S. HRG. 109–826

H.R. 4200—THE FOREST EMERGENCY RECOVERY AND RESEARCH ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

OF THE

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY UNITED STATES SENATE

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H.R. 4200—THE FOREST EMERGENCY RECOVERY AND RESEARCH ACT

Wednesday, August 2, 2006

U.S. SENATE,
SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 9 a.m., in Room SR–328A, Russell Senate Office Building, Hon. Mike Crapo, Chairman of the Subcommittee, presiding.

Present: Senators Crapo, Coleman, Lincoln, Daytan, and Salazar.

STATEMENT OF HON. MIKE CRAPO, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator CRAPO. The hearing will come to order. This is the Senate Subcommittee on Forestry, Conservation, and Rural Revitalization, holding its hearing regarding H.R. 4200, the Forest Emergency Recovery and Research Act. I want to thank everybody for being here today to discuss H.R. 4200, and I would especially like to thank our Deputy Secretary, Lynn Scarlett, and Under Secretary Mark Rey, and all the other witnesses, many of whom have traveled great distances and gone to a lot of work to be here. I want to thank everybody for taking the time to be here and provide your testimony for this important legislation.

H.R. 4200 is a bipartisan bill introduced by Representatives Greg Walden and Bryan Baird and co-sponsored by 146 of their House colleagues. It was passed by the House of Representatives on May 17. The legislation is a product of 2 years of work to identify and address obstacles to forest recovery following catastrophic events.

3 years ago, this committee worked in a bipartisan fashion to pass the Healthy Forest Restoration Act, and many of you here today were here then to help make that a success. I was pleased to work closely with the subcommittee ranking member, Senator Blanche Lincoln, to see that that bill was enacted.

With millions of acres of Federal land at high risk of catastrophic fire, prolonged drought affecting many States across the Nation, and the potential for hurricanes and storms, the Healthy Forest Restoration Act has provided Federal land managers with the tools necessary to improve the health of forests and rangelands. Progress is being made. Work is under way to limit the risk on our Federal lands.

However, as work is being done additional storms and fires and other natural events are contributing to the backlog of more than

one million acres of national forests in need of reforestation. For instance, the National Inter-Agency Fire Center is currently reporting large fires in Arizona, California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. These fires are destroying property, degrading air and water quality, damaging fish and wildlife habitat, and threatening lives and communities.

I recognize the important and valuable role that fire plays in our ecosystem. However, in many cases we are not talking about normal healthy ecosystems. The fires that are a result of unnatural fuel loads do tremendous damage to our forests and with the current state of our forests this is all too often.

However, this legislation is about more than forest fires. It is about what happens when the last flame from a forest fire is extinguished. It is about what happens after a tornado, such as the tornado that tore a 12–mile swath through Idaho's Payette National Forest in June, impacting nearly 5,000 acres of public land and private forested land. It is about what happens after hurricanes knock vast stretches of forest land. It is about what happens after insects infest forests, threatening neighboring communities.

This legislation is about restoration and ensuring that Federal land managers can respond in a timely manner when disaster strikes to limit the impact on neighboring communities. The legislation is about planning ahead. It seems to me that it is just common sense to be as prepared as possible to respond quickly and effectively when a catastrophe occurs.

While we cannot always predict the specifics of natural disasters, we can be prepared with recovery plans when disaster strikes. An important aspect of this legislation is that it provides for that kind of forward planning by providing for the establishment of pre-approved management practices.

The legislation also strengthens research by requiring forest health partnerships with colleges and universities when establishing post-catastrophe research projects and requiring development of independent third party peer-reviewed research protocols.

The bottom line is that failure to bring a forest back to a healthy condition after a catastrophe can leave the forest more susceptible to additional fire, pest outbreaks, and threaten families and wildlife that live in and or around our natural resources.

Today we are going to hear from witnesses representing the administration, local stakeholders, the environmental community, the private industry, scientists, and foresters. All of our witnesses have a valuable perspective to share as we look to provide our Federal land managers with the tools necessary to ensure timely recovery from catastrophic events. I know the committee is going to find this information presented very helpful as we move forward to consider this legislation.

With that, I am going to move on to our first panel. Let me remind not only our first panel, but all of our witnesses, that you have been notified to try to keep your remarks to 5 minutes, and we have a little clock in front of you to help you do so. I almost always jokingly say in my case my 5 minutes is gone before what I have to say is done. Please be assured that the reason we have the 5–minute rule is so that we can have a good give and take in

questions and answers, and if you do not have the opportunity to finish your statement during your initial presentation you will certainly have an opportunity to make your points in the question and answer period. So please try to pay attention to the clock.

For those like me occasionally who forget to pay attention to the clock, if it starts running over too much I will just lightly tap the gavel to remind you to take a glance at it.

With that, we have with us today, as I indicated, in our first panel Lynn Scarlett, the Deputy Secretary of the U.S. Department of the Interior, and Mark Rey, the Under Secretary for Natural Resources and Environment of the U.S. Department of Agriculture. We will start with you, Ms. Scarlett.

STATEMENT OF HON. LYNN SCARLETT, DEPUTY SECRETARY, U.S. DEPARTMENT OF THE INTERIOR

Ms. SCARLETT. Thank you, Mr. Chairman. Thank you for the opportunity to discuss the Forest Emergency Recovery and Research Act. The administration and the Congress have provided Federal land managers with tools to improve health of public forests and rangelands. As you noted in your remarks, these tools are making a difference. Together, the Forest Service and Interior's agencies have reduced hazardous fuels since 2001 on over 17 million acres of public and tribal lands.

However, when fire, drought, insect epidemics, or other catastrophic events occur on public lands, procedural delays under current laws still prevent timely implementation of recovery and restoration activities. H.R. 4200 would provide tools to expedite recovery and restoration activities. To date this year, over five million acres have burned. Much of these acres would benefit from post-fire restoration actions in a timely fashion.

Post-fire situations often require a rapid coordinated response to assure effective recovery and restoration efforts. Current authorities and procedures make coordinated decisionmaking among Federal, State, and local land managers difficult. For example, the Bureau of Land Management missed an opportunity to coordinate salvage and restoration activities with an adjacent landowner in the area burned by the Timbered Rock Fire in 2002 in Oregon. The adjacent landowner moved ahead immediately with salvaging and within 1 year had salvaged and replanted all 9,000 acres of burned land. Because of the procedural requirements to salvage and replant on Federal lands, most of the Bureau of Land Management portion of the burned area was not salvaged, although a portion was eventually replanted.

Provisions of H.R. 4200 would increase the likelihood of effective restoration on a landscape or watershed basis. The bill establishes a process for pre-approved management practices that may be implemented immediately after catastrophic events to recover economic value of timber as well as undertake reforestation and revegetation.

The need for this authority is acute on Bureau of Land Management rangelands as well as forests and woodlands. For example, after the 67,000 acre Jackie Butte Fire near Vale, Oregon, the Bureau of Land Management proposed a 33,000–acre emergency stabilization rehabilitation project to drill and seed the site to reestab-

lish sagebrush steppe. The project met with protests, appeals, and delays to the point that fall seeding windows were missed. Though some 28,000 acres were eventually seeded due to light snowpack in the winter, the rehabilitation benefits were significantly less than had we been able to do that project in a timely fashion.

H.R. 4200 would replace some current BLM planning and program operations for post-catastrophic event recovery and restoration with a new system of pre-approved management practices for events affecting 1,000 or more acres of Federal land. The list and use of pre-approved management practices meet the NEPA requirements. By authorizing rapid responses to prevent the loss of deteriorating timber resources after a catastrophic event, H.R. 4200 strives to make post-fire landscape and community economic recovery a priority. The administration strongly supports these goals.

Fuels projects and post-fire recovery can produce significant amounts of small diameter woody materials. Better coordinated technical support, investment, and incentives can enhance development of infrastructure and help new technologies that make profitable use of forest and rangeland resources available at the advent of emergency salvage and recovery projects.

H.R. 4200 also addresses one of the Department's most vexing problems, the inability to implement recovery actions on fire-damaged lands despite agency compliance with current laws. In cases such as the Timbered Rock Fire, the environmental impact statement was developed with extensive public participation in the NEPA process and included a peer-reviewed science research component. Nonetheless, subsequent litigation resulted in BLM being prohibited from conducting many of the proposed restoration activities, including salvage logging of 17 million board-feet of dead and dying timber worth about $1.3 million.

In the BLM's portion of the Biscuit Fire in Oregon, where the Bureau proposed to harvest 2.4 million board-feet of dead and dying timber worth about $124,000, a judge recently lifted restrictions on harvest of post-fire materials. Unfortunately, in the years during which the BLM has been responding to litigation the timber has deteriorated to the point that it is almost unsalvageable. In the last 2 years it has lost 75 percent of its value.

While the administration strongly supports the House version of H.R. 4200, we do continue to have some concerns about the spending provisions of Title 4. We welcome the opportunity to work with the committee to address any of these concerns, and I would be happy to answer any questions.

[The prepared statement of Ms. Scarlett can be found on page 87 in the appendix.]

Senator CRAPO. Thank you very much.

Mr. Rey.

STATEMENT OF HON. MARK REY, UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Mr. REY. Thank you, Mr. Chairman, and thank you for inviting me to talk with you today about H.R. 4200. The administration strongly supports Congressional enactment of H.R. 4200 and I will

submit the administration's statement of policy issued during House consideration of the measure for the record of this hearing.

President Bush recognized the need to restore our Nation's public forests and rangelands to long-term health with the introduction of the Healthy Forests Initiative. The President directed the Federal agencies under Under Secretary Scarlett and my jurisdiction to develop tools to allow Federal land managers to restore hazardous fuels conditions in a timely manner.

The Congress passed legislation that allowed for long-term stewardship contracts to implement management goals, including fuel reduction projects. This committee was instrumental in enacting the Healthy Forest Restoration Act of 2003, which is helping to address severe forest health conditions in a meaningful timeframe.

While we now have tools to assist us in treating forests and grasslands to recapture healthy conditions before a catastrophe occurs, we still have the need for similar tools to help us recover and restore areas after catastrophic events, such as wildfires, hurricanes, or tornadoes and other wind events, and ice storms and insect and disease infestations have occurred.

So far this year, wildland fires have burned over 5.6 million acres on Federal, State, and private lands throughout the Nation and destroyed over 1700 structures. Last summer Hurricanes Katrina and Rita along the Gulf Coast destroyed cities, tragically took many lives, and disrupted millions of others. These storms also caused moderate to severe damage to about 20 million acres of woodlands, including private, State, and Federal ownerships, across the Gulf States from Texas to Florida.

Along with causing physical damage, Hurricanes Katrina and Rita have adversely impacted many ecosystem functions and processes that create conditions for attack by invasive species. Invasive insects and diseases pose great risks to America's forests and have risen to catastrophic levels over the recent past. 20 million ash trees have been killed already by the emerald ash borer in Michigan, Indiana, Illinois, Maryland, Ohio, and Virginia. The non-native hemlock woolly adelgid is currently affecting over half of the native range of hemlock species. Sudden oak death has the potential to affect susceptible oaks in most of the eastern United States. In Colorado and Wyoming alone, bark beetles have killed trees covering 1.7 million acres, and across the western United States there are currently 6.6 million acres similarly affected.

These are some of the examples of the scope of the challenges to our research managers and we are using our current authorities to address these matters. However, we believe H.R. 4200 would provide some additional innovative authorities to improve the ability of the Secretary to promptly implement recovery treatments in response to catastrophic events affecting Federal lands. While these treatments include the removal of dead and damaged trees, the bill covers the entire spectrum of resource needs. Reforestation treatments, road and trail rehabilitation, and infrastructure repair are among other commonly critical aspects of post-disturbance recovery covered by the bill.

H.R. 4200 would also support the recovery of non-Federal lands damaged by catastrophic events and would provide similar authority for Forest Service experimental forests.

The Department strongly supports the goals of the legislation and its intent to get recovery actions accomplished promptly, while focusing on maintaining sound environmental decisionmaking and public involvement. We urge rapid Senate consideration and enactment of the measure.

Thank you.

[The prepared statement of Mr. Rey can be found on page 80 in the appendix.]

Senator CRAPO. Thank you very much, Mr. Rey.

I will ask questions first and then as I turn to our colleagues who have joined us, we will give you an opportunity if you want to make an opening statement at that time, and then you can proceed with questions.

First I have a couple questions for both of you together and I encourage both of you to respond. The first question is what are the current impediments to active recovery and reforestation on the Forest Service and BLM lands?

Ms. SCARLETT. Yes, Senator. As I mentioned in my testimony, we are continuing to face litigation, protests, appeals, and other actions when we try to move rapidly forward with our post-catastrophe restoration activities. As I indicated, in the Biscuit Fire, in its wake, that brought us to 2 years to 3 years after the actual event occurred before we could get in and do constructive work. That is one example, but we face that across the landscape in many instances.

Mr. REY. I think even in more perfect situations, where there are not appeals or litigation, the case law that is already developed concerning the kind of analysis and the depth of analysis that is required makes many projects' timeframe not susceptible to rapid recovery of these systems. So the burden of existing case law, particularly the kinds and scope of analysis required by NEPA, is an impediment to moving very quickly. We are, within the landowning community, the Federal Government is by far the slowest actor in recovering from a natural catastrophe.

Senator CRAPO. When Senator Lincoln and I joined forces a few years back to bring the Healthy Forest Restoration Act forward, these same kinds of issues were presented and we developed an approach to addressing them in that act. I understand that that act had limited parameters in terms of its applicability, but has the approach taken in the Healthy Forest Restoration Act worked to address these kinds of issues?

Mr. REY. It has worked very well to address these kinds of issues in situations involving actions that are preventative in nature, and that is its major thrust, providing us expedited authorities in some respect similar to those in this legislation for 20 million acres of Federal land to do preventative work. What we are talking about in this situation, in this legislation, is what we do after a catastrophe has occurred.

Senator CRAPO. Thank you.

The GAO report released on Monday highlights the need for better prioritization of recovery projects. Does this act help address the need for that by mandating post-event evaluations?

Ms. SCARLETT. I would suggest that this act would be a significant advance with respect to our ability to set priorities with res-

toration activities. It does ask that we do a post-catastrophe evaluation, work also with community wildfire protection planning processes to integrate our identification of restoration priorities with neighboring communities and adjacent lands. So I would suggest that it will be a significant help in that regard.

Senator CRAPO. Thank you.

In your testimony, Mr. Rey, particularly your testimony, you indicate that the debate over salvage logging is carried on without the benefit of a lot of effective science, scientific information. One of the emphases of H.R. 4200 is to improve forest restoration and recovery science. Do you believe that the provisions of the act in the area of science are effective or will be effective?

Mr. REY. I think the act rightfully encourages the development of additional data to apply what we know in a more site specific sense. The big problem with the debate as it is being carried out today is that it exists at a very general level, with some parties saying that salvage is good and some parties saying salvage is bad as sort of a categoric statement. The truth lies closer to when is it good and when is it bad, based on what you are trying to accomplish in the site specific circumstances associated with the disaster that you are responding to.

I think what this bill does is provide some mechanisms forest report us to generate additional data to answer those kinds of questions on a more site specific basis.

Senator CRAPO. Thank you.

Another one for you, Mr. Rey. There is a lot of debate right now over the environmental effects of logging after a fire. Could you please speak to this argument or this issue, but particularly I am looking at the comparison of the potential negative effects that some have identified versus the negative effects of taking no action at all.

Mr. REY. We will submit for the record a synthesis of the existing research on that question that was produced by the Forest Service's research establishment. But I think that the short answer is that in many cases, not all, but in many cases, active recovery can restore a forest system faster than allowing nature to take its course, and that we do know enough in many cases to apply that knowledge to assist that recovery taking place.

That is quite apart from whether it makes sense to get some value from trees that have already been killed by a fire or a natural catastrophe. Putting that question aside, the simple issue of does active management assist more rapid recovery, the answer is yes in many instances, but not all, and the important thing is to look at the site specific circumstances to decide whether this is an issue, an area where that will happen.

Now, bringing in the question of should we put to use trees that have been killed by some natural catastrophe, a fire or an insect epidemic, it seems to me that that is the essence of conservation, because the alternative is to simply allow the material to go to waste, and I do not think that is a very conservationist point of view.

Senator CRAPO. I just have one last question and I would encourage each of you to respond. Critics have claimed that this legislation lifts the Endangered Species Act and NEPA protections in

order to speed up logging after a natural disaster. Does the legislation do that? Does this legislation require logging? Or, well, just could you respond to those criticisms?

Ms. SCARLETT. Mr. Chairman, the act specifically addresses ESA provisions as well as NEPA provisions. In the pre-approved management elements that the secretaries of the respective agencies would put forth, there are public comment opportunities that are deemed in the act to be consistent with meeting NEPA requirements. With respect to the Endangered Species Act also, the act specifically sets forth that the activities would conform to the existing requirements under ESA for emergency actions. So I would suggest that the act is fully consistent with our fulfilling those responsibilities as well as our forest health responsibilities.

Mr. REY. In fact, the provisions of the act dealing with NEPA are virtually identical to the provisions in the Healthy Forest Restoration Act. And those same charges were levied 3 years ago when this committee was considering the Healthy Forest Restoration Act. Indeed, it was asserted that if the committee enacted the Healthy Forest Restoration Act the world as we know it would come to an end and the sky would certainly be on the ground, and none of that has happened in the ensuing 3 years.

Senator CRAPO. Thank you very much.

I will turn next to our ranking member, Senator Blanche Lincoln. Blanche, thank you and welcome here today.

STATEMENT OF HON. BLANCHE L. LINCOLN, A U.S. SENATOR FROM ARKANSAS

Senator LINCOLN. Thank you, Mr. Chairman. It is certainly a pleasure to be here with you again this morning to take up another issue that falls under our jurisdiction in the subcommittee. As always, I very much appreciate the chairman's strong leadership in this committee. He does a tremendous job in making sure that we are paying attention to the things that we need to, and I think holding this hearing today is evidence of that.

Before I have any brief remarks, I also want to thank the panelists for their participation. I am particularly pleased to have before the subcommittee today Mr. Jim Crouch of Russellville, Arkansas. Jim is a tremendous help to me and my staff on forestry issues, with many years of experience in the field, and we are very proud to have his testimony here today and I look forward to him sharing with the subcommittee on the next panel.

I would also like to take this opportunity to publicly thank Under Secretary Mark Rey. He has on more than one occasion taken the time to sit down with me and my staff to answer some of our questions and to listen to what our views and concerns are, and I just want to say how much I very much appreciate the generosity of your time and your attention when we have these issues before us, and we look forward to working with you on this.

As many of you know, I have worked closely with Senator Crapo and certainly others in the committee to craft the bipartisan Healthy Forest Restoration Act several years ago. In my view, the Healthy Forest Restoration Act takes necessary steps to ensure that we can address the many problems that are affecting our Nation's forests, both on public and private forest lands, in the South-

east, the southern areas, the western forests, and throughout both the hardwood and the pine ecosystems.

I do firmly believe that if we value our forests, and I certainly do—I grew up with one of the smallest and yet one of the probably premier hardwood natural forests, national forests, in my back yard, in the middle of the Arkansas Delta. But if we can conserve our woodland resources, if we can preserve their natural beauty, and if we want to ensure that the natural bounty of our forest land is available for future generations, then it is important that we actively manage those lands and those resources with a very careful eye toward their long-term health.

With that national forest in my back yard growing up, I never will forget looking at the age and the quality of those hardwoods and then being told by my father that 100 years ago it had just been pasture land. So without a doubt the management of forests and taking an eye to that is critically important.

We are here today to discuss a bill that provides new tools for our forest managers to more swiftly salvage timber and conduct reforestation activities in our national forests following some catastrophic events, events such as the wildfires that are currently wreaking havoc in so many of our western States. But also there are tornadoes, there are ice storms, there is insect infestation that commonly plagues eastern forests in States like my home State in Arkansas.

I understand that we are going to hear a diversity of viewpoints on this bill from our panelists this morning and I certainly appreciate that. I think we all believe that that is tremendously helpful to us in coming about and bringing to the table the right combinations of solutions and ideas that we need to make our forest across this great land the best that it can be.

So I look forward to the testimony. I have got just a few questions, Mr. Chairman, and I will pass it over to others here today.

Secretary Rey, are the savings from what we are talking about here in our Forest Emergency Recovery and Research Act adequate to cover the treatment of the additional acreage that would have been left to nature to heal, I guess I am looking at the resources that we really need. I know that you had mentioned earlier that letting those things waste is not in the best interest of conservation. But do we have the resources there? And if not, where will the money come from?

I have got some concerns that the bill would allow the limited resources for active forest management, particularly on our eastern forests, to be diverted to post-fire salvage projects in western forests. Obviously, the forests are so much larger out West than what we have. We may not have the volume, but we do feel like we have the important task in the East of preserving the forests that we do have.

Mr. REY. I think the bill will have the effect of reducing significantly the costs of post-catastrophic recovery projects and that will allow us to do more as we approach these catastrophes, wherever they occur. I think one of the benefits of the bill is the geographically evenhanded way it addresses forest and rangeland catastrophes, with a particular emphasis on insect and disease epidemics, which are becoming more and more a problem in the

East, particularly now in the Midwest, with invasive species like the emerald ash borer and the Asian longhorn beetle.

So I think there is a real opportunity in this bill to get a lot more done than we are currently doing in responding to those kinds of epidemics, as well as responding to wildfires.

Senator LINCOLN. Are there any real specifics that you have in terms of how it would reduce the cost?

Mr. REY. I would say, based on our experience with the Healthy Forest Restoration Act and using the somewhat similar tools that that has provided, on larger projects we are seeing cost reductions of about 30 to 40 percent.

Senator LINCOLN. Would either of you like to comment or give us some ideas of what would be included in a set of pre-approved management practices and how you might arrive at those practices? You have talked about how they would be beneficial and how they would be consistent with what already exists in terms of management practices.

Mr. REY. I think the way that we would arrive at those practices is pretty clearly specified in the bill, in that it requires a notice and comment rulemaking as well as a peer review for scientific integrity. What I think you will see in those lists of management practices is practices associated with specific kinds of catastrophes in individual forest types. So you will not necessarily see the same list of practices for dealing with a southern pine beetle epidemic in Arkansas as you would necessarily seeing—as you would with a wildfire recovery in central Idaho.

So they will be fairly—I think they will be fairly specific to the forest and rangeland type involved.

Ms. SCARLETT. If I could just add one element to that, the act specifically sets forth that we would undertake these recovery and restoration activities pursuant to the existing land use plans and the land use planning objectives that we already have set forth. So the management tools selected would be those most germane to achieving those on-the-land healthy outcomes that are set forth in our land use plan.

Senator LINCOLN. So more complementary of what already exists, as well as specific, because the specifics is important to me, as you know, in the case of the insect infestation like we saw with the red oak borer in Arkansas. So that would be critical.

Thank you, Mr. Chairman.

Senator CRAPO. Thank you very much. I want to also say how much a pleasure it is to work with you, Blanche. We always talk about our history, but we seem to sit on the same committees and we seem to like each other and get things done on a bipartisan basis. So it is good to work with you.

Senator Salazar.

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

Senator SALAZAR. Thank you very much, Senator Crapo and Senator Lincoln, for holding this hearing, and thank you to Mark Rey and to Lynn Scarlett also for being here this morning.

Let me say that, with respect to House of Representatives Bill 4200, the Forest Emergency Recovery and Research Act, I am open

to looking at how we can do things better on the ground after we have a catastrophe and we are responding to how we best recover from it and how we clean it up. If there are ways by which we can improve by changing the law, we certainly ought to be open to them, and I appreciate the initiative of you coming forward with ideas that need to be reviewed.

I wanted to go back, though, to an issue that is very near and dear to my heart, that both of you have heard me talk about. That is what we are doing under the current authorities and the current funding streams with respect to the beetle infestation that we see in many places around the country, and here specifically for me in Colorado, where the 1.5 million acres that you referred to, Under Secretary Rey, are something that I see and hear about every day and something that concerns me.

When I look at what might happen yet this summer, this fall, or in the next year, I can see hundreds of thousands of acres of our national forests going ablaze and continuing to see the spread of the bark beetle throughout the western part of Colorado. About 2 weeks ago someone reported to us that they had seen the first of the bark beetles flying throughout the forest. Well, those bark beetles are now searching out their new habitats and soon we will see some of those large acreages that are now green start becoming red and part of the forest dying.

My question to you, which is one that I am going to continue harping on, is why are we not providing the funding that is needed for us to be able to do the treatment with respect to many of these acres of land that have already been approved by the NEPA process? I think that we have had about 280,000 acres of treatments that have already been NEPA-approved. We have another 235,000 acres in the pipeline that have been NEPA-approved. But it seems like it is the funding problem that is keeping us from addressing the treatment of those acreages.

So I would like you to respond to that if you could, Mr. Rey.

Mr. REY. We have some acres that are NEPA-approved, that are still awaiting funding. But I do not think, with all due respect, that that is the major impediment to proceeding on some of this recovery work. I think the major impediment to proceeding with some of it is the unit costs associated with getting the NEPA work done and getting the other analytical work done is consuming a substantial amount of resources. Bills like H.R. 4200 give us a real opportunity to reduce those costs and to, by reducing those costs, transfer more money into getting that work actually applied and finished on the ground.

This is a budget environment which is very challenging, but the fact is that our fiscal year 2007 request for this kind of on-the-ground work is the largest budget request that any President has made of any Congress since the previous one we made, which was itself a record, and the one before that, which is a record.

So we are devoting a substantial amount of money to this work as a Presidential priority. But we are still spending in some areas—and the Colorado Front Range is not our highest cost area, but it is a pretty high-cost area. But in our highest cost areas we are spending upwards of $3,000 an acre to get this work done. At that rate, there is never—there is no prospect for us ever to get

ahead of things like pandemics of bark beetles. We have to reduce that rate substantially in some cases, not so much in Colorado, but substantially in other areas, before we are going to get ahead of this problem. This bill does that.

Ms. SCARLETT. Senator, I would like to, if I could, just add one thing. Of the 400,000–plus acres in northern Colorado infested by the beetle, about 10 percent of those are BLM lands, and I am pleased to say that what we have done is to shift money at the Washington office level to Colorado to supplement what would have been the Colorado State office funding to address those issues. So we are putting resources into Colorado, recognizing that challenge.

Mr. REY. As are we, but again it is a very big problem.

Senator SALAZAR. I appreciate that.

Will we have another round with these two witnesses?

Senator CRAPO. We certainly can.

Senator SALAZAR. Let me just make a comment on this and I have some other questions that I want to ask. While it seems to me that there may be changes in the law that can be made, Mr. Rey, to expedite what we are trying to do with respect to dealing with these infestations and these fire emergencies that we see throughout the West. The fact of the matter is that I think money is still a huge problem. I think when you look at the fact that in Colorado you have 283,000 acres that are ready to be treated, if we look at the average of the last several years we are going to treat 50 to 80,000 acres in Colorado. That is a huge gap. That is almost 200,000 acres that are not being treated.

I think we just need to be straightforward and direct with the people and communities who are affected, and that is that there is not the resources available to go and treat these vast swaths of bark beetle-infected forests in our State, and that really necessitates, it seems to me, two things. One, we need to have the money in order to be able to deal with the problem. We just need to say that that is a reality. Second, if there are changes that we need to make in the law, some of which you might have suggested here, we ought to look at those if we can do this thing in a less expensive way.

But I do not think we can escape the reality here that one of our major problems is that we just do not have the money to be able to go out and deal with these huge swaths of infestation that we see throughout the West. When we talk about 1.5 million acres in Colorado that have been infested by the bark beetle and we know how bark beetle is spreading throughout those western States, we have a catastrophe on our hands and we need to be smart about it, both in terms of the money that we put behind it as well as creating the kind of legal framework that will help us address the issue.

Mr. REY. I think we are in agreement on both counts.

Senator CRAPO. Thank you.

Senator Coleman.

STATEMENT OF HON. NORM COLEMAN, A U.S. SENATOR FROM MINNESOTA

Senator COLEMAN. Thank you, Mr. Chairman, and I thank both you and the ranking member for holding this important sub-

committee hearing on the Forest Emergency Recovery and Research Act. I will note that I have to preside over the Senate at 10 o'clock. I am going to miss the third panel, where we are going to have St. Louis County Commissioner, Land Commissioner, Robert Krepps, here. So I apologize for that, but duty will beckon.

I have a fuller written statement, Mr. Chairman, that I would like to have entered into the record.

Senator CRAPO. Without objection.

Senator COLEMAN. And just if I can, just make a couple observations. I think quite often folks think about forest issues as a western issue, but you can see from this committee certainly it is a southern issue and it is a Minnesota issue. We have got two national forests that span 5.8 million acres across northern Minnesota.

Consideration of this bill is particularly important and timely for me. We have got two wildfires right now that are currently burning. That is what those pictures are, in the Boundary Waters Canoe Area located in the Superior National Forest. These fires started in mid-July, have burned nearly 34,000 acres. We have had some rain in the last couple of days, which has been helpful, but we are thinking that these fires could burn for the rest of the season.

We had blowdown in 1999 that had straight-line winds in excess of 90 miles an hour, that caused severe flooding, damaged more than 600 square miles of Superior National Forest. In 2002 our forest mortality exceeded net growth and the spruce budworm infestations resulted in the death of one-third of the balsam fir in Minnesota.

So we have got challenges, as we do around the rest of the country. I thought we made a start with Healthy Forest Restoration. I think this is now the next step and we have to get there. I am proud to be a co-author with Senator Smith on the Forests for Future Generations Act, I think under the next phase here. So these are all living systems. We have got to restore, we have got to manage and protect them. I think we share that commitment, and it affects broad areas of America.

So I am pleased to be here at this hearing today. Mr. Rey, it is always a pleasure to have you in front of this committee. Ms. Scarlett, it is great to have you here.

Just in reference to fires, could the two fires—it may be too hypothetical. Could these have been prevented or at least minimized if further recovery actions were taken following the 1999 blowdown? That is one of the big complaints of folks back home, that we did not do recovery then and now we have this situation.

I guess the second part of this would be, how are the fires affecting adjacent land that is not Federal land and is that an area of concern?

Mr. REY. I think the fires that you are experiencing now could have been minimized. I doubt that they could have been prevented. Some portion of the blowdown was in wilderness and we would not normally have treated that. We did go to CEQ to get alternative arrangements under the existing regulations to treat the areas that we did treat. As a consequence of the treatments that we did do, we were able to get the Cavity Lake Fire to lay down for us and

we were able to protect the dwellings and the structures around the Gunflint Trail.

I think the important thing is that, had H.R. 4200 existed when the blowdown occurred in 2000, we would not have had to go through the additional process of getting alternative arrangements from CEQ and the treatments that were done would likely—would certainly have been faster and would likely have been more extensive, given the authorities in this legislation.

So I think it would have had a material effect on reducing the size and the intensity of these fires. But the Boundary Waters Area is not dissimilar to a lot of western forests. It is a fire-dominated system. In fact, some of the Forest Service's earliest research on the effect and periodicity of fire in forest systems was done in northern Minnesota by Myron Heinzelman, a Minnesotan who had a long research career with the Forest Service.

Senator COLEMAN. If I can then follow up, FERRA requires thorough environmental review, which is critically important, full evaluation of environmental effects of catastrophe event recovery, a lot of important protections. It is a key component of this proposal that I support. The question I have is, could the legislation be implemented to protect the environment without slowing what is intended to be a speedy emergency forest mitigation process? Either witness.

Ms. SCARLETT. Senator, I think that is precisely what the bill does strive to do, by allowing us—with two components: first, a research component that allows us to better understand how we can achieve the land health outcomes that we are seeking and yet by doing that be able to implement those more expeditiously and more routinely. But second, I think the act in addition will allow us to get in there and undertake these actions, undertake them consistent with our environmental—our Endangered Species Act requirements, the National Environmental Policy Act requirements, water quality requirements.

None of the provisions would absolve us from those responsibilities. They would rather allow us to address those responsibilities in an expedited fashion.

Senator COLEMAN. Thank you, Mr. Chairman.

Senator CRAPO. Thank you very much.

I have concluded my questions and so we will start a second round, if any of the rest of you would like to ask further questions.

Senator LINCOLN. Just one quick question. Are the provisions in 4200, H.R. 4200, are there any in there that would require the Forest Service or the BLM to leave certain legacy stands for habitat and ecosystem restoration?

Ms. SCARLETT. Yes, Senator, there are. Our land use plans actually already specify the retaining of legacy stands and so forth, and the act specifies that the actions we undertake in recovery and restoration would link to those requirements in the land use plans. There are additional provisions beyond that that specifically suggest if those land use plans do not have such provisions that we would give special attention to ensuring that such legacy stands remain as we develop the plans for restoration.

Senator LINCOLN. So if those specific requirements were not included in existing forest land use plans, you would still have to, is that correct?

Ms. SCARLETT. That is my understanding as I read the bill.

Mr. REY. Per the requirements of section 109 of the bill.

Senator LINCOLN. Thank you very much.

Thanks, The Chairman.

Senator CRAPO. Senator Salazar.

Senator SALAZAR. Thank you very much, Mr. Chairman.

Let me ask you a question with respect to the site specific actions that you would take. I guess my question would be on pre-approved management practices, how specific will they be for the Forest Service and DOI in preparing them? Let me give you a specific example, the Hayman Fire in Colorado, 135 million acres burned. If this bill were to become law and it were to be implemented by your agencies and you are looking at how you respond to an area like the Hayman Fire, those 135,000 acres in those four counties, would there be an environmental analysis with respect to how you move forward to dealing with those 135,000 acres that would be specific to Hayman or would instead what you would do is to look at other forests that are in similar ecological zones and elevations and say, well, this is the program then that would apply to the Hayman Fire?

Mr. REY. I think the short answer is the bill would require both. We would develop pre-approved management practices for mid-elevation ponderosa pine systems, which is largely what burned in the Hayman fire, and then in the development of a catastrophic recovery project, per Title 1 of this legislation, there would be some more individual analysis associated with that particular instance.

Senator SALAZAR. Spin that out for me just a little bit, Mark, in terms of what you would look at with respect to the site specific analysis?

Mr. REY. I think what you would look at in the individual project analysis is the size of the incident, the intensity of the fire over various parts of the incident, any specifics about the watershed. If there are threatened or endangered species in that particular locale, that would be part of the project level analysis as well, because that would not necessarily be covered in the development of the pre-approved management tools.

Senator SALAZAR. What do you think the timeframe would be to come up with that plan once you have a catastrophe like Hayman?

Mr. REY. I think the bill requires that it be developed within 60 days and that would be our objective, to try and do it within 60 days.

Senator SALAZAR. Do you think that is sufficient time to do the analysis to make sure that we are doing the right thing on the ground?

Mr. REY. I think so. I think one of the advantages you have here is you have already developed some of the preapproved management tools and then you are doing an individual analysis, which you can do more quickly, to evaluate how you would use those tools in a specific instance, what restrictions you would place on them and that sort of thing.

So I think this has the prospect of cutting our turnaround time for one of these kinds of projects probably by about three-quarters.

Senator SALAZAR. Ms. Scarlett, do you have any comment?

Ms. SCARLETT. I do not know that I can add to that. The idea I think of the act is that we would begin with the preapproved management arrangements or elements, having researched them, having known that they are effective applied to certain kinds of categories of circumstances, but then using that as a foundation off which we tier additional information at that site specific level.

I think Mark is right, I think the timeframes set forth in the act would be sufficient to do that tiering down to the specific level at the site.

Senator SALAZAR. Thank you very much.

Mr. Rey, Under Secretary Rey, I want to ask you a question concerning the management of our forests in Colorado, and that is with respect to the Gunnison, the Uncompahgre, and the Mesa, the so-called GMUG forest plan. The plan had been put together for those three forests covers a time span of about 4 years, about 3 million acres involved in those 3 forests. We were supposed to see the plans published by USDA last week some time and my understanding is they were pulled from the shelf.

It is a tremendous concern to me and to our community in Colorado as to why that happened, and I was hoping this morning that you could help me shed some light on that.

Mr. REY. Sure, I would be happy to give you a briefing on where we are at with that. First let me say that the forest supervisor, who you by the way stole from Senator Lincoln, Charles Richmond, who used to be the supervisor on the Ouachita, has done an outstanding job of involving local interests in the development of that plan. So there appears to be a substantial amount of local support for the plan. That is the good news.

Now, the less good news is that as the plan came forward and we did the standard quality control review that we do on every draft plan before we put it out for public comment, we discovered a couple of problems. Problem one is the issue associated with what is required of us now to comply with the 2005 Energy Policy Act, and in particular with regard to the GMUG we are obliged to do an assessment of compliant and super-compliant coals and the availability of those resources as part of a land and resource management plan revision. It was not clear that that was done adequately, and this was one of the first plans with significant energy resources associated with it that has come forward since the enactment of the Energy Policy Act.

That is a fairly minor problem. What the forests agreed to do is to supplement the record with an analysis of those resources and we do not think that will take more than a couple of weeks.

The larger problem is a little more complex and will take a little longer to address. In our 2005 planning regulations we gave forests the opportunity to do plan revisions using a categorical exclusion from NEPA, provided that the decisions that they are making in those plan revisions fit within that categorical exclusion. They are allowed to do more and make more decisions in the plan, but if they do then they are going to engender a higher level of NEPA analysis as part of the obligation of revising the plan.

As we looked at the plan, it appeared to us that it would not fit as it was written under that categorical exclusion. So we told the region and the forest, you have two options. You can either scale back some of the decisions that are being made if you want to avail yourself of that categorical exclusion and use the 2005 regulations; or if you want to do a more fulsome plan with a larger range of decisions, then you have to do either an environmental assessment or an environmental impact statement.

Last night the forest responded to us and said they would prefer to use the 2005 regulations and to fit their plan squarely within the categorical exclusion for more detailed NEPA analysis that we have provided. In order to make those modifications, that is in order to comply with the National Environmental Policy Act, it is going to take them until about November 15 to make those changes.

I am relatively certain that they will be able to get that done. When they do, the plan will then go out for public review and comment as it would in any other case.

So two issues: one, compliance with the Energy Policy Act of 2005; and the second, compliance with the National Environmental Policy Act of 1969. In both cases I think they are on a path to make those changes so that they can be in compliance with both statutes and the public will have a plan to look at about mid-November.

Senator SALAZAR. Mr. Chairman, I know my time is up, but could I just pursue this for just a couple more minutes?

Mr. Rey, I appreciate the briefing and appreciate the fact that you are taking more time and we will have another plan for public review by the 15th of November. I would only say that, with respect to the GMUG plan, it is an incredibly important three set of forests for my State. It covers the area above Grand Junction up into the Gunnison and the Uncompahgre River Basin. When we think about 3 million acres of our national forest land, which we consider to be our crown jewel, I am concerned because of the fact that there was so much of an effort that was made in Colorado to make sure that the public support that you talked about at the beginning of your comments was in fact there, that you had the communities that were affected in these three forests saying this is a good plan that we have created together in collaboration with the Forest Service.

Then it seemed like at the last minute before it was approved that the Forest Service decided, well, we are going to pull it off the table to address these issues. I can only tell you that I will be watching closely, as I am sure my constituents in Colorado will be watching closely, as you go through those revisions leading up to the November 15th publication of the plans.

I think for all of us who sit on this subcommittee our forests are our crown jewels of our State and we need to make sure that we do not do things with these long-term management plans that are going to diminish the sustainability of the forests. When I think about a 15–year plan, I can think about a 4 or 5–year timeframe, but when I think about 15 years that is a very, very long time. So we just have to make sure that we get it right.

I look forward to staying in touch with your office and I ask you to stay in touch with us as you move forward with this issue.

Mr. REY. We would be happy to do that. For better or for worse, the GMUG has always been a pioneer. It was one of the first forest plans produced under the 1976 National Forest Management Act. It was appealed and later litigated and now it is one of the first forest plans being revised per the 2005 planning regulations and in the aftermath of Congressional enactment of the Energy Policy Act.

I have read some of the editorial coverage which seems to suggest that there is some conspiracy afoot. I can only make two observations on that score. One, if there was a conspiracy we probably would have waited to hatch it when the plan was going final, not when it was going to go out for public review, since obviously it is going to be transparent and everybody is going to have their shot at it. Second, as a personal insight, I have found that you can explain most instances of our sometimes confusing behavior by simple mistakes, without needing to find a conspiracy to explain it. So those would be my observations on that score.

Senator SALAZAR. I look forward to staying in close touch with you on it. I will tell you that on the rumor mill there were meetings supposedly taking place over the weekend in high-level offices in Colorado as Washington officials and Colorado Forest Service officials were making decisions about what kinds of revisions were going to be made, and that they were dramatically different from what had been proposed in the earlier version of the plan.

So I think that the sooner that you make the statement that you made here today, that you have a plan to move forward, to look at these two issues, with a date certain of November 15 to come up with a new plan, it will help, maybe not eliminate, but it will help at least clarify what it is that the Forest Service is doing with the GMUG.

Thank you very much. I have taken more than enough time on this issue and I appreciate your indulgence in letting me have this conversation. Thank you very much.

Mr. REY. Not to belabor that, but the forest supervisor is contacting the local communities today to explain his decision and how he wants to proceed to remedy the problems with the plan.

Senator SALAZAR. Good move.

Senator CRAPO. Thank you very much, and I want to thank Mr. Rey and Ms. Scarlett, thank both of you for your attendance here and for your continued assistance to this subcommittee as we work on these critical issues.

We will excuse the first panel now and call up the second panel. While the second panel is coming up, I will introduce them. Our second panel consists of: Alan Thompson, who is the—I am going to say these names wrong—Ravalli County Commissioner from Montana; Sue Kupillas—and if I got your name wrong I apologize—who is with Communities for Healthy Forests; Jim Crouch with the Ouachita Timber Purchasers Group; and Charlie Ringo, an Oregon State Senator.

Once again, I would like to welcome this panel here with us and thank you all for your preparation and for the information and wisdom that you are going to bring to our panel, to our committee today. We will go through the testimony of the panel in the order that I introduced you, which means we will start with you, Mr. Thompson. I would again remind each of you to try to remember

to pay attention to the clock so we will have time for the Senators to ask questions and engage in some dialog.

STATEMENT OF ALAN THOMPSON, COMMISSIONER, RAVALLI COUNTY, MONTANA, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Mr. THOMPSON. Good morning, Mr. Crapo, and Ranking Member Lincoln, members of the subcommittee. Thank you for the opportunity and the honor of testifying before you this morning. My name is Alan Thompson. I am a County Commissioner from Ravalli County in western Montana. I am also proud to represent the Montana Association of Counties on the Public Lands Steering Committee of the National Association of Counties, and it is on NACO's behalf that I appear today.

I would like to speak to you today about a series of tragic incidents in our valley. Almost exactly to this day 6 years ago, lightning strikes started 78 fires in our valley that ultimately consumed 307,000 acres of Federal land and 49,000 acres of State and private lands. Landscapes, homes, and lives were destroyed in the summer of 2000 in our valley. That was the first tragedy and my written testimony records the statistics and facts of how it affected the Federal lands and the citizens in our county.

What I would like to speak to you today is about the second tragedy. While State and private lands began immediately to clean up their properties and salvage dead and dying timber, the Federal lands sat in limbo. When the dust settled from the lawsuits and the negotiations, we were able to salvage 4 percent of the 1.2 billion, with a "b", board-feet of timber that was destroyed in the fires of 2000 on the Federal lands.

Our county leads the State of Montana in the building of log homes. Yet with all the dead trees that were standing in our forests, local companies have had to purchase house logs from other counties, States, and from Canada. Since the restoration work was not done promptly, in the ensuing years we have seen mudslides from unstable slopes that have closed a Federal highway, county roads, and devastated ranchers' lands. Trees that were not cut and utilized now endanger hikers, hunters, and recreational forest users. Many trees have blown over, exposing their roots and allowing the fragile soils to run off and impact our streams and the world-class fishery of the Bitterroot River.

As late as the 1980's, we had sawmills in our valley and a vibrant economy. When Federal land management policy changed, our valley changed and we no longer had the mills, we no longer had the vibrant economy, we no longer had the good-paying jobs. We are told now to look to tourism to sustain our economy. Yet with the runoff from burnt lands silt has impacted our fisheries, specifically endangering the threatened bull trout and the west slope cutthroat. What was once beautiful mountain vistas is now scarred landscape that very few tourists are interested in experiencing.

I am sure that many of you have seen this particular picture of the elk in the river. This is the Bitterroot River and the fires, back in the fires of 2000. Not only human lives are impacted, but also wildlife and fishery. The cost to fight the fires in our valley was

$54 million and much of that expense could have been recovered if there had been a Federal policy that would have expedited the salvage while the timber had some value.

I believe H.R. 4200 holds great promise to improve the response time and I encourage you to adopt a similar Senate version of this bill.

Second, we in the county were disappointed when elected officials had no say-so in the settlement. Citizens in our county should be represented in any settlement that directly affects our lives. Elected officials should have been given standing to speak on their behalf.

Finally, I believe there should be a policy that requires the posting of a bond when a lawsuit is filed. If the belief is so strong that something wrong has been done, then there should be the will to back the suit with more than just the cost of filing.

I would like to invite members of the subcommittee to visit our county, see for yourselves the difference between the State lands that was burned and the Federal lands, the restoration work that has taken place in the ensuing years. You can see on the ground the difference, what that landscape looks like at this time.

Again, thank you for listening. I appreciate your ongoing efforts and the opportunity to be here this morning.

[The prepared statement of Mr. Thompson can be found on page 91 in the appendix.]

Senator CRAPO. Thank you very much, Mr. Thompson.

Ms. KUPILLAS. Did I pronounce your name right?

STATEMENT OF SUE KUPILLAS, EXECUTIVE DIRECTOR, COMMUNITIES FOR HEALTHY FORESTS

Ms. KUPILLAS. "Kue-PILL-us."

Senator CRAPO. "Kue-PILL-us," thank you. You may begin.

Ms. KUPILLAS. Good morning, Chairman Crapo and Senator Lincoln and Senator Salazar. My name is Sue Kupillas. I am Executive Director for a nonprofit organization, Communities for Healthy Forests, based in Roseburg, Oregon. Communities for Healthy Forests' mission is to realize the prompt restoration and recovery of the conifer forests in the aftermath of fire and other catastrophic events, ensuring the presence and vitality of forest lands for future generations.

We are an organization of community members, liberal and conservative, Republican and Democrat, who have come together around the common interests of the need to restore forests that have been devastated by catastrophic events. CHF was founded because this group of community leaders recognizes there are serious impediments to restoring forests in a timely manner.

Communities for Healthy Forests is proud to support the Forest Emergency Recovery and Research Act because the key principle underlying FERRA is the need to move quickly to restore forests, key watersheds, and wildlife habitats. Under current Federal law the Forest Service and the Bureau of Land Management face an almost insurmountable amount of analysis, red tape, and bureaucratic steps following a catastrophic event. While Federal forests suffer crippling delay in the process, tribal, State, and private for-

est land managers move forward with recovery and reforestation projects much sooner following these catastrophic events.

One of the best examples of successful forest restoration can be found in my home State of Oregon. Beginning in 1933, a series of four catastrophic wildfires burned over 350,000 acres of forest land now known as the Tillamook Burn. The people of the State of Oregon approved a measure to initiate a massive restoration effort to recover economic value from the burned timber, protect watersheds from erosion, and reforest the barrel landscape by seeding and planting young seedlings.

As a result of these efforts, what was formerly known as the Tillamook Burn became the Tillamook State Forest. Since then the forest has returned over $2 billion in the form of revenue for county governments and needed rural jobs and schools. Most importantly, the forest now provides immeasurable benefits in terms of fish and wildlife habitat, clean water and open spaces for the enjoyment of Oregonians and people all over the world.

Today's vibrant Tillamook Forest is a testament to the benefits of taking swift action to successfully restore and rehabilitate a forest ravaged by catastrophic wildfire. The values of this forest—the values this forest provides are now cherished by many, so much so that environmental activists recently ran an unsuccessful ballot measure to restrict forest management activities on half the forest.

Mr. Chairman, this is just one example, and there are many others included in my testimony that serve as real-world proof of the benefits of taking swift action following catastrophic events.

The need for legislation hits close to home for me. Right in my back yard is the 2002 Biscuit Fire, which burned almost 500,000 acres. While approximately 178,000 acres are Congressionally withdrawn as wilderness and not appropriate for recovery, almost 322,000 acres were in need of restoration activities. Of this amount, 312,000 acres remain untreated today due to the effects of delays, appeals, and litigation. After almost 4 years, less than 3 percent of the total Biscuit Fire area has been restored in any way. Federal courts have ultimately dismissed all lawsuits on the Biscuit. However, after almost 4 years much of the value of the dead trees is lost, so there is little incentive or money to undertake further restoration activities.

These posters are aerial shots of the Biscuit Fire from a helicopter trip I took last September. Just 2 weeks ago coming back from a raft trip, I drove through the Biscuit Fire area and it looks much the same—miles and miles of dead standing timber.

Another vivid picture can be witnessed at Mount St. Helen's, which I visited in June of this year, where private lands were restored and Federal lands were not. Weyerhauser's private industrial land was salvaged and replanted following the 1980 eruption and harvesting and thinning of those trees is now taking place. Federal land is still a moonscape with a few flowering bushes.

While we have practical experience in reforestation and some research, we still need further research to continue to improve our success with restoration. FERRA has a research component that will do just that by providing guaranteed funding for ongoing research and monitoring from proceeds from harvesting this valuable resource. The restoration of forests issue should not be controver-

sial. Oregonians understand and support restoration, as shown by two polls completed in Oregon in 2005. 76 percent of the people believe forests should be restored, including clearing dead trees and replanting seedlings.

While CHF supports FERRA and believes that it is a good piece of legislation, today's hearing in the Senate provides an opportunity to begin incorporating provisions from other legislative proposals that have been introduced in this body dealing with forest restoration.

I would like to thank Chairman Mike Crapo and members of the Subcommittee on Forestry, Conservation, and Rural Revitalization for holding this important hearing and starting these discussions on this critical issue. I believe you have a unique opportunity to build upon FERRA by developing and passing bipartisan common sense legislation here in the 109th Congress.

I appreciate this opportunity to testify and would answer any questions you have.

[The prepared statement of Mr. Kupillas can be found on page 70 in the appendix.]

Senator CRAPO. Thank you very much, Ms. Kupillas.

Mr. Crouch.

STATEMENT OF JIM CROUCH, EXECUTIVE DIRECTOR, OUACHITA TIMBER PURCHASERS GROUP, RUSSELLVILLE, ARKANSAS

Mr. CROUCH. Thank you, Mr. Chairman, Senator Lincoln, Senator Salazar. I appreciate the opportunity to be here today. My testimony is on behalf of the Ouachita Timber Purchasers Group, the Ozark-St. Francis Renewable Resource Council, and the Lake States Federal Timber Purchasers Committee. These folks buy wood from the national forests to feed their mills. Their operations range in size from mom and pop to global operations with thousands of employees.

Today national forest managers are faced with almost insurmountable challenges from unhealthy forests, catastrophic events, a hostile stakeholder minority that opposes active forest management, and budgets that are woefully inadequate. FERRA will help break this gridlock for catastrophic events.

The spectacular forest fires and insect and disease outbreaks that we see on the evening news are symptoms of deeper underlying problems in the forests. These events are rooted in the near-custodial management that the agency has practiced in recent decades. Without aggressive active management, nature ultimately harvests the forests. I strongly support active management as the first critical step in achieving health forests.

Let me share with you an example of what happens when the agency relies on custodial management. You know the typical sequence. Over several decades, the forests become too dense, trees become too old, and during an extended drought period the bugs multiply rapidly and destroy the forest or either fire burns it.

In the Ozark Mountains of Arkansas and Missouri, the red oak borer, a one inch long beetle, has destroyed more than $1 billion worth of red oak since 1999. These borers have actually killed 50 million trees on 300,000 acres of the Ozark National Forest. Gone

are the magnificent oak forests that provided an abundance of oak lumber, crossties, and pallets, along with huge acorn crops that fed bear, deer, turkey, and squirrels. Thousands of tons of hardwood fuel remains to feed the catastrophic fires of tomorrow. The scary thing about this situation is it is not just a problem in Arkansas; it is a problem in most States with national forests.

In a move to improve forest health and reduce the impacts from catastrophic events, Congress passed the Healthy Forest Restoration Act and the administration launched the Healthy Forest Initiative. Most people support these efforts, but a handful of folks who are opposed to active forest management continue to appeal and litigate the agency's decisions. The delays usually mean the usable wood will ruin and recovery plans will stall. Sadly, since 2003 when HFRA was signed into law the Federal Government has accomplished only a little over 77,000 acres out of the 20 million acres that they were authorized.

Here is an example of what happens without FERRA. The Missionary Ridge Fire in southern Colorado burned about 70,000 acres. The Forest Service spent a year and thousands of dollars doing an EIS to salvage 3 percent of the burned area. They were stopped in court over surveys for the Abert squirrel population. The Abert squirrel is a game species that is routinely hunted by hunters in Colorado. Due to the length and time required to prepare the bulletproof EIS and the delay caused by appeals and litigation, the timber became basically worthless and the project was abandoned. The snags and downed timber was left for the next fire to burn.

In the Lake States and the South, where private, State, and national forests are intermingled, we support the FERRA Title 2 language that encourages the Forest Service, communities, and the State foresters to cooperatively develop landscape assessments and to work together on recovery projects.

I have several suggestions that I believe could improve FERRA. The first one is I believe the term "burned area emergency response" needs change to "area emergency response." The definition of "catastrophic events" includes not only fires, but insects and disease, storms and so forth.

I believe the requirement in section 101 for peer reviewed research protocols is probably an overkill. I support the use of effectiveness monitoring and adaptive management. One must remember the Forest Service restored lands nobody wanted to the condition that groups hammer on your doors asking you to designate old cotton fields in the South as virgin wilderness.

In closing, I urge you to pass FERRA with the changes as soon as possible and I would appreciate it if you would put both the written and oral testimony in the record, and I would be glad to answer any questions at the appropriate time. Thank you.

[The prepared statement of Mr. Crouch can be found on page 48 in the appendix.]

Senator LINCOLN [PRESIDING]. Thank you, Mr. Crouch. Certainly your written and oral testimony from all of you will be included in the record.

The chairman excused himself for a few moments, so, Mr. Ringo, if you will proceed, we will get to questioning.

STATEMENT OF CHARLIE RINGO, OREGON STATE SENATOR, BEAVERTON, OREGON

Mr. RINGO. Thank you very much. My name is Charlie Ringo. I am a State Senator from Oregon. I represent the Portland, Washington County area. It is a pleasure to be here this morning, and I am going to strike a little bit of a different note from the testimony you have heard so far.

About a month ago I had the pleasure of loading my kids in the car and driving to Yellowstone National Park, and we got there and we looked at the geysers and we looked at the buffalo and we looked at the forest that had burned in 1988. There are signs along the road in Yellowstone indicating where the great conflagration had occurred. If you will remember, at the time there were pictures similar to these you have seen today with just amazing sheets of flames going up to the sky and the devastation that looked like this. At the time a number of scientists said: Look at this, this is devastated for centuries; we have done this to our national park.

Now you go there—1988, not too long ago—and you see the that trees are already recovering and it is very good habitat and the ecology is rebounding, without any active management, without any recovery efforts, without any rehabilitation plans. The point is that all this testimony we have heard saying it is absolutely necessary—it may be necessary in some cases, but it certainly is not necessary in a lot of cases. We have to look very carefully at the science to see what does the best science say as to when active management is or is not called for. It is not automatically called for. It certainly was not necessary in Yellowstone National Park.

Now, I want to acknowledge that there is another important objective in this bill besides forest recovery and that is getting the benefit, the economic benefit out of the forest—money for timber communities, jobs. Those are important objectives and we have got to put that right on the table and say that is something we have got to consider. You just cannot ignore that.

But the other objective that is often set forth is this is absolutely essential for forest recovery and for forest health. Essentially it is saying you have got to cut the forest in order to save the forest. I suggest to you that that is not supported by the science.

Now, I have some exhibits that I would like to make available to the committee members and talk a little bit about, well, what is the best science concerning forest recovery. In Oregon we have got Oregon State University. I grew up in that college town of Cravallis. I am very fond of OSU. We had the scandal earlier this year where there was a paper that was accepted for publication in Science magazine by several grad students. The lead author was Daniel Donato. The Donato paper says that post-fire logging may impair the natural regeneration of the forest. It is just one study. You need to look at it in the context of lots of other studies and the entire body of science. But that was a study nonetheless that would not support this bill, at least the objective of this bill of recovering forests.

The reaction by the leadership of the College of Forestry was very instructive. Rather than giving a claim to these grad students for such an achievement of being published in a prestigious journal, the leadership of OSU College of Forestry attempted to interfere

with its publication because it was not convenient for the timber industry that helps fund the college and because it might pose a threat to the legislation that is on the table today.

Now, I obtained a number of emails from the College of Forestry leadership that—the first one, the one that is right on top, Senator, is from an Oregon State University vice president to Dean Hal Salwasser, saying: "Heads up. This issue is coming. I am sure you will hear from your industry partners and any nemesis we have in sustainability," essentially imposing a judgment value of opposition to sustainability.

I do not want to go through all of these emails, but it shows a very close coordination with industry representatives and with government officials to put the right spin on this so that it would not have an inconvenient impact for this legislation.

So where does that leave us? As a State Senator in Oregon, I am a policymaker. You are policymakers. We have got to look at our objectives. As I said earlier, one of the objectives certainly is getting the economic benefit out of the forest.

The other objective that is often talked about is the, we have got to do this for forest recovery. I suggest to you that that is not supported by the science. There is some suggestion that that is accomplished. There is many scientific publications that say otherwise.

I want to just mention one thing. There are some examples given and Ms. Kupillas referenced the Tillamook State Forest as a wonderful example of active management, now we are enjoying the benefits today. The Tillamook State Forest is a jewel in Oregon. It is 350, 400,000 acres. Unfortunately, it has got Swiss needle cast because it was replanted incorrectly. The seedlings used were actually not from the Coast Range, and I could go into a lot more detail about that.

The upshot and I guess the final message that I want to leave with the committee is that the objective of recovering our forests for ecological purposes must be science-based. It must be science-based, and the science that is behind this bill in that regard I believe is not credible and you have got to look at it a lot closer.

Thank you very much and I would be interested in answering any questions.

Senator CRAPO [PRESIDING]. Thank you very much.

We will proceed with the questions at this point. My first question, Ms. Kupillas, is to you. You indicated that in the litigation that you referred to in your testimony, that virtually all of the litigation was ultimately dismissed by the Federal courts; is that correct?

Ms. KUPILLAS. That is correct, and that is on the Biscuit Fire.

Senator CRAPO. On the Biscuit Fire.

Ms. KUPILLAS. Right.

Senator CRAPO. But the litigation took approximately 4 years and during that time the value of the wood on the forest was degraded?

Ms. KUPILLAS. I believe it was around 3 years, but yes, there was significant degradation of the wood out there over a 3–year period.

Senator CRAPO. Mr. Thompson, you compared post-fire situations on State and private forests versus the national forest land. I would like to tell you, I had a similar experience as I first began

learning more and more about forests as I served on this committee and served in the Senate and the House. I had an occasion once when we were doing a tour of one of the forests in Idaho and touring a forest fire. The fire burned right up to a certain line and then stopped burning.

As we flew in the helicopter over that line, there was a road there. I mentioned to the foresters that were with me, I said: I did not realize that one road would stop a fire of that size. They said: Oh, it was not the road that stopped the fire; that road is the boundary line and the forest on the other side of the road is State land, or it was either State or private land, and it was managed differently and it did not—the fire was not able to continue burning because the forest was in a better condition.

So I have observed that myself.

Could you compare the difference between the approaches that we are talking about here on State and private land versus Federal land management and what we need to seek to achieve at the Federal level that we are not able to achieve at this point?

Mr. THOMPSON. The Sula State Forest exists in Ravalli County. As you know, that is State trust land, and because of the fires that came through in 2000 that land burned the same as the Federal land. The fire did not stop at that boundary. As you know, oftentimes fires create their own intensity, their own winds, and so forth. So it came through and burned that land also.

Immediately, State foresters came in, did a quick environmental assessment on the damage that had been done, and in the winter of 2000–2001, January and February, they were able to harvest 60 million board-feet of timber off of that land over the snow. No degradation of any property took place at that time. The difference, at this time there is a stark difference between what transpired. They were able to plant vegetation, plant trees, put straw wattles in to stop the silt from coming into our fisheries, stop some mudslides, etcetera. Federal land did not.

Vast difference in the way that they look at the moment. Mr. Ringo's comment saying that the science does not show that FERRA would be beneficial, I would dispute that by saying come out, walk the ground, look at the difference of getting in immediately, harvesting, salvaging the dead and dying timber, doing the restoration work that needs to be done, versus letting it set, go through the court process, and what Ms. Kupillas has talked about is exactly what happened in our county. After all the lawsuits were finally done, we were able to go in and do some work. Now all of that timber can possibly be used for firewood.

Senator CRAPO. Thank you.

Mr. Ringo, I agree with you that our forest management should be based on good sound science. Is it your testimony that the weight of the science in this case is against the kind of forest management that is contemplated in this legislation?

Mr. RINGO. Senator Crapo, I believe that the weight of the science indicates that post-fire logging operations will often inhibit natural regeneration. One of the earlier witnesses said you do need to look at it on a case by case basis and I think that is right.

One of the things I mentioned—I think you had stepped out of the room—was I drove across the upper part of your State to go

to Yellowstone Park this summer and we saw the regeneration that has occurred in Yellowstone without any active management at all. I think it is a remarkable example of natural recovery. It is not always going to happen, but I think you have got to look at the science very carefully, and there is a large body of science that does indicate that natural regeneration is actually preferable and will yield better results than active management.

Senator CRAPO. Mr. Rey in his testimony, I think he is the one you may have referred to who earlier said that there are some cases where active management is not the right technique. If I am reporting his testimony or paraphrasing it correctly, he said there are many cases where it is. Do you agree with that or are you saying that in all cases active management is not appropriate?

Mr. RINGO. No, I would not say that. And I would also acknowledge that there is other objectives. I do think it is an important objective to consider the economic benefit of quick action. You cannot ignore the impact on the local treatment communities and on jobs. You just cannot say those are not relevant. Clearly they are.

My message to the committee, though, is that I believe the public wants balanced management, and that is part of the management. The other part that needs to be considered is what is the real environmental impact, what is the real ecological impact, and what does the science say about that.

Senator CRAPO. Thank you.

Mr. Crouch, could you comment on the same general set of issues? What does the science say in your opinion? Where is the weight of the evidence here, if you will?

Mr. CROUCH. Yes, sir. You know, the thing that comes to my mind as I sat and listened, there is an awful lot of commonality among what is being said and yet there is an awful lot of difference when we finally see the actions that different interests take.

I would suggest to you that the Forest Service has a tremendous amount of science behind its decisions. I would suggest to you that the Forest Service research is as good as there is probably in the world when it comes to forestry. So we need to be very careful that we do not kind of conclude that maybe these activities that you see going on the ground or these activities that are laid out in the land management plans, the standards and the guides and so forth—they are based on an awful lot of science, and I guess I would leave it at that.

Senator CRAPO. Thank you.

Senator LINCOLN. Thank you, Mr. Chairman.

Mr. Crouch, thanks again for being here, taking time to be with us here today. In your prepared statement you had said that additional funding may be needed to implement the recovery plans. Maybe you might explain a little bit of that or go a little further to let us know if you see existing funding mechanisms as provided in the FERRA bill as a problem for active management of forests that have not experienced as frequent catastrophic events?

Again, in the South we do not necessarily have the volume of forest fires and other. We do have tremendous volume of insect infestation, ice, tornadoes, different types of natural disasters, maybe in a smaller forest, but certainly just as catastrophic. You might want to expand on that a little bit.

Mr. CROUCH. The folks, Senator, that I represent very strongly support FERRA. The thing that we are kind of looking at is, as the Under Secretary said, we believe that FERRA will substantially reduce the cost of the NEPA work, reduce the cost of litigation, reduce the cost of appeals. We believe it will therefore bring an awful lot more opportunity for recovery of many of these fires that we have heard talked about, or insect, disease problems, or Katrina type stuff, that has not been very well restored in the past.

So what I am really saying is you have got a tremendous number of acres that, for example, may need to be reforested and those cost tremendous amounts of money. So what I am suggesting is that the savings on the one hand from the paperwork side, if you will, may not be nearly great enough to take care of the additional acres that will be treated. So while the mechanisms in this bill are OK, I suggest that they probably will not produce adequate dollars.

Senator LINCOLN. Well, that is so important, because that is something up here that we deal with constantly, are the resources that are needed to do all of the great ideas that we try to bring together and balance up here in terms of management and legislation that provides the tools out there. But if the resources are not there to do it, it just becomes a big ball of frustration for everybody, us as legislators and certainly those that are out in the field to implement it.

So I think that is important. Under Secretary Rey did mention that he thought that there were considerable savings there, but——

Mr. CROUCH. I agree with that.

Senator LINCOLN. Right. But without a doubt, ultimately it is whether there is enough savings to be able to do what we want to do and would additional resources be necessary, which is something we have to consider here.

What on the ground—again, Mr. Crouch, what on the ground benefits resulted from the active recovery on our Ouachita National Forest following the ice storm in 2000? That was devastating to us in Arkansas in December of 2000, the ice storm that was tremendous really across the southern part and the western part of the State. Kind of what negative effects were there?

Mr. CROUCH. You know, that is a real good question. We had an ice storm about Christmas of that year that really destroyed the timber on lots of acres. Estimates were there was probably 200 million board-feet on the ground. The Forest Service made the decision to actively salvage as much of that as possible. We went to CEQ and was given some alternative arrangements and the Forest Service immediately began to expedite it, weighing the timber, things that were quite different from what they have traditionally done.

As a result of that, about 100 million board-feet was harvested before the bugs began to ruin it. When you look at the ground today that was harvested as compared to the grounds that were not harvested, you see a much, much different forest. The forest is beginning to regenerate. A lot of it, short-leaf pine has been planted, as compared to the other acres where you have got tremendous tons of fuel still on the ground, it is drying out, it is drying up, and the ecosystem is beginning to change in a lot of cases.

Basically, in Arkansas, as you know, we get maple and sweet gum, stuff like that, back in catastrophic events. We typically do not get back the pines that we look for economically. So we do not have any question in our minds on many, many pieces of ground that it is much, much better to institute active management, salvage it, restore it. There are other cases, obviously, steep slopes, things like that, where you should not.

One decision that was made on the Ouachita case was to stay out of the streams, stay out of the streamside zones. So there was a lot of acres left there that was not touched. Now the biologists are saying we have got to go back in there, thin that out somehow, so we can get the benefits we need for wildlife, and so they are kind of going back and trying to adjust.

Senator LINCOLN. Well, I think it is so important that first and foremost, that everyone is engaged, and I know through our forest initiatives, our landowners and others in Arkansas, the best management practices and the other types of efforts that are made to include everybody at the table in making those decisions, and obviously the Forest Service as well, has really been a tremendous benefit to recognizing, back to the question that Senator Ringo was bringing up, and that is when it is best to have a management plan and when it is not. Having lived through that ice storm in 2000 and seeing the kind of fuel that was left on the floor and then the repeated droughts that we had after that, it was a terrible circumstance.

I know that forest fires create these pictures that are so horrific and you look at the results of an ice storm and it is almost gorgeous. So it is hard for us in the South and areas where we do see these types of situations to really bring about the impact of what it has on our economy and on our ecosystems in the forests that we enjoy for so many things.

So I just think really the idea that everybody comes to the table and looks at what the circumstances are, what the objectives are, in making sure that as we go through those detailed plans that we think forward and think carefully about the steps that we take, I think that is important.

Ms. Kupillas, in your testimony you referred to the social and the community aspects of more timely forest regeneration. Would you like to elaborate on that?

Ms. KUPILLAS. Yes, Senator Lincoln. The communities surrounding these burned forests, the mills depend on a consistent supply of wood. When we have dead standing timber that seems available to supply these mills, then it seems logical that we should be able to take out the timber and at least maintain some of the jobs that are in these rural communities.

I would like to respond also to a couple of statements that Senator Ringo said if I could, please. On the Donato report, Donato indicated that the regenerating trees were damaged after 3 years of delay, that the regenerated trees were damaged when they went in to do some harvest. I would suggest that the Donato research supports FERRA because FERRA says the essence is to get in there early, before those little seedlings start growing again, get in there early and harvest before that happens, and therefore you would not have damage to the seedlings.

I could give you many other examples, and it is in my written testimony, of areas that have not been restored side by side with areas that have on private or State lands. There are many, many circumstances where restoration really should occur and does not occur. But I think that there are many social and economic effects. As we drive through the Biscuit, there are a lot of tourism aspects. Dead standing slopes that are bare and eroding now really do not attract the tourists.

This used to be a sea of green. I have flown over it when this was mile after mile after mile of green forest.

Senator LINCOLN. Is the tourism the only ramification? I mean, what other—you spoke about the acres that were left untreated in the Biscuit Fire, the lack of restoration. It has affected the community, the neighboring community, through tourism. Perhaps are there other things?

Ms. KUPILLAS. Well, the mills that really could put another shift or two on should they have had the several billion board-feet of timber available to them. There are local mills that could have been on that had it been done early enough. But after deterioration, after all the lawsuits had been dropped, then most of those mills really cannot afford to go in there and harvest dead trees that have deteriorated.

Senator LINCOLN. Right.

Senator Ringo, you have mentioned, and I agree with Senator Crapo, that we definitely want the use of sound science. We have consistently said that in this committee. Whether it is trade or reforestation or our industry areas, science is critical.

To me, one of the issues that comes up most readily from all of you is the timeliness of it. Of course, that issue also falls back onto whether or not the resources are there to pull the necessary groups together, to have the kind of research and science necessary to make timely decisions. If you wait too many years, seedlings have come up. Then you have the problem of damaged restoration that is occurring naturally when you go in too late to make the correct restoration that you would like to do from a manual standpoint.

Do you have any comments? You referenced the Yellowstone an awful lot. You might want to—and I do not know if there is a different version or maybe you have some insight on why the natural restoration in Yellowstone might have been different than maybe some of the lack of restoration that has occurred on Mount St. Helen's that Ms. Kupillas was referencing.

Mr. RINGO. Senator, I have gone hiking up on Mount St. Helen's and I think there have been all kinds of pictures showing remarkable natural restoration on St. Helen's as well. Again, it can depend on what your management objective is. If you are Weyerhauser, you want a big tree farm that is going to grow as fast as possible so you can harvest them as fast as possible. That is a different objective than saying you want an ecologically balanced area that is good for habitat. It is a different objective.

I think we need areas with both objectives. But the second objective, of a balanced environment, a balanced ecological system, that will regenerate naturally and it is not Weyerhauser's objective. So I do not think it is fair to look at what Weyerhauser did in trying

to restore a tree farm as fast as possible and say, gee, that is the way we want all of our forests to be.

Just as a point on the science, it is difficult. I think there is lots of disagreements. A lot of it does depend on what part of the country you are looking at. The Yellowstone is different than the southern part of the United States, which is different than the wet coastal ranges in Oregon.

Senator Crapo asked me about the weight of the evidence. The problem I have with where this bill is going is I believe that some of the science does rely on scientists that are really working at the behest of the industry. That is demonstrated through these emails from the College of Forestry, where essentially the industry is spoon-feeding the leadership, saying we want you to help us with our political problem, please get some professors to come out with a report that says this.

At least the Daniel Donato report was independently peer reviewed, which is really the mark of excellence in science. This committee has relied on the report of Professor John Sessions before with a study that was never independently peer reviewed and said, well, that is the good science and that is what we are going to rely on. I just suggest to you that the studies from Professor Sessions really are done at the behest of industry and that is why they should be given less credibility. I hope we do not latch onto one scientist we believe because we like that conclusion and because it is politically expedient.

Senator LINCOLN. Well, I think the objective of the committee is to certainly gather a wide variety in our panels as well as in our science and the scientists that present it, in order to make sure we come up with a balanced approach.

Just one last question for Mr. Thompson. You compared the post-fire situations on State and private forests versus national forest lands. Maybe you might go a bit further or in more detail about the difference between the approaches and the results that were there. That might be helpful to us in the committee. You might want to share your views on the role for research and certainly monitoring to validate some of the——

Mr. THOMPSON. Well, the approach obviously was that State lands, being State trust lands, that money is used for education. In the State of Montana we are having an education crisis at the moment, trying to fund, as I am sure in your State and many States are having the same problem.

Natural resource is one way that we can utilize funds for education. When they went into the Sula State lands they were able to harvest that timber, bring it off, and although we do not have mills in our county to harvest it and utilize it, they moved into Missoula County, some of the other counties north of us, and were able to see some economic impact there.

Again, the land—we can talk about science all we want and the approach and the way that it looks when you are all done with it, but the best example is to come out on the land and see the different approaches, look at the private land where people have gone in and done the work that needed to be done. It can be done in an economically friendly way and that is the way the Sula State lands

were done. Again, the timber was harvested in the winter over the snow, over frozen ground. Nothing was damaged.

The Federal lands again, ugly, straight stalks of black trees sticking up, fallen over in some wind-blown areas, and so forth.

I would like to make one comment on Mr. Ringo's last comment about Yellowstone. As you are well aware, Yellowstone sits partially in Montana, and I have been into that burned area many times. Forests when they regenerate and regrow should not look like wheat fields, and much of the area that has been regenerated in Yellowstone looks like a wheat field. The trees are so dense that even small rodents I think are going to have a difficult time getting through. Large ungulates are going to have a very difficult time in there—bison, elk, deer, etcetera.

Again, we can look at it and say that area without any approach by us doing any recovery has recovered itself. But I think that we need to look at long-term and not short-term. Let us wait a little bit and see what happens to Yellowstone in the next few years. There may be another catastrophic event there.

It may be such that it burns so intense that there are areas of the Bitterroot, there are areas of Yellowstone, that have hydrophobic soils, that have been damaged down 10 to 12 inches and nothing is going to grow for a long time. You must get in, break that soil up, break that hydrophobic surface up, plant trees, do some restoration work. That has been done on the Sula State lands, on many of the private lands, and not all of the Federal lands.

Senator LINCOLN. Well, we appreciate the panel. I am going to turn it back over to the chairman if he has any further questions. But just to say that certainly our objective here is to look at the balance of all of the things we are trying to achieve—without a doubt the conservation of the land, the economics that can be used, the timeliness of what we need to do in order to achieve those things, and most importantly keeping healthy forests in our Nation.

With twin boys that are 10 years old who are with the Scouts right now out in the forests at Scout camp this week, it is very much an objective of mine that future generations will have the benefit of enjoying the forests like I did in the Ouachita and the St. Francis, the wonderful forests I was able to grow up in.

So Mr. Chairman, I thank you for your leadership. I will turn it back over to you and assure the panel that we will work on a balanced approach.

Senator CRAPO. Well, thank you very much.

Again, we thank this panel for your attendance and the testimony you have provided today. We will excuse you and we will call up our third panel. While the third panel is coming up, I will introduce them as well. Our third panel consists of: Dr. John Helms, who is Professor Emeritus of Forestry at the University of California, Berkeley, who will be representing the Society of American Foresters; Dr. Jim Karr, an Ecologist and Professor Emeritus at the University of Washington; Mr. Robert L. Krepps, St. Louis County Land Commissioner; and Leah W. MacSwords, Director and State Forester of the Kentucky Division of Forestry.

Senator CRAPO. Again, we would like to welcome all of you for the time and effort that you have put forward to help this committee and to participate in this panel. I again remind each of you to try to pay close attention to that clock as we move forward.

Dr. Helms, we will begin with you.

STATEMENT OF JOHN A. HELMS, PH.D., PROFESSOR EMERITUS OF FORESTRY, UNIVERSITY OF CALIFORNIA, BERKELEY, ON BEHALF OF THE SOCIETY OF AMERICAN FORESTERS

Dr. HELMS. Thank you, Chairman Crapo, for the invitation to provide testimony at this hearing. As you mentioned, my name is John Helms and I am a Professor Emeritus from the University of California, Berkeley. But I am here this morning to give testimony on behalf of the Society of American Foresters. As I am sure you are aware, the society has a membership of about 15,000 people, who represent a very broad range of expertise, including forest managers, researchers of a variety of kinds from geneticists through to economists and biologists, and also consultants.

What I would like to do first of all, however, is comment that just prior to coming to the hearing, as you mentioned, there is a fire occurring in northern California, and this is rather significant because it is burning into a fire—an area that previously burned in 2001. That area, which was national forest land, was not salvaged due to process delays. They attempted to sell some logs at about 2, 2–1/2 years after the fire and no one bid on the sale.

Just 2 days ago, fire came over the ridge, into that area, and completely eliminated all the standings, dead snags, all the downed logs, for the second time damaged the watersheds, and for the second time threatening the town of Weaverville. So I think it is pertinent to your committee to appreciate that a second fire only 5 years after the first can create a significant amount of damage.

I would like to summarize my testimony by just a few points. The first is that we are going to continue to have catastrophes such as we have had in the past due to wildfire, due to insects and disease, due to windstorm, and the question is what should we do about these lands. Is the land better served to let it proceed under natural conditions or should there be active management?

Resolving this issue really depends on emphasis being placed on identifying just what are the needs that are peculiar to that particular fire, that particular situation. Undoubtedly there will be mixes of responses that are appropriate. Some of the areas should be left alone for natural regeneration and recovery. Other areas a prudent land manager would want to address the possibility of salvage harvesting, and there may be other areas that would warrant some other kinds of restorative action.

Now, the areas that would benefit from salvage cutting, I want to emphasize that it is essential that prompt action be taken. We have abundant past experience. There is abundant peer reviewed research since the 1930's that has shown, particularly in areas that are relatively dry, that the burned areas rapidly become dominated by shrubs. So the importance of promptness is to get the slower growing conifers established before the areas become covered with shrubs.

Alternatively, one can, instead of having shrub fields there for perhaps 50 or so years, is to adopt some kind of action that enables one to return that forest back to pre-burn conditions in a much smaller frame of time.

Therefore we believe it is critically important for Congress to establish a process as outlined in FERRA, that involves immediate professional assessment, immediate consideration of prompt action using best management practices within the context of pre-approved plans. Again, I really want to emphasize the importance of the promptness to prevent the shrubs taking over the land.

I would like to perhaps illustrate with three posters here. The area on the left is national forest land that has not been salvaged. This is from a fire in 1992. The area on the right shows rehabilitation through planting. The question is does the area on the right that has planting enable the landscape to be returned to pre-burn conditions quicker than if it was left unattached.

The second poster, which I am afraid, Chairman Crapo, you cannot really see, shows an area that has been reforested after, 45 years after the burn. The interesting thing about that image is that it is a mixed conifer forest. The average person would not expect that that was a planted forest. It looks very natural.

The third one, behind you, is again a 45–year old area just adjacent to this one that was replanted, which is still a permanent brush field.

So I would like to thank you very much for your giving me the opportunity to provide testimony and I will be very pleased to address any questions you might have. Thank you.

[The prepared statement of Mr. Helms can be found on page 53 in the appendix.]

Senator CRAPO. Thank you very much.

Dr. Karr.

STATEMENT OF JIM KARR, PH.D., ECOLOGIST AND PROFESSOR EMERITUS, UNIVERSITY OF WASHINGTON, SEATTLE, WASHINGTON

Dr. KARR. Thank you, Mr. Chairman, for inviting me to be here as you discuss the Forest Emergency Recovery and Research Act. As you know, our Nation's forests provide vital natural and cultural benefits for all Americans. What you may not know, however, is that certain forms of disturbance play a vital role in sustaining our forests. Although people see wildland fires, wind and ice storms, and insect outbreaks as catastrophes affecting Federal and non-Federal lands, over time such events have in fact both created and helped sustain the character of many regional ecosystems.

Unfortunately, H.R. 4200 does not acknowledge that these disturbances play a constructive role. Rather the act is founded on the premise that, quote, "recovery treatments," end quote, are needed, quote, "in response to catastrophic events affecting lands," end quote.

I am especially dismayed that H.R. 4200 takes this view, given that half a century of publicly funded research by government and nongovernment scientists from a wide range of disciplines has demonstrated the contrary. My remarks today are based on my ecological research over 4 decades, particularly on research over the past

12 years with a dozen scientists, examining what happens when areas affected by natural disturbances—notice I did not use the word "catastrophe"; natural disturbances—are left to regenerate on their own or when humans intervene.

The first point I wish to make is that logging after natural disturbances is not an ecosystem restoration tool. Such logging damages forest landscapes, limiting populations of species crucial to the maintenance of these landscapes by impeding the natural processes that have long sustained these ecosystems. A substantial body of evidence, some dating from the early 20th century, demonstrates that post-disturbance logging impairs the ability of forest ecosystems to recover from natural disturbances.

Specifically, post-disturbance logging prevents or slows natural recovery by slowing the establishment of plant and animal populations and degrading streams. For example, the dramatic physical changes in forest structure resulting from hurricanes and insect infestations in New England do not disrupt biogeochemical cycles or degrade water quality, but post-disturbance logging increases nitrogen lost from those landscapes and does degrade water quality.

Post-disturbance logging also threatens species listed under the Endangered Species Act and places more species at risk, making future listings a near certainty. Damage from post-disturbance logging may consist of direct effects from logging, such as increased mortality of trees and other seedlings and damage to soils, or indirect effects of activities associated with logging, such as more traffic on existing roads, creation of new roads, or the spread of invasive species.

These observations are not mere points in an abstract scientific debate. They constitute an accumulation of on-the-ground evidence that logging after disturbance harms rather than helps the regeneration of forests. As one prominent forest ecologist has put it, and I quote; "Timber salvage is most appropriately viewed as a tax on ecological recovery." End quote.

The second point I wish to make is that recommendations exist for how to avoid damage from post-disturbance treatments and how to speed recovery of both terrestrial and aquatic systems. Because time is limited, I cannot discuss these recommendations in any detail. They are provided in my written testimony. They note that maintenance of healthy systems will limit the effects of natural disturbances, that post-disturbance activity should be limited in many circumstances. In the unusual circumstances when they are necessary, they must be done within the framework of a carefully formulated, scientifically rigorous program. As a tangent here, I would like to note that science is not a monolith and the science that we have heard people speak about today is not always the same thing, although the same word is used.

This post-disturbance logging should not be done in a rush, as happened following a major wind storm where, and I quote a person doing the analysis of that, "action was a substitute for thought." Because the lessons of science are so clear on this subject, more than 500 scientists from diverse disciplines, institutions, and geographic areas have acknowledged the ecological merits of the recommendations outlined in my written testimony. I ask that

this letter be put into the hearing record with those 540–some signatures.

Senator CRAPO. Without objection.

Dr. KARR. Yet I suggest that careful reading of H.R. 4200 reveals assumptions and language in the act that run counter to most of these recommendations.

In closing, may I also suggest that, like all legislation involving science, H.R. 4200 should be debated on its scientific merits, not its politics. Rather than rush to implement emergency treatments and risk undermining the public's interest in healthy Federal lands, as H.R. 4200 appears to do, I respectfully urge this committee to examine with great care the act's potentially irreversible consequences.

Thank you for giving me the opportunity to testify today. I shall be happy to take any questions you may have.

[The prepared statement of Mr. Karr can be found on page 61 in the appendix.]

Senator CRAPO. Thank you, Dr. Karr.

Mr. Krepps.

STATEMENT OF ROBERT L. KREPPS, ST. LOUIS COUNTY COMMISSIONER, DULUTH, MINNESOTA

Mr. KREPPS. Mr. Chairman, members of the subcommittee: I am pleased to provide testimony today on an important topic of forest recovery and reforestation, specifically the Forest Emergency Recovery and Research Act. My name is Bob Krepps and I currently serve as the Land Commissioner for St. Louis County, Minnesota. We manage 890,000 acres of county land, including several thousand acres within the Boundary Waters Canoe Area within the Superior National Forest.

I recently moved to Minnesota, having previously served as the State forester in Missouri for 6 years, and I have been engaged as a professional forester at the Federal, State, and now county level for 39 years. Today I am here to relay a need for action, action on the Nation's Federal lands after catastrophes, natural events, that type thing, where currently very little occurs.

I am not here to say that we need to do something on every acre after an event. But if the professional forest managers in the field, after public involvement and environmental analysis, think some recovery actions are necessary, they should have the processes and legal support to act quickly.

I would like to cite an example that Senator Coleman referred to. On July 4, 1999, a very intense wind storm came across northeastern Minnesota. It laid down basically 477,000 acres of forest land, primarily on the Superior National Forest, primarily within the Boundary Waters Canoe Area, but albeit 477,000 acres of forest was blown down and laid on the ground, which created a potential for intense burning fires.

8 years and 10 days later, a lightning storm came across the same area in northeastern Minnesota and resulted in two fires burning that are currently burning, as Senator Coleman referred to, burning about 34,000 acres at a direct cost to suppress and manage of $7.6 million as of 2 days ago.

I am not here to belabor the point of whether action should be taken in the wilderness. I am here to talk about early and prompt response to these type situations. Within St. Louis County, within the county lands, we rapidly did an assessment. We began the process of implementing projects and on the 7700 acres, more or less, of county land that was affected by the blowdown, by September we had the first round of projects available for implementation and in December we put the rest of them up. To date we have recovery under way on nearly 5,000 acres of forest land that the county manages, and that includes the harvest, removal of the fuel, and replanting.

It is important to note that St. Louis County Lands Department manages our county lands to provide optimum returns, while also aiming to ensure long-term sustained yields of renewable resources and to provide protection for wildlife, watersheds, and to provide for a diverse recreation resource.

St. Louis County also maintains dual certification by both the Sustainable Forestry Initiative and the International Standards Organization. Included in these certifications is a requirement to maintain environmental compliance with Federal, State, and local laws, regulations, and ordinances, and we are audited annually.

Having worked at the Federal, State, and county levels, I would say that the level of environmental consideration at the county level is at minimum equal to or exceeds the Federal standards and certainly involves less process and allows us to be more responsive.

I have several other examples that I would like to have just entered into the record through my written testimony. In summary, it is clear to me after witnessing these and other forest catastrophes first-hand that Congressional action is needed to better enable timely Federal response. When forest managers are allowed to move forward with timely recovery and reforest activities appropriate for the values and uses associated with the forest, the forest can be restored in a timely manner, sometimes much quicker than when left alone.

Congress needs to untie the Federal land managers' hands from lengthy process and administrative hurdles to enable Federal forest recovery. CEQ enabled this in the Superior National Forest with the granting of alternative arrangements. FERRA would accomplish similar objectives.

I strongly urge this committee to take action on FERRA and strongly support it. There are other bills that have been introduced as well within the Senate with options for addressing this problem and I encourage you also to take a look at these ideas and consider them as you move forward.

I guess in closing, Congress has an opportunity to provide the support and tools for Federal forest managers to better manage Federal forests. It is a tragedy that management of these forests, a national treasure, has become a quagmire of litigation, burdensome process, and court-driven decisionmaking. Forest managers know what needs to be done and they have incorporated science into their work through evolution over careers. But they are shackled in their ability to actually do the work needed.

I appeal to you here in Congress to clarify the laws, streamline the process, and give Federal managers the tools they need to bring

the Federal forests back to being a national treasure. Thank you for this opportunity. I will be happy to answer any questions you might have.

[The prepared statement of Mr. Krepps can be found on page 66 in the appendix.]

Senator CRAPO. Thank you, Mr. Krepps.

Ms. MacSwords.

STATEMENT OF LEAH W. MacSWORDS, DIRECTOR AND STATE FORESTER, KENTUCKY DIVISION OF FORESTRY, ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE FORESTERS

Ms. MACSWORDS. Thank you, Mr. Chairman and members of the subcommittee, for this opportunity to testify today. I represent the National Association of State Foresters. NASF supports FERRA because it will speed the implementation of recovery projects on Federal, State, and private lands and authorize needed research. It reflects the landscape scale of catastrophic events and recognizes that restoration work is more effective when it is coordinated across all ownerships through the use of assessments, restoration planning, and on-the-ground activities, and it provides funding mechanisms for restoration activities for private lands and communities.

In my written statement, I included examples from Kentucky, Minnesota, and the Southeast to show how we must deal with forest recovery at the landscape scale if we are to responsibly care for the Nation's forest resources. Allow me to share with you another example from Kentucky and submit additional information for the record to demonstrate the importance of this bill to the forests that are east of the Rockies.

On November 15, 2005, a tornado ripped through western Kentucky and greatly impacted the Land Between the Lakes National Recreation Area. It came across the northern end of the LBL and damaged timber in two areas. In one area cleanup efforts have been abandoned by the Forest Service due to cultural resources there. Proposed restoration activities on the other area, known as Tornado Alley, are under appeal and the Forest Service has taken no action.

In my written statement I described an ice storm that occurred in February 2003 which caused severe damage to thousands of acres of Federal, State, and private owned forest land in central and northeastern Kentucky. We were able to harvest the damaged timber on the Tygarts State Forest in less than 12 months. We would have finished that harvest sooner, but we had a confirmed Indiana bat sighting, which required us to obtain an incidental take permit from the U.S. Fish and Wildlife Service and delay the harvest until winter to reduce any possible impact on the bat.

Meanwhile, the Forest Service surveyed the damage on the nearby Daniel Boone National Forest and determined a restoration harvest was needed. They started the long process that they have to go through and issued a finding of no significant impact in February 1906. The first on-the-ground work is finally expected to begin this month, 3–1/2 years after the storm. But I understand that a lawsuit may soon be filed to challenge the agency's decision. Timber buyers in Kentucky doubt that the downed timber on the Daniel Boone will have much value to them at this late date.

I have another example to present for the record. What happened in Wisconsin mirrors what happened in Kentucky. A severe wind storm swept through two counties in northern Wisconsin in July 1999. Extensive areas of public and private forest land and a portion of a national forest were impacted. State, private, and non-Federal public agencies took quick action. They completed most of the salvage as well as training of fire personnel within 6 months.

By contrast, administrative and legal procedures kept the Forest Service from awarding contracts for salvage until January 1904, 4–1/2 years after the storm. By this time, much of the timber value was lost and the fire danger remained elevated for several years until the salvage harvest work was complete.

Since the passage of the Healthy Forest Restoration Act, the national forest staff have worked vigorously to complete other salvage environmental assessments in 9 to 10 months as long as there are no objections that can cause delays. Thus, even under the best circumstances, with current authorities the Forest Service cannot mitigate the summer storm damage until at least one fire season has occurred and with continued high fire danger and loss of more timber value.

NASF strongly supports the expedited process in this legislation, which still requires Federal agencies to comply with applicable land management plans, protect soil, water quality, endangered species, and historic values, and provide public notice and engagement. If we can act quickly on State and other non-Federal lands and still protect the environment, then Federal land managers should be able to follow suit.

The Forest Service and BLM must be able to deal with these disasters quickly and effectively because these catastrophes do not respect boundaries. We must work cooperatively across the various levels of government.

We urge your support for the passage of the bill and I thank you for the opportunity to testify. I would be happy to answer any questions you may have.

[The prepared statement of Ms. MacSwords can be found on page 76 in the appendix.]

Senator CRAPO. Thank you very much.

Dr. Helms, I think I will start out with you. Do you know of, either through the scientific literature or through your own personal experience, do you know of ecological benefits that come from recovery and reforestation activities? If so, could you give us some explanation and further development of that?

Dr. HELMS. My response would be my experience in California in the 1950's and 60's. At that time California had about one million acres of brush field and the Forest Service had a very active program or initiated a very active program of what was called brush field reclamation. Now, these brush fields were probably 50 years old. They had been sequentially burned and would remain in brush field.

So in response I would say one of the big success stories in California has been to take what was almost a million acres of brush field, some of which of course still is brush because it was deemed best kept in that state, but the majority of the area is now thriving forest and it looks for all the world like natural forest. It is mixed

species and mixed habitat and is a real asset to the people of the State and the Nation.

Senator CRAPO. Thank you very much.

Why is it sometimes necessary to actively recover forest sites?

Dr. HELMS. I think the two posters you have here illustrate that. It depends upon in the public's interest how quickly do you want to return the forest back to a pre-burn condition. If you take no action, then the area will proceed through plant succession in its normal time and this may take decades or even 50 years. That is perfectly fine, but when you have burns that are tens of thousands or hundreds of thousands of acres, particularly on dry sites, is this in the Nation's best interest, to have these lands not returned quickly back into the kind of form that might provide the variable values and benefits that society wants?

Senator CRAPO. Thank you.

Dr. Karr, is it your testimony that reforestation activities are never appropriate, that we should never engage in active management in the face of a fire or any of these infestations that we have been talking about today?

Dr. KARR. I think nothing should ever happen always or should never happen. I agree with that point completely.

I think that much of the testimony that I have heard today focused on getting the value out of the timber that was damaged by the fire, the insect outbreak, storm damage. Value there was crafted in the context of salable board-feet of wood. Often the value that derives from leaving those pieces of wood on the landscape exceeds or at least equals the value to be derived from that harvest, because of protection of water quality, because it will speed the succession or the redevelopment of a complex forest ecosystem there, because it will retain the populations of birds that are crucial in controlling populations of pest outbreaks in the future.

If you go in and remove all of that wood, then you do not have places for those populations of animals that might feed on the pest insects to control their populations in the future. There is a whole series of dimensions from water quality to soil quality to complexity of plant and animal life that occurs on these places, including downstream effects on communities as far away as coastal ocean environments, that are influenced by the nature of water quality and fish populations that are sustained by these headwater streams and forested landscapes.

Senator CRAPO. I noticed you said often that is the case. Other witnesses have said that there are occasions when active management should not be pursued, but that there are occasions when it is the most appropriate approach. Would you agree with that, that there are times when it should be done and times when it should not? Or are you saying that we should not engage in logging activities?

Dr. KARR. I am saying that the language in the bill suggests to me that the framework and context and thinking about how this bill will be implemented pretends that the scientific information that includes these other dimensions of consequences have not been brought to bear on the crafting of the language in the bill.

If that is the case, and I believe it is the case, then it is profoundly important that we incorporate the scientific results that

tell us about things other than board-feet harvested as the only context of conservation, to use Mr. Rey's term from earlier in the morning.

Senator CRAPO. So if I—I want to be sure I understand you. Your perception of what the bill says is that the only standard to follow in developing the recovery plans is board-feet of timber recovered?

Dr. KARR. No, my perception is that whenever there is an opportunity to have language crafted to suggest that we do not know anything or that we have limited knowledge, that diminishes, demeans, and in fact ignores or distorts the knowledge that we do have. It does not bring the existing knowledge to bear in an adequate way to protect the broader public interest in the context of our forested landscape.

So let me give you a specific example. The hemlock woody adelgid in New England is an introduced pest that is causing problems. It was included in somebody's testimony today. There is a paper just published, written by a forest ecologist from Harvard University, that explores three alternatives as ways of treating lands that are associated with the hemlock woody adelgid.

One alternative is to go in and preemptively harvest hemlocks to prevent the insect from contaminating the area. Another one is to go in after the hemlock—the bug has gotten in there and damaged the trees and removed them. Then the third alternative was to do nothing post-disturbance. It turned out that the worst thing that could happen in terms of water quality effects and nitrogen loss from that landscape was the preemptive. The second worst thing that could happen was the post-disturbance logging.

The best thing to prevent degradation in water quality and biogeochemical cycle consequences was to not do anything post-disturbance. There are numerous examples of that kind of thing, and I do not see that kind of major advance in understanding in the last 20 years incorporated into the framework and language of this bill.

Senator CRAPO. In the letter that you submitted, which was signed by the other scientists, one of the phrases in there is it says that "Neither ecological benefits nor economic efficiency result from recovery actions." If that is the case, then how do you explain all of the other examples we have had from many other witnesses today and that this committee often sees from witnesses of circumstances where the active management has resulted in a much more vibrant and thriving forest than the inactive management?

Dr. KARR. As a scientist, I have spent the last 40 years trying to go beyond the simple view that my eyes give me by exploring the multiple dimensions of various things that humans do and the multiple dimensions of the way natural systems are organized. I have repeatedly seen circumstances where on the surface things look like they are improved by certain kinds of actions, but when you develop the kind of analytical framework and exploratory and monitoring contexts that I think are important in these issues you understand dimensions that are not obvious at that first level of sort of broad overview, as can be seen and illustrated from the examples of people's visions of things today.

I would submit that that Harvard example of the hemlock woody adelgid is an excellent example of that. There are nutrient cycling,

biogeochemical consequences, and water quality consequences that cannot be seen by the sort of standard snapshots, pictures of what is going on. We need to be more careful in understanding the multiple dimensions of these things.

In my reading of the scientific literature in the last 30 or 40 years and conversing with lots of people who have a great deal more expertise about many of the dimensions of this than I have, I see us ignoring lots of insights.

Senator CRAPO. So if I understand—again, I want to be sure I do—your major concern is that you do not think that the legislation contemplates the thorough review of the entire scientific data bank, if you will, in terms of the direction it authorizes for the development of recovery plans?

Dr. KARR. Both what I see in the bill in terms of the language and framework of how it will be implemented does not give me confidence, and my experience in watching what happened on the Biscuit Fire in Oregon leads me to believe that the sort of standard operating procedures of the past will continue to be used, as opposed to exploring, understanding, and incorporating recent scientific advances in this discipline.

Senator CRAPO. All right.

Mr. Krepps, what are the conditions today on the St. Louis County lands that were actively recovered?

Mr. KREPPS. Mr. Chairman, we have reforestation that has occurred. Now, you have to recognize much of our land, about half of the acres that were affected, were aspen stands. We rely upon natural regeneration, sprouting, to go and get that back. We have also reduced the fuel loads on those. So those are 5 years headed toward recovery. We operate on a 60–year rotation. That is what our planning horizon is and so we have got that forest started back, where had we not went in and reduced the fuel loading we most likely would have been subject to wildfire as well.

The other half was pine, mixed conifers, and we went in and replanted all of those with seed stock that comes from the area. It is our seedling stock and it would be native seed or native seedlings that grow back. They are on their way to recovery.

We are seeing a lot of benefit. I guess responding a little bit to the question to Dr. Karr if I could, a lot of it is going to come down to what the objectives of the land management agency is. Our objectives are to optimize return to the county and to maintain that product coming to industry, as well as maintaining a healthy forest for the future. That is our objective. Other agencies derive their objectives through their line management plans.

Senator CRAPO. Do you think, is it possible to manage toward a return, but also achieve the objective of a healthy forest?

Mr. KREPPS. Very definitely, very definitely. I think we are seeing it. We have had other catastrophic events—natural events, I will acknowledge that—that within a short period of time we have recovery. I have also seen other areas that no action was taken and you have brush fields and less than ideal growing conditions.

So yes, recovery can occur. I have seen it many times in my career.

Senator CRAPO. All right, thank you.

Ms. MacSwords, with the expedited procedures that are in this legislation, do you believe that the Federal agencies will still be able to protect the environment and recognize the science that we have talked about today and assure that we do not diminish the viability of our forests?

Ms. MACSWORDS. Yes, I believe that they will. State agencies have been able to do restoration activities on State lands and working with private landowners and protect the environment. So I think with the expedited procedures that you are going to have in this legislation, Federal land managers should be able to follow suit.

Senator CRAPO. That raises me—I will just toss this question out to the entire panel. That raises to me a question, because we do have experience with management at the State and on private lands that has sought to achieve both objectives, both a return from the timber as well as environmental protection and assurance that we have healthy, strong, vibrant forests for ourselves and our posterity.

I just pass this question out to the panel: Is that, is the experience that we have had with the State and private land management, evidence that those two objectives can be achieved?

Ms. MACSWORDS. Yes, I think you can see that across the Nation. In our own case in Kentucky on the Tygarts State Forest that I mentioned earlier, what we dealt with was an area that we did the restoration harvesting. There was also an area that was around a cave area, where we elected not to do restoration harvesting. We were able to demonstrate that you would see natural regeneration in both areas. You can look now over the areas where we did our harvesting and the oaks are coming in.

So that is an example in my State. But I am aware of other State foresters who have faced similar challenges and are showing improved environmental benefits on the lands they manage and with the private forest landowners that they must work with.

I think one thing that I do not want to get lost in the discussion of this legislation is, we focus on what will happen on Federal lands, but this is important to private landowners and State and local governments as well. Almost 93 percent of the forest land in the State of Kentucky is owned by private forest landowners. Very little Federal land compared to the grand scheme of the amount of forests on the land.

What happens on private forest lands has the ability to impact what happens on the national forest lands and vice versa. Insects, diseases, disasters do not stop at the boundary line. So it is important that we all be able to work together to look at this landscape style management following any kind of disaster, whether you call it a catastrophe or an ecological burp in the system. You have got to be able to address it on a wide-scale level and that is what is important about this piece of legislation.

Senator CRAPO. Anybody else want to jump in?

Dr. HELMS. Mr. Chairman, I would encourage the committee to take a look at the case examples that are available when you look at the way in which different ownerships handle responses to these kinds of major disturbances, because you can have very, very on

the ground case examples of just what different approaches, how effective different approaches are.

I would just add that, in addition to State and private, I suggest that the committee also look at tribal lands, because in the West the land management objectives of the tribal peoples include a high level of sensitivity to environmental issues, and it would also be instructive for the committee to see how they respond to these kinds of issues in which they take active approaches to return the forest back to pre-burn conditions in a very successful manner.

Senator CRAPO. Thank you.

Anybody else want to?

Dr. KARR. Yes, I would just comment. I do not have knowledge of many States, but I have watched the process in the State of Washington and I am a little dismayed by the extent to which forest harvests to funding for schools is over the long term compromising the long-term ecological and other benefits that can be derived from those State forest lands. We are in a situation where the schools are in some sense liquidating the natural capital in forest lands at a rate faster than it can be sustained over the long term. That will both over the long term damage the schools and damage the natural resources of the State.

Senator CRAPO. So are the State-owned forests in Washington, in the State of Washington—are you saying that they are degrading?

Dr. KARR. I believe that that is a not unreasonable conclusion based on some of the land management decisions and so forth that are being made in the State of Washington, yes. If I could expand on the other point that was made, I strongly encourage looking at what counties, States, and various Federal agencies are doing in light of these kinds of issues, because it is something that has to be done across landscapes where there is an interdigitation of ownership and so forth.

I think it is really very important to go beyond the sort of veneer of those things and ask questions in each of those cases, what are the goals and what are the consequences in the many dimensions that are important in Federal land management to protect the broad public interest. It is easy to find things being done. It is harder to understand what the consequences in their multiple dimensions of those decisions are.

Senator CRAPO. Thank you.

Mr. Krepps, did you want to have the last word? I will let you have the last word if you want it.

Mr. KREPPS. Thank you, Mr. Chairman. Many good points made across the table. I guess from my perspective looking at the objectives, looking at where we need to go, certainly I understand the need for additional research, but I will also say that the forestry profession, the natural resource profession as a whole, has been evolving based on science since the beginning of the century, of the last century. Certainly there are still unanswered questions. We are always going to be looking for that additional research.

We also have to factor in the social and economic factors that we face on a daily basis within our communities and the need to utilize a product that is beneficial to society and to our economy in this country. As I said, we have a national treasure here. Our forest is a treasure that needs to be cared for and valued, and I be-

lieve we have diverted away from that over the last few years and we need to get back to it.

Thank you.

Senator CRAPO. Dr. Helms, you want the last word?

Dr. HELMS. If I may. Mr. Chairman, I would like to comment on the example provided by the Yellowstone burn, if I may.

Senator CRAPO. Sure.

Dr. HELMS. I would like the committee to understand that there is considerable variability in the way in which different forest types behave to fire. In the case of Yellowstone, the predominant species is lodgepole pine and this species is a pioneer species which the reproduction is enhanced by fire. In fact, it requires fire for the cones to open. So it is no surprise to ecologists to see that there is extremely rapid, very dense regeneration following the burn from lodgepole pine.

But I would hesitate to extrapolate that situation into other forest types.

Senator CRAPO. Well, thank you.

There is never a lack of controversy in these kinds of issues and these kinds of—this type of legislation. I appreciate the time that not only this panel but all of our witnesses today have put into helping us as a committee to evaluate it. We all know that there are a lot of politics, but there is also a lot of science and technological issues that we need to address and understand as we move forward on major legislation like this.

I assure you that this panel is going to very carefully evaluate the information that you have provided. It is possible—we will keep the record open for 5 days and it is possible that you will receive questions from other Senators who did not have an opportunity to make it to the hearing. We encourage you to respond to those promptly. Then we will carefully evaluate the information that you witnesses and others provide to this committee as we move forward.

With that, this hearing is adjourned. Thank you very much.

[Whereupon, at 11:34 a.m., the subcommittee was adjourned.]

A P P E N D I X

AUGUST 2, 2006

Prepared Statement for the Record

Of

Jim Crouch

Jim Crouch & Associates

On Behalf of Ouachita Timber Purchasers Group, Ozark-St. Francis Renewable Resource Council, and the Lake States Federal Timber Purchasers Group

Before the United States Senate

Agriculture Subcommittee on Forestry, Conservation, and Rural Revitalization

August 2, 2006

INTRODUCTION

Good morning Mr. Chairman and members of the committee. My name is Jim Crouch. I am the owner of Jim Crouch and Associates, a small forestry consulting business in Russellville, AR. We are involved primarily with wood supply problems associated with the national forests. I have owned and operated this business for 17 years. Prior to 1987, I was a career U.S. Forest Service employee for more than 26 years including eight years as the Forest Supervisor of the Ozark-St. Francis National Forests in Arkansas. So I understand both the agency and forest industry.

My testimony today is on behalf of the Ouachita Timber Purchasers Group, the Ozark-St. Francis Renewable Resource Council, and the Lake States Federal Timber Purchasers Committee. These groups are comprised of a broad array of forest product companies that buy and process wood from the national forests into many different products for use by people worldwide. They range in size from "mom and pop" operations with a handful of employees to vast far flung multi-national companies with thousands of employees worldwide.

The folks that I represent have a direct interest in the management of American forestlands, both public and private. Their mills depend on these forests for their feed stock. They support local communities and the social and economic benefits that accrue from using the wood fiber that comes from improving forest health. They also strongly support the important environmental values – clean air, clean water, and quality wildlife/fish habitat – that are associated with healthy forests.

Today, I will testify in support of FERRA. I will talk about the condition of our national forest lands and the need for the Forest Emergency Recovery and Research Act (FERRA) with limited references to BLM and state and private lands. I'll also suggest several minor changes to the bill.

Current Forest Crisis

Today, national forest managers are faced with almost insurmountable challenges from unhealthy forests, catastrophic events, a hostile stakeholder minority that opposes active forest management, and budgets that are woefully inadequate for implementing newly revised forest plans. However, there are many good, dedicated, hard working, and highly skilled managers and specialists at all levels of the agency who know how to restore forest health and increase productivity. They are terribly frustrated. They need your support and guidance.

The catastrophic events that we see unfolding on the evening news programs are merely symptoms of deeper, underlying problems in the forests. Management of national forest lands in recent years has been limited, custodial at best. Less than half of the work specified in the first generation of forest plans was accomplished by the Forest Service. Many would argue that the national forests are no longer sustainable. The forests are severely overstocked, are approaching biological maturity, and are highly stressed during periods of prolonged drought making them highly susceptible to stand replacing insect and disease attacks and fire. Mortality far exceeds growth or harvest. There is ample evidence that well-designed forest management prescriptions if applied can reduce the risk and keep our national forests healthy. These prescriptions include the removal of trees of all sizes and the regeneration of over mature stands. The cost of active management is much less that the enormous cost involved in suppression of catastrophic events and the follow up restoration work. The folks that I represent strongly believe that active management based on sound science and implemented through local decision making is critical if the national forests are to become healthy again.

Since 1905, we as a Nation have spent billions of taxpayer dollars to purchase cutover and abused forest and agricultural lands (the lands nobody wanted), to reforest them, and to nurture the young trees into today's pristine national forests of the South and the Lake States. We must not allow insects and disease or wildfire to harvest them. I strongly urge you and the agencies involved to make active management including thinning and regeneration harvests the top priority for these lands.

Let me share with you an example of what is already happening in our national forests. The red oak borer, a one-inch long beetle, has destroyed more than $1 billion worth of red oak in the Ozark Mountains of Arkansas and Missouri since 1999. Red oak borers have killed 50 million trees on 300,000 acres in the Ozark National Forest alone. Nature rather than man is now harvesting these over mature, overstocked hardwood stands. Prior to 1999, these forests supported many species of fauna and flora including rare and endangered ones, helped support strong regional forest based economies, and contributed too many other important forest values. Today, these acres are covered with thousands and thousands of tons of dead heavy fuels and snags along with a rapidly changing ecosystem with a different set of fauna and flora. Gone are the magnificent oak forests that provided an abundance of oak lumber, crossties, and pallets along with huge acorn crops that fed large populations of bear, deer, turkey, and squirrel. The heavy fuels will remain for many years to feed the catastrophic fires of tomorrow! This is not just a problem in the Ozarks it is a problem in almost every State that contains federal forests.

ECONOMIC IMPACTS

There are economic consequences in addition to the cultural and environmental impacts from agency decisions. As the health of the national forests has declined and timber programs collapsed, forest dependent communities and industries have suffered. According to the Pulp and Paper Resource Council's 2003 statistics 77 mills in the three Lake States (MN, WI, and MI) have closed or made major adjustments adversely affecting employees and the regional economies. In Missouri 11 mills were impacted and in Arkansas 15.

Forest Emergency Recovery and Research Act

Congress and the Administration have worked hard to reduce the impacts from catastrophic events and to improve forest health in our nation's forests. Congress passed the Healthy Forest Restoration Act and the Administration rolled out the Healthy Forest Initiative. The Forest Service revised many of its national forest plans using citizen input and collaboration. Major user groups and opinion leaders generally support these efforts, but a handful of radical groups and individuals who oppose active management continue to appeal and litigate agency decisions. The appeals and litigation are particularly damaging to agency restoration efforts following catastrophic events because of the time factor. FERRA is a critical tool that makes possible timely decisions and implementation of recovery plans. The folks I represent support this legislation because it allows the agencies to do what is right for the land. Sadly since 2003 when the HFRA bill was signed into law the federal agencies have only accomplished a little over 77,000 acres of this critically important work. That is less than 1% of the 20 million acre authorization that Congress envisioned be accomplished.

Following a catastrophic event, if an agency decision calls for removal of damaged timber as a part of the restoration work, the decision is usually appealed and litigated, and the timber loses it's commercial value before the Forest Service can do the paperwork and work through the legal process. The window of opportunity for harvesting usable wood from catastrophic events varies by species and regions of the country. For example, in the South where I live, we have at most a few months to harvest damaged southern pine timber before it becomes blue stained, riddled by insects, and commercially worthless. The situation is similar in the Lake States and the Black Hills National Forest in South Dakota although in parts of the west, damaged timber may remain useable for longer periods of time.

The Forest Service spends enormous amounts of money in an effort to "bullet proof" NEPA documents and to defend decisions against appeals and litigation. More than half of the current cost of a timber sale goes for these purposes. A renewable resource - wood is wasted and in the end millions of taxpayer dollars and agency time produces few tangible results. I am very concerned about this lack of results and the waste of tax payer dollars. FERRA will reduce the costs significantly in the areas of NEPA documents, appeals, and litigation. Additional funding may be needed to implement the recovery plans. Restoration of ecosystems damaged by large fires, hurricanes, and insect outbreaks require huge investments.

As an example of what is happening without FERRA - the Missionary Ridge Fire in southwestern Colorado burned about 70,000 acres. The Forest Service spent a year and

thousands of dollars completing an EIS to salvage 3% of the burned area. They were stopped in court over procedural questions about surveys for Abert squirrel populations. The Abert Squirrel is a game species that is routinely harvested by hunters in Colorado. Due to the length of time required to prepare the "bullet proof" EIS and the delay caused by appeals and litigation, the timber became worthless and the project was abandoned. The remaining snags and downed timber will provide heavy fuels for many years for catastrophic wildfires in the area.

I have several suggestions that I believe can make FERRA even more effective.

The requirement in Sec. 101 requiring the development of peer reviewed research protocols "For the purpose of conducting … a catastrophic event recovery project and emergency stabilization treatments" seems to me overkill. While we support the use of effectiveness monitoring and adaptive management to refine processes, Congress must not underestimate the experience and knowledge that the agency has acquired in the last 100 years. After all these are the men and women that restored the "lands nobody wanted" to the point that groups hammer on your doors asking you to designate "old cotton fields" as virgin wilderness.

In Sec. 3, the definition used for the term "Burned Area Emergency Response" seems to contradict the "Burned" portion in the term. The definition reads - "The term "burned area emergency response" means the process …..used to plan…..actions…..in response to a **catastrophic event** (emphasis added)." Paragraph (2) defines "The term "catastrophic event" as any natural disaster or any fire, flood, explosion …" We suggest dropping the word "Burned" and using the term "Area Emergency Response."

Sec. 104 requires the Secretary to make available a list of peer reviewed management standards that may be immediately implemented as a part of a catastrophic event recovery plan. Recently revised forest plans include a comprehensive list of standards (management practices) that are applied to certain lands under certain conditions. Since this list was subjected to public comment, the appeal process, and litigation, I suggest that it be used as a starting point for developing the necessary management standards. This approach would save considerable time and scarce dollars. As the forest plans are revised or updated, these standards can be modified or added to as needed

In the Lake Sates and the South where private, state, and national forest lands are intermingled, it makes good sense for the Forest Service, communities, and the State Forester to cooperatively develop landscape assessments and to work together on recovery projects and restoration as provided for in Title II of FERRA. This again saves scarce resources and helps keep everyone involved on the same page.

CONCLUSIONS

In closing, on behalf of the folks that I represent, I again thank you and your colleagues for your fine work on the Forest Emergency Recovery and Research Act. We urge you to pass it with the suggested modifications as soon as possible.

If you would include both my written and oral testimony in the record of this hearing I would very much appreciate it and I'll be glad to answer your questions.

Testimony of
Dr. John A. Helms
Professor Emeritus of Forestry
University of California, Berkeley
and Past President, Society of American Foresters
Before the
Senate Agriculture, Nutrition, and Forestry, Subcommittee on Forestry, Conservation, and Rural Revitalization
August 2, 2006

Chairman Crapo, Ranking member Lincoln, and members of the Subcommittee, thank you for the opportunity to provide testimony on this important topic, the *Forest Emergency Recovery and Research Act* (HR 4200) and related issues. My name is John A. Helms, Professor Emeritus of Forestry at the University of California, Berkeley where I served as Head of the Department of Forestry and Resource Management. I'm also the immediate past president of the Society of American Foresters (SAF), which I represent today. SAF is a professional society representing over 15,000 forest managers, researchers, academics, and private consultants.

As a forest scientist and professor for 40 years, my experience covers numerous forest types in the western part of the country. Forest catastrophes such as wildfires, windstorms, and hurricanes will continue to plague the nation's forests as they have in the past. According to the National Interagency Coordination Center, wildfires in the US have burned over 57 million acres over the past 10 years. Consequently, debate on this issue is extremely important.

When these catastrophes occur, the basic goal of professional foresters acting to sustain values of the nation's forests is to immediately assess the nature of the damage and, where necessary and feasible, apply treatments aimed at restoring ecosystem and societal values as rapidly as possible. Speed is essential, as immediately after a catastrophe there are imminent threats of erosion, degradation of stream and wildlife habitat, decreasing values of salvageable forest products, and invasion of rapidly growing shrubs that will likely dominate the sites for decades to come. Additionally, as time passes, the costs of reforestation increase dramatically and the potential for generating revenue from the harvesting of dead trees decreases (see Figure 1). The basic approach to mitigation and management is to recognize the diversity of post-catastrophic conditions and to promptly apply management treatments, where necessary, to prevent further degradation and loss of ecosystem and/or economic values, and restore forest health.

Many of the diverse forests we enjoy today are the result of actions taken by forest managers over the past 100 years. In California in the 1950s and 1960s, the USDA Forest Service had a very successful program converting thousands of acres of brushfields resulting from past wildfires back to forests. Without this program these lands would most likely still be dominated by long-lived shrubs.

Unfortunately, today we are seeing many of these forests reverting back to brushfields. Of all the acres burned in 2001 in California, only 3.8 percent have been replanted. Nationally there is a growing reforestation backlog, now one million-acres and increasingly daily.

The cause of this backlog in reforestation as well as the slow or sometimes complete lack of additional recovery activities is complex but is directly related to the extensive administrative procedures and process hurdles federal managers must comply with. In contrast, forestland owners and managers of county, state, and tribal lands typically respond immediately to catastrophes while maintaining environmental standards, as proven by numerous reports and post recovery evaluations.

The key to forest recovery is balancing ecological, economic, and societal values. SAF believes that this can be done through broad professional assessment after catastrophic events and, where necessary, prompt and direct treatments. Monitoring these actions then provides the basis for recovering from the next catastrophe. Varying conditions demand flexibility, professional analysis, and striking a balance among varying site-specific approaches.

I'd like to share with you some examples where recovery and reforestation was completed in a timely manner and examples where it has not been done.

2001 Gap Fire

The Gap Fire burned 1,373 acres of the Tahoe National Forest and 1,077 acres of private land in August of 2001. Most of the areas burned on private land were treated by the end of November 2001. Because of lengthy process requirements of the National Environmental Policy Act and one administrative appeal, the recovery efforts following the Gap Fire took over 3 years to complete. Trees to be removed during the recovery efforts lost over $1.3 million in value due to delay. As a result, less revenue was generated to pay for watershed restoration, reforestation, and fuels reduction. Today the remaining fuels create extremely hazardous fire conditions, and will cost roughly $600 per acre to treat.

1992 Mt. Shasta Fountain Fire

The Fountain Fire burned 100 square miles of forest in Shasta County, California in 1992 (see photo 1). Most of the land was industrial forestland with some non industrial lands interspersed. The fire burned severely in many places causing extensive tree mortality as shown in photo 2. Immediately following the fire, the industrial landowners quickly assessed the damage and began conducting tree removal and reforestation. In contrast, the private non industrial landowners did not reforest. Ten years later, as you can see in photo 3, the private land on the right contains a thriving forest while the public land on the left remains a brushfield and will remain so for perhaps a century. Even today, if the non industrial landowners decided to attempt recovery work, it is likely to be unsuccessful and extremely costly, due to the competing brush and shrubs.

1960 Volcano Fire

The Volcano Fire of 1960 is another good example of what timely recovery can accomplish. Following the fire, the federal lands were quickly restored and reforested. Note this was in 1960 and federal processes were not as cumbersome as they are today. Today, as you can see in photo 4, this forest is thriving, with many large trees and excellent wildlife habitat. In contrast, photo 5 depicts adjacent private lands that were never treated—today this area remains a brushfield of manzanita and other shrubs.

As evidenced by these examples, timely recovery and reforestation can be the difference between a brush field and a thriving forest. Unfortunately, this is not occurring on federal forests and better processes are needed to enable quick action after events. Additionally, recovery research and landscape approaches to recovery are critical. The House bill, the *Forest Emergency Recovery and Research Act* (HR 4200) (FERRA), enables federal forest managers to respond quickly to catastrophic events on the nation's federally owned forests and provide the flexibility to work with adjacent landowners following these events. SAF recognizes that several bills have been introduced in the Senate with worthy aspects in addition to the House bill and we urge that those ideas consistent with the basic premise of restoring both ecosystem and societal values be considered as you move forward.

SAF believes the processes authorized in FERRA will enable quick response to disasters while still maintaining environmental review, public participation, and opportunity to appeal and litigate projects. Additionally, we believe the authority in the bill to develop independently peer-reviewed, "pre-approved" management practices through a regulatory process, involving the public, offers a valid alternative to conducting lengthy environmental review for each project while forest conditions degrade.

FERRA also respects pre-determined direction given in forest management plans, meaning that all actions taken in response to catastrophic events must comply with forest management plans. This is extremely important, given that these plans are developed with extensive public involvement and analysis, taking years and sometimes decades to develop. These plans provide "sideboards" for forest management in the nation's forests and will help to ensure that recovery and reforestation efforts meet the publicly-vetted goals and objectives for each forest.

The bill includes language that recommends limiting the creation of plantation forests in reforestation activities, with no definition referenced. Single-species, even-aged plantations are not appropriate for every forest type and may not achieve desired management objectives. However, in some regions of the country, emphasis on reforestation of either even- or uneven-aged stands of either pure or mixed species may be appropriate for meeting society's goals. We encourage you to consider this needed flexibility for differing forest types, different reforestation techniques, and different management objectives as you move forward.

In addition to burdensome and time-consuming process hurdles federal forest managers are also faced with limited resources both in terms of technical expertise and funding. FERRA takes steps to address this issue, offering additional flexibility to use funds from other accounts to pay for recovery and reforestation. We urge agencies to hire employees with the necessary professional forestry expertise to meet the growing needs for prompt recovery and reforestation given the likelihood of future catastrophes in our overstocked public forests.

SAF strongly supports the research and landscape assessment components of FERRA. The landscape assessments will allow federal forest managers to coordinate responses to catastrophic events with other landowners, working across ownership boundaries. Coordinating management across the landscape, rather than focusing on a single ownership, is critical to ensuring effective watershed and wildlife habitat protection.

The research aspect of the Act is essential to improving our understanding of ecosystem and social processes regarding forest recovery and reforestation. In particular, research needs to be broadened beyond studying individual organisms to gaining an understanding of the overall impacts and effectiveness of applied restoration practices on maintaining the integrity of the incredible array of diverse ecosystems across the United States.

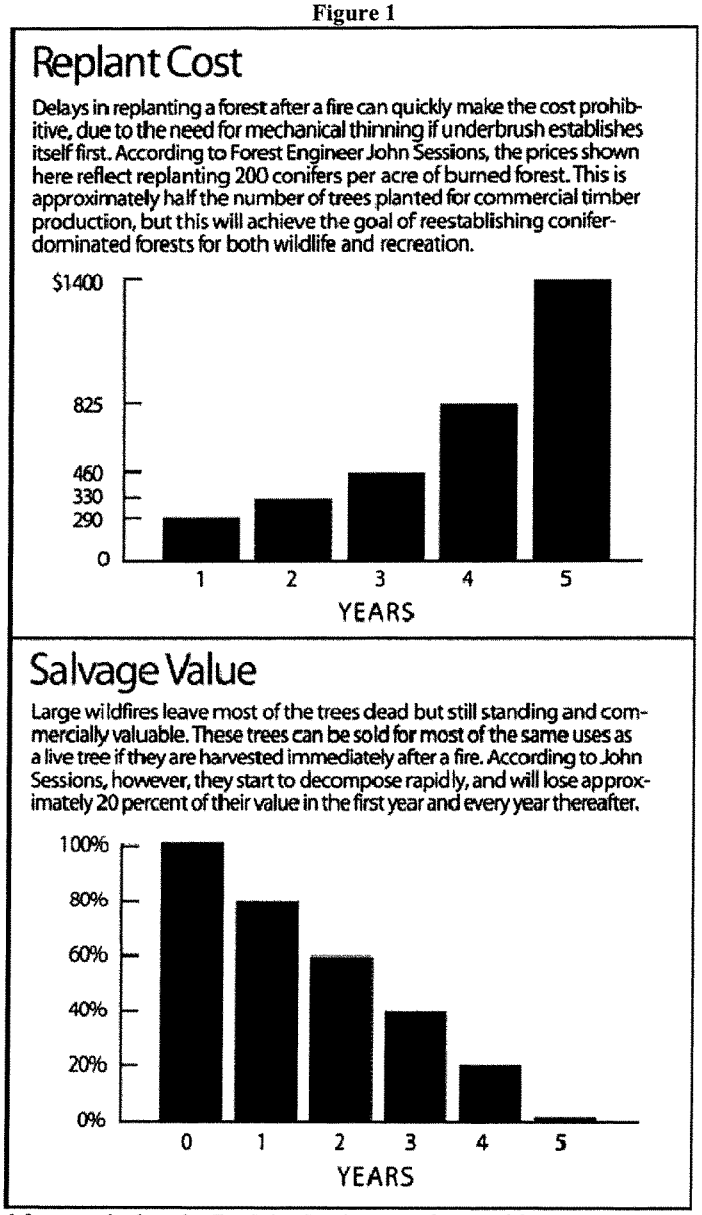
In conclusion there is no question that, eventually, forests will eventually come back on their own after catastrophes -- nature has been doing this for millennia. The issue is that human society operates on much shorter time frames, has within-forest infrastructure, and has diverse tangible and intangible values in forests that necessitate taking prompt restoration actions. Without action, forests commonly will take decades to centuries to fully recover the characteristics and functions that we strive to protect with our clean water, endangered species, and forest management laws and regulations.

Forest managers can restore these values in a timely manner, and have been doing so for decades. SAF urges swift Senate action to pass forest recovery legislation similar to that approved in the House. Now is the time to enable federal forest managers to respond promptly and effectively to fulfill their stewardship responsibilities on federal lands.

Mr. Chairman, thank you for your leadership on this important issue. I'm happy to address any questions you may have.

C:\Gary\2006\0706\DRAFT Helms Forest Recovery HelmsEdits2GN.doc

Figure 1



Extracted from study done by Dr. John Sessions, Professor of forest engineering, Oregon State University, College of Forestry

Photo 1

Photo 2

Photo 3

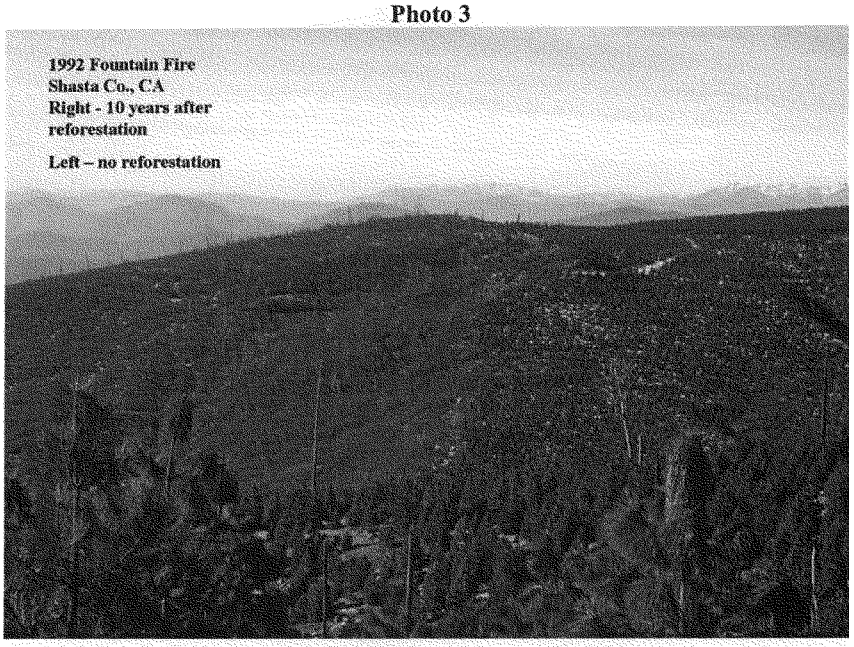


Photo 4

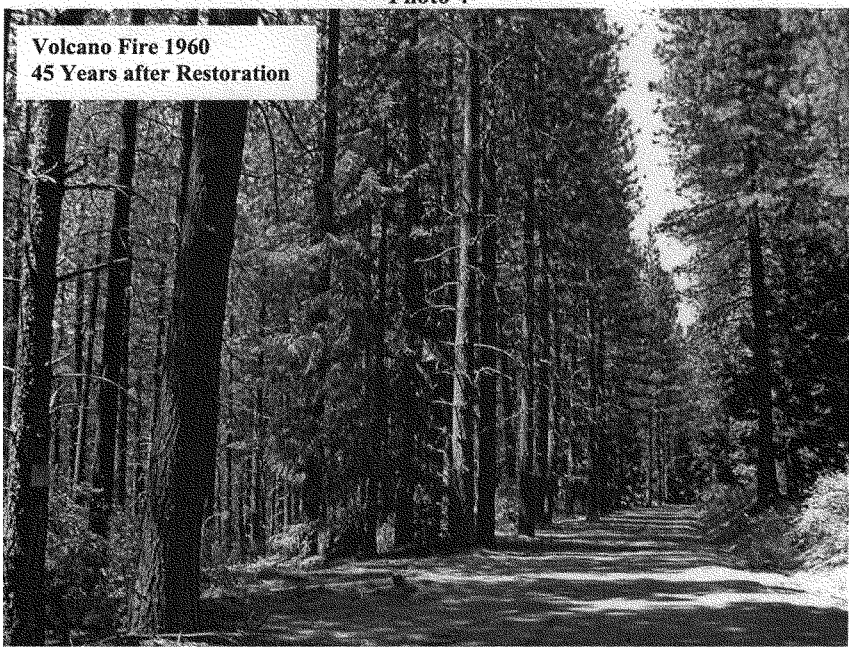
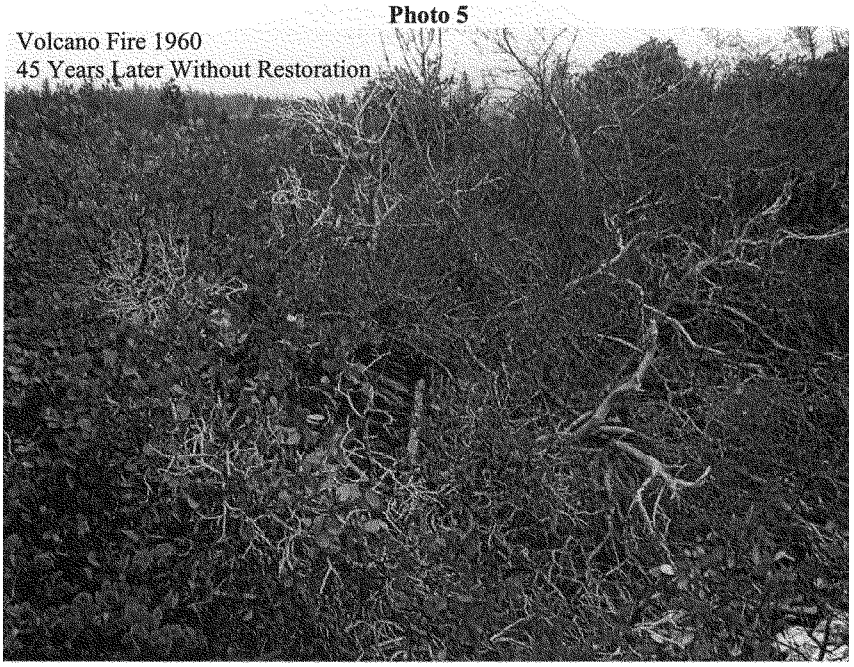


Photo 5

Volcano Fire 1960
45 Years Later Without Restoration



Testimony before the Subcommittee on Forestry, Conservation, and Rural Revitalization, U.S. Senate

August 2, 2006

Statement of James R. Karr

Thank you for inviting me to be here as you discuss the Forest Emergency Recovery and Research Act. As you know, our nation's forests provide vital natural and cultural benefits for all Americans. What you may not know, however, is that certain forms of disturbance play a vital role in sustaining our forests. Although people see wildland fires, wind and ice storms, and insect outbreaks as "catastrophes" affecting federal and nonfederal lands, over time, such events have in fact both created and helped sustain the character of many regional ecosystems. These ecosystems include forests, watersheds, rivers, and even wetlands and coastal areas far downstream. Natural disturbances have been of major ecological importance across the North American continent, from the Southeast to the Pacific Northwest.

Unfortunately, H.R. 4200 does not acknowledge that these disturbances play a constructive role; rather, the act is founded on the premise that "recovery treatments" are needed "in response to catastrophic events affecting Federal lands" (H.R. 4200, official title as introduced). I am especially dismayed that H.R. 4200 takes this view, given that half a century of publicly funded research by government and nongovernment scientists from a wide range of disciplines has demonstrated the contrary.

My remarks today are based on my ecological research over four decades, particularly on research over the past 12 years with a dozen scientists and others, examining what happens when areas affected by natural disturbances are left to regenerate on their own or when humans intervene.

In summary, we have learned that:

1. Postdisturbance logging is not an ecosystem restoration tool. Rather, postdisturbance logging damages forests and associated streams and slows or prevents natural ecological recovery.

2. To avoid the additional ecosystem stress and damage imposed by logging and other treatments after disturbances, a number of actions can be taken.

The first point I wish to make is that logging after natural disturbances is not an ecosystem restoration tool. Such logging damages forest landscapes by limiting populations of species crucial to the maintenance of these landscapes and by impeding the natural processes that have long sustained these ecosystems. A substantial body of evidence (some dating from the early twentieth century) demonstrates that postdisturbance logging impairs the ability of forest ecosystems to recover from natural disturbances (Frothingham 1924; Isaac and Meagher 1938; Beschta et al. 1995, 2004;

McIver and Starr 2001; Karr et al. 2004; Lindenmayer et al. 2004; DellaSala et al. 2006; Donato et al. 2006; Foster and Orwig 2006; Hutto 2006; Lindenmayer and Noss 2006; Lindemayeer and Ough 2006; Reeves et al. 2006; Schmiegelow et al. 2006).

Specifically, postdisturbance logging prevents or slows natural recovery by slowing the establishment of plant and animal populations and degrading streams. Logging after natural disturbances damages terrestrial and aquatic systems, plant and animal communities, sensitive areas, and crucial regional resources such as soils. For example, the dramatic physical changes in forest structure resulting from hurricanes and insect infestations in New England do not disrupt biogeochemical cycles or degrade water quality, but postdisturbance logging increases nitrogen loss and does degrade water quality (Foster and Orwig 2006). Postdisturbance logging also threatens species listed under the Endangered Species Act and places more species at risk, making future listings a near certainty.

Damage from postdisturbance logging may consist of direct effects from logging, such as increased mortality of tree and other seedlings, damage to soils, or destruction of key biological legacies (that is, intact understory vegetation, snags and logs, patches of undisturbed or partially disturbed forest; Lindenmayer and Noss 2006). Equally important are the indirect effects of activities associated with logging, such as more traffic on existing roads, development of new roads, spread of invasive species, further loss of biological legacies, and damaged soils as a result of burning of slash (the leaves, twigs, branches, and other organic material left after logging).

These observations are not mere points in an abstract scientific debate; they constitute an accumulation of on-the-ground evidence that logging after disturbances harms rather than helps the regeneration of forests. As one prominent forest ecologist has put it, "Timber salvage is most appropriately viewed as a 'tax' on ecological recovery."

The second point I wish to make is that recommendations exist for how to avoid damage from postdisturbance treatments and how to speed recovery of both terrestrial and aquatic systems (Karr et al. 2004; Foster and Orwig 2006; Lindenmayer and Noss 2006; Reeves et al. 2006):

- Protect and restore watersheds before disturbance occurs, because healthy ecosystems sustained by natural processes are more resilient to natural disturbances. Such protection is far less expensive than postdisturbance rehabilitation, which often brings new rounds of damage.
- Allow natural recovery to occur on its own, or intervene only in ways that promote natural recovery. For example, ensure that unburned and partially burned patches within the perimeter of a disturbed area are exempt from logging or subject only to low-intensity harvesting that leaves high levels of biological material behind.
- Retain old or large trees and other biological material because they provide habitat for many species, reduce soil erosion, aid soil formation, maintain desirable microclimates, and nourish streams.

- Protect soils because soils and soil productivity are irreplaceable on human time scales.
- Protect ecologically sensitive areas such as streamside, or riparian, corridors; roadless areas; and steep slopes because of their importance in maintaining local and regional biodiversity and protection of water quality and because physical and biological instability in these places often has repercussions that spread across landscapes. For example, after a disturbance, riparian areas should receive the same protection they received before the disturbance.
- Avoid creating new roads and landing zones (for logging by helicopter) in the disturbed landscape because they damage soils, help spread noxious weeds or pests, and alter ground and surface water relationships across the affected landscape; indeed, postdisturbance logging may affect a larger area or have a greater impact on forests than the disturbance itself (Frothingham 1924 and others cited by Foster and Orwig 2006).
- Limit reseeding and replanting, especially with nonnative species, which can impede native plant regeneration, or even with varieties of native species that may not be appropriate for local ecosystems.
- Do not place structures such as weirs, riprap, or artificially placed large wood in streams because their ecological benefits rarely outweigh the physical damage or expense of installing and maintaining them.
- Continue research, monitoring, and assessment that will improve our knowledge of postdisturbance ecosystems, but do this in ways that do not ignore or distort established principles of forest and river ecology.
- Educate the public so that they recognize that fires, storms, or insects on landscapes are not always catastrophes but crucial components in the evolution and maintenance of ecosystems.

More than 500 scientists—from diverse disciplines, institutions, and geographic areas—have to date acknowledged the ecological merits of the recommendations I have outlined here, including the recommendations' broader applicability in ecosystems other than national forests and affected by disturbances other than fire. Yet I suggest that a careful reading of H.R. 4200 reveals assumptions and language in the act that run counter to most of these recommendations. I offer the following quotes from a letter signed by these scientists, which express their concerns:

- "We are concerned that H.R. 4200 will bind us to land management practices that, perhaps logical in the past, are no longer tenable in the light of recent scientific understanding."
- "[N]either ecological benefits nor economic efficiency result from postdisturbance logging. . . . We urge you to work with your fellow lawmakers to craft legislation that will rely on the most up-to-date scientific knowledge to protect the natural resources of the nation's public lands."

In closing, may I also suggest that, like all legislation involving science, H.R. 4200 should be debated on its scientific merits, not politics (Karr 2006). Rather than rush to implement emergency treatments, rather than set aside a half century of ecological

research and risk undermining the public's interest in healthy federal lands—as H.R. 4200 appears to do—I respectfully urge this committee to examine with great care the act's potentially irreversible consequences.

Thank you for giving me the opportunity to testify today. I shall be happy to take any questions you may have at this time.

Contact Information

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Testimony of
Robert L. Krepps
Land Commissioner, St Louis County, Minnesota
Before the
Senate Agriculture, Nutrition, and Forestry, Subcommittee on Forestry, Conservation, and Rural Revitalization
August 2, 2006

Mr. Chairman, members of the Subcommittee, I'm pleased to provide testimony today on the important topic of forest recovery and reforestation and specifically, the Forest Emergency Recovery and Research Act (HR 4200). My name is Bob Krepps, and I currently serve as the land commissioner for St. Louis County, Minnesota, managing 890,000 acres of county land, including 2,370 acres within the Boundary Waters Canoe Area Wilderness (BWCAW) in the Superior National Forest. I recently moved to Minnesota, having previously served as the State Forester of Missouri for six years. I have been engaged as a professional forester at the federal, state, and now county level for 39 years.

Today I am here to relay a need for action-- action on the nation's federal lands after catastrophes, where currently very little occurs. I'm not here to say that we need to do something on every acre after catastrophes, but if the professional forest managers in the field, after public involvement and environmental analysis, think some recovery actions are necessary, they should have the processes and legal support to act quickly. As I'm sure many of you have heard in the media reports, two wildfires are currently burning within the Boundary Waters Canoe Area (BWCA) in northern Minnesota. These fires, started by lightening on July 14th, have burned nearly 34,000 acres at a direct cost to suppress and manage of $7.6 million as of July 31, 2006.

This abnormal wildfire is burning in an area that was hit by another catastrophe seven years ago–a massive blow-down that resulted in fuel loads of 50-100 tons per acre up from a normal fuel load of 5-20 tons per acre. Wildfires are a natural part of Minnesota forests, as they are in other forest types throughout the country. However, the magnitude and severity of the wildfires that are burning in the Boundary Waters are far from what would be considered natural and in fact, are probably the worst we have seen in decades. Most wildfires in northeastern Minnesota are human caused with very few lightening fires occurring on an annual basis.

The July 4th, 1999 blow-down affected an estimated 477,000 acres of forests in northeastern Minnesota. The majority of the blow-down acres were federal lands on the Superior National Forest, within the BWCA wilderness, but state, county, and private lands outside the wilderness were also affected, including 7,700+ acres in St. Louis County. After the blow-down, St. Louis County acted very quickly, removing the dead and dying trees on their lands and quickly conducting

restoration and salvage treatments. This restoration and recovery effort was completed within two years of the blow-down event and included logging and restoration on 5,200 acres and generated $399,000 for city, township and county programs that support county residents. Lake, Cook and Itasca County lands were also damaged and all three counties took very similar steps to recover and reforest their lands. Today these areas are growing into a thriving forest.

It is important to note that the St. Louis County Lands Department manages county lands "to provide optimum returns" while also aiming to assure long-term sustained yields of renewable resources and provide protection for wildlife, watersheds and provide for a diverse recreation resource. St. Louis County also dual maintains dual certification by both the Sustainable Forestry Initiative® (SFI) and the International Standards Organization (ISO). Included in these certifications is a requirement to maintain environmental compliance with federal, state, and local laws, regulations and ordinances. We are audited annually. We go through much of the same process as our federal partners, however the process is not as lengthy and unwieldy as the federal process. Having worked at the federal, state and county levels, I would say that the level of environmental consideration as the county level is, at a minimum, equal to federal standards, and involves less process.

Following the blow down, the Minnesota Department of Natural Resources also prepared a series of timber sales aimed at fuel reduction in areas outside the BWCA wilderness. These logging projects were in critical areas near private lands and areas of homes and businesses along the Gunflint Trail. These projects were planned and implemented in late 1999. In addition, state, county, and industry foresters helped private landowners find loggers to cleanup their damaged timber and provided information on long term planning and reforestation assistance.

In contrast to these actions, federal land managers, with alternative arrangements under the National Environmental Policy Act granted by the Council on Environmental Quality, treated some of the lands directly around roads and trails, outside the wilderness area. This was done relatively quickly—in 12-24 months--- although action on the adjacent non federal lands certainly took less time. The Superior National Forest developed a fuel treatment plan for the Boundary Water Canoe Area Wilderness to treat critical areas of the blow-down through use of prescribed fire. These prescribed fires, implemented from 2002-2005, were planned and implemented to reduce fuel loads and prevent or reduce the possibility of a wildfire spreading from the wilderness. These successful fuel treatments have helped with the suppression efforts on the Cavity Lake fire currently burning.

I'm not here to criticize the designation of the wilderness and the lack of action taken in that area—wilderness is a valid land use, when the designation is done

properly. What is most interesting about this story is the forests' response to the differing management approaches. The areas where action could be taken immediately to recover forest values and generate economic return are on the road to recovery. The areas where no action was taken remain brush fields, clearly a wildfire risk, and provide little of the recreation and other values that people go to wilderness areas to enjoy.

I know from personal experience that this problem is not specific to Minnesota's national forests or wilderness designations. Before my time in Missouri and Minnesota, I worked on the Kootenai National Forest in Montana. On August 13, 1994 the Kootenai National Forest experienced an intense dry lightening storm that swept across the forest. This storm resulted in over 200 fires which took over six weeks to suppress and control. In total more than 54,000 acres of National Forest were burned.

Within a week of when the fires started the Forest Supervisor designated a forest recovery team to begin the damage assessment, working in concert with the fire managers. This damage assessment considered direct and potential resource impacts, burn intensity, forest growth potential, rehabilitation work needed and opportunities to salvage timber that had been burned. The assessment was completed within two weeks of the fires being controlled. Recovery work was started immediately based on the assessment. Rehabilitation work began during the suppression effort and continued through the next year. Specific environmental analysis for projects began within a month after completing the initial assessment and the first salvage sales began in the spring of 1995 with most of the high priority work being completed by 1998. Unfortunately, this type of rapid action following catastrophes occurs too infrequently on federal lands today, as process hurdles and administrative delays become the norm.

It is clear to me, after witnessing these and other forest catastrophes first hand, that Congressional action is needed to better enable timely federal response. When forest managers are allowed to move forward with timely recovery and reforestation activities appropriate for the values and uses associated with the forest, the forest can be restored in a timely manner—sometimes much quicker than when left alone. Congress needs to untie federal land managers' hands from lengthy process and administrative hurdles to enable federal forest recovery. CEQ enabled this in the Superior National Forest with the granting of alternative arrangements; the *Forest Emergency Recovery and Research Act (FERRA)* would accomplish similar objectives.

I strongly urge this Committee to take action on FERRA. This bill mandates the federal agencies take immediate action to assess the damage after catastrophes, similar to what was done in the Kootenai example, and then provides the necessary expedited authorities if forest managers determine action is needed. It also contains important research and cross-ownership coordination authorities. In

addition to FERRA, there are a number of other bills that have been introduced in the Senate with options for addressing this problem and I encourage you to also take these ideas into consideration as you move forward.

Congress has an opportunity to provide the support and tools for federal forest managers to better manage federal forests. It is a tragedy that management of these forests-A National Treasure, has become a quagmire of litigation, burdensome process and court driven decision making. Forest managers know what needs to be done, but are shackled in their ability to actually do the work needed. I appeal to you here in Congress to clarify the laws, streamline the process and give federal managers the tools they need to bring the National Forests back to being a NATIONAL TREASURE.

Thank you again for this opportunity. I'm happy to answer any questions you might have.

Prepared Statement for the Record

On HR4200
The Forest Emergency Recovery & Research Act

Sue Kupillas
Communities for Healthy Forests, Executive Director
Roseburg, Oregon

Before the
Committee on Agriculture, Nutrition, and Forestry
Subcommittee on Forestry, Conservation and Rural Revitalization
United States Senate

August 2, 2006
Russell Senate Office Building
328A
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Good morning, Senator Crapo and members of the Subcommittee. My name is Sue Kupillas and I am Executive Director for a non-profit organization, Communities for Healthy Forests (CHF), based in Roseburg, Oregon. Communities for Healthy Forests mission is: "To realize the prompt restoration and recovery of the conifer forest in the aftermath of fire and other catastrophic events ensuring the presence and vitality of forest lands for future generations."

CHF is an organization of community members, liberal and conservative, republican and democrat, large and small business, including a farmer and school board member, a local judge, the Cow Creek Tribes, Unions and many organizations, who have come together around the common interest of a need to restore forests that have been devastated by catastrophic events. CHF is funded by local business, Unions, the Cow Creek Tribes, and Secure Rural Schools Title III funds.

CHF was founded because this group of community leaders recognized there are serious impediments to restoring forests in a timely manner, causing the number of damaged forest acres to grow annually. Communities for Healthy Forests is proud to support the Forest Emergency Recovery and Research Act (FERRA) because the key principle underlying FERRA is the need to move quickly to restore forests, key watersheds and wildlife habitats. Under current federal law, the Forest Service and Bureau of Land Management face an almost insurmountable amount of analysis, red tape, and bureaucratic steps following a catastrophic event. Unfortunately, some opportunistic groups use this important environmental review process under the National Environmental Policy Act (NEPA) as an avenue to delay projects through appeals and litigation until we are beyond the point of realistic and cost-effective rehabilitation and reforestation. Delay achieves their objective of no management, even if all their lawsuits are ultimately dismissed. This analysis paralysis is actually harming our ability to protect and restore our National Forests.

While federal forests suffer crippling delay in their process, tribal, state, and private forest land managers move forward with recovery and reforestation projects much sooner following these events. One recent example from Washington State is the School Fire, which was caused by a downed power line. It burned 52,000 acres on Federal (Forest Service), State, and Private land in Eastern Washington this past August. 27,000 acres of the fire area was managed by the Forest Service, 12,000 acres were managed by the Washington Department of Fish and Wildlife (WDFW) inside the William T. Wooten Wildlife Area, and 1,000 acres was managed by the Washington Department of Natural Resources. As we approach the one-year anniversary of the start of the School Fire, the Forest Service continues to slog through environmental review and never-ending NEPA analysis, while the state agencies are well underway with recovery and rehabilitation activities. Of the total acres managed by the State agencies, approximately 3,500 were forested and operations are almost complete to recover and reforest 2,700 acres (77% of total state managed forested area).

On November 14th, 2005, approximately 3 months after the start of the School Fire (August 5th, 2005), WDFW held a public auction for the harvest operations. The state required 100% helicopter logging and still received $91/ thousand board feet for the resource. Since then, over 20 million board feet has been salvaged, which is expected to generate over $2.6 million for important forest restoration activities and the state school trust fund. With initial proceeds from the recovery activities, over 16,000 seedlings were already planted on state lands this spring. State managers plan to undertake the replanting of 375,000 conifer seedlings, 225,000 wildlife browse species, and other restoration projects for fish and wildlife habitat and facilities improvements, including the replacement of elk fencing lost in the fire. WDFW works within a State Environmental Policy Act very similar to NEPA and is well on the way to restoring this Wildlife area. Meanwhile, the dead and dying timber on federal land is rotting with no chance to provide jobs or return value to underwrite the costs of restoring the federal lands.

One of the best examples of successful forest restoration can be found in my home state of Oregon. Beginning in 1933, a series of four catastrophic wildfires burned over 350,000 acres of forest land in northwestern Oregon. This huge expanse became popularly known as the Tillamook Burn. The people of the State of Oregon approved a measure to initiate a massive restoration effort to recover economic value from the burned timber, protect watersheds from erosion, and reforest the barren landscape by seeding and planting young seedlings. As a result of these efforts, on July 18, 1973, what was formerly known as the Tillamook Burn became the Tillamook State Forest.

Since then, the forest has returned over $2 billion in the form of revenue for county governments and needed rural jobs through forest management activities. Most importantly, the forests now provide immeasurable benefits in terms of fish and wildlife habitat, clean water, and open spaces for the enjoyment of all Oregonians. Today's vibrant Tillamook Forest is a testament to the benefits of taking swift action to successfully restore and rehabilitate a forest ravaged by catastrophic wildfire. The values this forest provides are now cherished by many, so much so that environmental activists recently ran an unsuccessful ballot measure to restrict forest management activities on half the forest. Mr. Chairman, this is just one example, and there are many others included in my testimony, that serve as real world proof of the benefits of taking swift action following catastrophic events.

Unfortunately, the current management of our federal lands following these events is anything but wise. A majority of these devastated federal forests, key watersheds, and critical wildlife habitat are being left to recover on their own. In many cases, the burned trees will fall to the ground, thereby increasing the risk of more severe wildfires. Without restoration and replanting, forest re-growth may be permanently choked out by fields of brush, or take centuries to develop into forests that support the diversity of plant and wildlife that once called them home. The federal government has literally become paralyzed by never-ending environmental review, procedural hurdles, and special-interest appeals and litigation. In fact, a recent report by the U.S. Government Accountability

Office (GAO) found that over a million acres of federal land is in need of reforestation. In my State of Oregon, recent fires on federal lands have burned hundreds of thousands of acres. Names such as the Biscuit, the B&B, the Baked Apple, and Warner Creek have been seared into the public consciousness. Unfortunately, little or no restoration has occurred following these fires because of procedural gridlock. It is clear that our Federal land managers need new tools to recover and restore our forests in a timely manner and FERRA provides those tools.

The need for legislation hits close to home for me, Mr. Chairman. Right in my back yard, is the 2002 Biscuit Fire which burned 499,965 acres. While approximately 178,000 acres are Congressionally withdrawn as Wilderness and not appropriate for recovery, almost 322,000 acres were in need of restoration activities. Of this amount, 312,000 acres remain untreated today due to the effects of delays, appeals, and litigation. Mr. Chairman, after almost four years, less than 10,000 acres has seen any level of reforestation, which is less than 3% of the total Biscuit Fire area. Federal courts have ultimately dismissed all lawsuits on the Biscuit, however, after almost four years, much of the value of dead trees is lost so there is little incentive or money to undertake further restoration activities. These posters are aerial shots of the Biscuit Fire from a helicopter trip I took last September. Just two weeks ago, coming back from a raft trip I drove through the Biscuit Fire area and it looks much the same. Dead standing trees for miles with some patches of green in the ravines the fire missed. I fear that this will be case for many decades, depriving our children and our children's children of the healthy green forest we once knew. (for further information visit USFS/Rogue-Siskiyou web site)

Our current federal laws and policies not only have negative environmental effects on the future of our forests, watersheds, and wildlife, but they are having a very real impact on the federal taxpayer. In many areas, the lack of inaction increases the risk of beetle infestation and wildfires, increasing future management and suppression costs to be borne by the federal taxpayer. This trend, along with our inability to treat federal forests before these catastrophic events, has led to spiraling wildfire suppression costs that have turned the Forest Service into a fire fighting agency. The inability of federal land managers to respond quickly to these events increases the costs of restoring our federal lands as well. For example, the 1994 Hull Mountain Fire in Jackson County, Oregon burned 8,700 acres. Private lands impacted by the fire were restored at a cost of $400 per acre and now have 30 foot trees. On the other hand, BLM lands, which saw a significant delay in reforestation activities, cost over $1,600 per acre to replant and is still dominated by brush. On the private lands, the value of the dead timber pays for the cost of reforestation many times over, while reforestation costs on federal lands were largely funded from the U.S. Treasury.

Another vivid picture can be witnessed at Mt. St. Helens, which I visited in June of this year, where private lands were restored and federal lands were not. Weyerhaeuser's private industrial land was salvaged and replanted following the 1980 eruption and harvesting and thinning of those trees is now taking place. I saw thirty and forty foot trees on the private land while the 110,00 acres of public land, now a National

Monument, is still a moonscape with a few flowering bushes. The dead trees were left to rot and without seed trees, may never return to a forest condition.

The 28,000 acre Timbered Rock Fire site included 9,000 acres of private industrial forest land. The private lands were salvaged, replanted, and streams were restored. Healthy fish runs have returned to the streams. On the BLM lands, an injunction prevented harvest and restoration. Just four years later, you can see the contrast in stages of recovery. Again, the private lands will be a beautiful forest again, while federal lands become brush fields. Before a lawsuit stopped the project, the BLM recovery plan included a research component with six objectives, including evaluation of mixed-species reforestation, to identify and characterize temporal patterns of vegetation structural development and species diversity, to assess temporal dynamics of fuels loading and fire risk, and to determine impacts of snag retention on survival and growth of planted trees.

Mr. Chairman, we have many practical examples of successful reforestation on private, state, and tribal lands to contrast with little or no reforestation on many of our federal lands. While we have practical experience in reforestation and some research, we still need further research to continue to improve our success with restoration. FERRA has a research component that will do just that by providing guaranteed funding for ongoing research and monitoring from the proceeds from harvesting this valuable resource. There are many examples of federal recovery projects in which research components were planned, such as the Timbered Rock Fire in Oregon, until litigation delayed the project beyond economic viability. This is truly unfortunate, Mr. Chairman.

The restoration of forests issue should not be controversial. Oregonians understand and support restoration, as shown by two polls completed in Oregon during 2005.
Davis, Hibbits and Mighall, and The Nelson Report, both excellent, credible polling firms conducted two separate polls on the issue of forest restoration. The July Davis, Hibbits and Mighall poll commissioned by Communities for Healthy Forests, and the October Mark Nelson poll showed very similar results.

In the CHF poll, it was no surprise that Oregonians consider protecting water quality a top priority (99 %). But protecting forests from wildfire was also important (91%). 76% of Oregonians believe (or strongly believe) forest restoration should happen. In the poll, restoration included removing dead trees and replanting seedlings. (The October Nelson poll had the same results.) The poll showed that 74% of people think it takes too long to restore if left untouched. There was little support for leaving burned areas alone, in questions asked in various ways, and 76% of Oregonians believe federal rules should be reviewed to allow restoration activity to happen quickly. The concept of reforestation should not be controversial and isn't to the majority of the public. Unfortunately, a select opportunistic group of activists is bringing this common-sense policy to a standstill.

The bipartisan Forest Emergency Recovery and Research Act, sponsored by Congressmen Greg Walden (R-OR) and Brian Baird (D-WA), is intended to give federal land managers the ability to react to catastrophic events affecting our forests. Whether it is wildfire, windstorms or insect and disease outbreaks, the legislation would require

rapid assessment of ecological conditions, and promote quick action where appropriate, to assist in recovery. The legislation would generate more than enough funding to protect forests from further degradation and expedite procedures to speed reforestation efforts. While CHF supports FERRA and believes that it is a good piece of legislation, today's hearing in the Senate provides an opportunity to begin incorporating provisions from other legislative proposals that have been introduced in this body dealing with forest restoration.

The effect of a broken system, which prevents us from restoring our forests, is truly disturbing. Delay, is not a neutral choice but one that is causing serious long term damage to our environment and deterioration of millions of acres of our National Forests. In 2002, over 650,000 acres of forest land burned in the State of Oregon. Just as the emergency wasn't over after hurricane Katrina slammed into the Gulf Coast, the emergency isn't over after the fires are extinguished. We badly need new tools to help our federal forest managers to respond to these events.

Mr. Chairman, we are praying for cooler weather as we are experiencing triple digit days which places us in danger in another fire season. Douglas County, Oregon has experienced hundreds of lightning strikes in the last two weeks. Those of us who live in communities with burned forests, drive through or fly over miles and miles of burned areas far beyond restoration, are hoping something can be done to prevent this from happening again.

Time is of the essence to pass this much needed legislation. Large-scale catastrophic wildfires have become more common in recent years and are expected to continue until the health of our forests is restored. With approximately 190 million acres of federal land at high risk of catastrophic wildfire, restoration efforts will take many, many years. Rapid assessment of damage, quick action, and reforestation are needed following such events. This legislation will provide the tools to help our federal forest managers do just that and the proceeds from harvest activities will pay for reforestation activities and generate jobs in our local communities. .

I would like to thank Chairman Mike Crapo, and the members of the Subcommittee on Forestry, Conservation and Rural Revitalization for holding this important hearing on the Forest Emergency Recovery and Research act and this critical issue. I believe you have a unique opportunity to build upon FERRA by developing and passing bipartisan, common-sense legislation before the end of the 109th Congress. I appreciate the opportunity to be here today and would be happy to answer any questions might have.

Testimony of Leah W. MacSwords
State Forester of Kentucky
On behalf of the National Association of State Foresters

Before the United States Senate
Committee on Agriculture
Subcommittee on Forestry, Conservation, and Rural Revitalization

August 2, 2006

Forest Emergency Recovery and Research Act

Good morning Mr. Chairman and members of the Subcommittee. On behalf of the National Association of State Foresters, I am pleased to have the opportunity to testify before you today on the Forest Emergency Recovery and Research Act. NASF is a non-profit organization that represents the directors of the state forestry agencies from all fifty states, eight U.S. territories, and the District of Columbia. State Foresters restore, manage, and protect state and private forests across the U.S., which together encompass two-thirds of our nation's forests.

Every year throughout the United States, forest catastrophes rob society of the clean water, wildlife habitat, wood fiber, beautiful scenery, and many other important values that these lands would otherwise provide. Repairing lands that have been ravaged by fire, hurricanes, ice storms, and other disasters must occur as quickly as possible to minimize these losses. This bill offers improvements that will speed the implementation of recovery projects following such events and authorizes badly needed research in support of these efforts.

We are very encouraged to see language in the bill recognizing that these events can occur across large-scale landscapes and that the ensuing restoration work needs to be coordinated across all involved ownerships. It is of particular concern to State Foresters that too often the lack of recovery work on federal lands creates additional threats for adjoining state and private lands, all of which have been impacted by the same disaster. The inclusion of landscape assessment efforts across all ownerships, as well as a focus on the preparation of Community Wildfire Protection Plans, will provide needed emphasis on restoration and protection for all lands.

I would like to point out just a few examples of how we have to deal with forest recovery treatments at a landscape level if we are going to be responsible caretakers for the nation's overall sustainable forest resource.

When an ice storm causes widespread damage to trees, the affected region frequently sees a buildup in harmful insect populations and forest diseases when pathogens find weakened, ice-broken hosts that are primed for invasion. If any particular landowner is slow to bring their forest back to a healthy condition, their land becomes the center for this forest pest buildup. Eventually the insects and pathogens will move from the

damaged, un-restored forests to surrounding healthy forests. In these instances, landowners who worked diligently to restore their lands will be harmed by the lack of action on the part of their neighbors.

In February, 2003 an ice storm heavily impacted central and northeastern Kentucky. The storm, which caused severe damage to forests by uprooting trees and breaking limbs, affected federal, state, and privately owned land. In response to the damage on the Tygarts State Forest, the Kentucky Division of Forestry quickly began a process to remove the downed and damaged timber to initiate the forest restoration process. Twelve short months after the ice storm had passed, the salvage harvest was completed and the forest was left to recover.

Private forest landowners who were impacted by the storm were often less successful in their efforts to respond to the damaged forests. Many were simply unable to afford the cost of hiring a consulting forester to prepare the sale of the damaged and downed timber. For others, the downed timber could not be sold due to the lack of markets for the material. In the end, these forests where treatment was not possible will take longer to recover.

The ice storm of 2003 also damaged several thousand acres of the northern end of the Cumberland District on the Daniel Boone National Forest. Forest heath protection specialists and pathologists with the USDA Forest Service began a survey of damage to the forests following the storm. Based on their findings, the agency determined that a restoration harvest would be necessary to reduce the vulnerability of the forest to insect and disease epidemics. Five months later, the Forest Service completed a draft environmental impact statement and asked the public to review the document and provide comments. In April, 2004 the final environmental impact statement was completed and by November of that year, an environmental assessment had been completed. The first on-the-ground recovery activities are expected to begin this month, three-and-a-half years after the storm. To make matters worse, a lawsuit challenging the agency's environmental assessment decision is expected to be filed soon.

In another case, shortly after noon on July 4, 1999, a wide line of intense, fast-moving thunderstorms – a weather pattern meteorologists call a *derecho* – swept eastward through the Boundary Waters Canoe Area Wilderness (BWCAW), contained within the Superior National Forest in northern Minnesota. The tall column of thunderheads expelled downbursts that created straight-line winds, which gusted to more than 90 miles per hour. The storm left a trail of downed timber, roughly 500,000 acres in size, parallel to the Canadian border. Approximately 370,000 acres of this devastation fell within the BWCAW.

Within days of the storm, state and federal work crews piled into the woods with crosscut saws and some chain saws, clearing debris from 1,520 campsites, 551 portages, more than 100 miles of hiking trails, and a similar length of ski and snowmobile trails. Minnesota DNR and USDA Forest Service foresters held timber sales to clean up more than 5,000 acres of downed trees on state and federal land outside the wilderness area.

An agreement signed with the federal Council on Environmental Quality for the last three months of 1999 streamlined the environmental approval process for the large-scale cleanup. Logging reduced the fuel for fires that could endanger cabins, homes, and resorts along the Gunflint Trail. It addition, state, county, and industry foresters helped private landowners find loggers to clean up their damaged timber and gave information on long-term management planning and reforestation cost-sharing assistance.

As no logging is permitted in federal wilderness areas, work on the BWCAW was limited to clearing portages and campsites from debris. Any significant work, such as hand clearing of downed wood and prescribed burning, had to wait for the completion of an environmental impact statement, which was eventually completed in 2001. A Forest Service fuels risk assessment report found that areas of once-dense forest has as much as 50 to 100 tons of dead wood per acre, forming a potentially perfect and nearly endless supply of explosive fuel for a forest fire of devastating proportions. On July 14, 2006 a lightning strike started a fire in the BWCAW that now encompasses 31,830 acres. As of July 28, the fire was 65 percent contained at an estimated cost of $4.7 million.

While FERRA does not apply to federal wilderness areas, this example highlights the difference between forests where quick action was taken following a catastrophic event and where little to no action was taken. In those areas where forest managers moved quickly, the forest is well on its way to recovery.

At this very moment in the southern United States, there is a growing danger of catastrophic fire due to the huge volumes of downed woody material left in the wake of hurricanes Katrina, Rita, and Wilma and dry weather currently affecting the region. Any landowner who is unable or unwilling to act quickly to clean up these ravaged lands is contributing to this risk. Once the fire starts – regardless of the ownership – the flames know no boundary. Federal land managers in the Gulf States know they must move quickly to address the substantial buildup of downed trees and reforest these areas quickly to prevent large wildfires and the danger of soil erosion. We fear the current federal review process may delay restoration activities until after damage from wildfire, insects and diseases, and soil erosion has occurred and has spread to adjacent state and private land.

For a number of years now federal lands in the western United States have experienced an increasing number of very large fires. Only a small percentage of these lands has received treatments to restore and revegetate the burned forestland effectively. In this case, the lands are characterized by large volumes of dead wood and large expanses of highly volatile brush that persist for many years. The likelihood of a re-burn in these areas – often as difficult to control as the original fire – is very high. Accompanying this high likelihood of yet another catastrophic fire is, again, the attendant risk to any adjacent landowner.

For the Forest Service and BLM to perform as responsible neighbors and good stewards over the large estate of federally owned lands in the U.S., they must be able to deal with these disasters quickly and effectively. In recognition of the fact that these catastrophes

do not stop at any single boundary line, we need to be able to deal with restoration issues across the various levels of government. Acknowledging that the body of scientific research available on the subject of forest recovery after major catastrophes is limited, we also need to better capitalize on the learning opportunities that may present themselves when such disasters occur. NASF is pleased to see a research component within this legislation to help address this need.

While federal forest managers are often constrained by process and regulations, state and private forest managers are often constrained by funding availability. The ability to move quickly to treat private lands is virtually useless if adequate funding is not available. State Foresters are pleased to see several funding sources addressed in the bill. Of particular interest is the ability of the Secretary to use FEMA funding in federally declared disaster areas to restore forests on non-federal lands. Currently, however, FEMA assistance may be used only when the President issues a disaster declaration. We recommend the legislation be modified to allow the Secretary to issue the necessary federal declaration.

To maximize the effectiveness of Special Recovery Projects, we recommend a dedicated funding source for these efforts. We also encourage you to strengthen the effectiveness of Community Assessments by expanding beyond communities impacted by wildfire to include the impact to the community's trees and forests from windstorms and insect and disease attacks.

We appreciate the measures that are proposed in this legislation and look forward to helping in whatever way we can to promote its passage. Thank you for the opportunity to testify today. I am happy to answer any questions you may have.

Testimony of
Mark Rey
Under Secretary for Natural Resources and Environment
United States Department of Agriculture
Committee on Agriculture, Nutrition and Forestry
Subcommittee on Forestry, Conservation and Rural Revitalization
United States Senate
Regarding
H. R. 4200, Forest Emergency Recovery and Research Act
August 2, 2006

Introduction

Mr. Chairman and members of the Subcommittee, thank you for inviting me to talk with you today about H.R. 4200, the Forest Emergency Recovery and Research Act. In October 2002, President Bush recognized the need to restore our Nation's public forests and rangelands to long-term health with the introduction of the Healthy Forests Initiative. The President directed federal agencies to develop tools to allow federal land managers to reduce hazardous fuel conditions in a timely manner. The Congress passed legislation that allowed for long term-stewardship contracts to implement management goals including fuel reduction projects. This committee also was instrumental in enacting the Healthy Forest Restoration Act of 2003 (HFRA) which is helping to address severe forest health conditions in a meaningful time frame.

While we now have tools to assist us in treating forest and grasslands to recapture healthy conditions, we have the need for similar tools to help us recover and restore areas after catastrophic events such as wildfire, hurricanes, tornados and other wind events, ice storms, insect and disease infestations, and invasive species impacting millions of acres of forests annually across the United States. So far this year, wildland fires have burned over five million acres on Federal, state and private lands throughout the nation and destroyed over 1,700 structures. Last summer Hurricanes Katrina and Rita, along the Gulf of Mexico, destroyed cities, tragically took many lives and disrupted millions of others. These storms also caused moderate to severe damage to about twenty million acres of woodlands, including private, state and federal ownerships across the Gulf States from Texas to Florida. Along with causing physical damage Hurricanes Katrina and Rita have adversely impacted many ecosystem functions and processes that create conditions for attack by invasive species.

Invasive insects and diseases pose great risks to America's forests and have risen to catastrophic levels over the recent past. Twenty million ash trees have been killed by the emerald ash borer in Michigan, Indiana, Illinois, Maryland, Ohio and Virginia. The non-native hemlock woolly adelgid is currently affecting over half of the native range of hemlock species. Sudden oak death has the potential to affect susceptible oaks in most of the eastern US. In Colorado and Wyoming alone, bark beetles have killed trees covering 1.7 million acres, and across the western US there are currently 6.6 million acres affected. These are some examples of the scope of the challenges to our resource managers, and we are using our current authorities to address these matters.

We believe H.R. 4200 would provide some innovative authorities to improve the ability of the Secretary to promptly implement recovery treatments in response to catastrophic events affecting

Federal lands. While these treatments include the removal of dead and damaged trees, the bill covers the entire spectrum of resource needs. Reforestation treatments, road and trail rehabilitation, and infrastructure repair are among other commonly critical aspects of post-disturbance recovery covered by the bill. H.R. 4200 also would support the recovery of non-federal lands damaged by catastrophic events, and would provide similar authority for Forest Service experimental forests. The Department strongly supports the goals of the legislation and its intent to get recovery actions accomplished promptly while focusing on maintaining sound environmental decision-making and public involvement, but we have objections to the spending provisions in Title IV and are prepared to work with the Committee on these provisions.

I would like to take you through each title and provide our views.

TITLE I – Response to Catastrophic Events on Federal Lands
Section 101 would direct the Secretary to develop research protocols or procedures for the purpose of conducting and evaluating the effectiveness and ecological effects of our recovery and emergency stabilization treatments. Research protocols would be designed to improve knowledge, understanding, and predictive capabilities to enable land managers to increase the long-term benefits and to decrease the short-term effects of management actions. The protocols would undergo peer review and be submitted to Congress no later than 180 days after enactment. They also would be made available to the public. Section 101(d) would authorize post catastrophic event research projects to be conducted in accordance with these protocols.

In the area of post-fire tree removal there is great debate, much of which is centered on the lack of scientific studies. In 2001, Forest Service research scientists McIver and Starr reviewed the existing body of scientific literature on logging following wildfire. The research paper titled "Environmental Effects of Post-Fire Logging: Literature Review and Annotated Bibliography" reviewed and interpreted twenty-one post fire logging studies. McIver and Starr concluded that while the practice of salvage logging after fires is controversial, the debate is carried on without the benefit of much scientific information. They also concluded that the immediate environmental effects of post-fire logging is extremely variable and dependent on a wide variety of factors such as the severity of the burn, slope, soil texture and composition, the presence or building of roads, types of logging methods, and post-fire weather conditions.

We realize that there is much to be learned about post-event recovery and restoration treatment, and we are encouraged that H.R. 4200 helps address this issue through greater integration of management and science. The bill would strengthen the agency's ability to improve the effectiveness of post-disturbance management practices on various site conditions through the application of adaptive management procedures that couple management and scientific research in the design, data collection and analysis of post-disturbance management actions. The bill's provisions on research protocols, monitoring and forest health partnerships would improve the environmental quality of decisions through continuous learning and adaptation while forging partnerships between managers, researchers, communities and interested citizens. The results of this research-management integration will help managers to better predict and prevent undesirable effects from postfire logging activities, and to structure projects that enhance the economic and other benefits from such treatments.

Section 102 would direct the Secretary to conduct catastrophic event recovery evaluations, depending on the scope of the event. Evaluations would be required for catastrophic events over 1,000 acres, but may be used for smaller events. The required evaluation could begin as soon as practicable during or after the conclusion of the catastrophic event and must be completed in 30 days. The bill would provide an extension on a case by case basis of up to sixty days. The evaluation would be developed using an interdisciplinary approach, public collaboration and public notice of each evaluation and any public meetings. A rapid evaluation provides land managers and the public needed information on resource damage and how to proceed with recovery efforts.

Section 104 would authorize the Secretary to prepare a list of management practices, by forest type or plant association group that may be immediately implemented as part of a catastrophic event recovery or research project. The list of pre-approved management practices would be prepared using notice and comment rulemaking and would be subject to peer review. To comply with consultation under the Endangered Species Act, the Secretary may use emergency procedures as provided under the ESA regulations. A decision document would be issued within 30 days after the Secretary determines under Section 102(d) whether to implement a pre-approved management practice, and the practice could be immediately implemented without further NEPA after the provisions of Section 104(f) have been met. Once established, the list of pre-approved management practices would provide the agency an important tool to accelerate its ability to implement recovery activities.

Section 105 would authorize the Secretary to utilize emergency procedures to develop and analyze a recovery or research project. In conducting an environmental analysis, the Secretary would not be required to study or develop more than the proposed agency action and the alternative of no action under NEPA. A decision document would be issued no later than 90 days after the Secretary determines whether to use the emergency procedures and could be immediately implemented once the provisions of Section 105(d) have been met. This authority would greatly enhance Forest Service ability to work collaboratively to develop proposed recovery projects.

The Department supports the inclusion of a pre-decisional administrative process in Section 106. We believe that a pre-decisional objection process would encourage more up-front participation in the public involvement processes and provide the opportunity for those that participate to express concerns about a proposed decision. Public interest is better served through mutual efforts to resolve differences before a decision document is signed rather than by trying to resolve those differences after a decision is made.

Section 107 would direct the Secretary to standardize the collection and reporting of reforestation needs in response to catastrophic events through agency-wide guidance. These requirements are similar to recommendations made in a recent GAO audit report (GAO-05-374), which the agency is already implementing. The Department supports these requirements which will help the Forest Service better understand where the needs are most serious and help managers develop options for treatments to achieve Land and Resource Management Plan objectives.

We support Section 108(a) which would provide the flexibility for managers to use any other applicable statutory or administrative authorities to conduct a post-catastrophic event recovery project or post-catastrophic event research project that is not implemented using the emergency procedures in Section 105. Section 108(b) would allow the Secretary to give consideration to local contractors in awarding contracts to implement pre-approved management practices and projects for which emergency procedures are used. Peer review which would be required under Section 101(b) and Section 104(b), monitoring which would be required under Section 104(h) and 105(f), and the preparation of a recovery evaluation or recovery proposal would be exempt from the Federal Advisory Committee Act under Section 108(c). These provisions support the underlying theme of HR 4200 for rapid assessment and quick action to assist in recovery.

Section 109 would require the Secretary to ensure the application of standing dead trees and downed wood retention guidelines as contained in the applicable land and resource management plan. If the plan does not contain these guidelines, trees would be retained in the oldest age class to provide wildlife habitat, a long-term nutrient source, and as practicable, the more decay resistant species. We would like to work with the committee to clarify the requirement to provide a long-term nutrient supply in Section 109(a) (2) (b). The Forest Service currently has studies in place such as the long term soil productivity studies in a variety of forest ecosystems throughout the U.S. to determine long-term nutrient requirements. These study installations have only been in place for a couple of decades, and we want to assure that current knowledge is compatible with the bill requirements.

TITLE II – Restoring Landscapes and Communities Impacted by Catastrophic Events
Section 201 would amend the Cooperative Forestry Assistance Act of 1978. The Act is currently one of our primary authorities for cooperative relationships with private landowners and communities on non-federal lands. Catastrophic events frequently cross a mix of land ownerships and the effectiveness of post-disturbance recovery efforts – such as those related to water quality, insect pest outbreak and storm disaster recovery - often depends upon coordinated action across multiple jurisdictions. Section 201 would provide authority for working across boundaries with local communities, Tribes, and State Foresters. These provisions would clarify expectations of people and communities regarding the assistance provided by the Forest Service in response to post-catastrophic events.

Section 201 would authorize the Secretary to cooperate with eligible entities, at their request, to prepare landscape assessments of non-Federal land and community wildfire protection or related plans. This coordination between Federal managers and private landowners and communities could help to better address post-catastrophic event effects on watersheds, reduce the risk insect damage to forests across a landscape, and prevent the spread of invasive plant and insect species to non-Federal lands.

The Secretary would be authorized to provide both technical and financial cost-share assistance to assist in the preparation of landscape assessments and community wildfire protection plans and to implement special recovery projects identified in the assessments or community plans. This authority would articulate the practice of post disaster assessment that we typically conduct with States and local governments, and foster a collaborative approach to post-event treatment on

a larger landscape across both public and private lands. We believe that with the combination of these clear authorities, the know-how to assist, and the relationships that we have built over time, the Forest Service would be better positioned to assist in post-event recovery efforts.

TITLE III – Experimental Forests
Section 302 would authorize the use of pre-approved management practices on experimental forests. Section 303 would authorize the use of emergency procedures for any activity or series of activities in Section 105(a) in experimental forests. We would like to work with the committee to clarify language in this section to insure that experimental rangelands are included in this authority, and to address other issues.

TITLE IV – General Provisions
Section 402 would require the Secretary of the Treasury to establish a special account for each Secretary concerned for research-related use. Ten percent of the gross proceeds from catastrophic event recovery and research projects would be deposited in the special account to develop research protocols, to implement research projects, and to provide monitoring.

Section 403 would expand the authorities of The Knutson-Vandenberg Fund and the Forest Service Salvage Fund to allow their use for pre-approved management practices and for catastrophic event recovery and research projects and other activities.

Under Section 404 FEMA would be authorized to reimburse the Secretary concerned for any assistance provided for non-Federal land designated by the President as a major disaster or emergency area as authorized by the Robert T.Stafford Disaster Relief and Emergency Assistance Act.

While we support the new procedural authorities contained in H.R. 4200, we object to the spending provisions in Title IV.

Summary
Mr. Chairman, we believe H.R. 4200 would provide several innovative measures to land managers to promptly respond to emergency resource recovery on both federal and non-federal ownerships. The bill would provide direction for rapid response to catastrophic events and allows mangers and partners to spend less time planning and more time doing. The bill integrates strong science with management and public participation while providing additional flexibility on where and how we can use these tools. The Department strongly supports HR 4200 and its intent to get recovery actions accomplished promptly while focusing on maintaining sound environmental decision-making and public involvement, but has objections to the spending provisions in Title IV of the bill. We would like to work with the Committee to address these objections and some additional technical issues.

This concludes my statement. I am glad to answer questions.

TESTIMONY FOR THE HEARING ON H.R. 4200

August 2, 2006

Good morning. I am honored to be here today and to have the opportunity to discuss with you H.R. 4200, the Forest Emergency Recovery and Research Act.

I am Oregon State Senator Charlie Ringo. I represent Northwest Portland and parts of Washington County.

I am here today because of work I did earlier this year investigating the state of academic integrity at Oregon State University's College of Forestry. This became an issue because of the scandal that occurred concerning how the leadership of the College of Forestry reacted to the publication in Science magazine of a paper by several graduate students. That study is often referred to as the Donato paper, after its lead author, Daniel Donato.

This issue is relevant to the business before this Committee today because you have got to be able to trust the science that is offered to support the proposed legislation. You have got to know your policy decisions concerning how to manage post-fire recovery efforts are based on sound science, and that the scientific opinions are not somehow skewed. And that's particularly important when you have an issue like forest management, which is so laden with emotion and fraught with the power of special interests. You have to know that you are getting the straight, unvarnished science.

And I'm here to tell you that a large amount of evidence discovered in my investigation into OSU's College of Forestry indicates an overwhelming industry bias, and that this bias forces one to question the credibility of the scientific opinions offered by the College leadership in support of H.R. 4200.

Please allow me to explain.

When the prestigious journal *Science* accepted the Donato paper for publication, that should have been a cause for great celebration among the leadership of the College of Forestry. It was quite an accomplishment for those graduate students. But there was one problem: the conclusion of that paper was not convenient for those advocating for H.R. 4200, and in particular, it was not welcomed by the timber industry.

I obtained through a Freedom of Information Request a series of emails sent and received by Hal Salwasser, the Dean of the College of Forestry. These emails demonstrate that Dean Salwasser worked hand-and-glove with timber industry representatives to undermine the

conclusions of the Donato paper. Dean Salwasser was not interested in advancing the best available science. Rather, his overwhelming concern was to help his allies in industry who suddenly had a problem.

I'd first like to show you an email that was sent from Luanne Lawrence, Vice President of University Advancement, to Dean Salwasser. The email is dated January 4, 2006. It gives Dean Salwasser a heads up that *Science* magazine is about to publish the Donato paper. Lawrence tells Salswasser "I am sure you will hear from your industry partners and any nemises we have in sustainability.

The next document I'd like to show you is an email string representing a series of communications involving Dean Salwasser's efforts to do damage control by working with industry representatives to put the right "spin" on the Donato paper to minimize it's potential impact on H.R. 4200.

During the hearing I will show you other emails that indicate a dominant timber bias on the part of the College of Forestry.

So what is the most credible, believable science? Well, please consider that when Professor John Sessions testified before the House committee in favor of H.R. 4200, he did so based on a paper that had not been through an independent peer review process. Nevertheless, the College of Forestry promoted his conclusions as based on proven science. In contrast, the Donato paper was peer reviewed by an independent body of scientists. In terms of credibility, the Donato paper stands far higher than the opinion of Dr. John Sessions.

I urge this committee to make decisions based on sound science. It's clear that the science coming from the leadership of the College of Forestry is simply too tainted to be given any credibility. This Committee should reject the current version of H.R. 4200.

Statement of Lynn Scarlett
Deputy Secretary
U.S. Department of the Interior
Subcommittee on Forestry, Conservation, and Rural Revitalization
Committee on Agriculture, Nutrition, and Forestry
H.R. 4200, the "Forest Emergency Recovery and Research Act"
August 2, 2006

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 4200, the Forest Emergency Recovery and Research Act. In recent years, our forests and rangelands have experienced uncharacteristically intense fires as well as extensive outbreaks of disease and insect infestations. To address conditions that increase risks of catastrophic fires, the Administration and the Congress have provided Federal land managers with tools to expedite activities to restore public forests and rangelands to healthy conditions. These tools are making a difference as the Forest Service and Interior's agencies, by end of FY 2006, will have reduced hazardous fuels since 2001 on over 19 million acres of public and Tribal lands, including over 3 million acres treated to achieve other land management objectives.

However, when fire, drought, insect epidemics, or other catastrophic events occur on public lands, procedural delays under current laws still prevent timely implementation of recovery and restoration activities. Failure to undertake timely recovery actions after these events has adverse environmental, economic, and community impacts. H.R. 4200 would help agencies avoid these impacts by providing tools to agencies to expedite recovery and restoration activities. The Administration strongly supports the land management provisions of H.R. 4200, but objects to spending provisions in Title IV of the bill.

In testimony before the House Resources Subcommittee on Forests and Forest Health on November 10, 2005, we objected to the spending provisions in Title IV of the bill and indicated we would also like to work with the sponsor and the Committee to address some technical concerns. On May 17, 2006, the House of Representatives passed an amendment in the nature of a substitute to H.R. 4200 that addressed most of our concerns and eliminated the funding provisions to which we had objected. We look forward to working with the Committee to address our remaining concerns. The Department strongly supports the House-passed version of H.R. 4200. However, as noted above, the Administration continues to object to the spending provisions in Title IV, and welcomes the opportunity to work with the Committee to resolve our concerns.

Within the 261 million acres of public lands managed by the Bureau of Land Management, approximately 55 million acres are forests and woodlands. Of these 55 million acres, 2.2 million acres comprise Oregon and California Railroad lands and Coos Bay Wagon Road lands (O & C lands of Western Oregon). Over the past several years, the Department of the Interior agencies and Forest Service have been aggressively reducing risks of catastrophic wildland fires and the threats they pose to communities in the wildland urban interface.

The President's Healthy Forests Initiative of 2002 directed the Department of the Interior agencies and the Forest Service to expedite reductions in hazardous fuels on public lands, restore

ecosystems, and protect lives and communities. To facilitate this work, the Administration developed new procedures, including streamlining consultations under the Endangered Species Act (ESA) and expanding use of categorical exclusions under the National Environmental Policy Act, to expedite fuels reduction and related projects. The Congress has supplemented these tools with additional funding and legislative authorities that include the Healthy Forests Restoration Act, Tribal Forests Protection Act, and the stewardship contracting authority provided in the FY 2003 Omnibus Appropriations Act (Section 323 of P.L. 108-7).

From 2001 through the end of FY 2006, Interior Department agencies will have treated nearly 7 million acres through the hazardous fuels reduction program (plus another 1 million acres of landscape restoration), including implementation of 82 stewardship contracts by BLM covering 22,000 acres, with 45 contracts covering 19,500 acres planned for FY 2006. Using HFI/HFRA tools, the BLM increased the hazardous fuels treatments from 13 projects treating 358 acres in FY 2003 to 882 treatments on 129,000 acres in FY 2005. BLM plans for FY 2006 are to reduce hazardous fuels on 107,000 acres (1,059 treatments) using HFI/HFRA authorities.

These projects have generated significant benefits by improving forest and rangeland health and reducing risks of catastrophic fire. Consider three examples. In June of last year, the rapidly responding Jerome, Idaho, rural fire department and BLM crews held a wildland fire to just four acres because fuels treatments altered fire behavior. Fish and Wildlife Service personnel kept the Old 64 Fire to one-half acre at the Alligator River National Wildlife Refuge last year because of previous fuels treatments. Fuels treatments on the Pechanga Indian Reservation enabled Tribal firefighters to successfully protect homes and concentrate resources to suppress the Morales Fire last fall.

H.R. 4200 builds upon tools developed for hazardous fuels treatments by providing expedited procedures for use in recovery actions in the wake of fires and other catastrophic events. Post-fire situations often require a rapid coordinated response to assure effectiveness of recovery and restoration efforts. Moreover, the environmental threats typically do not stop at ownership boundaries. Treatments limited to one side of a jurisdictional boundary are often less effective than actions coordinated within a broader ecosystem. Current authorities and procedures make coordinated decision making among Federal, state, and local land managers difficult. For example, the BLM missed an opportunity to coordinate salvage and restoration activities with an adjacent landowner in the area burned by the Timbered Rock Fire in 2002 in Oregon. The adjacent landowner moved ahead immediately with salvaging, and within one year salvaged and replanted all 9,000 acres of burned lands. By comparison, because of the procedural requirements to salvage and re-plant on Federal lands, most of the BLM portion of the burned area was not salvaged; although a portion was re-planted. In such cases, coordination among Federal, State, and local land managers, as under H.R. 4200, would increase the likelihood of effective restoration on a landscape or watershed basis.

In the aftermath of Hurricane Katrina, the Administration reminded Federal land managers that the National Environmental Policy Act (NEPA) should be used to facilitate, not impede, actions necessary to preserve life and resources. The Council of Environmental Quality's (CEQ) regulations already offer some alternative arrangements when emergency actions are necessary. Guidance from CEQ on "Emergency Actions and NEPA" (September 8, 2005) emphasizes that

Federal agencies can maintain environmental stewardship by ensuring that response and revitalization activities do not inadvertently create unnecessary future environmental challenges.

H.R. 4200 takes this procedural tool a step further. To provide Federal land managers with the authority to respond rapidly to deteriorating environmental conditions, the bill establishes a process for "pre-approved management practices" that may be implemented immediately after a catastrophic event to recover the economic value of timber resources and undertake reforestation and revegetation.

The need for this authority is acute on BLM's rangelands as well as forest and woodlands. For example, after the 67,000 acre Jackie's Butte fire near Vale, Oregon (1999), the BLM proposed a 33,000 acre emergency stabilization and rehabilitation project to drill and seed the site to re-establish sagebrush steppe communities critical to wildlife and the ranching community. The project met with protests, appeals, and delays to the point that the fall seeding window was missed. Though some 28,000 acres were eventually seeded due to light snow pack in the winter, the rehabilitation benefits were significantly less than would have occurred had the project been implemented during the optimum seeding window.

Under current Department and BLM Fire Management Plans and Resource Management Plans, land managers determine post-fire activities by assessing damage caused by the fire and associated suppression activities as soon as safely possible. These assessments result in plans that are immediately implemented to stabilize lands damaged by fire and firefighting activities. Erosion control and replanting activities also occur based on the assessment of the risk for erosion and intrusion of invasive species. The BLM testified before the House Resources Subcommittee on Forests and Forest Health on July 15, 2004, with specific details on the planning and implementation of post-fire rehabilitation and restoration activities.

H.R. 4200 would replace some current BLM planning and program operations for post-catastrophic event recovery and restoration activities with a new system of pre-approved management practices for events affecting 1,000 or more acres of Federal land. A list of pre-approved management practices is to be developed by the Secretary. The public will have the opportunity to review and comment on a list of pre-approved management practices through the Federal rulemaking process. Once approved, these management practices, including management intervention to foster reforestation or other recovery on damaged Federal land, could be implemented immediately after a catastrophic event and issuance of a decision document pursuant to section 104(f), without further environmental review under NEPA. The list and use of pre-approved management practices under Sec. 104 of the bill, and the use of emergency procedures under Sec. 105 of the bill, are deemed to satisfy NEPA requirements. The Secretary is granted exclusive authority for the decision to use emergency procedures. Judicial review of BLM actions is permitted only after exhaustion of the Department's appeals process. This approach is intended to reduce the time before implementation of recovery and restoration activities can be undertaken.

By authorizing rapid responses to prevent the loss of deteriorating timber resources after a catastrophic event, H.R. 4200 strives to make post-fire landscape and community economic recovery a priority. The Administration supports these goals. We are currently expanding our

capacity to encourage community-based enterprises that help achieve forest and rangeland health objectives. Fuels projects and post-fire recovery can produce significant amounts of small diameter woody materials. Many small communities have lost conventional sawmills and other utilization infrastructure. Better coordinated technical support, investment and incentives can enhance development of infrastructure and help commercialize new technologies that make profitable use of forest and rangeland resources made available through emergency salvage and recovery projects.

H.R. 4200 also addresses one of the Department's most vexing problems—the inability to implement recovery actions on fire-damaged lands despite agency compliance with current laws. In recent cases such as the Timbered Rock fire, the Environmental Impact Statement was developed with extensive public participation in the NEPA process and included a peer-reviewed science research component. Nonetheless, subsequent litigation resulted in BLM being prohibited from conducting many of the proposed restoration activities, including salvage logging of 17 MMBF (million board feet) of dead and dying timber worth $1.3 million. In the BLM's portion of the Biscuit Fire in Oregon, where the Bureau proposed to harvest 2.4 MMBF of dead and dying timber worth $124,000, a judge recently lifted restrictions on harvest of post-fire materials. Unfortunately, in the years during which the BLM has been responding to the litigation, the timber has deteriorated to the point that it is almost unsalvageable. In the last two years, it has lost 75% of its value. Under H.R. 4200, the BLM and Forest Service would be authorized to undertake "pre-approved" recovery and restoration activities within months, rather than years, after a catastrophic event.

The House-passed version of H.R. 4200 contains several new provisions to enhance our agencies' efforts to implement recovery actions in partnership with State, Tribal, and local governments. For example, the bill clarifies that:

- peer review includes independent, third-party peer review;
- agencies must consider the recommendations contained in Community Wildfire Protection Plans for post-fire management of damaged Federal lands;
- in preparing plans for recovery activities, agencies must consider factors such as forest type, standing and down dead wood, watershed, water quality, wildlife habitat, and soils applicable to the damaged Federal lands.

In addition, the revised bill provides for preference to be given to local contractors for implementing pre-approved management practices or catastrophic event recovery projects. The original two-year period for carrying out pre-approved management practices is eliminated.

The House-passed version of H.R. 4200 eliminates the provisions concerning use of unobligated balances and wildland fire management funds to which we had objected in our testimony on November 10, 2005.

The tools and authorities provided in H.R. 4200 would expedite recovery of both resources and communities in a meaningful timeframe after a catastrophic event on public lands. I would be happy to answer any questions.

TESTIMONY OF

THE HONORABLE ALAN THOMPSON

COMMISSIONER

RAVALLI COUNTY, MONTANA

ON BEHALF OF

THE NATIONAL ASSOCIATION OF COUNTIES

BEFORE

THE SUBCOMMITTEE ON FORESTRY, CONSERVATION,
AND
RURAL REVITALIZATION

OF

THE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

UNITED STATES SENATE

AUGUST 2, 2006

Good morning Chairman Crapo and Ranking Member Lincoln, members of the subcommittee. Thank you for the opportunity and the honor of testifying before you this morning.

My name is Alan Thompson. I am a County Commissioner from Ravalli County in western Montana. I am also proud to represent the Montana Association of Counties on the Public Lands Steering Committee of the National Association of Counties and it is on NACo's behalf that I appear before you today.

Mr. Chairman, Ravalli County is situated in western Montana with your State of Idaho on its western border. The Bitterroot National Forest encompasses seventy-five percent of the total land mass of the county and the Bitterroot-Selway Wilderness area extends into the County. The Bitterroot National Forest contains 1,577,883 acres and in the current forest plan 389,820 acres are designated as suitable for timber harvest. The area designated as suitable is thirty percent of the total land in the forest and the wilderness acreage is 743,082 acres or forty-seven percent of the total. Data compiled by the Forest Service shows approximately 91 million board feet of saw timber growing per year in the suitable lands, with an average mortality of 14 million board feet per year.

The historical economy of the valley was mainly agriculture and natural resource extraction from the forest. Many sawmills provided excellent paying jobs for local citizens as well as the removal of accumulating biomass from the forest. The decade of the 60's showed a vibrant economy in the valley with an average harvest on the suitable lands of 58.3 million board feet per year. Although logging practices at the time were not as gentle on the land as they could or should have been, nevertheless the yield from the forest was sustainable and seventy percent of the forest remained untouched.

Within the last twenty years Federal land management policies have changed and there has been a dramatic shift in the landscape throughout forested public lands as well as the impact those policies have had on our local economy. The valley has no saw mills at this time and the good paying jobs are a distant memory.

In the Bitterroot Forest the average harvest for the decade of the nineties was 7.1 million board feet per year on the suitable lands or about 50 million board feet per year less than the 60's. The last three years of the nineties saw a total harvest of 23.2 million board feet on suitable lands that had the potential to produce 272 million board feet of usable saw logs. Consequently in just those three years there was an accumulation of approximately 249 million board feet of merchandisable timber that was left on suitable lands. Since mortality is double the amount of timber being harvested we have a tremendous accumulation of biomass on the forest. The forest was being stressed at this time because of the ongoing drought and problems with Douglas Fir and Pine Bark Beetles leading to greater morality than was normal.

The summer of 2000 dawned hot and dry in Montana and the Bitterroot Valley. On July 31st a series of dry thunderstorms swept across the southern portion of Ravalli County setting off 78 fires. Fire personnel reacted immediately and were able to control

all but less than a dozen of the fires. Because of the conditions that were on the forest, those fires ultimately created a fire storm that consumed 307,000 acres of National Forest Land and 49,000 acres of State and private lands. 70 homes and 170 other structures were destroyed in Ravalli County. Over 1000 homes had to be evacuated and a total of 1700 homes were threatened. Hundreds of fences were destroyed along with farm implements and thousands of bales of freshly stacked hay. Local resources were quickly overwhelmed and volunteer organizations sprang up overnight to assist not only displaced people but also displaced livestock and family pets. Ravalli County Fairgrounds and barns were opened to local farmers and ranchers as places of refuge. Since the fairgrounds were being used the fair was canceled and the youth that had 4-H projects were not able to show their livestock or have the animals bid on by local businesses that support our youth. Some Valley schools were delayed in opening for the school year and preseason athletics were put on hold until the air was fit to breathe. Ravalli County assessed a 2 mill levy on our citizens to help pay for the fire suppression effort and then had to renew it the following year to offset clean-up on both private and Federal lands. Mental health officials in the valley had no way to handle the huge influx of people seeking solutions to their problems and acts of violence escalated as tempers became shorter.

When the fires finally were out and costs were tabulated the numbers were staggering. Fire suppression costs exceeded $54 million for the Bitterroot's 2000 fire season. Along with the millions in costs to the Federal Lands many more millions were lost on private residences. Ravalli County spent $300,000 to rebuild road infrastructure that had been destroyed either by the fires or by heavy equipment that had to use the roads to fight the fires. The Forest Service did reimburse the County $36,000 or slightly more than 10% of what we spent fixing roads. The total cost in suffering and disruption of lives can never be calculated and even now many people in our valley have recurring problems relating to the fires of 2000. While 55,000 acres burned in the interface we have 124,000 that did not burn and these areas are choked with unnatural high fuel loads. As of today, July 27, 2006, we have a half dozen fires burning in the valley and evacuation orders have been signed to protect our citizens. The hope is that we will not have to go through another year like 2000, but with high fuel loads, drought, diseased trees and hot dry temperatures we think that scenario is once again possible.

Approximately $31.5 million has been invested in the burned area recovery work on the National Forest System lands to date. An additional $25.9 million was originally allocated to the Bitterroot in 2002 and 2003 for recovery work but was quickly withdrawn, to pay for higher priority wildfire suppression efforts across the country. In order to bring the Bitterroot back to the way it was before the fires of 2000 another $22 million is needed to complete the recovery.

Much of the cost of recovery could have been recovered by prompt action to harvest the burned trees before they lost their commercial value. The Burned Area Record of Decision identified the need to remove timber to reduce fuels on 40,805 acres of burned, forested lands. Immediately several environmental organizations filed a lawsuit, saying this would irrevocably harm the Bitterroot Forest by building roads and

doing salvage logging. Eventually there was a negotiated settlement between several environmental groups, local logging contractors who had bid on the work and the Forest Service that authorized treatment on 14,700 acres. Of the 1.2 Billion board feet of timber that was burned we were able to harvest 36 million board feet or 4% of the total. After the settlement was reached and work began other environmental groups protested by sitting in trees that were to be cut and in one incident stopping a logging truck on a bridge in Missoula and by attaching ropes to the load and hanging from the bridge with large banners. These events once again taxed our local law enforcement agencies as they reacted to the protests. The irony that exists in Ravalli County is that we lead the State of Montana in manufacture of log homes that could have used the burned trees and would have bid high prices for them as they were close at hand. One local log home company, Rocky Mountain Log Homes, currently is buying logs for their operation 800 miles north of the Canadian border in Alberta while we continue to accumulate biomass, fight lawsuits and endanger our citizens.

Both Federal and State lands were burned in the fires of 2000 and the response was very different. Salvage was immediately done on the state school lands and they were replanted that fall and the following spring. If anyone would so desire they could view both the State lands and the National Forest lands that lay side by side and were burned in the same fires and could determine which course of action better served the recovery process. The State lands provided dollars for education, work for the local loggers, pulp for sawmills, stimulated the economy and by replanting in a timely manner, guaranteed future supply of wood to meet the growing demands of our economy. Much of the Federal lands remain as it was after the fires. What has taken place there is trees that are slowly rotting and becoming fuel for future fires. In some areas there has been blow down of the trees that have lost their root system and by toppling over have exposed soils that have silted in many of our fisheries. Without proactive recovery such as replanting both trees and grasses, some of this land has experienced mudslides that have closed both County roads and Highway 93 which is the only road providing access into and out of Ravalli County.

What can be done to rectify the problems on forests that have suffered catastrophic events such as Ravalli County? Focus needs to be on restoring ecosystems (Federal, State and private lands) and communities in both the short and long term. There was a cross boundary approach that was first utilized in the Bitterroot and it was critical to the recovery that took place. Approximately $4 million of Forest Service State and Private Forestry Funds were invested, most frequently through matching grant programs, in private and community restoration needs. This work included fence replacement, emergency rehabilitation and slope and stream bank stabilization, reseeding and reforestation, and support to expand uses for wood products coming off burned areas and "green" fuel treatment projects. The Federal Government's support to the Bitterroot's private landowners' and communities' post-fire needs was unique and made a significant difference in my constituents' abilities to recover from the devastating affect of the fires.

There are significant problems with the way recovery takes place at this time. The number one problem is the time it takes to move through the process. There needs to be

some policy that allows the federal agencies to expedite their processes when responding to emergencies. Each day the burned or downed timber loses value and increases the cost that will have to be borne by the taxpayers. We believe the streamlined approach provided by HR 4200 has great promise to improve response time and we urge you to consider adopting some such measures in a Senate version of the bill.

Secondly in the negotiated settlement after the fire, elected officials were barred from having the opportunity to represent their constituents. The average citizen needs to have a place at the table through their elected representatives. At the moment, neither the environmental groups nor industry represent the vast majority of citizens in the affected area. Many environmental groups maintain they speak for the average citizen, but the reality is they speak for a small vocal segment of our society and for the most part their stand on this issue is not in accordance with the wishes of the local population. As county officials, we are elected by and accountable to our communities which should give us the legal standing to speak on their behalf.

Finally, I believe there should be a national policy that requires the posting of a bond when a lawsuit is filed. If the belief is so strong that something wrong has been done then there should be the will to back the suit with more than just the cost of filing. Many organizations file the lawsuits knowing that if any part of the judgment is ruled in their favor then all costs are born by the Government. Surely some costs need to be assessed to each party and not just the Government.

Thank you for listening and for your ongoing efforts.

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