are different depending upon what part of the country you are in. I mean, it depends partly on how the counties want to do it. Some of the counties want to have two or three just by national forest. In some cases there is three or four per State; in some cases there is more. I don't have the specifics on what each region and what each State is going to come out with, but they are making those recommendations now and they will be coming out with something here in the next few weeks, with the final makeup of those. But we would be glad to work with you, because I think we do need to involve the people.

Mr. PETERSON. We have been joined by the gentleman from Idaho. Mr. Simpson, you are recognized.

Mr. SIMPSON. Thank you, Mr. Chairman. I apologize first for being late, but I was at another one of those important things you have to attend to.

But I appreciate you being here today. It is a pleasure to have someone from the West that knows our forests as the Forest Chief. I look forward to working with you.

A couple of questions. First of all, can you tell me just basically if a decision has been made yet on CRP grazing in Forest Service? As you know, we have got dry conditions out there this year, and last year we burned up some of our grazing land, and a request has been made both to Secretary Veneman and others that we allow for emergency grazing on CRP land for these next 2 years, the cattlemen that have lost their allotments essentially because they have been burned. Has a decision been made on that yet, or is it relatively close?

Mr. BOSWORTH. I am going to have to get back to you on that. I don't know if the decision has been made on that or not.

Mr. SIMPSON. Relative to fires that we had last year, as you know we had the largest fires in Idaho and Montana that we have had in several decades. What can Congress do to assist you in salvaging timber from last year's fires?

Mr. BOSWORTH. Well, the job is ongoing right now, and through congressional help and through our appropriations, you know, we got some dollars to do restoration work in the burned areas, which includes some salvage, as well as would include watershed restoration, it includes noxious weed work. I mean, there is a lot of work that needs to be done. We prioritized that work. We are working

on those priorities. I don't know that there is a lot that Congress could do for this particular situation from last year's fires.

I think that in the longer term what we need to be doing is looking at ways of trying to streamline those processes so we can get through them quicker, and I have made several statements a little earlier about trying to find some ways to be able to minimize the amount of analysis that we have to do, and that would include for salvage sales, and to be able to move forward, to be able to move forward quicker. It would also be helpful if we—there are places where we consult with regulatory agencies for threatened and endangered species—that there are enough folks to consult with, so that they would have the staffing that could work real closely with our folks, so that we can make those things work quicker, too.

I am not sure that any of those are going to make a big difference in the very short term, but some of those changes for sort of the next round of fires and the next round of salvage, other kinds of, you know, insect and disease problems, would be helpful, though.

Mr. SIMPSON. We have had discussions in this Committee and other places, relative to those fires, about the need to address the overgrowth in our forests, the fuel loads, and to get in and do some thinning and some reduction of fuel loads. Some people are concerned that in the guise of thinning and reducing fuel loads, we will actually use some of the timber for commercial purposes. Is that an appropriate means to cut trees, to reduce fire possibilities?

Mr. BOSWORTH. Yes, I believe it is. It depends upon the location and the conditions on the land. I mean, you know, to me the issue shouldn't be whether it is commercial or whether it is not commercial. The issue ought to be, what is the conditions on the ground and what do you need to leave on the land, and then what needs to be removed. And if there is commercial value in what needs to be removed, then it seems to me to make sense to remove it and get paid for it, rather than to pay somebody to take it out.

Mr. SIMPSON. So your view is that, as you just stated, that our first priority ought to be to look at what we want to leave there, how we want the land to look afterwards?

Mr. BOSWORTH. That is correct. That is, the first thing is, we ought to figure out what needs to be left and what condition the land should be in. And we know that in some cases that means that we are going to need to remove some of that material or want to remove some of that material, leaving the right amount on the land. If there is value in that material that we would like to remove, then it seems reasonable to me that you would sell that and defray, help defray the costs of treating the land.

Mr. SIMPSON. On another subject, what areas do you anticipate in the Forest Service budget to be increased, and which areas decreased? Do you have any vision of what the budget is going to look like in future years?

Mr. BOSWORTH. Well, I don't know that I can be real specific about that. I think that the whole area of fuels and fire, both in terms of our firefighting work force, our ability to do fuels treatment, those are areas that I am going to continue to want to keep at a good funding level, because that is going to be, I think for the next number of years, that is going to be an important part of our

future, particularly as it relates to the communities and close to the communities.

I think also that recreation is a place where there is an untapped opportunity on national forest lands for additional recreation, for providing a higher quality of recreation, and we need to look at lots of different tools to be able to provide that, not just expect that the Congress is going to provide the dollars, but that is one of the places that we had hoped to get some good appropriations.

Mr. SIMPSON. What about in the area of road maintenance? As you know, one of the arguments for the roadless issue is that we have a huge backlog in road maintenance, and consequently we can't maintain the roads we currently have. Building additional ones just means we have more we can't maintain. Are we going to see an increase or a requested increase in maintenance for the backlog in road deterioration?

Mr. BOSWORTH. Well, we are going to, through looking at the road system that we have, we need to first identify which roads we need to keep and which roads are no longer needed and that people don't want and that need to be decommissioned and eliminated. And we get some dollars for doing that now, but we still need to identify which of those roads are necessary. I mean, it is really important to figure out what road system you really need, and then those that you don't want or don't need, that are particularly causing some trouble, you need to take care of those through decommissioning and restoration.

I think there are other tools that we need to look at for sources of funding or other places we need to look for sources of funding. For example, the T-21 dollars might be a place that would help. I think there is ways of using some of their dollars that we get to try to help with some of that, some of the backlog of road work, too.

Mr. PETERSON. I will give you the Chair in a few minutes and you can ask all the questions you want.

Mr. SIMPSON. Okay.

Mr. PETERSON. Congressman McInnis asked me to apologize for his absence today. He couldn't be here.

I wanted to inquire about the status of a request made by Congressman McInnis and a number of other western lawmakers, that this Administration set aside the Forest Service existing bypass flow policy. What is the status of that?

Mr. BOSWORTH. Well, right now, I mean, basically I guess what I would say is that the Forest Service needs and believes we have the discretion for bypass flows, and I also want to say that we also believe that it is very, very important that we recognize people's water rights. And I think that everybody would agree that when it comes to water and particularly water in the West, that that is a huge issue, and you can get into big trouble real fast if you start messing with somebody's water rights.

So we need to be very, very thoughtful about how we deal with people regarding those water rights, and don't want to imply in any way that we would want to try to take away anybody's water rights. On occasion there will be special use permits where we have the expectation and the requirement, or at least the expectation

that there may be some need to make sure that we are doing the things that need to be done on the land.

And so we are going to, and very, very seldom, but on occasion we need to do some things to try to address those potential adverse impacts that could occur. My view is that it is very seldom that we do that, but on occasion there may be a need.

The best way to try to work through these issues, I think, when we are working with water issues, the best way is to try to work with the folks who have the water rights, and when we have a special use permit application, we need to try to take a good hard look at what the adverse, potential adverse impacts might be, and try to find ways of mitigating those, working with the special use permittee. That is really the best way. The best way is always to try to do it in a cooperative way, to meet their needs, to meet the needs that we have, as well.

Mr. PETERSON. Do you envision a return to the Madigan policy?

Mr. BOSWORTH. I don't know the answer to that at this time.

Mr. PETERSON. Okay. I am going to have to leave, and I am going to give Mr. Inslee another round, and Mr. Simpson is going to take over. But as Vice Chair I want to share with you that I would like to recommend to our Chairman that we have you back with some regularity. I hope you would be willing to do that so we could have a continuing dialogue and work together to accomplish, and to fix some of the problems that we have to deal with. I hope you would be willing to do that, come back and visit with the Committee with some regularity.

Mr. BOSWORTH. I would be more that willing to.

Mr. PETERSON. Mr. Inslee, for another 5 minutes.

Mr. INSLEE. Thank you. I appreciate you bringing up Republic, Washington. It was where my great-grandfather was a mining engineer there, and I am familiar with it, and I know they have got a post office. And I guess the question is, tell me who has told you that they didn't have an opportunity in some fashion to give input to the Federal Government before this roadless area policy was directed. Tell me who they are, and why they couldn't phone, write, e-mail, carrier pigeon, go to a hearing, something. Who are they?

Mr. BOSWORTH. Well, again, you know, I can't sit here and start listing out names of folks, but I can tell you that both through letters and comments as well as things that I have heard in meetings with larger groups, that some people felt like—I am not saying it is accurate, but people had that feeling, many people who lived in the more rural locations, that they didn't have an opportunity to talk about or to be listened to about areas that they were particularly concerned about.

Again, when you are looking at 58.5 million acres, some people didn't feel like that those places that they were particularly concerned about, they just felt like they got washed into the whole thing, and there wasn't an opportunity to talk about some of the specific aspects of those areas that they were particularly concerned about.

Mr. INSLEE. Well, let me suggest that the fact of the matter is, is they didn't get their way. They had an opportunity to have input and they didn't win the battle, and sometimes that happens. So I

need to ask you about the future. You had 600 meetings, and now you have reopened the process. Do you intend to have another 600 meetings?

And regardless of how you intend to seek input, if a preponderance of Americans give you their advice, that they want to hew to the original policy as adopted by the last administration, will you listen to those Americans and hew to the original policy without amendment?

Mr. BOSWORTH. Well, I guess what I think we need to do is, we need to look at an amendment to the rule and come out with a proposal that would amend the rule, and that amendment would go through public involvement, and that amendment could take on several different characteristics.

But primarily it seems to me that the amendment would want to propose to use the forest planning process to try to make sure that the data and information is accurate. If there are needs to make some adjustments on a case-by-case basis, that it would allow that to occur. But again, what needs to happen is that that amendment needs to go forward with public involvement and then come up with a final adjustment to the rule, and then if that, if the process that is agreed upon or decided upon would allow the forest planning process to make those adjustments, then that would be the case.

Mr. INSLEE. Well, I guess I am going to ask the question, the same question, because this is a very important issue and I would like your input on this. You had 600 meetings and you came up with this rule. Now, if you are really interested in what Americans think about this—and I can tell you what they think about it. They want the rule that was adopted, by about 70 percent. That is what they think.

Are you going to have another 600 meetings where that 70 percent of Americans can express their desire, and if they do and tell you what I believe they will, which is a very strong preponderance want to hew to the strong roadless policy that was in that rule before this Administration came in, are you going to accept their direction and hew to the original rule without amendment?

Mr. BOSWORTH. We are kind of getting into speculation about what people might say and might not say, and I don't know that I can really—you know, I don't know that I really want to respond to sort of a speculative thing about what people might say. But whatever approach we would take, whether it be an amendment to the rule, and whether forest plan adjustments or revisions would take place, I think that any of those things have to deal in an open public process where we are listening to people, where people have the opportunity to make comments. I don't think we ought to, there would be no way that I would want to propose that any kind of amendment be considered without considering what the public has to say about it.

Mr. INSLEE. Do you intend to have the same level of input from the public, the same number of meetings, for instance, in the same locations? And the reason I ask you this is, frankly, when you have got 70 percent of Americans wanting this rule, this Administration ignoring that public sentiment and going forward to contravene the rule that was going to take place, we are concerned you are going

to get, you know, 314 letters from the timber industry and call it a new rule, and not have a chance for that 1.6 million people to give you their input about what they think about your cutting the legs out from this rule.

Mr. BOSWORTH. You know, again, I don't think that in any process should we imply that, okay, now we are going to only talk to local people and we are going to exclude the rest of the folks. I think that we need to listen to all people, and—

Mr. INSLEE. So you are going to have those 600 meetings?

Mr. BOSWORTH. Well, you know, if we held the 600 meetings again in the 600 locations, we would probably be excluding the same people that felt like they were excluded before, felt like they were disadvantaged in terms of having the opportunity to comment. So I am not sure that that would really provide the—that would not necessarily solve the problem.

Again, if you are looking at it say on a forest-by-forest basis, holding 600 meetings around the country wouldn't necessarily help provide site-specific information about those particular roadless areas. Remember, part of the issue here is whether or not there is specific information, local information, local knowledge about a specific roadless area that would be helpful to know. In some cases we have got roads in some of the roadless areas. There are some places where there is an area that is roadless, that is part of the inventoried roadless, that does have roads in it. Some of the folk, local folks, may be aware of that and may like to have us consider that.

Mr. INSLEE. Mr. Chair, I would like one more question on a different topic, or maybe even two.

Mr. SIMPSON. [Presiding.] Sure, as long as it is a different topic. [Laughter.]

Mr. INSLEE. Okay, a different topic. On fire suppression, removing of fuels, you have made a point that we need to remove some of these fuels from the forest floor. It may include some timber removal, as well, from the smaller diameter logs. As you know, there is a concern that if we go down that road, that the policy on what is cut or not cut may become driven by (a) either commercial logging interests or (b) even a self-interest to some degree by the Service that reaps the benefit of these sales, because of the trust fund situation.

It made me think that to really get to a policy that people have confidence in on sort of both sides of the equation, we have to develop some mechanism where that incentive doesn't exist to decide what is cut and is not cut, either the Forest Service sort of internal incentive to maximize the trust fund proceeds, or the commercial entity's incentive for logging and commercial timber sales. What we want is a science-based policy about removing fuels where we need to do so, and not where we don't.

I would just like your comments about, if we were to design that, what do you think is the most effective way to do that, or what you were thinking about, at least, to try to create a system where we don't have those false incentives and we make this decision based on science.

Mr. BOSWORTH. Well, first, I do believe that we do make decisions based upon science. I also know that there is a feeling by a

lot of people that we have these incentives to do some of the wrong things. I believe that those get blown out of proportion.

But the fact is that if a lot of our own work force is dependent upon trust funds, then the appearance would be that we want to keep those trust funds up so that we can keep paying our employees. And I understand why that perception of that incentive is there. I think one of the things we need to do is, we need to make sure that our permanent work force isn't dependent upon trust funds but they are funded through appropriated dollars, and I think that would help with that perception some.

I think that there are other tools that we can use, such as stewardship contracting, which I believe would give us the opportunity to get work done on the ground, based upon the value of some of the material. I mean, that would be one of the aspects of it, where it is an end results approach, where we have worked at it in a collaborative way. We look at all the kind of management that needs to be done on that chunk of ground, and working with the public, decide what that is. And then if there is value to the material that is going to be removed, that value helps pay to get the job done. Now, while some may say that that is an incentive as well to cut big trees, I don't think it should be perceived that way, because it would go into the ground and not into the salaries of agency people.

So I think we need to look at some new and different tools. We have done some experimenting with contract logging, for example, where through a regular service contract we remove the trees that we had identified to be removed, and then they are sold separately from a log deck. There is problems with that, that we learned, but we may be able to improve upon that process. It also takes a lot more money up front to do it, but there is different ways that we can experiment with to try to make sure that people believe that the kind of prescriptions that we are putting on the ground are really based upon the science and not just upon some kind of perverse incentive out there.

Mr. INSLEE. Thank you, and by the way, I want to express my thanks to your personnel. Your personnel are right next to my office in Mountlake Terrace, Washington, and I can tell you they are hard-working folks and we appreciate their efforts. I don't want to mean any disrespect to their efforts, but I think this is an important issue and wanted to talk to you some more about it. Thank you, Mr. Bosworth.

Mr. BOSWORTH. Thank you.

Mr. SIMPSON. Mr. Bosworth, that is an interesting subject that the Ranking Member just brought up, my good friend from Washington, science-based decisionmaking. Are there other things that go into the decision on a roadless policy, other than public opinion? Should science have a role in that decisionmaking, and other types of things?

Mr. BOSWORTH. Yes, I believe that whenever you are talking about land management decisions, that there is a science base to those decisions. There is also social and economic considerations as well as ecological considerations, and then the research, both social and economic research as well as natural resource research, that ought to be a part of the decision process.

Mr. SIMPSON. So if we just did a poll and 70 percent of the people said, "Keep the roadless rule as it exists," that is not necessarily the final decision. I mean, there are other factors that go into making that decision, are there not?

Mr. BOSWORTH. Well, yes. You know, one of the things that we like to point out often is that the public involvement process is not necessarily or should not be considered to be a vote process. What we really need to do is to get input from people in order to provide better information so that we can make a decision.

Often when we have some big issue that we are dealing with, we will get a lot of cards and a lot of comments that say yes or no but don't provide any additional thoughts and ideas, or it is just pretty much my opinion, which is okay. Opinions are good, too, but it doesn't add to the information base in terms of things that we might have considered or should have considered. So we need to evaluate those comments and glean out of them what we can, but we still have to make a decision in the end that may or may not go with sort of the "vote."

Mr. SIMPSON. During this last round of hearings and so forth, and the comments that were received, 94 percent of those were from postcards and e-mails. The actual letters that came with some analysis other than just, you know, yes or no and that type of thing, were overwhelmingly, as I understand it, opposed to the roadless rule.

You also mention that economics are a consideration in this, local economics and so forth. When you decide to have a roadless rule that sets aside 8.5 to 9.5 million acres in Idaho, and I realize these are public lands, public forests, the economic impacts obviously are on the small communities surrounding those public lands. Should an e-mail from Florida have as much weight as one from a community that is ultimately affected by that, that lives and makes a living off the land and affects their economy and so forth?

Mr. BOSWORTH. I get asked that question a lot by members of the public, and it is always a difficult one to answer, because these are national forests and the person that is living in Florida has an equal right to have a say about how that piece of land ought to be managed.

Mr. SIMPSON. I agree.

Mr. BOSWORTH. At the same time, we need to give consideration to how those decisions are going to affect local people. Their daily lives are affected by those decisions. It doesn't mean that somehow you weight it two to one or three to one, but you need to understand the effect that that decision is going to have on local people, and understand what ways you might have to try to lessen those effects.

So to me it is not a matter of whether it is equal or a little bit more, a little bit less, but people are going to come from a different place with different perspectives, depending upon what their particular situation is, and we need to understand and consider that.

Mr. SIMPSON. Which I guess lends credence to the thing that it is not just a popular vote, it is not just how many people vote one way or another, it is a total consideration of the effect of the rule.

Do you think it is possible to do an EIS in 1 year on 58 million acres of land?

Mr. BOSWORTH. Well, we got one done. I mean, it—

[Laughter.]

Mr. SIMPSON. Let me rephrase that. Do you think it is possible to do an adequate EIS on 58 million acres? And the reason I ask this is, we are, the Forest Service is sued repeatedly by environmental groups for inadequacies of the EIS and the need for process and other things like that.

Apparently not just the Administration had concerns about this rule and the way it was developed. Judge Lodge in Idaho apparently had some concerns with it also. And I am wondering if it is just that now the shoe is on the other foot a little bit. The decision is being made about the inadequacy of the EIS and the need for process. If you can really do something on 58 million acres of land, as diverse as the Tongass, from Alaska to Idaho to other areas that are roadless, that seems to me like a huge task to try to accomplish in 1 year and do an adequate job.

Mr. BOSWORTH. Well, of course the adequacy in the end is decided by the court. And I think that the effort that folks that worked on the environmental impact statement in that period of time, I think they did an amazing job for such a short period of time to get through that.

At the same time, we know that we have had difficulty in other situations. In the RARE-2, California v. Block decision, we were found to have been inadequate. We will find out in the end in the court on this whether it is adequate or inadequate.

And so from my perspective that is really sort of a call that the court has to make about the adequacy, but it is a tough challenge to be able to do it.

Mr. SIMPSON. Two other things that I want to bring up, not associated with the roadless rule. One of them is, we talked about water rights, and I know from experience in Idaho what is going on, and I don't know that you have an answer to this or anything else. But one of the concerns we have is, we are going one of the largest basin adjudications in the Snake River Basin that there is.

Because the Federal Government does not have to pay a filing fee for claiming a water right, they claim large numbers of water rights which they are frankly not serious about. The State of Idaho spends tons of money preparing to defend against those claims of water rights, and then when they get ready to go to court, the Federal Government, whether it is the Forest Service, the BLM or whoever, all of a sudden drops about half of those and says, "We weren't serious about those to start with."

And I know there has been some contention about whether the Federal Government ought to pay a filing fee, as the private claimants of a water right have to, or not. But it is a concern of mine that because there is no penalty to the Federal Government, and they have more lawyers back here than we can count trees in Idaho, they are more than willing to claim water rights, which imposes costs on the water right users in Idaho.

Mr. BOSWORTH. Well, I don't know if I can comment on the desirability of having a filing fee. You know, from my perspective I would rather not have a filing fee. But I can tell you that I believe that the water rights filing that was done in the Snake River, that

the Forest Service believed that those were valid requests or filings.

I don't believe that it was done in a way that was intended to be without thought and with the idea that, "Well, we'll just pull them out if we don't want to." I think as time went on and information was gathered and other rulings were made, then there were some decisions made to withdraw some of those for a number of reasons, but I don't think that they were originally filed—I don't think they took that lightly. I think those were serious filings that were done. I realize that it does put the Federal Government in a little bit different place than other people who have to pay a filing fee.

Mr. SIMPSON. I appreciate that, and that is an issue we are working on.

The second one is that in talking to the past Administration, the Forest Chief and so forth, their concern was, and I think it is the concern of many of us, that we are spending so much money on litigation rather than on actually improving the forest condition. How do you propose to go about reducing the amount of litigation?

And I realize that you are not going to take away rights of people to sue and that kind of stuff, and it seems to me the only way you can get at it is to make sure people feel that they have an adequate input in decisions that are made by the Forest Service up front. Local people, people across the country, they have got to feel like they were active participants in decisions that the Forest Service makes. And even if the decision sometimes goes against them, if they feel like they were adequately consulted, it might not result in lawsuits.

But unfortunately we have got into this situation where you bring people to the table, somebody doesn't like what is being discussed, they walk away because they know they are going to file suit. It doesn't matter what the decision is. And I am concerned about the amount of money we are spending on lawsuits and the Forest Service is spending on lawsuits that could go into improving our forests.

Mr. BOSWORTH. Well, I am very concerned about both the cost of litigation as well as the cost of the process that we go through in order to be able to withstand litigation, to do work on the ground. I mean, it is a problem. I agree that we don't want to take away people's rights to take our decisions to court, and they have that right.

I think that the solution, though, is more in what level of analysis and information is required in order to be able to withstand the challenges. We have an appeal process. Then we go to litigation. We have a huge amount of data, information that is required and analysis that is required, in order to win in court, and I think that that high bar of analysis and work just encourages more lawsuits.

Because if people believe that "I don't have to collaborate, I don't have to try to work together, because in the end I'll get what I want through a lawsuit," then we will never be able to get people to the table and really try to resolve issues in a productive way. If I can get what I want some other way, then why do I need to compromise or why do I need to collaborate? And I think that we

are in a situation where, as I said, the bar is so high that most people would believe they can get what they want by going to court in most cases.

Mr. SIMPSON. Have we made the process so cumbersome that it just opens it up to lawsuits every step of the way? And are there reforms that ought to be made in the different processes, whether it is EIS or NEPA or anything else, to come to the same end we all want to, but to reduce the likelihood of litigation?

Mr. BOSWORTH. Well, yes. I mean, my belief is that we do need to take a really hard look at the NEPA regulations and at the case law that has evolved, and to see whether or not there are some other ways that would be satisfying to people from all sides of the discussion, that would work better, that would come up with solutions on the ground or in a conference room rather than in a courtroom. Because in the end I don't think we end up with good decisions when we continually have to go to court, and the decisions aren't particularly satisfying to people.

Mr. SIMPSON. Thank you.

Mr. INSLEE. Just one hopefully constructive question. A concern I think folks may have as far as where we go from here on the amendment process is that let's say we get five letters from Republic, Washington, saying "We'd like you to take 40 acres out of this because that is where we do XYZ," and there is really no chance for the rest of the public to comment on that issue, not knowing that is sort of on the table for discussion in the context we are in right now.

What could you do to ameliorate that potential situation, so that the public knew that these certain issues are on the table? We have been, you know, like we have been approached by one group that wants access to this water system, so that the public would know that if they have an interest in that, they ought to make some comment. Do you see what I am getting at here, the concern that I think people may have? And what could you do to potentially, at certain times, for instance, list an issue with comments you have received to date on certain issues, or is there any way you could give people a heads-up so they can get their input on those kind of things?

Mr. BOSWORTH. Well, my view, and again it would depend on how any amendment to the rule would come out in the end, but you were using the forest planning process to make any kinds of adjustments, the planning process expects and requires a lot of notification and public involvement and proposals and public meetings and all sorts of things.

Again, to me it is not—and it is also not the case of somebody saying, "Well, there's 40 acres here that I would like a road." To me, the more important is whether or not some people with local knowledge say, "Well, wait a minute, the boundary that you've got coming down through here isn't in the right place, because there's roads in there," or the circumstances are different than what you thought when you were looking at 58.5 million acres. The circumstances on this particular piece of land is not described the same way as what was thought, and there is some local information and local knowledge that could be part of the consideration.

Now, that doesn't mean that people from Florida who have information about the Colville National Forest couldn't comment, too, but there is value in finding out specific information about that particular forest and those particular roadless areas, that anyone who has knowledge about that could be helpful.

Mr. INSLEE. Obviously, I would urge you in any way, shape or form to give people adequate notice of things that are on the table. I think that you could run into a real hornet's nest if that does not occur, and I urge you to be as open as possible in that regard. Thank you.

Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you, and I do want to thank you, Mr. Bosworth, for coming today. And as Mr. Peterson said, I look forward to working with you and having you back before the Committee to talk about what is going on in the Forest Service. Obviously it is very important, not only to those of us in the western States but all across the country.

And I want to compliment you on your resume. You may be the first individual that has such a complete resume within the Forest Service. It seems like you know every level of it, and we look forward to working with you very much.

Mr. BOSWORTH. Thank you.

Mr. SIMPSON. If there is no further business before the Subcommittee, the Chairman again thanks the members of the Subcommittee and Mr. Bosworth, and the Subcommittee stands adjourned.

[Whereupon, at 5:10 p.m., the Subcommittee was adjourned.]