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HEARING TO REVIEW THE NATIONAL FOREST SYSTEM AND ACTIVE FOREST MANAGEMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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HEARING TO REVIEW THE NATIONAL FOREST SYSTEM AND ACTIVE FOREST MANAGEMENT

WEDNESDAY, APRIL 29, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CONSERVATION AND FORESTRY,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The Subcommittee met, pursuant to call, at 2:36 p.m., in Room 1300 of the Longworth House Office Building, Hon. Glenn Thompson [Chairman of the Subcommittee] presiding.

Members present: Representatives Thompson, Lucas, Benishek, Allen, Bost, Conaway (*ex officio*), Lujan Grisham, Kuster, Nolan, DelBene, Kirkpatrick, and Peterson (*ex officio*).

Staff present: Carly Reedholm, Haley Graves, Jessica Carter, Josh Maxwell, Mollie Wilken, Patricia Straughn, Skylar Sowder, Ted Monoson, John Konya, Evan Jurkovich, Lisa Shelton, Matthew MacKenzie, and Nicole Scott.

OPENING STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

The CHAIRMAN. All right, I want to welcome everyone to today's Subcommittee on Conservation and Forestry public hearing. I am not going to gavel-in quite yet, it is going to be a little while. We have votes that are going to be called imminently. I apologize for that. Votes have a way of really messing up the schedule around here. But we are going to go to the floor—I think they are procedural votes, I believe, so it should be just two votes. And the first one, until they call it, which again, should be momentarily, will be held open. It is a 15 minute vote. They tend to be held open a little longer than that, quite honestly, 20, 25 minutes. And the second vote will be called right after that. And I would encourage Members to return to the hearing room immediately upon voting on that second vote so that we can get this hearing convened. I apologize for the inconvenience. It is just one of timing, unfortunately, it is not something we have really good control of here, so my apologies. I encourage everyone to relax, mingle, mix it up, whatever, and we will get this hearing convened as soon as we get back from votes. Thank you.

[Recess.]

The CHAIRMAN. Good afternoon everyone. One again, my apologies for what I thought was going to be a little quicker, but did manage to stretch out. The good news is that although there is another series of votes anticipated, it won't be until probably 8 p.m.

We will be well done and on our way by then, so we shouldn't have any further interruptions.

This hearing of the Subcommittee on Conservation and Forestry, to review the National Forest System and active forest management, will come to order.

Once again, I want to welcome everyone to this hearing of the Conservation and Forestry Subcommittee.

The health of our National Forests is an issue of vital importance for rural America and, quite frankly, for all America, when you look at the values and the benefits in terms of timber resources, the headwaters of our navigable waters, our drinking water, just so many great benefits, filters, carbon sink, and so it should be a concern to each and every American.

Not only are National Forests a source of immense natural beauty, they provide us with natural resources, healthy watersheds, recreational opportunities, and wildlife habitat. But, perhaps most importantly, they serve as economic engines for the surrounding local communities. As I like to say, it is fulfilling a promise. The promise that was made when these lands were taken out of the private sector and put into the public sector, that we would keep whole economically and allow for robust growth among our rural communities. Our National Forests are capable of providing and sustaining these economic benefits, but they need proper management in order to do so, which is the topic of today's hearing: to review the National Forest System and active forest management.

The U.S. Forest Service manages more than 193 million acres of land across 41 states, and within those 41 states, there are over 700 counties containing National Forest lands. Now, these counties and the communities within them rely on us to be good stewards, to be good managers of these Federal lands, and there is a direct correlation between forest health and vibrant rural community health.

The people living in these rural areas depend on well-managed National Forests to foster jobs and economic opportunities. These jobs can come from diverse sources such as timbering, energy production, or recreation. However, if those jobs disappear, so do jobs that support those industries. And it is a snowball effect from there, threatening school systems and infrastructure in these rural communities. Thus, effective management and Forest Service decisions have significant consequences on our constituents who live in and around our National Forests.

Healthier, well-managed National Forests are more sustainable for generations to come due to the continual risks of catastrophic fires and invasive species outbreaks. Now, especially with the decline in timber harvesting and revenue to counties from timber receipts over the past 2 decades, rural economies will benefit immensely from increased timber harvests. I would also say that we need to work together to focus on the other two parts of that triangle, and that is to promote our timber markets, and to enhance the value of our timber. It is a little more challenging. That is getting inside the heads of the consumers, but we all have an obligation to be working on all three of those things.

Now, we can continue supporting a diverse population of wildlife through active land management practices, such as prescribed

burns. Our National Forests are not museums, obviously, and were never intended to sit idle. And I say frequently, but National Forests are not National Parks.

When Congress created the National Forest System more than 100 years ago, it was designed so that surrounding communities would benefit from their multiple uses. Our National Forests are meant to provide timber, oil and natural gas, wildlife habitat, recreational opportunities, and clean drinking water for rural communities across America.

The 2014 Farm Bill provided the tools for the Forest Service to successfully manage our National Forests and help boost economies of surrounding communities. Now, these provisions allow for expedited planning and projections as well as reauthorizing programs, to allow the Forest Service to streamline projects, such as timber sale and restoration projects, and projects across neighboring jurisdictions. That said, we know that good public policy is not static; it is dynamic, and the purpose of this hearing is to help us as a Subcommittee look at what other legislative opportunities may exist out there to provide tools to the Forest Service to achieve that overall objective that we have of healthy forests and healthy rural communities economically.

Now, I want to thank Chief Tidwell, and I want to welcome him. I appreciate, Chief, you appearing again before us today, and I look forward to hearing more from you on how these farm bill programs are being implemented. I also look forward to hearing from our second panel of witnesses today. We have a wide variety of stakeholders who will tell us what they think the Forest Service does well and what they should be improving upon. We will hear how active forest management not only jumpstarts the rural economy, but also helps wildlife species and prevents and reduces the impact of fires. I thank each of our witnesses for taking the time to be here today. I would also like to welcome Sue Swanson from the 5th District of Pennsylvania, with the Allegheny Hardwood Utilization Group, who lives in Kane, Pennsylvania.

[The prepared statement of Mr. Thompson follows:]

PREPARED STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

Good afternoon. I want to welcome everyone to this hearing of the Conservation and Forestry Subcommittee.

The health of our National Forests is an issue of vital importance for rural America.

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The U.S. Forest Service manages more than 193 million acres of land across 41 states. Within those 41 states, there are over 700 counties containing National Forest land. These counties and the communities within them rely on us to be good stewards of these Federal lands; and there is a direct correlation between forest health and vibrant rural communities.

The people living in these rural areas depend on well-managed National Forests to foster jobs and economic opportunities. These jobs can come from diverse sources such as timbering, energy production, or recreation.

However, if those jobs disappear, so too do jobs that support those industries. It is a snowball effect from there, threatening school systems and infrastructure in these rural communities.

Thus, effective management and Forest Service decisions have significant consequences on our constituents who live in and around our National Forests.

Healthier, well-managed National Forests are more sustainable for generations to come due to the continual risks of catastrophic fires and invasive species outbreaks.

Especially with the decline in timber harvesting and revenue to counties from timber receipts over the past 2 decades, rural economies will benefit immensely from increased timber harvests.

We can continue supporting a diverse population of wildlife through active land management practices, such as prescribed burns.

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I want to welcome Chief Tidwell and thank him for again appearing before us today, and I look forward to hearing more from him on how these farm bill programs are being implemented.

I also look forward to hearing from our second panel of witnesses today. We have a wide variety of stakeholders who will tell us what they think the Forest Service does well and what they should be improving upon.

We will hear how active forest management not only jumpstarts the rural economy, but also helps wildlife species and prevents or reduces the impact of fires. I thank each of our witnesses for taking the time to be here today.

I also would like to welcome Sue Swanson of the Allegheny Hardwood Utilization Group in Kane, PA.

I now recognize the Ranking Member, Ms. Lujan Grisham, for her opening statement.

The CHAIRMAN. It is my pleasure to recognize the Ranking Member, Ms. Lujan Grisham, for her opening statement.

OPENING STATEMENT OF HON. MICHELLE LUJAN GRISHAM, A REPRESENTATIVE IN CONGRESS FROM NEW MEXICO

Ms. LUJAN GRISHAM. Thank you, Mr. Chairman, and good afternoon everyone. I am pleased to be here for the second Subcommittee on Forestry and Conservation hearing for this Congress. We have gotten off to a good and a strong start, and I look forward to continuing this Subcommittee's work as we begin to review forestry programs.

New Mexico is home to 9.1 million acres of Forest Service land, including the Gila National Forest, which is the sixth largest forest in the continental U.S. Our National Forests provide us with many benefits, including, as you have heard from the Chairman, high quality water, wildlife habitats, forest products, and opportunities for outdoor recreation and education. Clearly protecting and improving the management of our forests are top priorities for me and many of the communities in my district.

I believe the Chairman shares this passion, as do many of the Subcommittee Members. I hope that today's hearing will be the first, frankly, of many opportunities for the Subcommittee to take a real in-depth look at forestry issues. More specifically, I am looking forward to discussing the impact that wildfires and drought

have, and will continue to have, on forests in the Southwest, and not just forests, but the surrounding communities.

Most recently, New Mexico, like many other states in the Southwest, experienced record-breaking fires that burned hundreds of thousands of acres, and resulted in millions of dollars of damages. These are real problems that must be addressed, and that are threatening to devastate many parts of my state and the district. That is, quite frankly, before we talk about the public safety issues related to the men and women who fight those wildfires, and the communities in which homes and businesses and lives are destroyed.

These are real problems, they have to be addressed, and they are threatening to devastate many more parts of the state and the district. The current cycle of fire borrowing is not working, and contributes to more fires. For those not familiar with the term, *fire borrowing* occurs when the Forest Service has to dip into other programs to pay for rising fire suppression costs. Last year, USDA sent a report to Congress notifying us that the agency needed $470 million more to fight wildfires that season. This trend is not new, nor do I expect it to go away. Both USDA and DOI have had to divert funds from other programs to fund suppression efforts for 7 of the last 12 years. In addition, we should be looking at innovative and more cost-efficient ways to suppress fires.

Now, I recently had the opportunity to meet with a company in my district that has developed larger planes, or tankers, that can deliver four times more retardant than any other tanker employed today. This allows them to put out fires much more quickly, which saves lives, and reduces costs and damages.

In closing, I hope this hearing will help identify ways that Congress can help prevent wildfires, improve the way we respond to fires, and assist communities with post-fire recovery.

I welcome Chief Tidwell and the rest of the witnesses joining us today. Laura McCarthy works in New Mexico, and was recently recognized as the New Mexico Environmental Leader of the Year for establishing the Rio Grande Water Fund, a very important project in New Mexico. I know we are going to hear more about that in her testimony, or at least I hope so, today. I look forward to today's testimony.

I thank the Chairman, and I yield back.

[The prepared statement of Ms. Lujan Grisham follows:]

PREPARED STATEMENT OF HON. MICHELLE LUJAN GRISHAM, A REPRESENTATIVE IN CONGRESS FROM NEW MEXICO

Good afternoon. I'm pleased to be here today for the second Subcommittee on Forestry and Conservation hearing this Congress. We've gotten off to a strong start and I look forward to continuing the Subcommittee's work today as we begin to review forestry programs.

New Mexico is home to 9.1 million acres of Forest Service land, including the Gila National Forest, which is the sixth largest forest in the continental U.S. Our National Forests provide us with many benefits, including high-quality water, wildlife habitat, forest products and opportunities for outdoor recreation and education.

Protecting and improving the management of our forests are top priorities for me and many of the communities in my district. I believe the Chairman shares this passion, as do many of the Subcommittee Members. I hope that today's hearing will be the first of many opportunities for the Subcommittee to take a real in-depth look at forestry issues.

More specifically, I'm looking forward to discussing the impact that wildfires and drought have had, and will continue to have, on forests in the Southwest. Most recently, New Mexico, like many other states in the Southwest, experienced record-breaking fires that burned hundreds of thousands of acres and resulted in millions of dollars in damages. These are real problems that must be addressed and are threatening to devastate many parts of my state and district.

The current cycle of "fire borrowing", is not working and is contributing to more fires. For those not familiar with the term, "fire borrowing" occurs when the Forest Service has to dip into other programs to pay for rising fire suppression costs. Last year, USDA sent a report to Congress, notifying them that the agency needed $470 million more to fight wildfires that season. This trend is not new, nor do I expect it to go away. Both USDA and DOI have had to divert funds from other fire-preventing programs to fund suppression efforts for 7 of the last 12 years.

In addition, we should be looking at innovative and more cost-efficient ways to suppress fires. I recently had the opportunity to meet with a company in my district that has developed larger planes or tankers that can deliver four times more retardant than any other tanker employed today. This allows them to put out fires much more quickly, which saves lives and reduces cost in damages.

In closing, I hope this hearing will help identify ways that Congress can help prevent wildfires, improve the way we respond to fires and assist communities with post-fire recovery.

I would like to welcome Chief Tidwell and the rest of the witnesses joining us today. Laura McCarthy works in New Mexico and was recently recognized as the New Mexico Environmental Leader of the Year for establishing the Rio Grande Water Fund, an important project in New Mexico that I know we'll hear more about in her testimony.

I look forward to today's testimony, I thank the Chairman and I yield back.

The CHAIRMAN. I thank the gentlelady.

And the chair would request that other Members submit their opening statements for the record so the witnesses may begin their testimony, and to ensure there is ample time for questions.

The chair would like to remind Members that they will be recognized for questioning in order of seniority for Members who were present at the start of the hearing; after that, Members will be recognized in the order of their arrival, and I appreciate the Members' understanding. Witnesses are reminded to limit their oral presentations to 5 minutes, and all written statements will be included in the record.

I am pleased to welcome our witness to the table of the first panel, Mr. Tom Tidwell, Chief of the United States Forest Service. Chief Tidwell started his career as a firefighter, while going to school, and he has truly demonstrated a career where he is trying to make a difference within the Forest Service, and held a lot of different titles and jobs, and we are pleased that he is serving as the Chief of our Forest Service today. Chief Tidwell, please begin with your testimony when you are ready.

STATEMENT OF THOMAS L. TIDWELL, CHIEF, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Mr. TIDWELL. Mr. Chairman, Ranking Member, Members of the Subcommittee, once again, I really appreciate the opportunity to be here today to be able to talk about a very important subject, and that is the health of our National Forests, the health of our nation's forests. I appreciate both of the opening remarks that so clearly describe the overall benefits that the American public rely on from these lands. I also want to thank you for the farm bill. We are just beginning to start using those new authorities, and it is

really going to make a difference to be able to help us to support rural economies while improving the health of our nation's forest.

As you have already said, today, our National Forests are more important to the nation than ever. Restoring the health and resilience of these forests not only generates all the benefits that you have described, but it is also those economic benefits, those economic engines, for so many of our rural communities. In Fiscal Year 2011, for example, the various activities on the National Forest and Grasslands contributed over $36 billion to America's gross domestic product, and supported nearly 450,000 jobs. But to be able to maintain all of those benefits, those economic activities, it is essential that we continue to restore and maintain these lands, and it is one of the reasons why we continue to increase the number of acres we are treating every year.

In 2013, we treated 2.5 million acres to restore the health of these lands, and in Fiscal Year 2014, we increased that to 2.9 million acres. At the same time, we are also increasing the outputs, for instance, with timber production. In Fiscal Year 2013, we sold 2.6 billion board feet, and Fiscal Year 2014, that went up to 2.8 billion. This year we have a target of 2.9 billion. And in 2016, with our budget request, we are estimating we will be at 3.2 billion, which just demonstrates the importance for us to be able to do the work on the land to produce these key benefits.

The way we have been able to continue to increase the acres treated and produce these key outputs is several innovative restoration efforts that we have going. The first is collaboration. This concept of working with communities in a way that they have more of a say, a greater engagement, is really building more support for us to be able to take on projects across large landscapes. We have our Collaborative Forest Landscape Restoration Program projects that are looking at landscapes from about 130,000 to over 600,000 acres, and being able to dedicate multiyear funding to these areas, it is really proving to be a success on these 23 projects. We are also improving our approach on NEPA to be able to not only do large-scale projects, but also to use the concept of adaptive management that allows us to do one set of analysis that allows us to do the work that is needed over a set period of years. We are continuing to expand our markets, which is essential for us to be able to have a way to put the biomass of saw timber to use. And then with the farm bill, I look at the farm bill authorities and they are going to help us to expand. Stewardship contracting; thank you for making that permanent. The Good Neighbor Authority, the insect and disease provisions that will help us to reduce the amount of time it takes for us to be able to do the analysis, and also the new categorical exclusion for us to be able to treat up to 3,000 acres with that CE.

Now, with the passage of the farm bill, we moved quickly to work with the governors to designate 46.7 million acres where we can use the Insect and Disease Authority, but many of our projects in Fiscal Year 2014, and Fiscal Year 2015, already had the planning started. So we are really going to see the benefits of the farm bill really start coming together at the start of this year, but especially next year. For this year, we have nine projects already that are lined up to be able to use these new authorities, so we will be able

to demonstrate the benefits of that. Also with the Good Neighbor Authority, we are working closely with the states, with the Tribes, with other stakeholders to put together a set of templates that not only works for the Forest Service, but more importantly works for the state, so that we can use this authority to actually increase the capacity for us to be able to get more work done, working through the states, and this will also expand our partnership efforts.

So these are the things that we have going, the progress that we are making, and I will tell you, I am tremendously proud about the work that is getting done, the work we are doing with our partners and our communities. And once again, the farm bill, those authorities are really going to make a difference as we move forward.

Thank you for your time this afternoon. I look forward to your questions.

[The prepared statement of Mr. Tidwell follows:]

PREPARED STATEMENT OF THOMAS L. TIDWELL, CHIEF, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Introduction

Mr. Chairman and Members of the Committee, thank you for the opportunity to present the views of the Forest Service regarding improving forest health and opportunities on the National Forest System to increase the pace and scale of forest restoration and management.

Our National Forests and Grasslands are a national treasure. The health of the National Forests and the communities they serve are our shared priority. The U.S. Forest Service is accelerating restoration and management of the National Forests, despite budgetary challenges, though we agree more must be done. My testimony details the threats to our forests and gives a few examples of our successful efforts in collaboration, innovation and increased efficiencies. It outlines our efforts to promote collaboration among stakeholders to develop larger, landscape scale projects, to improve the efficiency of the agency in delivering forest management projects, to implement provisions of the 2014 Farm Bill, and to promote markets for wood.

The good news is that the agency is making significant progress. In 2014, we exceeded our targets by producing over 2.8 billion board feet of timber. Our timber harvest has increased 18 percent since 2008. The agency is achieving these results despite the fact that since 1998, National Forest System staff was reduced by well over ⅓. The agency will continue to invest in a number of strategies to treat more acres and produce more wood products, but the greatest barrier it faces is the short and long term impacts of the growing fire budget. We look forward to working with the Committee and others to address this and other challenges.

Forest Management—the Challenge and Opportunity

Forests provide a broad range of values and benefits, including biodiversity, recreation, clean air and water, forest products, erosion control, soil renewal and more. Covering ⅓ of the country's landmass, they store and filter more than ½ of the nation's water supply and absorb approximately 12 percent of the country's carbon emissions. Our mission of sustaining the health, resilience and productivity of our nation's forests is critically important to maintaining these values and benefits.

Forests are an economic driver. Restoring the health and resilience of our forests generates important values as well as economic benefits. In FY 2011, for example, the various activities on the National Forest System (NFS) contributed over $36 billion to America's gross domestic product and supported nearly 450,000 jobs. Over 68 percent of the contribution to the economy was associated with direct use of NFS lands and resources, including land use fees from privately provided recreation services—ski areas, outfitting and guiding, campground concessions; expenditures related to skiing, hiking, hunting, fishing, and other forms of outdoor recreation; the generation of energy, minerals, and traditional forest products; and livestock grazing.

Threats to Forest Health and Forests at Risk

Our forest and grassland resources are at risk due to uncharacteristically severe wildfires, severe outbreaks of insects and disease, drought and invasive species, all exacerbated by a changing climate.

Many states have recently experienced the largest and/or most destructive fires in their history. Two primary factors are contributing to larger and more destructive wildfires: climate and forest conditions. Researchers have shown a 78 day increase in the western fire season since 1970, possibly due to a gradual rising of average spring and summer temperatures. Time of snowmelt also may be a factor. If these patterns persist, scientists predict the western states will get hotter and drier by the end of the century. In such conditions, fire seasons will grow longer and fires will likely increase in number and intensity.

Forest conditions also matter to fire activity. Decades of fire suppression and other factors have led to increases of fuels, including small-diameter trees and other vegetation, in many forest types across the country. Treating these acres through commercial thinning, hazardous fuels removal, re-introduction of low-intensity fires and other means can reduce fuel loads, provide forest products to local mills, provide jobs to local communities, and improve the ecological health of our forests.

Insects and disease have exacerbated the challenge. The area affected by an epidemic of mountain pine beetle in the West has reached 32 million acres on the National Forests alone. In addition, invasive weeds such as kudzu, cheatgrass, leafy spurge, and spotted knapweed have infested about 6 million acres on the National Forests and grasslands, an area the size of Massachusetts.

Fifty-eight million acres of National Forests are at high or very high risk of severe wildfire. Out of the 58 million "high or very high" risk acres, we have identified approximately 11.3 million acres for highest priority treatment. These acres are in proximity to the wildland-urban interface or in priority watersheds or water sources, are in frequent fire return regimes, and not in roadless or wilderness areas.

The Need for Restoration

The Forest Service is committed to increasing the pace and scale of restoration. By restoration, we mean restoring and maintaining the functions and processes characteristic of healthier, more resistant, more resilient forests, even if they are not exactly the same systems that were there in the past. Our goal is to protect and restore the ability of America's forests and grasslands to deliver all the social, economic, and ecological values and benefits that Americans want and need from their National Forests, now and for generations to come.

The Forest Service has increased the number of acres treated annually to improve watershed function and resilience. In FY 2013 the agency treated over 2.5 million acres and increased this to 2.9 million acres in FY 2014. The Forest Service has also been increasing its timber production over time. We sold 2.6 billion board feet (bbf) in FY 2013, 2.8 bbf in FY 2014 and have targets of 2.9 bbf in FY 2015 and 3.2 bbf in FY 2016. Meeting this last goal will require a number of strategies.

Working with State, Local and Tribal Communities with Forest Health

The Forest Service's Forest Health Protection program protects non-Federal forest and tree resources from damaging forest insects, disease-causing agents, and invasive plants; develops and improves forest health protection technologies; and monitors the health of our nation's forests. Technical assistance, formula grants, and project grants are available.

Collaboratives

The Forest Service is investing in collaborative approaches to forest restoration across the country as a way to develop better projects, to work across larger landscapes, to build public support for forest restoration and management, and to reduce the risk from litigation. Dozens of collaboratives across the country are enabling the USFS and our partners to get more work done. These collaboratives are locally led groups from local communities, environmental groups, forest industry, and others and are designing projects that address forest restoration, supply wood to local mills, conserve watersheds and provide a range of other benefits.

Collaborative Forest Landscape Restoration Program (CFLRP)

One way to support local collaboration has been through the Collaborative Forest Landscape Restoration Program (CFLRP), and we appreciate Congress' support for this innovative program. The CFLRP encourages collaborative, science-based ecosystem restoration of priority landscapes. The program currently supports 23 large-scale projects with 10 year funding to implement priority restoration work on NFS lands while engaging local communities and leveraging partner resources through collaboration, implementation, and monitoring.

The CFLR program is on track to meeting its goals over its 10 year timeframe, making substantial strides in the first 5 years to promote forest health and resilience and reduce the risk of catastrophic wildfire. In the 5 years since initial program implementation, the 23 projects collectively have treated over 1.45 million

acres to reduce the risk of catastrophic fire, over 84,570 acres to improve forest health, over 1.33 million acres to improve wildlife habitat, and over 73,600 acres to eradicate noxious weeds and invasive plants. In addition, these projects have exceeded their timber output goals, producing nearly 1.3 billion board feet.

These collaborative projects help rural communities by creating and maintaining jobs. Between 2011 and 2014 these projects generated $661 million in local labor income and an average of 4,360 jobs per year. The FY 2016 President's Budget for the Forest Service includes a proposal to increase funding authority for the program from $40 million to eventually $80 million, with funding in FY 2016 requested at $60 million. The funding increase will allow us to pursue up to ten additional projects. Accordingly, the budget proposes extending authority for the program through 2024 to allow for full completion of new projects.

These collaboratives, and dozens of similar efforts, help maintain a robust forest industry with benefits flowing not only to local communities, but also to the Forest Service itself as the agency relies on local forest contractors and mills to provide the workforce to undertake a variety of restoration activities. A 2011 Forest Service study found that through work on NFS lands, the forest products industry supports about 42,000 jobs and contributes around $2.7 billion to America's gross domestic product each year.

Chiefs' Joint Landscape Restoration Partnership

Our restoration efforts are not just confined to public lands. Recognizing that fire, insects, disease, wildlife and watersheds do not respect property lines, the Forest Service and USDA's Natural Resources Conservation Service are combining resources to expand our efforts across both public and private land. In FY 2014, Secretary Vilsack announced a multi-year partnership between the U.S. Forest Service and the Natural Resources Conservation Service (NRCS) to improve the health and resiliency of forest ecosystems where public and private lands meet across the nation. The Forest Service and NRCS Chiefs' Joint Landscape Restoration Partnership program aims to reduce wildfire threats to communities and landowners, protect water quality and supply, and improve wildlife habitat for at-risk species. By leveraging technical and financial resources and coordinating activities on adjacent public and private lands, conservation work by NRCS and the Forest Service will be more efficient and effective in these watersheds.

In FY 2014, the Landscape Restoration Partnership invested $30 million in 13 projects in 12 states across the country. The priority projects selected for FY 2014 will continue in FY 2014: $27 million will be provided to continue work on these projects in 2015; 15 additional projects were selected in FY 2015 and announced last month, totaling $10 million. The 2015 projects are located where private and public lands meet, and where restoration objectives cross ownership boundaries. For example:

In Illinois, conservation management in the Kinkaid Lake watershed has been a partnership effort for many years. The cooperation with the Illinois Department of Natural Resources, Shawnee Resource Conservation and Development Council, Jackson County Soil and Water Conservation District, Kinkaid Area Watershed Project and other partners has come together with a goal to restore the Kinkaid Lake Watershed. Kinkaid Lake is a 2,350 acre reservoir that provides potable water to about 30,000 people, but is deteriorating due to non-point sources of sediment and nutrients. The partners will combine their time and resources to improve water quality and water storage capacity by reducing the amount sediment and nutrients. The water supply watershed and habitat quality will be improved and wildfire threats will also be reduced.

The watersheds of Lake Superior's coastal forests are home to tributaries that impact the water quality of The Great Lakes, among the most important natural resources in the world. With more than 20 percent of the Earth's surface freshwater, they provide drinking water for 45 million people and habitat for a vast array of plants and wildlife, including more than 200 globally rare species. Spanning 295,000 miles^2, the basin's immense network of streams, lakes, wetlands and forests provides critical ecological services, such as water filtration, flood control, and carbon storage. In addition, the region offers unmatched opportunities for industry, tourism and recreation. The Forest Service and NRCS are partnering with Sugarloaf: The North Shore Stewardship Association, Grand Portage Tribal Council, The Nature Conservancy, Soil and Water Conservation Districts and the state to expand current restoration efforts to protect the water quality of Lake Superior, provide critical wildlife habitat and develop a resilient ecosystem for the future.

Efficiencies

An important way to increase the pace and scale of forest restoration and management is to improve the efficiency of planning timber sales and stewardship contracts. We are working to identify and implement process improvements and efficiencies that help with increasing the pace and scale of restoration, while also engaging the public and developing well-planned projects. Some strategies include:

- The Forest Service is planning and implementing projects across larger areas, which increases NEPA efficiency and thereby spreads costs across more acres, and provides a longer term and more certain timber supply for local mills. For example, the Mountain Pine Beetle Response Project on the Black Hills National forest is implementing a landscape scale approach across 200,000 acres for treating current and future pine beetle outbreaks.

  In the Southwest, the Forest Service signed the Final Record of Decision for the Four Forest Restoration Initiative's (4FRI) first EIS on April 17, which analyzed approximately 1 million acres in the Coconino and Kaibab National Forests. This project was one of the Council on Environmental Quality's NEPA Pilot Projects, which were projects nominated for employing innovative approaches to completing environmental reviews more efficiently and effectively. The Environmental Impact Statement covers approximately 1 million acres and proposes 586,110 acres of restoration activities: 355,708 acres on the Flagstaff, Mogollon, and Red Rock districts of the Coconino National Forest; and 230,402 acres on the Williams and Tusayan districts of the Kaibab National Forest.

  4FRI involves the entire suite of restoration efforts including thinning; prescribed burning; watershed and road maintenance; grassland, spring, and stream channel restoration; and habitat improvement. This milestone is the result of four National Forests and more than 30 stakeholder groups joining together over 5 years to work on the largest landscape-scale restoration project ever analyzed in Forest Service history. 4FRI builds on many years of collaboration, research, and action since the mid-1990s. Over the past 5 years, the Forest Service has progressed toward accelerating restoration by implementing projects within the 4FRI landscape, using previous NEPA analyses. Progress continues with this final Record of Decision.

- The Forest Service is developing new approaches to NEPA in the wake of catastrophic fires. On the Rim Fire, which burned 257,000 acres in the summer of 2013, the Stanislaus National Forest finalized both an Environmental Assessment for hazard tree removal and an Environmental Impact Statement for restoration and salvage in 1 year. The EIS projects will lessen the potential for future catastrophic fire by reducing the fuel loading and, in addition, capture some of the perishable economic commodity value of the fire killed trees through timber salvage. The agency coordinated with the Council on Environmental Quality, which approved Alternative Arrangements to expedite the NEPA process. Overall, our partners and stakeholders appreciated the transparency while also enabling contracts to get awarded and work done on the ground.
- The agency is asking collaboratives to help with planning and implementation. The Fivemile Bell Landscape Management Project is one of the largest projects organized and developed by the Siuslaw National Forest and its partners. For this watershed restoration project, the Forest Service through active engagement and leadership from its stakeholders was able to leverage private resources to accomplish priority watershed restoration work. This collaborative approach increased the capacity of the forest to achieve more than it could have if it had utilized a more traditional approach to the NEPA process. This project was one of the Council on Environmental Quality's NEPA Pilot Projects, which were projects nominated for employing innovative approaches to completing environmental reviews more efficiently and effectively.
- Another innovative approach to environmental analysis under NEPA and stewardship contracting to increase the scale and pace of restoring forest health and to provide economic opportunities for local communities is the Mill Creek A to Z Stewardship Project on the Colville National Forest. This project was designed so that each step, from NEPA data collection to project implementation, where appropriate, will be performed and financed by the contractor, Vaagen Brother's Lumber Inc. under the supervision of the Forest Service. The Environmental Assessment for the first of the two planning areas was released for public comment recently. The contractor is planning to start presale activities this spring and vegetation treatments are expected to begin after the decision is signed this fall.

The agency has established additional categorical exclusions for restoration work, has expanded the use of focused environmental assessments, is using adaptive management to allow our decisions to last longer, and is better training employees to take advantage of new efficiencies. The Forest Service is also developing efficiencies in NEPA through technology. For example, the Forest Service's investments in using electronic applications provide considerable cost and time savings, contributing to an efficient NEPA process by reducing the administrative workload in reporting, records management, electronic document filing, and managing public mailing lists, while making it easier for the public to comment on Forest Service projects.

All of these efforts are aimed at becoming more proactive and efficient in protecting and restoring the nation's natural resources, and supporting jobs and economic vitality for American communities.

2014 Farm Bill Implementation

The tools provided in the 2014 Farm Bill significantly expand the tools that will support our ability to accomplish restoration work on the ground, such as permanent authorization for stewardship contracting and the Good Neighbor Authority. In addition, the insect and disease designations and modifications to the Healthy Forest Restoration Act included in the farm bill, will add to the NEPA and process efficiencies outlined above and further help accelerate the pace and scale of restoration.

The 2014 Farm Bill added authority to the Healthy Forest Restoration Act to authorize designation of insect and disease treatment areas and provide a categorical exclusion (CE) for insect and disease projects on areas as large as 3,000 acres. The new CE holds significant potential to improve efficiency, resulting in on-the-ground restoration work that is accomplished more quickly and across a larger landscape. Working with Governors, last summer Secretary Vilsack announced the designation of approximately 46.7 million acres in 36 states. On March 6, designations for the State of Washington added an additional 711,000 acres.

The Forest Service has been working to integrate the new authorities into our project development process, recognizing that FY 2014 projects were already developed and underway when the farm bill was authorized and insect and disease areas were designated. The first projects using this new authority are already moving forward. Currently, nine projects have been proposed under the Farm Bill Insect and Disease provisions. Seven of the projects will be implemented using the new Categorical Exclusion (CE) authority, while the remainder will use the updated procedures for completing an Environmental Assessment. These initial projects will help the agency and its partners better understand and implement the new CE authority while additional projects are identified, planned and implemented. Planning and implementation of projects within designated areas will expand in FY 2015 and beyond.

The Forest Service is working with states, Tribes, and other stakeholders to refine the necessary guidance for implementation of Good Neighbor Authority (GNA), which authorizes Federal agencies to enter into cooperative agreements or contracts with State Foresters to conduct restoration projects on Federal forestland. The Forest Service is near the final stages of completing the requirements of the Paperwork Reduction Act process that is required to approve the agreement templates that will be used by the agency and states to implement projects under GNA. The Forest Service is working closely with states to ensure that this new authority can be efficiently implemented. We expect approval of the agreement templates this spring and to begin implementing projects this summer.

The farm bill also provided permanent authority for stewardship contracting. Traditional timber sale contracts will remain a vital tool for the Forest Service in accomplishing management of the National Forests. At the same time, stewardship contracting is helping the Forest Service achieve land and natural resource management goals by funding forest health and restoration projects, stream restoration, hazardous fuel removal, and recreation improvements. In many areas, stewardship contracting will allow the agency to build larger projects, treating more acres, and with broader public support. Since 2008, acres treated through stewardship contracts have nearly tripled. The Forest Service will continue to provide training across the agency and with states and partner organizations on use of this important tool.

Building a Strong Forest Products Industry through Support for Markets and Research

In addition to the innovative approaches to collaboration and efficiencies highlighted above, we have also focused on the need for strong markets for wood, both large and small diameter trees, to support restoration efforts. The Forest Service

recognizes the need for a strong forest industry to help accomplish forest restoration work; one of the best opportunities for reducing the cost of these restoration treatments is to ensure strong markets for the byproducts of these treatments.

The Forest Service is a leading agency in the Federal Government to preferentially select domestically harvested wood products in building construction projects while increasing its commitment to green building standards. All Forest Service building projects incorporate green building principals such as energy efficiency, locally produced wood products, recycling and reuse of building materials. New building construction and major renovation projects for administration facilities or research laboratories over 10,000 gross feet[2] must be registered and certified using accredited third-party green building certification systems.

The Forest Service is actively encouraging the U.S. building sector to fully consider wood when construction with wood is an appropriate option. We completed three primary actions to achieve this: (1) we have increased our financial support of Woodworks for their education and technical support of architects and engineers from $250,000 per year to $1,000,000 per year; (2) we have expanded our biomass utilization grant program into a Wood Innovations program which generated 101 proposals for funding this year; and (3) we are actively providing technical support to USDA's Tall Wood Building Competition which will both directly help move wood building technology in the U.S. and be a highly effective awareness mechanism for the broader public on the possibilities of building with wood. USDA will announce awardees of the U.S. Tall Wood Building Prize Competition in October 2015.

The Forest Service is leading the USDA Wood to Energy Initiative, a partnership between five agencies, including Rural Development and the Farm Service Agency. This interagency effort is focused on creating value for woody biomass by creating energy, for heating buildings, manufacturing and producing electricity. The initiative is focused on economically viable uses of wood. For example, wood chips and pellets are about ½ the cost of fuel oil and propane for heating. The U.S. uses about 25 billion gallons of fuel oil and propane at a cost of about $75 billion, most of it consumed in rural America. We also continue to support incentives for biomass removal and utilization such as the Biomass Crop Assistance Program (BCAP). It is important to keep in mind that wood energy is one more part of an integrated wood products industry that produces structural material, furniture, pulp and paper. Our goal is to use all the parts of the trees for the highest value we can so that landowners can effectively manage their land whether it is public or private.

Forest Service Research and Development (R&D), the largest forestry research organization in the world, provides scientific research to sustainably manage and use forest resources and forest fiber-based products. It is developing the science and technology needed to sustain and restore ecosystems in the face of changing conditions, including the expansion of existing markets for wood and the development of new markets. FS R&D continue the development of wood-based biofuels, chemicals, and products that can substitute for petroleum-based materials, including developing biomass deconstruction science and technology, conversion technologies for wood-based liquid fuels including drop-in fuels, and science and technology for manufacturing chemicals and other co-products from biomass-to-energy conversion. The FS R&D investment in wood-derived nanomaterials may create new high-value products in traditional forest products such as stronger, lighter paper and innovative new products such as body armor, automobile components and flexible electronics. Adopting wood-derived nanomaterials will promise new value-added feature in products and improve environmental performance attributes, support more efficient use of renewable materials and decrease reliance on oil-based products.

The Budget Challenge

Our efforts are showing success: we have increased timber harvest by 18% since 2008, with fewer Forest Service resources and staff. But, there is a limit to the gains we can realize through efficiencies and partnership alone. In particular, the frequency and intensity of wildfire, the rising cost of assets deployed against the spread of wildfire, and the way the Forest Service funds fire suppression are slowly crippling the agency's ability to restore and manage the National Forests. In addition, in the short term, it is forcing the agency in most fire years to disrupt on-going projects—whether they are forest management, recreation, conservation, research or others—in order to transfer funding to meet fire suppression needs.

Fire Suppression Cap Funding Proposal

In Fiscal Year 1995, the Forest Service spent 16% of its budget on firefighting. Today the agency spends nearly ½ of its budget in fire management activities. This has enormous implications for how the agency carries out its mission, including taking funding from the very programs that help reduce catastrophic fire in the first

place. Since 1998, fire staffing within the Forest Service has increased 114 percent from around 5,700 in 1998 to over 12,000 in 2015. Over the same period, staffing levels for those dedicated to managing National Forest System lands have decreased by 39 percent—from almost 18,000 in 1998 to fewer than 11,000 in 2015.

Fire transfers from non-fire accounts occur when the agency has exhausted all available fire resources from the Suppression and FLAME Fund accounts. From FY 2000 to FY 2013, the Forest Service made fire transfers from discretionary, trust, and permanent non-fire accounts to pay for fire suppression costs seven times, ranging from $100 million in FY 2007 to $999 million in FY 2002, and totaling approximately $3.2 billion. Of the total transferred funds, $2.8 billion was repaid, however, the transfers still led to disruptions within all Forest Service programs. Although there was not a fire transfer in FY 2014, the financial impacts to the agency were still significant given the uncertainty around fire risk and funding. Even though many parts of the country experienced lower than normal fire activity last year, the cost of suppression still exceeded the 10 year average. Our forests and grasslands lost opportunities to undertake important project work—including fire prevention work—and deferred important spending in anticipation of a very active fire season.

Each time the agency transfers money out of non-fire accounts to pay for fire suppression there are significant and lasting impacts across the entire Forest Service. When funding is transferred from other programs to support fire suppression operations, these non-fire programs are impacted because they are unable to accomplish priority work and achieve the overall mission of the agency. Often this priority work mitigates wildland fire hazards in future years. In addition, transfers negatively impact local businesses and economies, costing people jobs and income as a result.

We expect a very active fire season in 2015. The median Federal Land Assistance, Management and Enhancement (FLAME) Fund suppression forecast for the 2015 fire season is $1.12 billion. Our appropriated funding in FY 2015 is $1.01 billion.

Bipartisan legislation, the Wildfire Funding Disaster Act, has been introduced in both the House and Senate that will provide a much more rational approach to funding wildfire. This proposal is mirrored by a proposal in the FY 2016 President's Budget. WFDA calls for a fundamental change in how wildfire suppression is funded to reduce fire risk, manage landscapes more holistically, and increase resiliency of the nation's forests and rangelands and the communities that border them. The Budget proposes a fiscally responsible funding strategy that considers catastrophic wildland fires as disasters, to be funded in part by budget authority provided through a wildfire suppression cap adjustment which is outside the discretionary appropriation of the agency. This strategy provides increased certainty in addressing growing fire suppression funding needs, better safeguards non-suppression programs from transfers that have diminished their effectiveness, and allows us to stabilize and invest in programs that will more effectively restore forested landscapes, treat forests for the increasing effects of climate change, and prepare communities in the Wildland Urban Interface to manage for future wildfires.

The Forest Service estimates that the President's proposal will increase outputs from the National Forests from 2.9 billion board feet to 3.2 billion board feet. The most important action Congress can make now in advancing the pace and scale of forest restoration is to fix the fire funding problem.

Conclusion

I am proud of the work that the Forest Service and its employees have been able to accomplish—particularly in a time of reduced resources and staff for non-fire programs—and of the partnerships we have developed that have made that work possible. But, more work needs to be done to address a range of threats facing our National Forests.

The Forest Service will continue to work with states, local government, Tribes, industry and our many other partners to improve our forest management program through increased collaboration, new efficiencies, implementation of new authorities in the farm bill, and promotion of markets for wood. We stand ready work with Congress to address fire funding and the need for accelerated forest restoration.

I want to thank the Committee for its interest, leadership, and commitment to our National Forests and their surrounding communities. I would be pleased to answer any questions you may have.

The CHAIRMAN. Chief, thank you so much for your testimony.

I will start out the questioning. And I was disturbed to see that the Forest Service is only preparing seven projects using the Farm Bill Insect and Disease Treatment Authority that we provided in the farm bill. Now, you had talked about how this is going to be

a big year for ramping up. Are there applications for this, and I will be real specific, I guess, are there applications for this authority in Pennsylvania? If so, why haven't we yet taken advantage of them?

Mr. TIDWELL. Well, once again, with the passage of the farm bill, then it took a while to work with——

The CHAIRMAN. Check your microphone. Thank you.

Mr. TIDWELL. Excuse me. With the passage of the farm bill, and then it took some time to work with the governors to designate the areas that we could apply the Insect and Disease Authorities. By then we had already planned our work in 2014, and also through 2015. So we are seeing right now that we have nine projects, and that will increase over the year. You will really see the benefits of these new authorities come into play in Fiscal Year 2016. So we are not going to ask people to stop the projects they have done the analysis on, and are halfway through with, to be able to shift gears. That is one of the reasons it has taken us a little more time.

Also, on the Good Neighbor Authority, which may be one of the best uses of the farm bill authorities in your state, we are taking the time, first of all, to work with the states, and then we also have the Paperwork Reduction Act that we have to go through that does require certain processes we have to follow, and so that has taken a little more time. But the benefit of this is, by sitting down with the states and actually going through what we call sand table exercises, where we actually look at the templates and go through a scenario to see how this would actually play out on the ground, working together. Because of that, we are going to have a much better product than if we would have just quickly moved forward. I look at that as probably one of the areas, especially in the Commonwealth of Pennsylvania and with the value of the timber that we have in your state, it really will lend itself for us to find ways to work closer with the state to be able to bring more capacity to get more work done.

The CHAIRMAN. You have a projection, obviously, seven projects so far. Do you have a work plan, do you have a goal in terms of what you are going to be able to accomplish in the year ahead?

Mr. TIDWELL. Well, my goals are what we are looking at, the total number of acres, the total outputs that we are putting out there. What we have asked each of our regions is to be able to make sure, first of all, our Forest Supervisors are fully aware of these authorities, how to use those, and to make sure that we are using them because, with the modifications to the Healthy Forest Restoration Act, we can now look at many of our projects, especially where we have these strong collaboratives, that often we can only look at two alternatives in an EA or an EIS *versus* in the past, we have needed to look at maybe five or six, and we had to fully analyze. This is a significant improvement.

Under the Healthy Forest Restoration Act, we had great success using a similar authority, but now this one allows us to use it where we have this insect and disease concern, which is on over 46 million acres.

The CHAIRMAN. One way, and you had mentioned CFLRP, and one of the goals of that program was to avoid the wildfires.

Mr. TIDWELL. Yes.

The CHAIRMAN. Have we been able to quantify with just what has been done so far towards the reduction of wildfire threat on those acreages?

Mr. TIDWELL. Yes. We just put out our 5 year report on the CFLR Program, and even though only ½ of the projects have actually had a full 5 years, we have been able to document the tens of thousands of acres where we reduced the hazardous fuels, also over 1.3 billion board feet that has come off of those projects. We are meeting our goals when it comes to hazardous fuels reduction, we are meeting our goals when it comes to watershed improvement on most of the areas, and we're seeing outputs like saw timber and biomass. Areas where we wanted to reduce noxious weeds in is an area we have to look at to improve. That is one of the targets that we are not in line with yet. But the 5 year report demonstrates the success we are having with this program, and it is one of the reasons why, in our 2016 budget request, we are asking for the authority to expand this program.

The other key part of this is that it takes a commitment for multiyear funding for us to be able to look at these large landscapes, and once again, the smallest one is 130,000 acres, but to be able to have that dedication so that the communities and the industry know that, okay, we are going to continue to be working on these, and it is not going to be a 1 year jump forward and then let's fall back. That is the other benefit of this program and why it is really producing the results we are seeing today.

The CHAIRMAN. Okay, great. Well, thank you very much. My time has expired. And I hoping maybe we will get two rounds. We will see.

But I am pleased to recognize the Ranking Member for 5 minutes.

Ms. LUJAN GRISHAM. Thank you, Mr. Chairman.

Chief, as I mentioned in my opening remarks, the *status quo* about how we are funding both prevention and fighting forest fires is not working. Having a fixed amount that inhibits our efforts to both prevent and provide sufficient resources to defend them or combat wildfires during the fire season continues to be a huge problem. I am continuing to hear concerns that the Forest Service has managed, in addition to that, the National Forest in a manner that has left local communities, as they try to weigh-in, and even try to identify state or local resources to adjust that dynamic to some degree, feeling very disconnected and not part of an effort to try and rectify that.

I have also heard concerns that the Forest Service's wildfire prevention techniques, to some degree, have been ineffective, and have had some unintended consequences, which is a very serious concern for a state like New Mexico because we are, like most of the Southwest, and now the West, we are at extreme risk for wildfires, and we don't even use the terminology that we are in a severe drought we are now in a mega drought, with dire consequences for the future if we don't try to mitigate and be ahead of this issue to the highest degree that we can. Now, given that you have limited success for a variety of reasons, not having the resources and tools and the investments that you always need, and that we continue to see our natural environment, which is, like the drought, out of your

control, and conditions worsen over time, it is really imperative today, more than ever before, that we find the right balance for managing our forests.

Can you discuss with me any new or innovative ideas that you have considered that will help the Forest Service prepare for the reality of continued limited resources and worsening conditions?

Mr. TIDWELL. Well, first, your point about how we fund wildfires, it needs to be fixed. That is the first thing. I think that before we can really talk about what needs to be done on these landscapes, we have to find a solution. I appreciate your support for the Wildfire Disaster Funding Act. There is just no question that is something that needs to be addressed.

Once again, just between Fiscal Year 2015 and Fiscal Year 2016, we are going to have to find another $110 million to put into fire suppression. Since 2003, it has gone up $740 million. That has been the 10 year average cost of fire suppression. And with the constrained budget, that impacts our ability to carry out all the other management responsibilities that we have. To the point that, with our staff that manage the National Forest Systems, our staffing has gone down over 35 percent.

Ms. LUJAN GRISHAM. So do you believe that that has curtailed the development of new strategies and innovative ideas? And I might just help you on this one. I mean it is very important for this Subcommittee and the full Committee. This would be like saying, "For your public safety, your firefighters and your communities, that your capital investment fund is the same as your personnel fund, so we are going to cut personnel every time we get a new firetruck." I mean it doesn't make any sense if your goal is to protect or to combat these wildfires. We are doing this completely wrong and backwards.

Mr. TIDWELL. Yes, it is really the first thing that needs to be addressed, and once again, I appreciate your support. But then the other key things going on today is this level and awareness and understanding about the work that needs to be done our National Forests. A level of collaborative efforts that are going on where people are coming together and reaching conclusions about what is the right mix of benefits under this concept of multiple use to provide for wildlife or recreation, of course, water and for fisheries. At the same time, there is a need for us to remove more biomass, and so that is why we have gone to great lengths to be able to identify the number of acres we need to actually be restoring.

Ms. LUJAN GRISHAM. And as you do that, I don't mean to interrupt, Chief, I appreciate it, I am running out of time, but it would be great if maybe you could provide the Committee a list of those partners and communities where you think we identified those best practices, because that would be useful to us.

And then I am going to, with my last few seconds, make a pitch that we are hoping that we can have a better relationship with your office as we work to deal with the civil rights report related to discrimination against minority farmers and their access to forestlands and forest services. It would be really helpful to continue that dialogue, and to have access to responses about that internal civil rights report.

Mr. TIDWELL. We will be glad to provide you with a list of the various communities that we are working very closely with, along with the ones that are actually providing financial resources to be able to invest in making an improvement in their forests.

Ms. LUJAN GRISHAM. Thank you, sir.

I yield back.

The CHAIRMAN. I thank the gentlelady.

I now recognize Mr. Benishek, from Michigan, for 5 minutes of questioning.

Mr. BENISHEK. Thank you, Mr. Chairman.

Chief Tidwell, thanks for being here. I am going to have a couple of questions. The Northern Long-Eared Bat has been recently listed as threatened under the Endangered Species Act, so there is an interim management rule in place, with a comment period open until July. How is your agency working to provide information to those who work the forests to ensure that they have everything under control and everything they need to comply with the new listing?

Mr. TIDWELL. Well, first of all, we are working very closely with U.S. Fish and Wildlife Service so that they understand the things we are doing on the landscape, the way that I believe that healthy forests are also good for bat populations. And then at the same time, our staff has looked at these interim procedures and have gone through all the sales that we currently have, and we feel that we can, with some very minor modifications, be able to ensure all of our projects that are lined up this year will be able to go forward. In the future, at least where we are at right now, there may be some additional impacts we have to do through the consultation with Fish and Wildlife Service. We will have to adjust some of the operational periods of when the loggers are out in the woods in a few cases, but everything I am seeing right now is that we are going to be able to work with this, and to be able to provide the quality habitat for bats, minimize disturbance, but at the same time, carry out the work that needs to be done to restore these forests.

Mr. BENISHEK. Right. Okay, well, good. I am glad to hear that because people are quite concerned in——

Mr. TIDWELL. Yes.

Mr. BENISHEK.—Michigan about the impact of this species.

I have another question about the Michigan DNR apparently met with the Forest Service last month in Wisconsin to assess how to implement this Good Neighbor Authority in our neighborhood, and I understand that, coming out of the exercise, you committed to allowing funds received to be used to pay for the work that states conduct under this authority, as we envisioned in the farm bill. So I just want to thank you for your commitment to implement this Good Neighbor Authority in this manner. I know that states like Michigan are eager to help the Forest Service fully implement this forest plan. Can you confirm to me that you will be finalizing the program shortly so that states can implement, maybe even this summer?

Mr. TIDWELL. Yes, we are working to complete the requirements of the Paperwork Reduction Act, and then submit the templates for approval. It is my understanding where we need to be is that the receipts from these Good Neighbor Authority agreements can be

managed by the states in a program so we can continue to fund restoration work. I see this as one of the many benefits of this authority that they will be able to retain these receipts through these agreements, and then invest in more restoration work on the forests.

Mr. BENISHEK. When can this start happening do you think? Will it happen this year during this cutting season?

Mr. TIDWELL. I am hopeful that states like your state, and maybe with Wisconsin and a few other states that have really kind of leaned into this, that we will be able to actually move forward with the projects later this year, to be able to demonstrate the benefits of this. And it is a fair expectation. We need a few states to kind of step forward and to be able to demonstrate what can be done through this, and that will help other states probably come onboard. So we are actually looking towards your state to be one that will help us.

Mr. BENISHEK. Well, good luck with that. And I appreciate anything you do to keep me informed with how things are going with that——

Mr. TIDWELL. Okay.

Mr. BENISHEK.—because, as you may know, I had some of the Forest Supervisors in the office here yesterday, and trying to proceed with learning more about this program and how it moves forward.

With that, I yield back.

The CHAIRMAN. I thank the gentleman.

And I now recognize Congresswoman DelBene, for 5 minutes.

Ms. DELBENE. Thank you, Mr. Chairman. Thank you, Chief Tidwell, for being here with us today.

One thing I hear often from our rural and forested communities is the concern that the Forest Service staff, jobs, and offices continue to move further away from the rural areas that they represent and impact. More and more, we see fewer agency boots on the ground, fewer personnel interacting with the communities that are most impacted by their actions. And when personnel live outside of the district, and work remotely 40 or 50 miles from the forests, they have less knowledge about what is happening in the woods that they are supposed to be managing, and what is happening in the communities as well.

The communities also lose the diversity of their community and suffer economic impacts when folks live and work elsewhere. And we have some great Forest Service staff in our communities, in the Mount Baker-Snoqualmie Forest in particular, but I would be interested to hear your thoughts and comments on this issue, which is a growing disconnect across our country.

Mr. TIDWELL. Well, I share your concern. It is one of the benefits of our agency being decentralized and where we have decisions made at the lowest level that are closest to the communities. It has been the history of the agency of consolidations, but we go to great lengths to try to minimize those. But as I mentioned earlier, the impact of paying for fire suppression, and this has occurred over time, it hasn't happened in just a couple of years, but over the last, really, 15 years it has had a devastating effect on our staffing levels, and it has resulted in where we have had to consolidate more

and more offices, at the same time trying to be able to keep our presence in communities. We go to great lengths that each time there is a reduction under my watch, I have made sure that all levels; the Washington office also goes down. We have just completed some efficiency works where we reduced over $100 million out of our fixed costs to do everything we can to make sure we can fund the staff we have out in the field. But this is a reason why we need to find a solution to the fire suppression issue. And I appreciate your support on that.

We are going to go to great lengths to try to keep our presence in all these communities, and I would much rather see a reduction at the other levels of the organization, and at the same time, be able to maintain the folks that are out there in the communities, the people that are out doing the work on the ground. And so that is going to continue to be my focus.

Ms. DELBENE. Thank you. Yes, in terms of fire funding, I totally agree and understand we need to have a better solution with that. And, in fact, in Washington State, last summer's fire season included the largest wildfire in our state's history.

The University of Washington estimates that wildfires in the Pacific Northwest will nearly double by the 2020s, and nearly triple by the 2040s as a result of climate change. And so we have a tough road ahead of us if we don't do a better job of making sure that we have funding available. It impacts trail maintenance and other types of things that are so important to folks being able to enjoy the forests.

All right, one other question I wanted to ask you was, some in the timber industry and in our communities have begun to explore cross-laminated timber and I wondered if you could comment on the usefulness of this still-developing technology, and where you see its place in forestry and in the timber industry in the future.

Mr. TIDWELL. Well, the cross-laminated timber is what our Forest Products Lab worked to develop and pass all the tests. One of the benefits of this type of a product is that we are looking at being able to expand commercial buildings. Right now in this country, we are limited to about four stories at the most using wood, but with cross-laminated timber, it has the strength, and meets all the heat-resistant standards in this country so we could be using cross-laminated timber for buildings going eight to nine stories easily. And we actually have a competition to get some architectural firms working with engineering firms, to compete to see who would build a couple of examples for us. We are working with Canada on this. They are also interested in it too.

The first mill is going to be in production by the third quarter of this year in Oregon, to actually start to produce this. But it is another benefit of being able to use the small diameter material. We have markets for the saw logs, but there is so much of this smaller material that needs to be removed to reduce hazardous fuels, *et cetera,* and these cross-laminated timbers, they take this smaller material, and they can use that to be able then to construct beams 30′–40′ long, that are actually stronger than, say, natural wood is. And so I am very optimistic that as soon as we are able to get some folks to build some buildings with this, that we will be

able to expand this market, and be able to create another use, especially for this smaller diameter material.

Ms. DELBENE. Thank you. Thank you very much.

My time has expired. I yield back, Mr. Chairman.

The CHAIRMAN. I thank the gentlelady.

I now recognize the gentleman from Georgia for 5 minutes of questioning.

Mr. ALLEN. Okay. Well, thank you, Chief, for coming and appearing before the Subcommittee today.

My former role in life was in the construction industry, and we did use a lot of laminated timber for large spans in gymnasiums and other facilities, which created these facilities. And so I look forward to continuing working with you and our industry on those types of applications.

In my home State of Georgia, we have over 24 million acres in private forest, which I am told is the most of any state in the nation.

I meet, and since I have been in Congress now for a little over 4 months, and we have met with a number of our timber folks. They have questioned—the first thing I should say is you have talked about funding today, but they have questioned the U.S. Forest Service management practices, which a lot of those management practices deal with preventing the outbreak of a fire. Are we where we need to be with the extent of management practices in the Forest Service to prevent these fires?

Mr. TIDWELL. Well, the treatments that we are putting on the landscape are producing the results we are looking for, but what we need to do is expand and accelerate the number of acres we are treating. That is where we really need to put the effort. We have done studies on our projects that are designed to reduce the threat of wildfire, and we have looked at 2,000 cases, and over 90 percent of those 2,000 cases we have been able to produce the results to reduce the severity of wildfire. For that ten percent that has not, in most of those cases the problem has been that the project wasn't large enough. That is the thing that has just changed. With the fire activity that we are seeing today, the fire behavior we are seeing today, we have to be looking at much larger areas. Folks would look at maybe a 100 yards, 300′ clearing was enough to stop these fires, but when we are looking at changing fire behavior, we have to be looking at thousands to maybe 10,000 acres at a time to reduce the amount of fuel in that landscape to change the severity. So that is the area that we want to continue to work on.

So what we are doing is producing results. We just need to get more of it done.

Mr. ALLEN. All right. Do you consult with the private industry as far as the techniques that we are using to prevent these fires because, again fire is a problem for our private industry folks as well?

Mr. TIDWELL. We do consult and work closely with them. In fact, we rely on the industry——

Mr. ALLEN. Okay.

Mr. TIDWELL.—because without the industry, we——

Mr. ALLEN. That is good.

Mr. TIDWELL.—we couldn't do the work——

Mr. ALLEN. Good.

Mr. TIDWELL.—that needs to be done.

Mr. ALLEN. The other thing we have going on in our district, which is near the Port of Savannah, is the new wood pellet——

Mr. TIDWELL. Yes.

Mr. ALLEN.—industry. Are we doing what we need to do to promote that industry as far as marketing these pellets to the rest of the world?

Mr. TIDWELL. We are, but there is a need for more, and I would start with research. We have done research over the years to be able to look at pellets, about how to increase the BTUs in a pellet, also to look at how pellets are more durable, so especially if we are shipping them on barges across the Atlantic. And so we need to continue that work. Then the other challenge that we have is: the Forest Service is working with the states and with the industry to be able to answer the question around sustainability. We have been questioned that, especially with the pellet production there in the Southeast, is that truly sustainable forestry. And we are going to work with the states and with the industry to be able to demonstrate that so our European markets, they can be satisfied that, yes, this is sustainable forestry. And that is one of the things that we are working on right now, to make sure that we don't lose that very key market.

Mr. ALLEN. Well, I can help you with that sustainable question——

Mr. TIDWELL. Yes.

Mr. ALLEN.—because we have a lot of folks, a lot of friends in that business, and they can help you get answers to those questions. Thank you, Chief.

And with that, I yield back the remainder of my time.

The CHAIRMAN. I thank the gentleman.

I now recognize the gentlelady from Arizona for 5 minutes of questioning.

Mrs. KIRKPATRICK. Thank you, Mr. Chairman.

Chief, it is nice to see you here today. And in following along the line of sustainability, I was born in the timber town of McNary, Arizona. In fact, I spent most of my life living in the mountain forests of Arizona, and I have seen the change in wildfire. And, of course, about this time of year, we become very concerned about the horrific wildfires that we have had to endure in the last few years.

And so I was happy to see in your written testimony that you acknowledged the Four Forest Restoration Project, which is an innovative collaborative approach to addressing forest health, and bringing back the timber industry. Recently, the Record of Decision was signed on April 17 for the initial environmental impact statement, but there have been stumbles along the way, as you know. I just wanted to reference a recent editorial from the *Arizona Republic,* and, Mr. Chairman and Ranking Member, I would like it added to the record. It addresses some of the changes and—that this is going to—the good things that are going to happen out of this, but also some of the challenges that we face.

The CHAIRMAN. Without objection.

[The information referred to is located on p. 91.]

Mrs. KIRKPATRICK. Thank you. And so my question to you, Chief, is do you think Good Earth Power, who now has the contract, will be able to perform the task orders that have been issued in the time frame of the task orders, and what accountability will there be for them?

Mr. TIDWELL. Well, just this past week, our staff has been meeting with Good Earth and asked these questions. And it was a tremendous success to be able to get this EIS completed. I cannot thank the partners, the communities enough that have worked so closely with us to be able to do this kind of historic document. But now is the time to go to work. And so I am cautiously optimistic. There are task orders that have been issued, and we will hold Good Earth accountable, like we do all of our contractors. And at the same time, because of the size of this EIS, there is more work now that it has been approved than was required with Good Earth's contract. So we are also going to be moving forward with issuing task orders to other purchasers in that area too so that, not only Good Earth can be moving forward, but we can also get some more work done.

The reason we are able to do this, it goes back to the work that was done under the previous stewardship contract where we treated over 300,000 acres in your state to be able to demonstrate not only the benefit of this type of treatment, but to build the trust in the community. It is one example of where, through these collaborative efforts, we can bring people together and then take on doing an EIS that covers over 565,000 acres with one document, but doing this, at a minimum, it probably eliminates anywhere from 30 to over 50 EAs and EISs that we normally would have done to be able to do that same type of work. And so it is essential that this is successful, and we are going to work very closely with Good Earth. And everything they have told us is that things look very good as we move forward.

Mrs. KIRKPATRICK. Well, thank you for that. And this is very important to my office, and so we continue to have our discussions with the stakeholders and with Good Earth. We will be watching for those logging trucks on the highways in the next month or so. And it is too bad, I mean one of the problems has been we lost a generation of loggers and timber people in Arizona, and that has been an additional challenge.

So I would like to close with inviting you to come visit my district in the next few months. We would love to be on the ground with you and go to some of those sites.

I yield back. Thank you.

The CHAIRMAN. The gentlelady yields back.

I now recognize the gentlelady from New Hampshire for 5 minutes.

Ms. KUSTER. Thank you very much, Mr. Chairman. And thank you too, Ranking Member Lujan Grisham. And thank you to Chief Tidwell for being with us today. We appreciate the time. I am very grateful for the work that you do, and to your Forest Service staff in New Hampshire and the work that we are focused on.

I want to share with you are some concerns with you, though we may have to leave for a vote soon so I am going to just cut to the chase. I am usually much more polite. The question is from recent

conversations. I meet with my timber and lumber and landowners frequently, and they were expressing a great deal of frustration that their forest management plans were not living up to their goals. And as I was listening to them, it just felt like a disconnect. Sometimes around here you will get one version from one group and another version from another, but it seemed that the forest management plans didn't necessarily reflect the reality of what is happening, or what, frankly, could happen on the ground. And so I realize that there are budgetary and other constraints keeping the Forest Service from getting closer to meeting the timber harvest goals, but my concern is a little bit different, and I would love your response to it. I am wondering if whether the forest management plans aren't based on formulas or guidelines that don't take into the reality on the ground; location, ease of access, species distribution, land use goals, and that really what—I am an attorney, we call that a meeting of the minds that we don't have a meeting of the minds laid out in that plan, and then we end up with these divergent expectations, and peoples' goals are not being met. Could you comment, and is there anything that we could do to get people closer to actually having an understanding of the amount of timber that we can harvest from the land in a sustainable way?

Mr. TIDWELL. Well, one of the things we need to do is revise many of our forest plans. There are over 65 forest plans that are way out-of-date. And part of that is that, when we went through the first phase of planning, we looked at everything we wanted to do, and it was like there were no budget constraints. And we would actually lay out expectations about all the work that needed to be done, and we had a caveat in all of them that said, based on availability of budgets. Well, that all got kind of lost. And so as we go through with our new planning rule, one of the things we changed is we want to talk about what realistic expectations, what needs to be done and what it is going to take to be able to do that, and to be able to project with some certainty the level of outputs that are going to be produced year-in-year-out based on some realities, so that industry can use that to be able to make business decisions, individuals can take that to make business decisions, whether it is with recreational businesses or whether it is with timber, or whatever. That is part of it. But that being said, your forest, like all the other states that are represented here today, there is a need of for us to be doing more work there.

For New Hampshire, I have to be careful when I use the term *restoration* because they understand what that means, from when these forests were acquired back in the early 1900s, they understand restoration and the importance of that.

Ms. KUSTER. One hundred years ago we almost lost the forest——

Mr. TIDWELL. Yes.

Ms. KUSTER.—completely, so we know.

Mr. TIDWELL. You get that.

Ms. KUSTER. Yes.

Mr. TIDWELL. But there is a need for us to do more. And in your state, again, it is a place where, talking with the Forest Supervisor, he feels that the Good Neighbor Authorities are going to be an opportunity for him to bring some additional capacity by working

with the states and with partners to be able to actually get more of that work done, to produce that mix of benefits which includes a need for increased timber harvest in your forest, to be able to maintain that health, keep the recreational settings which are so important to your state and on that forest, but at the same time, be able to maintain forest health, forest resiliency.

Ms. KUSTER. Well, thank you. And I want to extend my own invitation. You could do an East Coast-West Coast tour, but we would love to have you to New Hampshire. And just to acknowledge the comment from my colleague from the South, bioenergy chips and pellets, it is a big part of our landscape now, we want to create jobs, we want to have sustainable forests, but we want to make sure that we are getting what we can out of the forests for energy and all other purposes. So thank you very much. I appreciate your help.

And thank you, I will yield back.

The CHAIRMAN. I thank the gentlelady.

I just want to make Members aware, and our second panel. I misspoke. We, unfortunately, had an unanticipated second procedural vote. There are about 9 minutes—8 minutes on the clock, so we have some time and so we are going to continue to proceed here.

I now recognize the gentleman from Illinois for 5 minutes.

Mr. BOST. Thank you, Mr. Chairman.

Just a real quick question, because I noticed in your written testimony, and when we were looking that over, and you may not know the answer to this but if you can find it out, one of the things you talked about was a specific project. It was a Kinkaid Reeds Creek Project. And I am very, very familiar with that, and as a matter of fact, I was around when the lake was—I was around driving with my grandfather in a truck when the dam was built for that, okay? And when it was built, we knew that the watershed was a very quick watershed, and it is a very deep lake, but the project that you worked on is a silting on the north end. Are you familiar enough with the project, because what I am going to ask—and if I can't get that answer today, I would like to get it in writing. I know you are working with the different groups to try to stop the silting from coming in. Is it to the point that you have slowed it enough, and if it is not slowed enough, can it be slowed enough that then we can dredge that north end, and take the depth of that particular water reservoir back to where it was. The water's depth is good now, but we need to make sure that we get it back down to the depth, and I didn't know if we were to that point or not.

Mr. TIDWELL. I will have to get back to you on that. I do know that we are implementing some additional projects this year. We have approved the funding, working with NRCS and some other partners up there, so they are doing some more stabilization work to reduce the sediment. So I will get back to you about when we will be to that point, where the dredging can occur, but——

Mr. BOST. Okay.

Mr. TIDWELL.—we are moving forward with some additional projects this year.

Mr. BOST. Yes, that particular one I do want to compliment you because we knew when the lake was built, the conversations was

the watershed was so fast, matter of fact, the engineers of the lake told my grandfather at the time, someone said how long do you think it will take the lake to fill, and they said, "Well, it will take about 5 years," and he said, "It will fill this spring," and it did.

Mr. TIDWELL. It did?

Mr. BOST. It did.

Mr. TIDWELL. Wow.

Mr. BOST. That is how fast of a watershed it is: everything from farming practices to what the Forestry Service has done as well, and so thank you. And just if you can let me know, thank you.

Mr. TIDWELL. Okay, we will do that.

The CHAIRMAN. Does the gentleman yield back?

Mr. BOST. I yield back, Mr. Chairman.

The CHAIRMAN. All right. Well, I want to take the opportunity to ask an additional question, and provide an opportunity to other Members to keep an eye on the time clock, that is all I would ask, in terms of getting in for votes.

Chief, you put a lot of value in terms of the tools that retain receipts for restorative work has had, and the numbers show that out. And I do appreciate the trend overall in harvesting, but I really want to focus in on the greenstick, and I wanted to focus in on how the restoration has an economic benefit, there is no doubt about it, in terms of local jobs on those projects. The lifeblood, economically, of our communities where we have National Forests is in good timber harvesting. And you know that. You know that better than I do. And even on the Allegheny, we have gone—and these are general numbers, I looked at them yesterday. When I was first elected, my first term was serving as Ranking Member with Mr. Holden, who was the chair, we were somewhere around 13 million board feet total, and the total cuts have gone up every year, and we are at 30 million board feet—38 million this past year, and we are somewhere around 13–14 million just in the first quarter of this year.

But my concern is, of last year's number of 38 million board feet, which is going in the right direction, there were only about 12 million board feet, 12 to 13 million, that actually were greenstick. They were actually the kind of timber harvesting that makes big differences economically, and on a larger landscape perspective. So if that is the case, and the President's plan—within your testimony, you talked about how the plan to go from 2.9 billion board feet to 3.2 billion board feet, and that is addressing wildfires and there are issues out there, but my concern is we have to do balanced here because we are leaving our rural communities behind and we are just crushing them. We have schools that had received hundreds of thousands of dollars, are down to like maybe $80,000. It is not good. So my question is, to retain receipts, and we don't give you the authority to do that, restorative is all we do now, we don't do it on the greenstick. I don't know if there is a better way to describe that. That is the words I use. It is interesting, we do provide the Corps of Engineers authority to have retained receipts for greenstick harvesting, and so we have a precedent, but we have not done that for our Forest Service to keep at least part of that money on the forests so that we are paving the way to more good

productive timbering that helps everybody. It helps our National Forests, obviously, but it also helps our rural communities.

So I wanted to get your response to that. If retained receipts was a good thing for restorative, do you see a reason why, and this authority would have to come from Congress, obviously, you don't have that today, but do you see that would be a tool that would be helpful? It has obviously helped restorative harvesting timbering increase significantly.

Mr. TIDWELL. Well, if you look at the work we have done with stewardship contracts where we have the ability to retain those receipts and be able to get more work done, is an example of——

The CHAIRMAN. Exactly.

Mr. TIDWELL.—some of the benefits of that you mentioned our salvage sales, we are able to kind of retain the receipts off the salvage, to have a salvage sale fund to be able to do that work.

A lot of our funds from our green timber sales, I mean part of it goes into the KV Fund to be able to do the work to restore, replant the forest when we need to do that. Part of it goes into the 25 percent fund that goes to schools. There are definitely——

The CHAIRMAN. But all those——

Mr. TIDWELL.—benefits——

The CHAIRMAN. But all those pass hands. They go back to the black hole of Washington and then come back out to the communities, or to the states first, but——

Mr. TIDWELL. Yes, that is one——

The CHAIRMAN.—then to the communities.

Mr. TIDWELL. Yes.

The CHAIRMAN. Yes.

Mr. TIDWELL. Yes. If you look at what we have been doing with stewardship contracting, and the level of support that when we do a project with stewardship contracting, overall we just have generally more support for the work because we do a mix of work, we are able to retain the receipts to be able to do the restoration work. With the Good Neighbor Authority, we will be able to do something similar with those agreements with the state, to be able to demonstrate how we can do that to reinvest. So those are just a couple of examples to answer your question.

The CHAIRMAN. Okay. I see retained receipts as one of the things we need to be looking at so that we are reinvesting.

Ms. LUJAN GRISHAM. If I may?

The CHAIRMAN. I now recognize the Ranking Member.

Ms. LUJAN GRISHAM. Because we are voting, I don't think that you are going to have an opportunity to respond, so I apologize, but maybe you could get back again to the Committee and my office. Recognizing that the Federal Government has a responsibility to support Indian Nations to help maintain a healthy forest, and that that is not something that falls to you directly, the reality is that in spite of about a $2.82 per acre *versus* $8.57 an acre that you receive at USDA, some of those Tribes are able to maintain actually healthier forests than their nearby neighbors in those states, even given that funding disparity. The disparity is wrong, and if we care about investing in healthy management of our forests, we have to invest in our Tribal partners.

And given that, I would love for you to talk to me about what you could do to create those collaborations, those partnerships to weigh-in to make sure the Tribes have every potential resource, benefit, aspect, collaboration. It is all about responsibility to make sure that they have the resources that they need to do their jobs effectively.

Mr. TIDWELL. Yes.

Ms. LUJAN GRISHAM. Okay.

Mr. TIDWELL. Well, it is part of our responsibility to be able to work with the Tribes not only to ensure protection of their cultural, spiritual values, but at the same time when it comes to forest health. We have many projects where we are working together collaboratively. In your state, Pueblo of Isleta is one example where we have a CFLR project we are working on.

Ms. LUJAN GRISHAM. Zuni Mountain and Southwest Jemez Mountains, and some of those work, and some of those haven't quite been as effective, and some of those relationships may not be as strong and——

Mr. TIDWELL. Okay.

Ms. LUJAN GRISHAM.—sound as they ought to be, quite frankly.

Mr. TIDWELL. I think that your examples are more work that we need to do. And it is one of the things we are trying to work very closely with the Tribes on. Also we are doing some work with the Mescaleros right now to be able to help them to get their mail retooled and back up. But I would be glad to provide you with a list of the things that we are doing, and then, even more importantly, the things that we are moving forward on, where we recognize we need to be doing more to work closer with our Tribes.

Ms. LUJAN GRISHAM. Thank you, Chief. I appreciate that so much.

I yield back, Mr. Chairman.

The CHAIRMAN. The gentlelady yields back.

We are going to go for votes. We will reconvene immediately after this vote. We will come right back.

So the Committee stands in recess, subject to the call of the chair.

[Recess.]

The CHAIRMAN. All right, this Subcommittee on Conservation and Forestry hearing is reconvened. And once again, I apologize for the unanticipated interruption.

I am pleased to welcome our second panel of witnesses to the table. Ms. Sue Swanson, Executive Director of the Allegheny Hardwood Utilization Group, from Kane, Pennsylvania. She is a timber family with her husband, working within the industry, and I really appreciate your leadership on this issue for a long time, and we will put it that way. And also we are joined by Ms. Becky Humphries, Chief Conservation Officer of the National Wild Turkey Federation, from Edgefield, South Carolina. And I will yield to the Ranking Member for the purpose of introduction of a proud New Mexico resident.

Ms. LUJAN GRISHAM. Mr. Chairman, that is very kind. And I was going to thank Ms. Laura McCarthy, who is the Director of the Conservation Programs at The Nature Conservancy in Santa Fe, New Mexico, which, unfortunately, is not in my district, but where

I grew up, and has had a great influence on many projects not only in my district, but the health of so many issues, and forests and conservation issues across the state. And I just want to thank you for your work with my office, and I am very gratified that you are here today. Thank you so much. And thank you, Mr. Chairman.

The CHAIRMAN. All right. Now, we will proceed.

Ms. Swanson, go ahead and proceed with your 5 minutes of testimony whenever you are ready.

STATEMENT OF SUSAN SWANSON, EXECUTIVE DIRECTOR, ALLEGHENY HARDWOOD UTILIZATION GROUP INC., KANE, PA

Ms. SWANSON. I forgot to press the button. Should have known. And the Federal Forest Resource Coalition. I really appreciate the opportunity to talk to you about our National Forest, which is the Allegheny. The Allegheny is our largest landownership block in our region at 513,000 acres, which is really small compared to a lot of your National Forests. But the management of that forest is vital for the future of the forest products industry.

The Allegheny, like many National Forests, is not really contributing to where we would like it, and able to support our local economy, and meet the goals that are actually laid out in our forest plan. After years of timber sale litigation, the plan actually set some very modest goals. For example, the goal for regeneration harvest is 1,700 to 2,500 acres per year. And in the first 6 years of implementation, the forest has only averaged 500 acres of regeneration harvest. So you can see that that isn't going to get us where we need to go. And the result of that is we have very much less early succession forest than what we would like to have. Over the last 5 years, timber outputs for the forest have declined by about 11 percent, and in addition to that, 40 percent of our outputs is in lower value timber rather than the valuable saw timber that drives our forest products economy.

Pennsylvania is known for its high quality hardwoods, and the Allegheny has always been in the center of that. At least it has in the past. It seems to us that the problems are sort of two-fold, probably more than that, but I am going to speak to two. Initially, when the forest draws up plans to work on projects, and they would actually meet forest plan objectives. Then, after lengthy NEPA and surveys, layer upon layer, the projects are actually diminished, and in some cases, in the end, they don't actually meet the objectives that were laid out in the first place. And generally, they have marginal economic value for timber producers. The goal of a diverse healthy forest ecosystem is often compromised.

Second, the forest, because of litigation, has decided the best approach to management is to try to develop projects that would draw no objections. This tendency to kind of assume that collaboration must mean unanimous, gives management groups power over them, whether they appeal or not. And we have actually seen where our forest didn't use the new authority that they were given under the insect and disease designation. We would like to see them do that. We have Hemlock woolly adelgid in our state, we have the Emerald Ash Borer, and we would have liked to have seen them use it on those things. And we hope that they will, but

they are a little afraid to be the first one in the East to actually use that.

At the end of the day, we have an aging forest that is starting to show serious signs of decline. Instead of regeneration of commercially valuable species, we are focusing on thinning, older stands. Professional foresters talk about the need to continue to change the stand composition. It is like prescribing vigorous exercise to nursing home residents. Something is probably going to happen, but I don't know if it will be good.

In my written testimony, we made some recommendations about further legislation. The farm bill and the things that you have done we really appreciate, but it does encourage collaboration, it expedites analysis, and it reduces gridlock, but the real need is to clarify the management mandate on National Forests. Go beyond giving them permission to manage, and start providing direction for them to manage. I would like to see a trust approach to relatively small portions of the National Forest designated for timber production. It would be a good starting point. Let's manage those areas that we really are supposed to manage. Federal Forest Resource Coalition stands ready to help the Forest Service and you to do that. We would like to find a better way.

[The prepared statement of Ms. Swanson follows:]

PREPARED STATEMENT OF SUSAN SWANSON, EXECUTIVE DIRECTOR, ALLEGHENY HARDWOOD UTILIZATION GROUP INC., KANE, PA

Expanding Active Management on the National Forest System: An Imperative for Rural Community Prosperity

Good morning, Chairman Thompson and Ranking Member Lujan Grisham. I am Susan Swanson, Executive Director of the Allegheny Hardwood Utilization Group. AHUG represents forest products companies who depend upon the hardwood resources of the Allegheny Plateau in North West and North Central Pennsylvania. In the 14 county region where we work to promote better utilization of our incredible hardwood resource, the Allegheny National Forest is the largest single landowner, with over 513, 000 acres in Elk, Forest, McKean and Warren Counties.

I'm also here today representing the Federal Forest Resource Coalition. FFRC Members including AHUG, along with partners in 32 states, speak for the more than 650 companies and more than 390,000 workers who rely, at least in part, on reliable supplies of timber from the National Forest System.

The Allegheny, like many National Forests, is performing substantially below its potential to support the local economy and to meet the wildlife and recreation goals laid out in our relatively recent forest plan. For instance, the Forest Plan set modest goals for "early successional" or young forest habitat, calling for regeneration harvests on 1,700 to 2,500 acres annually. In the first 6 years of the Forest Plan implementation, the Forest has instead conducted an average of less than 500 acres of regeneration harvest. As a result, the Forest has less than half of the early successional habitat called for in the Forest Plan. The rest of my testimony will focus on the root causes of these problems, and suggest steps Congress can take to correct them.

Management Dynamics on the Allegheny: We've found over time that the ANF begins work on forest management projects that would move towards the goals laid out in the Forest Plan. After extensive analysis, however, these projects are incredibly diminished and in fact no longer accomplish the goal they were intended to produce. Projects are revised to eliminate road construction and removal harvest, making it virtually impossible to accomplish the forest plan goals. In fact, we now have less early successional habitat than we had in 1983, when it was first identified as a forest plan goal.

Some of these problems can be attributed to a revolving door at the Forest Supervisor and other staff positions. We've experienced rapid and sustained turnover in forest staff over the last decade, and in our view staff don't commit to a particular direction because they fear a new supervisor will change the priorities unexpectedly. It seems this fluid leadership situation leads to missed opportunities, such as the

recent Farm Bill Insect and Disease Authority. This new authority is perfectly suited to the myriad insect and disease issues facing the ANF; the Hemlock Woolly Adelgid is beginning to appear, threatening these important streamside forests, while the Emerald Ash Borer is threatening our valuable ash resource. We've also struggled with gypsy moth and other pests over the years.

Yet, the ANF has not proposed a single new project under this authority, in spite of USDA's agreement to designate nearly the entire forest as a treatment area. Early on, the Forest staff seemed to believe that the Farm Bill Insect and Disease treatment areas provisions did not apply to them. FFRC and AHUG had to provide extensive background material to convince the Forest that they were eligible for these designations.

As we understand it, although over 45 million acres were designated as Insect and Disease Treatment Areas nationwide, the Forest Service has only begun work on some 5,700 acres under this new authority. At this pace, it will take over 7,800 years to manage all of the designated areas. This is unacceptably slow.

Add up these dynamics: a tendency to reduce the scope of proposed projects, instability in the Supervisor's office, and a tendency to find reasons not to do needed management, and we wind up with an aging forest that is starting to show signs of decline. Instead of regenerating commercially valuable species while providing needed early-successional habitat, the Forest focuses on thinning older stands. I am not a professional forester, but the foresters I talk to say this makes little sense. The ANF is not a fire-adapted forest, so thinning doesn't address a pressing need.

Moreover, we've found that residual trees in these thinned stands wind up producing damaged wood, with imperfections in the appearance grade lumber that our industry relies on. With many stands approaching the end of their growing life spans, it's not clear what the Forest expects to achieve with these thinnings. It is the equivalent of prescribing vigorous exercise to nursing home residents. Something is going to happen, but it probably won't be good!

Over the last 5 years, timber outputs from ANF have declined by some 11%, and less than 40% of the timber sale program is made up of the valuable sawtimber that drives our forest products economy.

Many other eastern National Forests are well behind on their early successional management goals, limiting opportunities for sportsmen, birdwatchers, and other forest users. Forests in West Virginia, Tennessee, and Louisiana are either substantially behind on creation of early successional habitat, or have not posted forest plan monitoring reports in several years.

Declining forest health, a forest management program that doesn't produce needed sawtimber or needed wildlife habitat. This is not a recipe for success going forward.

In addition, we now have a listed species, in the Northern Long-eared Bat (NLEB). Like other bat species, the NLEB is experiencing rapid population declines due to an introduced, non-native wildlife disease called White Nose Syndrome. This fungus disrupts bat hibernation and can cause up to 95% mortality during the winter months. The U.S. Fish and Wildlife Service has said that the NLEB is a "forest generalist," that is, it doesn't depend on a specific age class or forest type. However, with the recent designation of the bat as a threatened species, we now do not know whether the Forest Service—or private landowners for that matter—will be able to manage our forests. This is in spite of the fact that the FWS acknowledges that WNS is the sole factor causing the species decline.

This is not a factor affecting just the ANF; the bat's range covers 32 states, as far west as South Dakota and Wyoming, and as far south as Alabama. It seems counter productive for U.S. Fish and Wildlife Service to spend any time and effort policing forest management instead of focusing on finding a cure for White Nose Syndrome.

Local Problems Demand National Action: The health of our nation's forests continues to decline and Federal forests are most at risk due to overstocking, disease, drought, insect infestations and catastrophic wildfires resulting from a lack of sound management. In fact, the Forest Service classifies 60–80 million acres of National Forest land as being overstocked and at particular risk.

In much of the National Forest System, litigation-driven declines in timber outputs have forced mills to drop shifts, laying off hard working lumber mill employees even while lumber markets have largely recovered from the 2009–2011 recession. Declining timber outputs have translated into reduced forest health, increased rural poverty and unemployment, and increased dependency on guaranteed payments under the Secure Rural Schools program.

The Allegheny National Forest saw significant litigation over our Forest Plan and various timber projects in the mid-2000's. Since the Forest Plan was adopted in 2007, we've still seen significant litigation, but most of it has been focused on oil

and gas development. The forest still operates under the analysis paralysis that decades of litigation and court-imposed NEPA requirements has created. Litigation—both locally and against the larger National Forest units in the West—saps resources needed to plan the projects needed to maintain healthy, diverse forests.

The reality is that activist litigators only directly challenge timber sales in a few portions of the National Forest System. Unfortunately, because of their aggressive tactics in areas like Montana, Oregon, Alaska, and parts of California, the agency has been forced to adapt to court-imposed analytic standards which drain resources, staff, and time from other forests which do not suffer frequent challenges. Even after eventually prevailing, as the ANF did with our Forest Plan, we find an agency conditioned by litigation to be extremely cautious, to the point of foregoing opportunities to manage.

All current efforts to use collaboration as the "solution" leave this court-imposed framework in place, and those who vehemently oppose all forest management can tie up and delay timber sales without having to participate in collaborative processes. They suffer no consequences, while those who work in good faith see their time and energy squandered. This does not encourage wider adoption of collaborative models of management.

As you know, the health of our rural communities also continues to decline. While unemployment has declined in recent years, our National Forest Counties in Pennsylvania are among the poorest in the state. Over 24% of Forest County residents live in poverty, the second highest percent in the state, with McKean County close behind at 19%. Nearly 40% of children in Forest County live in poverty. The four National Forest Counties in Pennsylvania average almost 17% poverty rates, substantially higher than the state average of 13.7%.

It is not a coincidence that many of the counties with the highest unemployment and poverty rates in the country also happen to be those surrounded by Federal forests. Many of these rural communities have lost their forest management heritage; the skills necessary to work in the woods and help protect the communities themselves. I believe it will require decisive action by Congress if we want to restore the health of our rural communities and our Federal forests.

Legislative Recommendations: AHUG and FFRC both appreciate the myriad new tools this Committee has provided to the Forest Service to expedite needed forest management. The 2014 Farm Bill provided numerous new authorities to speed up management and increase certainty of timber supply from the National Forest System. Yet as I have mentioned, the pace of implementation has been too slow to provide much optimism.

I noted that the agency has only proposed 5,700 acres of work under the Insect and Disease Treatment Areas authority. Progress with other provisions has likewise been too slow. In January, the agency issued guidance on the designation by description authority that unnecessarily restricted it's use, rendering the provision nearly moot. Thus far, the agency has yet to ink a new "Good Neighbor" agreement, although the authority to work with the states was expanded to all 50 states in early 2014.

As Congress considers legislation to restore sustainable management to our Federal forests, I would like to provide the following suggestions. These suggestions are based on the following assumptions: (1) securing significant increases in appropriations to fund current forest management approaches is unlikely under current and future budget realities; (2) Congress has a responsibility to the rural communities surrounded by our Federal forests; and (3) we must significantly increase the pace of forest management if we are serious about getting ahead of the forest health crisis.

Principles of Reform:

- A trust approach, focusing on the 23% of National Forest acres identified as suited for timber production in current forest plans, can provide stable funding on a trust-trustee basis, while restoring and strengthening the overall multiple use framework on Federal forests.
- Clarify that timber production is the primary objective on this relatively small portion of the National Forest System, not one use among many.
- Streamline NEPA analysis, ESA consultation, and judicial review for projects conducted on lands designated for timber production and/or for projects proposed by or designed in consultation with local collaboratives.
- Provide binding, baseball-style arbitration as the sole dispute resolution mechanism for projects proposed by or designed in consultation with local collaboratives.

- Payments to forest counties should be linked to these fundamental reforms to streamline the process of proposing, analyzing, executing, and resolving conflicts over forest management projects on Federal forest lands.
- Transition counties to revenues produced by viable economic activity on Federal forests, including substantial, sustainable increases in timber outputs.
- All forestry revenues generated on Federal forests, including a portion of revenues from Stewardship contracts, should be used to develop additional sustainable forest management projects as well as to provide revenue sharing to counties (including 25% of stewardship contract retained receipts).

If the Forest Service is unable to deliver these relatively modest economic returns to local communities and improvements to forest health then states or counties should be given the authority to plan and implement forest management projects.

I appreciate the opportunity to appear before the Committee today. I would be happy to answer any questions you may have.

The CHAIRMAN. Thank you, Ms. Swanson. I appreciate your testimony.

Ms. Humphries, pleased to recognize you now for 5 minutes.

STATEMENT OF REBECCA A. HUMPHRIES, CHIEF CONSERVATION OFFICER, NATIONAL WILD TURKEY FEDERATION, EDGEFIELD, SC

Ms. HUMPHRIES. Well, thank you very much, Mr. Chairman, Ranking Member.

The National Wild Turkey Federation applauds the Committee's focus on active forest management. We have 230,000 members across the country, and active chapters in each and every state of this country.

With the successful restoration of the wild turkey across its range, we have refocused our efforts and are working on Save the Habitat, Save the Hunt initiative. This initiative is really geared at making sure that we are doing active forest management, and helping to improve that upland habitat that is so important for wild turkeys, as well as of other host of species, and also saving our hunting heritage that is so important.

Wildlife managers and our wildlife biologists consider active management the best solution to meet habitat requirements of the largest variety of species, and create young forest habitat that provide for food, nesting habitat, and hiding places for wildlife. Throughout the United States, we are losing the diversity at a landscape level scale, threatening habitat for species like the Golden Wing Warbler, the New England Cottontail, the Gopher Tortoise, the Red-cockaded Woodpecker, and many, many other species. We have a number of examples, but I will give you just three of them as we talk today. On the Oconee National Forest in Piedmont National Wildlife Refuge in Georgia, we and the U.S. Forest Service have actively managed over 21,000 acres of loblolly pine habitat to increase pine savannah and young forest habitat for endangered Red-cockaded Woodpecker. It has resulted in a 27 percent increase in potential breeding pairs on that, as well as population increases for the Southern Flying Squirrel, the Bobwhite Quail, the wild turkey, and a variety of migratory songbirds. The management of healthy forests is made economically viable by the harvest and sale of forest products, including timber, and timber sales offset the cost of reforestation, invasive species control, prescribed fire, and timber stand improvements.

Federal lands play a really vital role in maintaining healthy forests, in that they are resilient to the threats at this landscape level. Federal timber management keeps the mills open, it brings stability to the supply and demand market, and it provides local jobs, and we need those. Active management of our Federal forests reduces devastating wildfires, it reduces insect and forest diseases before those diseases can spread to adjacent state lands and private forestlands, and increases forest health and diversity.

We really appreciate the authorities that have been granted in recent years by the Agriculture Committee to address forest health. The 2014 Farm Bill, as has been mentioned, has granted permanent authorization of stewardship contracting and Good Neighbor Authority. It has also established insect and disease area designations to the existing Wyden Amendment and Cooperative Forest Landscape Restoration Programs. These authorities can lead to healthier forests if they are implemented properly. The National Wild Turkey Federation has been the leader in stewardship contracting program, and we have partnered with the U.S. Forest Service on 81 forest stewardship projects in the last decade.

A couple of these examples: In New Mexico, we worked on the Cibola National Forest, and it was part of the Blue Waters Stewardship Agreement. The National Wild Turkey Federation and our partners, including the Mount Taylor Machine Sawmill, have provided matching funds to the project which has expanded a number of treated acres by over 20 percent in that particular area. The work makes the forest healthier, it supports a small community of Milan, New Mexico.

In another example, we also worked with Land Between the Lakes National Recreation Area in Kentucky and Tennessee. Following a damaging ice storm, we restored access to over 170,000 acres by facilitating multiple logging contracts to open the roads and clean up debris, and our stewardship efforts continue to work on almost 6,000 acres each and every year there.

Despite all this, we need to move forward and have more progress made on active management. So I offer the following suggestions. First, we need to help the agencies expand collaborative efforts in the early stages of the process, and that means talking about the benefits of active management needed to carry out those in order to get the desired future condition. It needs to start at the beginning, not at the end, as was mentioned. We need to work at the landscape level to achieve broad benefits, and that means working across ownership patterns. Not only the various Federal agencies, but also the state agencies and local. We need to solve the fire-funding program, which has been brought up numerous times today. The situation currently is just unacceptable. We need to encourage Federal agencies to use all available tools and all available authorities, and that includes the use of categorical exclusions.

I would like to close by saying the Committee has done great work. We stand ready to help both the National Forest System and this Committee as we move forward, and look to active management to make our forests healthier and sustainable in the future. Thank you.

[The prepared statement of Ms. Humphries follows:]

PREPARED STATEMENT OF REBECCA A. HUMPHRIES, CHIEF CONSERVATION OFFICER, NATIONAL WILD TURKEY FEDERATION, EDGEFIELD, SC

Mr. Chairman, Members of the Subcommittee, I am Becky Humphries, Chief Conservation Officer of the National Wild Turkey Federation, and I appreciate the opportunity to testify on the issue of active forest management. Founded in 1973, the National Wild Turkey Federation is a national nonprofit wildlife conservation organization dedicated to the conservation of the wild turkey and preservation of our hunting heritage. The National Wild Turkey Federation is 230,000 members strong and maintains local chapters in every state. With the successful restoration of the wild turkey complete, the National Wild Turkey Federation has focused its efforts on our "Save the Habitat, Save the Hunt." initiative, which connects both parts of our mission by recognizing the importance of quality habitat for wildlife conservation and our hunting tradition. Through this initiative, our "Save the Habitat" efforts are largely focused on creating and maintaining healthy forests through active management.

Professionally trained wildlife biologists know that forest diversity at the landscape level is the key to proper management to achieve species diversity and robustness. There are four fundamental criteria each forest species needs for survival: food, water, shelter, and space. Depending on how a forest is managed, various amounts of these criteria become available to the animals living there. Wildlife managers consider **active management** the best solution to meet the habitat requirements of the largest variety of species. Active management creates young forest habitat, which provides adequate food sources, nesting habitat, and hiding places for forest wildlife. Throughout the U.S. we are losing this diversity on a landscape-level scale, in many cases because our forests are becoming more homogenized and overmature. The U.S. Forest Service and the Natural Resources Conservation Service have recognized the need for young forest habitat, and they provide funding and guidance to provide such habitat for threatened and endangered species such as the golden-winged warbler, New England cottontail, gopher tortoise, and red-cockaded woodpecker. These benefits extend to numerous other species of wildlife, and result in a greater diversity of plants and animals.

The National Wild Turkey Federation's work on the Oconee National Forest and the Piedmont National Wildlife Refuge in Georgia provide an example of these benefits. From 2007 through 2012 the National Wild Turkey Federation worked with the U.S. Forest Service and the U.S. Fish and Wildlife Service to actively manage over 21,000 acres of loblolly pine habitat on these Federal lands. The primary objective of the work was to increase pine savannah and young forest habitat to improve habitat for, and reduce wildfire risk to, the endangered red-cockaded woodpecker. This was achieved through timber harvest, the removal of invasive, exotic plant species, and an increase in the use of prescribed fire. As a result of the extensive sustainable forest management practices employed during this project, the number of potential breeding pairs of red-cockaded woodpeckers in the project area increased by nearly 27%. In addition, habitat improvement and population increases were noted for other species including the southern flying squirrel, bobwhite quail, wild turkey, and a variety of migratory songbirds. Long-term maintenance costs and threat of wildfire, forest pests, and disease were also reduced through these efforts.

The management of healthy forests is made economically viable through the harvest and sale of forest products and timber, which help offset the costs associated with other forest and wildlife management activities such as reforestation, invasive species control, prescribed fire, timber stand improvements, *etc.* Without the funding that sustainable forest management provides the landowner (including the Federal Government), we are likely to see less forest management, which, in turn, will exacerbate the problems of wildfire, decreased forest health, endangered species, and water quality. Additionally, without the revenue that active forest management provides, we are likely to see increased land conversion to non-forested uses and the loss of the basic operational capacity (*i.e.,* loggers and mills) to accomplish on-the-ground, sustainable forest management that results in healthy, resilient forests important for a wide variety of ecological benefits.

We can't rely solely on state and private lands to continue to supply the timber industry with the fiber necessary to meet our forest product needs. Our nation's Federal lands also play a vital role in maintaining healthy forests that are resilient to threats at a landscape level. In many areas of the country, Federal forestland has the potential to provide a consistent and reliable source of forest products to keep the mills open. Federal lands must provide a sustainable, long-term supply of fiber in order to reduce the disproportionate pressure and reliance on other ownership types. Achieving this balance will help regulate prices, help stabilize the supply/demand markets, and provide loggers and forest product companies the assurances

they need to hire workers, maintain existing infrastructure, and reinvest in their operations. The sustainability of this industry is critical for us to economically maximize the benefits of a healthy forest and fight the threats of wildfire, insects, and disease. Furthermore, if the health and vitality of our Federal forests are not addressed, devastating wildfires and insect and disease epidemics will spread to adjacent state and private forestlands, thereby undermining other efforts to maintain healthy forests. Without the forest products provided by our Federal lands, the ability to manage for healthy forests across a landscape, regardless of ownership (*i.e.,* Federal, state, or private), is severely threatened.

Our current funding model for fighting catastrophic wildfires helps illustrate this point. Over the last 30 years the length of the fire season has increased by more than 2 months. In addition, the intensity of many fires has increased largely due to an increased fuel load that is a result of less timber harvested and reduced active forest management. During the same time period, the cost of wildfire suppression has increased an average of more than 22% annually and now accounts for ½ of the U.S. Forest Service's annual budget. Hundreds of millions of dollars are spent annually to fight forest fires. Unfortunately, these fires often result in scorched earth that all agree is not good for wildlife, water quality, recreation, or local economies and jobs. Alternatively, we could and should increase the pace of sustainable forest management. Active forest management to prevent wildfires costs less than suppression and is proven to be extremely effective at preventing wildfire, as well as helping with fire containment and suppression efforts. By reducing the obstacles to sustainable forest management on our Federal lands not only can we reduce the likelihood of wildfires and the costs of fighting them, but we can also realize additional benefits of improved public safety, the protection of private and public property, quality wildlife habitat, improved water quality, fewer invasive species, enhanced recreational opportunities, and more robust local economies.

The National Wild Turkey Federation recognizes and appreciates the authorities and tools that have been granted in recent years by the Agriculture Committee to expand the ability of Federal agencies to manage Federal forestlands. We believe that the 2014 Farm Bill, which many on this Committee were instrumental in passing, provides important tools aimed at streamlining processes, increasing multiparty collaboration, transitioning towards landscape-level ("all lands") management, building capacity, improving watersheds, addressing forest health risks (*e.g.,* fire risk and insect/disease infestations), and generally enhancing the pace and scale of management for healthy forests. The permanent authorizations of Stewardship End-Result Contracting and Good Neighbor Authority, along with the establishment of Insect and Disease Area designations in the 2014 Farm Bill are helpful additions to the existing Wyden Amendment and Cooperative Forest Landscape Restoration Programs. The specific focus of each tool varies, but all strive to increase the pace and scale of restoration on Federal lands by addressing contracting and process inefficiencies; dealing with specific ecosystem/forest health concerns within designated geographical units on public lands; allowing for coordination of management activities on Federal lands and adjacent private lands within a watershed; and enabling non-governmental organizations and state agency partners to provide additional resources through cooperative agreements for the mutual benefit of all parties. If utilized to their fullest extent, such programs and authorities will lead to healthier forests, which in turn will provide quality wildlife habitat, necessary economic benefits, and public recreational opportunities.

The National Wild Turkey Federation has been a leader in the successful Stewardship Contracting Program. We have partnered with the U.S. Forest Service on 81 Stewardship End-Result Contracting projects in the last decade. All of these projects demonstrate the benefits of partnership and have resulted in sustainable forest management. For example, in New Mexico, the National Wild Turkey Federation is partnering with the U.S. Forest Service in the eastern Zuni Mountains of the Cibola National Forest on the Bluewater stewardship agreement. Since 2010, 5,000 acres have been treated to create a healthy, resilient forest by reducing the timber density of the stand, and in turn improving the future ability to proactively manage the forest with fire. This both decreases future fire risk in the area and creates quality habitat for the wild turkey and other wildlife. The National Wild Turkey Federation and our partners, including the sawmill Mount Taylor Machine, have provided matching funds to the project which has expanded the number of treated acres by 20 percent. Mount Taylor Machine almost exclusively receives its product from the National Forest and without this project likely would have been forced to close, putting their 35 employees in the small community of Milan, NM out of work. The project is so important to both the forest and the community that the Mount Taylor Machine has donated a portion of its hauling expenses to ensure the project can continue. The U.S. Forest Service acknowledges that without the Na-

tional Wild Turkey Federation's capacity to administratively handle this project the work would not have been possible. The National Wild Turkey Federation has also participated in the Puerco Cooperative Forest Restoration Project that has collected necessary data for a landscape scale National Environmental Protection Act analysis that will allow for the expansion of similar forest management work in the western Zuni Mountains of the Cibola National Forest.

The partnership opportunities provided by Stewardship End-Result Contracting allow the U.S. Forest Service to respond more quickly to natural disasters. In 2009 a catastrophic ice storm devastated much of Land Between the Lakes National Recreation Area in Kentucky and Tennessee. Through a stewardship agreement, The National Wild Turkey Federation helped restore access to the 170,000 acre recreation area by facilitating multiple logging crews to open roads and clean up debris. Since that time, our partnership efforts have continued, focusing on forest health and wildlife habitat by reducing forest density, removing invasive plant species, restoring native grasses and trees, and improving and maintaining access for visitors. Through the stewardship agreement, the local National Wild Turkey Federation chapter provides approximately $20,000 worth of in-kind services and nearly 600 hours of volunteer time annually, expanding the scope of work that could otherwise be accomplished using only Federal money. Together we accomplish nearly 6,000 acres of treatments annually.

Despite these examples of progress, the National Wild Turkey Federation believes that many administrative policies and processes continue to slow the rate of implementation to an unacceptable pace, greatly increasing the cost of implementation. We encourage Congress and Federal agencies to continue their efforts to increase the pace and scale of sustainable forest management. To that end, we offer the following suggestions:

- Expand collaborative efforts. Our experience with Stewardship indicates that when all parties are at the table early in the process, mutually determine the desired results, and understand the role that timber harvest and active management play in achieving that result, opposition to active management is minimized.
- Work at a landscape scale. Long-term benefits to healthy forests and local communities will be easier to realize at a broad scale.
- Solve the fire-funding problem. Until Federal agencies are freed from the burden of fighting catastrophic wildfire through their annual budgets and the resulting "fire-borrowing," we will be unable to make meaningful progress towards proactive forest management that will reduce the number, size and intensity of wildfires.
- Encourage Federal agencies to use all the tools and authorities at their disposal to the fullest extent possible, with maximum flexibility. Federal resource managers must be empowered to apply the aforementioned tools wherever appropriate in the most efficient manner possible to achieve our collective forest restoration goals.
- Arbitration instead of litigation. Litigation increases the expense and delays the implementation of projects. The National Wild Turkey Federation supports investigating other means of dispute resolution such as arbitration for projects that fall within the approved Forest Management Plan and have been subject to National Environmental Protection Act review.
- Expand the use of categorical exclusions. We support the appropriate use of categorical exclusions under the National Environmental Policy Act for management that is routine, reoccurring, and with well-known impacts. Our Federal forest managers have decades of forest management experience to implement wise, sustainable forest management practices in a much more streamlined manner.
- Understand the potential negative consequences of limiting forest management for the benefit of a single species. The National Wild Turkey Federation is concerned that the forest management restrictions contained in the Fish and Wildlife Service interim 4(d) rule for the Northern Long-eared Bat for example could have far reaching negative impacts on active forest management. Additionally, these restrictions could be in direct conflict with prescribed management for other wildlife species of concern.

As shown through its continued partnership with the U.S. Forest Service and restoration efforts through our "Save the Habitat, Save the Hunt." Initiative, the National Wild Turkey Federation is a strong proponent of active, sustainable forest management. The benefits to numerous wildlife species, their habitats, and forest

health are matched with economic benefits that contribute to local economies. Increased active forest management on Federal lands will help prevent wildfires and make it easier and less costly to fight fires when they do occur. For all of these reasons, the National Wild Turkey Federation urges Members of Congress to increase the pace and scale of sustainable forest management to ensure the health of our forestlands and the wildlife that call them home. Members of this Committee have much to be proud of. You have helped the process with past legislation but more needs to be done. Thank you for your time and consideration and your desire to address these critical issues.

The CHAIRMAN. Thank you, Ms. Humphries, for your testimony. I am now pleased to recognize Ms. McCarthy, for 5 minutes.

STATEMENT OF LAURA FALK MCCARTHY, DIRECTOR OF CONSERVATION PROGRAMS, THE NATURE CONSERVANCY, SANTA FE, NM

Ms. MCCARTHY. Thank you, Mr. Chairman, Ranking Member Lujan Grisham. I am Laura McCarthy with The Nature Conservancy in New Mexico, and I really appreciate this opportunity to share why National Forest management is so important to the people in my state, and give a little bit of a western perspective.

The reason National Forests are so important is water, and I am going to explain why with a few slides. You can see up here, this is the fire scene nobody wants to see looming over their town, but unfortunately for us in 2011, that is what we were greeted with. What is most important about that fire is what it left behind. This image is taken in Bland Canyon, and we ended up with a 30,000 acre hole that looked like this with nothing living in it. This is an out of category kind of severity and intensity of fire.

This will start automatically. It should be a video that is going to show you what happens when it rains on a burned area. This is actually a debris flow that came out of that burned area that I showed in the previous slide, and it happened after two very average afternoon thunderstorms about 6 weeks after the fire. It took 20 minutes for the water to get out of the headwaters, down into the valley. You can see an apple orchard there, and you can see barriers that the Army Corps of Engineers set up, expecting a volume of flow substantially less than what actually occurred. This kind of flooding keeps happening. It is now 4 years later and we are still having events that are depositing sediment into our river.

This is property damage after that flood. And this is where that canyon comes into the Rio Grande, and you can see a big mass of sediment that the Army Corps of Engineers estimates is 70′ deep. So we have mass movement of sediment, literally the soil, the lifeblood, out of the headwaters, down into the river, and this river carries water that supplies drinking water for ½ of our state's population, and irrigates the incredibly productive farmland in the Rio Grande Valley. So it is very significant to us.

This is the reservoir that is ½ a mile down from the confluence of Bland Canyon and the Rio Grande, and this was taken on the day after the flood. You can see what the reservoir looked like. The water samples are not from the reservoir, they are from another river that was affected by the same fire.

So now the solution. The science is really clear. We need to accelerate the pace and scale of restoration, and we want to really complement the Forest Service and the Administration for putting a

focus on accelerating the pace and scale of restoration. You can't stop a fire from growing 43,000 acres in less than a day if all you can treat is 3,000 acres a year. We need to scale-up. And the Forest Service can't do it alone. That flood that I showed crossed many jurisdictions, and so must our solution. So we need to involve the Interstate Stream Commission, which manages the Rio Grande. We need to involve the Federal agencies that manage water.

What we have done in New Mexico is create a new partnership that we call the Rio Grande Water Fund, and it is much like many other collaboratives. What is unique though is the way in which we have involved the business community. We went to them, we started with the Chamber of Commerce in Albuquerque, we asked them if they were concerned about water security, and they responded really positively. So we have a very diverse partnership. We are leveraging funding from the business sector, also from the private sector in the philanthropy world, and the LOR Foundation is here with me today, because of the significant investment they have made as a catalyst for bringing other funding solutions to the table to leverage the Federal dollars.

Let me conclude with one policy priority. This is the compelling need for this Congress, in my opinion, and in The Nature Conservancy's view, and that is to provide a new fire suppression funding mechanism. It has been talked about by several of you today. A disaster cap adjustment is absolutely essential if you are able, as a Congress, to solve that problem, then the rest of the pieces are going to fall into place. It is the 800 pound gorilla. And we urge you to take action. We appreciate your leadership, and look forward to being able to work constructively on the other forest management issues once the fire-funding problem is solved.

[The prepared statement of Ms. McCarthy follows:]

PREPARED STATEMENT OF LAURA FALK MCCARTHY, DIRECTOR OF CONSERVATION PROGRAMS, THE NATURE CONSERVANCY, SANTA FE, NM

Forest Restoration: Lessons in Active Management from New Mexico

Chairman Thompson, Ranking Member Lujan Grisham, and Members of the Committee, thank you for the opportunity to provide testimony on the important issue of active management of our nation's forests. The Nature Conservancy is an international, nonprofit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and waters upon which all life depends.

I want to thank the Subcommittee for holding this hearing to identify the issues our nation faces in light of the escalating trend of large and severely damaging wildfires, and the need to invest in treatments that reduce fire risk and restore resilience to our forests for future generations.

The Nature Conservancy practices active forest management on our preserves and through our many large-scale partnerships with Federal, state, local and Tribal governments and nonprofit and private sectors. Through our own management of lands and waters, we have come to the conclusion that active management based on scientific information about ecological and social processes is essential to achieve key objectives for forests for their own sake, and for their ability to fulfill our needs and enrich our lives. My organization is joining many others and all levels of government in the U.S. to begin implementing the National Cohesive Strategy for Wildland Fire Management. The Cohesive Strategy provides a unified call to action to restore and maintain landscapes, help communities become fire adapted, and enhance wildfire response and fire use for resource benefits.

Active forest management for the purpose of restoring forest resiliency is critical in my home State of New Mexico, and for the entire Southwest region, where our dominant forest types are adapted to frequent fire. Forest stands at the middle elevations typically burn on a 5–30 year cycle. The 20th Century United States policy

of fire suppression has meant multiple missed cycles of fire, transforming many Southwestern forests from grassy, park-like stands of widely spaced trees, to dog-hair thickets of trees that are 100 years old and yet no bigger in diameter than the circumference of my wrist. While the Southwest has a high concentration of frequent-fire forests, this fire regime type is found throughout the nation, typically in pine forests, and especially on dry sites in the Intermountain West, Pacific Coast, and even the areas in the East, for examples the Pine Barrens and Great Lakes.

Fortunately, scientists have investigated many aspects of fire-adapted forests. Federal land managers and partners are benefiting from the thousands of published fire ecology papers that point to a variety of clear strategies to improve resiliency through adaptive active management: in many cases, cutting and removing overgrown forests and using fire as a management tool when and where it is safe to do so. Unfortunately, fire behavior has changed significantly in the Southwest over the last 2 decades.

In fact, forest landscapes throughout the country have changed due to climate, land-use changes, and past management activities. The result are widespread forest health challenges in need of accelerated pace and scale of restoration. An area approximately the size of Pennsylvania and Washington State combined is in need of forest restoration on the National Forest System.

As fire season is starting earlier and lasting longer in the West, wildfires are burning hotter and exploding with more extreme fire behavior. In New Mexico we keep setting and breaking the record for largest fire in the state. In 2000 people were terrified when a 58,000 acre fire threatened the Los Alamos National Lab. We were stunned a decade later when a fire that was three times larger broke the record again. And surprised again in 2012, the record was shattered once more, topping off at 250,000 acres. For our neighbors in Arizona, these numbers seem modest compared to their record setting fires, which now exceed 500,000 acres.

The growth in fire intensity and severity has been accompanied by public acceptance of the need to actively manage forests. Scientists have come forward to explain how our forests got into overgrown conditions and why trees need to be cut and removed to reduce the flammable material that can act as fuel for future fires. From this understanding, the social license has grown for active forest management, and collaborative groups with community roots have emerged, dedicating their time and energy to working with the Forest Service to plan and implement restoration treatments.

The same factors that cause wildfire growth are driving an increase in wildfire suppression costs. Congressional appropriations have not kept up with rising costs. The United States does not fund wildfire disasters in the same way it funds all other natural disasters. Rather, the USDA Forest Service (USFS) and Department of the Interior (DOI) fund suppression from their annual budgets. When suppression costs run high, the agencies must borrow money from other programs to make up the difference. This practice of "robbing Peter to pay Paul" has led to decreased budgets for many important programs, including Forest Service projects aimed at decreasing the severity of wildfires in the first place.

Resigned to the fact that Federal funding for proactive forest management is limited, communities near National Forest lands are working hard to form partnerships that will accelerate restoration—some way, somehow. Recently, we noticed a change in the dialogue about active forest management in New Mexico—triggered by the simple act of rain falling on severely burned lands. A short-duration thunderstorm can wreck untold havoc on downstream communities and reservoirs. When lands have burned so hot that there is no vegetation to hold the soil in its place—and when all that is left is ash upon bedrock—the rain water mixes with ash and creates a semi-liquid mixture or slurry. This flow of debris causes a mass-movement of ash, sediment, and other material out of the mountains and into the rivers and valleys where our farms, communities and businesses are located. Where New Mexicans once relied on forested headwaters to provide clean water, now the growing inventory of burned lands is creating a new sense of urgency that we must scale up forest management. Businesses understand the threat to our water security and economic growth, and are joining forces with communities and the more typical forest collaborators to participate in scaling up restoration.

New Mexico's Las Conchas fire provides the clearest example. This fire was remarkable in that it burned 43,000 acres in its first 14 hours, and the areas it burned were so hot they exceeded the typical definition of high-severity burn. Six weeks after the fire stopped, thunderstorms with an inch to an inch and a half of rain fell, 2 days in a row, in the burned headwaters. About 20 minutes after the rain stopped, debris flowed into the Rio Grande, depositing sediment plugs more than 70′ deep. Catchment structures filled to the brim, then overflowed, and the surface water supply for Albuquerque and Santa Fe turned black for more than a

month. Cities were forced to seek alternative water sources and farmers using drip irrigation risked clogging their equipment. Flooding occurred right away, and continued with nearly every storm for the last 4 years, moving sediment and depositing new plugs of material into the Rio Grande and communities. Native American communities suffered the most from these debris flows and floods, with homes and farms damaged by flooding, and recreation livelihoods ruined by the movement of ash out of the burned headwaters. The economic costs from this one wildfire have been high: $48 million in direct fire suppression, and $200 million more expended to repair and rebuild, and compensate for health, business and other local impacts.

Scaling up restoration activities is the clear need—and that is very hard to accomplish in one of the Forest Service's lowest-budget regions, where the forest industry has retreated to barely more than a few small sawmills producing Southwest style building materials. Community leaders and local legislators are realizing the problem is bigger than the Forest Service alone. As the impacts of fire move from the ridgetop to the river bottom, responsibility for the consequences pass out of Forest Service jurisdiction and become the responsibility of local governments, states, and a different set of Federal agencies—the water managers.

Scaling up forest restoration will take enormous resources, and in New Mexico the stakes have become so high that communities are forming new partnerships to garner resources and establish priorities for action. One example that I have spearheaded is the Rio Grande Water Fund. The concept is simple—the beneficiaries of clean water that comes from forests help to invest in keeping the forests healthy. In the Southwest, forests are our "water towers." Snowpack accumulates in the headwaters, and is released to our rivers and streams throughout the spring and summer. In their current overgrown condition, the forests can't store the full amount of snow—the trees are literally packed together so tightly that snow is retained in the branches and does not reach the ground. Snow in the tree tops is then exposed to wind and sun, and never reaches the ground.

The Rio Grande Water Fund is a partnership of more than 40 organizations. While collaborative groups are emerging all over the nation, this one is interesting because of the private sector role. Prominent business groups like the Albuquerque Chamber of Commerce and the statewide Association of Commerce and Industry helped to develop the group's comprehensive plan for management of all lands in critical watersheds that have a high probability of burning, and that will contaminate someone's water source if they do. The private sector is stepping up with funding, from corporations like Lowe's and General Mills, to local utilities and breweries, and private foundations like the LOR Foundation. Hal Hutchinson, executive director, and Jake Caldwell, program officer, are here with me today, because the LOR Foundation has made a significant investment in this public-private partnership as a catalyst to leverage additional major investment. All of this represents a level of engagement I've not seen before, and it is emblematic of the broad consensus in my state that forest conditions are degraded in ways that affect people's lives, even in urban areas, and people want to see something done.

The New Mexico Legislature has also gotten involved, providing over $6 million of capital outlay funding for thinning in 2014, and passing a bill to create a recurring funding source for thinning in 2015. The insurance industry is interested too—because losses from post-fire flooding are becoming significant—and they have been part of the conversation. We had a very partisan session this year—with our House of Representatives in Republican control for the first time in 60 years—but this issue transcended the party divide. The long-term funding bill passed both our House and Senate unanimously—though it was vetoed and will return with fixes in the next session. These recent events demonstrate the commitment of partners and non-Federal entities to be a part of the solution by providing resources to accelerate restoration of Federal lands.

Federal Policy Needs and Priorities

Let me start by thanking this Committee for helping to include in the Agricultural Act of 2014 permanent authority for Stewardship Contracting and Agreements and for providing the Good Neighbor Authority. We are eager to see the Forest Service release its final regulations on these new authorities and look forward to using them fully so that partner agencies and organizations can contribute as much as possible to accelerate forest restoration.

In addition, we would like to summarize the following policy needs and priorities:

1. The top priority is to create and fund a new Federal fire suppression funding mechanism to relieve resources for proactive management.

The Nature Conservancy recognizes that even with a robust, proactive approach to land management, Federal fire preparedness and suppression resources will still need to be maintained at an effective level to protect life, property and natural re-

sources. But emergency preparedness and response resources must be provided through a mechanism that does not compromise the viability of the forest management activities that can actually serve to reduce risks to life and property and mitigate the demand for emergency response in the future. The current system of funding fire preparedness and suppression at the expense of hazardous fuels and other key programs threatens to undermine—and eventually overtake—the vital management and conservation purposes for which the USDA Forest Service and Department of the Interior bureaus were established.

The dramatic increase of homes near natural areas that are prone to frequent and unnaturally damaging fire has added significantly to the cost of fire suppression. In the past, paying for this tremendous cost often resulted in "borrowing" or outright transfer of Federal funding from critical land management and conservation programs into fire suppression accounts. This current wildfire suppression funding model and cycle of transfers and repayments has negatively impacted the ability to implement forest management activities. The agencies and first responders need a predictable, stable, and efficient budget structure to deliver their Congressionally directed land management missions.

Numerous fire seasons over the past decade have required fire funding transfers from non-suppression accounts, clearly demonstrating the urgent need to change the suppression funding model at the USFS and DOI. The last few fiscal years have increasingly reflected the need for a new funding approach.

Over $1 billion were transferred from USFS and DOI programs at the end of Fiscal Year 2012 and 2013 combined. Federal wildland fire suppression was funded below the forecast, and the fire season was very costly, particularly at the end of the fiscal year. In the past, repayments of transfers occurred through emergency supplemental appropriations, which would occur well after the USFS and DOI Bureaus had been severely impacted by the transfers. However, Fiscal Year 2012 and 2013 suppression transfers were "repaid" from the entire Interior, Environment, and Related Agencies Appropriations Bill for the following fiscal year. The result is that all Interior bill agencies and their programs are now impacted by fire suppression funding. Additionally, the transfers have had long lasting effects on the USFS' and DOI's implementation of impacted programs that continue to this day.

From the national perspective, the Fiscal Year 2014 wildfire season was considered mild, in that it did not require traditional transfers. However, even in such a mild fire season, the USDA Forest Service experienced a $200 million shortfall in suppression funding.

This pattern of funding is neither efficient nor sustainable. The Conservancy supports the bipartisan Wildfire Disaster Funding Act (H.R. 167), which would provide the USFS and DOI with a funding structure similar to that used by other agencies that respond to natural disasters, through a disaster cap adjustment. This important change would free the agencies to reinvest in core activities which have been reduced in recent years due to a continued shift of limited resources to fund wildfire suppression, including the very programs that would help to decrease wildfire costs over time. Further, this change would significantly reduce the highly disruptive process of canceling and/or significantly delaying ongoing project work, most often at the time such work is being executed on the ground.

2. The second priority is to increase Federal funding for hazardous fuels reduction, Collaborative Forest Landscape Restoration and associated proactive Federal land management operations and science.

a. Hazardous fuels reduction

Once the fire funding problem is solved, there will be room to properly address forest management challenges. It is essential that the Congress and the Administration increase Federal investments to reduce fire risk in a manner that makes forests more resilient and resistant to fire and other stressors. Strategic, proactive hazardous fuels treatments have proven to be a safe and cost-effective way to reduce risks to communities and forests by removing overgrown brush and trees, leaving forests in a more natural condition resilient to wildfires. A 2013 meta-analysis of 32 fuels treatment effectiveness studies, funded by the Joint Fire Science Program, confirmed that when implemented strategically, fuels treatments can make a crucial difference in the size, spread and severity of wildfires.[1] These treatments can improve the safety and effectiveness of firefighters and provide protection for a community or essential watershed that might otherwise see extensive loss.

[1] Martinson, E.J.; Omi, P.N. 2013. *Fuel treatments and fire severity: A meta-analysis.* Res. Pap. RMRS–RP–103WWW. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 35 p.

Many of these hazardous fuels reduction projects are also providing jobs and other economic benefits to rural communities. For example, an economic assessment of forest restoration revealed that in the dry, fire-adapted forests of eastern Oregon an investment in forest management and restoration has the potential to save millions of dollars in state and Federal funds by avoiding costs associated with fire suppression, and the associated social and economic impacts.[2] Our estimate in New Mexico is that for every 1,000 acres of forest restored, about 22 full-time equivalent jobs are created or maintained. The Nature Conservancy was pleased that Congress provided a $55 million increase last year to the Hazardous Fuels Reduction program for the USDA Forest Service. The Conservancy supports continued increases to this program to fund the many ready-to-be implemented projects and future forest planning and treatment proposals that are developed collaboratively.

The Conservancy also appreciates Congressional emphasis on proactive hazardous fuels reduction and community preparedness, along with a commitment to safe and cost-effective wildfire response strategies. We agree that funding is urgently needed to create community protection buffer zones that can limit the damage from wildfire. Fighting fires will remain costly until such buffers are in place and people feel safe. But shifting too much funding away from undeveloped forest areas where fires have been excluded for a century, and conditions remain overly dense and susceptible to unnaturally damaging wildfire, will have a long-term negative impact on forest health and resiliency. The Nature Conservancy urges a balanced allocation of funding between treatments in wildland and developed areas.

Strategic mechanical fuels reduction in wildlands, combined with controlled burning to reduce fuels across large areas, can significantly reduce the chance that megafires will adversely impact the water supply, utility infrastructure, recreational areas and rural economic opportunities on which communities depend.

b. Collaborative Forest Landscape Restoration (CFLR) Program.

The CFLR Program helps prioritize and test a variety of collaborative, science-based approaches to forest restoration that both reduce wildfire risks and contribute to local jobs and economic opportunities. Authorized for 10 years through the 2009 Omnibus Public Land Management Act, CFLR was created to emphasize partnerships between government and local forest workers, sawmill owners, conservationists, businesses, sportsmen, outdoor recreationists, and others in the hopes a more collaborative forest management approach would result in fewer court challenges and more inclusive, science-based planning. A report released last month by the USFS revealed 5 years of impressive results from the Federal Collaborative Forest Landscape Restoration (CFLR) program[3] on 23 project sites across the nation.

As revealed in the *5 year report* (*http://www.nature.org/ourinitiatives/habitats/forests/cflr-five-year-report.pdf*), the CFLR program has been successful in meeting forest restoration goals:

- Reduced fire risk across 1.45 million acres;
- Created and maintained 4,360 full and part-time jobs annually;
- Improved 2,078 square miles of wildlife habitat;
- Generated $661 million in local labor income;
- Improved 703 miles of stream habitat (length of the Yellowstone River);
- Produced 1,256 million board feet of sold timber; and
- Treated 73,600 acres of noxious and invasive plants.

All of this, which was achieved with $155 million invested over 5 years, matched by $76.1 million in other funding. By comparison, the Las Conchas Fire cost $48 million in suppression, with an estimate of $246 million in damages and lost revenue, according to a study by the University of New Mexico.

Collaboration is a foundation for the success of this program. The scale and complexity of the situation facing America's forests and communities means that we must find ways to forge agreement among diverse interests about the "where, when and how" of forest management and then focus our resources on those landscapes that are poised for success. Collaboration, once considered "innovative" and "new," has become an essential tool to reduce wildfire risks, increase forest restoration and contribute to the sustainability of local economies. By bringing together county com-

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[2] *National Forest Health Restoration: An Economic Assessment of Forest Restoration on Oregon's Eastside National Forests.* Prepared for Governor John Kitzhaber and Oregon's Legislative Leaders. November 26, 2012. Quote on page (iv). *http://www.oregon.gov/odf/BOARD/docs/2013_January/BOFATTCH_20130109_08_03.pdf.*

[3] *USDA Collaborative Forest Landscape Restoration Program 5-Year Report,* FS 1047, March 2015, *http://www.nature.org/ourinitiatives/habitats/forests/cflr-five-year-report.pdf.*

missioners, local mill owners, water and utility managers, fire protection officials, conservation groups, scientists and others, collaborative groups can identify mutually beneficial solutions to forest health challenges and, sometimes by enduring a few bumps and bruises, pave the way for smooth and successful projects on the ground. Equally important is the long-term commitment these projects have fostered to both community sustainability and forest resilience.

The Conservancy is seeking to expand the CFLR authorized funding level to $80 million to increase the scope of CFLR beyond the current 23 projects. This funding supports matching funds and monitoring requirements, as well as the project planning and preparation activities that facilitate implementation success, over the 10 year life span of the projects. Future expansion should be considered. We must also increase our emphasis on and support for collaboration as a fundamental aspect of successful forest restoration planning and implementation. This should involve applying lessons learned through the CFLR Program to improve National Forest management throughout the system as collaborative, large-scale projects are created and new land management plans are developed under the new forest planning rule. It is encouraging that various funding sources, and even the state of Oregon, are providing funds that support the community collaborative capacity that will enhance implementation of the CFLR program.

3. Finally, rehabilitation of burned lands is an emerging issue we are seeing on the ground in New Mexico and other states whose numbers of burned acres are growing.

Since the biggest impacts of wildfire come when rains fall long after the smoke has cleared, the number of affected interests and agency jurisdictions will be even more complex than that of cross-boundary fire management and large landscape restoration. The National Fire Plan of 2000 recognized the high priority need for rehabilitation and restoration of burned areas but unfortunately funding and attention have waned in recent years. Each agency has its own program for dealing with post-fire impacts, and the programs are generally oriented to emergency situations and addressing impacts in the first year after the fire. But watershed damage is long lasting and there are few programs to address the long-term effects, and gaps between community needs and the services the existing programs can provide. Communities are eager for more cooperation between Federal partners who manage the existing programs, and for adjustments to those programs to address the gaps that leave them facing the dirty water, damaged housing and destabilized economy alone. Building partnerships and increasing coordination to leverage the existing programs for burned area rehabilitation is an emerging problem that will become more visible as more forests are scorched. The same mechanisms that have worked to improve fire management could be put to work here to meet community needs to live in the post-fire environment.

Conclusion

It is timely and important that the House Conservation and Forestry Subcommittee is holding this hearing at the start of the 114th Congress. Forests are vital sources of water and other resources for nearly all Americans and deserve attention by Congress in the near term, and on a continuing basis. It is essential that the various Congressional Committees with jurisdiction, as well as a broad array of state, local, industrial and citizens groups all work together to seek solutions. We appreciate the opportunity to offer the Nature Conservancy's perspective on how we might shift our focus toward a more proactive and cost-effective management approach that provides multiple benefits to people and nature. Please let us know if we can provide any additional information or assistance to the Committee as you move forward in this arena.

ATTACHMENT


43,000 acres burned in first 14 hours
06/26/2011 19:40
Las Conchas Fire, Day 1

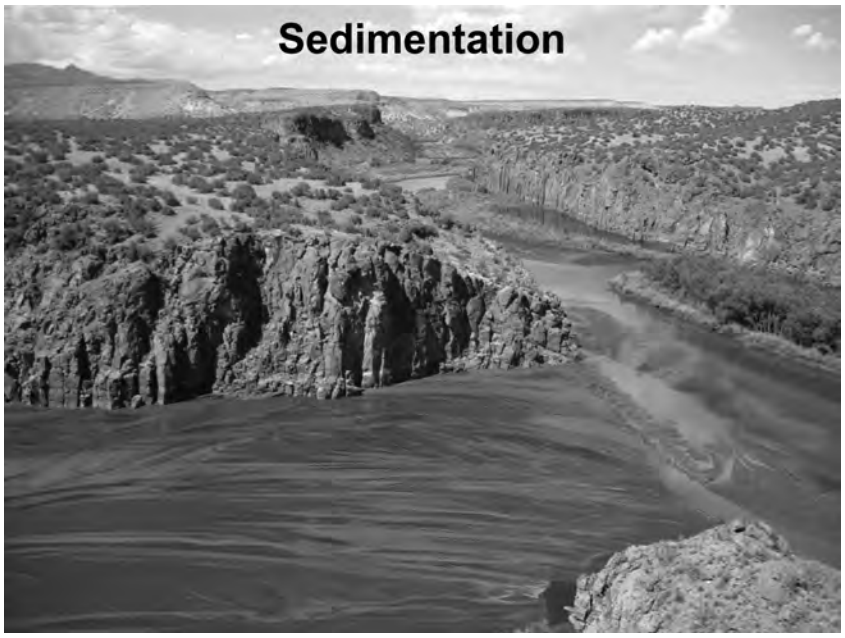

Unprecedented extent of high-severity burn



Video Presentation: by Pheobe Suina, Pueblo of Cochiti, length 1:25.96 minutes.

Editor's note: the entire presentation is available at (*https://tnc.box.com/s/hwhw2da47e366dohlz81dtsvqb5962qf*).




Sedimentation


Water Quality
Supply disruptions to utilities and others

The CHAIRMAN. Ms. McCarthy, thank you. Thank you very much. And thanks for the very disturbing video. It lays it right out there.

I want to start with Ms. Swanson. I will take the liberty of starting 5 minutes of questions, and I wanted to go to your testimony where you talk about—I will read part of your testimony. "Moreover, we've found that residual trees in these thinned stands wind up producing damaged wood, with imperfections in the appearance grade lumber that our industry relies on." In my opening statement, I made reference, at least in my mind, it is kind of a triangle to have healthy forests and healthy rural communities. It is about green timber harvesting, there is no doubt about it. And there is a rule within harvesting for restorative, to stay——

Ms. SWANSON. Yes.

The CHAIRMAN.—ahead of problems, but it is also about influencing the best we can the market, the timber market, and we have some trade agreements we are working on, and we need to be vigilant and I encourage Members of this Subcommittee to be vigilant with those to make sure that our timber products or our forest products are well positioned in those trade agreements. But then there are other things in terms of market, but then there is also value and being concerned. And that is a little tougher, and there are not a lot of things we can do sometimes because it is kind of subjective to the whims of the consumer. But your statement actually speaks to something—my question for you, it appears you are saying that we have these great cherry trees——

Ms. SWANSON. Yes.

The CHAIRMAN.—but if we do not—and other species are probably in the same scope of things, that there is a prime-time and a past-time for harvesting. And so can you speak to the situation where we may be—because we are not as aggressive or not fulfilling our harvesting, for a host of reasons that these trees that are owned by the taxpayers, and that our resources are supposed to be——

Ms. SWANSON. Right.

The CHAIRMAN.—the taxpayers will benefit financially from, can you speak to what happens on value when we don't timber——

Ms. SWANSON. There was——

The CHAIRMAN.—timely?

Ms. SWANSON. There have been some instances where they have gone in and thinned stands that are like 90 years old, and they actually ended up doing more harm to the residual trees that were left than if they would have if harvested properly. I think that you do create a situation where you are not getting the best value of the trees, so you do have to be conscious of that. Our state forests and our local forest products industry has stopped doing that, in fact, and they have gone right to a regeneration harvest at a certain level. The Forest Service has been slower to adapt to that. Now, they are starting to, but it really has made a big difference in the quality of the timber that is coming off of some of those sales. So I do think that you have to be really aware of what you are doing and the choices that you make because, really, the cherry market is high value.

The CHAIRMAN. Yes, thank you. My next question, actually, is for Ms. Humphries and Ms. McCarthy, the points that you have both

made. Ms. Humphries, in your testimony you talk about wildlife managers consider active management the best solution to meet habitat requirements of the largest variety of species. And then, obviously, in terms of water quality, Ms. McCarthy, you have made that implication as well with what you presented. And so I guess what I am hearing is that both animals, critters, birds, and mammals, as well as water quality can be significantly negatively impacted when we don't have active management. And so I would like you to speak to that. And I guess I am going into a dangerous area probably for me, but it is what I am passionate about, how does that speak for wilderness areas where we don't touch it at all in terms of active management, and yet these things will all be subject to these implications?

Ms. HUMPHRIES. Well, I will take a crack at the first part of this and leave you to the second part of this. But first of all, like anything, having diversity in the landscape provides more resiliency. And unfortunately, as we have backed off in recent decades on active management, what has happened is a lot of our forests have aged, we have had increasing fuel loads, and because of that we are not getting the diversity and that younger forest type in there. What is good for that younger forest is good for a wealth of species out there, and people failed to recognize that in the early days following kind of the change of pendulum swing in active management. Certainly, with that, I won't tell you that there is no place for wilderness, but I do think that we need to think very carefully in terms of when we say no management at all, what that really means.

The CHAIRMAN. Okay.

Ms. HUMPHRIES. We live in a global landscape. At the time, I was the director with Emerald Ash Borer, I hate to admit it, but in Michigan, that pest came in from overseas, it spread much further than we ever expected when we first detected that, and it affects situations where we don't have the ability just to say, "Hands-off, we are going to let it go," and because when we do that, we have devastating results, and lack of Ash across much of the Midwest at this point. It is really important to recognize that there needs to be active management at various stages, but we really need to change the talk into desired future outcomes of that forest, in my humble opinion.

The CHAIRMAN. Okay, thank you. Ms. McCarthy?

Ms. MCCARTHY. Mr. Chairman and Ranking Member, it is a good question, and Albuquerque, where I live, has a beautiful mountain range right outside of it and most of it is wilderness, so I think about this question a lot.

The Wilderness Act and the agency implementation policies do allow for limited active management for the purpose of maintaining the ecological characteristics of the wilderness area. And in my experience, where the scientific information is very clear about what those ecological characteristics are, there is the possibility of active management, and that does happen in the National Parks, for example. I believe that the consensus around active management, now, and I am not talking about wilderness in this case, but just when I look across New Mexico at where people are now, the level of understanding of our public about the need for active manage-

ment has grown tremendously in the last decade, and it has created a window of opportunity for the Forest Service, I believe, to really make good on that acceleration if we can remove some of the barriers, because the social license is finally there.

The CHAIRMAN. All right. Thank you very much.

My time has long expired, so I am pleased to recognize the Ranking Member for as much time as she consumes.

Ms. LUJAN GRISHAM. That is a very dangerous path for you to go down, but I accept. Thank you, Mr. Chairman.

Laura, and I shouldn't be so familiar, but she is quite an icon not only in the state, but in my community. And Ms. McCarthy, I really want to continue on that dialogue that we have social license to really think about what we ought to be doing. And I don't want to minimize because I want to go back to that, that we really don't have a resources funding vehicle so that we are doing management and conservation in a productive way, and it lends itself and leads to these real problems that we have with fire prevention. Then there is the ability to respond productively, not just to put the fire out but, as you more than ably described using those visuals, that for years to come, there are significant problems that we never, including Army Corps, FEMA, and everybody else who is responsible and responds to these issues, that the amount of money that we are spending on the back-end pales in comparison to what we spend on the front-end. And again, it is the same pool of funding, and we have been minimizing that, not expanding that, even if that was okay to continue to draw from the same pot.

So given that, your leadership, and I want to also compliment New Mexico partners, when you are a small state, you have to figure out how to often do it on your own, and I mean no disrespect to USDA or the Forest Service, and I appreciate your complimenting their efforts, but the reality is we have to figure out a way to do that. The Rio Grande Watership Fund, and getting the private sector to recognize the economics in so many ways of not participating has been phenomenal. Talk to me a little bit about replicating and the kind of Federal policy that we might engage in to really not only promote that, but create that as the standard for that kind of collaboration across jurisdictions to engage in these conservation and prevention practices.

Ms. MCCARTHY. Mr. Chairman, Ranking Member, I've been here for the last 2 days with the LOR Foundation and we have been all over the Hill, all over town, with the Administration as well, brainstorming about how to build the local capacity for replication. And I do believe that the Collaborative Forest Landscape Restoration Program has laid an excellent foundation on the collaboration side of things. However, there is such a thing as skin in the game, that is, putting money towards something, and I understand that New Mexico is not unique in having a legislature that is interested in making a co-investment along with the National Forest System. We have also been looking at the insurance premium tax as a potential revenue source, for example, and the more that the private sector and state, local, and Tribal governments are helping, and having at least some skin in the game through cooperative or matching funds, that is what is going to really bring about change.

The necessary factor though that is missing from that is the capacity-building, and it is primarily in rural communities, it is also within the Forest Service because this is really a new way of doing business. And again, there are leaders throughout the Forest Service, and we have some of them in New Mexico in the Forest Supervisor role, and that is critical leadership. It is going to take a while, but I am confident the Forest Service and partners will get there.

Ms. LUJAN GRISHAM. I appreciate that. And if you will keep thinking and including the whole panel so that we can, I am going to use your words, accelerate that capacity-building, and with all due respect to all bodies of government, sometimes government can react a little bit too slowly, and we need to figure out a way to make sure that those investments are made.

As we do have healthy debates about what our funding priorities are and what our long-term stability practices are, we are going to have to have a long-term funding strategy for these issues. And it is not something that I have participated in through this Committee directly. And that is not a dig on the Committee, but it may be time to do that. We definitely have those debates as we have legislation on the floor about whether we are really doing enough to make sure that we have the resources necessary not only to support these kinds of collaborations, but to do what we need to do over the long-haul. And if there are other thoughts for Members of Congress, particularly in this Committee, the inner chain, about how we get there in short order, I think that I could probably convince the Chairman to help us think about other hearings and maybe a full Committee hearing about those strategies, and see what the appetite is from this Committee to address them.

I yield back, Mr. Chairman. Did I put you on the spot? See, that will teach you to give me——

The CHAIRMAN. You did just fine. The gentlelady yields back.

I am going to take the liberty of another round. Ms. Swanson, I want to talk about the impact, and this is tough, but it has to do with continuity of leadership on our forests, and obviously, I am talking specifically with the Allegheny National Forest. And I do appreciate the Forest Service's support. We have been able to, over some time in the past 6 years or so, upgrade the Forest Supervisor position to another grade, hoping to make it so that it wasn't just a place where people bounced into for a short time and then went somewhere else. So it seems like continuity of leadership and retaining folks, we have had many supervisors just since 2009, 2008, when I was first elected. I know what it is like to come in and become a manager in an agency of—my background was healthcare, but you don't hit the ground running, you don't know your team, you don't know the community. I have a two-part question. First, do you see that that has impacted, from your external perspective on the Forest Service in the Allegheny, and second, I don't know how we can have a lot of ability to retain people, we can't indenture them there for a period of years, but perhaps there are ideas in terms of how we help provide continuity in leadership, so that leadership is a little bigger umbrella, and there is maybe one person coming and going every few years. But I would appreciate whatever ideas you may have on that.

Ms. SWANSON. Well, you are absolutely right. It has had a really devastating impact on us. The inconsistency of that leadership on the forest has really suffered for that. We have had seven Forest Supervisors in 10 years, from different perspectives, if you are working under that situation, you are going to be probably hesitant to move forward very much because each person looks at it differently. The other thing is generally, the Forest Supervisors that have come, have come from the West. And there is a really large learning curve so they really can't be expected to learn about eastern forests and the difference in the silviculture, and all of those things, in a year or 2. It takes a good 2 or 3 years to get them up-to-speed, and they are not there that long. I would think it is having a huge detrimental impact on the rest of the staff. There is no consistency. For the industry, it has really been hard because of that lack of consistency. You are asking for suggestions on how we might change that. Generally, people have been encouraged to move around, to move up in the ranks. Maybe if you could look at that a little differently where people maybe are encouraged to stay in one place and allowed to rise more locally would be helpful so that you can maintain that legacy of knowledge.

The differences between eastern forests and western forests are great, and many of the last Forest Supervisors we have had have come from western forests that do not have the same forest issues that we have in the East. It would be nice to find somebody that already has that experience when they go in as Forest Supervisors. I don't know how you really manage all that, but it really has had a huge negative impact on our forest in particular.

The CHAIRMAN. I want to thank you for that. I want to get your thoughts too on the conversation I had with the Chief regarding the number of board feet is up significantly since I was first elected, but at the same time, there is just a small percentage out of that 38 million board feet last year, it was somewhere around 12 or 13 million board feet that actually were green——

Ms. SWANSON. Saw timber.

The CHAIRMAN.—saw timber. Can you speak to that and just the implications of what that is for our communities?

Ms. SWANSON. Well, on the Allegheny, we have a really healthy diversity of those segments of the industry. We have a strong pulpwood market, we have a paper mill and particle boards, so we can use that material, but generally, the engine that moves the train is the saw timber. It is valuable. The veneers, all of those that go for high-end products. It used to be we had a 60 percent saw timber and a 40 percent pulpwood market, and now that has switched and we have more like a 40 percent saw timber market or volume harvest, and a 60 percent lower grade. And that really is not appropriate for a forest like the Allegheny. It really impacts the communities as a whole because less money is coming out in the 25 percent fund, and I just think overall, the higher quality products you are producing, the greater the economic value to the communities are. The sawmills can produce not only boards, but secondary manufacturing of those boards, and they can make cabinets and flooring and things like that where you want it to be a balance, but on the Allegheny right now, it seems to be kind of lopsided. So

I would really like for us to be able to get up to more saw timber, but still maintain a healthy pulpwood market too.

The CHAIRMAN. Very good. Ms. Humphries, your testimony voiced support for expanding categorical exclusions. I know we worked hard to have a number of those in this last farm bill. Can you give us some examples of any potential categorical exclusions that—additional ones that would be helpful or that you would support?

Ms. HUMPHRIES. When you look at categorical exclusions, clearly under NEPA the council gave good guidance that anything that is routine reoccurring with known minimal impacts can be categorically excluded. So my comments really referred not to specifics, but in general. I know at the state level when I managed it, we were able to use categorical exclusions, and we upheld it in the courts when we were challenged over a broad array of timber practices that were ongoing, that we had been doing since we started our State Forest System and managed it. And so many of those activities whether they are relatively minor in scope or routine, reoccurring, we know those impacts and they are well understood, our forest managers have decades of experience in that.

The CHAIRMAN. Very good, thank you. I know that you stated in your written testimony your support for arbitration. I wanted to check in with Ms. McCarthy, would you agree with arbitration *versus* litigation?

Ms. MCCARTHY. Mr. Chairman, Ranking Member, it is not one I can answer. I work in the zone of collaboration. I have not had any of my projects personally go to appeal or litigation, and so I have no experience to share, I am sorry.

The CHAIRMAN. No, thank you. Thanks for your candid answer.

Ms. Swanson, any thoughts on the greater use of using an arbitration process rather than litigation?

Ms. SWANSON. Well, we would all rather avoid litigation if at all possible. I do think arbitration—I would be happy to have a process that would eliminate some litigation.

We had probably 8 or 10 years of litigation on a lot of timber sales from 1996 through the 2000, and it really had a totally demoralizing impact, not only on the Forest Service, but the industry and the communities. No one wins in that situation. So if you can find ways to get people talking and finding value in different places in different ways so that you can bridge those gaps, everybody benefits from that.

The CHAIRMAN. All right, thank you.

Ms. Humphries, you want to expand on why it is that you have expressed support for the arbitration process?

Ms. HUMPHRIES. Yes, I would say we would like to see some pilot with arbitration. Clearly, when you look at lawsuits around the country, there have been a number of lawsuits where it is a tactic that is being used by some organizations to try and move an agenda towards no management, or slow down management. That purpose needs to be put into the planning process and moved back to where it belongs, and that is in the planning process where we sit down and talk about what is the desired future condition of the forest. And with that, we need to try out some areas where we can try arbitration. I am not suggesting we go to it nationwide. We are

best served to put our toe in the water to try it, see how it works in those particular areas. We need to try it in areas where we are very prone to litigation in order to give it a good test, and then if it is successful, then go into a model where we move down that path.

The CHAIRMAN. Very good. Thank you very much.

I am pleased to recognize the Ranking Member for an additional round of questions if you would like.

Ms. LUJAN GRISHAM. Thank you, Mr. Chairman.

Ms. Humphries, I agree that lawsuits or the threat of lawsuits can paralyze productive efforts on management activities. And given that we are drawing both, I hope, aggressive interventions at the appropriate places, we also want that collaboration and partners so that you have a longstanding effort to get the continuation of not just one partner invested, but every stakeholder making sure that healthy forests and healthy watersheds, that we are doing all that work together. But it does suggest to me that this collaborative model is another very productive way that would minimize then that kind of litigious environment, because people are at the table. And I don't want to suggest that every time you get everybody together that you can come up with a solid invested plan that all the partners stay with, but we have seen great success by partners. I will use the business community in this case, who have a very different set of priorities and different set of clients, and different set of outcomes that they are looking for, who you don't typically go to in terms of forest restoration activities and management practices that weigh on the side of both conservation, but prevention, making sure simply, and you guys know this better than anyone, that we don't have such a large amount of fuel in the forest, that we have these kinds of catastrophic fires.

It is another way, based on these questions, to really put a plug in. We need to think about ways, strategies to really promote these collaborative investments, and define sources of revenues and funds that are dedicated to these practices so that you will get the unique aspects in each community so that you can manage these collaborations and identify the right priorities between forests in the East and forests in the West and in the Southwest, so that we are dealing with those significantly different issues in a productive way. And so I am more encouraged by the testimony of the three, and hope that, as the Chief is listening, thank you for staying for the hearing, that you bring to us as many practical and even big, if they are not so practical, big ideas back to our offices and back to the Subcommittee so that we can think about ways to really draw this balance, and start to get the investments in these issues as a priority for the Committee and for Congress. I mean that is what I would certainly like to see.

Thank you very much for allowing me to make that additional—was that my closing statement, Mr. Chairman?

The CHAIRMAN. Yes, I think it might have been.

Ms. LUJAN GRISHAM. All right.

The CHAIRMAN. Unless you have anything to expand upon.

Ms. LUJAN GRISHAM. No, I don't. Thank you very much.

The CHAIRMAN. Well, I thank the Ranking Member. I really appreciate the opportunity to work with you on these issues, really

important issues, and we are doing great work. So we have a lot more work left to do.

Before we do adjourn, just to share some closing thoughts. I want to thank all the witnesses. Ladies, thank you. This is a good sign. I have a few former ag staffers in the room, I don't think we have ever had a panel on forestry where all our witnesses have been ladies. Maybe that is what it is going to take to turn things here, so I appreciate that.

Ms. LUJAN GRISHAM. Thank you for that, Mr. Chairman.

The CHAIRMAN. Yes. I appreciate the Chief for staying and listening, and just being a good partner with shared goals here. And I want to thank everyone for bringing your passion on this issue. That was very evident in your written testimony and in your oral testimony, and your expertise, and the expertise of those that you are here representing today. You bring their voice to Congress. You are actually helping all of your colleagues back home and across the country to exercise that part of the Constitution. It is so important. It is in the Bill of Rights, and that is the right to petition Congress. And we are absolutely dependent on this expertise coming here so that when we make decisions, we don't make them in a—the worst thing in the world is when we write laws and take actions, and the only thing that we are paying attention to is inside the Washington Beltway or the Washington bubble. And I am just really pleased with the input because we are approaching this serious problem in a serious way. I am very appreciative to all the witnesses, from the Chief and this panel, because within your testimony, you brought solutions. We don't always get that. We usually paint a pretty good picture of where there are problems, but the fact is that you have taken the time and done your due diligence to really articulate some really good solutions that we need to review, and take a look at and see how we may be able to utilize them. So thank you once again everybody.

Under the rules of the Committee, the record of today's hearing will remain open for 10 calendar days to receive additional material, and supplementary written responses from the witnesses to any questions posed by a Member.

The Subcommittee on Conservation and Forestry hearing is now adjourned.

[Whereupon, at 4:47 p.m., the Subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

SUBMITTED COMMENT BY HON. MICHELLE LUJAN GRISHAM, A REPRESENTATIVE IN CONGRESS FROM NEW MEXICO; ON BEHALF OF PUEBLO OF SANTA ANA

The current processes and procedures being used by the Cibola National Forest for the collection of forest products for traditional and religious purposes is overly complex and intrusive. Not only does the Pueblo find the current processes and procedures to be ineffective and intrusive, we believe the "new" processes were instituted without adequate consultation or consideration of the tribe's wishes and traditional practices. The Pueblo would very much support a return to earlier procedures where just a single annual permit was issued to the pueblo that did not require individual permits and tags for various activities and products.

SUBMITTED COMMENT LETTER BY HON. MICHELLE LUJAN GRISHAM, A REPRESENTATIVE IN CONGRESS FROM NEW MEXICO; ON BEHALF OF: DAVID P. SANCHEZ, BOARD OF DIRECTORS; AND CARLOS SALAZAR, PRESIDENT, NORTHERN NEW MEXICO STOCKMAN'S ASSOCIATION

April 26, 2013

Hon. THOMAS "TOM" J. VILSACK,
Secretary,
U.S. Department of Agriculture,
Washington, D.C.;

TONY TOOKE,
Director Ecosystem Management Coordination,
U.S. Forest Service,
U.S. Department of Agriculture,
Washington, D.C.

Subject: 2012 Planning Rule Directives Comments

Jointly Submitted by the Northern New Mexico Stockman's Association and the County of Rio Arriba, New Mexico under Two Original Letters Containing Identical Content

Honorable Secretary Vilsack,

The purpose of this letter is to bring to your attention comments and concerns that have been identified during the review process of the proposed 2012 Planning Rule Directives. The proposed Directives identified in the *Federal Register* are intended to implement the new Forest Service 2012 Planning Rule by revising the U.S. Forest Service Manuals and Handbooks for the various National Forests.

The process for making changes to existing chapters of the Forest Service (FS) Handbooks, are governed by many Federal Laws, Statutory Authorities, Regulatory Authorities, and specifically the *Code of Federal Regulations*—Title 36: Parks, Forests, and Public Property. For example, the proposed revisions to the FS Handbook, under "Chapter 20 The Land Management Plan", states that this chapter has been completely changed—"*also revises chapter in its entirety*". This process by the FS agency to revise the FS Handbook Chapters in their entirety has placed the stakeholder reviewers at a huge disadvantage. The FS agency did not provide the stakeholders with a matrix to compare changes between the existing handbook chapters and the new proposed changes. Therefore, we found it necessary to evaluate the proposed chapter language changes against the hierarchy of legal requirements, cited herein, that govern this massive exercise.

We find that the [proposed] language changes in Chapter 20 do not meet the requirements of the *Code of Federal Regulations,* 36 CFR 219: Planning, Subpart A: National Forest System Land and Resource Management Planning regarding the plan for **sustainability.** (*See sec.: 219.10—Site-specific decisions, 219.8.—Sustainability.*). In addition we find that the proposed changes did not meet the requirements of other Federal laws such as the National Environmental Protection Act (NEPA) (P.L. 91–190) and The Multiple Use—Sustained Yield Act (P.L. 86–517), again regarding the plan and management for sustainability. Thus, implementation of the 2012 Planning Rule via the proposed 2012 Planning Rule Directives (revisions) will have a profound and negative impact on minority native Hispanic farmers and ranchers in New Mexico and throughout the entire West because of the absence of any policy directives whatsoever regarding the sustainability of their multiple uses on Forest lands. It is important for USDA to recognize that there are native Indo-Hispano families living at or below poverty level guidelines throughout New Mexico and Arizona who will suffer greatly if their presence on forest lands fails to provide them with a stable and "sustainable" economy, due to the lack of

specific planning and management for this goal. Since the new directives have omitted any plan for management of grazing and other multiple uses for sustaining the economy of native communities, the plan must be corrected to address this omission, fatal to the interests of native ranching communities.

The proposed 2012 Planning Rule Directives, Chapter 20, "The Land Management Plan" as identified in the *Federal Register* is the first focus area for comments. This Chapter is of critical importance to the native minority people and communities of rural New Mexico that are and have been for decades dependent economically and socially on access to Federal Lands, their natural resources and all of the consumptive uses of the Forest. The "Southwestern Region" of the National Forest System encompasses approximately 20 million acres between the states of Arizona and New Mexico. The five National Forests in New Mexico are vital to the economy, and social and cultural well-being of our state's rural native families. Our comments begin by addressing the proposed change of the Chapter 20 Title. *See Chapter 20—Changes chapter caption from "Adaptive Planning Process" to "Land Management Plan." Also, "revises chapter in its entirety."*

Following is a summary recitation of our Comments:

Comment No. 1. The proposed change from the "Adaptive Planning Process" to the "Land Management Plan" is a positive change that is more reflective with the content and purpose of this chapter. However, this change in title fails to fulfill its promise as discussed in the remainder of our comments.

Comment No. 2. The chapter has been revised in its entirety and this action presents a huge disadvantage to the public stakeholder reviewers. The FS agency did not provide a comparison matrix illustrating the changes between the existing FS Handbook Policy and the proposed changes.

Proposed Change: Chapter 20, 23, 2—Social and Economic Sustainability and Multiple Use, 23.22e—Rangelands, Forage, and Grazing.

Comment No. 3. The proposed language in sec. 23.22e—Rangelands, Forage, and Grazing, does not meet the requirements of the *Code of Federal Regulations,* 36 CFR 219: Planning, Subpart A: National Forest System Land and Resource Management Planning, (sec. 219.8.—Sustainability, (a) Sustaining social and economic systems.). The proposed language fails to provide the required framework or language to address and enable the sustainability of the social and economic contributions that grazing has on the native people and communities affected in this section.

Comment No. 4. The proposed language in sec. 23.22e—Rangelands, Forage, and Grazing, does not meet the requirements of the *Code of Federal Regulations,* 36 CFR 219: Planning, Subpart A: National Forest System Land and Resource Management Planning, (sec. 219.8.—Sustainability, (a) Sustaining social and economic systems.). The proposed language in this section does not provide language to address specific goals for the sustainability of the grazing activity. No directive has been provided for the future planning of the grazing component in order to maintain and sustain this activity in the land management plans.

Comment No. 5. The proposed language in sec. 23.22e—Rangelands, Forage, and Grazing, does not meet the requirement of the National Environmental Protection Act (NEPA) (P.L. 91–190. See specifically: *Title 1, Sec. 101, (b) In order to carry out the policy set forth in this Act,* ***it is the continuing responsibility of the Federal Government to use all practicable means,*** *consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the nation may—*

> (4) ***preserve important historic, cultural, and natural aspects of our national heritage, and maintain,*** *wherever possible, an environment which supports diversity and variety of individual choice:*
>
> (5) ***achieve a balance between population and resource use*** **which will permit** ***high standards of living and a wide sharing of life's amenities.)***

Section 23.22e—Rangelands, Forage, and Grazing does not provide the framework or language to address the specific elements to preserve the history and culture of native families grazing livestock on Federal lands. Nor does it provide the goals or means to achieve and sustain life's amenities for the dependent grazing communities and its people.

Proposed Change: The proposed language in sec. 23.22e—Rangelands, Forage, and Grazing, does not meet the requirement of the *Code of Federal Regulations,* 36 CFR 219: Planning, Subpart A: National Forest System Land and Resource Management Planning, (sec. 219.8.—Sustainability, (a) Sustaining social and economic systems.).

Comment No. 6. The FS agency, via the proposed 2012 Planning Rule Directives changes to "Chapter 20 The Land Management Plan", has failed to apply and meet the requirements of the *Code of Federal Regulations,* 36 CFR 219: Planning, Subpart A: National Forest System Land and Resource Management Planning, (sec.

219.8.—Sustainability, (a) Sustaining social and economic systems.) for all components of the Handbooks. However, the FS has selectively applied the CFR requirements to the following Chapter 20 sections: 23.22b—Sustainable Recreation Resources and Opportunities to Connect People with Nature. And 23.1—Ecological Sustainability and Diversity of Plant and Animal Communities. This poses a question. Why has the FS agency omitted other required components of the plan from this CFR? The FS agency has a responsibility to meet the 36 CFR requirements for all segments of multiple use including sec. 23.22e—Rangelands, Forage, and Grazing, which are critical to the survival of native people.

Proposed Change: Chapter 20, and the proposed language in sec. 23.22e—Rangelands, Forage, and Grazing, does not meet the requirement of the *Code of Federal Regulations,* 36 CFR 219: Planning, Subpart A: National Forest System Land and Resource Management Planning, (see sec. 219.10—Site-specific decisions.).

Comment No. 7. The proposed changes to Chapter 20 and subsec. 23.22e—Rangelands, Forage, and Grazing do not provide the framework or necessary language to recognize the "*valid existing rights*" of native minority ranchers, although these grazing rights of the native ranchers have already been recognized in custom, culture, code, statute and Treaty. For example, "The Treaty of Guadalupe Hidalgo (1848)", was given effect both in the U.S. Kearny Code of Territorial NM and the NM Constitution which historically protects the grazing rights and associated financial investments in their practice as the "valid existing rights" of the native inhabitants of New Mexico. The National Forest System has no policy to guide the recognition of these "valid existing rights" cited in Chapter 20, Plan Content and subsec. 23.22e.

Since the grazing permit system affects valid existing rights, there also must be substantive inclusions in the proposed 2012 Planning Rule Directives on how legal "due process" will be guaranteed to the native minority rancher. Moreover, this "due process" must be of a high administrative standard that would be fully compliant with Federal law. In general, the topic of "due process" has very little, if any, substantive treatment in the proposed 2012 Planning Rule Directives.

Proposed Change: FSH 1909.12—LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 90—REFERENCES, sec. 91—AUTHORITY.

Comment No 8. The proposed change to the FSH fails to cite applicable Federal Laws such as National Environmental Protection Act (NEPA) (P.L. 91–190) and The Multiple Use—Sustained Yield Act (P.L. 86–517). These Federal laws set out requirements that must be met by the FS agency in the hierarchal flow of policy down to Land Management Plans and to the Responsible Official. The proposed 2012 Planning Rule Directives do not reflect a thorough or thoughtful incorporation of the requirements of NEPA or The Multiple Use—Sustained Yield Act.

Proposed Change: FSM 1900—PLANNING CHAPTER 1920—LAND MANAGEMENT PLANNING, 1920.1—Authority.

Comment No 9. Again, the proposed change to the FSM fails to cite applicable Federal Laws such as National Environmental Protection Act (NEPA) (P.L. 91–190) and The Multiple Use—Sustained Yield Act (P.L. 86–517) in the authority and statutory sections. These Federal laws set out requirements that must be met by the FS agency in the hierarchal flow of policy down to Land Management Plans and to the Responsible Official. Applicable sections of the law must be integrated and reflected in the FSM and FSH. For example, the National Environmental Protection Act (NEPA) (P.L. 91–190) sets out the following mandates:

> See specifically; *Title 1, Sec. 101,(b) In order to carry out the policy set forth in this Act,* ***it is the continuing responsibility of the Federal Government to use all practicable means,*** *consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the nation may—*
>
> > (4) ***preserve important historic, cultural, and natural aspects of our national heritage, and maintain,*** *wherever possible, an environment which supports diversity and variety of individual choice:*
> >
> > (5) ***achieve a balance between population and resource use*** **which will permit** ***high standards of living and a wide sharing of life's amenities.)***

If NEPA is properly incorporated into and reflected throughout the proposed 2012 Planning Rule Directives, it is the observation of these commentators that the native minority ranchers will fare much better than their predecessors, who have steadily lost ground and presence in their native lands under the permit system currently in place and in practice. It is the further opinion of these commentators that NEPA and the other cited law in these comments would justly require that outcome.

In closing, Mr. Secretary, based on our review of the proposed 2012 Planning Rule Directives via the proposed changes to the FSM and the FSH identified currently in the *Federal Register,* we conclude that the "Proposed Rule and Directives", as they are written, do not set forth the necessary policy and requirements to address the referenced laws cited herein. The proposed changes to the specific sections of the FS Handbook do not establish the framework and policy language to address and ensure the needs of a minority class of people that are economically and socially [dependent] on the natural resources of Forest Service Lands, especially like those engaged in ranching and logging. We would also like to mention that we appreciate your efforts and commitment to the Planning Rule Advisory Committee, and once again emphasize the importance of the Planning Rule process. The proposed changes to the Forest Service Land Management have a direct impact to the livelihood of all New Mexicans. We would like to continue to work with the FS Agency, (in particular, Mr. Tony Tooke), and the Planning Rule Advisory Committee in order to provide our experience and expertise towards the development of sound and comprehensive FS Policies which are inclusive of minority native people.

Sincerely,





DAVID P. SANCHEZ,
Board of Directors;
Northern New Mexico Stockman's Association;

CARLOS SALAZAR,
President,
Northern New Mexico Stockman's Association.

CC:

U.S. Senator TOM UDALL;
U.S. Congresswoman MICHELLE LUJAN GRISHAM;
U.S. Congressman BEN RAY LUJÁN;
LORENZO VALDEZ, *FACA Committee Member;*
TOMAS CAMPOS, *Rio Arriba County Manager;*
Rio Arriba County Board of Commissioners;
ALFREDO MONTOYA, BARNEY TRUJILLO and DANNY GARCIA;
MOISES MORALES, *Rio Arriba County Clerk;*
TED J. TRUJILLO, *Rio Arriba County Attorney;*
RUDY ARREDONDO, *President,* National Latino Farmers and Ranchers Trade Association;
LORETTE PICCIANO, *Executive Director,* Rural Coalition/Coalición Rural.

Point of contact for NNMSA: David P. Sanchez, Chairman of the Issues Committee, P.O. Box 855, Española, NM 87532. Ph. No. 505–927–9024

ATTACHMENT

January 6, 2014

CERTIFIED MAIL and *ELECTRONIC VERSION*

Jodi Gillette, Senior Policy Advisor
Native American Affairs Domestic Policy Council
The White House
Washington, D.C. 20502
Email: JGILLETTE@WHO.EOP.GOV

Tom Vilsack, USDA Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250
Email:

Subject: USDA Civil Rights Compliance Review Report

Dear Ms. Gillette and Secretary Vilsack:

The purpose of this letter is to bring to your attention the attached report produced by the USDA Office of Compliance, Policy, Training and Cultural Transformation, entitled: *FOREST SERVICE COMPLIANCE REVIEW REPORT CIVIL RIGHTS PROGRAM REVIEW Conducted At: Regions Two and Three April 1-June 14, 2013 Onsite: April 15-19 Colorado and New Mexico Report Date: June 2013.* The Office of the Assistant Secretary for Civil Rights (OASCR), Office of Compliance, Policy, Training and Cultural Transformation (OCPTCT), Compliance Division (CD) conducted a CR Program Compliance Review of the Forest Service (FS) grazing and recreational programs. The Report was approved by the office Director and provided to us by the Office of the Assistant Secretary for Civil Rights.

The Report's Executive Summary concludes at page 4 regarding the performance of the Forest Service (FS) agency as follows: *"This review found that both Regions Two and Three were non-compliant with several CR requirements; inconsistent implementation of USDA/FS regulations, procedures and other mandates."* The Report identifies several program areas of noncompliance which includes at page 5, the process used in *"Terminating or suspending grazing permits."*

The Report's Introduction, Purpose and Scope of Review identify the FS program areas of required compliance reviewed in the context of Federal laws and overall FS agency regulations. The Scope also identified the specific review of the FS agency's policies with regard to minorities at page 6, 2nd paragraph: *"The following were included in a review of the Agency's grazing land management and recreational accessibility policies for Hispanic and Native American (American Indians)"*. The issue of access to grazing permits is of vital importance to the minority Hispanic and Native American ranchers in Colorado and New Mexico and has long been a source of conflict with the FS over complaints of discriminatory practices. See *David Sanchez v. Forest Service, No. FS-12-5775* and *Jarita Mesa Livestock Grazing Association, Alamosa Livestock Grazing Association, et. al. vs. The United States Forest Service, et al., USDC District NM, No. CIV 12-0069 JB/KBM.*

The review compliance process identified in this Report interviewed several FS District office staff/employees in Regions Two and Three. Also interviewed as program participants were *"Grazing Permittees"* from the various National Forests and Ranger Districts in Regions Two and Three. The

Report's Conclusion notes evidence of discrimination on page 18; 1st paragraph, 2nd sentence: *"Many of the program participants raised concerns of discriminatory treatment toward minority participants, resulting in many of them having their grazing permits either terminated or suspended"*. Thus, it is clear that the impetus for the review compliance process by the OCPTCT came from the minority grazing permittees themselves and not the non-minority group permittees.

The OCPTCT office Report details 36 Findings and lists the attendant corrective actions which support the merit of our long-standing complaints that discrimination against minorities was and is systemic in the entire FS agency in Regions Two and Three. The FS agency noncompliance with Federal laws and its own overall agency regulations has had a long-standing negative impact on the social, economic and cultural status of Hispanic and Native American ranching participants referred to in this report. It is important for the White House Administration and USDA to recognize that there are Native American and Hispanic families living at or below poverty level guidelines throughout New Mexico and Colorado. It is equally important to recognize that the minorities referenced in this report are dependent on the Federal lands that makeup approximately seventy percent of the land mass of our counties. For example, Region Three alone "*covers 1.8 million acres*". The dependency and use of this Forest Lands and its natural resources by Native Americans and Hispanics predates the establishment of the US Forest Service in 1905 by several centuries, going back to the founding of the livestock industry in 1598 by early Spanish colonists. This area has also been recognized by Congress as the "Northern Rio Grande Heritage Area" for the presence and contributions of its many native communities. Yet the long discriminatory practices of the US Forest Service against these native ranchers has sharply reduced and crippled their livestock economy and their very existence as land based peoples.

In conclusion, the Report by the OCPTCT office identifies the root causes for the FS Agency's inability to comply with Federal Laws and overall agency regulations. The FS Agency's failure to comply with Federal law and regulations has led to numerous confrontations between the agency and the minority participants identified in the Report. This long history of the FS Agency decisions to terminate, suspend and reduce the participants' grazing permits has devastated the social and economic sustainability of Hispanic and Native American families in the state of New Mexico and Colorado. The cumulative impact of these adverse FS decisions extends to our School Districts, Counties and State. As stated above, the *David Sanchez v. Forest Service, No. FS-12-5775* and *Jarita Mesa Livestock Grazing Association, et al. v. USFS, USDC District NM, No. CIV 12-0069 JB/KBM,* prompted this civil rights compliance review of the various FS agency's identified in the Report. We feel that the numerous findings by the OCPTCT office are thorough and justified. However, we are concerned that the Report will not have the proper corrective action to eliminate discrimination in the US Forest Service, Regions 2 and 3, unless a directive to that effect from your offices to the appropriate USDA offices is forthcoming. At this point we also find it necessary to request from USDA the documents and overall evidence that supports the findings and executive summary decision in the Report collected by the OCPTCT Staff, via a separate FOIA request to follow. We also request to be included directly in the overall corrective action process with USDA.

Sincerely,

Original Signed

David P. Sanchez (Point of Contact)
Board of Directors
Northern New Mexico Stockman's Association

Sincerely,

Original Signed

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FOREST SERVICE

COMPLIANCE REVIEW REPORT

CIVIL RIGHTS PROGRAM REVIEW

Conducted At:

Regions Two and Three
April 1- June 14, 2013
Onsite: April 15-19, Colorado and New Mexico

Conducted By:

Office of Compliance, Policy, Training and Cultural Transformation

Report Date:
June 2013

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Dates of Review:	April 1- June 14, 2013 April 15 - 19, 2013, Colorado and New Mexico
Review Conducted By:	Office of the Assistant Secretary for Civil Rights (OASCR) Office of Compliance, Policy, Training and Cultural Transformation (OCPTCT), Compliance Division
Team Members:	Geraldine Herring, Chief, Compliance Division Daruss Golden, Co-Team Lead Sheila McKie, Co-Team Lead Henry Bourgeois, Team Member Albert Amissah, Team Member

Approved: Ronald Branch **Date:** 6/24/13
Ronald D. Brauch, Acting Director, Office of Compliance, Policy, Training and Cultural Transformation

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EXECUTIVE SUMMARY

During the period April 1 through June 14, 2013, the U.S. Department of Agriculture's (USDA) Office of Compliance, Policy, Training and Cultural Transformation (OCPTCT), conducted a Civil Rights (CR) Compliance Review of the Forest Service (FS) Region Two in Colorado and Region Three in New Mexico.

The Review Team (Team) evaluated the following aspects of the CR program of FS Regions Two and Three:

- The technical assistance and training provided to program participants to determine compliance with applicable CR laws and regulations;
- The public notification and outreach program;
- The system for collection and analysis of data necessary to determine compliance with Title VI of the Civil Rights Act of 1964;[1]
- Trends and patterns of participation in the Grasslands Program and Recreation Program at the San Juan, Carson, and Cibola National Forests;
- The accommodations and facilities accessibility for persons with disabilities;
- The effectiveness of the Agency's CR compliance review program; and
- The Agency's Assurance Agreement process.

This review found that both Regions Two and Three were non-compliant with several CR requirements; inconsistent implementation of USDA/FS regulations, procedures and other mandates.[2] They include the following:

- Failure to educate program participants on their civil rights program responsibilities and to provide technical assistance in accordance with Departmental Regulation (DR) 4330-002;[3]
- Failure to collect demographic data on program participants in order to determine the extent to which members of minority groups are beneficiaries of Federally assisted and conducted programs;[4]

[1] 42 U.S.C. §§ 2000d – 2000d-7

[2] Executive Order 13166, *"Improving Access to Services for Persons with Limited English Proficiency,"* 65 FR 50121-50122; and U.S. Department of Justice, Policy Guidance Document, *"Enforcement of Title VI of the Civil Rights Act of 1964–National Origin Discrimination Against Persons With Limited English Proficiency"* (65 FR 50123-50125).

[3] DR 4330-002, *Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from USDA* (March 3, 1999); reference *§ 7c (6) Chapter 7.*

[4] 28 C.F.R. § 42.406 Data and information collection.

- Failure to provide a non-discrimination statement to program participants in a Federally assisted program in accordance with *FS Civil Rights Handbook 1709.11, 20.3 #3*;
- Failure to update FS regulations;
- Terminating or suspending grazing permits; and
- Lack of a written LEP plan or framework for the provision of timely and reasonable language assistance for eliminating or reducing LEP as a barrier to accessing USDA programs and activities.

Finally, this Report details the findings and lists corrective actions to be taken on all noted deficiencies.

INTRODUCTION

Background

The Office of the Assistant Secretary for Civil Rights (OASCR), Office of Compliance, Policy, Training and Cultural Transformation (OCPTCT), Compliance Division (CD) conducted a CR Program Compliance Review of the Forest Service (FS) grazing and recreational programs in Regions Two and Three on April 1 thru June 14, 2013. The on-site review was from April 14–19, 2013, in Colorado and New Mexico.

The review determined whether of Regions Two and Three complied with CR laws and regulations in the administration and delivery of Federally assisted and conducted programs, services, and activities.

Purpose and Scope of Review

The review evaluated the CR programs and the FS Recreational Special Uses and Grazing Management programs to determine compliance with the Agency's regulations. In addition, the review determined the Agency's compliance with CR laws, USDA Departmental Regulations, procedures and policies pursuant to Title VI (Federally Assisted Programs) and Title VII (Equal Employment Opportunity).

The following were included in a review of the Agency's grazing land management and recreational accessibility policies for Hispanics and Native Americans (American Indians);

- Evaluating program delivery services in accordance with Sections 504 and 508 of the Rehabilitation Act of 1973;
- Evaluating the CR training provided to FS program participants and staff;
- Assessing the grazing permits process;
- Evaluating the implementation of the limited English proficiency (LEP) policies and procedures;
- Evaluating minority access to the National Forests in accordance with recreational, travel and land management regulations and policies; and
- Reviewing the travel and land management policies and practices as they relate to the overall accessibility.

The regions visited were:

- Region Two – **San Juan National Forest**, Southern Colorado (Durango, Colorado), Columbine Ranger District (Bayfield, Colorado), and Pagosa Ranger District (Pagosa Springs, Colorado);

- Region Three – **Carson National Forest**, Northern New Mexico (Taos, New Mexico) and Jicarilla Ranger District (Bloomfield, New Mexico);
- Region Three – **Cibola National Forest**, Central New Mexico (Albuquerque, New Mexico), Grants Mt. Taylor Ranger District (Grants, New Mexico), and Sandia Ranger District (Tijeras, New Mexico); and
- Region Three – **Southwestern Region Headquarters**, Albuquerque, New Mexico.

Methodology

The review was conducted in three phases:

1. Pre on-site preparation, planning, data collection and review;
2. On-site evaluation,[5] data collection and observation; and
3. Off-site analysis and report preparation.

The on-site evaluation and data collection were conducted at selected District Ranger Offices within the San Juan, Carson, and Cibola National Forests.

The Team interviewed approximately 100 FS managers and employees; and contacted over 135 program participants including more than 50 participating by telephone. Also, the Team conducted a Focus Group of 10 present and former program participants.

Program Description: Grazing and Special Uses Programs

The FS manages 191.6 million acres of national forests and grasslands that comprise the National Forest System (NFS). The Agency's Special-Uses Program authorizes use of the land that provides a benefit to the general public while preserving the National Forest.

Under the Special-Uses Program, each year FS receives thousands of individual and business applications for authorization to use NFS land for such activities as water transmission, agriculture, outfitting and guiding, recreation, telecommunication, research, photography and video productions, and granting road and utility rights of ways. FS reviews each application to determine how the request affects the public's use of NFS land. Normally, the NFS land is not made available if the overall needs of the individual or business can be met on non-Federal lands. FS issues a special-use authorization such as a permit, lease, or easement which allows occupancy, use rights, or privileges of NFS land and is granted for a specific use of the land for a specific period of time.

The authorizations are granted based on: (1) a need to occupy, use, or build on NFS land for personal or business purpose; (2) a fee being charged or income being derived from the use; and (3) activity involving people or organizations with 75 or more participants or spectators. Permit holders pay an annual rental fee based on the fair market value for the uses authorized.

[5] On-site evaluations were conducted through the use of questionnaires. Interviewees were notified that their identities would remain confidential and their participation in the Civil Rights Compliance Review is protected from retaliation and reprisal by the *Civil Rights Act of 1964, as amended.*

The three types of grazing permits are:

- **Temporary Grazing Permits** are generally issued for a short period of time to allow livestock to remain on the National Forest land.
- **Livestock Use Permits** are issued for a year or shorter for incidental use and are not intended to authorize commercial livestock production on National Forest lands. A common situation for issuing a Livestock Use Permit is to authorize Guide/Outfitter's stock during the period they are operating on the National Forest; and
- **Term Grazing Permits** are issued for up to 10 years to livestock producers throughout the West. When a Term Grazing Permit is issued to a newly qualified applicant, one must meet the base property ownership requirement to obtain a permit. This is met mostly through the purchase of existing base property that is recognized under an existing Term Grazing Permit. Individuals or businesses may inherit, obtain through foreclosures, or other means become owners of base property.

Demographic Data: States, Regions, and Districts Visited

According to the 2012 Census population data for the State of Colorado, 20.4 percent are Hispanic/ Latino; 70.3 percent White; 3.7 percent Black; 2.7 percent Asian American; and 0.6 percent American Indian. In the State of New Mexico, 45.9 percent are Hispanic/Latino; 72 percent White; 2 percent Black; 1.3 percent Asian American; and 9.3 percent American Indian. The major American Indian tribes in Southwestern Colorado and Northern New Mexico are the Apache, Mountain Ute, Navajo, and Ute. (See Appendix A for a demographic breakdown of the sites visited.)

FINDINGS, SUMMARY OF DOCUMENTATION AND CORRECTIVE ACTIONS

Civil Rights Training and Technical Assistance

FINDINGS	RULE	CORRECTIVE ACTIONS
• Based on interviews, Region Two staff indicated they completed all mandatory CR training on AgLearn for 2013 but found it to be ineffective. The employees interviewed did not remember specific course topics they received in the last year. The only face-to-face training or course discussed was one held in preparation for the fire season. • Many program participants interviewed stated they had not received CR training and were unaware of their CR compliance responsibilities. • Interviews with senior management officials disclosed they had not taken CR training in several years although the CR program is a critical element in their performance plans. • FS employees and program participants have not been provided limited English proficiency (LEP) guidance and training.	DR 4300-5, *Agency Civil Rights Programs* (January 14, 1998), requires the Agencies to conduct annual CR training and collect and maintain employee participation records. These records must be submitted to the CR Director to ensure and document that all employees have received the training. Further, mission areas and Agencies must support the CR training with funding, staff assistance, and on-site coordination of training delivery, and by encouraging employees to apply the principles learned in the workplace. Agencies must also take the necessary steps to ensure that CR professionals and officials who are responsible for integrating the CR requirements into programs and activities receive the technical training necessary to properly carry out their responsibilities. (See also DM 4330-001, *Procedures for Processing Discrimination Complaints and Conducting Civil Rights Compliance USDA Conducted Program and Activities* (October 18, 2000), Chapter 5.	• Design training modules that are interactive; related to the mission of the unit; and targeted for specific purposes for an effective CR program. • Develop and implement a 3-year CR training plan (Plan) for all employees and program participants, and incorporate the Plan in the proposed Regional Strategic Plan. The Plan should include the following: a) Interactive discussions on subjects related to the CR responsibilities of employees and program participants, such as public notification, data collection, monitoring, reporting, and data maintenance to evaluate program participation; b) Training modules that address the LEP guidance and requirements; c) Time tables for implementation; d) The types of program participants, including Special Uses and Grazing permittees (i.e., allotment owners) to receive training; and e) The staff person(s) responsible for providing the training. • Submit the Plan to the Regional CR Director for approval prior to dissemination and

		implementation. A copy of the approved plan should be sent to OASCR, OCPTCT, Compliance Division. • Ensure that senior management officials demonstrate a commitment to CR by timely completing the mandatory CR and EEO training.
2. Public Notification and Outreach		
FINDINGS	RULE	CORRECTIVE ACTIONS
• The non-discrimination statement was consistently omitted from key documents, such as the grazing permit applications. • The program brochures lacked diversity and included only images of White males and females. • There was no documentation that brochures were in an alternative language except for a children's coloring book in Spanish at one of the District Ranger Offices. • In most of the Ranger District Offices visited, the "*And Justice for All*" posters, CR policy statements, anti-harassment policy statements and EEO policy statements were not prominently posted in public areas. • FS staff indicated there was no LEP plan, guidance or informational materials available in the Regional and Ranger District Offices. • Many program participants indicated the FS	7 C.F.R. Section 15.5(d), requires Agencies and recipients to ensure that program participants/beneficiaries and other interested persons are informed of the CR requirements of Title VI. [See also 28 C.F.R. Section 42.106(d).] The information, including complaint procedures, must be prominently displayed on posters and in pamphlets or other materials that are distributed to the public to describe the recipient's programs. (See 28 C.F.R. Section 42.405.) Based on Federal law, each Agency shall prepare a plan to improve access to its programs and activities by eligible LEP persons. Agencies are required to examine the services they provide; identify any need for services to those with LEP; and develop and implement a system to provide those services and meaningful access to them. USDA Agencies must develop a written LEP plan (Plan) to provide timely and reasonable language assistance and for eliminating or reducing LEP as a barrier to accessing USDA programs and services. (See Executive Order	• Include the required non-discrimination statement on all documents, and advise program participants of the meaning of the statement. All program participants should confirm their receipt of notification and understanding by signature and date. • Ensure that the Regional, Forest Supervisor, and District Ranger Offices, and program participants include the non-discrimination statement on all outreach and recruitment materials; news articles submitted to newspapers for publication; and any other written material that is distributed to the public. • Educate program applicants, who advertise on the website, about the importance of the non-discrimination statement and alternative communications methods as part of the Assurance Agreements and contracts. • Ensure that the Regional, Forest Supervisor, and District Ranger Offices, and the program participant offices prominently display the USDA's "*And Justice for All*" poster, and widely disseminate the "*Complying with Civil Rights*

did not provide interpreters or LEP materials to Hispanic/Latino ranchers and other participants who spoke little English. In addition, FS websites did not contain links to its services in other languages that were commonly spoken in the area. • Most of the websites for program participants did not contain the non-discrimination statements or information on alternative methods of communication. • Most program participants indicated that the outreach efforts by both Regions were minimal or non-existent. • FS representatives are required to meet with program participants and discuss the Annual Operating Instruction (AOI). According to the program participants, FS staff prepares the AOI and tells them "to take or leave it" with little or no discussion. • All program participants interviewed stated "the AOI is supposed to be a joint venture, but FS cuts and pastes the AOI and arbitrarily changes the allotment size from year to year." As a result, this delays entry dates and reduces the grazing period, thereby causing a loss of money. • Many program participants indicated the technical assistance meetings are intended by FS to threaten discontinuance of benefits and/or to announce cuts in services once afforded by permits and contracts.	13166A, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000); DR 4330-005.) Also, the CR non-discrimination policy must be communicated to the public through all appropriate USDA public information channels in English and in languages appropriate to the local population, and in alternative means of communication (Braille, large print, audiotape, etc.). Agencies must develop and implement a communications plan that includes an adequately funded outreach component to ensure that publications, documents, advertisements, and other program information materials are in appropriate format and language to accommodate all program participants. In regard to outreach efforts, the Agency is required to use positive images and examples of employment and program participation by minorities, women and other protected groups in pictures and other visual and audio public information materials.	*Requirements"* brochure. • Develop and implement a written Plan to address and identify the needs of the LEP populations served in the FS Regions. • Develop program literature and informational materials with images and photos that represent a diversity of participants. • Implement a language assistance service through both oral and written notice in primary languages spoken by a significant number of customers and potential customers in the service areas. • Provide Interpreters when conducting a technical assistance review with the LEP program participants. • Require public notification and outreach strategies include the minority media and the program materials are available in languages appropriate to the community being served. Websites should provide available links to other languages commonly spoken in the area. • Provide a written report to the Regional CR Director regarding the status of the actions and activities identified in the Public Notification and Outreach Plan. • Utilize the technical assistance meetings as outreach opportunities to provide information and positive assistance on contracts, permits, and discuss CR issues.

Data Collection and Analysis		
FINDINGS	RULE	CORRECTIVE ACTIONS
• Program participant data is not collected by race, color, and national origin. • The program management officials and employees interviewed from either Region were unaware of the statutory requirement for collecting and maintaining program eligibility and participation data according to race, color, and national origin. • The Team randomly examined records and files representing the Recreational Special Use Program and the Grazing Program at the various sites which found no relevant data reflecting compliance with USDA's policies on data collection and reporting. Also, there were no files or records that addressed the issue or reflected the status of parity in program participation.	7 C.F.R. Section 15.5(b) requires that recipients of Federal assistance ensure the collection and maintenance of program participant data in order to determine the extent to which members of minority groups are beneficiaries of Federally assisted programs. Further, the Agencies are required to install a system for the statistical evaluation, analysis and reporting in order to measure program participation and determine the extent to which underserved communities benefit from the programs and activities of the Agency. (See DR 4300-005.) In accordance with the *Food, Conservation, and Energy Act of 2008 (2008 Farm Bill)*,[9] the U.S. Congress requires an annual report of the participation rate of socially disadvantaged farmers and ranchers for each USDA program established for farmers and ranchers, according to race, ethnicity and gender, by county and State.	• Establish a system to collect and maintain accurate data on potential and actual program participation in order to determine how effectively the programs are reaching protected groups and to provide input for management purposes. The demographic data must be organized and analyzed based on the Region and District Ranger Offices. • Develop data collection guidelines and procedures that address the population of recipients and program participants to ensure that adequate data is available and evaluated. The guidelines and procedures should be tailored appropriately for each type of program participant. • Train FS program management officials and employees regarding the Departmental regulatory requirement to collect and maintain data on program participants according to race, ethnicity and gender. • Collaborate with Human Resources to build relationships that support sharing information regarding hiring data to create a more diverse workforce. (Reference the Equal Employment Opportunity Commission's *Management Directive 715*.)

[9] See *Food, Conservation, and Energy Act of 2008* (June 18, 2008), "*Transparency and Accountability for Socially Disadvantaged Farmers and Ranchers*," Section 14006, *Public Law 110-246* (7 U.S.C. § 8701).

Program Participation		
FINDINGS	RULE	CORRECTIVE ACTIONS
• FS does not collect any program data regarding the potential, eligible and actual client populations served in both Regions. Therefore, it was not possible to provide a definitive analysis of the level of compliance with USDA's non-discrimination requirements. • Most program participants interviewed were unaware of the Federally assisted program CR responsibilities. • The regulations for penalties regarding allotments are not clearly articulated or consistent for fines and violations. The FS point of contact referred the Team to Handbook 2209-13-2012 chap. 16 pg. 34, which does not specifically define the penalties. • Most program participants stated the grazing regulations are outdated, and the prohibitive cost of property makes it difficult for program participants (such as allotment owners) to meet the grazing requirements. • Many program participants indicated the terms and conditions in the AOI are not achievable, stating, "FS staff does not use	7 C.F.R. Section 15.3 states that, "The regulations implementing Title VI prohibit recipients from denying program services or benefits to any person based on race, color, or national origin." Thus, the Agencies are responsible for enforcing the Title VI[7] compliance responsibilities of all program participants. Forest Service Handbook (FSH) 2209.13 – *Grazing Permit Administration Handbook, Chapter 90 – Rangeland Management Decision-making* (June 8, 2007) FSH 2231.22 – *Qualification Requirements, 2231.22a – Term Permits. To qualify for a term grazing permit, an applicant must own base property and livestock (except leased breeding sires – Forest Service Manual (FSM) 2234.17) to be permitted.* FSH 2209.13, section 12.2 – *Qualification Requirements. To qualify for a grazing permit with term status, an applicant must own base property and livestock to be permitted.* FSH 2209.13, section 12.21 – *Base Property Ownership Requirements. Where base property is jointly owned, all of the owners*	• Establish a data collection system of all Title VI program participants in accordance with Section 3 above (*Data Collection and Analysis*). • Provide program participants with updated policies and procedures in written form. • Develop a focus group to improve working relationships and communications between FS and program participants. • Provide clarity and articulate the intent of the *Taylor Grazing Act of 1934(Grazing Act)* [8]for program participants, of which many perceive as superseding the authority of FS regulations on rangeland management. The *Grazing Act* authorizes the Secretary of the Interior to establish grazing districts on Federal public lands, and it does not impact FS grazing regulations and policies. • Implement the FS regulations in a more consistent manner with program participants. There is an inconsistency in the implementation of the procedures in Regions Two and Three in contrast to the procedures administered by Headquarters. • Develop and implement a uniform application of the FS grazing permit validation procedures in

[7] 28 C.F.R. Section 42.401; 7 C.F.R. Section 15.3; DR 4330-2 Section 8(a) (March 3, 1999).
[8] 43 U.S.C. Section 315

the best science to develop the terms." As a result, program participants feel they are forced to do what FS staff dictates or they will not be allowed access to FS grazing lands for their livestock. • Many program participants stated the FS staff uses "Gestapo" intimidation tactics, such as constant threats, suspension of permits, retaliation, and discrimination.	*must apply for the term permit. In other words, an individual's permit application will be rejected if the base property identified therein is jointly owned and the other owners are not listed as applicants for the permit.* FSH 2209.13, WO Amendment 2209.13-92-1(14.33) - Certificates of Brands, *Require that an applicant submit a copy of the certificate of brand for the record.* FSH, Chapter 96.3, Annual Operating Instructions (AOI) – *To the extent feasible, the AOI should be developed with, and signed by the permittee.*	accordance with FS regulations. • Provide technical assistance to the program participants in developing the AOI to ensure an open, cooperative and inclusive process.
5. Program Accommodation and Facility Accessibility		
FINDINGS	RULE	CORRECTIVE ACTIONS
• The three National Forest Offices that were visited by the Team fulfilled most of the requirements for reasonable accommodations and accessibility guidelines regarding persons with disabilities. However, the Team did find doors at some sites were not in compliance with the Americans with Disabilities Act (ADA). The doors were extremely difficult (i.e., too heavy) to open; and there was an issue with the access ramp at two sites visited. • FS staff was unaware of either the disability requirements or the reasonable accommodations policy. • Most FS staff stated they were unaware of the reasonable accommodation process or	7 C.F.R. Part 15b states that, "Regulations implementing Section 504 of the Rehabilitation Act of 1973, prohibit recipients from denying benefits or services to persons on the basis of handicap." The regulation further states that the Agency is responsible for ensuring the compliance of its recipients and program participants with the applicable Federal non-discrimination statutes, regulations and policies. (Reference *Civil Rights Act of 1964, as amended* (Title VI); 28 C.F.R. Part 41; and DR 4330-002.)	• Conduct a facility accessibility survey and develop a transition plan with specific target dates for completion to address all identified barriers. • Educate FS staff about the disability issues and reasonable accommodations policy; and also ensure that they are aware of the designated Disability Program Manager responsible for the Region. The Staff should know who to go to if there is a reasonable accommodation issue, and the Disability Program Manager needs to be fully knowledgeable of their job responsibilities.

the name of the Disability Employment Program manager. • Many FS stated the Facility and Program accessibility was in compliance with Section 504 and the ADA; several noted they needed to improve especially with respect to Section 508 accessibility.		
6. Compliance Reviews		
FINDINGS	RULE	CORRECTIVE ACTIONS
The Review Team determined the Agency's methodology for evaluating the CR compliance of the Regions Two and Three is insufficient. The Agency's methodology does not allow for a thorough and objective analysis of its program delivery services. a) The Agency's timetable for initiating a compliance review of its programs is not in accordance with their proposed fiscal year schedule. b) The Agency, in the alternative, utilizes FS *Form 1700-6*, which is a checklist and does not allow for appropriate analysis or comprehensive description of program activities. c) Based on interviews with FS recreation management officials, the Reviews are conducted by staff who are either directly responsible for the Recreational Special Use Permits and Range Management Programs or by the administrative staffs at the Forest level. Further, there is no evidence that the	7 C.F.R. Section 15.3 requires the Agency to review and monitor the activities and program service delivery mechanisms of recipients to determine whether they are complying with the appropriate CR laws and regulations.	• Develop and implement a compliance review and evaluation system that incorporates the requirements of the CR laws, regulations and policies. • Conduct compliance reviews according to set time schedules and in collaboration with the FS and USDA CR staff. • Ensure that the findings and corrective actions from the compliance reviews are incorporated into the appropriate management reports.

information obtained is used to produce a regional or forest-wide document that can be used for reporting, monitoring and follow-up. d) Most interviewees indicated that few compliance reviews were being done. However, the data requested from FS indicates that over the course of the last three years, the CR Office reported it had completed 202 desk audit reviews, and 214 compliance reviews. e) Many of the program participants stated that National Forest Service has not demonstrated their commitment to CR. f) Some FS employees emphasized compliance reviews should include clients of the program participants.		
7. Assurance Agreements		
FINDINGS	REQUIREMENTS	CORRECTIVE ACTIONS
• Interpretations of the Assurance Agreements are inconsistent, and many FS staff did not understand the process or could not provide an office policy or procedure.	Departmental regulation requires the Agencies to obtain written Assurance Agreements from all recipients applying for Federal financial assistance, and to assure that the current agreements are maintained, reviewed, and monitored.	• Provide consistent, standard operating guidelines on Assurance Agreements and the regulations that govern them.

CONCLUSION

Based on the overall findings regarding FS Regions Two and Three, the Team has determined that FS is in non-compliance with many CR program requirements and responsibilities.

Many FS management officials and employees were unaware of the basic CR requirement to include the non-discrimination statement in the program brochures and contracts. The inconsistent use of the non-discrimination statement on its brochures and other public documents violates Departmental regulations that require all public documents include the non-discrimination statement.

During the interviews with FS management officials, employees and program participants, it was apparent that effective CR training is lacking in the different regional and district areas. For example, the lack of definitive responses from both employees and program participants, regarding CR training, shows training is not reviewed or regarded as an essential performance responsibility or obligation. Both management and non-management employees were unable to differentiate between CR and Equal Employment Opportunity (EEO) training. More troubling was the disclosure by management officials that they had not received CR training in several years. It is essential that FS provide effective CR training to all employees to include conducting effective outreach methods; improving LEP guidance; providing reasonable accommodation; and ensuring equal opportunity in the delivery of program services for all participants. Additionally, FS should develop and implement a 3-year CR training plan for both employees and program participants.

The Agency's outreach efforts were minimal or non-existent. Public notification and outreach efforts to program participants were limited to a couple of programs with two local colleges. Based on interviews with program participants and the focus group, many felt FS omits them from the decision-making process when changes are implemented in the grazing program. For instance, many program participants pointed out that at the beginning of each grazing season, FS representatives are required to meet with them to discuss the Annual Operating Instruction (AOI). Instead of the process being a collaborative effort, the Team was repeatedly told FS staff prepares the AOI and tells the program participant "to take it or leave it" with little or no further discussion on the matter. The Team was further informed that the AOI is arbitrarily changed each year regarding the allotment size. As a result, this practice delays the entry dates and reduces the grazing period, thereby causing a loss of money for the program participant.

There were no LEP initiatives to provide outreach to the communities where English is a second language. FS must take reasonable steps to ensure LEP individuals receive the language necessary for meaningful access to USDA programs and activities. For example, the special use and grazing permits were written in English, but not translated in Spanish, which shows that neither the Regional Offices, nor Headquarters are serious about LEP services. The lack of required resources for LEP individuals does not support USDA's policy for ensuring equal access to FS programs. FS must improve its relationship and communications with the Hispanic program participants by providing them the requisite LEP services, technical assistance and outreach services to engage them fully and openly.

FS has no system in place for program management officials or employees to collect program participant data according to race, color, and national origin. This information would improve

the operation of the program; help design additional opportunities for program participation; monitor adherence to laws that require equal access for eligible persons; and develop effective compliance reviews of programs and participants. Many of the program participants raised concerns of discriminatory treatment towards minority participants, resulting in many of them having their grazing permits either terminated or suspended. It is essential that FS develop data collection guidelines and procedures to address the population of program participants.

The interpretation and understanding of the Assurance Agreements by program participants appears to be inconsistent. Many of the FS program staff did not clearly understand the process, nor could they provide documentation of office policies or procedures. Most program participants were unaware of their Federally assisted CR responsibilities. Therefore, FS management and program officials should provide program participants with consistent and standard operating guidelines on the FSH, FSM, Assurance Agreements, and current governing regulations.

Many of the findings in this report reflect the lack of CR monitoring by both FS Regional Offices and Headquarters. Although FS stated CR compliance reviews have been previously conducted, there was no definitive evidence provided to support the implementation of any substantial reviews.

Finally, there remains a critical need to emphasize and strengthen CR training and outreach initiatives so that both management and staff can carry out their duties more efficiently, both within and outside the organization, to address the disparities and barriers regarding program delivery to all program participants. The findings of this report will be alleviated and/or improved, if FS diligently adheres to CR laws and regulations including LEP; and updates and consistently implement its regulations, policies and procedures, as mandated.

CORRECTIVE ACTION PLAN

FS must develop a detailed Corrective Action Plan (CAP) within 60 days of receipt of this Report. The plan must include timeframes for completion and identification of the responsible person for implementation of the actions. The plan also must include any progress made in these areas since the review. The CAP should be sent to:

Department of Agriculture
Office of Compliance, Policy and Training
Attention: Geraldine Herring, Chief
Compliance Division
300 7th Street, SW, Room 620
Washington, D.C. 20024
Facsimile: (202) 690-2345

APPENDIX A

Demographics for Colorado:
National Forest and Ranger Districts Reviewed

State of Colorado

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Colorado	*20.4%*	*79.6%*	*70.3%*	*3.7%*	*0.6%*	*2.7%*	*0.1%*	*0.2%*	*2.1%*	*12.5%*	*8.7%*

Durango, Colorado
(San Juan National Forest)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Durango, New Mexico	*12.28%*	*87.72%*	*85.12%*	*0.59%*	*6.32%*	*0.93%*	*0.04%*	*4.09%*	*3.00%*	*7.30%*	*11.20%*

Bayfield, Colorado
(Columbine Ranger District)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Bayfield, Colorado	*13.24%*	*86.76%*	*88.43%*	*.21%*	*4.07%*	*.26%*	*.04%*	*3.26%*	*3.73%*	*5.80%*	*2.90%*

Pagosa Springs, Colorado
(Pagosa Ranger District)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Pagosa Springs, Colorado	*41.34%*	*58.66%*	*70.58%*	*.69%*	*2.61%*	*.29%*	*.12%*	*21.31%*	*4.40%*	*8.20%*	*11.90%*

Dolores, Colorado
(Dolores Ranger District)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Dolores, Colorado	*10.90%*	*89.10%*	*90.38%*	*.32%*	*2.14%*	*.11%*	*.21%*	*3.10%*	*3.74*	*12.40%*	*16.30%*

Demographics for New Mexico:
National Forests and Ranger Districts Reviewed

State of New Mexico

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
New Mexico	*45.9%*	*54.1%*	*72.0%*	*2.0%*	*9.3%*	*1.3%*	*0.1%*	*12.3%*	*3.0%*	*19%*	*14.4%*

Taos, New Mexico
(Carson National Forest)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Taos, New Mexico	*56.10%*	*44.90%*	*88.30%*	*.80%*	*7.30%*	*.90%*	*.10%*	*.00%*	*2.60%*	*21.50%*	*23.10%*

Bloomfield, New Mexico
(Jicarilla Ranger District)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Bloomfield, New Mexico	*31.69%*	*68.31%*	*67.32%*	*62%*	*18.27%*	*.44%*	*.02%*	*9.61%*	*3.51%*	*24.60 %*	*20.30%*

Albuquerque, New Mexico
(Cibola National Forest, Southwest Region)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Albuquerque, New Mexico	*46.73%*	*53.27%*	*69.72%*	*3.29%*	*4.60%*	*2.65%*	*.11%*	*15.03%*	*4.61%*	*16.60%*	*13.50%*

Grants, New Mexico
Grants Mt. Taylor District)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Grants, New Mexico	*50.65%*	*49.35%*	*75.79%*	*.74%*	*1.48%*	*.37%*	*0.00%*	*18.30%*	*3.32%*	*16.60%*	*15.10%*

Tijeras, New Mexico
(Sandia Ranger District)

	Hispanic or Latino (of any race)	Not Hispanic or Latino	White alone	Black or African American alone	American Indian alone	Asian alone	Native Hawaiian & Other Pacific Island alone	Some other race	Two or more races	People Below Poverty	Families below poverty
Tijeras, New Mexico	*52.08%*	*47.92%*	*57.43%*	*1.73%*	*16.91%*	*.85%*	*.22%*	*18.53%*	*4.33%*	*18.72%*	*17.27%*

SUMMARY OF MY NOTES ON TELECONFERENCE WITH NORTHERN NEW MEXICO STOCKMAN ASSOCIATION MEMBERS – JUNE 11, 2013

Members attending were from 1) Espanola District, NM; 2) El Rito Ranger District, NM; 3) La Coyote Ranger District, NM; 4) Canjilon Ranger District, NM; and 4) Pagosa Ranger District, CO. They all have grazing allotments and raise cattle. Grazing permittees.

The Northern New Mexico Stockman Association was founded in 1990 to protect grazing rights of stock (cattle) owners.

Major concerns raised by the attendees who say that the following are only the tip of the iceberg:

1. Difficulty with Forest Service (FS) when selling grazing rights and transfers must be made
2. FS threatens us if we don't abide by their rules. Fs is supposed to meet with us, but their attitude is "take it or leave it!"
3. FS has unilateral authority. No due process. We don't have input. "If you don't sign, you don't graze."
4. We must pay for environmental studies FS cooks up and this is to put us out of business.
5. FS shortens the grazing season without input from us
6. FS brings in people from other parts of the country to deal with issues of grazing about which they know nothing.
7. FS has its own style of management and doesn't listen to ranchers. We are under constant threat and it's always, "My way or the highway!"
8. In Rio Arriba, they terrorize our communities and some have turned into ghost towns.
9. FS retaliates against us by reducing or suspending our permits when we stand up for your rights.
10. FS puts fences around our allotments and water thus forcing our cattle to go long distances to water.
11. A fifth generation permittee Chacon accuses the FS of "treating him badly and because FS personnel don't know our system, they do injustices to us."
12. "FS orders us around when all what we want is to protect our rights."
13. FS terrorizes our people who go to pick herbs or collect wood in the forests by not allowing us to engage in these activities. They are constantly patrolling the forest.
14. FS manages the ranches in this way because they know we are poor and can't defend ourselves. Our appeals for justice don't go anywhere. (Compares FS to the Nazis and their Gestapo tactics)
15. People here are poor because BLM and FSW have gradually been taking our lands away.
16. FS conspires with environmentalist groups to get our ranchers out of business and destroy our way of life. FS really doesn't take care of the lands.
17. FS uses intimidation, constant threats, discrimination, and retaliation in their dealings with the ranchers.

18. Women don't stand a chance with the FS. One woman attendee said that she owns a large allotment and during a recent drought FS asked her to get her cattle out of the forest although no other rancher was told to do so. She said she paid her full permit.
19. FS makes arbitrary decisions. Most FS upper management people are white and they get their Hispanic employees to whip and pressure us to give up our lands. FS takes our water and lands to get rid of us.
20. FS takes wood collectors to federal courts in Albuquerque where they don't stand chance because they are poor and don't know how to defend themselves.
21. Under the Treaty (Guadalupe), water is free, but FS is not taking care of the woods.
22. There is no outreach and no communication with the ranchers. All they do is work in offices and drive around in their cars.
23. One permittee from El Rito said he got out of the ranching business because of El Rito's District management of permittees. An FS supervisor (Buck Sanchez) would never cooperate with the ranchers.
24. FS never attempts to do impact studies on small ranchers and frequent change in FS personnel makes it difficult to deal with them. "Everyone has failed to help us."
25. Dave Sanchez? said that FS has not demonstrated their commitment to civil rights. "The civil rights of our people have been violated."
26. Most Hispanic ranchers don't speak English well, but FS doesn't do any outreach nor do they have any LEP and other language access materials to share with us.

Recommendations:

1. Make FS understand that they are not he police. Don't make us prisoners in our own homes. FS wants to attend only to the rich folks.
2. FS hasn't recognized the grazing rights of the ranchers – fifteen generations of Indians and Hispanics. They must do so.
3. FS should insert directives in 2012 rules to prevent forcing grazers to sign contracts???
4. Because of our sense that it is futile to appeal anything, an independent board should be created to look into these matters.
5. Environmental impact studies should be conducted on land and local communities.
6. We are now recognized as a historic heritage site reducing us to mere museum pieces. FS should recognize that we are the best stewards of the land.

SUBMITTED LETTER BY HON. MICHELLE LUJAN GRISHAM, A REPRESENTATIVE IN CONGRESS FROM NEW MEXICO; ON BEHALF OF HON. RAYMOND LORETTO, D.V.M., GOVERNOR, PUEBLO OF JEMEZ

Current Situation

One of the recurring themes at the Pueblo of Jemez's community planning sessions was the *Protection of Natural Resources.* The Pueblo's Natural Resources Department works with Tribal leaders to protect, preserve, and properly manage the Pueblo's natural and cultural resources. Specifically, the NRD's Mission is "*To support Tribal Leaders in the managing, monitoring, and protecting lands and resources important to the Pueblo of Jemez in a manner that complements, respects, and defends traditional Jemez culture.*" For the Jemez people, language and culture are important lessons taught to their children to ensure their survival and advancement in society. Through community planning sessions, the protection of natural resources: water, agriculture, forest, plants, range, air wildlife and traditional culture properties are very important to the Pueblo.

Unique Partnerships

Valles Caldera (National Preserve transition to National Park Service) Land Recovery

- The Jemez People have dwelled in the mountains named for them for hundreds of years. We are seeking to co-manage the Valles Caldera National Preserve with the Federal Government which contains our most sacred cultural and religious sites.
- We seek the state's support in this effort. As co-managers, we plan to protect our sacred sites while enhancing the natural resources and habitat found in the Caldera.

U.S. Forest Service Co-Management

- Memorandum of Understanding was executed in 2012.
- We are looking forward to having Jemez Tribal Members employed at the Jemez Ranger District.
- We urge the Federal Government to begin the process so we can move forward together. In securing funding set aside for tribes under Tribal Forest Protection Act or other Collaborative Forest Landscape Restoration. Not just for National Forest System Lands.

Priorities

Timber operations/Forest Management

- Economic development opportunities and sustainability of funding through securing long term contract opportunities and small/large wood material in hopes of investing for future business opportunities.
- In hopes of retention of Tribal member employment to Natural Resources, in wildfire response, Sawmill and Forest management operations.
- Securing the funds allocated to our CFLRP, Southwest Jemez Mountain Restoration Landscape Project, secure and direct more funding keep within and sustain current Walatowa Timber Industry and forest management operations for long term investment.
- Secure funding under shared mutual boundaries for the interest of Archeological site protection
- Secure/allocate more Tribal outreach on Climate change impacts as it is warming and the number of wildfires threats to Pueblo of Jemez Lands adjacent to public USFS, BLM, NPS land in New Mexico is increasing each year, the need for more forest management funds.

Support for Wildfire Prevention and Recovery

- Tribal outreach on Climate change impacts as it is warming and the number of wildfires on public land in New Mexico is increasing each year.
- The state **MUST** make wildfire prevention and recovery from the fires, a fiscal priority. We offered testimony in support of House Bill 9 during the 2015 Legislative Session; *House Bill 9* would have that would have provided $1 million to the four (4) Pueblos affected by the Las Conchas fire. Unfortunately, the bill failed in the House Committee.

Share Wildlife Data

- Under Federal law, the state is the custodian of fish and wildlife on public lands. We are in need of wildlife population data on the reservation which is largely surrounded by public land.
- We are seeking a collaborative effort with the State Game and Fish Department to conduct a joint population study on Jemez land to see if either the state or the Pueblo of Jemez is impacted by hunting on either side of our respective boundaries.

Recommendations

Supporting Role in Renewable Energy Development

- We are developing renewable energy on our Tribal land including biomass, wind, solar and geothermal energy generation sources.
- We would like to receive technical assistance from the agencies such as EMNRD, Oil Conservation Department, State Engineer's Office and others as we identify resources and develop them.

Respectfully Submitted by,

Hon. RAYMOND LORETTO, D.V.M.,
Governor, Pueblo of Jemez,
April 2015.

SUBMITTED ARTICLE BY HON. ANN KIRKPATRICK, A REPRESENTATIVE IN CONGRESS FROM ARIZONA

The Forest Service shouldn't pat itself on the back yet

Editorial board, *The Republic, azcentral.com* 5:49 p.m. MST April 22, 2015

Our View: The Forest Service has made some good progress, but it's time to start cutting down trees before it's too late.



Thinning overchocked areas of Cococino and other National Forests in Arizona will require more effort from the private sector to be successful.
*(Photo: Mark Henle/**The Republic**)*

The *ambitious thinning project* (*http://www.azcentral.com/story/news/local/arizona/2015/04/20/forest-thinning-plan-600000-acres-arizona/26105127/*) directed by the U.S. Forest Service has reached what the government hails as "a pivotal milestone towards achieving accelerated forest restoration on more than 500,000 acres" of Arizona forests and grasslands.

We fully acknowledge the landmark nature of this milestone. And we'll get around to hailing it in a moment.

But let us keep the alleged progress of the Four Forests Restoration Initiative, or 4FRI, in some perspective.

Launched in 2010 as the largest forest-thinning mission in American history, 4FRI has accomplished a fraction of its goals, which initially envisioned thinning 50,000 acres of grossly over-choked forestland a year through the first 10 years. It has come nowhere near that goal.

The program was designed around the premise that private industry, which would reap value from the trees the companies harvest, could do the work most efficiently. Then, the first 4FRI contractor hired by the Forest Service went bust within a year.

While the new contractor, Good Earth Power AZ, appears to have moved closer to opening an operational sawmill—the key to processing the forest products—it has run into permitting issues with the town of Williams. Meanwhile, Good Earth appears to have thinned no more than about 3,700 acres on its own as of late March.

That last figure is the critical one. It is the one to keep in mind as the Forest Service and various stakeholders announce with great fanfare that they have inked "the final decision document for (4FRI's) first-ever environmental impact statement."



*(Photo: Mark Henle/**The Republic**)*

Effectively, the document means the 30+ stakeholder groups and the Federal Government have agreed on how to go forward in the effort to return 2.4 million wild acres to some semblance of health. The specific agreement includes treating 1 million forest acres in Coconino and Kaibab National Forests.

Again, not to denigrate this hard-fought achievement, but it is a landmark only in the sense that years of haggling over the acceptable width of trees that can be cut (as well as issues such as road-building in the forests) finally have ended with an agreed forest-thinning protocol. It hasn't resulted in actual thinned forests.

The 4FRI progress report from the Forest Service is disheartening, in a way. It looks like the feds are trying to fool us on the program's real progress.

In its Monday announcement of the signing of the final decision document, the Forest Service declared that "to date, approximately 300,000 acres have received some sort of restoration treatment as part of the initiative."

That is true only because the U.S. Department of Agriculture and local 4FRI public-sector partners are paying millions of dollars a year to conduct thinning projects in the four National Forests involved: Apache-Sitgreaves and Tonto National Forests, as well as Coconino and Kaibab.

The whole idea of 4FRI, remember, is as a private initiative. Its entire premise is built on the reality that the government cannot and will not pay the $800 an acre minimum it would cost to properly thin the millions of acres in desperate need of treatment.

As environmentalist Todd Schulke told Pete Alshire of the Payson Roundup in December, promoting forest thinning paid for by the feds as evidence of 4FRI's success "is not good for anybody."

"Inflating the accomplishments to the point where it's unbelievable taxes the credibility of the whole program, " Schulke said.

It is gratifying that, at long last, the stakeholders are on one page. But no mill has been built. And the private contractor hasn't done much. Let's get on with the real deal.

SUBMITTED STATEMENT BY ANDREW FECKO, DIRECTOR OF RESOURCE DEVELOPMENT, PLACER COUNTY WATER AGENCY

AboutPCWA

Placer County Water Agency owns and operates the Middle Fork American River Project, providing water supplies, hydroelectric power, public recreational opportunities and environmental stewardship for the people of Placer County and the region. The people of Placer County built the Middle Fork Project in the 1960s to develop local water resources for the long-term public benefit. Placer County Water Agency was created to ensure, and remains committed to supporting, diligent management of those water resources.

California Water

PCWA is one of some 50 water and energy utilities that operate in the Sierra Nevada mountain range, which provides approximately 65% of California's water supply on an annual basis. Simply stated, California's mountain headwaters and the rain and snow that falls in these watersheds make it possible to supply clean drinking water to 38 million Californians and the homes, farms and businesses that support a $1.6 trillion annual economy.

Why Federal Land Policy Matters in California

Approximately 45% of California is owned and managed by the Federal Government, and well over 75% of our headwaters are managed by the U.S. Bureau of Land Management or the U.S. Forest Service. This means that while local agencies own and operate water and hydroelectric systems through-out these headwaters, the land from which our water and energy supplies are derived are managed by policies that are not locally derived and which often have far-reaching economic and societal impacts throughout the state.

Our Recent Experiences

PCWA is located in the Middle Fork American River watershed, about 2 hours east of Sacramento, California. Our watershed spans some 412 miles^2, and provides enough drinking water for 250,000 citizens and enough renewable hydroelectric energy for 100,000 homes. 36% our watershed, some 150 miles^2—has burned since 2000. While some of these fires have been mild in nature, others have been increasingly devastating because of the intensity and severity with which they engulf the landscape. This troubling trend, fueled by decades of active fire suppression and changes in forest management policy and exacerbated by natural drought conditions, has led to a situation that puts California's water supplies at great risk, and leaves local agencies like mine bearing the consequences.

King Fire

Our experience with the King Fire in 2014 offers a good example. The King Fire was ignited on the afternoon of September 13, 2014 in El Dorado County. For the first 4 days, the fire burned in a mix of privately managed timberlands and the El Dorado National Forest, growing to approximately 20,000 acres by the morning of Wednesday, September 17, and spreading at a moderate rate. Wednesday afternoon brought extremely low humidity and increased wind speed, which drove the fire into the remote and densely forested Rubicon River canyon, an important tributary to the American River. Once it reached the Rubicon canyon, the fire exploded.

In the next 12 hours, the fire grew by almost 50,000 acres, making a run of almost 16 miles overnight. Fire officials on the ground used words like "unprecedented" and "unheard of" to describe the speed and intensity at which this fire destroyed the landscape. A rare mid-September rain storm and a calming of wind conditions were the only two factors that halted this fire from continuing its advance into the Lake Tahoe watershed and even more devastating consequences.

The King Fire ravaged the Rubicon River watershed with high-severity incineration. Complete loss of vegetative cover has exposed soils to erosion on thousands of acres of steep, sloping river canyons. Sediment and debris derived from this erosion threaten the integrity and function of hundreds of millions of dollars of water and power infrastructure, as well as miles of aquatic and riparian habitat vital to frog and fish species of concern to state and Federal regulatory agencies.

All told, the King Fire burned 153 miles^2 in three watershed and two counties. More than 60% of the fire burned at high intensity. The costs were tremendous, and are ongoing:

$118,500,000 in direct firefighting costs was borne by the public;

$8,000,000 in immediate costs to repair and protect water and energy infrastructure was borne by local utilities like mine;

Untold costs to roads, cultural resources, and wildlife habitat, and soil resources;

Ongoing costs to local utilities that must now deal with the aftermath.

The Aftermath

The effects of large catastrophic wildfire on natural and man-made infrastructure lasts for decades, and the effects on the forest itself can last for centuries. In the case of water and hydroelectric utilities that operate in California's watersheds, the aftermath is often worse than the event itself.

Wildfires in the Sierra tend to occur at the worst possible time of year, at the end of summer. Not only are forest fuels at their driest, but the transition from the arid California summer to the wet fall can happen quickly and with devastating results. Particularly in the case of high-intensity fire, trees whose root systems once held steep slopes in place are now dead. Soils that were once a rich and stable organic ecosystem that was resistant to erosion are now baked into a loose cake which has a tendency to reject water from rain events and then all at once become a muddy slurry that tumbles off of canyon walls and into rivers and streams. As the receivers of mud, rock and dead trees, our river systems become overwhelmed with this debris and transport it downstream during high flow events.

Once this debris enters lakes and reservoirs, it fills in valuable storage space, blocks spillways and ruins equipment and generating machinery. PCWA has experienced this before. The Star Fire that burned in 2001 is still depositing large dead trees and tons of sediment into our facilities some 14 years later. We, like many other utilities in the Sierra, must regularly, and at great cost to our ratepayers, clean our reservoirs of sediment, rock and trees or they would become useless mud flats.

In the case of the King Fire, the U.S. Forest Service estimates that over 300,000 tons of topsoil are poised to erode into Rubicon River from King Fire burned area the first year after the fire. Ralston Powerhouse and Afterbay Dam are located a short distance below 19 miles of scorched Rubicon River canyon and when this reservoir fills up, hydropower production and water flow for our citizens is stopped for months at a time. This stretch of river has also been identified by PCWA in collaboration with regulatory agencies as important habitat for frog and fish species of concern, habitat which will be severely impacted by fire-induced sedimentation.

This impact can last for many years. While trees and brush can begin to regrow within a decade of even an intense fire, the fertile soils that have taken millennia to establish are damaged for many centuries. This long after-effect means that our facilities are ultimately less valuable, our water dirtier, and our ability to serve a growing California economy water and energy products diminished for many decades.

Destined for Disaster?

Recent scientific findings point to an increase in the frequency and intensity of large wildfires in the West. While there are many potential causes, we believe that at least part of the problem lies with a century of wildfire suppression and a recent reduction in active timber management on public lands. It is clear in our watershed that fuel loads, particularly small trees and brush, have increased to an extent that where a person could once walk through a forest of large, mature trees, one now finds impenetrable brush fields and thousands of small, unhealthy trees. Under natural conditions, the Sierra landscape would have seen much more frequent and lower intensity fires which would have cleaned the forest of these fuel loads and left the forest healthier for it.

In our view, because of decades of increasing fuel loads, it is not currently possible to return to this natural fire pattern without great risk to valuable human infrastructure.

However, we believe that using a combination of techniques that include active mechanical harvesting of smaller fuels, logging of appropriate larger trees, controlled burning, and replanting, land managers can return the system to a much healthier equilibrium that brings the forest into balance without the risk that untrammeled natural burning would incur. Implemented appropriately, these programs have the potential to be financially self-sustaining, while benefiting the economies of rural communities in our watersheds.

Returning to a balanced approach to forest management will take time and focus. In California, much of the forest product infrastructure that existed in our rural communities in the past has been consolidated into centrally located mills that have limited capacity, and often cannot process smaller logs. If we can begin to rebuild our forest management capacity, we believe there will be opportunities to rebuild sustainable forest product infrastructure in our rural communities in the form of

biomass energy, fuel wood and fuel pellet, and milled lumber products. Working within the construct of a public and private partnership, the health of our rural communities and the health of our watersheds can be sustained in perpetuity.

Water and hydropower utilities throughout the West have come together with private landowners and local governments to begin the conversation of returning our forests to a more sustainable condition. We believe that by applying the following principles to our publicly owned forest and rangelands, we can achieve a balanced result that will benefit our water supplies, our recreational opportunities, ecosystem health, and help to restore communities that rely on natural resources to power their economies.

Policy Principles

- Current laws and regulations must be improved to reflect the urgency of reducing fire risk in western forests and to recognize that catastrophic wildfire is the greatest risk to forest ecosystems and species, and to the water quality and water supplies that originate from our headwaters.
- Forest management tools as such forest thinning, biomass management and controlled burns that reduce fuel loading, and consequently, the risk of catastrophic wildfires should be accelerated to the extent feasible. Federal laws and regulations that slow or limit such efforts should be reassessed to enable broad and active utilization of these management tools.
- Best available science should be continually applied to forest management. New developments in landscape management techniques that benefit water quality and water yield should be integrated as pilot and demonstration projects in the ongoing management of Federal lands.
- It is imperative that the Congress provide adequate and stable funding to the Department of the Interior and the Department of Agriculture to support sustained development and implementation of programs that improve the condition, trend and resiliency of federally managed headwaters. Stability in funding necessitates that the fighting of large, catastrophic fires be funded from emergency management funds rather than borrowed from regular agency operating budgets.
- For catastrophic wildfire mitigation projects intended to reduce the likelihood and severity of wildfire, National Environmental Protection Act (NEPA) and Endangered Species Act (ESA) compliance should weigh the long-term impacts to species and ecosystems of catastrophic wildfire when analyzing any short-term impacts of pre-fire mitigation actions.
- For post-fire forest restoration actions, time is of the essence to protect the natural and man-made infrastructure of our watersheds. National Environmental Protection Act (NEPA) and Endangered Species Act (ESA) compliance should be greatly streamlined and weigh the overall long-term health of the landscape against any short-term impacts of mitigation actions.
- Litigation is often the cause of lengthy delays in pre-fire mitigation and post-fire forest restoration projects. Given the risks and impacts of a catastrophic wildfire, a higher standard should be required to stop or delay projects in high-risk watersheds. Congress should act to limit the scope, standing and timelines associated with the filing of suits that delay action on Federal lands.
- Federal law and agency policies should allow local stakeholders to partner with the Federal land managers to pursue opportunities to conduct the planning and implementation of fuels reduction and restoration projects on Federal lands.

Summary and Conclusion

Land management in the West is at an important crossroad, and requires bold actions by Congress and compromise on the part of many stakeholders. As water and hydropower utilities that serve a growing population and are tenants and stewards of Federal lands, we have a vested interest in the success of headwaters management. The science of forest management has advanced greatly, and to put it simply, Federal, state and local land managers now know how to manage our forests better to achieve multiple ecosystem and societal needs in a balanced way. However, we require flexibility in Federal law and Federal agency rules and regulations to test, experiment and ultimately apply the best available science to forest management for the benefit of all. We hope that as Congress takes up the issue of Federal land management, you call upon us to help define the parameters of a successful future so that the next generation of Americans will continue to enjoy our forest and rangelands.

Contact Information
Mr. ANDREW FECKO,
Director of Resource Development,
Placer County Water Agency.

ATTACHMENT

PCWA
Placer County Water Agency

Attachment - Photographs/Maps – King Fire

Statement for the Record by the
Placer County Water Agency, Auburn, California

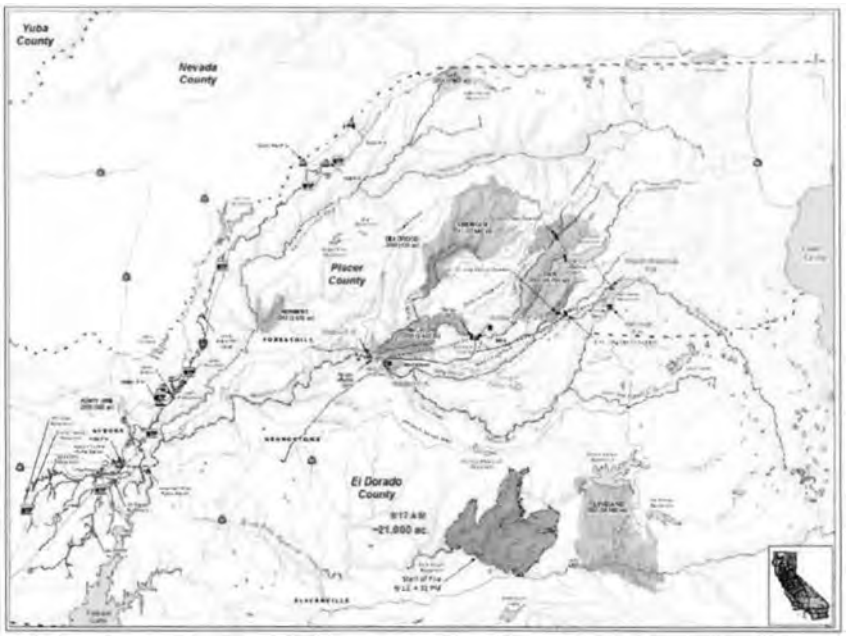
Submitted to the Subcommittee on Conservation and Forestry,
Committee on Agriculture, U.S. House of Representatives

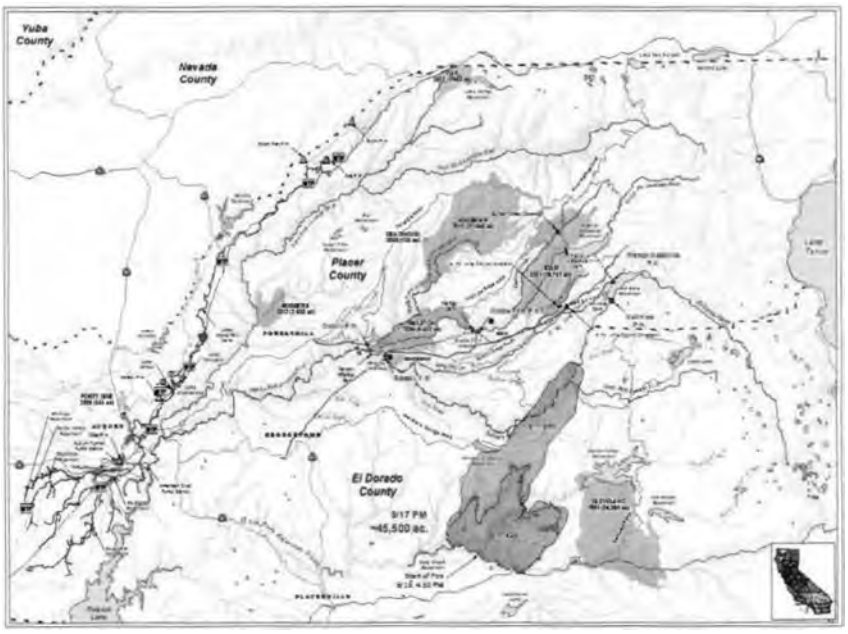
Hearing to review the National Forest System
and Active Forest Management

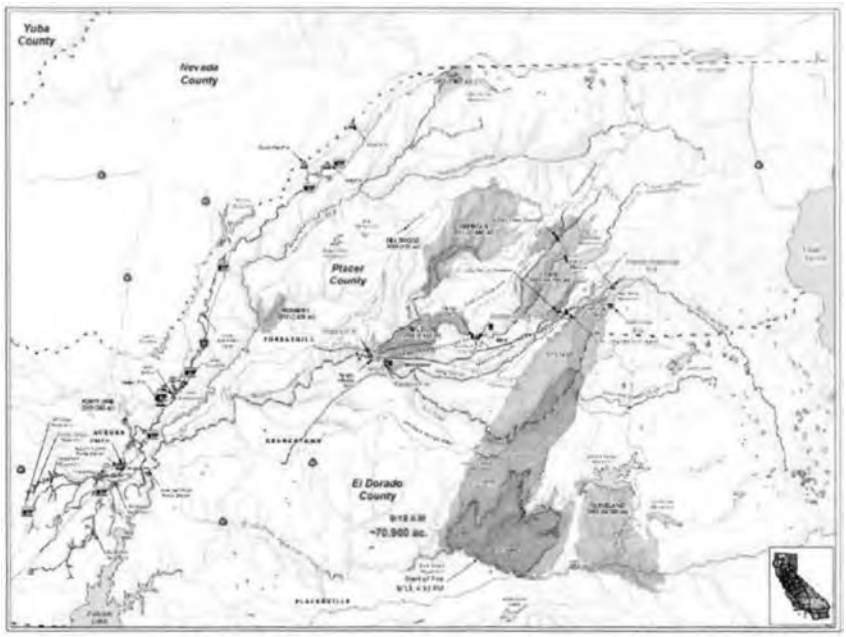
April 29, 2015

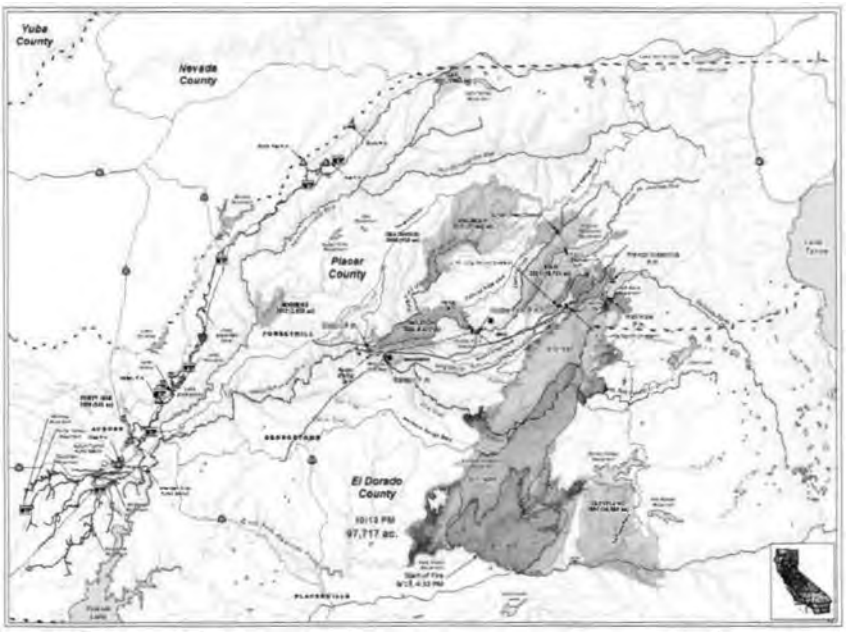


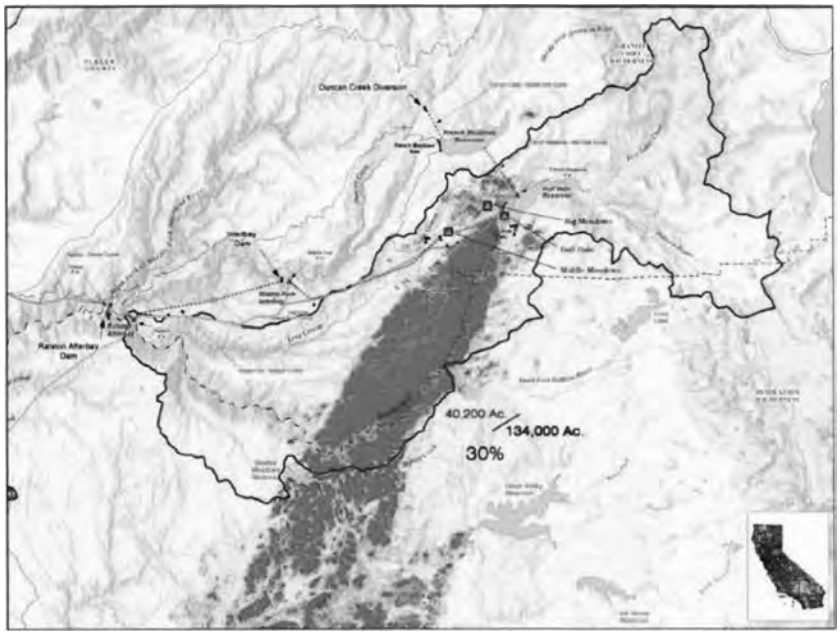
PCWA
Placer County Water Agency


Yuba County
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El Dorado County
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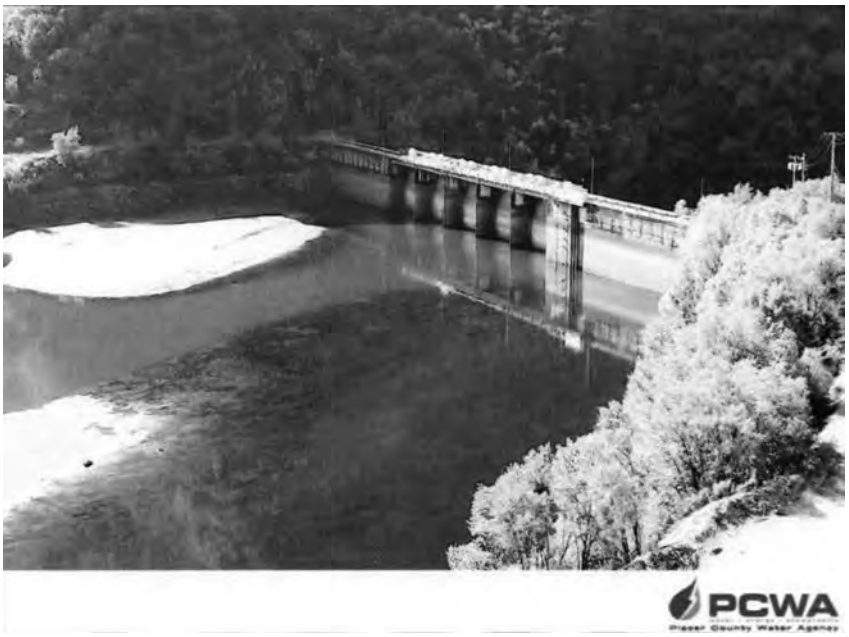


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SUBMITTED QUESTIONS

Response from Thomas L. Tidwell, Chief, U.S. Forest Service, U.S. Department of Agriculture

Questions Submitted by Hon. Mike Bost, a Representative in Congress from Illinois

Question 1. I addressed this issue with you during the hearing, however, I would like to ask it again, Is the National Forest Service sure their involvement with the Kinkaid Lake Project has helped with limiting the silt run-off around Reed Creek on the northern end of the lake? Similarly, does the NFS also believe the several agencies and stakeholders involved with this project can limit the introduction of silt into the lake enough to restore the lake to its original depth through dredging it once and not having to come back in the future to dredge it again?

Answer. Kinkaid Lake and its surrounding watershed are in need of restoration. To tackle such a large scale project requires a strong partnership effort. In March, the U.S. Forest Service and Natural Resources Conservation Service (NRCS) were the recipients of the Joint Chiefs' Landscape Restoration Partnership Award. Joining these two federal agencies is the Kinkaid Area Watershed Project Inc. (KAWP), Illinois Department of Natural Resources (IDNR), Kinkaid-Reed's Creek Conservancy District (KRCCD), Shawnee Resource Conservation and Development Area (RC&D), Jackson County Soil and Water Conservation District and the Environmental Protection Agency. All partners will join forces to implement time-tested conservation practices on the land surrounding Kinkaid Lake.

Response: Kinkaid Lake and its surrounding watershed are in need of restoration. To tackle such a large scale project requires a strong partnership effort. In March, the U.S. Forest Service and Natural Resources Conservation Service (NRCS) were the recipients of the Joint Chiefs' Landscape Restoration Partnership Award. Joining these two federal agencies is the Kinkaid Area Watershed Project Inc. (KAWP), Illinois Department of Natural Resources (IDNR), Kinkaid-Reed's Creek Conservancy District (KRCCD), Shawnee Resource Conservation and Development Area (RC&D), Jackson County Soil and Water Conservation District and the Environmental Protection Agency. All partners will join forces to implement time-tested conservation practices on the land surrounding Kinkaid Lake.

The total estimate for the Kinkaid Lake Watershed Restoration Project 3 year plan is just over $1 million. Implementation will begin this year, with NRCS contributing $145,000, the U.S. Forest Service $265,000 and local partner contributions of another $31,000. With these funds, the Federal agencies will support local efforts and work with surrounding land owners to improve water quality for the 2,350 acre lake that provides drinking water for about 30,000 people in southern Illinois. The primary water quality concerns include controlling phosphorus contributions from nonpoint sources like agriculture and reducing soil erosion and sedimentation into the lake.

The Kinkaid Lake Watershed Restoration Project will involve active participation of all the partners in many different capacities. The Forest Service will focus on reducing sediment input and reducing the risk of wildfires in the watershed. NRCS will work one-on-one with local private landowners to provide science-based practices and both technical and financial support to voluntarily protect the land and offer sustainable resource management options.

KRCCD will contribute staff time for much of the on the ground shoreline and gully stabilization conducted on National Forest System (NFS) lands. KAWP is a group that has been active for more than 15 years and whose overall mission is to improve water quality in Kinkaid Lake. KAWP was instrumental in providing extensive sediment modeling used in pinpointing where the critical restoration is needed in the area. Now, with this federal funding, the data can be put to use.

Though the Kinkaid Lake Watershed Restoration Project is a large undertaking, it will have great effects for thousands of residents over a large geographical area for years to come. Partners will get practices put in place and restoration efforts underway in the upcoming months.

Question 2. Chief Tidwell, part of the Shawnee National Forest is in my district and it offers many opportunities for recreation, including horseback riding, hiking, camping, hunting, and fishing across Southern Illinois. However, it does not include the use of off-road vehicles for recreation except under certain circumstances. I would like to know why the decision is left to the Forest Supervisor to determine whether or not to allow off road vehicles, not the Forest Service in general? And how can my constituents who would like to utilize the almost 700 miles of *public trails* in the Shawnee formally file a petition with the Forest Service for the inclusion of all off road vehicles regardless if they meet certain qualifications?

Answer. The Travel Management Rule addresses the procedural framework for making motor vehicle use designations, rather than motor vehicle use designations themselves. Motor vehicle use designations are made at the local level, with appropriate public input and coordination with Federal, State, Tribal, and local governments based on the criteria in the final rule in compliance with the Executive Order 11644. The same criteria are applied to designations for all motor vehicle use. Potential effects of motor vehicle use on non-motorized recreational use and natural resources are addressed in the procedural framework for motorized use designations in the final rule. The criteria for designation of roads, trails, and areas for motorized use in the final rule require the Responsible Official to consider, with the objective of minimizing, effects of motorized use on natural resources and conflicts between motorized use and existing or proposed recreational uses of NFS lands, including non-motorized recreational uses. In addition, the criteria for designation of routes and areas for motorized use require the Responsible Official to consider the compatibility of motorized use with existing conditions in populated areas, taking into account sound, emissions, and other factors of the final rule).

The Department believes that National Forests and Grasslands should provide access for both motorized and non-motorized uses in a manner that is environmentally sustainable over the long term. The NFS is not reserved for the exclusive use of any one group, nor must every use be accommodated on every acre. It is entirely appropriate for different areas of the NFS to provide different opportunities for recreation. The Department believes that designations for motor vehicle use are best made at the local level, in coordination with Federal, State, Tribal, and local governments and with appropriate public input, as provided for in this final rule. The Forest Service encourages public involvement in local over snow vehicle decisions.

Question 3. In your testimony, you mentioned the issues facing fire suppression funding. In the Shawnee, the Forest Service utilizes between 25–30 controlled burns a year allow for regrowth of plant life to help hold the very highly erodible soil in place and to keep it from being washed away into watersheds that empty directly into the Ohio and Mississippi Rivers. As the fire suppression budget is extinguished, the burden of fighting forest fires, primarily in the West, is shouldered by other National Forests in other parts of the country that need to use the funds for other Forest Service priorities. Given the ecological, environmental, and economical benefit the controlled burns have on Southern Illinois and its navigable waterways, can anything be done to address the budget freezes on a forest by forest basis?

Answer. The President's FY 2016 budget includes a proposal to reform the way that wildfire suppression is funded. The Administration's proposal aligns with the Wildfire Disaster Funding Act introduced this Congress. The reforms contained in these proposals are necessary and vital to ensure the Forest Service and the Department of Interior (DOI) are able to continue to deliver the full scope of their missions. Since FY 2002, the Forest Service has transferred funds from non-fire accounts eight times. Transferring funds to cover the cost of wildfire suppression is disruptive and harmful to other critical Forest Service and DOI programs and services, including efforts to reduce wildfire risk through mechanical thinning, prescribed fires, and other means.

Even in years when the Forest Service does not transfer funds from other programs the uncertainty created by the possibility of "fire transfer" means key projects, including those that contribute to forest health and hazardous fuels reduction, are put on hold in anticipation of a high wildfire activity year.

Question 4. Would there be a time for the two of us to have a meeting to discuss Kinkaid Lake and the above addressed issues in the future?

Answer. We are happy to work with your office to set a time for the Chief or his designee to answer any questions you might have regarding the management of the Shawnee National Forest.

Question Submitted by Hon. Michelle Lujan Grisham, a Representative in Congress from New Mexico

Question. Can you provide a list of partners and communities for best practices in collaboration and find the right balance of managing our forests with the right mix of benefits under multiple use and also still recognizing the need to remove biomass?

Answer. The Burney Hat Creek Basins Collaborative Forest Landscape Restoration (CFLR) project in California demonstrates how building effective partnerships with community members can produce positive ecological and economic results. The project—part of the CFLR program which aims to restore high-priority landscapes to increase forest health and resiliency—is utilizing biomass to provide economic benefit to the local community and restore the landscape. Timber sales within the CFLR boundary are mostly processed in the local area with contracts that go to

local workers. In addition to working with local industry, the project collaborative has also forged strong partnerships with the Pit River Tribe. The Tribe sees forest restoration as a way to create new forest-related enterprises geared towards transforming woody biomass into marketable products to promote employment while improving the health of their forested ancestral lands. Through these partnerships, the Burney Hat Creek Basins project has generated over 46,000 green tons of biomass available for green energy and continues to work collaboratively to develop new approaches and ideas to reach their integrated objectives. In FY 2014 the project generated an estimated $17 million in labor income, in part from biomass utilization activities.

Burney Hat Creek Basin Partners (CA)

- Burney Fire Department
- Clearwater Lodge
- Fall River Resource Conservation District
- Franklin Logging
- Fruit Growers Supply Company
- Hat Creek Grown, LLC
- Hat Creek Valley Fire Safe Council
- Lassen Forest Preservation Group
- Lassen Volcanic National Park
- Pacific Gas and Electric Company
- Pit River Tribe
- Sierra Institute for Community and Environment Stewardship Council
- W.M. Beaty & Assoc., Inc.
- Warner Enterprises, Inc.

In FY 2014, the Payette National Forest sold two projects within the Weiser-Little Salmon CFLR boundary that achieved considerable community benefits. One of these was the East Fork Integrated Resource Timber Contract. This contract resulted from a collaborative project with the Payette Forest Coalition, a community group that includes diverse interests from the local forestry industry, soil and water conservation, wildlife interests, and recreationalists. As of November 2014, the East Fork contract had generated 10,158 tons of biomass. This biomass goes to Tamarack Energy, a local cogeneration facility, to produce electricity. The Weiser-Little Salmon CFLR project works closely with the Woody Biomass Utilization Partnership, a public-private partnership comprised of state and private experts focused on utilizing southwest Idaho forest resources to support local communities.

Weiser-Little Salmon (ID)

- Adams County Commission
- Adams County Natural Resource Committee
- Backcountry Hunters and Anglers
- Backcountry Recreation Club
- Blue Ribbon Coalition
- Cabin Creek Enterprises
- Council School #13
- Gem County Commissioners
- Heartland Back Country Horsemen
- Idaho Conservation League
- Idaho Department of Commerce
- Idaho Department of Lands
- Idaho Fish and Game
- Idaho Forest Group
- Idaho State ATV Association, Inc.
- Ikola Logging
- Mahon Logging
- Payette Land Trust
- Payette River Green Energy
- Rocky Mountain Elk Foundation

- Sage Community Resources
- Secesh Wildlands Coalition
- Spatial Interest
- The Nature Conservancy
- The Wilderness Society
- Trout Unlimited
- Valley County Commission
- West Central Highlands RC&D
- West Central Sage-Grouse Working Group
- Western Watersheds
- Woody Biomass Utilization Partnership

Questions Submitted by Hon. Ann Kirkpatrick, a Representative in Congress from Arizona

Question 1. Chief Tidwell: In your testimony you cite this as one of the innovative approaches to completing environmental reviews more efficiently and effectively. I'm curious what was done differently in this EIS that was innovative and what the forest service leaned from the 4FRI EIS process, either things that went well or things that didn't go as well.

As all of us in the West know, water is one of the most valuable products of our National Forests and there is a recognition that without urgent action the sustainability of our water resources is at risk.

As part of the western watershed enhancement partnership, USDA, DOI, and a number of local communities and water providers have entered into a MOU to accelerate forest treatments to protect the C.C. Cragin watershed which is a critical water supply for the town of Payson, parts of northern Gila County in and near my district, and the Phoenix metro area.

Yet despite the recognition of the importance of this project and additional financial and personnel resources being committed to the effort, we are still looking at 2 years—and potentially three fire seasons—before any work to reduce the fire risk can actually takes place on the ground.

Answer. The Four Forests Restoration Initiative (4FRI) is the largest Forest Service landscape-scale restoration initiative at 2.4 million acres. The first EIS for 4FRI analyzes a suite of restoration activities on almost 1 million acres as one site-specific project; the Forest Service typically completes 20 to 50 individual NEPA analyses for individual projects for an area this large. This approach saved time and money compared to the more traditional planning.

The Forest Service increased transparency by providing the public early opportunities to preview the Draft and Final Environmental Impact Statements online, before notices of their availability were published in the Federal Register. Providing all this documentation early gave more time for review, saving time and helping to create better documents, and led to a better public and stakeholder understanding of this highly complex process.

The 4FRI Stakeholders Group consists of members with diverse and varied values and opinions. The unprecedented level of stakeholder engagement, building on collaboration, research, and action efforts since the mid-1990s, has greatly contributed to the success of the first EIS. For example, the Stakeholders Group contributed to the Wildlife Report that supports the EIS; contributed to the development of a comprehensive Monitoring and Adaptive Management Framework; and worked with the 4FRI team, Regional Office personnel, and the Forest Service's Remote Sensing Application Center to develop a remote sensing tool that will help answer spatial distribution questions raised in the 4FRI Monitoring Plan. This application is now available for any project nationwide.

The objection process for the first 4FRI EIS was the first to solicit stakeholder group participation in objection resolution meetings, bringing forward the group's depth of engagement and the many previous discussions of best available science. Their participation was crucial to reaching agreements on objection issues and the overall success of the objection process.

Question 1a. In your experience, what factors contribute to these kinds of delays that occur between identification of high priority, high risk areas and work beginning on the ground?

Answer. We recognize the importance of landscape restoration and forest treatments, particularly when it involves the supply of water from the National Forest and possible impacts on water delivery infrastructure. The CC Cragin project, under the Western Watershed Enhancement Partnership, is a great example of this pri-

ority and urgency as you note. The partnership between DOI Bureau of Reclamation, Salt River Project, the City of Payson, the National Forest Foundation and the Forest Service on this project is off to a great start and has good momentum. In addition to bringing together effective partnerships, this project will also take advantage of authorities available to expedite planning, such as the Healthy Forest Restoration Act. While the surveying, data collection, and analyses necessary for effective project planning takes time, we have already completed planning efforts in the area and are in the process of ramping up for implementation of these projects. For example, there are about 2,400 acres of the East Clear Creek 4FRI phase 1 task order that is in the CC Cragin watershed that we expect treatment to begin this year. There are an additional 1,500 acres of prescribed fire and about 1,000 acres of hand thinning that is in approved NEPA that can be also be implemented while the CC Cragin NEPA is completed for the entire watershed area. We will continue to work with partners to expedite effective planning in this important watershed, while implementing work on the ground from previous planning efforts.

Question 2. There is a tremendous body of science and experience that shows what needs to be done to restore these forests—how do you think we can take advantage of the work that has been done and on-the-ground knowledge of these forests, including the location of and risks to potential endangered species, to speed up this process?

Answer. The Forest Service discusses the relevant science and our experience regarding restoration efforts through collaborative processes with our interested stakeholders and through public disclosure in the NEPA process. The Forest Service cooperates with our partner agency, U.S. Fish and Wildlife Service on addressing threats to endangered species, and through required consultation on restoration projects. Both agencies have taken recent steps to recognize the effect of uncharacteristic severe wildfire on endangered species and to increase awareness of scientific principles underlying forest restoration. For example, the 2012 Recovery Plan for Mexican Spotted Owl recognizes the increasing threat of catastrophic wildfire to this threatened species and many of the recommendations in that recovery plan are embodied in the treatments proposed in 4FRI. The Forest Service has also produced peer reviewed scientific publications to increase awareness and understanding of forest restoration principles in the Southwest, such as the report, "Restoring Composition and Structure in Southwestern Frequent Fire Forests: A science based framework for improving ecosystem resiliency" (RMRS GTR–310). The Forest Service intends to continue collaborative efforts with interested stakeholders on landscape scale projects to increase awareness and understanding of the principles behind our restoration efforts and to accelerate forest restoration efforts in the Southwest.

Question 3. In these overgrown and unhealthy forests in the West, is catastrophic wildfire the greatest risk to endangered species and their habitat currently?

Answer. In the Southwestern Region of the Forest Service, there are approximately 55 Threatened or Endangered species and 14 candidate species known to occur. In many ecosystems in western states, natural fire regimes have an important and beneficial role that could be beneficial or even necessary for some endangered species. However, uncharacteristically severe or catastrophic wildlfire can pose a serious threat to many of these species and their habitats. For example the 2012 Recovery Plan for Mexican Spotted Owl recognizes the increasing threat of catastrophic wildfire to this threatened species and much of the Region's restoration work provides a net benefit to this species by reducing risk of uncharacteristically severe or catastrophic wildlfire.

The authorities provided in the 2014 Farm Bill significantly expand the tools that will support our ability to accomplish restoration work on the ground, such as permanent authorization for stewardship contracting and the Good Neighbor Authority. In addition, the insect and disease designations and modifications to the Healthy Forest Restoration Act included in the farm bill, will add to the NEPA and process efficiencies outlined above and further help accelerate the pace and scale of restoration. In addition, the NRCS delivers programs such as the Environmental Quality Incentives Program that works with families and individuals who own private forest land to carry out projects that reduce the risk of wildfire and improve wildlife habitat.

Question 4. Based on your experience, how extensive is the understanding about the importance of forest thinning to protect our forests and watersheds? How can we better inform and educate communities, located both in the forests and those benefiting from them in terms of water or recreation, about the need for forest restoration and what that means?

Answer. We have long offered high-quality interpretative experiences NFS lands that educate the public of the benefits of forest management through everything from informative displays at trailhead lodges to ranger-led hikes to community service days. On private forest lands, the agency works in cooperation with State forestry agencies to implement the Forest Stewardship program. In Fiscal Year 2014, we reached over 350,000 landowners with technical assistance, planning, and education on the importance of forest management, including thinning as a tool, as an important method to increase water quality and enhance recreational experiences on State and private lands.

The Forest Service and their State partners work with communities to develop Community Wildfire Protection Plans to address the full scope of wildfire preparedness and response and include discussion of forest management techniques to mitigate fire risk through hazardous fuels reductions. Since 2002, the Forest Service has engaged in a cooperative agreement with The Nature Conservancy to support the Fire Learning Network (FLN), which plays a major role in helping promote appropriate and needed forest restoration practices that protect forests and promote healthy watershed management practices. In 2012 the Fire Adapted Communities (FAC) Learning Network was developed. A central aspect of the work of the FLN and FAC Network is communication and public outreach about fire, restoration, and the collaborative work being done in those landscapes. The FLN and FAC Network have always sought to increase public understanding and acceptance of appropriate forest management practices, especially around fire, to broaden scientific knowledge, and to foster the development and dissemination of best practices among practitioners and the public.

Response from Susan Swanson, Executive Director, Allegheny Hardwood Utilization Group Inc.

Questions Submitted by Hon. Ann Kirkpatrick, a Representative in Congress from Arizona

Question 1. As all of us in the West know, water is one of the most valuable products of our National Forests and there is a recognition that without urgent action the sustainability of our water resources is at risk.

As part of the western watershed enhancement partnership, USDA, DOI, and a number of local communities and water providers have entered into a MOU to accelerate forest treatments to protect the C.C. Cragin watershed which is a critical water supply for the town of Payson, parts of northern Gila County in and near my district, and the Phoenix metro area.

Yet despite the recognition of the importance of this project and additional financial and personnel resources being committed to the effort, we are still looking at 2 years—and potentially three fire seasons—before any work to reduce the fire risk can actually takes place on the ground.

In your experience, what factors contribute to these kinds of delays that occur between identification of high priority, high risk areas and work beginning on the ground?

Answer. We consistently hear from the Forest Service that completing NEPA on projects is the biggest delay in getting projects ready for implementation or bidding. The Forest Service recently told the Senate Energy and Natural Resources Committee that it takes them over 37.2 months on average to complete an EIS, while it takes them 6 months to complete a CE. Last year, the GAO noted that it took the Office of Surface Mining 2 days to complete CE's. These delays are somewhat self-imposed: The FS tends to either conduct full blown EIS's on relatively small projects (for instance, a 3,500 acre thinning project on the Lolo National Forest was analyzed by a full EIS), and decisions to pursue "large landscape" EIS's, like the Southwest Jemez project in New Mexico. This project was selected in 2010 as a Collaborative Forest Landscape Restoration Project, and has yet to complete NEPA. We are told that part of the hold up is consultation with the Fish and Wildlife Service over the presence of a listed species; however, during the interim, large, uncharacteristic wildfires have done far more damage to the watershed and the habitat.

Question 2. There is a tremendous body of science and experience that shows what needs to be done to restore these forests—how do you think we can take advantage of the work that has been done and on-the-ground knowledge of these forests, including the location of and risks to potential endangered species, to speed up this process?

Answer. The 2014 Farm Bill included legislated categorical exclusions for certain types of projects. These CE's could be expanded to facilitate larger projects agreed to by collaboratives The Congress could direct that thinning projects agreed to be

collaborative groups can be expanded to 15,000 acres, for instance. Also, you should note that the benefits of early successional forests in the Eastern U.S. is equally well documented; yet the Forest Service has struggled to meet the goals for this age class called for in current forest plans. Legislated CE's for these forest types could be added as well.

Question 3. In these overgrown and unhealthy forests in the West, is catastrophic wildfire the greatest risk to endangered species and their habitat currently?

Answer. Absolutely. In many western forests, the U.S. Fish and Wildlife Service has assumed that the best way to "protect" species is to create large "set aside" areas where no management takes place. However, since this "large set aside" strategy was adopted near the end of nearly a century of aggressive fire suppression and just at the onset of a period of prolonged drought, it has made these set aside areas very vulnerable to catastrophic, damaging fires which have been demonstrated to destroy nesting sites for listed birds and even to kill listed species.

Question 4. Based on your experience, how extensive is the understanding about the importance of forest thinning to protect our forests and watersheds? How can we better inform and educate communities, located both in the forests and those benefiting from them in terms of water or recreation, about the need for forest restoration and what that means?

Answer. People who live in forested communities frequently understand the risks from direct exposure to large fires. Fires at Los Alamos, Ruidoso, and other locales in New Mexico have shown folks the risks associated with unmanaged forests. The 2007 Angora Fire in the Lake Tahoe Basin similarly educated many people about the threats from unmanaged forests. However, for those in large cities, it will take efforts from water utilities and other public officials to consistently educate people that the best way to "protect" their watersheds is to manage their watersheds. The staggering costs associated with damages to the Denver area watersheds from large fires like the 2002 Hayman should be discussed at every opportunity.

Response from Rebecca A. Humphries, Chief Conservation Officer, National Wild Turkey Federation

Questions Submitted by Hon. Ann Kirkpatrick, a Representative in Congress from Arizona

Question 1. As all of us in the West know, water is one of the most valuable products of our National Forests and there is a recognition that without urgent action the sustainability of our water resources is at risk.

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Yet despite the recognition of the importance of this project and additional financial and personnel resources being committed to the effort, we are still looking at 2 years—and potentially three fire seasons—before any work to reduce the fire risk can actually takes place on the ground.

In your experience, what factors contribute to these kinds of delays that occur between identification of high priority, high risk areas and work beginning on the ground?

Answer. The delays highlighted in this example are unfortunately not uncommon. Such delays present a major barrier to proactively addressing the challenges of forest restoration and watershed health. From my experience, the following factors play a major role in delaying necessary restoration and management activities:

- ➢ Time-consuming NEPA assessments/requirements.
- ➢ Post-decision litigation and/or fear of potential litigation.
- ➢ Limited staff capacity and financial resources to implement work.

Question 2. There is a tremendous body of science and experience that shows what needs to be done to restore these forests—how do you think we can take advantage of the work that has been done and on-the-ground knowledge of these forests, including the location of and risks to potential endangered species, to speed up this process?

Answer. There is a wealth of science and on-the-ground experience/knowledge that needs to be leveraged in order to speed up the process to restore our forests and watersheds so that we can get ahead-of-the-curve. Several examples come to mind:

- ➢ Continue to build and utilize broad collaboratives on the front-end of projects in order to bring together diverse groups and knowledge, and reduce the likelihood of future litigation.
- ➢ Harness the power of collaboratives to garner additional staff/funding support for implementation of projects.
- ➢ Expand the use of categorical exclusions for restoration work, especially for routine management activities with known impacts.
- ➢ Capitalize on existing ways to simplify/streamline NEPA assessments
- ➢ Consider the detrimental effects/risks of a non-management decision to help garner support for appropriate management/restoration.

Question 3. In these overgrown and unhealthy forests in the West, is catastrophic wildfire the greatest risk to endangered species and their habitat currently?

Answer. Catastrophic wildfires, and the impact that such fires are having on endangered species is certainly a pressing issue that we should be addressing, both from a post-fire mitigation and a pre-fire risk reduction standpoint. However catastrophic wildfires are often the result of long term lack of active management.

The unhealthy forest conditions resulting from a lack of active management are a tremendous threat to wildlife as well. We know that in many areas those species that depend on young forest habitat are among the most imperiled species. Restoring the resiliency and health of our forests is a high priority for the National Wild Turkey Federation, as this is an issue that will affect all wildlife species, as well as human life/property, rural economies, *etc.*

Question 4. Based on your experience, how extensive is the understanding about the importance of forest thinning to protect our forests and watersheds? How can we better inform and educate communities, located both in the forests and those benefiting from them in terms of water or recreation, about the need for forest restoration and what that means?

Answer. Unfortunately the general public has a very limited understanding/awareness of the importance and connection of forest thinning in order to protect and restore the health of our forest and watersheds. Natural resource professionals who have studied and/or directly observed the effects of responsible forest management understand this connection, but a greater emphasis on public outreach and education in this arena is needed.

This is going to be a long and challenging effort. A few ideas come to mind:

- ➢ There are numerous organizations discussing and exploring ways to better educate the public, public policy makers, and corporate leadership of the need to focus on watershed, landscape-based management. Wherever possible, overlapping efforts can and should be coordinated so as to maximize impact and reduce redundancy and the potential for mixed-messaging to the public.
- ➢ We should look to organizations who are thinking long-term and broad-scale as models. For example, the National Wild Turkey Federation has identified 87 Focal Landscapes across the nation for focused conservation work. These Focal Landscapes are based on watersheds. A prioritized approach like this will be needed in order to target and effectively impact the imperiled watersheds and forests.
- ➢ In some cases, management activities aimed at protecting and restoring watersheds have been too limited in scale to have a landscape-level impact. We need to be realistic with the level of management that is needed if we are serious about having long-term impacts.
- ➢ We must reach out to "unlikely" or innovative partners, as is the case with this example in Arizona, to help accomplish restoration projects and in order to educate the public about the need for such activities.
- ➢ We need to redouble our efforts to financially link the ecosystem benefits, such as abundant supplies of clean water, to forest management and healthy forests. This linkage needs to be made prior to severe drought and water shortages, though such situations provide clear examples upon which to build elsewhere.

Response from Laura Falk McCarthy, Director of Conservation Programs, The Nature Conservancy

Questions Submitted by Hon. Ann Kirkpatrick, a Representative in Congress from Arizona

Question 1. As all of us in the West know, water is one of the most valuable products of our National Forests and there is a recognition that without urgent action the sustainability of our water resources is at risk.

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Yet despite the recognition of the importance of this project and additional financial and personnel resources being committed to the effort, we are still looking at 2 years—and potentially three fire seasons—before any work to reduce the fire risk can actually takes place on the ground.

In your experience, what factors contribute to these kinds of delays that occur between identification of high priority, high risk areas and work beginning on the ground?

Answer. One of the central challenges to large-scale forest restoration is the time it takes to implement, and the constant emergence of new priorities that could divert funding and attention to other places. We have a growing understanding that partnerships are necessary to scale up restoration, but we do not have the coordination mechanisms in place to ensure transparent priority setting and follow through. One idea we are working on in New Mexico with Federal, state, local and Tribal partners is a priority setting and funding process that provides for coordination and leverage among ownerships to achieve a large scale of impact.

An additional challenge is to make long-term investments in project areas that have strong collaboration and social approval, and to consider these long-term investments in agency budgeting. One solution is for budget allocations to be influenced and incentivizing by the presence of partnerships—especially partnerships proposing high priority work and offering to provide non-Federal assistance of some sort, such as money and expertise. In New Mexico we are working on "co-investment" by agencies and partners in large scale restoration. This will improve the Federal return on investment. That is, co-investments in projects will actually reduce other future Federal outlays, and also have many co-benefits.

Question 2. There is a tremendous body of science and experience that shows what needs to be done to restore these forests—how do you think we can take advantage of the work that has been done and on-the-ground knowledge of these forests, including the location of and risks to potential endangered species, to speed up this process?

Answer. I work in one of the regions of the U.S. that has more than 70 years of study of ecology and forest management, and the scientific agreement on problems and solutions has created the social license for NEPA to be completed quickly. Lately I have seen modest size NEPA—10,000 acre units—on the Cibola National Forest completed in 6–9 months.

In these situations, EA's that allow for a variety of on the ground actions can speed up projects, as would CEs for projects that are shown to be routine, and projects that are known to have results that are not harmful.

Things take longer when impacts on endangered species that are not well studied come into play. One of our larger projects (SW Jemez on the Santa Fe National Forest) calls for restoring habitat where the Jemez Mountain Salamander lives. There's a bit of a Catch-22 in this example (which is the topic of the next question). The extreme fire behavior is the No. 1 threat to the occupied habitat, but we don't know how the treatments to reduce the risk of mega-fire will affect the species. We put together a study group for that species and with the Fish and Wildlife Service, we proposed an adaptive management approach to restoring habitat that we think will allow the project to go forward. This is how the process is supposed to work—"go fast" where the impacts are less and "look before you leap" where greater impacts are expected.

Question 3. In these overgrown and unhealthy forests in the West, is catastrophic wildfire the greatest risk to endangered species and their habitat currently?

Answer. Recent biological opinions by the Fish and Wildlife Service that I have seen for the Southwest have identified catastrophic wildfire as a significant risk to species and their habitat. See example above of the Jemez Mountain Salamander. However, the salamander example only applies to Southwestern frequent-fire ecosystems, and a broad generalization of this example to other forest types would not be appropriate.

In all cases, forest managers should weigh the potential danger to threatened and endangered species from fire and also from treatments. Adaptive management and learning from treatments is necessary, and the study group described above is a good example of a way to help with that, so that active management is not prohibited due to lack of information, and the agencies that regulate endangered species are part of the learning process with partners.

Question 4. Based on your experience, how extensive is the understanding about the importance of forest thinning to protect our forests and watersheds? How can we better inform and educate communities, located both in the forests and those benefiting from them in terms of water or recreation, about the need for forest restoration and what that means?

Answer. Federal and state programs that provide for community engagement and help with local capacity to get involved can be very important to build understanding and acceptance of the need to live with fire and manage fire-adapted forests. State Fire Assistance is one such program, as is the Federal agency funding that supports Community Wildfire Protection Planning. Many of the CWPP have recommendations for local government actions, and a new grants program to build help local government put those recommendations into place could be very helpful. Another beneficial program is the Fire Adapted Communities Network that has grown out of the National Wildfire Management Cohesive Strategy. This network has many hubs across the nation and is using a peer-learning model to accelerate understanding and action at the local level.

In New Mexico, my experience is that these and other programs have contributed to a high level of awareness of the need for active management to restore forests and watersheds. The University of New Mexico, Economics Department, conducted a willingness to pay survey of Albuquerque water users in 2014, asking them how much they would be willing to pay for restoration of a forested area that is far removed from the city, and that supplies their water. More than 80% of the respondents said they would be willing to pay between $0.35 and $2.00 per month. This reflects a strong understanding of the need, and I would credit the state and Federal fire management agencies for their good public information campaigns and the media for good coverage of fire events that stresses what homeowners can do. The communication challenges are greater in areas where forest properties are held by out-of-state owners and I don't think we have figured out how to reach those owners effectively.

