AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 109–506

IMPLEMENTATION OF THE HEALTHY FORESTS RESTORATION ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

THE IMPLEMENTATION OF PUBLIC LAW 108–148 (THE HEALTHY FORESTS RESTORATION ACT)

JULY 19, 2006

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

31–389 PDF WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON ENERGY AND NATURAL RESOURCES

PETE V. DOMENICI, New Mexico, *Chairman*

LARRY E. CRAIG, Idaho
CRAIG THOMAS, Wyoming
LAMAR ALEXANDER, Tennessee
LISA MURKOWSKI, Alaska
RICHARD BURR, North Carolina
MEL MARTINEZ, Florida
JAMES M. TALENT, Missouri
CONRAD BURNS, Montana
GEORGE ALLEN, Virginia
GORDON SMITH, Oregon
JIM BUNNING, Kentucky

JEFF BINGAMAN, New Mexico
DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Dakota
RON WYDEN, Oregon
TIM JOHNSON, South Dakota
MARY L. LANDRIEU, Louisiana
DIANNE FEINSTEIN, California
MARIA CANTWELL, Washington
KEN SALAZAR, Colorado
ROBERT MENENDEZ, New Jersey

BRUCE M. EVANS, *Staff Director*
JUDITH K. PENSABENE, *Chief Counsel*
ROBERT M. SIMON, *Democratic Staff Director*
SAM E. FOWLER, *Democratic Chief Counsel*

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

LARRY E. CRAIG, Idaho, *Chairman*
CONRAD BURNS, Montana, *Vice Chairman*

CRAIG THOMAS, Wyoming
JAMES M. TALENT, Missouri
GORDON SMITH, Oregon
LAMAR ALEXANDER, Tennessee
LISA MURKOWSKI, Alaska
GEORGE ALLEN, Virginia

RON WYDEN, Oregon
DANIEL K. AKAKA, Hawaii
BYRON L. DORGAN, North Dakota
TIM JOHNSON, South Dakota
MARY L. LANDRIEU, Louisiana
DIANNE FEINSTEIN, California
MARIA CANTWELL, Washington

PETE V. DOMENICI and JEFF BINGAMAN are Ex Officio Members of the Subcommittee

FRANK GLADICS, *Professional Staff Member*
SCOTT MILLER, *Democratic Counsel*

CONTENTS

STATEMENTS

	Page
Bingaman, Hon. Jeff, U.S. Senator from New Mexico	2
Bosworth, Dale, Chief, U.S. Forest Service, accompanied by Gail Kimbell, Regional Forester, Missoula, MT	18
Burns, Hon. Conrad, U.S. Senator from Montana	3
Craig, Hon. Larry E., U.S. Senator from Idaho	1
DeIaco, Rick, Director of Forestry, Village of Ruidoso, Lincoln County, NM	40
Domenici, Hon. Pete V., U.S. Senator from New Mexico	11
Feinstein, Hon. Dianne, U.S. Senator from California	6
Hatfield, Nina Rose, Deputy Assistant Secretary, Policy, Management and Budget, Department of the Interior	12
Jensen, Jay, Executive Director, Council of Western State Foresters, Lakewood, CO	71
Johnson, Hon. Tim, U.S. Senator from South Dakota	4
Koehler, Matthew, Executive Director, WildWest Institute, Missoula, MT	47
MacLeod, Colleen, Commissioner, Union County, OR, on behalf of the National Association of Counties	66
Murkowski, Hon. Lisa, U.S. Senator from Alaska	8
Salazar, Hon. Ken, U.S. Senator from Colorado	9
Smith, Hon. Gordon, U.S. Senator from Oregon	5
Wyden, Hon. Ron, U.S. Senator from Oregon	3

APPENDIXES

APPENDIX I

Responses to additional questions 81

APPENDIX II

Additional material submitted for the record 89

IMPLEMENTATION OF THE HEALTHY FORESTS RESTORATION ACT

WEDNESDAY, JULY 19, 2006

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 10:04 a.m., Dirksen Senate Office Building, Senator Larry E. Craig presiding.

OPENING STATEMENT OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

Senator CRAIG. Good morning everyone. The Subcommittee on Public Lands and Forests will convene. Let me thank you all for being here this morning. I am reading from the National Incident Information Center's report as of yesterday morning. Year to date total, four million two hundred eighty-one thousand eight hundred and twenty-five acres burned. That's nearly double the 2000 fire season and the 10-year average. I think it's important that that be noted as we begin a discussion this morning and take testimony on the implementation of the Healthy Forest Restoration Act of 2003. I guess my point is that the situation that we have on our forested public lands of the Nation has not improved, in fact it may appear to have worsened if you look at those numbers. And I certainly want to welcome you Chief Dale Bosworth, thank you for being here. Nina Rose Hatfield, from the Department of the Interior, thank you. In addition, I would like to welcome our four public witnesses for testimony today, Rick DeIaco who is the village forester for the village of Ruidoso, New Mexico. The Honorable Colleen MacLeod, commissioner, from Union County, Oregon. Matt Koehler, executive director of WildWest Institute, Missoula, Montana and the executive director for the Council of Western State Foresters, Jay Jensen.

Before I begin I want to take a moment to remember two brave young men from Idaho who died 3 years ago this Saturday, fighting the Cramer Fire. Jeff Allan of Salmon, Idaho, and Shane Heath of Melba, Idaho lost there lives trying to save our public lands from a catastrophic wildfire in the Salmon-Challis National Forest. Both men were experienced fire fighters and part of the Indianola Helitack Crew. This tragic loss of these two men continues to be felt throughout there communities and there selfless acts of true bravery will not be forgotten. I commend the men and women who risk there lives every day and that is what's going on out in Cali-

fornia as we speak, to this terribly dangerous job. But I also commend them for their courage and their professionalism.

Thousands of young men and women are at the fronts of the wildfires that are sweeping across the West as we speak. As we enter mid fire season with the devastating heat that we are currently experiencing, the West that I live in and that many live in will increasingly worsen as the fire conditions tragically improve. It is also about 3 years ago Congress passed the Healthy Forest Restoration Act. We authorized the treatment of twenty million acres in hopes of reducing fuels in overstock stands that are too dangerous to be reintroduced to prescribe fire. We also authorized the bill to address hazardous fuels in the Wildland Urban Interface zones to increase the safety of the people who live in the Wildland Urban Interface and for fire fighters that are forced to defend these critical areas. I have to tell you, initial implementation progress is a disappointment to me. But I recognize that the agency's accomplished 30 percent more thus far this year than they did in fiscal year 2005 and I applaud the effort. Even if the two agencies can manage to maintain a 30 percent increase above what was accomplished in previous years it will be 2028 before we complete the 20 million acres hoped for in the Healthy Forest Restoration Act. I'm not convinced that our forest and firefighters can hold out that long and may I say, nor can the Federal budget afford what we are currently involved in. I hope that you will help us understand what additional accountability performance measures will help maintain and increase the progress we've accomplished from 2005 to 2006. And I'm interested in learning how we can move to get more fuel removed through mechanical treatments. If that means you need additional congressional help or changes to the existing authorities now is the time to let us know what you think you need.

We will make both your written and oral testimonies as part of our record of this hearing and we will keep the record open for 10 days so that additional information can be submitted for the record. And I want to thank all of you for coming out this morning.

Someone I've worked closely with on these issues is my colleague and ranking member, Senator Ron Wyden of Oregon. Ron and I now struggle as part of an authorizing effort to find the money to increasingly build the budgets of the Forest Service and the Interior as it relates to fire fighting, and that money is hard to come by, because as I mentioned today it's more than four million acres burned thus far this year. And it's nearly doubled the 10 year average. With that let me turn to my colleague Senator Wyden, Ron.

[The prepared statements of Senators Bingaman and Burns follows:]

PREPARED STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

Thank you for holding this hearing, Mr. Chairman, I would like to briefly say a few things.

First, I'd like to offer a special welcome to Rick DeIaco, who will be testifying on the second panel today. Rick is the Village Forester for Ruidoso, New Mexico, which is one of the most at-risk communities in the nation. He is highly respected in the State and has a real on-the-ground view of how things are working, so I look forward to his testimony.

According to the material provided by the agencies for this hearing, there really has been very little accomplished on the ground under HFRA to date. Deputy Under Secretary Dave Tenny was quoted in the papers just a few months ago as saying

that HFRA had not "come on-line" yet. There are probably a number of reasons for this—some legitimate, some maybe not. But the simple fact is that the agency has broad authorities to accomplish this work, and they continue to rely on other authorities for the vast majority of it.

My main concern is not whether HFRA is the tool of choice to implement projects, but whether the right work is getting done in the right places. Instead of using that as the yardstick, the driving force behind the fuels reduction program are the directives from the Washington Office to continually increase the raw number of acres treated. That in turn pushes managers to treat the easiest and cheapest acres to meet their targets, instead of focusing on the highest priority acres. We have heard about this problem from communities around the country that are frustrated by the lack of focus on high-priority acres and we have heard from independent panels that say it is leading to the unnecessarily high costs of fire suppression. And we will hear more about it at today's hearing.

Of course, one of the underlying reasons for this misplacement of priorities is that there continues to be a lack of adequate funding to get the work done—whether under HFRA or any other authority. This is, without question, the primary impediment to getting this work done on the ground. We have over a million acres of NEPA-ready fuels-reduction projects in New Mexico, Arizona, and Colorado alone, most of which sit idle because of a lack of resources.

HFRA came with the promise of significant additional resources for this work—a promise that I don't think has been kept.

PREPARED STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Mr. Chairman, thank you or holding today's hearing on the implementation of the Healthy Forest Restoration Act.

Mr. Chairman your opening remarks were very complete, and I agree with the points you raised. I do want to point out how timely this hearing is. In Eastern Montana as of last night, July 18th we currently have 12 active large wildfires, we have sketchy reports of a new fire threatening structures near Drummond, MT that developed late yesterday. At this time over 300 structures are threatened by these fires, and sadly 7 structures including two homes have been lost to these fires. With more timely fuels reduction work may be these tragic loses could have been avoided.

To be effective we need good legislation providing direction and effective tools to the land management agencies for fuels reduction. We need an infra-structure/industry in place in the States to accomplish the work on ground. We need strong communities engaged on the management of the public lands that surround them. We need to support these communities to help build and maintain an effective network of first responders and fire fighters. Today we are talking specifically about the legislation that provides the direction and tools to the land management agencies. But we can not lose sight of how important the other components are to be effective.

When all of these factors come together our rural communities will be safer from the dangers of wildland fires. The work to make the communities safe can be an economic benefit to the communities. We will have indirectly helped lowered the upward spiraling cost of fire suppression. The public land we are entrusted to manage will be less susceptible to damaging wildfires.

I look forward to hearing from all the witnesses about how the legislative direction and tools we have provided are being used.

STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON

Senator WYDEN. Thank you, Mr. Chairman. I commend you for an excellent statement and as always working with me in a cooperative kind of fashion. I think we all remember that when this legislation—Healthy Forest Legislation—came over from the House it couldn't move here, it didn't have the votes to move ahead but a number of colleagues I see Senator Feinstein here, Senator Smith, you, a number of us went to work and we produced 80 votes for that legislation, a historic—a historic coalition that no one could have envisioned. You have said that the implementation of the law concerns you that you're not happy with the progress. I will say

that this is light years, the implementation this law is light years away from the U.S. Senate view of what was to be done under the legislation. It was envisioned for example that we where going to see work on 20 million acres in terms of hazardous reduction.

Since the passage of the legislation using the definitions under the law only 77,368 acres have been treated. So that means that only 1 percent of the 20 million acre goal has been attained and by my calculations if you go to a back of the envelope kind of calculation it's going to take the administration more than 200 years to carry out the law. The members of this committee wouldn't see this act carried out in our lifetime. We'd be talking about centuries to get this law carried out. I just consider that unacceptable. When you've got big chunks of the West on fire we cannot afford foot dragging on these key fuels reduction projects. So I'm very hopeful that we can get it back on track.

Mr. Bosworth I will note that you and Mr. Rey said to me in March 2004, March 2 specifically that this was going to get done in 8 to 10 years. It says we'll be on a path to address this problem in 8 to 10 years. So I just want as we begin this hearing to note the extraordinary gap between what the law calls for and what the administration's progress to date has been with respect to implementing the law.

Mr. Chairman I thank you, and look forward to working with you and I think that the fact that so many colleagues from the subcommittee are here today is an indication that there is a lot of work to do and this subcommittee wants to do it in a bipartisan way.

[The prepared statement of Senator Wyden follows:]

PREPARED STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON

Mr. Chairman, I wish to specifically note that many of the provisions in the Healthy Forests Restoration Act have not been implemented or have only been minimally implemented. Many of these provisions, including Titles II, III, V and VI—which provide assistance on issues of watersheds; biomass, healthy forest reserves, and developing a system to monitor forest health—are set to expire in 2008, raising the very real potential that the provisions of the Act will expire before any tangible benefits have been obtained. While I commend the Forest Service for launching the Western Threat Assessment Center in March 2005 in Prineville, Oregon to begin the study of forest health threats, much more needs to be done to implement to various provisions of these Titles before they expire in 2008. Many of these efforts are vital to restoring the long term health of our forests.

Senator CRAIG. Ron, thank you very much and I'll turn to our colleagues in the order in which they arrived, Senator Johnson.

STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Senator JOHNSON. Well thank you Mr. Chairman for working with members on both sides of the aisle to schedule this important oversight hearing on the implementation of the Healthy Forest Restoration Act. I'm particularly eager to hear from the Forest Service and State and local land managers how the authorities provided by the Congress are reducing the threat of catastrophic forest fire. I hope that Chief Bosworth or Deputy Assistant Secretary Hatfield will also provide information explaining whether the Forest Service and other Federal land management agencies had the necessary resources to implement the Healthy Forest Initiative. In

2002, a central argument driving enactment of the legislation was a threat posed to communities from hazardous fuels in the Wildland Urban Interface. In my State of South Dakota with a patchwork of private and public ownership in the Black Hills National Forest, effectively treating lands near communities is one of my key priorities. Accordingly, I'd like the Forest Service to specifically address how the Healthy Forest Initiative has tackled that public threat and explain the success and set backs in treating the Wildland Urban Interface in carrying out the intent of the legislation. In South Dakota to date the Black Hills National Forest has implemented only one project—The Bugtown Gulch Project—using the Healthy Forest Restoration Act authorities.

The Bugtown Gulch project which is located northwest of Custer was designed to respond to a portion of the mountain pine beetle epidemic that currently exists in the Black Hills National Forest. The success in quickly treating this effected area hopefully will provide momentum for the Forest Service to continue additional projects now in the planning stage. Using Healthy Forest, authorities on the Bugtown Gulch Project allowed the Forest Service to plan, decide, and initiate implementation faster than would have otherwise been possible. The initial news release regarding the Bugtown Gulch Project was in November of 2004. The record of decision was signed on February 8, 2006 and authorized approximately 11,000 acres of thinning. Live timber sales that where authorized by the decision where advertised the next day on February 9, 2006, with about 25 percent of the acreage in the sales designated as being in urgent need of harvest before the new flight of mountain pine beetles spread to other trees, and a promising sign for future projects successful harvest of those acres was completed before the bugs took flight. Another factor to successful completion of this project was the pre-decisional administrative review process embedded in the Healthy Forests Initiative. The use of the pre-decisional administrative review process helped assure that the areas in urgent need of removal could be harvested prior to the 2006 flight of mountain pine beetles and thereby reducing the further spread of mountain pine beetles.

Mr. Chairman, I am eager to hear from the Chief if the experiences in implementing these important public safety projects are shared throughout other forests and regions and how public land managers are using these authorities to improve forest health. I apologize that conflicting committee obligations will necessitate my leaving earlier than I'd like, but my staff is here and I will closely review today's testimony. I yield back.

Senator CRAIG. Tim, thank you very much. Let me turn to Senator Smith. Gordon, any opening comments?

STATEMENT OF HON. GORDON SMITH, U.S. SENATOR FROM OREGON

Senator SMITH. Thank you Mr. Chairman, Senator Wyden. Chiefs good to have you here. I'm going to abbreviate my opening statement but I think we hopefully can in this hearing keep our eye on the ball. Which is: Are our forests better off? I recently was in northeastern Oregon with Mark Rey and we held a town hall in my hometown. North eastern Oregon has been known as the East-

ern Triangle for the last 15 years, 14 mills have closed in the corner of my State. Remaining mills need roughly 500 million board feet a year from Federal land to keep people at work, yet the national forests are only producing 96 million board feet. So in a State where 79 percent of our Forest Service land is on a high risk of catastrophic wildfire my hope is we can produce more than that and the reason is not just for jobs but it is to keep this remaining info structure in place so that the purpose is the Healthy Forest Initiative can be realized. And I think that that is something that is a real question in that we have got to keep some mills going and we have to keep the people employed so that we can keep our forests thinned in a way that protects the public from catastrophic wildfires. But I do want to commend Forest Service Chief Bosworth because at least in Oregon, and I can't speak to other States, the Forest Service have done a fairly good job in pursuing mechanical treatment versus prescribed burning. Nearly twice the acres have been treated mechanically than have been historically, and I encourage the agency to pursue that trend.

I also note that in the first three quarters of this year the Forest Service has exceeded last years figure for numbers treated using the Healthy Forest Initiative authority I believe that departs from a national trend and I, I thank you at least for doing that in Oregon and obviously my colleagues will encourage you to do that in their States as well.

Thank you Mr. Chairman.

Senator CRAIG. Gordon, thank you very much. As I turn to Senator Feinstein I'm going to caveat by saying as I flew from Phoenix into Fresno on Friday, across your State in a commuter jet, the pilot came on and said, "we've had permission to lift up another ten thousand feet to avoid the smoke plume" that was coming out of the San Bernardino at which time I now understand, a 110 square miles and about 77,000 acres burned. It was a rather dramatic experience as all of us looked out the windows of the aircraft down over this absence of terrain because it was not a weather pattern it was in fact a smoke cloud.

Senator Feinstein.

STATEMENT OF HON. DIANNE FEINSTEIN, U.S. SENATOR FROM CALIFORNIA

Senator FEINSTEIN. Well thank you very much Mr. Chairman and I thank the ranking member for holding this hearing and to you and Senator Wyden and from all of us who worked with, we all worked together on the Healthy Families Act. What's happening in southern California is really very serious. We came very close to having a half a million acres of bark beetle infested pine go up in these fires. There where fires last year as well, it's a very serious situation and I worry a great deal about it.

I'm concerned that the new authorities that our bill provided have not really been used adequately by the Forest Service. And I'd like to talk about that in my questions and there are some aspects of the implementation that are deeply troubling. One, of course as Senator Wyden mentioned is the issue of funding, we can't do these treatments without adequate resources. And what's happening is that they are going to areas that don't need mechan-

ical thinning because it's cheaper to do. So if your forests need mechanical thinning they sort of get, in my view, second shrift. The Forest Services preliminary budget for 2006 provided just 16 percent of the needed fuel reduction funding for California's four forests, southern California forests. $7.5 million as compared to $46.4 million.

While the San Bernardino National Forest received a one time funding boost of $10 million last December because I went to the chairman of the House Appropriations Committee who happened to be from that area, we where able to get that $10 million. This one time funding shortfall really doesn't address the hazard that's out there. The Forest Service, the authorities we provided where used to treat only 1 percent of acres treated in California in 2005. And so far in 2006, of total areas treated under Healthy Forests, under the authorities provided, during this time only 3 percent of those acres are in California. Of total Forest Service and BLM fuels reduction work over the last 2 years only 3½ percent have been in California. In contrast, and I note most of us are Western or near Western States, in contrast 40 percent was in the Southeast which has less than 7 percent of total National Forest system lands. California alone has 20 million of the Forest Services 193 million acres, or 10 percent of the total. And many of our forests are at higher risk. So what I want to know from this hearing is: What are they doing? And, you know, if more money is needed it'd be nice if somebody came and said look we really believe you have peril, we need more money and we're willing to help you to get it. But it's a very passive situation out there and that bothers me greatly. And I hope, you know we can, to use a bad pun set a fire under the agencies through this hearing to work with us to get more funding to really look at the priorities and see if they are meeting the need. Thank You.

Senator CRAIG. Senator, thank you. Now let me turn to Senator Murkowski.

Senator FEINSTEIN. Oh before Senator Murkowski if I might be indulged in, for a point, a personal privilege. If you look at the Senator from Alaska, you will see a very slight, very feminine form. And yet this slight and feminine form was able to catch a 65 pound king salmon.

[Laughter.]

Senator FEINSTEIN. I could not help but note that some of the male comments where, "She puffed up the size of the fish, she needed a man to set the hook." But every photo that I've seen is the Senator quite unaided by any male counterpart.

[Laughter.]

Senator FEINSTEIN. Handling this salmon really quite well and I would just like to issue a word of commendation to the Senator from Alaska for her fishing prowess. I believe to date it is unchallenged by any male member of the U.S. Senate.

[Laughter.]

Senator CRAIG. Well before I turn over to Lisa. Senator Feinstein I want you to know that I was in the same fishing tournament.

[Laughter.]

Senator FEINSTEIN. What?

Senator CRAIG. I was in the same fishing tournament with Senator Murkowski, not only did she out fish me but the top three fish caught in a two day period in that tournament where all caught by woman.

Senator FEINSTEIN. Oh.

Senator CRAIG. Oh.

[Laughter.]

Senator FEINSTEIN. For you that's very sobering.

[Laughter.]

Senator FEINSTEIN. Thank you again.

[Laughter.]

Senator WYDEN. So the moral of the story is put Senator Murkowski in charge of fighting the fires.

[Laughter.]

Senator CRAIG. No, put her in charge of catching more fish. Anyway, Senator now that you've been properly billed the floor is yours.

STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Well, thank you Senator Feinstein I appreciate your words of support. I think you recognize when you saw those fish there was no photo shopping, there was no assistance, I did do it on my own but I do have to keep repeating that because people just still quite don't believe it. It is true. Thank you for that acknowledgment and that recognition. I'll also point out that the area that we where fishing down there on the Kenai Peninsula, and I will bring this back to the hearing at hand.

Bringing the fish story, the big fish story back to to the hearing at hand. We where down on the Kenai Peninsula where from the concerns expressed by Alaskans in terms of our greatest fire threat. So much of what we worry about is down on the Kenai Peninsula because of the damage that's been inflicted by the spruce bark beetle. So, there is some tie into the fish story and our hearing here this afternoon. But in addition to thanking Senator Feinstein for her comments and yours about my wonderful fish, I do want to thank you Mr. Chairman and ranking member Wyden for having this hearing. I think it is exceptionally timely as we look at what is happening in California. We're feeling rather blessed this season in Alaska because we've only had one fire so far this year that has made Fox News or CNN. Typically by this time of the year it's pretty tough up north and our history has shown, or certainly our recent past has shown that we have great reason to be concerned about our fire season. This may be considered a normal year up in Alaska but when you look back to 2004 and 2005 they where the worst years in our States history for fire. It was in 2005 we had an area burn that was the size of the State of Connecticut and Rhode Island combined. And you talk about acreage that's one thing, you talk about something that people can relate to that's another.

In 2004 the amount of acreage that we burned in this State was equivalent to the size of the State of Vermont. So, we look at what is happening with the Healthy Forest Restoration Act. You know when that was passed, I was a big supporter of it because I

thought that this sent a signal that our Nation was really gonna to get serious about reducing the loss of life, reducing the loss of property associated with the wildfires in the populated areas. And also, the terrible quality of life that our constituents have to endure when we've got this smoke billowing into our communities during our short summer season.

I have had, on numerous occasions, an opportunity to speak about the health and air quality issues that are associated with the wildfire smoke. Up in the state of Alaska it's traveling hundreds of miles, and this is not just an annoyance where you can smell the smoke. The smoke is so bad that our children can't go outside to play for a week at a time. If you have any upper respiratory ailments you are told to stay inside. There are days where you can't see down the next block, because of the thickness of the smoke. So it is very real, it's not just something that is an annoyance. So when we look to what we can do to reduce the hazardous fuels, it's not only about the health and safety of those that are around it. It's certainly about the margin of safety for our wildland fire fighters.

Now, I'm assuming that the point of this hearing is to determine whether or not the Healthy Forest Restoration Act is living up to it's billing. I've mentioned the Spruce Bark Beetle on the Kenai Peninsula, we've got about three million acres of damage in the State of Alaska about 1.1 million acres is situated there on the Kenai Peninsula alone. So we have great concern about that. I want to know that we're doing all that we possibly can to reduce the hazardous fuels on the Kenai Peninsula as well as around the State.

I am encouraged about the efforts to formulate the Community Wildfire Protection Plans. We've got some success in Alaska that I'm proud to sight, to the Kenai Peninsula, the Fairbanks North Star Borough, Glennallen in eastern Alaska, and then the Native village of Tanacross. These have been pointed to as national success stories in the community wildfire planning. There where also some pretty ambitious intentions about turning the fuels into energy, and I should mention that there's a great deal of interest throughout Alaska into turning the biomass and the small diameter material into fuel so we can reduce our reliance on diesel for power generation in so many of our communities. Whether you're down in southeast or all the way up into the interior, folks are asking the question whether there's sufficient grant funds available to turn these ideas into a reality. So I look forward to the comments from the Chief and from Miss Hatfield. And thank you again for the hearing.

Senator CRAIG. Lisa, thank you very much. Now we turn to Senator Salazar.

STATEMENT OF HON. KEN SALAZAR, U.S. SENATOR FROM COLORADO

Senator SALAZAR. Thank you very much Chairman Craig and Senator Wyden for holding this important hearing. For us and Colorado Lake, the other Senators that are on this committee we have great concerns about the forest fire danger that we currently are facing in especially most of our States share the problem that where facing with the bark beetle infestations. In my State alone

we have about 1½ million acres of bark beetle infested forest lands that are essentially a tinder box. And when you look across all of the western slope of my State of Colorado it's expected that probably 90 percent of those lands are going to be infested by the bark beetle in upcoming years. I have a longer statement that I'll submit for the record but I'm interested in two things as we move forward in the hearing. One is the status of the implementation of the Healthy Forest Act with respect to dealing with these challenges a part of that legislation was intended to deal with bark beetle infestation problems. Two, what the level of resource needs are to address this particular problem so that we can say it, we've set about to deal with a challenge in that we've been able to deal with it effectively. Third, following up on Senator Murkowski's point. I think there was a great deal of interest as we worked on energy issues in the country to see how we can move forward with biomass, and I believe it was title II of the Healthy Forest Act that said that we where moving forward with a biomass research program as well a grant program within the Forest Service. I think there's a yearning from communities to move forward with that project and I would like an update on that.

And finally I just look forward to working with the Forest Service in my State as we move forward and try to deal with this very important issue. Thank you Mr. Chairman.

[The prepared statement of Senator Salazar follows:]

PREPARED STATEMENT OF HON. KEN SALAZAR, U.S. SENATOR FROM COLORADO

Thank you Chairman Craig and Senator Wyden. As always, I appreciate the opportunity to attend this Subcommittee's hearings on subjects that are critical to Colorado.

There is no issue as critical to Colorado as the ongoing beetle infestations that are plaguing our national forests, as well as state and private lands. Just last week we heard the first summer reports of beetles emerging throughout our forests searching out the live trees that will incubate next summer's beetles. Those trees will then die, turning red, and adding to the already elevated hazardous fuel loads. These dangerous conditions and the corresponding fire risk have Colorado on edge. This situation threatens local communities in the wildland-urban interface and carries with it the real potential to negatively impact downstream states from Colorado should a catastrophic fire occur in a major Colorado watershed.

The depth of my constituents' concerns was plain last week when I, along with Senator Allard, hosted a Colorado Congressional Delegation meeting concerning bark beetles with officials of local communities that are threatened by these dangerous conditions. At that meeting the Colorado delegation committed to work together with the communities and other local stakeholders to address this situation in the short and long term—including by identifying administrative action items that may help the situation on the ground.

Chief Bosworth and Assistant Secretary Hatfield, when those items are identified and communicated, the delegation expects that the USDA/USFS and the DOI will give them timely and full consideration. We are in the midst of a crisis, the threat is readily apparent, and we need the Administration's attention and help.

Thank you.

Senator CRAIG. Ken, thank you very much. Now let me turn to the chairman of the full committee. Mr. Chairman, we're not saving time this morning because I thought it was very important for both Dale and Nina to hear the passion of my colleagues as it relates to the situation going on in their states, their continued belief in the Healthy Forest Act, and more importantly the concern that it isn't moving as quickly as it should in a variety of areas for a variety of reasons. But let me turn to you for comments you would

like to make Senator Domenici and then we'll get to our key witnesses.

Senator Domenici.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. And I might be both lengthily and passionate?

Senator CRAIG. Well——

[Laughter.]

UNIDENTIFIED VOICE. Sounds like a law firm.

Senator CRAIG. Yes, it does sound like a law firm. We'll let you choose that, but time is important and you can use reasonable discretion.

The CHAIRMAN. Don't worry, it'll be——

Senator CRAIG. Just don't get into a fish story like Senator Feinstein and Lisa did.

The CHAIRMAN. It'll be neither.

Senator CRAIG. All right.

The CHAIRMAN. Passionate nor long this morning for some reason. In any event I do want to say that I'm happy that both you and Nina and Dale are here today. And I also want to welcome Mr. Rick DeIaco from Ruidoso, New Mexico who is here to testify. We look forward to hearing your testimony. I'm not sure that I will be here personally, when that occurs sir, but I think you understand this is a subcommittee and I'm not in charge of this subcommittee and I have another committee that I have to work on in getting ready for a case on the floor.

In any event, let me move on to the data that you bring before us, shows a grand total of 1,720 acres of Healthy Forest Restoration Act work completed, from the beginning of fiscal year 2005 until now in the entire State of California. That data also shows that you have accomplished another 212,000 acres of healthy forest work through other authorities.

Chief, you need to understand that I have dozens of communities in New Mexico that face similar risks and while I am a Senator, you are the regional Forester and each of your forest Supervisors need to understand that there will be hell to pay if one of our communities burn, and we find that they haven't moved heaven and earth to get this fuel work done, or haven't used the Healthy Forest Restoration Act authority to get it done.

While I'm impressed that your reporting additional acreage above and beyond the database you recently provided the committee, I, like others here today would like to see more acreage accomplished and more quickly. That seems to me to be everybody's wish and obviously you're here today to tell us how you do what you do and that it's the best it can be. And, we will listen attentively. Thank you very much Mr. Chairman.

Senator CRAIG. Pete, thank you very much for that testimony. Now let me turn to our first panel. I've introduced them once, Nina Hatfield, Deputy Assistant Secretary, Policy, Management and Budget, Department of the Interior, Dale Bosworth, Chief, U.S. Forest Service, Department of Agriculture.

Ladies first, Nina.

STATEMENT OF NINA ROSE HATFIELD, DEPUTY ASSISTANT SECRETARY, POLICY, MANAGEMENT AND BUDGET, DEPARTMENT OF THE INTERIOR

Ms. HATFIELD. Thank you very much Mr. Chairman.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to testify on Interior's implementation of the Healthy Forest Restoration Act. And let me assure you that we too have, with you a passion about our efforts to reduce the risk of wildland fire to communities across the United States. And our key focus is to treat those high priority acres that have been identified through collaboration with States, tribes, local governments, and other partners and to do so as expeditiously as is possible. And as we move from identifying the highest priority acres to implementing fuel reduction projects we use the NEPA and analytic compliance requirements. Now HFRA provides that tools that compliment other administrative and statutory authorities that our land managers may use to achieve our goal of accomplishing on the ground reductions in hazardous fuels.

HFRA's encouragement to State and local governments to complete Community Wildfire Protection Plans or CWPP's is vastly improving our ability to make sure that we do identify those high priority acres that we want to treat. Using all of our authorities in close coordination with State, local and tribal interests, Interior's agencies have treated 7 million acres since fiscal year 2002, which includes approximately 5.9 million acres through the hazardous fuels reduction program and approximately 1.1 million acres of landscape restoration accomplished through other land management programs. And in fiscal year 2006, 94 percent of the total billion acres that we plan to treat are in condition classes two and three.

Now we believe that this work has lessened threat of fire to people, communities, and natural resources across the country. Our successes where fuels treatments have modified fire behavior and provided for safer and more effective fire fighting are growing. And with respect to the treatment method the process of selecting whether to use a mechanical prescribed fire or another technique is part of a collaborative effort. The factors to be considered range from the fuel lows to societal determinations of valued landscapes. And the ultimate decision on the treatment method depends upon multiple factors, including the on the ground conditions, the agency mission, the usefulness in accomplishing other land management objectives and costs.

Mechanical treatments already receive priority in project selections. In this year, fiscal year 2006, 51 percent of BLM's hazardous fuel treatments have been done using mechanical means and that's grown from the 42 percent of mechanical treatments that we did in fiscal year 2005. And yet we recognize that balance in the use of those tools remains critical. For DOI lands outside the wildland/urban interface we estimate that the direct cost of mechanical treatment is approximately four times that of prescribed fire treatment. But we believe that the new knowledge, techniques, tools, understanding, and collaborative efforts like the CWPP's continue to inform and improve our efforts to reduce wildland fire risk. New performance measures are emerging from an extensive 18 month

collaborative review of the 10 year comprehensive strategies implementation plan that was initiated by the Wildland Fire Leadership Council and the Western Governors Association and that reflects our growing knowledge and skill base in terms of the appropriate performance measures by which we will gauge our progress.

In fiscal year 2002, the agencies are using both HFI and HFRA tools to meet there NEPA requirements on nearly 80 percent of all new fuels treatment projects. We appreciate the on going oversight by the subcommittee on our activities to reduce hazardous fuels on the public lands. We believe that using the range of tools that we have with HFI, stewardship contracting, Tribal Forest Protection Act, and HFRA that we are expediting projects to treat hazardous fuel, restoring fire adapted ecosystem, restoring healthy conditions to public forest and range lands, introducing the threat of catastrophic wildfire to at risk communities. We will continue to partner with other Federal agencies as well as State, local and Tribal governments to accomplish additional fuels reduction and restoration projects, and I look forward to responding to your questions. Thank you very much.

[The prepared statement of Ms. Hatfield follows:]

PREPARED STATEMENT OF NINA ROSE HATFIELD, DEPUTY ASSISTANT SECRETARY, POLICY, MANAGEMENT AND BUDGET, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on the U.S. Department of the Interior's (Interior) implementation of the Healthy Forests Restoration Act (HFRA) [P.L. 108-148] and our agencies' activities to reduce hazardous fuels and improve forest and rangeland health on the public lands.

Four years ago, wildland fires swept across portions of the western United States, burning millions of acres. In southwestern Oregon, the Biscuit Fire burned almost 500,000 acres in 2002 and cost more than $150 million to suppress. In response to this and other large wildland fires, the President and the Congress acted in rapid succession in 2002 and 2003 to authorize Federal land management agencies to expedite action to reduce the amount of hazardous fuels on Federal lands, reduce the threat of wildland fire, and restore the health of our public forests and rangelands.

The land management agencies of the Department of the Interior and the U.S. Forest Service have moved aggressively to implement these new administrative and statutory authorities. These include streamlined authorities to meet the requirements of the National Environmental Policy Act (NEPA) provided by HFRA and the President's Healthy Forests Initiative (HFI). The BLM and the Forest Service use the stewardship contracting authority provided by the 2003 Omnibus Appropriations Act (Section 323 of Public Law 108-7) to reduce hazardous fuels while providing economic benefits to local communities. HFRA has encouraged local communities to work with Federal agencies to prepare Community Wildfire Protection Plans (CWPP), and each of the Interior agencies is actively involved in assisting States and local governments. All these tools emphasize the importance of partnerships in reducing the risk of wildland fire.

Using all of our authorities in close coordination with State, local, and Tribal interests, Interior's agencies have treated 7 million acres since Fiscal Year 2002, which includes approximately 5.9 million acres through the hazardous fuels reduction program and approximately 1.1 million acres of landscape restoration accomplished through other land management activities. For three consecutive years, Interior has exceeded program targets for both total acres treated and for treating acres within the wildland-urban interface (WUI). We have tripled the amount of WUI acres treated since FY 2001—treating 543,000 acres in FY 2005 compared to 164,000 acres in FY 2001—and increased the WUI share of total program acreage from 22 percent in FY 2001 to 44 percent planned for FY 2006.

A brief description of Interior agencies' use of these new authorities follows.

HEALTHY FORESTS INITIATIVE (HFI)

On August 22, 2002, the President announced his Healthy Forests Initiative. The HFI directed the Secretaries of the Interior and of Agriculture, together with the

Chairman of the Council on Environmental Quality, to improve regulatory processes in order to reduce the risk of catastrophic wildland fires by restoring forest health.

In response, the agencies developed administrative procedures to expedite needed actions, including two new categorical exclusions (CX) under NEPA that allow the agencies to proceed with high-priority hazardous fuels treatments (prescribed fire and thinning) and rehabilitation of areas previously burned without further analysis if a collaboratively selected treatment meets specific criteria related to size, location, and method. The HFI also resulted in streamlined consultation procedures on threatened and endangered species with the U.S. Fish and Wildlife Service and National Marine Fisheries Service for National Fire Plan projects.

Interior agencies have used the HFI categorical exclusions extensively because a hazardous fuels reduction project that meets the CX criteria can be implemented rapidly. This tool is especially valuable, for example, in treating areas of a WUI that could be rapidly thinned to reduce the risk of wildfire, or to accomplish on post-fire reseeding or erosion control measures before a rainy season begins. In FY 2004, Interior's bureaus used the HFI tools to treat approximately 40,000 acres. In FY 2005, HFI tools were used to treat approximately 190,000 acres. This fiscal year, we plan to use these tools on over 1,000 treatments to reduce hazardous fuels on approximately 200,000 acres.

For example, in the Castle Rock area near Vale, Oregon, the BLM used the CX authority to implement treatments that both reduce existing fire hazard and improve forest health. This area contains one of the few remaining stands of old growth Ponderosa pine and Douglas fir left in the area. By 2003, large quantities of dead, woody debris had dramatically increased the stand's susceptibility to disease and insect infestation, and significantly raised the potential for catastrophic stand replacement fire. The BLM sought input from local ranchers and the Paiute Indian Tribe in planning a fuels reduction program.

In the spring of 2004, the CX was approved and fuels reduction activities were implemented on-the-ground. A total of 850 acres of Ponderosa pine stands are being treated using a combination of under-story thinning, hand piling, and prescribed fire. In FY 2005, 200 acres of pine were treated. Approximately 350 acres of North Slope Douglas fir will be considered for fuels reduction activities in the near future. Early analysis suggests that commercial thinning in conjunction with fuels reduction activities would significantly reduce the existing fire hazard and improve forest health. Fuels reduction costs may be mitigated as a result of a stewardship contract.

STEWARDSHIP CONTRACTING

Congress authorized the BLM and extended the Forest Service to use stewardship contracts, which are intended to provide economic benefits to local communities, to reduce hazardous fuels and restore forest and rangeland health, in the FY 2003 Omnibus Appropriations Act (Section 323 of Public Law 108-7).

BLM has progressively increased the use of stewardship contracting from 2 contracts on 300 acres in FY 2003, to 22 contracts on 6100 acres in FY 2004, and 58 contracts covering 15,700 acres in FY 2005. By the end of FY 2006, the BLM will have used stewardship contracting authority, cumulatively over three years, for over 100 projects to restore forest health and treat fuels on over 35,000 acres of public lands. These projects are located across all of the States that BLM manages in the west, including Alaska.

An example of a successful stewardship project is the 10-year Gerber Stewardship project which began in FY 2004 in south central Oregon. When completed, it will have treated 10,000 acres to improve forest and woodland health, improve rangeland health, reduce hazardous fuels in the WUI, improve wildlife and fisheries habitat, and riparian enhancements. It is now in its third year, with 1500 acres under contract, and has sold 750 MBF and 15,000 tons of biomass for energy development.

Another example is underway in Canon City, Colorado, where the BLM awarded two stewardship contracts to treat 300 acres per year. The contracts will reduce fuels in the WUI and foster forest health improvement and wildlife habitat enhancement. Additionally, the contracts will produce 3,000 tons of biomass and 235,000 board feet of saw timber, providing woody biomass to Aquila Power and logs to local sawmills. In 2004, the Aquila plant generated 730 megawatts of electricity using woody biomass, and may expand their use of biomass under a state law requiring a green energy portfolio of 10 percent by 2015. In FY 2006, the BLM is soliciting a longer-term stewardship contract for multi-year treatments. The saw timber and biomass by-products of this contract will help provide stability and long-term supplies of biomass for energy production.

HEALTHY FORESTS RESTORATION ACT (HFRA)

Through the HFRA, signed into law in December of 2003, Congress provided statutory authorities that complement or expand upon the HFI tools already in use by the agencies. Certain authorities in the HFRA are available to both the BLM and the Forest Service (Titles I and II), while other titles apply exclusively to the Forest Service.

Title I of HFRA authorizes the collaborative development and expedited environmental analysis of hazardous fuels reduction projects on public lands that are: (1) at risk of catastrophic wildland fire; and (2) meet one of the following four criteria. The projects are:

- located in wildland-urban interface (WUI) areas;
- identified as condition class 2 and 3 (at moderate to high risk of catastrophic fire) where there are at-risk municipal water supplies;
- in watersheds that provide habitat for threatened and endangered species where catastrophic wildfire threatens the survival of the species and fuels treatments can reduce the risk of wildfire; and
- where windthrow, insect infestation, or disease epidemics threaten forest or rangeland resources.

HFRA authorizes the agencies to streamline environmental assessments to fulfill NEPA requirements, complementing the categorical exclusion authority in HFI. In FY 2005, the BLM used HFRA authorities to treat approximately 9,968 acres in 52 treatments. In FY 2006, the BLM identified 66 HFRA projects covering 28,000 acres. For example:

In the area near La Pine, Oregon, the BLM used the HFRA Title I authority to plan a treatment of 7,000 acres to be implemented in FY 2006. The goals of this WUI project include fuels reduction, creation of defensible space, forest and rangeland health, and protection of a municipal watershed. The project will also yield biomass.

The BLM also has used the Title I authority to plan projects in non-WUI areas of Nevada and Utah. Near Winnemucca, NV, a 1,000-acre fuels reduction and rangeland health project will be implemented in FY 2006. Near Price, UT, Title I authority was used to plan a 500-acre WUI treatment to accomplish defensible space, fuels reduction, and ecosystem restoration.

The Department is committed to utilizing the tools Congress provided through the HFRA. To that end, we will continue to work to improve our performance in implementing the Act and to ensure oversight at both the field and headquarters levels.

Typically bureaus perform NEPA work one or more fiscal years prior to the fiscal year when the on-the-ground treatments are accomplished. Treatments done in fiscal years 2004-2006 often had their NEPA analysis performed before HFI or HFRA authorities were available. As those treatments are completed, the number of HFI/HFRA supported treatments is increasing as is the share of new NEPA work performed using these tools.

The growth in acres treated via HFI/HFRA tools has been dramatic, from over 40,000 acres in FY 2004 to approximately 200,000 acres in FY 2005, with an estimated 230,000 acres to be treated this fiscal year.

Evidencing our commitment to using these important authorities, in FY 2006 the agencies are using HFU/HFRA tools to meet their NEPA requirements on nearly 80 percent of all new fuels treatment projects.

COMMUNITY WILDFIRE PROTECTION PLANS

A key provision in HFRA encourages local communities to work with Federal agencies to develop Community Wildfire Protection Plans (CWPP). These plans build on community and resource protection activities carried out under the National Fire Plan, and assist local communities, as well as State, Federal, and Tribal cooperators, to clarify and refine priorities, roles and responsibilities in the protection of life, property, and critical infrastructure in the wildland-urban interface.

State and Federal land management agencies and local communities can use CWPPs to determine hazardous fuels treatments in the wildland-urban interface. As of March 1, 2006, nationwide 650 CWPPs covering 2,700 communities at risk have been completed and 600 are in preparation. To date in FY 2006, the BLM and the Bureau of Indian Affairs have assisted in 55 separate WUI communities with mitigation, fire management, or risk assessment plans.

In Idaho, for example, all counties have completed CWPPs that include prioritized fuels treatments for all of Idaho's priority wildland-urban interface areas.

Idaho County is an example of one county that revised their CWPP to ensure their highest hazard areas are included, and now has a plan that meets all the re-

quirements of HFRA—such as WUI definitions or boundaries, prioritized fuels/community assistance project lists, and agreement by local government, local fire departments, and the State of Idaho on the contents of the plan. As a result, BLM is currently working with several other local and state entities to conduct fuels treatments in Elk City—one of Idaho's highest priority communities.

The BLM is able to tier its hazardous fuels project planning to completed CWPP's. One such example is in central Oregon where the combination of increased fuel and ignition sources have resulted in more acres burned in wildfires over the past five years than burned in the previous century. To address these issues and to identify treatment priorities, a multi jurisdictional group of agencies, organizations, and individuals gathered to create a series of community wildfire protection plans.

As of September 2005, five community wildfire protection plans have been completed and three others are nearing completion, covering the majority of Crook, Northern Klamath, Jefferson and Deschutes Counties. Using a risk-assessment model, planning committee members identified top priorities to mitigate wildfire. These priorities include risk potential for a fire to occur; hazard potential for a wildfire to spread once ignited; values at risk, such as identification of key infrastructure and ecological and cultural values; structural vulnerability elements of a structure that affect the likelihood of it burning; and protection capability to prepare for, respond to and suppress wildfire. General recommendations included developing year round water sources, continuing to reduce fuels on private lands, improving defensible space, and developing or improving emergency evacuation routes.

One of the greatest concerns identified in the CWPPs is the fuels buildup on Federal lands adjacent to communities. Consequently, the Prineville District BLM and the Deschutes and Ochoco National Forests will be working together to reduce the potential for catastrophic wildfire around the communities at risk. As part of the five-year plan, forests and rangelands in the WUI in central Oregon will receive a variety of treatments, including thinning, mowing, chipping, and burning. While not designed to eliminate fire, the goal of these treatments is to modify the vegetation to the point that ground fire is the norm, not the exception.

Title II of HFRA provides statutory authorization for the agencies to increase the utilization of biomass. Interior is currently expanding its capacity to encourage community-based enterprises that help achieve forest and rangeland health objectives. Fuels projects and post-fire recovery can produce significant amounts of small diameter woody materials (biomass is predominantly the by-product of hazardous fuels removal projects that reduce the risk of wildland fire and improve forest health). Many small communities have lost conventional sawmills and other utilization infrastructure. Better coordinated technical support, investment and incentives can enhance development of infrastructure and help commercialize new technologies that make profitable use of forest and rangeland resources made available through emergency salvage and recovery projects.

The strategy for increasing biomass utilization from BLM-managed lands draws on the authorities provided in the HFI, the National Fire Plan, HFRA, and stewardship contracting under the FY 2003 Omnibus Appropriations Act (Section 323 of Public Law 108-7). In FY 2004 (the first full fiscal year in which the BLM had this authority), the BLM offered nearly 30,000 tons of biomass, mostly through stewardship contracts that also benefited local communities. In FY 2005, 71,000 tons of wood by-products were offered through contracts by the BLM. The target for FY 2006 is to offer 60,000 tons of biomass through contracts or agreements. When treating areas for hazardous fuels reduction, the BLM's goal for FY 2006 is to offer biomass in 10 percent of the BLM's mechanical treatment projects in forests and woodlands, increasing to 50 percent by FY 2008.

In addition, the BLM has undertaken six biomass demonstration projects—in Alaska, California, Colorado, Idaho, and two projects in Oregon—in which local field offices are working with nearby communities to develop strategies for using biomass to generate energy.

In Emmett, Idaho, the BLM together with other Federal and State land management agencies and private interests is working to secure a sustainable supply for a new 19 megawatt biomass plant. By-products from hazardous fuels reduction efforts as well as rangeland and forest health projects on BLM managed lands in southeast Idaho will contribute to the supply for this plant. A co-generation lumber mill is also being developed to further take advantage of available biomass material. Also, the BLM continues to support opportunities for biomass utilization in central Idaho including Bennett Forest Industries' establishment of a woody biofuels energy generation plant at the company's new lumber mill in Grangeville, Idaho.

In the Prineville, Oregon demonstration project, with the execution of a Memorandum of Understanding (MOU) with the Confederated Tribes of Warm Springs (Tribes), the BLM and Forest Service in central Oregon agreed to offer 80,000 bone

dry tons (8,000 acres) of woody biomass material annually. This long-term commitment to provide biomass to the mill at Warm Springs will provide a stable supply of biomass to enlarge the market for biomass energy. With the increased supply of renewable energy, the Tribes can market energy to power homes, or direct that energy to new businesses. Thus, woody debris that used to go up in smoke or clog landfills will now be converted to heat, light, and economic development. Based on this MOU, the Tribes are seeking a power purchase agreement and bank financing to develop a 15.5 megawatt cogeneration plant.

The Department of the Interior also has adopted a standard contract provision, for use by all Interior agencies, which allows for the removal of biomass as part of all forest and rangeland thinning projects or any other contracts that cut vegetation. To help increase the market for materials made of small wood and wood biomass, the agency has added a factor to their procurement solicitations to encourage the purchase of bio-based materials. In addition, Section 210 of the Energy Policy Act of 2005 authorizes Federal grants for biomass use.

TRIBAL FOREST PROTECTION ACT

The Tribal Forest Protection Act (Public Law 108-278) [TFPA] was passed in July 2004 in response to devastating wildfires that crossed from Federal lands onto Tribal lands. The TFPA provides a tool for Tribes to propose work and enter into contracts and agreements with the Forest Service or BLM to reduce threats on Federal lands adjacent to Indian trust land and Indian communities.

The TFPA focuses on BLM or Forest Service lands that 1) border or are adjacent to Tribal lands; and 2) pose a fire, disease, or other threat to the Indian trust land or community or are in need of restoration. An excellent example of Tribes partnering with the Federal agencies under the auspices of the TFPA includes a recently signed Memorandum of Understanding (MOU) between the Confederated Tribes of the Warm Springs Indian Reservation in Oregon and the BLM and U.S. Forest Service.

As mentioned in our discussion of biomass utilization, under this MOU the BLM and Forest Service in central Oregon agreed to offer to the Tribes 80,000 bone dry tons (8,000 acres) of woody biomass material annually as the Tribes conduct hazardous fuels reduction projects on Federal lands adjacent to the Warm Springs reservation.

The MOU addresses the key components of HFRA and TFPA by focusing efforts on treating hazardous fuels and restoring the health of forests to minimize large catastrophic wildfires. This partnership recognizes that over the past decade, central Oregon and the inland West have experienced unnaturally large wildfires that have put many values at risk, including people's lives and homes, sensitive or protected fish and wildlife habitat, culturally and Tribally significant resources, critical infrastructure, soil productivity, aesthetics, clean air and other valued components of forests and communities.

CHALLENGES WE FACE

We thank the Congress for the authority provided through the HFRA. In addition, as note above, we utilize appropriate administrative authorities in planning and conducting certain fuels treatment and post-catastrophic event activities. Despite these ongoing efforts, challenges abound. Certain post-fire situations require a rapid, coordinated response in order to assure effectiveness of recovery and restoration efforts. Moreover, the environmental threats typically do not stop at ownership boundaries. Treatments limited to one side of a jurisdictional boundary may be less effective than actions coordinated within a broader ecosystem. Current authorities and procedures make coordinated decision making among Federal, State, and local land managers difficult. For example, the BLM missed an opportunity to coordinate salvage and restoration activities with an adjacent landowner in the area burned by the Timbered Rock Fire in 2002 in Oregon. The adjacent landowner moved ahead immediately with salvaging and replanting the burned area, and within one year salvaged and replanted all 9,000 acres of his burned lands. By comparison, because of the procedural requirements to salvage and re-plant on Federal lands, most of the BLM portion of the burned area is not yet fully treated. In such cases, coordination among Federal, State, and local land managers would increase the likelihood of effective restoration on a landscape or watershed basis.

CONCLUSION

We greatly appreciate the ongoing support that the Chairman and Members of the Subcommittee have provided for our use of the authorities of HFI, stewardship contracting, and HFRA to reduce hazardous fuels and restore the health of the public

lands. Using these authorities, the Interior agencies are expediting projects to treat hazardous fuels, restore fire-adapted ecosystems, restore healthy conditions to public forests and rangelands, and reduce the threat of catastrophic wildland fire to at-risk communities. We will continue to partner with other Federal agencies, as well as State, local, and Tribal governments, to accomplish additional fuels reduction and restoration projects.

Thank you again for the opportunity to testify at this hearing. I would be glad to answer any questions.

Senator CRAIG. Nina, thank you very much. Now let us turn to the Chief. Dale, when you and I started in this business a good number of years ago your hair was dark and I had hair.

[Laughter.]

Senator CRAIG. So I don't know whether the stress of the job or the time we've been at it. But it's been awhile. Please proceed.

STATEMENT OF DALE BOSWORTH, CHIEF, U.S. FOREST SERVICE, ACCOMPANIED BY GAIL KIMBELL, REGIONAL FORESTER, MISSOULA, MT

Mr. BOSWORTH. Thank you very much Mr. Chairman, and I do appreciate the opportunity to review with you our performance in implementing the Healthy Forest Restoration Act, the Healthy Forest Initiate, and our overall fuels treatment program. I'd like to briefly summarize my written statement and there's just a few key high lights I'd like to say.

First I'd like for everybody to understand that every year since 2003 the Forest Service has met or exceeded our funded fuels treatment targets. And we having said that we really appreciate your recognition of the importance of this program, the importance of fuels reduction, and forest health restoration, and learning the risks of severe wildfires and I can't express how much we appreciate the tools that both the administration and Congress have developed together to enhance our authority to treat these public lands, and to reduce these threats of fuels. When HFRA was signed by the President in December 2003, Forest Service Leadership happened to be meeting here in Washington, D.C. We had a lot of discussions regarding this new legislation, and I'd advised our regional foresters and others at that time that the American Public as well as Congress would be expecting some great progress from us in reducing the risk of severe wildfire. Now I've brought with me Gail Kimbell, whose our regional forester from Missoula, and she would be happy to attest to that understanding that we have of our responsibility.

Senator CRAIG. Gail, we're pleased to have you before the committee today. Thank you for being here.

Mr. BOSWORTH. You know we noted at the time that the problems that we have, have been decades in the making, and that they wouldn't be resolved overnight. We've had the Healthy Forest Restoration Act authority in place now for one and half field seasons and we're increasingly making use of the expedited processes that it provides for us. Along with those of the administrative regulations that we developed under the Healthy Forest Initiative. Frankly I'm proud of the progress that's been made in this effort by Forest Service employees, along with our partners in the Interior Department and the countless partners at the State, local, and tribal

levels. As I said, having met our targets for the last 3 years and we're going to continue to do that.

I also realize that we need to continue to push ourselves further and at a faster rate to increase the rate of treatment so that we can quicken our pace at addressing this serious risk. We know that we can't let up or we'll just lose ground in the effort if we do. And I don't foresee that the Forest Service in the field letting up any time soon and frankly, I don't see the communities letting us let up, until this threat is addressed.

From 2003 to the present time, using all of the available authorities that we have, the Forest Service has conducted fuels reduction treatment on about 8.5 million acres, and that includes about 5.5 million acres in the Wildland Urban Interface. So as I mentioned we're continuously increasing our utilization of the expedited processes and HFRA to get our fuels work done. In 2005, we treated 23,000 acres using those procedures. In 2006, we're projecting treating an addition 177,000 acres including about 115,000 acres in response to the hurricanes in the gulf States.

One of the critical features of HFRA is an increase expectation of community participation in the development of these projects. We've always provided, I believe ample opportunity for public involvement through NFMA and NEPA processes, but the collaborative spirit that's envisioned in HFRA I think is a significant change from the old model of agency scoping, internal decision making, followed by formal adversarial appeal processes. We've had to build a capacity for using these new procedures both within the agency as well as within the communities. And while it takes some time for our folks and for the public at large to come to understand the new way of doing things, we believe that the investment of developing this understanding is well worth the investment. We believe that by starting this increased collaboration carefully, we'll be able to show success, and I think that success will breed further success in other communities. And that will expand our use of the HFRA authorities.

And Gail Kimbell again, would be able to provide you with some first hand examples of her experiences with these efforts in the Northern Region.

So Mr. Chairman you and other members have kept me aware of your continuing interest in our efforts to reduce hazardous fuels and there's certainly a corresponding interest on the part of the departments and the administration. I've conducted regular conference calls with Regional Foresters generally once a month, to share information, to report progress, and to find out what barriers and hurdles they have so that we can remove those barriers and hurdles and to discuss other aspects of our implementation of HFI and HFRA. We've assembled a team, to review implementation at the regional and the field level. To help us further understand where we're having success and what kind of difficulties people are faced with in the field, in terms of implementing these projects. And now as we get the results from that review, I'd be very happy to share the information with the committee so that we can continue to work together and address this challenge.

And so again thank you for the opportunity to be here and I'd be happy to answer any questions.

[The prepared statement of Mr. Bosworth follows:]

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

INTRODUCTION

Mr. Chairman. Thank you for the opportunity to testify on the Administration's progress in implementing the Healthy Forests Initiative (HFI) which includes the Healthy Forests Restoration Act of 2003 (HFRA). The Act is a significant piece of legislation that earned bipartisan support in both houses of Congress and was signed into law by President Bush on December 3, 2003. HFRA recognizes that timely implementation of fuels treatment and forest and rangeland restoration projects is critical if we are to reduce the risk from severe wildland fire to rural communities and critical ecological resources.

THE HEALTHY FORESTS INITIATIVE

The HFI includes both administrative reforms and HFRA authorities that give federal managers additional tools to expedite hazardous fuel treatments and ecological restoration projects on federal land. These tools are being used to implement a wide range of treatment activities.

Beginning in 2003, through the second quarter of this year, using all available authorities, the Forest Service has treated about 8.5 million acres, including treatment of 6 million acres for hazardous fuels reduction and nearly 2.5 million acres for landscape restoration accomplished through other land management activities. Of the total, about 5.5 million acres were treated in the Wildland Urban Interface (WUI). This represents about 65% of the total hazardous fuels treatments in that time period.

So far, in FY 2006 the agency has treated about 1.6 million acres of which 1.1 million acres are in WUI. For FY 2006 nearly $600 million have been allocated for activities that will enable the Forest Service to continue our efforts to prevent the risk of catastrophic wildfires and restore forest and rangeland health. A more complete accounting of accomplishments can be found in the Healthy Forests Report located on the internet at www.healthyforests.gov.

The Forest Service has utilized the administrative tools provided under the Healthy Forests Initiative, for example:

- In FY 2005, HFI tools were used to treat approximately 100,000 acres. This fiscal year, we plan to use these tools for about 800 treatments to reduce hazardous fuels on approximately 208,000 acres.
- Categorical exclusions (CEs) have been used to meet National Environmental Policy Act (NEPA) requirements and facilitate implementation of 669 hazardous fuels treatment projects from FY 2005 through the third quarter of FY 2006. CEs may also be applicable to another 481 hazardous fuels treatment projects that remain in various planning stages.
- The counterpart regulations concerning consultation on certain National Fire Plan (NFP) projects under Section 7 of the Endangered Species Act have been issued by the Fish and Wildlife Service and the National Marine Fisheries Service. These regulations streamline Section 7 consultations on many projects. The Forest Service has entered into an Alternative Consultation Agreement with the Services. The Agreement called for development of a training and certification process for making determinations under Section 7 which has now been in place for two years. More than 830 Forest Service employees have been trained and are currently certified under that process, and over 100 NFP projects have used the Counterpart Regulations.

Another important and related action is the authority provided by Congress to extend the use of stewardship contracting by the Forest Service (FS) and the Bureau of Land Management (BLM) under the Consolidated Appropriations Resolution, 2003 (P.L. 108-7, division F, section 323). Beginning in FY 2003 through May of this year the Forest Service awarded 198 stewardship contracts. We anticipate another 20 contracts this year and around 80 next year. We have just awarded the first contract under the Tribal Forest Protection Act to the Mescalero Apache tribe and continue to receive proposals to treat agency lands adjacent to tribal lands.

PROGRESS MADE ON IMPLEMENTING HFRA

In the time since HFRA was enacted, the Forest Service has taken a number of actions to implement the various titles of the Act.

Title I—Hazardous Fuels Reduction on Federal Lands

The Administration is encouraged by implementation of Title I of HFRA. While Title I treatment acres currently represent a small percentage of the total, the number of new projects entering planning is increasing as managers develop experience using these tools. In FY 2005, the Forest Service used the authority under title I of HFRA to treat approximately 23,000 acres in 71 treatments. In preparation for FY 2006, the agency planned to use the authority under title I of HFRA to treat about 62,000 acres in 138 treatments. Following the widespread damage caused by Hurricane Katrina national forest managers in Mississippi determined that the best tool available for removing hazardous fuels and restoring the forests was the authority under Title I of HFRA. This massive undertaking which began in December, 2005 and is nearing completion has resulted in about 115,000 acres treated beyond what was initially planned for the year and over 300 million board feet of downed timber sold and removed.

Title I of HFRA authorizes the Secretary to streamline environmental assessments and environmental impact statements of authorized hazardous fuel reduction projects to fulfill NEPA requirements. Key provisions of title I include the collaborative development and expedited environmental analysis of authorized hazardous fuel reduction projects and a pre-decisional administrative review process. Title I focuses attention on several land types: federal land in wildland-urban interface areas that include areas within or adjacent to at-risk communities; certain federal lands with at-risk municipal water supplies; federal lands that contain threatened and endangered species or their habitats where fuels treatment will provide enhanced protection from wildfire; and federal land where windthrow or blowdown, ice storm damage, or insect or disease epidemics threaten an ecosystem component or forest or rangeland resources.

The Act encourages the development of Community Wildfire Protection Plans (CWPPs) to identify and prioritize areas for fuels treatment and to recommend types and methods of treatments in and around the WUI. The Act requires the Secretary to give priority to Forest Service project proposals that provide protection of at-risk communities or that implement the CWPPs. A recent survey of all states to determine progress in developing CWPPs found that states are reporting 654 completed CWPPs covering almost 2,700 communities, and approximately 600 additional CWPPs progress. It is important to note that a one-to-one ratio of plans to communities is not required as a single CWPP may include multiple communities.

We have observed that this collaboration between communities and local Forest Service offices has resulted in some very innovative hazardous fuels reduction projects. The Hurricane Katrina recovery project is one example of cooperation between communities and the Forest Service. Another outstanding example is the White Mountain Stewardship Project involving the Apache-Sitgreaves National Forest and the communities of Navaho, Apache and Coconino counties in Arizona. This project integrates elements of stewardship contracting, Title I project development and the biomass grant program under Title II Section 202.

The White Mountains Stewardship Contract was awarded in August 2004 as the first 10-year stewardship contract under section 323 of Public Law 108-7. This stewardship contract is designed to restore forest health, reduce the risk of fire to communities, reduce the cost of forest thinning to taxpayers, support local economies and encourage new wood product industries and uses for the thinned wood fiber. Forest Service collaboration with citizens and conservation groups has been critical and ongoing and originally resulted in 70,500 acres of NEPA analysis completed, using tools under HFRA title I, with only one objection filed and no lawsuits. A second HFRA EA was completed in May of this year with no objections received. This decision will add another 25,000 acres to the contract.

The 10-year guaranteed supply of wood fiber enables wood product businesses to invest in equipment designed specifically to treat and mill small diameter wood. Prior to the stewardship contract, forest restoration costs were as much as $1,100 per acre. That cost now ranges from $350 to $550 per acre.

Title II—Biomass

Title II provides authority to help overcome barriers to the production and use of woody biomass material produced on fuels reduction and forest restoration projects.

Section 201 amends the Biomass Research and Development Act of 2000 (Title III of P.L. 106-224) to provide for research on woody biomass production and treatment. Working with the Department of Energy, USDA added specific language to the 2004 Request for Funding Proposal (RFP) to conduct this research and two research proposals were funded at $1 million each. The two projects were designed to increase

the utilization of woody biomass from the wildland urban interface throughout the Southeast.

Section 202 authorizes the chief, in consultation with the State and Private Forestry Marketing Unit at the Forest Service Forest Products Laboratory to carry out programs to accelerate adoption of biomass technologies and to create community-based enterprises through market activities. In FY2005, 20 grants were awarded for $4.4 million. In FY 2006, 18 applications, totaling almost $4.2 million were selected. Applications came in from all parts of the country with a significant number coming in from the West because of the preponderance of national forest lands, as well as significant amounts of fire class condition 3 lands.

Six of the USDA Forest Products Laboratory grants have been awarded to White Mountain Stewardship Contract-based businesses over the last two years. These grants are a vital source of "seed-money" to purchase equipment and technologies to utilize and manufacture value-added products from small-diameter wood. There are 13 businesses harvesting and utilizing wood from the stewardship contract that support 450 full-time jobs in Arizona, and 318 of these new jobs are in the local area. These 13 businesses spent over $12 million for goods and services in the local White Mountain region in the first year.

Title III—Watershed Forestry Assistance

Title III authorizes the Forest Service to provide technical, financial and related assistance to state foresters or equivalent state officials or cooperative extension officials aimed at expanding their forest stewardship capacities and to address watershed issues on non-federal forested land and potentially forested land. Title III also directs the Secretary to provide technical, financial and related assistance to Indian tribes to expand tribal stewardship capabilities to address watershed issues.

The Forest Service, working with state forestry agency personnel and tribal members, has developed separate draft guidelines to implement the State and Tribal Watershed Forestry Assistance programs.

Title IV—Insect Infestations and Related Diseases

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

The Secretaries of Agriculture and the Interior announced in the summer of 2004 the formation of a series of partnerships to help implement HFRA in the southern United States. Since then, two landscape-scale applied Title IV silvicultural assessments on the Ozark-St. Francis National Forest were developed to address infestations of the southern pine beetle and red oak borer, which threaten forest health in the region. Another applied silvicultural assessment for maintaining habitat diversity and reducing the risk of mortality from gypsy moth and oak decline is underway on the Daniel Boone National Forest. Another assessment on the effects of silvicultural treatments for gypsy moth control is taking place on the Monongahela and Wayne National Forests. The Forest Service also has two assessments concerning hemlock woolly adelgid agency lands in western North Carolina and on the Allegheny National Forest in Pennsylvania.

Title V—The Healthy Forest Reserve Program (HFRP)

HFRP is a voluntary program established to restore and enhance forest ecosystems to: 1) promote the recovery of threatened and endangered species; 2) improve biodiversity; and 3) enhance carbon sequestration.

The program is authorized through 2008. Restoring and protecting forests contributes positively to the economy of our Nation, provides biodiversity of plant and animal populations, and improves environmental quality. HRFP includes a safe harbor provision for landowners who enroll and agree, for a specified period, to restore or improve their land for threatened or endangered species habitat. In exchange, they avoid future regulatory restrictions on the use of that land protected under the Endangered Species Act.

On May 18, 2006, Under Secretary of Agriculture, Mark Rey announced the availability of $2.3 million for the HFRP in selected forest ecosystems. In FY 2006, HFRP will focus on habitat recovery for the endangered red-cockaded woodpecker in the Lower Ouachita River Flatwood region of Arkansas, the Canada lynx in the northern boreal forest of Maine, and the gopher tortoise in the longleaf pine ecosystem along the Gulf Coast in Mississippi. The work in the Lower Ouachita River area

will also benefit the very rare Ivory-billed woodpecker. Signup for this program began June 19 and ended July 7, 2006.

Title VI—Forest Inventory/Monitoring and Early Warning Systems

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

The Forest Service announced in October 2004 a national strategy to prevent and control the threat of invasive species and non-native plants on 193 million acres of the National Forest System and to guide research and technical and financial assistance. The strategy focuses on four key elements: preventing invasive species from entering the country; finding new infestations before they spread; containing and reducing existing infestations and restoring native habitats and ecosystems. The strategy is relying on "The Early Warning System for Forest Health Threats in the United States," developed as part of HFRA, which describes for the first time, in one place, the nation's system for identifying and responding to forest health threats, and includes web sites to obtain further information.

The Forest Service is proactively identifying potential threats and treating pathways of entry that may bring invasives to the United States. For example, we are conducting surveys of ports in the Russian Far East for activity and infestations of the Asian variety of gypsy moth in cooperation with the Animal and Plant Health Inspection Service (APHIS) and the nation of Russia. In 1992 alone, it cost USDA $32 million to eradicate an infestation of Asian gypsy moth in the United States, so our early detection efforts could save millions of dollars in eradication costs.

To facilitate the direction in Title VI, the Forest Service has established two threat assessment centers to evaluate, on a broad scale with our federal, state and local partners, the impacts of invasive species and diseases and other threats to the health of ecosystems. The Western Threat Assessment Center established in March 2005, in Prineville, Oregon, shares facilities with the Ochoco National Forest, and employs six permanent scientific and administrative staff and a visiting scientist. The Eastern Threat Assessment Center was established in October 20004 in Asheville, North Carolina. The center is housed with the Southern Forest Research Station and plans to employ five permanent staff and five visiting scientists.

The centers are developing user oriented technology and cutting edge research on invasive species. Additionally, the Centers have initiated a major cooperative venture with NASA's Stennis Space Center to identify promising remote sensing and geospatial technologies for early detection of environmental hazards and response or susceptibility of forests to multiple stresses. This technology will be incorporated within an early warning system that will use combinations of low and high-resolution imagery with information gathered in field samples to alert managers of developing threats.

OUTLOOK FOR FUTURE IMPLEMENTATION OF HFRA

The Administration is committed to using the authorities of the HFRA. We are encouraged by the innovative applications of the HFI and HFRA authorities which truly are helping to restore healthy forest and rangeland ecosystems. I also want to assure the American people that we are doing everything we can to efficiently reduce hazardous fuels, restore healthy forests and collaborate to protect communities. In June I ordered the agency to begin an expedited review of our use of the Healthy Forests tools which includes analyzing exiting data bases, interviewing our employees, partners and stakeholders, and making field visits to selected forests. We will use this information to identify what is working well and what is not, and use this knowledge to improve the overall performance and oversight of the HFI/HFRA authorities in the hazardous fuels reduction program.

We know there is much work ahead of us. For example, small diameter woody material makes up a considerable amount of hazardous fuels but is extremely costly to remove and currently has little commercial value. We will continue working with our partners exploring opportunities to improve utilization of this material and reduce the cost of removing these hazardous fuels. We will also continue working closely with community organizations to increase public understanding of the need to reduce hazardous fuels, and to increase public awareness that the removal of some merchantable trees is a financially responsible and ecologically appropriate part of that work. We know that in the end what is important is that we are leaving a healthier, more resilient forest on the landscape for future generations.

CONCLUSION

Mr. Chairman, the HFI and HFRA authorities are proving to be very helpful in our efforts to make significant improvements to the health of this country's forests and rangelands. I would say that we also have the need for similar tools to help us recover and restore areas after natural events which are catastrophic in nature such as wildfires, wind events, ice storms and insect and disease infestations. I have testified for the administration in strong support of H.R. 4200, which we believe provides the tools to allow us to expedite recovery and restoration of lands following catastrophic events.

I would be happy to answer any questions the committee members may have.

Senator CRAIG. Again, Chief and Nina we thank you for being with us. Your report and your candidness I noted Chief when you opened your testimony you used a key phrase. "We've accomplished that which has been funded", the question that won't get asked today but I'll put it on the record and that is: How many acres you wished would have been funded that OMB wouldn't allow you to fund? I think that's important to understand because it is significant and it is an issue that I think we're going to continue to struggle with here. And that is not to suggest that OMB is totally wrong in how we shape our priorities. But also the fact that we started well behind the curve as related to the health of our forests and our ability to deal with them in a timely fashion. I hear the frustration of Senator Feinstein, I know that California got, you know $40 million over a 3 year period at a cost of about $8,000 per acre and that's the reality of a problem we face in certain areas of the Nation where commercial logging was long ago opposed and largely stopped building any kind of infrastructure to deal with it and to deal with the reality of mechanical thinning is even more costly than in areas where there remains some remanence of an industry that can cope with or handle or has the talent to cooperate with the Forest Service on these issues. It is a struggle but while we are critical it is obvious progress is being made.

Chief, I'm pleased that Gail is here and that you've introduced her, and I know that there are some projects being delayed in region 1. It's possible Gail if you would come to the table you could respond to and help us understand some of the examples of the problem, what's happening on the ground, why the delays, and what it means to get to these treatments and get them completed.

One of the examples that has frustrated me is Mica Creek in the northend in the Panhandle, Bonners Ferry Municipal watershed. I mean this ought to be something that everybody's concerned about. Here's a watershed that has burned twice in the last 4 years and after restoration got wiped out by a cloud burst, because obviously it didn't have the ability to sustain itself post fire. And yet we've experienced considerable delays, that ought to be an example of something the committee would want to hear about, if you could react to it and any of those other kinds of problems that deal with primarily urban wildland interface.

Ms. KIMBELL. Thank you, Senator. The Mica Creek project that you speak of is a pretty unique project in that after the recent fires in 2003 it was the chairman of the Tribe who got together with the county commissioner and the mayor of Bonners Ferry to meet with the district ranger to talk about what kind of opportunities there might be for the community to work together to plan something for

the watershed, to be able to anticipate future fire events, to improve the health and condition of the city's watershed.

The watershed is just upstream from the reservation and in the event of a catastrophic event—a further catastrophic event all those who live on the reservation are just outside the forest boundary were certainly at risk, their homes where at risk. This collaborative effort has been working now for several years. There was a tremendous effort made to include all the diverse interests in the community and it has had a lot of activity. I have visited the ranger district and visited with the folks who established the collaborative. Just as they thought they where able to—as they thought they were arriving at a consensus there were actually some outside groups, some folks from outside the community who chose to take issue with the long ongoing collaborative effort and the consensus decision and have really disrupted the process. Still even with that we hope to have a decision come out of that effort sometime this summer. But it has been long in coming.

Senator CRAIG. Thank you very much. Chief I know your staff has worked to make the point with my staff that the Forest Service's effort in Healthy Forest are just beginning to ramp up. When we look at the 77,000 acres accomplished to date and then we draw the conclusion as it relates to the 20 million acres, it's going to take a couple hundred years here. The optimist would look at the rate of increase in accomplishments between fiscal 2005 and July of this year and believe that the two agencies will complete 20 million acres in less time. The visionary would look at this data and the over emphasis on the use of fire in the Southeast and develop a strategy for change. He or she would speed up the date when we could complete the 20 million acres, with most of that occurring in the overstock forest stands in the West, where we have the most significant problems. Can you provide the vision, the work plan, or the outline of such a plan for the committee today?

I mean, where do you see us going in the next 3 years, 5 years as it relates to funding? What you've learned Nina you can certainly chime in on this. I know there's a learning curve here in part as we bring these agencies together in collaborative ways, along with communities that the law required. And at the same time use the tools of the act in a way that doesn't find the agencies in court that bring interest groups together in a way that's much more productive than in part we've been.

Mr. BOSWORTH. There's a couple of things I'd like to say first. There's been a couple comments regarding an over emphasis in the South. And I'd like to sort of give my view of that. Many acres—we've accomplished many acres through burning in the South that's true. We probably pay some—it probably costs us somewhere in the neighborhood of $25 to $30 an acre to do that burning. Some of that is maintenance burning, the problem if we didn't do that in the South it would take about 3 to 5 years, the rate the vegetation grows there and we'd be in the same situation there that we are in many of the other areas in the West. So it's very important I believe that we maintain what we've accomplished. Especially when we can do it at a rate of $25 to $30 an acre, as opposed to shifting all the dollars to the West and then having to pay $100 or $200 or $300 an acre to do the same thing in 5 or 6 years in

the South. So to me the issue is how do we increase the amount of work in the West, not how do we decrease the amount of work in the South.

Now in terms of the—sort of vision you're asking about the way I see it is, and the way that we need to be increasing the amount of work that we get done is by reducing the cost per acre over time. The way you reduce the cost per acre over time is by getting an infrastructure in place, so that we can utilize more of the material that's removed from the forest to reduce the cost, so there's some value to that material. In many of our real high costs areas we have some places that cost a couple thousand dollars an acre and that's generally because there's not much way to utilize that because the infrastructures disappeared.

So we need to maintain the infrastructure where we have it. We need to increase the infrastructure where we don't have it, and over the next several years I think that as we develop these collaborative approaches I think that would be very helpful. I also think that there's some additional kinds of authorities that we might want to discuss as time goes that would be helpful in terms of helping to improve the infrastructures. For example, some authorities for partnership zones where we could establish some zones around communities and be able to contract with some entity where we work together in a collaborative way in a specific zone, and be able to contract with an entity that would know that there going to have the contract over the next several years so they'd be willing to establish an infrastructure. I think that there's some authorities along those lines that would be useful.

I also think some authorities along the lines of the Good Neighbor Authority that we have in Colorado on a broader scale would be something that we might want to have future discussion on that would be helpful. I think that another thing that would be helpful in helping us achieve our vision I think, would be to take the objective process that we have in HFRA and be able to apply that across the board in terms of projects in the Forest Service. Right now our field people, every time they do a project they have to say, okay now is this done under the authorities of HFRA so that we have one appeal process, or no wait a minute if it's done under another authority we've got a different administrative review process. It's proven to be very, very useful this process we have under HFRA. It'd be very helpful to have that be more encompassing so that our folks have one system that they're using and it's a good system like the system that we have under HFRA.

So those are a few of the things that I would help us achieve the vision of increasing significantly the amount of acres that need to be done.

Senator CRAIG. Those are very thoughtful and helpful proposals. Let me turn to my colleague Senator Wyden, Ron.

Senator WYDEN. Thank you, Mr. Chairman. Chief I've been trying to unpack essentially the arguments that you've been making over the last couple of years. And they just simply, you know don't add up. I mean we have heard now that the Forest Service and the BLM have spent in the last two fiscal years 40 percent of there total fuels reduction work in the Southeast United States. This is the area that contains less that 7 percent of the National Forest

System, you know, lands. And you've said that's because there's work that needs to be done in the South, and we don't dispute that at all and we ought to do it now and let's do it even at the expense of the West.

I mean it's sort of like pitting these two parts of the country against each other which we have tried carefully not to do. It doesn't make any sense, to me. But as we try to track the numbers the central concern I have is that there is no system for accountability.

Chairman Craig and I have been concerned that if you look just under the Healthy Forest Reconstruction Act that's where we're seeing the 77,368 acres treated out of the 20 million target because we can measure it. But I know you would say that much work is being done than that, I've heard that.

But then after you hear all the numbers rattled off in these various accounts you can't get your arms around any clear system to measure how this work is being accomplished. Is there one place that you can give this subcommittee where we can see the work done under the Healthy Forest Reconstruction Act, the work done in the other areas, so that we could really unpack these arguments that you're making?

Mr. BOSWORTH. Okay first I'd like to go back to the South again for just a minute before I answer that question.

Because there's some number differences there. We've spent about 17 percent of our dollars in the South.

Senator WYDEN. We're talking about 40 percent of your total fuels reduction work, that's the number that we have——

Mr. BOSWORTH. In terms of acres.

Senator WYDEN. Right.

Mr. BOSWORTH. We've accomplished a lot more in the south but that's because we do it at about $25 to $30 an acre.

Senator WYDEN. We've heard that, we've heard that argument, but you're still pitting the South against the West and much of the West has been a blaze in the last you know few weeks. We're not seeing that in other parts of the country, and that's why we've got to respond to our constituents.

Mr. BOSWORTH. I don't believe that, we're not trying to pit one part of the country against the next. What we're trying to do is allocate the dollars out in an effective way. Seventeen percent in the Southern region those 14, 15, or 16 States doesn't seem it fits in with the, I think an appropriate disaggregation of the dollars that we do get.

But when you can get the job done for much less cost, than their going to achieve more acres with that. That seems appropriate from my standpoint.

Ms. HATFIELD. And if I might interrupt in terms of the Department of the Interior in the South, we've spent about $28 million, $29 million as compared to $170 million in Oregon, and $120 in California, $113 million in Idaho. So the vast majority of the money that we have on hazardous fuels——

Senator WYDEN. Let me see if I can get an answer to the question. Is there one place where we can see all of these accounts and actually add up what is being accomplished? Because even under the Healthy Forest Reconstruction Act the numbers are just all

thrown together. There's not a list of the projects and what we'd really like to see is the projects under these various funding sources in one place, so that we can really make an evaluation of whether the tax payers are getting there monies worth and this work is getting done.

Mr. BOSWORTH. We can show you the acres that we accomplish monthly, in terms of fuels treatment.

Senator WYDEN. Projects. I'm talking about the projects and how much is being spent on a project under the various funding sources.

Mr. BOSWORTH. We don't necessarily keep it by funding sources. We don't keep, you know, we keep a total of how many acres we accomplish. If we accomplish fuels treatment in an area, we can tell you the project, we can tell you the number of acres, we can tell you whether it was in the wildland urban interface or whether it wasn't, we can also tell whether we did it with prescribed burning or whether we did it with mechanical means.

Senator WYDEN. Mr. Bosworth, when you came with Mr. Rey, in March 2004 we expressed concern at that time that we weren't making enough progress in terms of getting these projects off the ground. Mr. Rey said and I'll quote here, "Our goal is over the next couple of years to double that to where we are treating eight to nine million acres a year." So if you look at what has been accomplished even in relation to what we where told, it comes back to that fact that we are light years behind what the Senate envisioned and I want to know what's going to be done to change that.

Mr. BOSWORTH. In 2003, I believe that together we where at about 2.5 million acres, 2.6 million acres somewhere in that vicinity. For 2006 to date right now we're at about 4.5 million acres. That's a significant increase from where we where I think what Undersecretary Mark Rey said is being accomplished. It's a significant increase over what we did 2 years ago.

Senator WYDEN. Again if you use just the statute and that's really all that we can look at in terms of trying to breakdown where this money is going. Under title I, we're only seeing 77,368 acres, it's 1 percent of the 20 million acre goal. So, I'd like to get beyond throwing figures back and forth at each other, because I will tell you I cannot coherently track all this mumbo jumbo. We've gotta see the specific accounts, and see where the money is going for various projects.

Let me if I might ask you about one other comment that you made Chief. You said that you were going to be able to in effect, do more with less. You said, and I'll quote. "By coming up with new processes and new tools that allow us to be able to spend more dollars on the ground, less dollars going through processing paperwork, categorical exclusions, we can work more effectively." That was essentially your argument. What new processes, specifically have you been putting into effect? Because I think Senator Feinstein made the point that a lot of us are concerned that you don't seem to be using the tools, even under the law, so again let's try to unpack what you said in the past, and what new processes are you using so that you can get more with less?

Mr. BOSWORTH. Well some of the kinds of things that we've done under the healthy forest initiative, have been helpful. Things like counterpart regulations with fish and wildlife service in the north

fisheries, to be able to improve the ability to consult, and when we have threatened or endangered species, to make that go faster. With some of the categorical exclusions, that we've added to increase the speed with which we can get some of the work done. And let me just give you an example, if I may. In early June there was a tornado that occurred in Idaho on the Payette National Forest, near the small community of Bear. There was a—for that area, that was a pretty significant amount of blow down. It was about a mile wide, and about 13 or 14 miles long of trees all blown down. Within 9 days, we had our first small timber sale to open up some of the roads by the end of September, we will—using the Healthy Forest Restoration Act authorities—we will have sold, well made a decision and completed that, to move forward and sell it. That's 4½ months, or 4 months. That's fairly quick to be able to go after about 25 million board feet of blow down and to deal with a significant fuels problem that's occurred there.

Another example would be Hurricane Katrina, within 6 to 8 months after Hurricane Katrina, using the Healthy Forest Restoration Act program—authorities, we treated 115,000 acres and removed over 300 million board feet of timber. And we did that with the environmental community, and the business community side by side.

Those authorities work very well in certain areas. What I'm telling our people is get the work done on the ground. I want them to figure out which of the authorities is the best, I'm not telling them to get the work done on the ground using the HFRA authorities. I'm telling them to get the work done on the ground, using the best authority available.

Senator WYDEN. My time is up. We want to get the work done on the ground as well Chief. But it is impossible with this mumbo jumbo of facts and figures flowing from all these areas, get a sense whether the taxpayers are getting their money—I want to put into the record Mr. Chairman and analysis indicating that a variety of the provisions in the Healthy Forest Restoration Act, have either not been implemented or have only minimally been implemented, it involves titles II and III, watershed, insect and disease fighting, is something that concerns Senator Salazar and I thank you for the time.

Senator CRAIG. Senator thank you.

Senator Smith.

Senator SMITH. Thank you Mr. Chairman. I want to, before I question our witnesses, welcome the Oregonians who are here, three county commissioners, Anna Morrison from Lane County, Steve Grasty from Harney County, and Colleen MacLeod from Union County. And Colleen will be testifying on the next panel, so welcome.

Chief Bosworth, 4 years ago, we had the Biscuit fire and the Forest Service has won, 13 out of 13 lawsuits relative to that fire, and salvage efforts that have been made, yet there are only 640 acres of that salvage that remain before the Ninth Circuit, this represents one/one thousand of the half a million acres of that fire. One/one thousandth.

Unfortunately my State of Oregon has joined Green Peace and others in seeking an injunction on that and I wonder if you can give us any update on salvage on the Biscuit fire.

Mr. BOSWORTH. The Mikes Gulch timber sale, which is currently one of the last of some of the projects there, we've been through court a few times on that, we won the last time, we have awarded that timber sale—that's for like 261 or 265 acres. It's in a roadless area, a roadless that's surrounded on three sides by roads and that particular timber sale will use only helicopters, so there would be no road construction. The purchaser is free to——

Senator SMITH. So, no roads are being built in the roadless area?

Mr. BOSWORTH. There will be no roads, no landings, all logs are being flown out to roaded areas. The purchaser can go in whenever he wants. He's chosen to wait until after August 4, due to some more legal issues, but the sale has been awarded and we are expecting to move forward with that.

Senator SMITH. When Mark Rey was in Pendleton, he made a promise that the Wallowa-Whitman, the Umatilla and the Malheur National Forest would be added to the Washington office review of the Healthy Forest Initiative implementation. Can you give me any update on whether they have been added to the review.

Mr. BOSWORTH. Yes, they have been added to the review. I would like to point out that the review that we're doing—that we're attempting to find out again what's working, what's not working, what improvements could be made, and so there is a number of ways that we're approaching that. One is to go out and visit some of the forests and talk to both the Forest Service folks who are working with it as well as our partners that are trying to work with us.

Another approach is by sending some questionnaires out so we can get to a lot more people and find out, again, and answer some question. We'll evaluate the feedback that we get and then figure out what kinds of adjustments that we need to make. Whether it be additional training of our folks, whether it need to be some adjustments to our approaches or whether we need to come back to you and ask for some additional authorities.

Senator SMITH. Chief, can you speak to the issue of—how does a Forest Service evaluate maintaining milling and infrastructure? In my opening comments I expressed concern about losing it all, and if you lose anymore, the cost of the Healthy Forest Initiative, your cost, grow exponentially and I wonder if you factor that in, in terms of the overall Forest Service program and specifically as it relates to the Healthy Forest Initiative.

Mr. BOSWORTH. Well, there's several ways of looking at it. There's sort of the national approach in what are we doing at a national level and what's the overall infrastructure. But, most effectively, it's each regional forest or a forest supervisor understanding their area and where the infrastructure is within their particular forest by working with the mill owners, understanding how much volume they're going to need over time in order to stay in business. And then also understanding what the adjacent land owners and other agencies such as the Bureau of Land Management might be able to provide and working together, we should be able to keep providing the level that they need. We don't always get that done.

But we generally understand, or have a pretty good understanding of what is necessary in order to keep enough raw material supply so that infrastructure can stay in place.

Senator SMITH. So, it's a priority, it's important?

Mr. BOSWORTH. It is important. As you said, if we lose that infrastructure, the costs go up significantly. Here we're trying to get more infrastructure, it'd be crazy to lose what we have and we don't want that to happen.

Senator SMITH. Thank you, Mr. Chairman.

Senator CRAIG. Thank you very much, Gordon.

Senator Feinstein.

Senator FEINSTEIN. Thank you very much, Mr. Chairman. Chief, let me ask you this question. What would you say, in terms of frequency of big fires devastation, are the top five States for this kind of fire?

Mr. BOSWORTH. California would probably be at the top of the list. I think Arizona and New Mexico these days, are both very high on the list. Colorado and Alaska is, from a number of acre standpoint, in terms of numbers of communities or the number of people in communities affected, Alaska wouldn't be as high as say New Mexico, Arizona and Colorado and California, but in terms of numbers of acres that get burned, it's huge.

Senator FEINSTEIN. See, what I think we tried to do when we crafted this bill was give you, sort of, new authorities to be able to proceed and to better prioritize. I mean, I was dumbstruck when they told me most of these monies have gone into the Southeast where you don't have the frequency of big devastating fire like we do in other places.

Mr. BOSWORTH. But, Senator, the money hasn't gone to the South. Only 17 percent of the money has gone to the South. More acres get accomplished in the South, but only 17 percent of the dollars that we have, have gone to the South. I think that the numbers that get——

Senator FEINSTEIN. The big acreages are in the West.

Mr. BOSWORTH. And that's why the bulk of the money—that's why 83 percent of the dollars are going to the West. Because we have the huge acres. In the South, we have a lot of Wildland Urban Interface, we have fewer acres of forest, we have—almost every forest is involved with homes and communities around it. But, again, that 17 percent is about an appropriate amount that, I believe, should continue to the South. And I think that the larger amount, you know, the 80 percent, 75 to 80 percent that goes to the West is appropriate.

Senator FEINSTEIN. Well, let me ask you this question, and Mr. Chairman and ranking member, I wonder if it makes some sense for us to do some special legislation for those States that burn the most often, where the fires are the most devastating, where the property loss is greatest, to begin to get some special help in there. I think California, now, is going to burn every year. Global warming is playing a role. I mean, I have been just struck by the fact the repetition of these southern Californian fires and they are huge. Now, this is a lightning strike that started, I gather, that started this last big fire. That maybe we need to set some priority where these States that are really hit hard have some special help.

Senator WYDEN. Well, the Senator is being way too logical and heaven forbid that logic breakout over this, but that is exactly what we want to do in the law and I want to follow up with the Senator, I know the chairman does as well.

Senator FEINSTEIN. It doesn't work out that way because, if I just may for a moment more, because they get, can I put it this way, more bang for the buck in terms of working in these other areas. Therefore, I mean, if I were you, I'd probably do the same thing, you want to accomplish something, therefore, you go where it's the easiest to accomplish and not more difficult and more expensive to accomplish. So, perhaps you could reflect on that for a moment, Chief.

Mr. BOSWORTH. I believe that we're going to, generally, to the highest priority areas. I will say that when we have years like the last 2 years, we had excellent burning conditions, I mean, for prescribed burning around the country. And we did a higher percentage of our fuels treatment work when we had good conditions to do prescribed burning we used—we took the opportunity in those years to do more prescribed burning.

This year has not been a good year, from a weather standpoint, to do prescribed burning, so we move more into using mechanical. That's more expensive. You get fewer acres done, but we still are working on the high priority acres.

I'd like to use the example of San Bernadino. We're working very closely with MAST, the Mountain Area Safety Task Force. Together we set the priorities, which presumably, based upon the local people, believe that those are the highest priorities and those are the places that we go to to do the treatments.

Senator FEINSTEIN. Yes, let me just say one thing. I have heard from residents who have been part of larger fires that the treatment really does work. I've had people come to me and say, you know, I didn't believe it in the beginning, but we had this Community Protection Plan, we got together, we did it, we cleared some brush and it saved my house when there was a fire. So, we know it works. But the question is, how do we do more of it? Because the acreage is so vast.

Mr. BOSWORTH. That's difficult for me to say, you know, you're asking about which five States, for example. It's difficult for me to say that our dollars all go to those five States.

Senator FEINSTEIN. I didn't say all——

Mr. BOSWORTH. No, no——

Senator FEINSTEIN. I said a special——

Mr. BOSWORTH. The higher priority.

Senator FEINSTEIN. Right.

Mr. BOSWORTH. We're looking, right now, we're working on a process for prioritizing our fuels dollars. That, and we're working together with the Department of the Interior and we're taking into account the values at risk, the amount of fuel, in other works, the level of fuel, the efficiency of each, you know—the efficiency of the operation.

We're not trying to compare the South with the West, again in terms of efficiency, we're looking at if—we're trying to compare that efficiency on a, you know—with itself. In other words, isn't San Bernadino getting better in terms of their efficiency each year?

That would give them some extra points. We want to see people improving their efficiency by using the tools. So, those are some of the criteria that we'd be using for allocating the dollars in 2007, that would help get to the highest priority areas because, again, if the values at risk are the highest, then that's where more of the money will go. I'd be happy to have our folks work with your staff and kind of go over that system that we want to implement that—to get the dollars to the highest priority areas.

Senator FEINSTEIN. Well, if you do that, we'd like to work with you and I'd appreciate that very much, thank you. Thanks Mr. Chairman.

Senator CRAIG. Senator, thank you very much.

Senator Murkowski.

Senator MURKOWSKI. Thank you, and I want to follow up on this issue of the prioritization so that I can understand it better. Up north, we've got, within the Chugach National Forest, we've got more than 5 million acres up there. It's the second largest unit in the National Forest System. You've all heard about the amount of spruce bark beetle kill and the infestation into those lands as well as on the other Federal lands there on the Kenai Peninsula. We've got population centers in Kenai and Soldotna and Anchor Point and Homer. These are not—this is not up north in the interior where every few hundred miles, you might have a village. This is a Peninsula that is populated and is infested and is part of your management system.

What can you do to assure me that the prioritization for the folks down on the Kenai Peninsula is up there, in other words, it's getting its fare share of the hazardous fuel reduction funding the activity there and perhaps, Gail, if you can give me any specifics as to what exactly are we seeing on the ground up there?

Mr. BOSWORTH. I do believe that the Kenai Peninsula for the Forest Service in Alaska is a priority, so the dollars that we get that go there are going to be going to the Kenai. One of the difficulties on the Kenai is that so much of that is private land, and of course, there's different pots of money, but——

Senator MURKOWSKI. No, not so much of it is private land, as you know, we have less than 1 percent of private land in the entire State. You've got pockets of it that do complicate it, I will grant you that.

Mr. BOSWORTH. Yes, and in the Kenai, it does add that complexity, and again, that makes these Community Wildfire Protection Plans that much more critical. But, as we're developing those Community Wildfire Protection Plans, those are the places that we had the priority to in terms of identifying those priorities.

Again, I'd be happy to visit about the priorities and to visit about our approach in disaggregating the dollars out to the regions, because, you know, there's several things that would be effective in terms of the Kenai, there's high risk there, because of the amount of fuel that's build up, because of all the dead spruce that's there, so that adds to the, sort of the importance of the Kenai.

Values at risk are associated with—more with communities or with watersheds in terms of municipal water shed, and so for places that don't have as many people, then they would be lower in terms of the priority and then those that have bigger commu-

nities and more communities would have—there are more people at risk would raise it. We're using all those different factors in determining where to get the dollars at.

Senator MURKOWSKI. Well, what I want to understand, you know, there used to be a time when Alaska burned during the summer and because it was out in remote areas, the mindset was, we just let it burn. If it's getting close to property or villages or communities, then we intervene. But, for the most part, it was a let it burn theory and I don't want that whole State up there to be viewed on a map as, that's just one area where we know we get 11 thunder strikes, a day, or excuse me, lightning strikes a day and fires are just going to burn up there. I want to know that when we've got an area like the Chugach, like the Kenai Peninsula that that has a prioritization because of the number of communities that we have down there, the property at stake, and I guess what we do need to do is sit down, so that I can fully understand what the priority is, what we're seeing with the projects there to know that this second largest unit in the national forest system is getting some attention.

Mr. BOSWORTH. And again, I agree with you, the Chugach and the Kenai needs to get just as much attention as any other forest that's in the lower 48 that has communities that has——

Senator MURKOWSKI. And has a high risk.

Mr. BOSWORTH. Insect and disease problems and it should and I believe it does, but I'd be happy to go over that, have someone go over that with your staff to show how that's happening.

Senator MURKOWSKI. Let me ask you a question, Ms. Hatfield, and this came to my attention by some folks within the Kenai Peninsula Borough. As you know, on the eastern side of the Kenai Peninsula, you're bordered by the Chugach National Forest, but the western portion, which is where we've got more of the population there on the Kenai, this is bordered by the Kenai National Wildlife Refuge and I understand that the Healthy Forest Restoration Act does not require that the refuge system participate in the hazardous fuels reduction effort and there's some question as to whether or not the title I funding can be used to address the risks in the refuge versus urban interface there. So, the question that I've got to you is, as we're looking to prevent the wildfires, as we're looking to kind of reduce some of the risks, is this something where we need to amend the act to allow for fuels reduction on refuge areas?

Ms. HATFIELD. Well, we do have the use of our hazardous fuel reduction dollars in any of the areas that are related to the interior land. Now, the issue about the HFRA would be the specific tool of—some of the tools that are in the HFRA, but there are other tools like the categorical exclusions, stewardship contracting, other tools that would not prohibit us from being able to treat areas around the refuge, even though——

Senator MURKOWSKI. Around the refuge or in the refuge?

Ms. HATFIELD. In the refuge or around the refuge—in the refuge. We can still use the hazardous fuel dollars for the refuge, just like we would with BLM lands.

Senator MURKOWSKI. Okay.

Ms. HATFIELD. The issue is really whether or not the HFRA tools specifically would be used by the refuge and I'm saying our suite of tools that the refuge can use a lot of other tools that would allow them to do hazardous fuel reduction in Alaska, just like the BLM might use the HFRA tool on some of its lands. So, it's a matter of selection of tools in the entire tool box, rather than the fact they can't do, they can certainly do hazardous fuel reductions there too.

Senator MURKOWSKI. Do they have the full array of the tools then, is that what I'm understanding you say?

Ms. HATFIELD. They have the full array of tools except for HFRA. But they do have, like, they have the categorical exclusions, they have the stewardship, now I'll take that back, they don't have the stewardship contracting, but they can do the NEPA, they can use the categorical exclusions they have been able to do treatments and we can certainly share with you what we were doing in particular on that refuge.

Senator MURKOWSKI. I'd like to know the specifics on that. I appreciate that, thank you, Mr. Chairman.

Senator CRAIG. Thank you very much, Lisa.

Senator Salazar.

Senator SALAZAR. Thank you very much, Mr. Chairman. Chief Bosworth, let me say, first to you and to Assistant Secretary Hatfield, you have a very, very tough job and I think we all recognize the enormity of the challenges that you face.

Let me say that in my State of Colorado, the way that I see the bark beetle infestation and the one and a half million acres that have been infected and the several more million acres that we anticipate being infected, that I basically look at Colorado as very similar to Katrina. I see it as a Katrina of the West because just like in the case of Katrina, we could see the hurricane coming up through the gulf coast, we recognized probably 48 hours before landfall that it was going to be a devastating hurricane, and yet the Government did not do enough, in my view and I think in the judgment of all those who have reviewed, it was a rather inept response on the part of the Federal Government and other governments to deal with the issue of Katrina and now we find ourselves paying billions and billions of dollars for the reconstruction of the gulf coast.

I see a lot of analogies to the problems that we face with the fire in the West and in my State and frankly, as tough as our job is, your job is, it just seems to me that we simply are not doing enough. When I look at the funding, for example, that we have set about for 2006, we're not providing the funding to do the hazardous fuels treatment that we could be doing.

My numbers are that in Colorado, we have 240,000 acres of lands that have been approved for treatment, they've already gone through the whole NEPA process and they're simply waiting for treatment. But that we only have enough money to basically undertake the treatment for 25 percent of those acres, so that 75 percent gap there concerns me because we could be doing more and we are not because of the funding issue. So, I would like you to comment on that and how we might be able to get up to a point where we are doing as much as we possibly can to address the issue.

Mr. BOSWORTH. Over the last 2 years, and this isn't just on the front range, but throughout Colorado, we've accomplished about 200,000 acres of fuels treatment, somewhere in the neighborhood of 200,000 acres. I just recently flew over some of the insect infested areas in Colorado and there's no question that it's a huge issue there.

Again, the long term approach has to be finding ways to be able to utilize that material, getting the infrastructure in place so that we can reduce the cost per acre. The Forest Service is part of a couple of collaborative groups. The people along the front are working very closely together to both figure out where the highest priority areas are that we should be treating and those are the areas that we're going after and we're looking at, together with the private land owners in the State and everyone, so that we're treating the acres, not just because it's our national forest, but the acres that are the most important, whether it's private land owners or whether it's State or whether it's national forest BLM, to make sure that we're getting the right acres and we're strategically locating those treatments to where they'll make the biggest difference.

Senator SALAZAR. Let me just ask, to point the question, maybe get a little more clarity, though, if you had the money, we could move, in Colorado, from the treatment of 80,000 acres up to 240,000 acres. My understanding is that it's simply a budgetary shortfall that is keeping us from moving up to the 240,000 acres of hazardous fuel treatment that's already been approved by NEPA. Is it a money issue?

Mr. BOSWORTH. I believe that you're numbers, from my recollection, are very close. You asked if we had additional dollars, we'd treat additional acres, that's correct. So——

Senator SALAZAR. Let me say——

Mr. BOSWORTH. And there are a couple hundred thousand acres, excuse me, there are a couple hundred thousand acres, I believe, are through the NEPA process, on the shelf.

Senator SALAZAR. Okay, let me also say that as tough as this problem is, it's going to take the work of a lot of people working on it together and I appreciate the work of the Forest Service staff on the ground working with the several task forces that we've put together to try to address the issue. I think it's local government, State government, the private sector as well as the Forest Service that ultimately will help us in making sure that we have a good plan that we can do as much as we can to help address the problem.

Let me quickly, because I know I don't have a lot of time here, moving quickly over to this biomass issue, I know that under, I think it was title II of HFRA, there was research and grants provided into biomass energy production. We talk a lot about it in Colorado. Can you just give us a one minute encapsulation of what you're doing with respect to the biomass research and funding of grants for these projects in the west and maybe across the country?

Mr. BOSWORTH. There were, I believe, five grants made originally that totaled up about $5 million, somewhere in that vicinity. Those were, I can't tell you specifically which areas they were awarded to, I believe one was awarded to someone in Colorado. They're a combination of research, technology, I think some of them are, sort

of, public education to try to help figure out how to educate the public better on things that they can do in and around their homes and property. Ways to motivate people to do the right thing on terms of treating the lands. There's also some that have to do with better utilization and new ways of utilizing small diameter material to effectively use that economically so that it will lower the cost on the per acre basis. I'd be happy to get you a more in depth report on that. I think we've gotten like a first or second quarter report that's either about out or is out.

Senator SALAZAR. I would, Chief Bosworth, appreciate very much receiving the description of those five projects so that we can learn in other areas of my State, and I'm sure my colleagues would want to learn as well and I look forward to meeting with you and with your staff to push this issue forward because it's an issue that I know concerns you and concerns all of us. Thank you very much.

Mr. BOSWORTH. I'd be happy to do that, thank you.

Senator CRAIG. Ken, thank you very much, now let me turn to the Senator from Wyoming, Senator Craig Thomas.

Senator THOMAS. Thank you, sir. I'll be very quick, thank you Chief and Secretary. Obviously lots of challenges in this thing and lots of acres that's hard to get to. Are you specifically limited to Wildlife Urban Interface issue areas?

Mr. BOSWORTH. Wildland Urban Interface? No, we're required to do 50 percent in the Wildland Urban Interface. We have done about—I think the Forest Service is about 65 percent, but we also—we're looking for the highest priority areas, which often is in the Wildland Urban Interface, but it may be in a municipal watershed, in or around a municipal watershed or an area that has threatened or endangered species habitat that's very critical. There's a number of reasons why it might go to different areas.

Senator THOMAS. Yeah, I understand, but we haven't had any in Wyoming at this point, as a matter of fact and we do have quite a bit of forest.

You testified that, in your testimony that you created 23,000 acres and 71 treatments and before Katrina, 62,000 acres and 138 treatments. What's the meaning of the word treatment?

Mr. BOSWORTH. Well, generally, when we're referring to a number of treatments, there will be a unit that—it's either an area that we have thinned, we'd refer to that as a treatment, a thinning treatment. Prescribed burning would be a treatment. So, those are really——

Senator THOMAS. Is that synonymous with any EPA decisions and how many NEPA decisions have you made?

Mr. BOSWORTH. No, it wouldn't be synonymous with a number of decisions. We may go through an Environmental Impact Statement, make a decision on a large landscape area and then have a number of different projects that we would accomplish across that landscape. It may be, again, if it's with a community wildfire protection plan, we may do an Environmental Impact Statement for the whole area. It's a little different——

Senator THOMAS. It seems a little peculiar that out of the 23,000 acres 71 treatments, that's only 300 and some acres per treatment. Why isn't it more efficient to do 1,000 or 5,000 acres?

Mr. BOSWORTH. It generally is more efficient to get more acres accomplished, but it depends upon——

Senator THOMAS. Well, that isn't the way that you've done it.

Mr. BOSWORTH. Well, it depends on the particular area and sometimes it's more effective to do some smaller treatments, thinning or prescribed burning, that are strategically located that will protect a larger area than itself. What I'm trying to get at is that doing a number of treatments that are not right next to each other can sometimes protect a larger area so you don't have to treat every acre.

Senator THOMAS. Well, I understand, it must be difficult, but it seems like efficiency, you'd be more efficient, you'd be able to go into an area to do more than just 300 acres. That's not very large in terms of forests.

Mr. BOSWORTH. That's also why we generally try to do a large area, from a NEPA standpoint, doing an Environmental Impact Statement——

Senator THOMAS. I would think so.

Mr. BOSWORTH. We'd try to do it for a larger area rather than doing a whole bunch of small ones.

Senator THOMAS. We'd do to much of our time doing NEPA statements as opposed to actually doing the treatments and I understand that, okay. Thank you Mr. Chairman, I'll let you go on with——

Senator CRAIG. Craig, thank you for being with us and asking those questions. I'd like to do a second round, but our time is not going to permit that. Obviously, all have demonstrated very real concern. I said, as we legislated the Healthy Forest Act, that we have largely lost the confidence of the American public as related to the management of our forests, that we're going to have to crawl before we walked again and then before we ran, we would have to walk. I think we've kind of come up out of the crawl and clearly you are accomplishing things. We are entering areas and asking for categorical exclusions and are asking the public for permission to do certain things that heretofore would have been contested and yet much of what you're trying to do is still questioned and resisted by many, even though it is clearly within the purview of a healthy forest or restoring the health of a forest and I'm quite confident that we're going to have to continue to gain that confidence, and in doing so, give you a greater resource and I think you're going to hear from my colleague, and let me turn to Ron for additional comment, a question of accountability as to where that resource goes.

Senator WYDEN. Chief, just as we leave, you're going to get us now, something that's going to allow us something resembling English to see where all of this money is going in the various forest health accounts, is that correct?

Mr. BOSWORTH. I will be happy to work with your staff to figure out what it is that would be useful from you're standpoint and what we have and what we keep track of.

Senator WYDEN. Well, I will tell you, what we have on the record, I mean, here's Mr. Rey, for example, in March 2004, he said, I'll just quote here, "We will be on a path to address this problem in 8 to 10 years." Now, if you look at the title I money, some-

thing you can actually, you know, measure, the 20 million goal in the Forest Health Act, we're at 77,000 acres. That doesn't indicate we're going to turn anything around in 8 to 10 years. In fact, we're going to turn around, by that calculation, in centuries not years. So, we need you to give us information that is going to allow us to adequately track these accounts so we can see that this work is getting done, the taxpayer money is being spent wisely.

And finally I'd want to wrap up that looking again at what we were told in March 2004, you all made it very clear that you could use existing money to get this key work done. Today you are coming and saying, essentially, gosh, we'd like to do all this work that Senator Feinstein wants to see done and Senator Murkowski wants to get done, but we just don't have enough, you know, money. So, what you've said even on funding today, and I have looked at what you said in March 2004, you didn't say anything in March 2004, when the program was getting under way, that you needed the kind of funding that you're saying that you need today.

So, we're going to need to follow up on this. We're going to do it in a bi-partisan way. I work very closely with the administration on the forest health legislation, still have the welts on my back to show for it, I'd say, and I want to get this act carried out and carried out properly and as always, I intend to work very closely with the chairman and we did that when I was chair, we do it when he is chair and I thank you very much, Mr. Chairman for scheduling this hearing.

Mr. BOSWORTH. Mr. Chairman, I would like to respond.

Senator CRAIG. Please do.

Mr. BOSWORTH. Again, we will, by the end of next year, I expect between the Department of the Interior and the Forest Service, we will have accomplished around somewhere between 20 and 25 million acres of fuels treatment since the National Fire Plan was established. I'm not telling our people that they need to use the HFRA authorities. I am telling them that they need to get the job done using whatever authorities work the best for them.

We're not lagging behind, I didn't come here to say that we need a bunch more money, what I came here to say was that we are using the authorities we have available, and quite frankly because Congress passed HFRA with such support, that's helped us with some of the healthy forest initiatives that we have through regulatory processes and we're using those authorities as well.

So, from my perspective, what you would want is for us to get the job done on the ground, not necessarily always using the HFRA authority to do it. That you'd want us to get the job done on the ground for the cheapest price and the quickest way. That's what we're trying to do. That's why we're going to have between 20 and 25 million acres accomplished since the National Fire Plan was completed.

Ms. HATFIELD. And I might add that the Community Wildfire Protection Plans have been just invaluable to us in terms of prioritizing to get to the right acres and I would agree with the Chief that we're trying to get to the right acres to reduce the most risk.

Senator CRAIG. Well, we thank you very much. We know that the right acres are transitional in reality in the West especially where

the Urban Wildland Interface continues to creep outward and folks still choose to build their dream home amongst the trees only to find out that they build it in a firebox and there has to be, and I've said it at every one of our hearings that deals with fires, there has to be a private responsibility tied with a public responsibility and a State responsibility in combination. We'll obviously stay very close to you on this issue, both Ron Wyden and I are passionate about it as we deal with this issue.

Ranking members, just to turn, Jeff, do you have any questions of this group?

Senator BINGAMAN. No, I did not, I'm going to ask the next panel.

Senator CRAIG. Okay, fine enough. With that, we'll excuse you and thank you very much for your time here. Gail it's good to see you.

Ms. KIMBELL. Thank you, it's good to see you.

Senator CRAIG. We'll see you out West, all right?

Mr. BOSWORTH. Thank you.

Ms. KIMBELL. Thank you, Mr. Chairman.

Senator WYDEN. Mr. Chairman, as our witnesses are coming up, I want to join Senator Smith in welcoming some Oregonians. We've got Ann Morrison from Lane County, Judge Steve Grasty from Harney County, Colleen MacLeod, who's going to be testifying from Union County, we thank you all for coming. I had a town meeting in Canyon City just a few days ago, so I'm glad you're all here and look forward to talking with you as well.

Senator CRAIG. Ron, thank you very much. Now, we'll invite our second panel forward. We thank you all very much for being with us, and Jeff, I noticed you have a constituent here from Ruidoso, would you choose to introduce our first panelist.

Senator BINGAMAN. Well, I'm glad to, Mr. Chairman, thank you very much. Rick DeIaco is extremely well recognized in our State as the forester for the village of Ruidoso, and does a great job. He gave me a wonderful tour of their various efforts—their thinning efforts that they're engaged in some several months ago when we were out there, I think it was February. But, any rate, he has a lot of insights into what ought to be happening in many communities around this country.

Senator CRAIG. Jeff, thank you very much, we also have Matthew Koehler, executive director, WildWest Institute of Missoula and of course, your constituent, Ron, Colleen MacLeod, commissioner, Union County testifying on behalf of the Association of Counties from La Grande, Jay Jensen, executive director of the Counsel of Western State Foresters from Lakewood, Colorado. Rick, we'll start with you.

STATEMENT OF RICK DEIACO, DIRECTOR OF FORESTRY, VILLAGE OF RUIDOSO, LINCOLN COUNTY, NM

Mr. DEIACO. Thank you sir. Thank you Mr. Chairman, members of the subcommittee. Thank you for this opportunity to testify on the progress of the Healthy Forest Initiative and specifically on the Healthy Forest Restoration Act and its effects on the Wildland Urban Interface and its relationship with the Forest Service and communities.

In general, Ruidoso has exercised their—or has enjoyed a wonderful relationship with the Forest Service. On a larger level, we have some specific things that have come up now with regard to Healthy Forest Restoration and I'm hoping that some of my examples that we've been using in, that I'll bring up around Ruidoso, maybe might have broader perspective across the country.

I'm going to give you a little background on Ruidoso for those who haven't visited or haven't gotten your free ski pass, which our Chamber of Commerce would be more than happy to issue to you. And talk more about collaborativeness, accountability and performance measures. Because that's really what I was hearing with the other panel and some of the concerns of Senators.

We've got a wonderful program here with HFRA and it almost seems, in my mind, that you have put together a Maserati and you tossed them the keys. But there's a big organization out there, and a lot of those folks in that organization, don't know how to drive a stick shift. So, we need to get some performance measures, we need to get some training and, again, the things that I'll be talking about—the points I'll be hitting on right here are a subset of what's going on. There's a number of wonderful things going on out there with the Forest Service. But there are some real serious problems and they are affecting HFRA and I believe, in my mind, that some of these have to with the way collaboration is.

But let me start with Ruidoso and a little bit of background with Ruidoso. Ruidoso is located in south central New Mexico in the Sacramento Mountains at about 7,000 feet of elevation, large stands of Ponderosa pine mixed conifers. Tourism and enjoyment of the natural environment is the key economic driver. If we don't have the environment, we don't go anywhere, we need it. The gross receipts tax finances of municipality, and that means tourists.

In 2000, Ruidoso was assessed by the State of New Mexico as the number one community at risk to catastrophic wildfire and U.S. Forest Service rated us number two in the Nation. That's not one of those things you put up on the Chamber of Commerce marque. It's something you get busy with quick and our Village Council did. We hired a forester, we've got a forestry department and over time, we have put together mandating ordinances—a whole suite of ordinances that deal with new construction with fuels management on every square foot of the village of Ruidoso.

So, when we talk about communities and Community Wildfire Protection Plans, etcetera, we are not looking for a handout, and I think there are communities out there that are. And I don't mean that in a bad way, looking for a handout, communities need to take responsibility for what they're doing.

Forest contracting companies have increased from three in 2001 to more than 20 in 2006. We have added 50 jobs because of our forest industry that we have going and it's all small stuff, one and two man kinds of companies. Also in 2000, the Ruidoso Wildland Urban Interface was formed. It was a Forest Service, village of Ruidoso, State of New Mexico and some other land agencies that are around and we have been working to put together management objectives and goals that dovetail very well whenever we came around to putting together our CWPP.

Once HFRA came and said, okay, communities can get some work done if you've got a CWPP. We went and put that together, and it was a pretty easy do for us. One of the issues is funding. At the time that that HFRA rolled out in 2003, 2004 there were programs that were supposed to precipitate and we were hoping that some of these dollars would come down. But, money is always an issue and it would be great to have more money. But, more effective use of the money is really what we're looking at, and what some of my examples here might be.

Let me speak a moment of collaboration. I think an emerging challenge with HFR is, kind of, the adage of teaching old dogs new tricks. It is difficult for some line officers to look at land management from the perspective of collaborative development of goals and objectives. Some line officers have the mind set that collaboration is roderick and not reality.

Some folks have the argument that, well we should have—just have the Forest Service, because they are the professionals, make all these decisions. Well, that may be true in a number of cases, but sometimes with these growing Wildland Urban Interfaces in communities, there's other management objectives that have to be taken into account. And CWPPs provide that conduit to do so and it's one of the great benefits of HFRA for communities.

Effective collaboration requires skill sets that might not have been previously needed within the agency as people have come up through the Agency. What is that status with the regard of the Agency workforce? One might consider the one third rule here as it might apply to any organization dealing with significant change, that is one third of the Agency line officers possess the skills and will easily grasp the concepts of collaboration. They will, in turn, maximize HFRAs powerful tools. Another one third can be taught and one third lack the necessary skill sets and will struggle endlessly.

Ruidoso is experiencing the latter third in an ongoing project called Perk-Gindstone. Ruidoso remains at serious risk because of the decision making and unrealized opportunities. It becomes very evident at the local level when good collaboration occurs. Line officers reject pervasive institutional thinking in tough situations and look for new ways to achieve results and those new ways come in the form of some of, oh, I'm over time.

Okay, may I have a second, I'm sorry.

Senator CRAIG. Please continue, Rick.

Mr. DEIACO. I thought I had two hours. Okay——

Senator CRAIG. Only Senators have that privilege, and we abuse it often.

Mr. DEIACO. Thank you, and if I may, let me just conduct my summary here. Ruidoso's deeply concerned and frustrated that a commitment made 5 years ago remains unfulfilled. There are always plenty of excuses, but the facts are that the condition class in Perk-Grindstone that contributed to Ruidoso's rating of second highest to catastrophic wildfire in the Nation remains. We all have witnessed the devastation of the Cerro Grande fire in Los Alamos. Our citizens don't want to see Ruidoso follow a similar path.

Ruidoso's community is doing it's part with its citizens and takes responsibility for our own wildfire protection on private land. We

have our own community forest management plan and the WUI group has collaborated and developed our CWPP for additional public lands. I respectfully submit these following recommendations.

Develop training programs and performance measures that emphasize collaboration and commitment to legacy strategies. Make collaboratively designed projects a priority of planning NEPA projects and funding. Identify strategic areas not on the low cost of treatment, but on the ability to protect assets at risk. Those areas must be identified in collaboration with the local fire councils, public safety and the CWPPs.

Stop double counting acres, even if the money comes from double line items—from different line items. Double counting has the unintended consequences of prohibiting utilization and not getting the best value to the taxpayer dollar. Don't count the acre until the fuels treatment is complete. That is until the acre is ready for maintenance burning. Currently the acres treated by the Forest Service by pile and burning, they have so many piles that there is such a back log that the fire risk has increased.

Thank you for the opportunity to testify and I'd be happy to welcome any questions.

[The prepared statement of Mr. DeIaco follows:]

PREPARED STATEMENT OF RICK DEIACO, DIRECTOR OF FORESTRY, VILLAGE OF RUIDOSO, LINCOLN COUNTY, NM

Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify on the progress of the Healthy Forest Initiative (HFI) and specifically on the Healthy Forest Restoration Act of 2003 (HFRA) and its effects on Wildland Urban Interface (WUI) communities. This testimony will reflect the relationships and collaborations with the USDA Forest Service Region 3 and the Lincoln National Forest and will suggest common themes to opportunities and challenges throughout the Forest Service and Department of Interior agencies.

BACKGROUND

Ruidoso is located in south central New Mexico in the Sacramento Mountains at 7000 feet of elevation amidst vast stands of Ponderosa pine and mixed conifers. The population is 8,700 permanent residents with thousands of second homes and a growing number of condominiums, hotels and convention center facilities. The area is dramatically beautiful and is surrounded by the Lincoln National Forest, Mescalero Apache Reservation and to a lesser degree other federal and state lands. Tourism and enjoyment of the natural environment is the main economic driver. A ski resort with 55 trails and elevations up to 12,000 feet draw skiers throughout the winter season. Ruidoso is four-season seasonal community.

In 2000, Ruidoso was assessed by New Mexico State Forestry and the Forest Service for its risk to catastrophic wildfire. Ruidoso was rated the most at-risk community in New Mexico and the second most at-risk in the nation. The Village Council quickly got to work and added a forester to staff and followed with a Forestry Department. It's the only municipal Forestry Department in the state and among other charges, implements a suite of ordinances mandating fuels management on all private lands. In addition, Ruidoso recycles to compost 100% of the forest debris collected. Forest contracting companies have increased from three in 2000 to twenty licensed companies in 2006. Fifty forest industry related jobs have been created in the past five years.

In November of 2000 the Ruidoso Wild/and Urban Interface Group (WUI group) was formed and has met monthly for six years. Members include the Lincoln National Forest, New Mexico State Forestry, BLM, BIA, Mescalero Apache Tribe, Lincoln County, Village of Ruidoso, Village of Ruidoso Downs, NM State Land Office, South Central Mountain RC&D, River Association, and local contractors, companies and residents. The goals of the collaborative group are to develop and implement a forest health and wildfire protection plan for Ruidoso and surrounding Lincoln County. In addition it acts as a grant opportunity watershed and think tank to de-

velop forest strategies and assist entrepreneurs in the forest industry. In 2004, the WUI group transformed this plan into the current Community Wildfire Protection Plan (CWPP) under HFRA guidelines.

HFRA AUTHORITY

With HFRA only in its third year, Ruidoso and the WUI group thank this committee for the opportunity to suggest and catch unintended consequences so early on in the process. From a community point of view, having an authority that allows a plan to be developed locally is an enormous incentive. However, HFRA rolled out with the promise of new dollars in the form of grants and programs to be available to communities with CWPPs for projects on county, municipal and private lands. It appears only HFRA authority is available and use is limited to projects on Federal lands with alternative funding. Communities are waiting for grants and programs to precipitate for effective work on non-federal lands.

COLLABORATION

An emerging challenge within HFRA is "teaching old dogs new tricks". It is difficult for some line officers to look at land management from the perspective of collaborative development of goals and objectives. Some line officers have mindsets that collaboration is more rhetoric than reality. A significant paradigm change faces agency administrators and line officers. The act requires real collaboration between Federal agencies and local communities. Effective collaboration requires skill sets not previously necessary within the agency, although many line officers naturally possess these skills. Community collaboration is where the rubber meets the road and we see it.

What is the status, in that regard, of the agency workforce? One might consider the "1/3" rule here as it might apply with any large organization dealing with significant change. That is, 1/3 of agency line officers possess the skills and will easily grasp the concepts of collaboration. They will in turn maximize HFRA's powerful tools. Another 1/3 can be taught and 1/3 lack the necessary skill sets and will struggle endlessly. Ruidoso is experiencing the latter third in an ongoing project called Perk-Grindstone. Ruidoso remains at serious risk because of this decision making and unrealized opportunities. It becomes very evident at the local level when good collaboration occurs; line officers reject pervasive institutional thinking in tough situations and look for new ways to achieve results. There are some bright spots on the Lincoln in terms of line officers possessing the correct skill sets and Ruidoso hopes their efforts translate to reduced risk to catastrophic wildfire.

Examples of how strong collaborations benefit projects are found funded by the Collaborative Forest Restoration Program in New Mexico. This Forest Service grant program has enjoyed continued support from Senator Domenici and Senator Bingaman and has turned out close to 80 projects in the past five years. A successful project in this program must show collaboration in project development with appropriate Federal, State, Tribal, local governments, and to the degree possible, commodity, scientific and environmental interests. It is kind of like Thanksgiving dinner with the relatives you don't see too often and may not get along with so well. The rule is that no one gets any turkey unless everyone agrees to the size of the portion. It is consensus driven. When project development is well thought out and inclusive at the front end, there is little or no objection at the public comment phase. I would encourage review of this program as a training framework for collaboration and multi-party monitoring.

I believe developing and funding a required HFRA program to train line officers how to collaborate with communities and understanding the entrepreneurial spirit would yield great benefit. Whether it is local capacity building or bidding as the general contractor on stewardship contracting projects, non-agency people are taking risks to engage the Forest Service. These risks are real and personal. Agency line officers do not always understand that it is OK for business to make money. Line officers would benefit from knowing how to be better partners, how to assess real world situations and to arrive at realistic cost-benefit conclusions. Training programs that include targeting District Rangers and Forest Supervisors could lead to better decisions and a more informed workforce. It then could follow that, latitude at the regional level and above be afforded to progressive thinking by line officers. The result would be effective treatments, better utilization of materials and safer communities. Additional benefits would include improved workforce capabilities and ultimate savings to the taxpayer.

The next consideration is to have the appropriate performance measures that speak to a desired outcome and include measurement strategies. A paper (included)* with performance goals developed by community forestry groups and the Rural Voices for Conservation Coalition was submitted to the Forest Service earlier this year and could serve as a starting point. These performance goals support the training I suggest is necessary to effectively move HFRA forward. The four performance goals are:

- Increase collaboration between public land communities and federal agencies.
- Build and maintain capacity in public lands communities.
- Improve forest and watershed condition.
- Reduce risk from catastrophic wildland fire.

ACCOUNTABILITY

Probably the most glaring disconnect within HFRA is the acres target issue. It's the hard acres versus easy acres calculations, double counting of acres and not accounting for real value. This fuzzy calculus is especially limiting when utilization of small diameter material is possible and not considered best value. An example might be as follows:

> 100 acres are thinned @ $600.00/acre = $60,000.00; then, a year or so later the same 100 acres are burned @ $300.00/acre = $30,000.00

The dollars per acre reported get calculated as $90,000.00/200 acres for a reported cost of $450.00 per acre and 200 acres counted. Then it could happen that a utilizing contractor comes in with a cut and utilization bid (one time entry) of $750.00 per acre or $75,000.00 they lose the bid.

Acre count should occur only after initial tasking is completely done and the land is ready for long term maintenance burning. Given that utilization treatments have slope consideration; acres treated with full utilization in Ruidoso are ready for maintenance burn now. Condition classes are reduced immediately in those areas and we are not waiting years for prescribed burn windows to open. In addition, the general public sees a completed project.

The WUI group feels strongly that small diameter material removal and biomass utilization is a land management issue and not just an energy production issue. Ruidoso Municipal Schools are preparing to build a new middle school and are interested in incorporating biomass heating. I believe all public buildings in Ruidoso should consider this abundant resource. The long term source of this material would come from Forest Service lands.

Another down side of the acres target problem can appear when considering WUI acres. In Ruidoso, community protection received less priority than acre targets. Currently, only two of twenty-seven NEPA ready projects on the Lincoln are in the Ruidoso area. The WUI geography (map) was expanded to accommodate easy acre push and burn treatments northeast of the community to achieve acre targets. Treating acres on the northeast side of a community in southern New Mexico is mostly ineffective as the winds historically come from the southwest.

A 5,500 acre project called Perk-Grindstone was assessed as the number one Forest Service priority in 2000 when the WUI group started because it is located directly southwest of the community and its major potable water reservoir and treatment plant. This project remains hung up without a NEPA decision and remains unfunded. Line officers are compelled to meet acre targets at the expense of community protection. This is absolutely unacceptable! Village Council signed a resolution encouraging the Lincoln to move forward with Perk-Grindstone earlier this year. The Village collaborated with an environmental group that had objections and resolved issues pertaining to MSO PACS in the unit. We help were we can. Inaction on public lands is impeding Ruidoso's ability to implement ordinances on private land. I get calls with angry residents asking why they should spend money treating their property when there is nothing done on the other side of the Forest Service fence, literally.

It appears the Program Assessment Rating Tool (PART), a strategy to get the "best value" for work done might actually do the opposite given the existing performance measures. Transformation of the condition class (acre targets) as a performance measure is vastly outweighing other measures such as collaboration and utilization based on PART. This leads to the "easy acre". Wildfire can burn 5000 "easy acres" and no one blinks. When wildfire burns 1000 acres and a community loses 29 homes, as Ruidoso did in 2002 with the Kokopelli fire, it is devastating.

---

*All attachments have been retained in subcommittee files.

Where is the "best value"? Communities deserve a better system of accountability and line officers need realistic performance measures to make the right decision and achieve HFRA goals.

A more general issue affecting accountability is agency mobility. The normal rotation of personnel with the agency reduces commitment and accountability. The line officer (District Ranger) I started with in 2000 had been there for many years and was committed to the community. Decisions were made based on the best value for community safety. He retired in 2002. Since then I have seen personnel changes at: the district level—Ranger, FMO, AFMO, Range staff, Timber staff, Fuels specialists and below; the Forest level—Supervisor, Fire & Aviation staff, Timber staff; and even a new Regional Forester and some associated staff. Communities understand this movement is inevitable to some degree but some way to maintain a legacy strategy would yield stability to collaborations and overall confidence in agency policy. Goal 1.4 in the above mentioned performance measures paper (attached) offers some ideas.

SUMMARY

Ruidoso is deeply concerned and frustrated that a commitment made five years ago remains unfulfilled. There are always plenty of excuses but the facts are that the condition class in Perk Grindstone that contributed to Ruidoso's rating of second highest to catastrophic wildfire in the nation remains. We have all witnessed the devastation of the Cerro Grande fire in Los Alamos, New Mexico in 2001. Our citizens do not want to see Ruidoso follow a similar pattern of unrecognized risk and inaction on Forest Service land due to a lack of urgency.

Ruidoso is committed to doing its part with its citizens and takes responsibility for its own wildfire protection on private land. We have our own Community Forest Management Plan in place (www.ruidoso-nm.gov) and the WUI group has collaborated and developed our CWPP for additional public and private land. The Village and the WUI group stand ready to move forward with HFRA when funding programs become available. I respectfully submit the following recommendations:

- Develop training programs and performance measures that emphasis collaboration and commitment to legacy strategies.
- Make collaboratively designed projects the priority for planning (NEPA) and funding.
- Identify strategic acres not on their low cost of treatment but on their ability to protect assets at risk. Those areas must be identified in collaboration with the local fire councils and public safety officials (CWPPs).
- Stop double counting acres, even if the money comes from different line items. Double counting has the unintended consequences of prohibiting utilization and not getting the best value for the taxpayer dollar.
- Don't count the acre until the fuels treatment is complete. That is, until the acre is ready for maintenance burning. Currently the areas treated by the Forest Service by pile and burning have so many piles on them (lack of burn windows) that the fire risk has increased.

If HFRA will be used to treat strategic acres that: are defined by collaboration with communities; will allow for true accounting in terms of acres treated and unit costs; and will encourage reduction to fire risk class I; then it will be the useful tool the congress and the President intended.

Thank you for the opportunity to testify before this subcommittee. I would welcome any question you may have.

Senator CRAIG. Thank you very much, Rick. Now lets turn——

Senator WYDEN. Mr. Chairman, just one thing. I may not be able to come back and question you, Rick, but could you give us some examples, for the record, of double counting of these acres? Because I have suspected that's what's going on and we really need some concrete examples. Could you make that available to the subcommittee?

Mr. DEIACO. I surely will.

Senator WYDEN. Thank you.

Senator CRAIG. Thank you. Thanks so much, Ron. Now let's turn to Matthew Koehler, executive director, WildWest Institute of Missoula. Matthew welcome to the subcommittee.

STATEMENT OF MATTHEW KOEHLER, EXECUTIVE DIRECTOR, WILDWEST INSTITUTE, MISSOULA, MT

Mr. KOEHLER. Thank you, Mr. Chairman. Mr. Chairman and members of the subcommittee, thank you for this opportunity to testify at this important hearing.

As the chairman said, I'm the executive director of the WildWest Institute based in Missoula, Montana. Our mission is to protect and restore forests, wildlands, watersheds and wildlife. We are working very hard to craft positive, proactive solutions that promote sustainability by restoring naturally functioning ecosystems degraded by systemic management.

As my written testimony illustrates, our organization is an active participant in the number of collaborative efforts to help protect communities from wildfire and move ecologically based restoration work forward and I'd be happy to answer any questions you have regarding these promising efforts.

Since 2003, very little fuel reduction work has been accomplished by the Forest Service using HFRA in the northern Rockies. According to the Agency, current fiscal year accomplishments under HFRA include zero acres of fuel reduction accomplished in Montana and Wyoming and 103 acres accomplished in Idaho.

What these numbers tell me is that limiting public participation and streamlining environmental laws is not the solution to increasing community wildfire protection efforts. Rather, based on our experience working with the Forest Service in the northern Rockies, the major limiting factor is lack of funding. Given the way Congress currently funds the Forest Service and based on the administration's proposed Forest Service budget, I'm afraid that misplaced funding priorities will continue to hamper community wildfire protection efforts, not to mention critical restoration work on our national forest.

This is especially unfortunate and frustrating as I believe there is growing consensus on the need to move forward with common sense fuel reduction activities on private State and Federal lands immediately adjacent to communities and to help revitalize our communities through the emerging restoration economy. I urge Congress and the administration to fund the Forest Service based on the desires of the American people who want to see their communities protected from wildfire and these public national forest lands protected and restored to provide clean water, critical wildlife habitat and enjoyment and inspiration for future generations.

Our organization has been intimately involved with two HFRA projects in Montana. The middle east fork project on the Bitterroot and the DeBaugen project on the Lolo National Forest. As you can see from our written testimony, our experience on these HFRA projects has been as different as day and night. Time doesn't allow me to go into detail, so again I'd be happy to answer any questions about what has worked and what has not worked.

Based on our organization's experience with HFRA and a review of the administration's fiscal year 2007 budget request, I would like to make the following recommendations and observations; one, the Forest Service's healthy forest budget does not provide adequate support for community wildfire protection efforts on non-Federal lands where it would be most effective, especially since nationally

up to 85 percent of the land presenting a risk to communities is non-Federal land. Yet, the Forest Service's healthy forest budget only directs 4 percent of the funding in this area and in some cases important programs such as the State and volunteer fire assistant program are being dramatically cut or eliminated.

Industrial logging that does not benefit community protection or improve forest health is also being included in HFRA and HFI projects. So, too, the old growth forest and large tree retention requirements of HFRA are, in some cases, being ignored and manipulated by the Forest Service. These practices increase controversy and mistrust among stakeholders as well as tie up valuable resources that should instead be directed towards real community protection and forest restoration.

I recommend that all old growth logging and cutting of large trees, as well as entry into roadless wildlands be prohibited in all future HFRA projects. Finally, the required HFRA collaborative process is in some cases being ignored or manipulated by the Forest Service. An open, honest and inclusive process with neutral outside facilitation appears to be the best course of action and I would recommend that it be included in all future HFRA collaboration.

I look forward to answering any questions that you may have and again, thank you for this opportunity to testify at this important hearing.

[The prepared statement of Mr. Koehler follows:]

PREPARED STATEMENT OF MATTHEW KOEHLER, EXECUTIVE DIRECTOR, WILDWEST INSTITUTE, MISSOULA, MT

Mr. Chairman and members of the Committee, thank you for the opportunity to testify at this important hearing to review implementation of the Healthy Forest Restoration Act (Public Law 108-148): It is an honor to appear before you, and I hope that my testimony will move us forward as we protect and restore America's national forests and help provide communities with effective wildfire protection.

I am the executive director of the WildWest Institute, a Montana-based conservation group that formed in April 2006 through a merger of the Native Forest Network and Ecology Center. Our mission is to protect and restore forests, wildlands, watersheds and wildlife in the Northern Rockies Bioregion. We monitor and participate in the public land management decision processes in the Northern Rockies and craft positive, proactive solutions that promote ecological and economic sustainability through restoring naturally functioning ecosystems degraded by systemic mismanagement.

We ensure that the government follows the law when managing our public forests and wildlands. With the assistance of WildWest's biologist and forest ecologist, we stay abreast of, and seek out, the latest scientific research on forest and fire management, biological diversity and ecologically-based restoration. We also strive to get on-the-ground in all project areas to gather site-specific information. We then provide this research and information to specialists within government agencies so that the best-available science and site-specific information is incorporated into public land management decisions.

Our organization is also very active in a number of collaborative efforts to help protect communities in the Northern Rockies from wildfire and move bona-fide restoration work forward on our national forests. Our goal is to work together with diverse interests to help be a catalyst for the establishment of a new, sustainable restoration economy in our region for the 21st Century and beyond.

Before I get into the specifics of reviewing implementation of the Healthy Forest Restoration Act, I'd like to share with you some recent examples of our collaborative work with the hopes that these examples will clearly demonstrate the willingness and dedication of the conservation community to find solutions that benefit our forests, wildlands, watersheds, wildlife and communities.

Recently, we helped plan a very successful Montana Communities and Wildfire Conference with the support of the Western Governors Association and a diverse set of stakeholders across the state of Montana including scientists, firefighters, home-

owners, realtors, planners, foresters, developers, legislators, conservation organizations and other community leaders.

One of the results of that conference has been the establishment of a Montana FireSafe Council, which will serve as a clearinghouse for homeowners and communities seeking information, resources and assistance about community wildfire protection. One of our staff members serves on the steering committee for the Montana FireSafe Council and we remain committed to helping it succeed.

Our organization is also an active member of the Salmon Forest Collaborative, who along with the community of Salmon, Idaho, Lemhi county commissioners and the U.S. Forest Service are seeking to find common-ground surrounding community wildfire protection and restoration projects on the Salmon-Challis National Forest. In fact, during the past two days, one of our staff members was in Salmon, Idaho attending a two day meeting of this collaborative to hammer out the details of how the group operates and what criteria will be used as we move forward with project selection. In addition to relationship building, one of the early results of this effort was getting on the ground with the U.S. Forest Service and community members to settle an appeal our organization filed on a fuel reduction project near the community of Gibbonsville, Idaho. The appeal resolution allowed the community wildfire protection work to go forward without unnecessary harm to the forest, wildlife and roadless wildlands.

Since the start of the year we have also been involved with a very similar collaborative effort in Libby, Montana with the Lincoln County Commissioners, community members and business leaders to find agreement on community wildfire protection and restoration projects on the Kootenai National Forest. Our organization holds a position on the leadership team of the Kootenai Forest Stakeholders Coalition, and just as with the Salmon, Idaho example, in addition to relationship building, one of the early results of this effort was getting on the ground with the U.S. Forest Service and community members to settle concerns a number of conservation organizations had with a fuel reduction project near the community of Yaak, Montana.

In mid-May, the WildWest Institute and the West End Volunteer Fire Department in DeBorgia, Montana joined forces for the DeBorgia Community Wildfire Protection Work Weekend. The goal of the work weekend was to bring people together to create defensible space on private land around the DeBorgia community through education, action and fellowship. Special emphasis was placed on improving defensible space around the homes of elderly members of the community, along key roads in the community and establishing a safe zone near the firehouse and community center. By all accounts, the work weekend was a tremendous success. The fellowship component of the community work weekend included a community potluck barbeque at the DeBorgia Schoolhouse, which poetically, was one of the few buildings in the entire area to survive the 1910 wildfires. In addition to lots of volunteer help, the community work weekend was supported by a grant the WildWest Institute secured through the National Forest Foundation. The grant money was used to hire a local fuel reduction crew through Wildland Conservation Services, which helped put some money into the pockets of local workers.

In addition to the DeBorgia Community Wildfire Protection Work Weekend, which we plan to replicate in future years, the WildWest Institute, West End Volunteer Fire Department and others local residents, businesses and conservation groups are also currently engaged in a collaborative process through the Healthy Forests Restoration Act with the Lolo National Forest to develop a common sense plan for fuel reduction work on Forest Service land directly around the greater DeBorgia area. I'll address details of this process and project later in my testimony.

Yet another example of our organization's proactive work to find solutions took place in the Blackfoot Valley, near the Community of Ovando, Montana last summer. Following a series of fieldtrips to the Monture Fuel Reduction project with the U.S. Forest Service and local logging contractors—during which we expressed some concerns with the fuel reduction project as proposed, especially concerns with potential soil damage and an excessive cutting of trees within this very diverse, mixed conifer forest—the district ranger agreed to give us a small parcel of the project so that we could complete a pilot project that would allow us to put our restoration and fuel reduction vision to work.

The type of ecologically-based fuel reduction work that we wanted to complete on the site was to be guided by the Restoration Principles, which WildWest and others helped develop through a three-year bridge-building effort between conservationists, scientists and community-based forestry advocates.

We partnered with a local logging contractor and our project successfully demonstrated the viability of a forest restoration approach that enhanced ecological integrity, protected soils and reduced fuels while again putting money into the pockets of some local workers. Along the way, we also gained valuable hands-on experience

with various ecologically-based fuel reduction and forest restoration techniques, as well as continued to build a better working relationship with the district ranger and his staff.

Another important point that I want to deliver with this testimony is that if Congress is looking to help revitalize rural communities, perhaps the best place to start is to properly fund the nearly endless ecologically-based watershed and road restoration opportunities that abound on our national forests and often enjoy broad consensus among diverse stakeholders. With appropriate funding from Congress, watershed and road restoration could not only help provide good-paying jobs for generations, but it would move us all a long ways towards building trust and better working relationships.

I have yet to meet a Forest Service line officer or specialist who believes that Congress is even coming close to properly funding ecologically-based watershed restoration programs. For example, right now in the Northern Rockies the Forest Service estimates that 85% of the fish-passage culverts are currently impassible to fish, with an estimated cost of over $200 million to just fix the top priority culverts. Right now the Forest Service's road maintenance backlog in just Montana and Idaho is $1.3 billion, and nationally the road maintenance backlog is nearly $10 billion.

The Forest Service needs more direct appropriations of real restoration funds from Congress. Restoration of our national forests should not be tied to industrial logging and resource extraction. One important reason is that we will never be able to log enough trees to pay for all the needed restoration work. Plus, industrial logging can cause more restoration needs through negative impacts such as loss of critical wildlife habitat, soil compaction and erosion, increased siltation in rivers, proliferation of noxious weeds, opening up forests to increased illegal ATV use, reduction of biodiversity and even short- to long-term increases in fire risk and severity.

Congress has passed, and the Forest Service is currently utilizing, Stewardship Contracting provisions; however, Stewardship Contracting doesn't necessarily result in better logging. It's a contracting mechanism and the truth of the matter is that in the Northern Rockies we are seeing many of the Forest Service's large logging projects done using Stewardship Contracting. In some specific cases, Stewardship Contracting may work for funding restoration, but only when cutting down lots of commercially valuable trees is needed to restore a forest and if this logging doesn't compromise other resource values. But again, with literally billions and billions of dollars in just watershed and road restoration work needed on national forest lands across the country there is no possible way that we could ever cut enough trees to pay for this restoration work.

I'd like to provide this Committee with one example of a needed watershed restoration project. Our organization is currently working with the Lolo National Forest, the community-based Lolo Watershed Group and fellow conservation groups on a watershed restoration project for the Upper Lolo Creek watershed west of Lolo, Montana, along the trail used 200 years ago by the Lewis and Clark Expedition and for thousands of years by the Nez Perce. Our work on this important collaborative restoration project was initiated a few years ago during regular meetings we are holding with the Lolo National Forest leadership team. We were really excited to get involved in some good watershed and road restoration work that we all could agree needed to be done and this project seemed to fit the bill perfectly.

Specifically, this project calls for removing or replacing 21 fish-passage culverts to improve native fish habitat, decommissioning 17 miles of unneeded old logging roads and permanently closing 63 miles of roads and "jammer" roads.

To help the local communities learn more about this specific project, as well as gain a better understanding about the concept using forest restoration to create local jobs, we worked with the Lolo Watershed Group to help put together a workshop titled "Putting Local Labor to Work on Forest Restoration," which took place at the Lolo Community Center last summer. Our work on this project continues to this day. In fact, as I give this testimony, one of our staff members is leading a public fieldtrip in conjunction with the University of Montana to the Upper Lolo Creek Watershed Restoration Project to look more closely at this project and also explore larger issues surrounding watershed and road restoration in the northern Rockies.

Unfortunately, since it is my understanding that the U.S. Congress provides the Forest Service with so little money for this type of watershed restoration work, this common ground watershed restoration project is literally just sitting on the shelf waiting to be implemented, which is very unfortunate since this restoration project enjoys support from the Missoula County Commissioners and Carpenters Union Local 28 and because it would employ local workers improving forest and watershed health once implemented.

Since I am testifying before you today, I would like to specifically request that the U.S. Congress work together to find a way to provide funding for the Upper Lolo

Watershed Restoration Project—as well as the countless other bona-fide watershed restoration projects throughout our region that would put local people to work restoring watershed health, if only Congress properly funded this important work.

Finally, before getting into the specifics of reviewing implementation of the Healthy Forest Restoration Act, I'd like to say a few words about the general issue of appeals and litigation, as I'm sure some members of this Committee will be asking me questions related to this topic.

With much foresight, and with the recognition that the U.S. Forest Service has, unfortunately, a long history of mismanagement, Congress established the public appeals process as an integral part of the public decision making process and an important and necessary means for the public to maintain a "check and balance" when it comes to the management of the public's land.

During the entire public process established by Congress, including the public appeals process, our organization strives to work together with the Forest Service and their specialists to provide the Forest Service with the best available science, research and site-specific information so that this important information is incorporated into public land management decisions.

Unfortunately, for a variety of reasons, sometimes the Forest Service decides to move forward with a project that is not based on the best available science or the laws of this nation. The public appeals process provides one final opportunity for the Forest Service to reconsider an ecologically misguided and potentially illegal project.

Over the past two years, our organization has explored, with willing Forest Service rangers, a number of ways to make the public appeals process work better, including face-to-face meetings before public appeal deadlines and on-the-ground meetings within project areas to talk about our differences and hammer out agreements.

Sometimes it is necessary for our organization to file a lawsuit in order to hold the government accountable and ensure that logging and roadbuilding projects on our national forests don't cause unnecessary harm and are bound by the law. But again, this course of action is only taken after our participation in the public decision making process.

Most people also think it's too much to ask for the government to follow the laws of this nation when conducting logging and roadbuilding projects on our public forests. Furthermore, the success that conservation groups such as ours have in the courts is testament that our lawsuits have merit and are preventing the government from breaking the law—something I think we'll all agree is a good idea.

Personally I feel it's unfortunate that some people would like to provide an oversimplistic view of these important issues, which might lead some to believing that there are two types of conservation groups: those that work to find solutions and those that just simply file appeals and lawsuits and refuse to work together. As I hope the Committee can clearly see by the numerous examples I have provided, this is simply not the case.

While organizations such as the WildWest Institute may file a lawsuit to hold the government accountable, we are also working hard trying to find solutions that will benefit our forests, wildlife and communities and help put the Northern Rockies—and our nation—on a path towards a more economically- and ecologically-sustainable future.

COMMUNITY WILDFIRE PROTECTION PLANS

In addition to specific information about our experience with the Healthy Forest Restoration Act, I was asked to provide comments on the development of Community Wildfire Protection Plans (CWPP). Since development of a CWPP in most cases precedes development of a HFRA project it makes sense to look at CWPPs at this time. Specifically, I was asked to address what worked and what can be done to improve those plans and the collaboration called for in those plans? And how CWPPs translate into projects undertaken by the Federal land management agencies and how, or whether, our experience suggests that the collaboration called for in the development of the community wildfire protection plans is translating into collaboration in the development of the specific projects?

Since our organization has limited experience with the development of CWPPs I took the liberty of gathering information from professional foresters, fellow conservationists and former firefighters from throughout the western U.S. The perspectives gathered are also included to help provide this Committee see a more complete picture of the development of CWPPs and what's working and what's not.

Our organization has been involved with the development for only one CWPP, the Missoula County CWPP. Our experience with the Missoula County CWPP, which

admittedly was somewhat limited (with the bulk of our participation coming from a board member who is now currently on our staff), was largely positive. This CWPP was initiated by the Missoula County Office of Emergency Services and they did a commendable job of making sure to invite a large, diverse set of stakeholders from throughout the county—something which unfortunately doesn't appear to be happening with the development of all CWPPs, but appears to undoubtedly be one of the common components of all successful CWPPs.

From our perspective working on the Missoula County CWPP, it would be helpful to further focus fuel reduction treatments even tighter from the typical Wildland-Urban Interface boundary of 1½ miles (although some CWPPs have WUI boundaries that extend three miles or more) to a Community Protection Zone (CPZ) boundary of 1/4 mile.

Our rationale is really quite simple: given limited resources and limited time it makes most sense to focus fuel reduction activities—whether on public or private land—immediately around the community rather than ignoring legitimate threats and focusing instead on the larger WUI, which can extend out 1 to three miles. Perhaps once we have done all the work within the 1/4 mile Community Protection Zone we can explore options for treatments outside of the CPZ; however, the reality is that CPZ treatments will likely need to be conducted on such a regular basis so as to tie up all of the available time and resources. The. other advantage of focusing limited time and resources within the CPZ is that we can ensure that more at-risk communities are provided some level of defensible space rather than just focusing on treating a limited number of communities and extending treatments out 1½ to 3 miles.

We also believe that both landowners who are developing private property and real estate developers need to take on a large level of the responsibility for home and community wildfire preparedness, rather than just expecting U.S. taxpayers to fund fuel reduction activities on public lands. As we stated in our comments on the Missoula CO CWPP, we would support county government efforts to enact defensible space codes and to provide certain incentives to landowners and developers who agree to incorporate this into their property development. Obviously, the insurance industry can have some influence on this as well but county governments need to create some regulations so other county, state and federal taxpayers aren't left essentially holding the bag for those who choose to live and build in high-risk areas.

This is also where joint educational efforts could go a long ways towards facilitating greater public awareness and participation in community wildfire protection efforts in the county. For example, public forums, community meetings and a Parade of FireSafe Homes should be organized in our communities on an on-going basis. I'd like to point out that our organization has hosted a number of these public forums featuring the Forest Service's own experts on defensible space, fire chiefs and local fuel reduction contractors.

The other day I also spoke directly with Tracy Katelman, a professional forester and owner of ForEverGreen Forestry in Eureka, CA, who has authored four community wildfire protection plans in Northern California and Southwestern Oregon, including the Lower Mattole Fire Plan, one of the early CWPPs models cited in the SAF/NASF Guidelines.

Ms. Katelman explained, "When developing Community Wildfire Protection Plans it is vitally important that a diverse set of stakeholders be at the table from the outset. This includes those perceived to be at the extremes—such as the timber industry and environmental advocates. CWPPs that only include government, fire fighters and federal land management agencies—while fundamentally important participants—are likely not as effective over time because they lack authentic community involvement. The local knowledge provided by residents at the neighborhood scale is important both in terms of reducing wildfire risks and hazards in the WUI, but also for empowering communities to take responsibility for reducing those risks and hazards over the long term."

According to Katelman, even though CWPP guidelines exist (e.g. those developed by SAF/NASF), they are so general that the methodology varies significantly, with one community going about the plan one way and a neighboring community going about it another way. This makes it very difficult to get a state or regional perspective both in terms of what works or doesn't, but also in terms of the priorities at that larger scale.

"Resources are an issue, as there is basically no more money available to do CWPPs. National Fire Plan money for doing CWPPs virtually no longer exists in California, instead that funding is given to projects that can produce the most 'acres treated' by fuel reduction. If the desire is for communities to create effective CWPPs that both identify and reduce the risks and hazards of wildfire, more resources need to be available at the community level, preferably through non-governmental organi-

zations. These needed resources include standardized guidelines that encourage neighborhood-level participation, training, and finances," stated Katelman.

Finally, Ms. Katelman offered that "CWPPs work best where agencies and the public have existing working relationships and effective communication, and all stakeholders are involved from the beginning."

In my conversations and correspondence with fellow conservationists I've also heard some of the following themes about CWPPs:

The development of CWPPs in many areas were poorly publicized and they were not publicized through federal channels in some cases. As such, a common concern expressed was that federal public lands were essentially privatized (or given to local communities) by CWPPs.

Some CWPPs were essentially crafted by contractors (forestry consultants) in association with the county commissioners. In some cases the state and federal land agencies were included, but none of these county plans were developed with true collaboration.

The CWPPs are supposed to prioritize areas and identify project areas that the federal agencies then turn into fuel reduction projects. Instead, in some cases it appears as if the Forest Service will simply submit a list of every timer sale, which then gets stapled onto the county plan. This then becomes the foundation for the Forest Service to argue that the projects were identified and prioritized by the county collaborative committees.

In some instances the level of true collaboration, including interested stakeholders (as discussed in the WGA's 10 Year Wildfire Strategy) has been non-existent in many areas.

REVIEW IMPLEMENTATION OF THE HEALTHY FOREST RESTORATION ACT

The purpose of this hearing is to review implementation of the Healthy Forest Restoration Act. As I'm sure members of this Committee are aware, this is a somewhat difficult task for the simple reason that since the HFRA was signed into law in December 2003, so little work has been accomplished under the HFRA by the U.S. Forest Service. Further complicating the issue is the fact that the Forest Service often lumps HFRA projects together with Healthy Forest Initiative projects put forward under Categorical Exclusion (CE) authorities. Yet, many CE projects in the Northern Rockies, and elsewhere, are found deep in the backcountry and have primarily timber production goals, which often run directly counter to community wildfire protection or forest restoration goals.

I'd like to highlight information that was provided to this Committee last week by the U.S. Forest Service detailing fuel reduction accomplishments of the HFRA.

According to the U.S. Forest Service, FY 2006 accomplishments under the Healthy Forest Restoration Act are as follows:

Montana—zero acres of fuel reduction accomplished on Forest Service land under HFRA.

Wyoming—zero acres of fuel reduction accomplished on Forest Service land under HFRA.

Idaho—103 acres of fuel reduction accomplished on Forest Service land under HFRA.

Certainly, it's hard to make the case that 103 acres of total fuel reduction accomplished by the Forest Service under the provisions of the Healthy Forest Restoration Act in FY 2006—2½ following HFRA becoming law—in the states of Montana, Idaho and Wyoming is much of an accomplishment.

Even if you broaden the view to look at Forest Service accomplishments in the eight-state Rocky Mountain Region, including the states of Montana, Idaho, Wyoming, Arizona, Colorado, New Mexico, Utah and Nevada, you find that that in the 2½ years since HFRA became law the U.S. Forest Service has accomplished 7,995 acres of fuel reduction under HFRA in FY 2006.

It's also important to remember that in some cases the Forest Service is apparently placing acres into the "accomplished" list even if no actual on-the-ground work has taken place, but simply if a timber sale is under contract. Therefore, on-the-ground accomplishments may be much less.

What are the reasons for these anemic HFRA fuel reduction numbers in the Northern Rockies and Rocky Mountain Region? Given that the HFRA limited some forms of public participation and streamlined provisions within the National Environmental Policy Act the HFRA fuel reduction numbers over 2½ years since HFRA became law certainly calls into question the rationale of many of the most ardent supporters of the Healthy Forest Restoration Act who told us that so-called "anal-

ysis paralysis" was solely responsible for preventing the Forest Service from moving forward with bona-fide community wildfire protection activities.

It appears that limiting public participation and streamlining environmental laws is not the solution to increasing community wildfire protection efforts. It is my hope that this Committee and Congress take this reality into account when you consider important public lands bills in the future, such as H.R. 4200.

It clearly appears that one of the major limiting factors is funding. This has been our experience working with the Forest Service in Montana and it seems to be a common theme across the west. For example, the New Mexico Business Weekly reported in April that Senator Bingaman is concerned that important fuel reduction projects in his state won't happen because of a lack of funds the federal agencies have for contracts, staff and equipment.

Unfortunately, given the way Congress currently funds the Forest Service and based on the Administration's FY 2007 proposed Forest Service budget I'm afraid that the funding problem will continue to hamper community wildfire protection efforts, as well as critically needed ecologically-based restoration work on our national forests.

For example, it is my understanding that the Administration's FY 2007 proposed Forest Service budget would eliminate the Economic Action Program that provides funding for communities for economic diversification, assessments for wildfire risk and planning for defensible space. The State and Volunteer Fire Assistance programs, which provide for community protection planning and projects through both the State and Private Forestry and Wildland Fire Management programs, would be cut by nearly $23 million—a 30 percent reduction.

While most programs will see funding reductions, spending for the federal timber sale program would increase in the proposed FY 2007 budget. For example, the timber sale program would receive nearly an 11% increase of $30 million. I must also point out that since FY 2000, the forest products line-item has increased from $216 million to the proposed $310 million in FY 2007—a 43 percent increase. The proposed Forest Service FY 2007 budget also includes a $41 million increase (117 percent) in funding for timber sales under Northwest Forest Plan to log 800 million board feet of trees. Achieving that goal will require logging more ancient, old growth forests that the public owners of these forests—along with the two previous Chiefs of the Forest Service—clearly want to see protected. In addition, the Forest Service plans to divert $23 million for new timber sales from the Knutson-Vandenburg (KV) Fund, which formerly was used to pay for reforestation costs and the restoration of logged over forests.

Now I don't profess to be a Forest Service budget expert, and having worked closely with the budget officer on a national forest in Montana recently to try and figure out solutions that would allow this national forest to spend more money on bona-fide community wildfire protection and restoration projects, I can tell you from this personal experience that attempting to get a handle on where the Forest Service spends its money and what funds are ear-marked for certain programs and what funds are discretionary is, at best, a confusing and somewhat subjective exercise.

However, the fact remains that while Congress and the Administration press for more funding for the timber sale program (which often just increases fire severity and causes more restoration needs) critical funding for community wildfire protection and ecologically-based restoration projects lag far behind and in many cases are being significantly decreased. I challenge Congress and the Administration to fund the Forest Service based not on the demands of special interests and their lobbyists, but on the desires of the American people who want to see these public national forest lands protected and restored to provide clean water, critical wildlife habitat and enjoyment and inspiration to future generations.

A TALE OF TWO HEALTHY FOREST RESTORATION ACT PROJECTS: THE MIDDLE EAST FORK HFRA PROJECT ON THE BITTERROOT NATIONAL FOREST AND THE DEBAUGEN HFRA PROJECT ON THE LOLO NATIONAL FOREST

Middle East Fork HFRA Project, Bitterroot National Forest, Montana

One of the first proposed Healthy Forest Restoration Act projects in Montana is called the Middle East Fork Hazardous Fuel Reduction project on the Bitterroot National Forest. Undoubtedly, the Middle East Fork HFRA project has been one of the most controversial HFRA projects in the country, not only due to the specifics of the project itself, but also due to a series of problems associated with the HFRA collaborative process Bitterroot National Forest officials selected to use, or failed to use.

Because of the controversial nature of this project, I fully acknowledge that perhaps others have a different perspective on the process and the project. And I would encourage this Committee to talk with those people as well. However, the perspec-

tive I'm going to share with you comes from not only our organization, which has invested approximately 2,000 hours in the Middle East Fork HFRA project/process, but also from some longtime Bitterroot Valley residents, affected East Fork homeowners and prominent Ph.D. faculty members at the University of Montana's School of Forestry who are some of the nation's leading researchers on issues related to entomology, soils, fire and fuels, forest ecology, aquatics, fisheries, wildlife and public process.

The purpose of sharing this perspective with this Committee reviewing implementation of the Healthy Forest Restoration Act is not necessarily to rehash problems associated with the Bitterroot National Forest's Middle East Fork HFRA process and project, but to ensure that as the Forest Service moves forward with HFRA projects mistakes are not repeated and compounded.

The proposed Middle East Fork project would mix some bona-fide community protection work, which everyone agrees should go forward, with logging over four square miles of the Bitterroot National Forest (nearly 3,000 acres in total), including logging in previously unlogged forests that as recently as 2004 the Forest Service considered meeting the requirements of old-growth habitat. Many of these proposed logging units, which target larger trees, also sit outside of the identified Wildland-Urban Interface, far from homes.

These forests along the East Fork of the Bitterroot River are home to elk, bighorn sheep, moose, mule deer, white-tailed deer, black bear, wolves, coyote, bull trout, cutthroat trout, goshawk, martin, black-backed woodpecker, pileated woodpecker, downey woodpecker and flammulated owls. It's also important to note that many of the areas slated for logging under this HFRA project are pockets of unlogged forest that are literally surrounded by clearcuts from previous industrial logging projects. In fact, past logging, roadbuilding and terracing on the this particular portion of the Bitterroot National Forest was so egregious that it lead to the Bitterroot Clearcutting Controversy of the early 1970s that eventually lead to the passage of the National Forest Management Act.

According to the Forest Service, 33% of the Middle East Fork project area has already been logged, much of it done during the clearcutting, roadbuilding and terracing binge of the late 1960s and early 1970s. There are currently 208 miles of roads within the project area, an average of 5.2 miles of road per square mile. The Forest Service also estimates that the 1,482 miles of roads (and 1,682 stream crossings) in entire East Fork of the Bitterroot watershed contribute 151 tons of sediment per year to streams.

It appears that the Forest Service claims that the first official HFRA collaborative meeting for the Middle East Fork HFRA project was held in Sula, Montana on March 18, 2004. Despite the fact that we are on the BNF's official mailing list, our organization—which at the time was called the Native Forest Network—was not invited or notified of this March 18, 2004 meeting. Sula District Ranger Tracy Hollingshead acknowledged this fact in a November 30, 2004 email in which she stated, ". . . the notification for the Middle East Fork meeting in Sula on March 18, 2004 was not sent to Native Forest Network. . . ."

Why was our organization never notified or invited to this March 18, 2004 meeting? Documents that we obtained via a Freedom of Information Act (FOIA) request reveal that BNF officials intentionally crossed out and failed to invite numerous other organizations to that March 18, 2004 meeting, including Wilderness Watch, Friends of the Clearwater, Bitterroot Trout Unlimited, Center for Biological Diversity, Intermountain Fire Sciences Lab and The Wilderness Society.

It's also important to note that the BNF's announcement for the March 18, 2004 meeting that was mailed to a self-selected portion of the BNF's mailing list didn't even mention anything about the Healthy Forest Restoration Act or the Middle East Fork Hazardous Fuel Reduction project. These words were simply not in the announcement. Therefore, in our view, this March 18, 2004 meeting doesn't fit the requirement for an HFRA collaborative meeting. How could it if the announcement never mentioned anything about the HFRA or the Middle East Fork Hazardous Fuel Reduction project?

Yet BNF officials have repeatedly penalized our organization for not attending this March 18, 2004 meeting. This is especially frustrating since, as I mentioned, our organization wasn't invited to this meeting and the meeting announcement didn't mention anything about the Healthy Forest Restoration Act or the Middle East Fork Hazardous Fuel Reduction project.

Further casting doubt on the BNF's claim that this March 18, 2004 was part of the HFRA collaborative process are the statements from Jed Fitzpatrick, an East Fork community member who attended that March 18, 2004 meeting, that appeared in the October 5, 2005 issue of the Ravalli Republic:

"At the press conference Tuesday, other residents from the Middle East Fork community were present who supported alternative 3. Jed and Jessica Fitzpatrick live at the southern end of the proposed project boundary and attended the first public meeting in Sula, which didn't seem to discuss logging at all, Jed Fitzpatrick recalled. 'They didn't say we're going to log this much acreage in the Middle East Fork,' he said. Rather, the meeting focused on things the agency could do to benefit the local community, he said. He remembered talking about things like back-country access for horses, fishing access and more toilets. 'There was no way this plan (alternative 2) was birthed from that,' he said. He doesn't understand the need to log areas far away from the community, as is proposed in alternative 2. 'The area they're going to cut is not a threat to us,' Fitzpatrick said. He would like to see alternative 3 implemented because it keeps the values intact that he treasures about his surroundings. 'I live here because it's wild and I want it to stay wild,' he said. However, Fitzpatrick does see where some logging could be done, but he wants to make sure it happens in a non-invasive way by local loggers. He's fearful of outside commercial logging interests coming in and making money and destroying soils and watershed resources. 'I think you could harvest that with a balance,' he said."

On September 21, 2004 the Bitterroot National Forest mailed out an announcement, which stated, "You are cordially invited to a collaborative planning meeting for the Middle East Fork Hazardous Fuels Reduction Project, Wednesday, Sept 29th at the Sula Clubhouse." The announcement also states "This project fits the intent of the Healthy Forest Restoration Act (HFRA) passed by Congress and signed by President Bush in December 2003. This legislation emphasizes citizen participation by requiring projects be collaboratively developed between citizens and agencies." This is the first announcement sent to the public which clearly states the name of the project and the fact that this project will be conducted under the Healthy Forest Restoration Act.

Unfortunately, due in part to the fact that the Forest Service only gave the public a one week notice for this meeting, representatives of our organization were unable to attend the September 29, 2004 meeting because our entire staff was attending a conference that we had been helping to organize for the better part of a year.

So, when looking at all the facts, BNF officials appear to be penalizing our organization for not participating in the collaborative process of HFRA because we simply were unable to attend one single meeting (September 29, 2004) that we received one week's notice about. Since the Bitterroot National Forest has repeatedly informed us that we not did participate in the official HFRA collaborative process for this project we can only assume that the HFRA-mandated collaborative process for this project started and ended with that September 29, 2004 meeting. In the nearly two year's that have passed since that meeting, the Bitterroot National Forest refused to hold any other HFRA collaborative meetings as part of this project. I don't believe that this constitutes the type of "collaborative process" that Congress envisioned when it passed the Healthy Forest Restoration Act.

Yet, apparently outside of the Bitterroot National Forest's version of the HFRA collaborative process, since the fall of 2004 our organization invested nearly 2,000 hours trying to work with the Forest Service and community members to help develop a common-sense fuel reduction plan that would provide effective and efficient community wildfire protection for the East Fork community.

Our organization hosted public meetings about this project in Sula (May 3, 2005) and Missoula (March 30, 2005) and public science panels about this project in Hamilton (June 2, 2005) and Missoula (June 28, 2005) featuring some of the region's most well-respected scientists and researchers.

Through a dozen public field trips over winter, spring and summer that we organized—including a major tour on May 4, 2005 featuring nearly sixty people representing the logging industry, East Fork residents, Forest Service and interested citizens—we have taken over one hundred people from the Bitterroot and Missoula Valleys into the woods to get an on-the-ground look at this project. We also went out in the project area with prominent Ph.D. faculty members at the University of Montana's School of Forestry to hear their perspectives and have them share their considerable knowledge with us.

I would like to point out that in comparison, the Bitterroot National Forest has, to date, not held one single public field trip about the Middle East Fork Hazardous Fuel Reduction project. Again, I don't believe that this constitutes the type of "collaborative process" that Congress envisioned when it passed the Healthy Forest Restoration Act.

In response to the harmful parts of the Bitterroot National Forest's Middle East Fork Hazardous Fuels Reduction project, in November of 2004 conservation groups, together with some Bitterroot Valley residents and former Forest Service employees, collaboratively created an alternative that was intended to provide far superior wild-

fire protection to the East Fork community, protect old-growth forests and elk.and bighorn sheep winter grounds and implement bona-fide restoration activities within the East Fork area. We called this the Community Protection and Local Economy Alternative and we submitted it to the Forest Service in December 2004 during the official scoping process for this project.

While the Bitterroot National Forest did accept and develop the Community Protection and Local Economy Alternative into Alternative 3 within the environmental impact statement, regrettably, Bitterroot Supervisor Dave Bull decided to arbitrarily eliminate nearly all the watershed and road restoration components from Alternative 3. This was unfortunate, as these restoration activities had the potential to provide hundreds of local jobs restoring watershed and forest health in the East Fork of the Bitterroot River drainage.

We still don't fully understand why the Bitterroot National Forest decided to eliminate from further analysis the major restoration components of the Community Protection and Local Economy Alternative. According to information the Forest Service provided to us (which is contained in the Middle East Fork Hazardous Fuel Reduction Draft EIS, 2.7.4. Elements Outside This Project's Scope Eliminated From Alternative 3):

"Additional watershed restoration opportunities are not identified in this analysis. This was consciously done for three reasons. 1) The HFRA authorizes prescribed fire and vegetation management tools to reduce fuels and restore fire adapted ecosystems, but does not specifically authorize watershed improvement projects. 2) The Forest Service wants to assure that the activities proposed can and will be implemented. . . . 3) The Bitterroot National Forest currently has a backlog of watershed restoration needs which will be completed as time and resources allow. Because of this backlog, members of the public have expressed concerns about identifying restoration work that might not be completed in a timely manner. The Bitterroot National Forest concurs and sees no value in adding to that list of watershed improvement projects at this time."

The Purpose of the Act (HFRA) is in part "to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; and to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration."

The restoration component of the Community Protection and Local Economy Alternative focused on achieving these goals. Since the HFRA does not contain language that prohibits specific types of bona-fide restoration activities (but in fact clearly calls for efforts to protect watersheds and restore degraded forest ecosystem types) we believe any decision to not consider watershed and road restoration activities would be arbitrary and capricious, and we believe would violate the intent of the HFRA.

Furthermore, according to the best available science watershed and road restoration work is an integral part of restoring fire-adapted ecosystems, which is one of the primary objectives of the Middle East Fork HFRA project. Therefore, this only added additional confusion as to why watershed and road restoration work contained within the CPLE Alternative was excluded.

We were also especially troubled with the statement Bitterroot National Forest officials made under reason 3. While we, and the public, are concerned that the Bitterroot National Forest has a backlog of watershed restoration needs—especially related to the $16 million short-fall for watershed and road restoration activities as part of the 2001 Bitterroot Burned Area Recovery Plan, but also an annual road maintenance shortfall on the forest of $2,245,000—we think the Bitterroot National Forest is grossly mischaracterizing that concern with the statement above in reason 3.

We are not aware of anyone within the environmental community, or the public at large, that has "expressed concerns about identifying restoration work." Rather, the concern that has been expressed from the environmental community, and the public at large, over the past few years has centered on the failure of the Bitterroot National Forest to implement the required watershed and road restoration work as outlined in the Burned Area Recovery Plan FEIS and Record of Decision.

This concern was compounded over the first three years of implementation of the Burned Area Recovery Plan due to the insistence from Bitterroot National Forest officials—including numerous statements by Supervisor Bull—that BAR plan watershed and road restoration work was "on track" despite the facts, which clearly showed the loss of millions of dollars in restoration and rehabilitation funds and the overall slow pace of the watershed and restoration work.

I should also point out, as we have done repeatedly in meetings, personal communications and within the Community Protection and Local Economy Alternative,

that we were not asking that all watershed and road restoration work within the Middle East Fork HFRA project area be implemented as part of this project. Rather, we clearly articulated that all watershed and road restoration work within the Middle East Fork HFRA project area be identified (along with an economic analysis of the dollar amount needed to complete all the identified work) and that from the identified work a prioritized list of watershed and road restoration work be created.

Despite the setback with the watershed restoration work being eliminated from this Healthy Forest Restoration Act project, Alternative 3 still included 1,600 acres of fuel reduction work on Forest Service land, including 600 acres of strategic fuel reduction within a 1/4 mile Community Protection Zone around structures within the project area and an additional 1,000 acres of fuel reduction work outside of that zone but still within the wildland-Urban Interface. According to the Forest Service, this plan would have generated $1 million in labor income and provide 45 local jobs in the Bitterroot Valley.

Unfortunately, some in the logging industry knowingly misled the public when they characterized this alternative as "no action on the forest except for a small amount of work done around houses and raking needles from under decks." I guess only a logging industry lobbyist could see local conservation organizations supporting and encouraging fuel reduction on 1,600 acres of Forest Service land that would generate $1 million in local labor income and provide 45 jobs as "no action" and just "raking needles from under decks." I'd also like to point out to the Committee that when the Montana Logging Association filed their official HFRA objection on this project they stated, "Alternative 3 must be stricken from the FEIS document." It really seems quite remarkable to me that the logging industry would go to such lengths to purge a fuel reduction project that would reduce fuels on 1,600 acres, pump $1 million in local economy and create 45 jobs.

During the late spring and summer of 2005, while the Bitterroot National Forest was accepting public comments on their Draft EIS for the Middle East Fork Hazardous Fuel Reduction project, we began to notice on field monitoring trips into he project area that the Forest Service was busy marking logging units, helicopter landing pads and temporary roads based solely on their preferred alternative. In other words, months before the eventual Record of Decision for the Middle East Fork HFRA project would be signed (in April 2006), and while accepting public comments on the draft project, the Forest Service was using taxpayer dollars to mark logging units associated with their preferred alternative. Just how much money did they spend? Information obtained from the Bitterroot National Forest via a FOIA request shows that at least $208,000 in taxpayer funds were used to mark logging units during the public comment period and prior to any official decision.

Whether technically legal or not, I hope members of this Committee will realize that this pre-decisional expenditure of $208,000 in taxpayer funds does a huge disservice to genuine democratic process and collaboration and only serves to poison civic participation.

A few days after this pre-decisional expenditure of taxpayer funds was revealed to the public, on September 22, 2005, Bitterroot National Forest Supervisor Bull released the Final EIS for the Middle East Fork HFRA project with a press conference at the Supervisor's Office of the Bitterroot National Forest in Hamilton, MT. When members of Friends of the Bitterroot were informed by the media of this press conference announcing the release of the much anticipated Final EIS for the Middle East Fork HFRA project they went to the Bitterroot National Forest headquarters.

"I was removed from the press conference at the public Bitterroot National Forest office under escort by an armed Forest Service law enforcement officer who was wearing a bullet-proof vest," explained Jim Miller, 53, President of Friends of the Bitterroot. "We're not dangerous. All we were armed with was pen and paper to take notes. We can only assume that what Supervisor Bull and the Forest Service fear most is the truth."

Also barred from attending the public press conference at the Bitterroot National Forest office were longtime Bitterroot Valley residents and members of Friends of the Bitterroot, Stewart Brandborg and Larry Campbell.

Eighty years young, Brandborg is a former Forest Service wildlife biologist whose father was the Supervisor of the Bitterroot National Forest from 1935 to 1955. In fact, a photo of Brandborg's father still hangs in the hallway of the Supervisor's office where he was turned away from the press conference.

"My father was a supervisor on this forest for twenty years. I have an interest in what is taking place on this public forest and want to witness it. I've never been barred from attending a public press conference in sixty years of conservation work." According to Brandborg, the Bitterroot National Forest had hand-selected those who could attend the press conference in the Bitterroot National Forest Headquarters of-

fice, only allowing individuals to attend who support the Bitterroot National Forest's controversial HFRA project.

Ironically, back in 2001, Campbell, 57, was on the receiving end of an assault in the parking lot of this very same Forest Service office. Campbell was assaulted, spit on and threatened by a band of approximately a dozen loggers right in the parking lot of the Bitterroot Supervisor's office in Hamilton as he emerged from inside the office after picking up some public documents. "Bitterroot National Forest officials did absolutely nothing about the assault and made no attempts to come to my rescue. Instead Forest Service officials simply sat inside the office and peered out the window as the assault took place," related Campbell.

During the official HFRA objection process, which took place in October 2005, the Bitterroot National Forest received two official HFRA objections to the project from families that live in the East Fork community, as well as objections from longtime Bitterroot Valley residents and two Ph.D. faculty members at the University of Montana's School of Forestry. Official HFRA objections were also received from the logging industry, as well as the local conservation groups that helped develop the Community Protection and Local Economy Alternative.

In the nearly six months between when the HFRA objections were filed and when the Record of Decision was signed, the Bitterroot National Forest made no attempt to work with our organization, except for a brief phone call I received from Supervisor Bull in January 2006.

During the entire time our organization participated in the development of the Middle East Fork HFRA project we clearly stated to the Forest Service, East Fork community and the general public that we were very supportive of effective community wildfire protection work going forward in the area, and we remain supportive of the effective community wildfire protection work going forward to this day. In October 2005 we even meet personally with Undersecretary of Agriculture Mark Rey to urge the Forest Service to consider splitting the Middle East Fork HFRA project into two Records of Decision—one that would immediately implement the 1,600 acres of common-ground community fuel reduction work found in Alternative 3, and a second decision that would have included the controversial aspects of this project, including logging of large trees far from the nearest homes and outside of the WUI.

The Forest Service refused these repeated requests and instead signed a Record of Decision that opted to defer a small portion of the Middle East Fork HFRA project that was clearly illegal due to soils issues (with the full intention of bringing back this portion of the project at a later date), while still going ahead with misguided logging of large trees in previously unlogged forests that don't pose an immediate threat to scattered homes found up the East Fork.

In late April 2006, our organization, along with Friends of the Bitterroot, filed a lawsuit on the Middle East Fork HFRA project and currently that lawsuit is making its way through the judicial system. In the meantime, the Forest Service is going forward with auctioning off some of the first timber sale contracts that are part of this project and they expect work to begin in late August or early September.

In the Forest Service's legal brief, the government states, "Fire season is fast approaching, and delaying the (Middle East Fork) Project even for a short period increases the risk that if a fire occurs, it will be severe."

Yet, relegated to the background is the surprising scientific truth stated clearly in the Forest Service's own environmental impact statement (p. 3.1-38): "Generally, for logistical and economic reasons, the larger fuels are treated first and the treatment of smaller fuels typically follows 1-3 years later. During that time period, before treatment is complete, fire behavior severity is increased."

What lessons can be learned from our situation with the Bitterroot National Forest's Middle East Fork HFRA project?

First and foremost, any HFRA project needs an open, honest and inclusive collaborative process that includes participation from a diverse set of stakeholders. When various stakeholders and the Forest Service already have issues with mistrust, an open, honest and inclusive process becomes all the more important. Collaboration does not include the Forest Service coming to an initial HFRA meeting with logging units already mapped out, as was the case with the Middle East Fork HFRA project.

It is highly inefficient for the Forest Service to tie bona-fide community wildfire protection work with industrial logging of large trees further from homes and, in some cases, outside of the Wildland-Urban Interface. If the goal of a project is to help offer some protection to a community in the event of a wildfire that should drive the project, not industrial logging of large trees in the backcountry. If the Forest Service attempts to tie misguided logging with community protection, controversy increases and the project is often placed on shaky legal ground.

In order to help this Committee understand the level of concern and opposition that the Middle East Fork HFRA project and process elicited I'm including the following information in this testimony:

> "When you lay out expected receipts and costs, this would bring into focus that costs will far exceed receipts. It would be clear that timber sales would not fund your healthy forest goal. . . . You say that selling timber, even at a loss, provides you with funds to partly offset the cost of doing Healthy Forest work on lands adjacent to the logged area. I don't think this is true on the Bitterroot or other Region 1 Forests. . . . I can't see how you can fund any part of the off sale acres you desire to treat under the Healthy Forest Act."
>
> *—Bob Wolfe to Supervisor Dave Bull specifically about the Middle East Fork HFRA project (Sept. 29, 2005)*

> ". . . there has been a consistent, deliberate removal of information that accurately portrayed the conditions of the soils and the prescriptions and mitigations needed to address those degraded soil conditions. Therefore, I can not support the DEIS in terms of assuring we are meeting the SQS. I can no longer say the proposed actions are legal regarding NFMA and other pertinent laws and FS policies. I am very disappointed that all my hard work has been erroneously reinterpreted, rewritten and changed far from what I wrote and intended by the editor(s) who weren't even on the ground doing soils investigations in this project area!"
>
> *—Ken McBride to Supervisor Dave Bull (May 5, 2005). McBride was the Bitterroot NF's soil scientist for 16 years before retiring in the fall of 2005.*

Text of Official Middle East Fork HFRA Objection received on October 14, 2005 from Robert S. Francis, 2546 E. Fork Rd., Sula, MT 59871

"I wish to object to the planned 'preferred' Alternative #2 that would 'treat' 6,472 acres instead of Alternative 3 that would impact 1,064 acres. I object on a personal and a general basis.

On a personal level my objection is based on the fact that my ranch house is next to Forest Service road #5778. The logging truck traffic resulting from Alternative #2 will make that structure uninhabitable. This observation is based on a small project set up by Sula Ranger Hollingshead last year. Her total lack of courtesy and consideration resulted in logging trucks roaring by our house at 3 am. I have no hope that attitude will change.

On a general level I object to the premise that logging, etc outside the 400 meter zone protecting property is useful. There is no evidence it helps stops wildfires. In fact, there is ample evidence that logging increases the intensity of fires due to the drying effect on the understory and the piles of tinder-dry trash, slash, et at logging sites.

On a general level I object to the premise that logging will affect the Douglas-fir bark beetle epidemic. There is ample historical data that shows this is a normal, cyclical process. It is natures way of thinning. Logging does not cure it. To use this infestation as an excuse to 'get the cut out' is, at best, intellectually dishonest. This course of action makes sense only if one accepts the attitude that our national forest is a tree farm—not an ecosystem. I do not share that attitude.

I object to Alternative #2 on an economic basis—as a taxpayer. Logging is a notorious money-loser. The value placed on the product is much too low. If my corporation conducted business the way you folks do, we would have gone out of business years ago.

Finally, I object to the heavy-handed methods used to ram Alternative #2 down my throat. Under the guise of getting 'community support' you have used scare tactics, and have hand-picked certain people for 'testimonials' that support the plan you wee going to use—no matter what.

I have one last request—please give me at least 3 months warming before the log trucks start rolling along road #5778, so I can move out."

Text of Official Middle East Fork HFRA Objection received on October 24, 2005 from Jed and Jessica Fitzpatrick, PO Box 45, Sula, MT 59871

"My wife, daughter and I live on the eastern edge of the project's boundary and feel that Alternative 2, the proposed alternative, will negatively affect this area. Treating nearly 6000 acres through the prescribed methods will greatly increase the spread of noxious weeds, disturb fragile soil systems, greatly increase sediment (26 tons) into the Bitterroot River, while not reducing the urban fire threat or the pine beetle infestations.

We support Alternative 3 for this project because it focuses on urban interface, rather than backcountry logging. Alternative 3 would resolve the questionable aspects of the project proposed."

Text of Official Middle East Fork HFRA Objection received on October 24, 2005 from Cheryl Holden Rice and Jack D. Rice, 329 El Capitan Loop, Stevensville, MT 59870

"In the 1860s, a twice-widowed grandmother Eliza and her Carlton and Holden sons settled on what they named Carlton Creek fed by Carlton Lakes off Carlton Ridge and Lolo Peak. Larry Creek Campground is namesake to her third husband Larry Lavey. My grandchildren are seventh-generation to the Bitter Root Valley, where seven of their fourth-great-grandparents worked it. Moreover, a sister and some cousins share eight generations in the local timber industry. By 1993 in this valley, 53 different surnames of families over the century are my relatives, some providing other names on the landscape. Like the Salish before us, when we marry and have children, we make certain we do not marry a blood relative. Therefore, we knew our neighbors, and for the most part, still do. We wave to each other in recognition. Importantly, we also know that our forests enrich our lives through the ages.

Last spring, a tour organized by Montana environmentalists and loggers peaked my interest. I joined them up the Middle East Fork of the Bitterroot, an area ravaged by the fire of 2000. There, Bitterroot National Forest Supervisor Dave Bull introduced himself when he kindly invited me a ride up. Instrumental in obtaining the first approval under the Healthy Forests Restoration Act, Mr. Bull merits praise. Riding next to me was Bill Glasser, owner and builder of southern Bitter Root's Lost Trail Ski Resort. He graciously shared special sunglasses to better depict the expanse of bark beetle-killed trees.

I also met Matthew Koehler who represented Native Forest Network. Perceptively, he initiated the public tour after many trips to study the area. He, like my timber family, cares about the forest for the sake of the forest, which includes people, wildlife, and flora. We both realize that, unlike coastal areas, our semi-arid valley does not allow trees to rapidly replenish as is evident in clear cuts. As Mr. Glasser told me, the seeding and planting up the West Fork after the fire, is damaged by drought.

That morning, a welcome gentle spring mountain rain with its wet, pungent, charcoal snags and downed timber amidst beetle-killed stands awoke the memory of fire. Also, miles of numerous road strings over this range reminded one of others who left their mark, including my family of sawyers and loggers. As the sky cleared, birds reveled among a freshly washed, sprouting, newborn forest. On mountain tops, we each contemplated what is best for this forest and the life bound to flourish with time.

Each soul among us seemed to agree that the urban-interface below the ridges is our first concern. Close trees shelter most homes along Middle East Fork. Everyone I questioned agreed that just as I am responsible for the huge poplar over my roof, neighbors who chose to live in the forest have personal responsibility to protect their homes from the trees in their yards. Significantly, Mr. Koehler pointed out alternative 3 focus on these homes with crucial concern for our neighbors. That is consensus.

Then in September my husband and I learned that last summer Mr. Bull, who decided on alternative 2, prematurely authorized $208,000 of taxpayer money to mark trees to be cut before any final decision was properly made. We drove up Middle East Fork to see. Trees still hover over private homes. Two bore blue bands depicting a future cut. Driving up logging roads in the area visited in spring, we saw no fire or beetle killed trees marked blue. Green, healthy, blue-ribbon trees of various sizes were to be cut.

Having stated our views in June, we continue to support alternative 3 with its immediate treatment to 1,587 acres to protect homes about a mile on both sides of the river's Middle East Fork and, upon completion, with opportunity to address bums, beetles, fuel reduction and restoration further back.

Whether outfitter, logger millworker, forester, scientist, environmentalist, conservationist, or anyone else, Bitterrooters wave to neighbors. We can work together as demonstrated for generations and by the tour. Richly blessed with a Bitterroot forest that is home to most of us, let us ensure this into eternity. Consensus for treatment of nearly 1,600 USDA acres toward a healthy forest with homes that would bring about 45 jobs and $1 million local labor income is a first-rate start!"

Text of Official Middle East Fork HFRA Objection received on October 14, 2005 from Stephen F. Siebert, Professor, Department of Forest Management, University of Montana College of Forestry and Conservation, 6310 Woods Rd., Missoula, MT 59802

"I am writing to express my opposition to the Middle East Fork Hazardous Fuel Reduction project in terms of both substance and process. While I do not have official standing to file an objection, I submit this statement for the record. I visited several forest stands that will be impacted by the proposed project this past summer, attended the field trip that Forest Supervisor Dave Bull organized for College of Forestry and Conservation faculty members, attended the public meeting in Hamilton, and was a panel discussant at the Missoula public meeting.

On the faculty field trip and at the public meetings, numerous questions and concerns were raised with regard to Bitterroot national Forest assumptions about fire regimes and behavior, potential to control bark beetle infestation, noxious weed invasions, elk forage cover relationships, soil compaction, stream sedimentation, and fisheries. In my opinion, these concerns have not be adequately addressed.

Give the inherent uncertainty and unpredictability of management actions in a project of this scale, a case could be made to pursue the proposed alternative as a learning exercise. This would necessitate documenting, monitoring and assessing impacts through rigorous, replicated, randomized studies with adequate controls. However, as proposed, the project will not serve this function either.

Based on the failure of the Forest Service to address substantive concerns about the proposed alternative and the dismal decision-making process (particularly the selective inclusion of the public and ejection of some members of the public from the public announcement meeting), the Bitterroot National Forest Sula District has achieved 'catastrophic success.' The American public and the U.S. Forest Service deserve better."

Text of Official Middle East Fork HFRA Objection received on October 24, 2005 from Diana L. Six, PhD, Associate Professor of Forest Entomology/Pathology, Director, UM Mentoring Program for Women in Science, Dept. of Ecosystem and Conservation Sciences, University of Montana College of Forestry and Conservation, Missoula, MT 59812

"The Middle East Fork Hazardous Fuel Reduction Project has substantial problems in its design and its ability to meet its stated objectives. I will restrict my comments to planned work outside of the urban interface zone as that work is clearly needed, meets objectives, and is not in contention. In contrast to the community protection zone, much of the additional work that is planned, especially in the higher elevations, is not likely to meet objectives and may even work counter to them. This area is primarily composed of mixed fire intensity stands which do not behave the same as low elevation low intensity high frequency fire adapted stands and thus cannot be assumed to respond the same ways to thinning treatments. By opening these stands they become drier and windier and can burn hotter (per comments by fire expert Ron Wakimoto and others). Furthermore, as planned, these are spacing treatments not restoration treatments that truly attempt to restore historic stand structure and function (see Franklin et al, . . .). The lack of application and use of current knowledge in the ecological sciences and ecosystem management principles in this project is as disturbing as the apparent poor understanding of when and where to properly apply certain types of treatments.

My expertise lies in insects and disease of forests and in genetics and I will confine the majority of my remaining comments to these topics. Thinning of stands to reduce tree susceptibility to bark beetles can be a very effective preventative strategy when applied properly and at the correct time. While the efficacy of thinning in Douglas-fir remains to be tested it is likely to be effective in many situations. Thinning works by releasing trees in overdense stands from competition. This release means that trees have higher levels of resources of which some then be made available to produce defensive compounds. While Douglas-fir does not use pitch to defend itself against beetles as do pines, it has other defenses that are resource dependant. The effects of thinning, however, are not immediate. Typically, trees in thinned stands become more susceptible immediately after thinning due to changes in stand conditions including increased light and wind to which they are not accustomed. After a lag period of one or more years, trees then often exhibit an increase in their defensive capabilities and become more resistant. Therefore, immediately after thinning, trees become more susceptible-if thinning is done in a stand with high levels of beetle activity this can increase, not decrease, mortality. Such treatments, therefore, are most appropriate and effective as preventative treatments applied before beetles become active in considerable numbers in an area.

In epidemic situations, such as the areas affected by the project, thinning is ineffective and may exacerbate mortality in remaining trees. Such efforts and expense would be better placed into areas on the Bitterroot Forest where beetles are not yet active but where conditions would support increases in their populations and where the treatments can do some good and are appropriate. This project will not reduce beetle populations or mortality due to the small amount of area being treated relative to the size of the infestation and thinning in these areas is not likely to help save the remaining live trees.

Another concern with the project is the source of stock to be used for replanting at some of the sites. It is now well known, and has been for some time, that replanting with trees not native (same species) to the site can be devastating to the long term health and function of a forest. Forest geneticists have recommended that replanting should be done using seed sources from the site as this assures replacement of dead trees with site-adapted trees and less of a potential for losses in genetic diversity if seed is properly collected. The genetic diversity present in a stand is ultimately tied to how well a forest is able to deal with changes in the environment that occur in the short and long term. Unfortunately in the past, and still in many places currently, the value of maintaining genetic diversity is not understood. Nor is the fact that trees are site-adapted to more than just temperature, elevation, precipitation and soils at a site. We now know that more than optimal site conditions for tree growth are important in maintaining a healthy forest. The genetics of trees at particular sites have resulted from millennia of adaptation to conditions that go well beyond temperature, precipitation and soils and include susceptibility to many diseases and insects, ability to survive prolonged drought, and other disturbances. Problems related to the genetics of offsite trees often do not show up until decades after planting. By that time, the trees have produced pollen that has spread throughout the forest and their alleles have been incorporated into the genomes of the "native" trees potentially polluting and diluting the genetic pool and affecting adaptive traits that evolved there. Once this happens it cannot be reversed.

I hope the Forest will reconsider the non-community zone portion of this project and in the future base more of their management on ecological principles and the best available science. Management is clearly need in many places but should always strive to use the best information available to ensure the greatest likelihood of doing good."

Ravalli Republic (Hamilton, Montana) Letters to Editor—June 20, 2006 Middle East Fork project needs examined

By Jed Fitzpatrick, Sula, MT

I would like to comment on the Middle East Fork Hazardous Fuel Reduction Project scheduled to begin soon in Sula. My family and I live year round here in Sula on the far Eastern end of the project boundary. We have been involved with this project from its inception, attending the community meetings and receiving all the literature from the Forest Service pertaining to this project.

We feel the "collaborative effort" touted by the Forest Service on this project has created much confusion and argument from the beginning. The meetings at the Sula Clubhouse were very poorly orchestrated and mediated by Forest Service management, leading to more of a community argument rather than a constructive debate. What you know now as the Middle East Fork Hazardous Fuel Reeducation project, 11 million board feet of timber harvested, apparently spawned from these two disorganized meetings. I do not believe this project originated from these meetings, and I feel our community has been unfairly divided and used as leverage on an issue we actually have no say in.

This beautiful valley teems with game and is probably the most coveted mule deer special tag area in the state; huge herds of big horn sheep inhabit the same country. Logging and burning will obviously affect these critters, not to mention the hunters trying to find the game while helicopter logging operations continue throughout the hunting season.

I urge everyone on both sides of the fence on this project to examine it closely as I have done, and ask yourself if this project is actually "healthy" for our forest and this community.

DeBaugan HFRA Project, Lolo National Forest, Montana

The WildWest Institute, West End Volunteer Fire Department and others local residents, businesses and conservation groups are currently engaged in a collaborative process through the Healthy Forests Restoration Act with the Superior District of the Lolo National Forest to develop a common sense plan for fuel reduction work on Forest Service land directly around the greater DeBorgia, Montana area.

Thankfully, our experience with the DeBaugan HFRA process on the Lolo National Forest has been night and day different from our experience with the Middle East Fork HFRA project/process. In fact, to date, it's been a refreshing process and I personally believe that Superior District Ranger Rob Harper and his staff deserve a lot of credit. Credit also needs to go to the West End Volunteer Fire Department and their Chief Bruce Charles who have been instrumental in keeping this process flowing smoothly, as well as a local organization called the Happy Homemakers, who have graciously provided the beautiful DeBorgia School House (which again, was one of the only buildings in the entire area to survive the 1910 Fires), as well as tasty cookies and brownies, for all our the HFRA collaborative meetings.

According to the Forest Service's own scoping document for this HFRA project, the DeBaugan collaborative group (so named for the communities of DeBorgia and Haugan) was formed in early 2005 by the community members and environmental group representatives from Missoula. Since May of 2005, there have been six HFRA collaborative public meetings and two HFRA collaborative public field trips to discuss how to effectively protect homes from wildfire, current forest fuel conditions and potential fuel reduction opportunities.

These HFRA collaborative meetings and field trips have been facilitated not by the Forest Service, but by outside facilitation provided by Dr. Jim Burchfield, assistant Dean of the University of Montana's School of Forestry and Conservation. Dr. Burchfield has done an excellent job and the outside facilitation has a allowed the collaborative group to build trust, rather than fight with a facilitator who might have their own agenda. Attendance at these HFRA collaborative meetings and fieldtrips has been very high, with 114 individuals participating, which given the small populations in these communities is quite remarkable.

Just to be clear and for comparisons purposes, the Bitterroot National Forest held only one official HFRA collaborative meeting and no public fieldtrip for the Middle East Fork project, while as you can see the Lolo National Forest has held six official HFRA collaborative meetings and two HFRA collaborative field trips.

Again, according to the Forest Service's own scoping document for this HFRA project, based upon this intensive nine-month effort, the DeBaugan collaborative group developed a proposal to reduce fuels near the edge of National Forest lands and in most cases immediately adjacent to private land near the communities. The proposal specifies fuel reduction activities on 5,732 acres through prescribed burning and cutting, removal and slashing of small trees.

While the WildWest Institute and other conservation groups involved are very supportive of fuel reduction work around the DeBorgia area on Forest Service land to help protect the community from wildfire, we do have some concerns with the Forest Service's proposal as it now stands. We have let the Forest Service and collaborative group know that our concerns center around issues related to old-growth forests, soils, water quality, roads and endangered species such as lynx and bull trout. We are optimistic that these concerns will be properly addressed and rectified as the Forest Service goes through the environmental effects analysis and puts together an Environmental Impact Statement.

However, unlike our experience with the Bitterroot National Forest on the Middle East Fork HFRA project—where the Forest Service refused for over a year to even consider making changes to their project and government officials insisted at all costs that they knew what was right—the Lolo National Forest has been very upfront and open to changes in the project stating in their official scoping document that "the proposal may be modified, additional actions proposed to mitigate negative effects, or dropped from consideration as needed to meet federal and state laws, Forest Service regulations and policy, and Lolo Forest Plan standards, objectives and guidelines."

The Forest Service has informed the collaborative group that fuel reduction work on the Forest Service lands around the DeBorgia area will not be implemented until at least 2009 due to the HFRA process, Forest Service budget issues and unforeseen circumstances that have drawn Forest Service employees off their regular duty, including a human-caused wildfire along Interstate 90 last year, as well as Hurricane Katrina.

It's interesting to note that when the collaborative group was informed last summer that it would be at least 2009 until this project would be implemented community members, the volunteer fire department and conservationists asked the Forest Service to consider moving forward with the most important community fuel reduction work under the provisions of the Categorical Exclusion authority. We were told that doing so would move the HFRA project back even further.

This experience, coupled with accounts such as the one given recently by Senator Bingaman, really illustrate to me the serious nature of the Forest Service's budget crisis.

Furthermore, the fact that work on the DeBaugan HFRA will not begin until at least 2009 just further emphasizes the importance of the defensible space work around the homes of elderly members of the community, along key roads in the community and near the firehouse and community center that the WildWest Institute and West End Volunteer Fire Department completed this past May as part of our DeBorgia Community Wildfire Protection Work Weekend.

What more could be done to improve upon HFRA and what steps could the Administration take to improve its implementation of HFRA?

Based on my experience with the HFRA process and resulting projects, and a review of the administration's FY 2007 budget request, I would like to make the following observations and recommendations.

1. The Forest Service's "Healthy Forests" budget does not provide adequate support for community wildfire protection efforts on non-federal lands where it would be most effective, especially since nationally 85% of the land proposing a risk to communities in non-federal land.
2. While increasing the budget for the timber sale program, the Administration's FY 2007 proposed Forest Service budget also would eliminate the Economic Action Program that provides funding for communities to conduct assessments for wildfire risk and planning for defensible space. Furthermore, the State and Volunteer Fire Assistance programs, which provide for community wildfire protection planning and projects through both the State and Private Forestry and Wildland Fire Management programs would be cut by nearly $23 million—a 30 percent reduction.
3. Environmentally harmful logging that does not enhance community protection or forest health is being included in HFRA and HFI projects. Paying for bona-fide community wildfire protection projects and ecologically-based restoration work through the federal timber sale program does not work. This practice not only increases controversy and mistrust among various stakeholders, but commercial timber sales often increase fire risk and severity and cause additional restoration needs.
4. The required HFRA collaborative process is, in some cases, being ignored, or highly manipulated, by the Forest Service. Again, this practice only serves to increase controversy and mistrust among various stakeholders. An open, honest and inclusive collaborative process with outside facilitation appears to be the best course of action.
5. The old growth forests and large tree retention requirements of the HFRA are, in some cases, being ignored and/or manipulated by the Forest Service in order to cut down large trees. Once again, this practice only serves to increase controversy and mistrust among various stakeholders, not to mention that it may result in increased fire risk and severity as well as significant damage to overall forest health.

For all future HFRA projects I would urge:

1. That a greater portion of the Forest Service "Healthy Forests" budget be dedicated to non-federal lands in the Wildland-Urban Interface. In FY 2007 the administration proposes to spend only 4% of the funding in this area that makes up 85% of the risk nation-wide.
2. That when developing fuel reduction projects to protect communities from wildfire the Forest Service and BLM focus fuel reduction activities within the 1/4 mile Community Protection Zone. Given limited resources and limited time, it makes most sense to focus fuel reduction activities immediately around a community rather on the larger WUI, which in some CWPPs extends out 1/2 to three miles or more. Another advantage of focusing limited time and resources within the CPZ is that we can ensure that more at-risk communities are protected.
3. That the Forest Service allow the local collaborative process to work and together with a diverse set of stakeholders help design authentic community wildfire protection and restoration projects, not just timber sales under the guise of community wildfire protection and restoration. In order to help with this effort, the Forest Service should seek outside facilitation for the HFRA collaborative process and begin working more closely with independent researchers and scientists at colleges and universities throughout the country to make sure that protects are based on the best available science.
4. That old growth logging and cutting of large trees and entry into roadless wildlands be prohibited in all future HFRA and Healthy Forests Initiative projects. This practice only serves to increase controversy and mistrust among

various stakeholders and takes valuable resources away from bona-fide community wildfire protection and ecologically-based restoration projects.

Mr. Chairman and members of this Committee, I look forward to answering any questions that you may have and thank you for the opportunity to testify at this important hearing to review implementation of the Healthy Forest Restoration Act.

Senator CRAIG. Matthew, thank you very much. Now, Commissioner MacLeod.

STATEMENT OF COLLEEN MACLEOD, COMMISSIONER, UNION COUNTY, OR, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Ms. MACLEOD. Good morning Chairman Craig, Senator Wyden, Senator Bingaman. Thank you for the opportunity and the honor of testifying before you this morning.

I am Colleen MacLeod, a commissioner from Union County in the northeast corner of Oregon. I appear before you today on behalf of the National Association of Counties.

While every county is unique, I believe that our experiences using the tools of the Healthy Forest Restoration Act to improve forest health and protect our communities are typical of those of many of my fellow county officials across the country.

Our county is mountainous, heavily forested and covers over a million three hundred thousand acres. Half of that land is in Federal ownership. As you might well imagine, we, as a board of commissioners, devote a great deal of attention, time and funds in an effort to repair the damage to our economy and declining health of the forests that surround us.

We are fortunate to be represented here in Washington by your colleagues on this committee, Ranking Member Ron Wyden and Senator Gordon Smith, as well as by your counterpart in the other chamber, Greg Walden, chairman of that committee. They are all tireless advocates for our natural resource-based communities. So, perhaps it is not entirely coincidental that we enjoy a terrific relationship with our local Federal forest managers.

We are also fortunate in that our county still has three working mills that have the potential to process the timber that clogs our forests and threatens our surrounding communities. Mills that have managed to hold on despite the fact they can not depend on the Federal forests that surround us. They have managed to exist through that 180 degree turn, where the public lands that were originally designed to insure resources to our Nation, have now deferred that responsibility back to a dwindling supply of private ownership.

Our efforts to creating a meaningful wildfire plan have been more successful and useful due to our record of teamwork. We were participants in efforts such as the Blue Mountain Demonstration Project and have an appointed Forestry Restoration Board with very broad representation. It is not a flawless process, nor does it guarantee that groups participating in that collaborative process will forgo their right to appeal projects recommended by the group. It is, however, an open process that invites discussion before litigation and demands justification for litigation after the process.

Our collaborative efforts on our plan have been a model. The core planning team included members from Federal and State agencies,

local and tribal governments as well as representation from private landowners, industry and small rural fire protection districts. The resulting document from this professional collaboration and the subsequent community meetings, is an in depth analysis of wildfire risk assessment. It was designed to reduce the potential for wildfires that threaten the people, resources, structures and infrastructures that the people in my county value.

Process was data-based approached and combined information and expertise of the planning agency members. Sixteen WUI areas were identified and their risk level was ranked. The responsibility for implementing those projects was determined by specific landowner or managing agency.

Each WUI area contained multiple uses and unique concerns, and what became clear to us was that no one project could be implemented entirely within one agency or at one level of government. Due to our process of sharing those resources and combined knowledge we've had the ability to combine this disparate data and prepare and refine a comprehensive plan.

So, where do we go from here? What do we do now that the planning is done? What needs to be done is powerful knowledge. However, powerful knowledge requires equally powerful action. Planning without proper implementation is a wasted process.

On the private side, landowners in the affected areas are stepping up and cleaning house. Residents are creating defensible space, thinning overstocked stands, planting fire resistant vegetation, and improving emergency access. They have been able to access over a half million dollars in Fire Plan money and some commercial thinning they've done has provided funding to reduce their costs and vulnerability.

On the public lands side, the risk reduction efforts have been much slower. Restoration and fire hazard reduction on public land is a process of running through sand. If the lawsuits don't get you, then the paperwork will.

There is little comfort and safety assurance to a landowner who's taken the necessary steps to fire proof his property, only to find the process of treating the Federal land that surrounds him is either 2 years out in the planning process, or held up by litigation in the courts somewhere. It does no good to fire proof one room in your home if the rest of your house is a house fire waiting to happen.

HFRA and HFI have been helpful to us, but we still run into regulatory issues like Eastside Forest Screens, PACFISH or the endangered species, issues that prevent us from doing needed treatment and require we do a EA to amend our forest plan. An EA usually takes 2 years from start to finish. Unfortunately forest fires do not work on schedule. The categorical exclusions in the Restoration Plan have allowed us more flexibility, but those usually take a year from start to finish and awarding of a stewardship contract.

No matter what our level of collaboration, and we work really hard at that in my county, we expect some form of appeal on every project and it has become a tool for obstruction and delay.

In closing, I ask you to continue to take what ever steps necessary to remedy this timeframe for restoring forest health. We need to get on with things. The forest needs our help and the citizens of this Nation need our help.

If you have not viewed the literal cauterization that happens to an overstocked forest after a major fire, I can tell you first hand that it is no longer protection, nor habitat for man, beast vegetation or watershed.

I am one of those residents in the WUIs who looks directly out my front window every day at an overstocked, unhealthy forest, a forest that suffers from lack of treatment mainly because it had the misfortune to be designated wilderness, oh, I'm done, I'm almost done. This is not designated wilderness because it's sat untouched by human activity. It has actually been accessed and used extensively for years.

No, I am not one of those people who seem to be drawing derision for building new McMansion out where others deem they shouldn't. My home and the homes of my neighbors have been in place along the base of that mountain for over 100 years. The humans, the resources and the wildlife in that forest have managed to co exist in a multi-use forest framework for decades. The hand thinning we've managed to get through the restoration project will be no match for even a small fire. I have furnished you a photo I took from my driveway of a fire over the ridge a couple of years ago. Residents of my county and all across the landscape of public lands shouldn't have to live with this kind of preventable threat.

Thank you for listening and for your ongoing efforts.

[The prepared statement of Ms. MacLeod follows:]

PREPARED STATEMENT OF COLLEEN MACLEOD, COMMISSIONER, UNION COUNTY, OR, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Good morning Chairman Craig and Senator Wyden. Thank you for the opportunity and the honor of testifying before you this morning.

My name is Colleen MacLeod. I am a County Commissioner from Union County in the Northeast corner of Oregon. I appear before you today on behalf of the National Association of Counties.

While every county is unique, I believe that our experiences using the tools of the Healthy Forest Restoration Act (HFRA) to improve forest health and protect our communities are typical of those of many of my fellow county officials across the country.

Union County is located in the Wallowa Whitman National Forest, which, along with the Umatilla and Malheur National Forest comprise what is known as the Iron Triangle.

Our county is mountainous, heavily forested and covers over a million three hundred thousand acres. Half of that land is in federal ownership. As you might well imagine, we, as a Board of Commissioners, devote a great deal of attention, time and funds to try to restore the natural resource balance in our region; a region that has suffered economic upheavals and declining forest health over the past several decades.

Mr. Chairman, as you may know, Union County is fortunate to be represented here in Washington by your colleagues on this Committee, Ranking Member Ron Wyden and Senator Gordon Smith, as well as by your counterpart in the other chamber, Chairman Greg Walden—all tireless advocates for our natural resource-based communities. Perhaps it is not entirely coincidental that we enjoy a terrific relationship with our local federal land managers.

Having said that, I must let you know that as I prepared for this hearing many of my fellow county officials from across the country have wanted me to emphasize the positive working relationships and collaboration that they also enjoy with their federal partners. For one excellent example of these partnerships, please see the attachments* describing the collaboration between the New Mexico Association of Counties, the BLM and the New Mexico State Forestry Division. Mr. Chairman, as you know, NACo has not hesitated to be sharply critical of these agencies in the

*All attachments have been retained in subcommittee files.

past, but in this case, Chief Bosworth and Director Clarke are getting the message out to their people on the front lines, and it is making a difference.

We in Union County are also fortunate in that we have retained some of the infrastructure essential for large forest health improvement projects. We still have three working mills able to process the trees that clog our forests and threaten our surrounding communities. Those mills have managed to survive, in spite of the fact they can not depend on the federal forests that surround us for their timber supply. They have managed to exist through that 180 degree turn, where the public lands that were orginally designed to insure resources to our nation, have now deferred that responsibility back to a dwindling supply on private land.

We also have the advantage of having been early practitioners of the kind of collaboration this committee has endorsed in HFRA and other legislation in recent years. We have, by design and through necessity, built a consistently open and collaborative working relationship with our federal, state and local partners. It has been an effort to move forward and remedy what we perceive as an imbalance. Our efforts at creating a meaningful Union County Community Wildfire Plan have been more successful and useful due to our history of teamwork. We have historically been participants in efforts such as the Blue Mountain Demonstration Project and have had, since 2001 a local Forestry Restoration Board. That board tours project sites and collaborates on outcomes for planned USFS projects. Appointees to that board represent the county, federal and state forestry, tribes, fish and wildlife, marine fisheries, ranching, small woodlands, environmental and industry. It is not a flawless process, nor does it guarantee that its projects will not be appealed. It is, however, an open process that invites discussion before litigation and demands justification for litigation after the process.

The collaborative effort on our CWPP has been a model. We started early and we cast our participation nets very wide. The core planning team included members from federal and state agencies, local and tribal governments as well as representation from private landowners, industry, small rural fire protection districts and emergency service providers. The resulting document from this professional collaboration and the subsequent community meetings, is an in depth analysis of wildfire risk assessment. It was designed to reduce the potential for wildfires that threaten the people, the resources, structures and infrastructures that the people in my county value.

Our CWPP process was a methodical, data-based approach that combined the information and expertise of the planning agency members. Sixteen Wildland Urban Interface (WUI) areas were identified and their risk level was ranked based on such factors as population, level of development, topography, vegetation and weather patterns. The responsibility for implementing projects was determined by specific landowner or managing agency. Buy-in to hazard mitigation was obtained by comprehensive participation through the project identification process.

Although each WUI area has within in it, multiple uses and unique concerns, what became clear was that no one project could be implemented entirely within one agency or at one level of government. Due to our process of shared resources and combined knowledge we have had the ability to combine this disparate data and prepare and refine this comprehensive plan.

What do we do now that the planning is done? It is good to know what needs to be done. That is powerful knowledge. However, powerful knowledge requires equally powerful action. Planning without proper implementation is a wasted process.

On the private side, landowners in the affected areas are stepping up and cleaning house. Residents are creating defensible space by thinning overstocked stands, planting fire resistant vegetation, improving emergency access. They have been able to access over a half million in Fire Plan dollars and some of the commercial thinning has provided funding to reduce their costs and vulnerability.

On the public lands side, the risk reduction efforts have been much slower. Due to the usual circumstances, restoration and fire hazard reduction on public land is a process of running through sand. If the lawsuits don't get you, the paperwork will.

There is little comfort and safety assurance to a landowner who has taken the necessary steps to fire proof his property, only to find the process of treating the federal land that surrounds him is either two years out in the planning process, or held up by litigation in the courts somewhere. It does no good to fire proof one room in your home if the rest of the house is a house fire waiting to happen.

However the tools you have given us are providing some light at the end of the tunnel. For instance, my colleague on the NACo Public Lands Committee, Commissioner Alan Thompson of Ravalli County, Montana, tells me that U.S. District Court recently ruled on a high-priority project from their local CWPP that had been appealed. After considering different alternatives in collaboration with local stake-

holders—and adjusting proposals in light of concerns raised in the process, the Forest Service settled on an alternative that proposed harvesting a significant number of dead and dying trees both in the WUI around the little community of Sula and on the Bitterroot National Forest. In the course of the appeal which followed, Ravalli County intervened on the side of the Forest Service. After hearing arguments from the County and the Fire Chief of Sula, Judge Malloy ruled in favor of the Forest Service and the County. Commissioner Thompson says that without HFRA the time spent planning the projects and the appeals and litigation which seem inevitably to follow would be too long to remove the hazardous fuels which threaten our citizens and their property, not to mention the fish and wildlife that depend on the forest. The provisions of HFRA that streamline the appeals and litigation process are proving to be very valuable and we believe that they should be preserved and perhaps extended to other agency planning activities.

Similarly, in Union County, HFRA and HFI have been very helpful to us, but we still run into regulatory issues like Eastside Forest Screens and PACFISH or other Endangered Species Act issues that prevent us from doing needed treatment. While the ESA is not under the jurisdiction of this Committee, let me pause here to make an important point. We believe that the ESA, as it is currently implemented, is the greatest single barrier to improving forest health on the scale and at the pace that our dire forest conditions demand. Mr. Chairman, NACo believes that the Senate should move to update and improve the ESA before the 109th Congress ends. Failure to do so is a tragic waste of an historic opportunity.

As you might expect, Mr. Chairman, funding also continues to be a problem. A number of counties report that they have completed their plans, but that priority projects are held up due to lack of funds to implement them.

My colleagues in California are coming to the conclusion that this is due in part to a disconnect between Forest Service project planning and the CWPP process. While the agencies have been wonderful partners, providing technical assistance to counties preparing CWPPs, too often these plans are considered "just" community plans, not integrated across the landscape, including federal, state and private ownerships. Consequently, County Supervisors in California feel that they may not be realizing the full benefit of HFRA. Part of the reason for this may be that many CWPPs have included only projects that require grant funding, which limits the opportunity for a coordinated approach to fire risk reduction. Since CWPPs were designed to coordinate efforts to reduce fire risk across the landscape, it may be a good ideal to direct federal field personnel to integrate their plans with those of the communities, and to consider landscape scale projects which may generate revenue while accomplishing hazardous fuel reduction outcomes. This will improve opportunities for community members to recommend a community-wide fuel reduction strategy, provide meaningful participation in federal projects and expedite implementation of federal and private projects.

Another potential solution which we in Oregon have aggressively pursued uses the synergy that exists between Title II and Title III of your landmark Secure Rural Schools and Community Self Determination Act. Many of our counties have been able to use Title III funds to support the CWPP process and then invest Title II resources to leverage project implementation.

Our colleagues in California's Regional Council of Rural Counties have made a number of other useful observations and recommendations which NACo submits as an attachment to this testimony.

In closing I ask that you continue to take what ever steps necessary to remedy this timeframe for restoring forest health. We need to get on with things. The forest needs our help. The citizens of this nation need our help.

If you have not viewed the literal cauterization that happens to an overstocked forest after a major fire, I can tell you first hand that it is no longer protection, nor habitat for man, beast or vegetation.

I am one of those residents who look directly out my front window every day at an overstocked, unhealthy forest; a forest that suffers from lack of treatment mainly because it had the misfortune to be designated Wilderness. This is not designated Wilderness because it has sat untouched by human activity. It has actually been accessed and used extensively for years.

No, I am not one of those people who seem to be drawing derision for building new McMansions out where others deem they shouldn't. My home and the homes of my neighbors have been in place along the base of that mountain for over 100 years. The humans, the resources and the wildlife in that forest have managed to co exist in a multi-use forest framework for decades. The hand thinning we have managed to get through the restoration process will be no match for even a small fire. I have furnished you a photo I took from my driveway of a fire over the ridge

a couple of years ago. Residents of my county and all across the landscape of public lands should not have to live with this kind of preventable threat.

Thank you for listening and for your ongoing efforts.

Senator CRAIG. Commissioner, thank you very much. Now, our last witness to testify, Jay Jensen, executive director, Council of Western State Foresters. Jay, please proceed.

STATEMENT OF JAY JENSEN, EXECUTIVE DIRECTOR, COUNCIL OF WESTERN STATE FORESTERS, LAKEWOOD, CO

Mr. JENSEN. Good morning, Chairman Craig, good morning, Senator Wyden. Thank you for having the stamina to stay all the way through to the end of the day.

First, I'd like to apologize that we could not get a State forester here to testify before you and for giving me an opportunity. Just as the temperature is reaching three digits here in D.C., so it is in the West and the wildfire situation particularly in the last week has really——

Senator CRAIG. I have a feeling they're all busy.

Mr. JENSEN. They are. State foresters by enlarge are strongly supportive of the Healthy Forest Restoration Act and there really is one primary reason for that. It's the Community Wildfire Protection Plans contained within that act and that's going to be the focus of my testimony today.

It's been a State forester's collective experience that when dealing with wildfire and natural resource issues, that when you can have a locally driven community based solution, those are the best sorts of answers that are most lasting on the ground. Thanks to all of you around this dias and the Congress that passed the Healthy Forest Restoration Act, that's exactly what you provided with those community wildfire protection plan provisions.

Let me talk to you a little about what's the importance of those CWPPs as they're called and what that means. CWPPs are bringing back a level of credibility back into the process right now. Primarily through the collaborative process and under which they are developed, they provide a formal avenue for a way for communities to channel their energies on dealing with wildfire issues. This is very important because it empowers those communities to take their own responsibility for dealing with the wildfire situation. If we're going to address wildfire wholistically, we need—this is not just something that it's the sole responsibility of government to handle. We need communities and individuals to step up and take responsibility for their own protection.

Where are we right now? I'll give you a snapshot of what it looks like in the West. As of March of this year, there are 334 Community Wildfire Protection Plans completed across the West, 250 more coming on line. That translates to about—those cover about 2,000 communities at risk and I wish I could provide you a better State by State comparison of what that looks like, but the numbers really don't match up that way, they're not—because communities are all defined differently and look differently and the coverage under those CWP's are different. It's very hard to draw comparisons between States, but I would encourage you to take a look at our recent report that came out that we'll provide in the back of the room

and you can see some details of what's happening in each of your individual States.

I'd end by saying if you look at the national picture, there are about 650 completed with about 600 more coming on line soon.

Implementation, and I think this is the major focus of why this hearing was called today. How are CWPPs getting translated into projects. Let me remind you that CWPPs are all lands documents covering both public lands and private lands. So, let me cover the private land side of the equation first and talk to you from the State forester's perspective where most of their responsibility is.

The primary Federal mechanism there is through the State fire assistance program. In the West, those projects for fuels reduction are derived through a competitive process that require them all to be derived from the Community Wildfire Protection Plan, thus guaranteeing that all projects are of the highest priority and are being done in the right area.

On the Federal side of the equation, I think as we've heard here today, it's a little bit tougher to figure out all that's going on. A few reasons for that, I'd think I'd offer HFRA may not always be the best tool for hitting those high priority acres. But, I think we're also seeing that NEPA projects—there's a number of many NEPA projects on the shelf and those line officers have a 2 to 4 year investment in those NEPA analyses and they want to get those down on the ground. So, I think what we'll start to see is more translation of CWPPs in the projects in the next year or two.

Challenges ahead, the expectations are very high. A community that finishes a Community Wildfire Protection Plan expects Federal dollars to flow their way. That's troubling, that is not the intent of how the Healthy Forest Restoration Act was put together. What CWPPs do do is allow a community to position themselves to compete better for scarce Federal dollars.

Let me talk a little bit about some of the—well moving on a little bit in terms of investment, and we've heard discussion here today, fuels reduction work is very expensive. Easily $1,000, $2,000 is common, we've heard 8,000, particularly when you're dealing with mechanical treatments. We need to make sure that we're dealing with the highest priority acres and CWPPs provide that opportunity to do that.

Investments, and if we want to maintain the numbers we're looking at, we're going to have to see the investments being made on these high priority projects that are identified in CWPPs. Reauthorization of the county payments legislation, titles II and III provide some opportunities there with that. We all know about the hazardous fuels line items and the state Fire Assistance Program and the Forest Health Management Programs also provide avenues.

Quick note on appeals and litigation, progress is being made, CWPPs are reducing the conflict that's out there, the objections processes under HFRA are helping with that, but it's still a problem. Notably for the Forest Service, repeal or modification of the appeals reform that could go a long way towards helping out in this regard. It can be done in a way that does not cut the public out of the process. What we're talking about here, is trying to create and introduce some flexibility into this system, into a system that's

extremely rigid right now and keeps us from getting timely projects on the ground.

I'll finish up simply by noting that CWPPs are turning into one of the most important aspects of the Healthy Forest Restoration Act for State foresters in particular. Credibility is being built, conflict is being reduced, high priority project are getting accomplished and individual responsibility is being promoted which is key to getting ahead of this problem.

Thank you for your time and I'm happy to answer any and all questions.

[The prepared statement of Mr. Jensen follows:]

PREPARED STATEMENT OF JAY JENSEN, EXECUTIVE DIRECTOR, COUNCIL OF WESTERN STATE FORESTERS

Mr. Chairman, members of the Subcommittee, my name is Jay Jensen and I am the Executive Director of the Council of Western State Foresters. I welcome the opportunity to testify before you today. The Council of Western State Foresters is comprised of the seventeen directors of the State and six Territorial Island forestry agencies of the West. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests.

The Council has been keenly interested in the development and implementation of the Healthy Forests Restoration Act of 2003, and continues to strongly support many provisions in that policy. In particular, State Foresters recognize the importance of managing forestland across ownership boundaries, and HFRA provides critical tools for accomplishing this work. Additionally, and the primary subject of my testimony today, HFRA formalized the role of communities in fire management. Community Wildfire Protection Planning charges communities with becoming active partners in their own protection from wildfire, and presents an unprecedented opportunity for engagement at the local level.

CWPP SUMMARY & BACKGROUND

Title I of HFRA focuses primarily on fuels reduction on federal lands, and provides for the development of Community Wildfire Protection Plans (CWPP) for communities at risk of wildfire. Drafting CWPPs in collaboration with state, local fire and local government officials, communities identify prominent sources of fire risk, summarize structural ignitability concerns, and prioritize areas for fuels reduction treatment. The main purpose of CWPPs is for localities to improve their wildfire mitigation capacity while working with government agencies to coordinate efforts to identify high fire risk areas and prioritize areas for mitigation, suppression, and emergency preparedness management on both federal and non-federal lands. States have a legislatively-mandated and key role to play in the formulation of CWPPs, acting as long-term, landscape-scale coordinators and outside experts.

To assist communities in the development of their CWPPs, an official CWPP handbook* was developed in March, 2004 by a collaborative work group consisting of the National Association of State Foresters, the Society of American Foresters, the Western Governors' Association, the National Association of Counties and the Communities Committee of the 7th American Forest Congress. This handbook helps to highlight the common ingredients necessary for successful CWPPs. Related, the National Association of State Foresters (NASF) issued a Field Guidance on Communities at Risk (June 2003), establishing a common definition for communities at risk and a process model for the prioritization of communities. These two guiding documents provide communities with powerful, easy-to-understand information that empowers them to take wildfire protection into their own hands.

It is also worth noting that CWPPs derive their collaborative direction from the nationally agreed upon blueprint for dealing with wildfire, the 10-year Strategy (2001), [*A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment. A 10-Year Comprehensive Strategy*], and its companion document, the Implementation Plan (2002). Under direction from Congress, the Western Governors' Association in consultation with numerous stakeholders established a collaborative framework under the 10-year Strategy and Implementation Plan for decision-making and priority setting. It is clear that Congress has played a central

*The handbook has been retained in subcommittee files.

role in empowering communities, and continued Congressional support for CWPP development and implementation is essential.

Goal number four in the 10-Year Strategy is to "promote community assistance", with an emphasis on building community capacity and developing stronger incentives for community-level fire mitigation work. Current efforts to update the 10-year Implementation Plan are underway, and through this process stakeholders have clearly voiced support for CWPPs as an effective tool for empowering communities to function as partners in their own protection from fire. Further, we have found that when solutions are developed collaboratively and close to the local level, controversy and conflict are reduced. By identifying priority acres in need of treatment through this process, many believe that CWPPs contribute to a reduction in appeals and litigation of land management projects, thus expediting the reduction of fuel loadings, one of the main tenants of the HFRA and HFI.

CWPP IMPLEMENTATION: SUCCESSES

As of the spring of 2006, more than 300 CWPPs that meet HFRA standards were completed in the West, providing community protection for more than 2,000 communities at risk. Nationally, an estimated 650 CWPPs have been completed and approved with an additional 600 currently in progress. Several states have also completed community fire plans that don't yet meet HFRA requirements, thereby offering additional protection that is not reflected in the data. A state-by-state breakdown of the western CWPP efforts has been catalogued in a March 2006 report by the CWSF, included in the appendix as a reference.

States have used a diversity of CWPP methods and community-at-risk definitions, adapting the tools to fit their individual state laws and wildfire situations. Because states have undertaken differing methodologies by necessity, numerical comparisons between states do not tell an accurate tale of CWPP development. Likewise, when looking at the CWSF report, the number of CWPPs completed in each state should not be calculated as a percentage of the total number of communities at risk in the state to indicate a level of protection. Many CWPPs cover more than one community, and many states have utilized such different definitions of "communities" that calculating percentages would be uninformative and potentially misleading.

The West is clearly moving toward increased community protection through the CWPP process. Identifying local concerns and prioritizing protection activities not only serves to attract agency attention to fire management needs, but the very process of CWPP development tends to increase community capacity and foster a heightened awareness of local fire risk and responsibility. Furthermore, as federal, local, and emergency personnel collaborate on a CWPP, they form lasting relationships that extend beyond the immediate task.

With continued progress in local collaborative efforts, we expect to see reductions in conflict, appeals and litigation. We strongly encourage all decision-makers to maintain their long-term commitment to CWPP development and implementation as we believe local level decision-making will go a long way toward solving our catastrophic wildfire problem.

CWPP IMPLEMENTATION: CHALLENGES AND RECOMMENDATIONS

CWPP Project Translation

We do not know of any definitive data available on how many federal land projects identified under a CWPP have been translated into HFRA or other wildfire mitigation projects. We suspect that the actual numbers are low for reasons discussed in this testimony. However, we do know that the federal agencies are planning and in some instances have provided direction to the field to prioritize CWPP identified projects in fuels work. This will guarantee more CWPP projects getting translated into projects, and ensure that our limited funding is going to the highest priority treatments. We suspect that one reason why CWPP projects are not reaching the ground in meaningful numbers is because federal line officers already have a number of NEPA-ready projects on the books, ready to be implemented. Because of the lengthy process and resource commitment needed to develop NEPA projects (2-4 years at times), line officers are understandably reluctant to adjust their priorities until their investment in the NEPA-ready projects get off the ground. We believe that as these NEPA-ready projects begin to be implemented, we will see the emergence of new CWPP-driven HFRA projects.

Guidance

This transition to CWPP-driven HFRA projects would be greatly enhanced by national level clarification of existing agency direction around integration of CWPP projects with HFRA authorities. Emphasis should be placed on the involvement of

multi-agency groups working together to implement these projects. In many places, stakeholders have long requested guidance on collaboration, and "characteristics of successful collaboration" are forthcoming in the revised 10-Year Comprehensive Strategy Implementation Plan. This information should be distributed to field offices with detailed instructions for implementation.

Expectations

Virtually all states report a common expectation in their communities: a completed CWPP will automatically lead to a stream of federal funding. This expectation is troubling for several reasons. First, it is inaccurate; HFRA and associated policy language urges federal agency planners to prioritize work recommended in CWPPs, but does not require them to conduct all of the projects suggested by communities. Second, when communities expect funding to follow their plans, they tend to write plans that cannot be implemented without outside support. Communities may invest in the analysis and process, but are too often unable to implement their ideas without federal agency involvement. Third, as agencies seek to build lasting trust with local entities through the collaborative process, they may be undermined when communities realize their expectations for federal funding will likely not be met. Finally, the rationale for a CWPP is meant to enhance individual responsibility, and not create a dependency on government.

Investment

While there is no dedicated line item in the federal budget to support the development of CWPPs, some communities and state forestry agencies have found other funding sources to bolster their efforts. Most prominently, the State Fire Assistance (SFA) program, part of the USDA Forest Service's State and Private Forestry budget, directs federal funds to State agencies for work on community assistance and fire mitigation. These competitive cost-share funds are leveraged by communities for CWPP creation and implementation.

In the West, it is now a requirement under the SFA that proposed projects be tied to a CWPP in order to be competitive. Without reliable federal funding to support communities' CWPP planning and implementation, there is a very real risk that the most vulnerable, low capacity communities will also become the least protected from fire. The Council believes the demand for State Fire Assistance greatly outstrips current availability of SFA funding for CWPP development and implementation and that increases in SFA or other dedicated funding can be put to demonstrated good use.

Funding for collaborative fuels reduction work in some parts of the west also comes through the Secure Rural Schools Act. In particular, Titles II and III offer a funding stream for both collaborative processes and hazardous fuels reduction work on federal and private lands. Reauthorization and funding of the Act with continued flexibility for counties to undertake resource stewardship projects is a significant complement to HFRA authorities.

Once a CWPP has been created, funding needs intensify. Hazardous fuel work is very expensive, easily on the scale of $1000/acre, and sometimes topping $2000/acre when mechanical means are utilized. Funding shortages can push land managers to use prescribed burning and/or look toward more remote areas as cheaper alternatives that enable them to report higher acreage accomplishments. Many states report a chronic shortage of crews and equipment to implement projects that are ready. Other states suggest that the scale of the problem is so large that multi-agency, inter-disciplinary teams should be assembled to craft landscape scale projects across ownership boundaries. The simple story is that if we want more fuels reduction work in high-priority areas, additional investments will be necessary.

Performance Measures

Another way to increase the number of CWPP—consistent projects being implemented is to establish performance measures that reward the agencies for linking project planning with CWPP recommendations when those ideas are consistent with existing land management plans. The Council encourages the development of CWPP—relevant performance measures. Currently, such efforts are underway in the update to the 10-year Implementation Plan and will go a long way toward fostering CWPPs in prioritization decisions.

Appeals and Litigation

We strongly support the HFRA objection process as a replacement for the lengthy appeals process that remains applicable to many non-HFRA projects. This issue is particularly important for the USFS, which is the only federal agency that deals with wildfire to have their appeals process codified in law. This rigidity reduces the agency's flexibility and lengthens their response time, thus delaying projects. Modi-

fication or outright repeal of the Appeals Reform Act is one option for dramatically reducing the impact of litigation on project timeliness.

A number of our state members and their federal partners continue to report time delays due to project-level appeals and litigation. In one instructive example, the Middle East Fork Hazardous Fuels Reduction Project in the Bitterroot National Forest in Montana was developed through a collaborative CWPP process. Project implementation was delayed because two local environmental groups decided to seek alternatives after agreement had been reached on a CWPP project. This example underscores how important it is to achieve appeal and litigation reform, particularly in relation to wildfire mitigation projects. Systemic reform might prevent this story from replaying in other communities.

In many instances, litigation is also the result of a lack of definitive science on controversial fire management problems. In particular, research that demonstrates the necessity and effectiveness of fuels reduction work to reduce fire risk broadly across the landscape is needed. Too often we hear that creating a small buffer around a home is all that is needed to protect life and property. The values associated with a functioning watershed, the critical habitat for an endangered species, and critical power and energy lines needed to keep hospitals, schools and our economy churning, do not stop 100 feet from homes and critical infrastructure. Scientific evidence about reducing landscape scale fire risk would greatly enhance our ability to succeed in many of these lawsuits. We therefore recommend continued support for research programs, such as the Joint Fire Science Program, that directly address these ongoing fire management controversies.

CONCLUDING REMARKS

All states have at least begun the process of creating CWPPs, although rates of completion vary considerably. Across the West, as of March 2006, 334 CWPPs have been completed and approved in accordance with HFRA guidelines. These, and countless other community-based wildfire planning documents, when implemented, will serve to protect our communities at-risk. That is why it is vital that CWPP-identified projects get translated into agency priorities. As communities and states begin to share success stories and lessons learned, progress will strengthen and accelerate. Already, templates and field guidance have been developed by a number of non-profit, government, and research entities to facilitate the process of community input into wildfire mitigation projects. Although it has been two full field seasons since the passage of the HFRA, we believe that we will soon see a faster ramp up of HFRA projects, more reflective of HFRA expectations.

As this process begins to gather momentum, it will be vital to keep a focus on developing and revising CWPPs, and getting those projects translated onto the ground. Many who have been involved in CWPP development are quick to note that in many cases the process is itself a success. Collaboration around wildfire mitigation among local landowners, local governments, federal land management agencies and the states is creating lasting relationships that are invaluable for information sharing and community capacity building. Throughout the West, there is enthusiasm for improving collaborative efforts, protecting communities, and developing strong wildfire mitigation planning processes. These are the necessary ingredients to get the desired results of more acres treated on the ground.

Last, although our testimony has focused on CWPPs and their relation to Title I of the HFRA, it is also worth noting that the HFRA includes several important titles in addition to Title I. The biomass provisions of Title II, the Watershed Forestry Assistance Program in Title III (for both private and tribal lands), and Title IV addressing insect infestations and disease provide key program elements designed to improve research, increase wood utilization, and address forest management concerns on a landscape scale in order to sustain and restore the health of forested watersheds. State Foresters from the CWSF and across the country have worked with the USDA Forest Service to develop implementation guidelines for the Watershed Forestry Assistance Program in Title III, and we hope to see this program receive funding for full implementation on both private and tribal lands. Among other goals, its purposes are closely tied to those of Title I, by improving landowner and public understanding of the connection between forest management and watershed health, it enables application of landscape scale approaches to forest rehabilitation and restoration.

Thank you very much for having me today, and I welcome your questions.

Senator CRAIG. Jay, thank you very much for that testimony. Now, let me turn to my colleague, Senator from New Mexico, Jeff Bingaman, Jeff.

Senator BINGAMAN. Thank you very much Mr. Chairman, thanks all of you for being here. Rick, let me ask you a couple of questions. In your testimony, you talked about this Perk-Grindstone project.

Mr. DEIACO. Yes, sir.

Senator BINGAMAN. I think we visited that.

Mr. DEIACO. Yes, sir, we did.

Senator BINGAMAN. Yes, I remember going out there by that reservoir.

Mr. DEIACO. That's correct.

Senator BINGAMAN. Now, your testimony says a 5,500 acre project called Perk-Grindstone was assessed as the number one Forest Service priority in 2000, when the Wildland Urban Interface Group started, because it is located directly southwest of the community and its a major portable water reservoir and treatment plan. This project remains hung up without a NEPA decision, remains unfunded, line officers are compelled to meet acre targets at the expense of community protection. This is absolutely unacceptable. Village Council signed a resolution encouraging the Lincoln National Forest to move forward with Perk-Grindstone earlier this year. What's broken in the system that here we are in 2006, this was identified as the number one priority project in 2000, and we still can't seem to get it done. What does this committee have to do or the Congress to get this kind of thing fixed?

Mr. DEIACO. Thank you for that question and an attachment to my statement shows that matrix from 2001, that we had an action plan, that it shows that. The line officers began the process after HFRA. There was some work that was done in 2001, but it was grossly inadequate and they were going to come back to it. HFRA comes around and they started the process with that, they, in my opinion, were not able to take advantage of all the tools that HFRA might have given in terms of categorical exclusions in some areas.

In terms of collaboration, this was a project that is so close and so tight on the community that its fire hazard reduction is imperative. There's two owl packs there. When they went through and put the proposed action together, it was consistent with the forest plan. In New Mexico, as you know, sir, the forest plan holds the MSO recovery plan and that's nothing over nine inches.

In terms of fire hazard reduction, that was not satisfactory to the community. So, we, the working groups, so what we did was, through the working group, through the collaborative working group, we urged them to move to a preferred action, which allowed them to amend the forest plan and get into those areas and get some work done, some fuels reduction done in those, either in PACS or in critical habitats, which are the steep slopes.

When they put that forward, it was objected to by an environmental group. That's fine, that's what they do. What happened, the Forest Service just continued to kind of back pedal on this, even after the community put together that resolution passed by the council and what precipitated from that was that the village and the environmental group got together and we have come up with a memorandum of understanding to get into those areas, look at it stand—in other words we solved the problem. So, we thought that was a done deal, but it turned out that the NEPA work was

still not completed, still not satisfactorily completed and it was returned at the regional office.

So, I think what the best thing that could possibly happen would be to get the correct—identify the correct training and performance measures that are necessary so that line officers can get the work done using HFR standards.

Now, to the point of WUI versus what I call the easy acres, it's the push and pile burn kind of acres. What happened a few years back was that the Forest Service basically just expanded the WUI on the geography of the WUI and they expanded it to the northeast and, as you know, sir, in the southwest, fire comes—basically the fire winds comes out of the southwest and so when you add 60, 70,000 acres to the northeast of the community, you're not doing any good for the community in terms of fire protection.

That was a management decision. My opinion, that was a poor one, but what they can do then, is they can get acres and so that speaks to my comment about going after easy acres versus acres that'll do good for our community. I hope that answers that.

Senator BINGAMAN. So basically your conclusion is that there are some of these requirements to get a certain number of acres, a target number of acres, are in fact, impeding the ability to put attention on the priority areas.

Mr. DEIACO. That's exactly right. That's exactly right, and right now the performance standards are basically set on acres. Where for the most part they are set on numbers of acres burned gets you more money or however that process works.

Senator BINGAMAN. So, the performance standards ought to be based on a number of priority acres burned?

Mr. DEIACO. That's correct. That's correct, and treated some how or another and completely treated and that spoke to another comment earlier, if you're going to cut and pile, those acres get counted, then 3 years later they go back and burn, those acres are counted again in some degree. So, that's something that needs to get fixed and I think putting that in, and again, in the attachment I have there are some performance measures that might be a good starting point, and I hope that you folks can consider that.

Senator BINGAMAN. Good. Well, thank you very much for being here. Thank you all for being here.

Mr. DEIACO. Thank you, sir.

Senator BINGAMAN. Thank you, Mr. Chairman.

Senator CRAIG. Rick, that's valuable testimony and thank you. Matthew, Colleen and Jay, thank you very much for your testimony. I'm going to forgo any verbal questions at this time because we have run out of time and you've all been very patient today. We do truly appreciate you being with us.

We will submit for you some questions, we hope you would expand in writing. For example, Matthew, additional words from environmental groups as it relates to the inter-play and the collaborative effort that's under way in all of that. I think it's important for this committee to understand it. Obviously, CWPPs relate to what counties are doing and beyond where you are going would be additionally helpful and any uniquenesses that our State foresters see and understand, Jay, is extremely important.

We're going to be sitting down with stakeholders and the Forest Service again to look at our work product to see where it can be fine tuned at the same time adhering to the principals involved that were originally established in HFRA to get us to the business at hand and look at some of those kinds of difficulties that you've had, you've worked your way through, Rick, in your community with a uniqueness to the troubles you have. Obviously I've looked at the maps of your community and your surrounding area, I mean, you were a disaster waiting to happen and you're running hard right now to stay out in front of it and that's understandable. So we all know this is a critical issue for the West, for our environment at the same time for the balance that is critical to our public lands and their vitality. At the same time the uniqueness of a changing West and how we deal with this interface remains ever important.

So, thank you, thank you all very much for your time and presence here today and you will be receiving questions from the committee, we hope you'll respond. And with that additional information that you want to place with it for the purposes of record. Thank you all very much, the subcommittee will stand adjourned.

[Whereupon, at 12:22 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

QUESTIONS FOR MATHEW KOEHLER FROM SENATOR BURNS

Question 1. What elements of HFRA have been most successful in getting effective treatments accomplished on the ground that increase the protection of homes, other private property, and infra-structure and municipal water supplies?

Answer. This question is rather difficult to answer for the simple reason that since the HFRA was signed into law in December 2003 so little has been accomplished by the U.S. Forest Service using the HFRA. Our organization works primarily in the Northern Rockies and according to the U.S. Forest Service, FY 2006 on the ground accomplishments under the Healthy Forest Restoration Act were as follows:

Montana—zero acres of fuel reduction accomplished on Forest Service land under HFRA.

Wyoming—zero acres of fuel reduction accomplished on Forest Service land under HFRA.

Because the Forest Service has accomplished zero on the ground acres using the HFRA in Montana and Wyoming I really can't directly answer the question regarding what elements of HFRA have been most successful in getting effective treatments accomplished on the ground. To date our experience in the Northern Rockies tells me that HFRA hasn't been successful at all in accomplishing much of anything on the ground.

Furthermore, based on our experience with proposed HFRA projects in the Northern Rockies it appears that proposed treatments planned under the HFRA might actually increase the short-term fire risk thereby increasing the risk to homes, private property and firefighters.

For example, in the Forest Service's own environmental impact statement (p. 3.1-38) for the Middle East Fork HFRA project on the Bitterroot National Forest they state: "Generally, for logistical and economic reasons, the larger fuels are treated first and the treatment of smaller fuels typically follows 1-3 years later. During that time period, before treatment is complete, fire behavior severity is increased."

It makes little sense to our organization, as well as some members of the East Fork community near this HFRA project, to design and implement a fuel reduction project that unnecessarily places communities and firefighters at more risk because large trees far from homes will be logged first and slash piles will be untreated. Certainly, it's not too much to ask for the Forest Service to design projects in such a way as to immediately and effectively reduce fuels around homes and communities.

However, based on our experience here in the Northern Rockies I'd like to take the opportunity to highlight our recommendations for all future HFRA projects. I strongly believe that if the following recommendations were followed that we would see an increase in effective fuel reduction treatments accomplished on the ground.

Question 1a. What elements of HFRA have been most successful in getting effective treatments accomplished on the ground.

Answer. For all future HFRA projects the WildWest Institute would urge:

1. That a greater portion of the Forest Service "Healthy Forests" budget be dedicated to non-federal lands in the Wildland-Urban Interface. In FY 2007 the administration proposes to spend only 4% of the funding in this area that makes up 85% of the risk nation-wide.

2. That when developing fuel reduction projects to protect communities from wildfire the Forest Service and BLM focus fuel reduction activities within the

mile Community Protection Zone. Given limited resources and limited time, it makes most sense to focus fuel reduction activities immediately around a community rather on the larger WUI, which in some CWPPs extends out 1½ to three miles or more. Another advantage of focusing limited time and resources within the CPZ is that we can ensure that more at-risk communities are protected.

3. That the Forest Service allow the local collaborative process to work and together with a diverse set of stakeholders help design authentic community wildfire protection and restoration projects, not just timber sales under the guise of community wildfire protection and restoration. In order to help with this effort, the Forest Service should seek outside facilitation for the HFRA collaborative process and begin working more closely with independent researchers and scientists at colleges and universities throughout the country to make sure that protects are based on the best available science.

4. That old growth logging and cutting of large trees and entry into roadless wildlands be prohibited in all future HFRA and Healthy Forests Initiative projects. This practice only serves to increase controversy and mistrust among various stakeholders and takes valuable resources away from bona-fide community wildfire protection and ecologically-based restoration projects.

Finally, I'd like to provide Members of the Committee with the following letter that was sent to Regional Forester Gail Kimbell from Mike Petersen, director of The Lands Council. As you may recall at the hearing, Forester Kimbell was called before the Committee and gave an account of the process surrounding the Myrtle Creek HFRA project near Bonners Ferry, Idaho.

As you can see from Mr. Petersen's letter, Forester Kimbell provided the Committee with an inaccurate account of the Myrtle Creek HFRA process and project. I believe this is completely unacceptable behavior from Forester Kimbell and only serves to increase controversy and mistrust among various stakeholders. Our organization certainly expects more from public officials.

THE LANDS COUNCIL,
Spokane, WA, July 25, 2006.

DEAR REGIONAL FORESTER GAIL KIMBELL,

Hello. I wanted to establish contact and give you a few thoughts about the Myrtle Creek project. A friend of mine, Matthew Koehler heard your recent testimony in DC about HFRA projects and I wanted to clarify the involvement of The Lands Council and other conservation groups.

As background, The Lands Council has been involved in north Idaho for over a dozen years, our former Forest Watch Director lives near Priest Lake, and we have advocated for protecting the Selkirk Mountains for over a dozen years. In the late 90's we challenged the Myrtle Cascade timber sale, which proposed to log in inventoried roadless areas, those units were removed at that time. My forest watch director spent every summer as a child in Bonners Ferry, her grandparents operated a mill and her relatives still live in the valley, so the label of outsiders is inaccurate. In addition these are federal lands, which every American citizen has a stake in.

Since our involvement in forest management on the Bonners Ferry District, the Kootenai Valley Resource Institute has formed, purportedly to bring people together to look at resource issues. The Lands Council has never been invited to be part of KVRI, although we were invited to take part in the subcommittee that looked at the Myrtle Creek HFRA.

We were told early on that the project would not go into Inventoried Roadless Areas, and we focused our concern on 83 acres of old growth stands proposed for logging, which we opposed. The Idaho Conservation League, who is a member of KVRI, also believed there was no logging in Inventoried Roadless Areas, and so was generally comfortable with the project. I believe KVRI voted to support the project, even though a draft EIS had not yet been completed.

When the draft EIS was released it became apparent that something had drastically changed, over half of the acreage was now in two Inventoried Roadless Areas (IRA's), and it included clearcuts (with reserve trees) in the IRA's. The project clearly does not meet the need of protecting the Bonners Ferry community that is 5 miles away and clearcutting is not a suitable treatment for a municipal watershed. The lower part of the watershed is damaged from a timber sale slash pile that was set on fire and burned several thousands of acres, followed by extensive public and private salvage logging.

Given the national controversy over entry into IRA's, litigation in five states and the recent announcement from the Governor of California asking that all IRA's in

his state be protected from logging, it seems a poor time to be planning a timber sale that would log two IRA's, as well as log in core Grizzly habitat.

At the same time as the Myrtle Creek HFRA "collaboration" was taking place, The Lands Council, WildWest Institute, Sierra Club and Alliance for the Wild Rockies have been taking part in a very different collaboration on the Kootenai National Forest, one which I believe is having respectful, open dialogue. I believe we are on the way to finding common ground, helping rural communities protect themselves from wildfire and possibly bringing a small diameter mill to the Libby area for fuel reduction and restoration purposes. The Lands Council is also involved in a very successful collaboration on the Colville National Forest, a fledging effort on the Coeur d'Alene District of the Idaho Panhandle National Forest and we recently were part of a successful collaboration between dischargers, agencies and elected officials on the Spokane River.

I would like to also see a successful resolution of the Myrtle Creek timber sale, and suggest that if the roadless and old growth units were dropped, our concerns would be addressed. I believe this would help us move forward together throughout the region and show that the Forest Service is sincere about collaborative efforts. The alternative is likely to be a contentious timber sale battle in core grizzly habitat and roadless areas that will gamer national attention. I hope we can avoid that.

Please let me know your thoughts on the Myrtle Creek project and I will share these with the other conservation groups who are deeply concerned. I have cc'd relevant staff from Senator Crapo and Cantwell, who are both keenly, interested in National Forest Management, as well as the Mayor of Bonners Ferry, a Boundary County Commissioner, the Kootenai Tribe member of KVRI and the KVRI facilitator.

Thank you for your attention to this matter.

Sincerely,

MIKE PETERSEN,
Executive Director.

QUESTIONS FOR COMMISSIONER COLLEEN MACLEOD FROM SENATOR CRAIG

Question 1. In your presentation, you indicated that one of your problems in implementing Union County's CWPP was due to regulatory barriers—PACFISH etc. Could you elaborate?

Answer. The 'Analysis Paralysis' that continues to clog management efforts and restoration efforts in our part of the world are based on some appallingly subjective science. It requires more procedural steps that delay projects, prevent treatment and add to the cost.

Examples would be:

Eastside Screens were a purported temporary early 1990's decision (supposedly 18 months) that no one seems to have the will to remove. It is a process where tree size determines treatment of areas to protect 'old growth'. The theory being that a 21″ dbh tree (diameter at breast height) is old growth and must be excluded from removal.

The diameter of a tree does not determine age. There can be a 10 year old tree and a 100 year old tree that have the same diameter. Tree size has many determining factors, including if the tree has gotten enough light and moisture. Overstocked stands prevent tree growth. Under the faulty science of Eastside Screens, leaving overstocked stands will guarantee small diameter trees, making the cure the cause. Allowing for only the cut of small diameter trees not only does not protect old growth trees, it does not make projects pay and requires the USFS to keep coming back to the federal well for management objectives.

PacFish/Infish: where no treatment is allowed in riparian areas without more analysis. This insures that some of the worst fire hazard areas along water ways go untreated when they could be done economically and environmentally. When there is a finite amount of time to do busy work analysis, and a limited amount of money to be spent on projects that have no financial return on investment, some of this nation's most sensitive and threatened areas go untouched. They await the inevitable cauterizing wildfires that clog streams with sediment that kills fish.

Question 2. You also mentioned delays caused by appeals and litigation. Have the expedited processes in HFRA helped at all?

Answer. Our Union County Forestry Board has an assigned place at the table for the local environmental community. They attend meetings and raise concerns and still file appeals to halt projects. However, we understand the difference between collaboration and consensus and continue to move hopefully ahead. Locally the USFS has used the objections process on two projects. Our District Ranger has indi-

cated the process is more efficient and produces a decision sooner than traditional appeals. It can allow for constructive dialog with those raising the objection prior to issuing a decision. It also allows for adjustments to the final decision and the NEPA document. It does not insure against litigation but in some instances can serve to somewhat lessen the threat.

Question 3. You noted that, in Union County, private landowners were "stepping up" and reducing hazardous fuels on their property but that getting the projects done on the public lands was taking too long—what do county officials suggest we do to improve federal performance?

Answer. Making the environmental community more accountable and responsible for their actions will help the federal state and local process.

- They should have a requirement for actual and honest participation in the local process
- Their environmental documentation must pass muster
- They should not be able to use litigation efforts to fund their existence. It is a lucrative business to sue for legal fees especially when the lawyers are staff an you are a non-profit as well

If the federal government could allow for, and encourage a return on investment (ROI) on public lands. When every project is just expenditure, the resource goes untreated. Congress just sees the USFS requesting increasingly more dollars to manage public land and local schools and governments have to come asking for Congress for monetary relief for the lack of activity on the land that surrounds them. It does not have to be a clear-cut for dollars mentality to accomplish this objective. In our N.E. Oregon RAC, one project was made to pay for itself by cutting .6 (point 6) more trees per acres.

QUESTIONS FOR COMMISSIONER COLLEEN MACLEOD FROM SENATOR BURNS

Question 1. What elements of HFRA have been most successful in getting effective treatments accomplished on the ground that increase the protection of homes, other private property, and infra-structure and municipal water supplies?

Answer. Locally the USFS has used the objections process on two projects. Our District Ranger has indicated the process is more efficient and produces a decision sooner than traditional appeals. It can allow for constructive dialog with those raising the objection prior to issuing a decision. It also allows for adjustments to the final decision and the NEPA document. It does not insure against litigation, but in some instances can serve to somewhat lessen the threat.

Question 2. In their testimony several of the witnesses have included statements about Forest Service personnel being in some cases very supportive and engaged with community collaborative planning, and in other cases other Forest Service personnel are not engaged and are not even helpful. Given how important collaborative planning is to successful HFRA projects what needs to be done to get all Forest Service personnel engaged and helpful with collaborative community planning efforts like Community Wildfire Protection Plans?

Answer. Local collaboration is a mind set that requires both top down and bottom up support from the USFS and Congress; support that is a directive from D.C. supported and put into honest practice at the local offices. It has to come from earned trust in the process as well. In areas where local efforts are successful, it is usually because people have come to the table to honestly collaborate, and their efforts have been rewarded with results. People have ceased to trust agencies that merely count heads to provide collaborative proof that locals were involved. Local partners can generally get to collaboration if not consensus. The frustration and process breakdown comes from the delays caused by procedural paperwork requirements and litigation. That cannot be fixed locally, but must be repaired in the federal realm.

Our Union County Forest Restoration Board has a position specific board, similar to the subsequent Resource Advisory Committees created through PL-106. We created it to involve and inform the community and to allow the USFS to educate the public about planned efforts and potential projects in the federal lands that surround us. We consider this effort an excellent model for local decision making and would be glad to provide a how-to report for other areas interested in duplication.

Question 3. Several of the witnesses gave examples of successful locally developed collaborative solutions that were challenged/appealed/or litigated by others outside of the community and thus stopping or at least holding up the implementation of the projects. Are there changes you would propose to prevent or at least minimize this from happening to HFRA projects? How about other fuel reduction projects completed under categorical exclusions, or more traditional environmental assessments or environmental impact statements?

Answer. Very few USFS projects are remanded for the 'wrong decision'; the remands are predominately based on 'procedural requirements'.

Reform of the process by which litigation has been allowed to roadblock efforts is most certainly a federal fix. When an outside group challenging a project can find a consistently willing ear in specific courts like the 9th Circuit, then it really does not matter how much local collaboration has happened or how much salvageable timber will be lost due to delay. The destruction and wildfire danger to rural residents not to mention the loss of our nation's wealth ought to have a different set of judicial requirements than making sure that is have been dotted and is have been crossed. You do not drown a wildfire in paperwork and red tape, you merely feed it. Organizations who challenge local collaborative efforts must be accountable:

- They should have a requirement for actual and honest participation in the local process
- Their environmental documentation must pass muster
- They should not be able to use litigation efforts to fund their existence. It is a lucrative business to sue for legal fees especially when the lawyers are your staff and you are a non-profit as well

Categorical Exclusions have been a better tool, but even those can take a year from start to finish. With environmental groups wanting no action, no matter what, there will always be efforts on their part to stop activity. The success of turning each one of those efforts around lies in changing the mindset that has been allowed to cloud actual science-based activity on federal land. That will happen when Congress demands ESA reform, peer-reviewed science and expedited processes like HFRA has attempted to provide.

QUESTIONS FOR JAY JENSEN FROM SENATOR CRAIG

Question 1. You mention there are an estimated 2,000 communities that could complete the community wildfire protection plans, but that 600 are completed and 600 are underway.

How can we get the remaining 800 communities to complete these plans?

Answer. First, allow us to clarify that as of March 2006, 324 CWPPs have been completed in the West, covering approximately 2,000 communities. Building on this information, it is important to expand upon the link between the number of CWPPs completed and the number of communities protected. Our work in the West shows that states take a highly variable approach to defining communities, and that there is not a one-to-one correlation between Plans and communities. Many completed Plans cover multiple communities, or use the county as a planning unit to cover all of the communities within it. Therefore, it is difficult to say exactly how many communities still do not have a completed CWPP. Our estimates suggest that there are some 30,000 Communities at-risk nationwide, the vast majority of which are in the South, and that approximately 2,700 of the nationwide are currently covered under a CWPP.

To encourage the remaining communities to complete their CWPPs, we believe efforts need to be made on two fronts. First, incentive programs in the form of technical and financial assistance will encourage communities to take action. State Foresters are ideally positioned to deliver these incentive programs and form the critical link between federal incentive efforts and communities. Second, when more CWPP projects begin to be implemented, more communities are likely to undertake the planning process themselves. Communities that see their CWPP efforts influence project prioritization and implementation decisions will be more motivated to engage and get new CWPPs drafted. In the West, fire mitigation dollars are now being limited to communities that have a completed CWPP. Thus, implementing CWPP projects, and publicizing those success stories, will help to foster momentum to get this important planning work completed.

Question 2. The data that the Departments provided our Subcommittee suggest that 86% of the work completed to date under the Healthy Forests Restoration Act has occurred in the Wildland Urban Interface, yet you are concerned about the low number of recommended projects from Community Wildfire Protection Plans.

Is your concern with the total amount of work undertaken, or that the agencies are not implementing the projects called for within the Community Wildfire Protection Plans?

Answer. Our concern is primarily with the process of project prioritization, which ultimately impacts both the total amount and the specific projects being undertaken. CWPPs offer a tool that can assist forest managers as they sift through projects and assign limited resources to implementation. There is some concern that

the federal agencies are backing away from the cooperative commitment necessary to deal with our western wildfire problem. However, there are ways to proceed. The 10-Year Comprehensive Strategy offers guidance for collaborative process that can frame project prioritization. Finally, clarifying the link between CWPP project implementation and existing Land Resource Management Plans would also help to streamline activity on the ground. As agencies become more comfortable utilizing that collaborative process and implementing CWPP projects, we will see greater success rates.

Question 3. In your testimony, you mention that appeals and litigation continue to delay projects. You point to the Middle East Fork Hazardous Fuels Reduction Project in the Bitterroot National Forest in Montana and seem to suggest that the Appeals Reform Act (which was legislated through an Appropriations rider) should be repealed. You also said you do not seek a total elimination of the Forest Service Appeals process.

Would your organization and the State Foresters support efforts to repeal the Appeals Reform Act and to direct the Forest Service to develop an appeals process similar to that used by the BLM or limit its use to areas outside the authority that the Healthy Forests Restoration Act provides?

Answer. Modification or repeal of the Appeals Reform Act may be necessary, but we must ensure that a flexible and practical process is developed to replace it. Keeping the public involved and empowered in forest management is essential. Having a legitimate appeals process fosters credibility with the public that is needed by forest land managers as they work to treat the necessary acreages. For the most part, State Foresters do support modification of the ARA, and most agree that the HFRA pre-decisional review process is an improvement over the traditional appeals approach. Another problem with the process is the Equal Access to Justice Act, which as currently interpreted functions as a financial incentive that encourages appeals. Reformation this act, cognizant of environmental justices issues, into a "loser pays" system might help eliminate frivolous appeals.

On principal, the Council of Western State Foresters tends to support avenues that offer a measure of flexibility, and the current ARA process is too rigid. An appeals system that is workable, flexible, and consistent across the agencies would go a long way toward keeping the public engaged, enhancing land manager credibility, and yet simultaneously minimizing time delays for project implementation.

Question 4. Alternatively, could you describe an appeals process that you would recommend? Do you want that process to apply to just HFI projects or are you interested in a broader application?

Answer. We believe the pre-decisional objection process works well for HFI projects, as it provides an appropriate balance between administrative review and the timeliness required for fuel reduction work. However, we are finding that given the urgency of this work, we recommend a shortening of the objection filing period to 14 days, more than enough time for interested publics that have been engaged.

For projects not conducted with HFRA authorities, we generally support the continued existence of post-decisional administrative review. However, we do recommend two changes to the general appeal process. First, we recommend shortening the appeal filing period to 21 days to help reduce project delay. We have found that appellants tend to be familiar with the project under consideration and therefore do not usually have additional time-consuming research to do before filing. Second, we recommend re-writing the 215 regulations to clarify the standing requirements for filing an appeal. Recent court rulings have shed light on this complicated question and regulations should reflect this judicial progress.

Question 5. I indicated a need for the Forest Service and the BLM to find ways to undertake more mechanical treatments of overstocked, at risk, forested lands. You indicated that you have some ideas to help address my concern.

Could you provide the Subcommittee with your thoughts on how to increase the number of acres treated through mechanical removal of those fuels? Please understand that we are not interested in trading off prescribed burning for mechanical treatment—rather, we would like to see both activities increased.

Foresters are under a great deal of pressure to meet acreage treatment targets. In some locations, this has meant a tendency to utilize less expensive prescribed burning over mechanical thinning, even when conditions on the ground don't favor such an approach. Addressing the problem of targets as incentives for land managers is complex, and involves reform of performance measures and program review processes. Increasing appropriate treatment activities of all kinds will require a commitment to the quality, rather than the quantity, of fuels reduction work.

One of the most significant barriers to mechanical treatments across the west is the lack of a market infrastructure to support material coming from treated acres. Simply put, if there are utilization markets in place, then treatments are cheaper

and more acres can get accomplished. In many cases, that material consists primarily of small diameter wood that lacks commercial value in traditional mills. In other cases, supply is so uneven that mills have been forced to close and sometimes leaving valuable timber under-priced.

Biomass utilization offers a powerful way out of this dilemma by fostering forest health through the productive use of woody biomass for wood product and energy uses. The USFS Fuels for Schools program is one successful and growing example that links local schools and forest health; many new schools are being established that use woody biomass for heating, and older facilities are in some cases being retro-fitted to support this new technology. Increased federal investment in such programs will contribute significantly to a long-term solution for funding mechanical fuels treatments.

Simultaneously, as we build our nation's biomass utilization capacity, we need to ensure a reliable supply. Long-term contracts, such as those found in Stewardship Contracting authorities, are a sound way to give businesses the certainty they need to secure bank loans for expensive fuel treatment equipment. Federal and state forest managers would benefit from increased education in the development and application of Stewardship Contracts.

And perhaps the most effective policy incentive are production tax credits for electricity generation, such as those recommended recently by the Western Governors Association (http://www.westgov.org/wga/meetings/am2006/CDEAC06.pdf). Tax credits can encourage the generation of renewable power and foster investment in those industries. The credits need to be long-term (again, to increase certainty in the business investment climate) and reflect parity for all renewables. Biomass needs to be put on par with other renewable energy credits so there is an even playing field. Only then will investment in infrastructure expand enough to support the woody biomass industry, thus reducing costs and increasing acreage treatments for land managers.

QUESTION FOR JAY JENSEN FROM SENATOR BURNS

Question 1. What elements of HFRA have been most successful in getting effective treatments accomplished on the ground that increase the protection of homes, other private property, and infra-structure and municipal water supplies?

Answer. The most important aspect of HFRA's Title I that has been implemented to date is the creation of CWPPs. When communities are able to become actively engaged in identifying areas near their homes that will improve their protection from fire, agencies are better able to prioritize the allocation of scarce resources. Coordination among state and federal agencies, local government, local fire departments and stakeholders, ensures comprehensive implementation of local priorities. CWPPs gives these communities ownership of the issue, and this ownership is the key to getting more landowners to take personal responsibility for wildfire mitigation around their homes and communities. The government alone cannot solve the problem. Cost-share funding made available for the implementation of CWPP projects on private lands will make these goals a reality.

APPENDIX II

Additional Material Submitted for the Record

MONTANA WOOD PRODUCTS ASSOCIATION,
Helena, MT, July 21, 2006.

U.S. Senate Committee on Energy and Natural Resources,
Subcommittee on Public Lands and Forests.

Re: Healthy Forests Restoration Act Implementation

These comments are submitted on behalf of the 17 member companies of the Montana Wood Products Association. All of the member companies as well as the 60 associate members of the MWPA rely upon the health of Montana's forests for their livelihoods.

Montana's timber community worked diligently to ensure the passage of the HFRA in 2003. All three of Montana's Congressional members voted in favor of the bill.

Citizens in our local communities have worked hard together to develop Community Wildfire Protection Plans. Many collaborative meetings have been held so the citizens could identify prominent sources of fire risk and prioritize areas for fuel reduction treatment. Many Montana communities are sitting in and near dead and dying national forests with watersheds and wildlife habitat at risk along with homes and humans.

There are nine national forests in the State of Montana. Each of these forests should have, at a minimum, three HFRA projects underway. The acreage of each project should be at least 1,000 acres in size with 50 percent of each project in the wildland urban interface. The needs of the citizens and the resource are there and crucial. The use of HFRA by the Forest Service in Montana is abysmal.

The snail-like implementation of the HFRA is to say the least extremely disappointing. The process oriented Forest Service simply does not appear to be up to the task of moving in a timely manner. The first HFRA project in Montana took two full years from the beginning of meetings with local residents to the filing of litigation by outside individuals. One other HFRA project that has been proposed and has had active participation by local folks has a start date of 2009. This is hardly the goal of the HFRA to "streamline" the process to actually conduct work on the ground.

The Forest Service must follow the letter of the law when implementing the HFRA but must do so expeditiously. Otherwise all of the hard work of so many will be for naught. They must work with the folks in the local communities using the Community Wildfire Protection Plans to develop projects that will provide both fuel reduction and restoration.

The Middle East Fork project on the Bitterroot National Forest was the first HFRA project and has been litigated by the WildWest Institute whose director testified at the July 19th hearing about how involved they are in collaboration: They are currently plaintiffs in over 40 lawsuits in Montana's federal district court involving millions of board feet of now rotting timber. This is a very distorted view of "collaboration".

Those individuals came in well after the local collaborative efforts had determined a proposed project and demanded the Forest Service accept a "conceptual" alternative for analysis. Unfortunately, the Forest Service worked with them and attempted to appease them by doing, an analysis even though their proposed alternative did not meet purpose and need of the project.

Under HFRA the agency is required to analyze "no action" and "preferred action". The final action by the agency was to drop large parts of the preferred alternative, again in an attempt to appease those threatening litigation. Of course the attempt failed and the serial litigators filed a lawsuit and asked for an injunction. So far,

the Judge has denied each of the plaintiffs' requests, but the case is far from resolved.

One point the Judge did make in his ruling on the Middle East Fork was that under HFRA he must make determinations using "a balance of harms" and he did so when denying the plaintiffs' requests. The balance of harm section of HFRA is extremely important and we are grateful for its inclusion in the statute.

The pre-decisional appeal process in HFRA is also strongly supported by the MWPA. If there is to be an appeal process, it must be a speedy and workable one for the agency: It is extremely unfair for the wishes of the majority to be overpowered by a minute minority while the resource and environment suffers. We would prefer to see the HFRA process transferred to other land management activities and the Appeals Reform Act removed. It is simply a stalling tool used by the serial litigators.

Detractors of HFRA claim logging cannot be part of the solution for the forests. Logging and subsequent milling of merchantable material is exactly the solution for Montana's ailing forest health. The same individuals have no scientific rationale to back up statements using words like "environmentally harmful logging" and "industrial logging". They do not intend to be part of solutions for Montana's rural at-risk communities but rather make a mockery of the public process.

The Montana Wood Products Association continues to be a strong supporter of the legislation we helped to pass. Yet, there is an ever-growing frustration regarding, planning and process without implementation of the critically deeded projects to restore our forest health. Without a stronger push from Congress to more quickly implement HFRA projects, it is doomed to failure. We request your help.

Thank you for the opportunity to present these brief comments for your consideration.

Sincerely,

ELLEN ENGSTEDT,
Executive Vice President.

STATEMENT OF CRAIG E. THOMAS, FORESTER, STEVENSVILLE, MT

BACKGROUND

Since the fires of 2000 which burnt 300,000 plus acres in our area, I have spent several thousand (volunteer) hours meeting (517) with the USFS to obtain results on the ground.

For instance: I and others formed the Forest Concessions Council (patterned after the Quincy Library Group) and spent every Monday evening 2-4 hrs for 18 months developing a proposal for the USFS called Frazier Draw, when this came back in a project from the USFS it was very changed and lost most of our direction. The USFS added enormous mitigation factors which ruined the project, especially the Aspen restoration. Confirm with Sonny LaSalle 406.375.0871, Mary Lee Bailey 406.642,6379, Bill Grasser 406.821.3508,

I volunteered forty clays to the effort to save the Lost Trail Ski Area from burning in 2000 and was instrumental in this successful effort (confirm with Bill Grasser 406.821.3508). This effort along with the changes in log availability caused the shutdown and resulting sale (at a loss) of our small sawmill.

I with many others met with (Sula Club House fall 2000 see Bryon Kuahn) and requested that the USFS do something about the excessive vegetation buildup in the East Fork area (BNF Sula District). This finally resulted in the Middle East Fork Fuel Reduction project beginning under the newly implemented HFRA.

Since the start of this project I and many others have spent hundreds and hundreds and hundreds of hours of volunteer efforts to help this project along.

I personally have completed many forest restoration projects on private and USFS lands as examples for the USFS to use on our public lands. These are successfully completed or ongoing projects. Some of which are Burnt Fork Ranch (May June Bugle 2005 RMEF easement), Knopick pvt., Person pvt., Brown Valley Ranch (MT F&G easement), Antrim pvt., Bailey Pvt., Pattee Blue TS (Missoula Ranger District Vick Ronck administrator 406.531.9396), and others. I suggest reading "Miminicking Natures Fire" by Arno and Fielder.

I wrote and properly submitted an alternative T for the Middle East Fork Project. Mine was the only legal alternative submitted and it was not legally utilized under HFRA by the BNF. I objected and I was dismissed. This alternative is very simple and is based on successfully completed projects, the newest proven science, and the latest techniques. I have been unable to obtain legal consul to force a review of this alternative so my potential PHD witnesses remain unutilized. Since I have ex-

hausted my personal savings volunteering on this issue I cannot proceed to get Equal Access to Justice as it does not apply to an experienced white male forester that is promoting active management. I simply cannot afford to personally pay for the legal fees necessary to properly address this public forest issue.

Another irritating thing about this HFRA project in the Middle East Fork of the Bitterroot National Forest is that almost all of the public comment has been dismissed. For instance the USFS had many meetings to publicly develop their alternative and after finalizing the public process they have gone behind closed doors and negotiated away most of the public's comments to allow some form of a project to proceed because of extreme groups. This modified alternative now does not meet purpose and need, the forest plan, or public comment. Most certainly it does not meet the needs of the forest. What an absolute mess! This is not what HFRA is supposed to be about. Total failure!

With this condensed background I offer the following comments:

The HFRA is a nonfunctioning process. Within the scope of the FOREST PROBLEM NOTHING IS HAPPENING ON THE GROUND. As a concerned citizen it is impossible to successfully comment or assist the USFS.

Finally at one USFS meeting I asked Matthew Kolher how he did hunting last season and he replied that he had shot a nice smaller whitetail buck on the Three Mile Game Range. So I asked him what he thought of my logging job there as the R/W is through a restoration project on the Brown Valley Ranch, and he replied that there was no logging where he hunted! To get to the Three Mile Came Range he had to drive through our project twice. A place where in June of this same year my son had log decks neatly stacked 15-20′ high, and after a couple of months Matthew did not notice the area had been profitably logged as a restoration project.

How can I help? Is it possible for me to help?

ROCKY MOUNTAIN LOG HOMES,
Hamilton, MT, July 25, 2006.

U.S. Senate, Committee on Energy and Natural Resources,
Subcommittee on Public Lands and Forests.

Re: Healthy Forests Restoration Act Implementation

DEAR MR. CHAIRMAN & COMMITTEE MEMBERS: Thank you for the opportunity to submit this written commits pertaining to the Implementation of the Healthy Forest Restoration Act (HFRA).

After countless months of participation, consultation, comments, support and ultimately as an Intervener in Federal Court supporting the USDA Forest Service's first HFRA project in Region One—Middle East Fork—on the Bitterroot National Forest, I feel that I am in a unique position to report to you. It is a very mixed assessment.

To the good: HFRA's approach to consider "the balance of harms" is the most important conceptual advance in Natural Resource Management Policy since the National Forest Management Act three decades ago. Finally, and let me repeat, finally the agency not only has the option but is require by law to consider management project in a holistic, truly pragmatic ecological approach. By this, I mean that Forest Service personnel, under HFRA must review projects, and clearly consider the outcomes both under "no action" and the other alternatives This is done in a context that effectively asks "what is the best outcome for all the Forest and adjacent lands". At last, there is an authority that acknowledges that action and disturbance is much, much preferred over a benign neglect that erodes the health of the forest and endangers watersheds, cumulative wildlife habitats as well as adjacent communities with massive fires. I believe that the concept of "balance of harms should be amended into NFMA to insure that this analytical concept be used for all project throughout the Forest Service System.

Many on the other side of the issue consider wildfires of any size to be natural, and philosophically a way to purge the evil impacts of mankind, or some such. True ecology should not set some false notion that a pre-Columbian, or worse, a prehistoric state as an ideal condition; rather, true ecology recognizes man as part of the natural system. HFRA does this much better than any other authority that the Forest Service now uses.

Watching the Middle East Fork Project from inception the effort I have witnessed by the local Forest Service to communicate with their neighbors has been unparalleled, yet organized "environmentalist" organizations have attempted to drown out the majority of the local residents' concerns over fire risk. It would have been a much more healthy debate on the merits and methods of the proposed project had the mindset of the project's opposition was different. You see, in an unguarded mo-

ment they admitted publicly that they were concerned that "outside commercial logging interests" might be able to make money. Consequently, I am left to conclude that the opposition desired either some style of welfare logging, or that they desired to see all contractors not to make money and therefore go broke.

To the bad: I would throw out the concept of accepting and analyzing a local community-based alternative. While well-meaning, the idea has grown to a nightmare. The Middle East Fork project received two such outside alternatives. Effectively one admonished the Agency for not cutting enough trees and the other excoriated them for cutting too many! The sole similarity of the two public alternatives was that neither would have survived a judicial review for sufficiency as a fully fleshed-out plan. As a result, the agency dismissed one submission, and spent countless hours formalizing the other so it could suitably compare to the Forest's own plan. Effectively, the Forest wound up developing the third alternative itself. As part of the Healthy Forest Initiative, HFRA was designed to address the wildland urban interface. I conclude that the Forest Service would achieve much more from HFRA if, in the future, it is obliged to do only an action-no action analysis. Public input, ideas, and complaints would be handled pre-decisional.

For the record, this Committee has already accepted testimony from a group who plainly used this committee's time to further broadcast its judicial complaint against the 1st HFRA project in Region One of the Forest Service, the Middle East Fork Project. While it was disclosed that the group did file a suit within the testimony, there was a glaring omission that the local Federal Court, upon consideration of similar and much more detailed exposition of information than was submitted to this Committee, denied the Preliminary Injunction and Restraining Order. The Court's order was clearly due to the consideration of balance of harms, both short and long term for the forest and adjacent lands.

Respectfully submitted,

PATRICK O. CONNELL, *Certified Forester,*
Vice President, Resource Operations.

MONTANA LOGGING ASSOCIATION,
July 26, 2006.

Hon. LARRY E. CRAIG,
Chairman, Subcommittee on Public Land and Forests, U.S. Senate, Committee on Energy and Natural Resources.

Re: HFRA of 2003—Subcommittee Hearing Comments

DEAR CHAIRMAN CRAIG: Thank you for the opportunity to comment on the above referenced subcommittee hearing held on July 19, 2006. The Montana Logging Association (MLA) represents approximately 600 independent logging contractors, each of which operate a family-owned enterprise that harvests and/or transports timber from forest to mill in Montana. In Montana, the vast majority of timberland is managed by government agencies, most notably the U.S. Forest Service; therefore, the welfare of the MLA members is directly dependent upon the policies and actions of federal land managers.

As you know, passage of the Healthy Forest Restoration Act (HFRA) in 2003 represented a fundamental change in how public land managers were directed to approach a national forest health crisis and the first major natural resource policy change in over 30 years.

In 2002, Montana hosted over 12,000,000 acres Condition Class I, II, and III in non-wilderness/roadless. Therefore, as an Association, we were keenly interested in the content, authorities, and passage of the bill. However, we are currently frustrated by the hesitancy of the U.S. Forest Service to embrace and utilize this important and effective tool.

It took over one year for Region One of the Forest Service to provide a directive to field officers and it has taken three years for this directive to result in action on the ground. Currently, Region One has five proposed HFRA projects—three in Montana and two in Idaho. Dominance for proposed treatment has been in the wildland urban interface. Too often, due to environmental pressure, acres outside the interface have been dropped from consideration. In addition, approximately 50 percent of the treatments are prescribed burn and too often the predominant logging system is helicopter.

If you visit the http://www.healthyforests.gov web site, you will be able to view accomplishments listed under the Healthy Forest Initiative. However, this is extremely misleading . . . at least in Region One. Even though hazardous fuel reduction projects are listed as accomplishments—most of those acres have actually not been treated! Litigation and appeals in Region One has virtually brought active

management to a stand still. There is something inherently wrong with an agency that reports to congress and the public that they have treated over 250,000 acres under HFI—when in fact, this simply isn't happening. In addition, these hazardous fuel reduction projects are not using the HFRA authority. Projects under HFRA are not even listed.

So now, three and a half years following the passage of this landmark Act—what has really be accomplished and what provisions have resulted in changing condition class? We sincerely appreciate the subcommittee's attempt to ferret this information out.

The Middle East Fork fuels reduction project was the first project under the HFRA authority in Region One. The project was the culmination of three years and hundreds of hours of meetings amongst collaborators and stakeholders. Even as such, groups that oppose logging have pushed this project into federal court. However, the court recently denied the plaintiffs' request for a preliminary injunction and subsequent request for emergency stay—which has prompted the plaintiffs to seek injunctive relief in the 9th circuit court of appeals.

From the perspective of being intimately involved in these proposed projects; the provisions that have had the most positive impact in the local communities and in the courtroom are:

- Community collaboration;
- Identifying community fire protection zones;
- Compressed environmental analysis
- Pre-decisional process;
- Balance of harms and;
- Temporary preliminary injunction.

From our experiences, we recommend the Forest Service and/or Congress:

- Adopt the local community fire protection plans as the Wildland Urban Interface for HFRA purposes;
- Reinforce current NEPA statute language. The Forest Service must follow HFRA guidelines when analyzing the no-action and preferred alternatives. If an alternative is proposed from outside the collaborative group and not representative of the Purpose and Need, the Forest Service must not waste time and money on further analysis and must reject these proposals and must move forward in a timely manner;
- Collaborate in a manner consistent with the 10-Year Implementation Plan. The Forest Service must consider recommendations by at-risk communities that have developed community wildfire protection plans;
- Make funding available to establish monitoring plots in treated and untreated areas. This would be useful in analyzing short-term and long-term outcomes of HFRA treatments and also to determine the effectiveness of the Act;
- Recognize that it is essential under current biological conditions that funding for the Forest Inventory Assessment (FIA) continue to increase and lastly;
- Congress must revise the National Forest Management Act (NFMA) by including the balance of harms and pre-decisional appeals provisions for all federal resource management decisions.

In conclusion, we have watched the Forest Service flounder in confusion and inaction with regards to implementing hazardous fuel reduction projects under HFRA. If Congress is serious about moving condition classes back to historic fire regimes—the Forest Service simply must take restoration and rehabilitation opportunities under the HFRA more seriously.

Again, thank you for this opportunity to comment and for the subcommittee's interest in this important federal land management tool.

Sincerely,

JULIA ALTEMUS,
Resource Specialist.

○