

**VIEWS AND VISION OF MARK E.
REY, UNDER SECRETARY FOR
NATURAL RESOURCES AND
THE ENVIRONMENT, U.S. DE-
PARTMENT OF AGRICULTURE**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FORESTS AND
FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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**HEARING ON THE VIEWS AND VISION OF
MARK REY, UNDER SECRETARY FOR NAT-
URAL RESOURCES AND THE ENVIRONMENT,
U.S. DEPARTMENT OF AGRICULTURE**

**Wednesday, November 7, 2001
U.S. House of Representatives
Subcommittee on Forests and Forest Health
Committee on Resources
Washington, DC**

The Subcommittee met, pursuant to call, at 4:25 p.m., in Room 1334, Longworth House Office Building, Hon. John E. Peterson presiding.

STATEMENT OF THE HON. JOHN E. PETERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. PETERSON. Good afternoon. The Subcommittee on Forests and Forest Health will come to order.

The Subcommittee is meeting today to hear testimony on the views and visions of Mark Rey, Under Secretary for Natural Resources and Environment. Under Rule 4(g), the Chairman and the Ranking Minority member can make opening statements. If any other Members have statements, they can be included in the hearing record under unanimous consent.

Today the Subcommittee will have the distinct privilege of hearing from Mark Rey, the newly confirmed Under Secretary of Natural Resources and Environment. Along with the Chief of the Forest Service, the position of Under Secretary for Natural Resources and Environment is at the center of the national forest policy-making universe. As Under Secretary, Mark will be tasked with the considerable challenge of addressing the many weighty policy issues now confronting the management of America's forest lands. The purpose of today's hearing is to both hear the Under Secretary's views on those important issues and to provide the Under Secretary with our own thoughts, guidance, and recommendations.

Mark comes to the position of Under Secretary with a strong background in natural resource policy and in Washington policy-making. Prior to his appointment and confirmation to the Department of Agriculture, he served on the Senate Energy and Natural Resources Committee as the senior staffer for national forest policy and Forest Service administration. In this capacity, Mr. Rey played a leading role in the enactment of a number of important pieces of

legislation, including the Herger-Feinstein Quincy Library Act and the Secure Rural Schools and Community Self-Determination Act.

While some national environmental organizations have been quick to cast aspersions on his appointment, something these groups have become rather well practiced at over the years, the reality is that Mark has earned the respect and admiration of Republicans and Democrats alike over the years, a reality underscored when Mark was confirmed in the United States Senate by unanimous consent. In my opinion, Mr. Rey is the right man for the job of Under Secretary during this critical juncture in the history of the USDA Forest Service.

It is with this that I welcome Mark and thank him for taking the time to appear before our Subcommittee. I know the hearing will be a constructive dialogue, one that I look forward to continuing with Mr. Rey, Mr. Inslee, and other Members of this Subcommittee in the coming weeks, months and years.

[The statement of Mr. Peterson follows:]

Statement of the Hon. John E. Peterson, a Representative in Congress from the State of Pennsylvania

Today the Subcommittee will have the distinct privilege of hearing from Mark Rey, the newly confirmed Undersecretary for Natural Resources and Environment. Along with the Chief of the Forest Service, the position of Undersecretary for Natural Resources and Environment is at the center of the National Forest policy-making universe. As Undersecretary, Mark will be tasked with the considerable challenge of addressing the many weighty policy issues now confronting the management of America's forestlands. The purpose of today's hearing is to both hear the Undersecretary's views on these important issues and to provide the Undersecretary with our own thoughts, guidance and recommendations.

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It is with this that I welcome Mark and thank him for taking the time to appear before our Subcommittee. I know the hearing will be a constructive dialogue, one that I look forward to continuing with Mr. Rey, Mr. Inslee and the other Members of this Subcommittee in the coming weeks, months and years.

Mr. PETERSON. Does Mr. Inslee have an opening statement? Okay.

All right. At this time I recognize you, Mr. Rey, for your comments, and welcome to the House.

STATEMENT OF MARK REY, UNDER SECRETARY FOR NATURAL RESOURCES AND THE ENVIRONMENT, UNITED STATES DEPARTMENT OF AGRICULTURE

Mr. REY. Thank you. Thank you all. Mr. Chairman and members of the Subcommittee, the opportunity to serve as Under Secretary

of Agriculture for Natural Resources and the Environment is the greatest honor I have been accorded in a long career in the natural resources area. It is also the greatest challenge that I have been asked to meet since arriving in Washington, D.C. almost 26 years ago.

I would like to start by expressing my deepest thanks to President Bush and Secretary Veneman for their confidence and trust in my ability to fulfill the responsibilities of the office.

I come before you today sincerely convinced that the job of Under Secretary of Agriculture for Natural Resources and the Environment is one of the most vital positions in the Federal Government. Other offices will undoubtedly make a greater contribution in important areas such as national security or public health, particularly in light of the events of September 11th. However, no assignment carries a greater trust responsibility to the American people than the stewardship of our Nation's soil, water, and forests.

David Ben-Gurion once wrote that "The soil is the source of life, creativity, culture, and real independence." Earlier, Franklin Roosevelt spoke that "forest are the 'lungs' of the land, purifying the air and giving fresh strength to our people." And still earlier, Samuel Langhorne Clemens wrote that "whiskey's for drinking, but water's for fighting about."

Given the importance of my assignment, I would like to begin our time together today talking about what you can expect from me as Under Secretary of Agriculture in working with the Congress.

First, I want you to know that I am committed to bipartisan collaboration in overseeing the stewardship of America's soil, water, and forest resources. In my years of service to the Senate, I am most proud of the initiatives to which I have contributed that passed Congress with overwhelming bipartisan support. For over a century, our greatest gains in securing enlightened stewardship of our natural resources have occurred when men and women of both parties have bridged their differences and found common ground on behalf of the American people.

Second, I want you to know that I respect the special role reserved for Congress in the constitution for the development and implementation of America's natural resource policies. Having spent 6 years working for the Congress, I appreciate first-hand the importance of congressional oversight and involvement in the development and implementation of these matters. My advocacy for an active congressional role in this area has not changed with my transfer to the executive branch of our government. Secretary Veneman has often stated that she believes in working cooperatively with Congress, and I strongly share her belief.

Third, I offer you my experience. For over a quarter century I have worked with and around the agencies that I am now tasked with overseeing. A good portion of the enthusiasm and humility that I bring to this task stems from a recognition of the dedication and skill of the public servants working in this area. They need attentive critics, but they have earned our respect, gratitude, support, and affection.

Fourth, I offer you an open mind. I consider myself a good and active listener. You won't be hard-pressed to find people who have disagreed with me, but I think most of them will confirm that we

disagreed without being disagreeable. In order to fairly sort out conflicting facts and opinions—and in this area of policy everyone claims his or her own set of each—an Under Secretary should be physically and intellectually accessible to all parties. I pledge to you to keep open both my office door and my thinking processes.

I understand that Forest Service Chief Dale Bosworth presented somewhat similar testimony before this Subcommittee on May 15th, when he discussed his views and visions as Chief of the Forest Service. I have reviewed his testimony, and share Chief Bosworth's priorities to, first, provide support and resources for on-the-ground work; second, reconnect the Washington Office headquarters of the Forest Service with the field; and, third, empower local parties in natural resources decisionmaking.

Both the Chief and I are committed to agency accountability by implementing financial reforms to bring financial management and accounting of agency assets into full compliance with best business management standards. Finally, the Chief and I are committed to the National Fire Plan, with a strong focus on protecting communities from the dangers of catastrophic fires; managing the Nation's forests and rangelands to protect communities and natural resources; and providing services and products on a sustainable basis. I support these commitments from the Chief as top priorities for the Forest Service, and I look forward to working with him and with this Subcommittee in seeing to their achievement.

Winston Churchill once wrote that "we make a living by what we get, and we make a life by what we give." President Bush, with the consent of the Senate, has given me an opportunity to serve the American people. Working together, I hope that we can use this opportunity to advance the enlightened stewardship of our Nation's resources.

Thank you very much.

[The prepared statement of Mr. Rey follows:]

Statement of Mark Rey, Under Secretary for Natural Resources and the Environment, U.S. Department of Agriculture

Mr. Chairman and members of the Committee, the opportunity to serve as Under Secretary of Agriculture for Natural Resources and the Environment is the greatest honor I have been accorded in a long career in the natural resources area. It is also the greatest challenge I have been asked to meet since arriving in Washington, DC almost 26 years ago.

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Thank you very much.

[Attachments to Mr. Rey's statement follow:]

***FY2002 Proposed Hazardous Fuels Projects
By State and Condition Class (National Forest System Lands)***

<i>State</i>	<i>Condition Class</i>	<i>Wildland Urban Interface (WUI)</i>			<i>Other NFS Lands</i>	
		<i>Project Count</i>	<i>Proposed Acres</i>	<i>WUI Acres</i>	<i>Project Count</i>	<i>Proposed Acres</i>
<i>Alabama</i>						
	1	25	22,786	17,091	4	1483
	2	1	425	130	1	1736
	3	1	996	400		
	Not Coded				1	3694
	<i>State Total</i>	27	24,207	17,621	6	6,913
<i>Alaska</i>						
	3	4	1,550	1,550	1	150
	<i>State Total</i>	4	1,550	1,550	1	150
<i>Arizona</i>						
	1	1	500	500		
	2	27	34,204	17,895	14	16965
	3	28	14,521	12,289	13	16618
	Not Coded	24	11,812	10,566	23	26076
	<i>State Total</i>	80	61,037	41,250	50	59,659
<i>Arkansas</i>						
	1	1	6,381	600	1	2480
	2	29	36,010	22,043	30	40369
	Not Coded	1	1,444	1,444	2	190
	<i>State Total</i>	31	43,835	24,087	33	43,019
<i>California</i>						
	1	1	1,760	1,760	1	350
	2	75	29,853	29,628	46	36489
	3	130	60,848	52,648	103	57467
	Not Coded	24	13,614	10,524	41	22642
	<i>State Total</i>	230	106,075	94,560	191	116,948

October 31, 2001

<i>State</i>	<i>Condition Class</i>	<i>Wildland Urban Interface (WUI)</i>			<i>Other NFS Lands</i>	
		<i>Project Count</i>	<i>Proposed Acres</i>	<i>WUI Acres</i>	<i>Project Count</i>	<i>Proposed Acres</i>
<i>Colorado</i>						
	1	8	2,856	2,456	4	1410
	2	30	15,938	15,749	27	17563
	3	20	15,923	15,073	10	8140
	Not Coded	3	2,675	2,675	8	8705
	<i>State Total</i>	61	37,392	35,953	49	35,818
<i>Florida</i>						
	1	16	115,515	115,682	11	48732
	2	4	5,710	5,710	1	552
	Not Coded	1	1,351	1,351		
	<i>State Total</i>	21	122,576	122,743	12	49,284
<i>Georgia</i>						
	1	11	4,023	4,023	1	225
	2	9	20,966	25,366		
	Not Coded	4	1,507	1,487		
	<i>State Total</i>	24	26,496	30,876	1	225
<i>Idaho</i>						
	1	6	2,530	1,730	6	7675
	2	46	17,551	12,826	17	14790
	3	15	6,520	2,626	10	10993
	Not Coded	4	677	677	2	2001
	<i>State Total</i>	71	27,278	17,859	35	35,459
<i>Illinois</i>						
	1				5	345
	3	2	242	242		
	<i>State Total</i>	2	242	242	5	345
<i>Kansas</i>						
	2	13	5,815	9,109		
	Not Coded				3	45
	<i>State Total</i>	13	5,815	9,109	3	45

October 31, 2001

State	Condition Class	Wildland Urban Interface (WUI)			Other NFS Lands	
		Project Count	Proposed Acres	WUI Acres	Project Count	Proposed Acres
<i>Kentucky</i>						
	1				1	11742
	2				2	3789
	3	2	9,132	4,411	1	3500
	<i>State Total</i>	2	9,132	4,411	4	19,031
<i>Louisiana</i>						
	1	5	41,081	40,978	6	51571
	Not Coded	2	8,800	8,800	2	13471
	<i>State Total</i>	7	49,881	49,778	8	65,042
<i>Maine</i>						
	1	1	10	20		
	2	1	12	12		
	<i>State Total</i>	2	22	32	0	0
<i>Michigan</i>						
	1	2	95	95		
	2	21	3,631	3,631	2	250
	3	5	8,186	8,186	3	502
	<i>State Total</i>	28	11,912	11,912	5	752
<i>Minnesota</i>						
	1	5	4,284	4,284	1	67
	2	10	21,351	21,306	4	1517
	3	9	14,391	14,391	2	628
	<i>State Total</i>	24	40,026	39,981	7	2,212
<i>Mississippi</i>						
	1	7	151,009	151,009	1	390
	2	1	32,851	32,851	1	3966
	Not Coded				1	450
	<i>State Total</i>	8	183,860	183,860	3	4,806
<i>Missouri</i>						
	1				12	10397
	2				2	1029
	<i>State Total</i>	0	0	0	14	11,426

October 31, 2001

<i>State</i>	<i>Condition Class</i>	<i>Wildland Urban Interface (WUI)</i>			<i>Other NFS Lands</i>	
		<i>Project Count</i>	<i>Proposed Acres</i>	<i>WUI Acres</i>	<i>Project Count</i>	<i>Proposed Acres</i>
<i>Montana</i>						
	1	9	2,340	1,840	13	11237
	2	48	24,040	18,711	62	22039
	3	33	13,467	12,657	38	38170
	Not Coded				17	1639
	<i>State Total</i>	90	39,847	33,208	130	73,085
<i>Nebraska</i>						
	2	3	190	190	3	1410
	<i>State Total</i>	3	190	190	3	1,410
<i>Nevada</i>						
	2	6	1,350	1,350	1	500
	3	4	223	227		
	Not Coded	1	100	100	2	989
	<i>State Total</i>	11	1,673	1,677	3	1,489
<i>New Hampshire</i>						
	1	4	73	73	1	18
	2	10	84	84		
	<i>State Total</i>	14	157	157	1	18
<i>New Mexico</i>						
	1	1	300	300		
	2	8	4,823	3,623	14	31500
	3	21	41,486	42,286	2	355
	Not Coded	3	435	435	28	32572
	<i>State Total</i>	33	47,044	46,644	44	64,427
<i>New York</i>						
	1	1	20	20		
	2	1	513	513		
	Not Coded				1	52
	<i>State Total</i>	2	533	533	1	52

October 31, 2001

<i>State</i>	<i>Condition Class</i>	<i>Wildland Urban Interface (WUI)</i>			<i>Other NFS Lands</i>	
		<i>Project Count</i>	<i>Proposed Acres</i>	<i>WUI Acres</i>	<i>Project Count</i>	<i>Proposed Acres</i>
<i>North Carolina</i>						
	1	5	5,289	5,289		
	2	6	32,786	32,786	2	520
	3	2	3,964	3,964		
	Not Coded	11	2,847	2,847		
	<i>State Total</i>	24	44,886	44,886	2	520
<i>North Dakota</i>						
	Not Coded				1	1440
	<i>State Total</i>	0	0	0	1	1,440
<i>Ohio</i>						
	2	4	99	99	3	89
	<i>State Total</i>	4	99	99	3	89
<i>Oklahoma</i>						
	1				5	3252
	2				1	300
	<i>State Total</i>	0	0	0	6	3,552
<i>Oregon</i>						
	1	1	4	4	3	3080
	2	45	43,775	49,797	97	54257
	3	28	27,756	26,613	27	13773
	Not Coded	8	4,877	4,864	14	14312
	<i>State Total</i>	82	76,412	81,278	141	85,422
<i>Pennsylvania</i>						
	2				2	170
	<i>State Total</i>	0	0	0	2	170
<i>South Carolina</i>						
	1	3	18,551	7,051	6	14654
	2	3	7,475	5,740	1	1600
	3	1	309	309		
	<i>State Total</i>	7	26,335	13,100	7	16,254

October 31, 2001

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		<i>Project Count</i>	<i>Proposed Acres</i>	<i>WUI Acres</i>	<i>Project Count</i>	<i>Proposed Acres</i>
<i>South Dakota</i>						
	1				1	66
	2				7	2522
	3	24	9,128	11,003	1	15
	<i>State Total</i>	24	9,128	11,003	9	2,603
<i>Tennessee</i>						
	2	7	9,522	9,522	4	8121
	<i>State Total</i>	7	9,522	9,522	4	8,121
<i>Texas</i>						
	1	2	24,082	23,682	1	2224
	2	1	13,971	6,000	1	3750
	Not Coded	1	500	500		
	<i>State Total</i>	4	38,553	30,182	2	5,974
<i>Utah</i>						
	1	4	3,300	3,100	3	3300
	2	15	14,355	15,200	10	18871
	3	10	6,142	6,492	2	4500
	<i>State Total</i>	29	23,797	24,792	15	26,671
<i>Vermont</i>						
	1	1	256	256		
	2	1	487	484		
	<i>State Total</i>	2	743	740	0	0
<i>Virginia</i>						
	1				1	194
	2	6	8,218	8,218	4	3374
	3				1	741
	<i>State Total</i>	6	8,218	8,218	6	4,309

October 31, 2001

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		<i>Project Count</i>	<i>Proposed Acres</i>	<i>WUI Acres</i>	<i>Project Count</i>	<i>Proposed Acres</i>
<i>Washington</i>						
	1	1	51	51		
	2	24	9,143	8,162	1	500
	3	17	8,340	8,640	4	3952
	Not Coded	3	1,415	815	17	8898
	<i>State Total</i>	45	18,949	17,668	22	13,350
<i>West Virginia</i>						
	2	3	330	341	3	57
	<i>State Total</i>	3	330	341	3	57
<i>Wisconsin</i>						
	2	4	208	975	3	695
	3				1	362
	<i>State Total</i>	4	208	975	4	1,057
<i>Wyoming</i>						
	2	20	7,787	5,907	12	10752
	3	8	1,746	1,446	9	2224
	Not Coded	1	15	15	1	700
	<i>State Total</i>	29	9,548	7,368	22	13,676
<i>Grand Total</i>		1,058	1,107,508	1,018,405	858	774,880

CONDITION CLASS

Condition class descriptions: Condition classes are a function of the degree of departure from historical fire regimes resulting in alterations of key ecosystem components such as species composition, structural stage, stand age, and canopy closure. One or more of the following activities may have caused this departure: fire exclusion, timber harvesting, grazing, introduction and establishment of exotic plant species, insects and disease (introduced or native), or other past management activities.

<i>Condition class</i>	Attributes	Example management options
1	<ul style="list-style-type: none"> • Fire regimes are within or near an historical range. • The risk of losing key ecosystem components is low. • Fire frequencies have departed from historical frequencies by no more than one return interval. • Vegetation attributes (species composition and structure) are intact and functioning within an historical range. 	Where appropriate, these areas can be maintained within the historical fire regime by treatments such as fire use.
2	<ul style="list-style-type: none"> • Fire regimes have been moderately altered from their historical range. • The risk of losing key ecosystem components has increased to moderate. • Fire frequencies have departed (either increased or decreased) from historical frequencies by more than one return interval. This results in moderate changes to one or more of the following: fire size, frequency, intensity, severity, or landscape patterns. • Vegetation attributes have been moderately altered from their historical range. 	Where appropriate, these areas may need moderate levels of restoration treatments, such as fire use and hand or mechanical treatments, to be restored to the historical fire regime.
3	<ul style="list-style-type: none"> • Fire regimes have been significantly altered from their historical range. • The risk of losing key ecosystem components is high. • Fire frequencies have departed from historical frequencies by multiple return intervals. This results in dramatic changes to one or more of the following: fire size, frequency, intensity, severity, or landscape patterns. • Vegetation attributes have been significantly altered from their historical range. 	Where appropriate, these areas may need high levels of restoration treatments, such as hand or mechanical treatments. These treatments may be necessary before fire is used to restore the historical fire regime.



United States
Department of
Agriculture

Forest
Service

Washington Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

File Code: 7100

Date: November 7, 2001

James D. Range
Baker, Donelson, Bearman & Caldwell
555 11th Street, NW
6th Floor
Washington, DC 20004

Dear Jim:

Thank you for your letter of November 7, 2001, concerning the protection and management of inventoried roadless areas, and the Forest Roads Working Group's (FRWG) offer to initiate a dialogue to address this important resource management issue. As you know, we are committed to the protection of the important and unique environmental values of these areas and to resolve issues related to the management of roadless areas.

On May 4, 2001, Secretary Veneman announced that the Department of Agriculture would allow the January 12, 2001, Roadless Area Conservation Rule to go into effect, but would also initiate a process to propose amendments to the rule based on five principles (informed decision-making; working together; protecting forests; protecting communities, homes and property; and protecting access to property). On May 10, 2001, the U.S. District Court for the District of Idaho preliminarily enjoined the Department from implementing the rule. This decision has been appealed and is now pending before the Ninth Circuit Court of Appeals. Nevertheless, the Forest Service has been moving forward with a balanced approach to re-examine the rule considering the concerns raised by local communities, tribes, and states. On July 10, 2001, the Forest Service published an Advance Notice of Proposed Rulemaking (ANPR) seeking public comment on key issues that have been raised regarding the protection and management of roadless areas. The agency is currently analyzing the public comment.

We agree that a good-faith dialogue among an appropriate group of interested stakeholders about the future long-term protection and management of inventoried roadless areas could contribute to the resolution of this issue. To that end the Forest Service is willing to:

1. Provide a summary of the comments received in response to the recent ANPR, once it is prepared and made available from our Forest Service Content Analysis team, to the dialogue participants. We would also provide a set of the CD-ROM documentation of the rulemaking effort for the January 12, 2001, Roadless Area Conservation Rule;
2. Ensure that appropriate senior Forest Service personnel attend each session of the dialogue, and that I will be present for as many sessions as my schedule permits, including the final session;



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Mr. James D. Range

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3. Confirm our May 4, 2001, commitment to complete this review and any subsequent actions in a manner that will adequately protect roadless area values.

4. Consider, any substantive outcome of the dialogue in any future rulemaking process or policy development that addresses the inventoried roadless area issue.

We do not at present intend to take further action on the January 12, 2001, rule prior to the completion of the dialogue. This could change, however, if the completion of the dialogue were delayed or if intervening events required the agency to move forward more quickly.

I sincerely appreciate the FRWG's willingness to assist the Forest Service in this manner. We look forward to participating in the dialogue.

Sincerely,


DALE N. BOSWORTH
Chief

Mr. PETERSON. Thank you. We look forward to working with you. We are going to give each Member 5 minutes. I will start, and then we will go from side to side, and then there will be a second round if you stay, as long as you want to stay and as long as Mr. Rey is available.

The first question, Under Secretary, is the Roadless Area Conservation Rule designated nearly 60 million acres. We are interested in the outcome of that rule. On May 10th a Federal judge in Idaho preliminarily enjoined the rule. What is the current status of the Roadless Area Rule litigation?

Mr. REY. The appeal of Judge Lodge's decision—that was the judge in Idaho who preliminarily enjoined the rule—is presently before the 9th Circuit Court of Appeals. The arguments on appeal have been rendered. We are awaiting the Circuit Court's decision. In the interim, Judge Lodge has scheduled a hearing date to decide whether a permanent injunction should issue in his court. That hearing date is for the latter part of this year.

There are seven other lawsuits—or, I am sorry, nine other lawsuits—in four other judicial circuits. We, the government, has moved to stay those suits pending the outcome of both the 9th Circuit's disposition of the appeal of Judge Dwyer's decision, and of course of Judge Dwyer's decision, as well. So that is where the litigation stands.

The administration has moved forward with an Advance Notice of Proposed Rulemaking earlier this year, to solicit public comments on the direction that we should proceed from here. Today the Forest Service and a consortium of conservation groups agreed, by an exchange of letters, that we would support their efforts to initiate a dialogue on the future direction of the Roadless Rule. We agreed in that exchange of letters to be guided by that dialogue as to how we proceed to implement the new rule.

Mr. PETERSON. If the District Court decision ultimately stands, what do you think the final disposition of the roadless debate will look like?

Mr. REY. Secretary Veneman and the President have both indicated their commitment to protect roadless values. If Judge Lodge's decision stands, we will proceed to honor that commitment through a new rulemaking. I can't at this time tell you what that rulemaking would look like. As I indicated, we hope that it will be guided by the good faith dialogue that a consortium of environmental interests have indicated that they would like to work with us to sponsor.

Mr. PETERSON. Chief Bosworth issued interim protections for roadless areas earlier this year, requiring his personal sign-off. Are you aware of any that he has signed off on?

Mr. REY. No. To my knowledge, there have been none.

Mr. PETERSON. The Forest Service investigation of the Thirtymile fire tragedy identified a massive breakdown in on-site command control as the primary cause of the fatalities, a coordination breakdown with alarming similarities to what occurred during the Storm King Mountain fire in Colorado, where several fire fighters were also killed in action. Recently, the Chief identified several action items and policy changes, with the stated goal of avoiding similar tragedies in the future. What are these action items, and what assurances can you give Congress, and the loved ones of those who died during the Thirtymile and Storm King fires, that those changes will be implemented?

Mr. REY. Many of those changes are already being implemented. The investigation report on the Thirtymile fire suggested some similar breakdowns that occurred in the Storm King Mountain fire. It also suggested a number of new and novel errors in the fire fighting effort. The investigative report was extensive in recommending a number of changes that had to take place. Those are being implemented as we speak.

Mr. PETERSON. The investigation also identified a delay in water drops on the fire as an influencing factor. The Forest Service field officers delayed deployment of water, the investigation concluded, for fear of adversely impacting endangered species of fish.

Congressman McInnis has drafted language that in essence would take the health and safety emergency exception found in the Wilderness Act and place it in the Endangered Species Act. Given the unmistakable confusion surrounding emergency exemption authorities under ESA, do you think this bill is a good idea?

Mr. REY. The guidance that exists today, in our view, is clear that there should have been no delay with respect to the Endangered Species Act. There nevertheless was an identified delay of somewhere in the neighborhood of 2 hours because of confusion in that regard.

Obviously, if you were to emphasize this with language comparable to that language that already exists in the wilderness bill, that would be helpful. Otherwise, we are committed to making sure that this does not repeat itself again in the future.

Mr. PETERSON. I would agree with you. If it is good enough for the Wilderness Act, it should be good enough for ESA.

We will recognize the gentleman from Michigan, Mr. Kildee, for questions.

Mr. KILDEE. Thank you, Mr. Chairman.

First of all, it is a great pleasure to welcome a fellow alumnus from the University of Michigan to the hearing room.

Mr. REY. We had a hard weekend on Saturday.

Mr. KILDEE. It was a great game, wasn't it. It went the wrong way, but it was a great game anyway. It is great to have someone from Ohio, particularly, attending the University of Michigan.

[Laughter.]

Mr. REY. That is a Michigan perspective.

Mr. KILDEE. I am sure it is.

The administration is on record as being committed to providing roadless protection for our forests. In general, could you discuss what amendments you are considering to the rule, and how would you specifically reconcile local input that may favor opening up wilderness roadless areas for short terms gains with this commitment?

Mr. REY. Where we are at right now is, we are nearly complete with an evaluation of the comments that we received on the Advance Notice of Proposed Rulemaking. And, as I said a moment ago, today we exchanged letters with a consortium of environmental groups who want to sponsor for us a dialogue with a wide variety of groups to look at the best way to protect roadless values while being sensitive to local concerns. I am very optimistic that that dialogue will give us some new insights and new ideas on how best to proceed.

So at this point I am not in a position to indicate what specific changes we might make to the existing rule, should the courts eventually enjoin it permanently, but I am here to tell you that we are committed to protecting roadless values. We are eager to work with groups from across the spectrum. WE are excited that a consortium of groups is willing to help us in that regard, and interested in moving forward, and committed to consulting with the Congress at each step along the way.

Mr. KILDEE. I think it is important because you are going to have, fairly regularly, I think, some conflict between what the locals may see as a short-term gain for their economy and the long-term needs for our Nation as far as preserving some of these roadless areas, and I hope that we have some type of measuring stick to weigh those things and not just let it be, you know, willy-nilly as to a particular situation, to be some type of verification, qualification, to see how you would distinguish.

Because you in most cases will find local people feeling that lumbering, timber harvesting, putting roads through there will be to their short-term gain, but it might not be in the national interest. So I hope that you will try to work out some type of objective criteria.

Mr. REY. Balancing short-term needs and long-term values is going to be one of the toughest things that I am going to have to do in this position, and we will have to find an organized way to make that evaluation.

But one of the things that is evolving is the view of local communities of interest adjacent to our national forests. They are much more diverse now than they were 20 years ago. They include environmentalists, timber workers, ranchers, and as broad a cross-section of individuals as you will find here at the national level. And

that has helped, I think, leaven the debate that occurs locally, and is something that I value as an opportunity to find a greater degree of consensus in how we make these decisions.

Mr. KILDEE. Thank you very much.

Thank you, Mr. Chairman.

Mr. PETERSON. Thank you. We recognize the gentleman from Colorado, Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman.

Mr. Rey, I really appreciate the fact that you are here today and I appreciate your testimony. And I guess to a certain extent I want to give you the other side of the story, when it comes to to whom you will pay attention as you develop rules, the local community or the "broader national interest."

It seems to me that that local community has, up to this point in time anyway, been all too often left out of the equation entirely, and that environmental concerns, whether real or perceived, have overridden any of the concerns expressed by people in the communities that are impacted directly. So it is my hope that you will just do almost the opposite as what you have been requested to do here by Mr. Kildee, and that is to stress the importance of local input in any decisionmaking process.

Along those lines, I just wonder if you can tell me why you actually think we need a rule, another rule. I mean, isn't it true that pretty much everything you want to accomplish, that we want to accomplish in terms of national goals, can be accomplished under the present law, with the wilderness designation, for instance, or existing authority given to the department under a variety of other laws? I mean, why, exactly, do we need a rule?

Mr. REY. You are correct, we could dispose of our recommendations concerning the status of roadless areas on a forest-by-forest basis, making those recommendations to the Congress, for Congress to evaluate whether the areas or some portion of them should be designated as wilderness. And indeed, absent the development of any new rule, that analysis will continue as we revise forest plans and as we make recommendations to you.

At the same time, our experience over the last roughly 20 years, since about 1980, is that that process is bogging down, and is as frustrating for environmentalists as it is for groups who want to make more intensive use of our public lands.

It may be, in the aftermath of a rule that some would say did not take into account local sensibilities, and at least for now the courts have deemed unlawful, we have an opportunity to see if we can improve upon the relatively slow and in most cases grudging progress that we have made over the last 20 years. And I am committed, as is Secretary Veneman and as the President, to seeing if we can.

I would have to tell you, in all honesty, we may end up at the same place, with nothing that we can think of that will pass legal muster. But we are committed to trying, and hope that you and everyone in the Congress is committed to working with you on that.

Mr. TANCREDO. And I commend you to your task, and have no other questions.

Mr. PETERSON. You didn't ask me the question, but being I have the Chairmanship for the moment, I will share my view. I think

it was very unfair that the last Administration waited until January the 10th to finalize this regulation. Originally, if my memory is correct, we were at 30,000 miles of roads, and then it went to 40,000, and then at the end it ended up being 60,000.

And it was a ploy. Instead of having good discussion, good, meaningful debate between local and national interest, it pushed the ball up field so far that it forced the other side to play defense instead of having meaningful discussions. So I think it is government at its worst, and that we suffer for it. I am not against roadless areas, but they should never be done, in my view, in that manner. You didn't ask me, but that is just my opinion.

I will be glad to welcome Mr. Udall from New Mexico.

Mr. UDALL OF NEW MEXICO. Thank you, Mr. Chairman, and welcome, Mr. Rey. Good to have you here.

I have seen a number of reports, that you have said that there is a need to revise some or maybe all of the environmental laws that are on the books now. Is that an accurate statement on your part?

Mr. REY. I think "some" is accurate. I don't think "all" is anything that I have said. I usually try to stay away from comments that I know are going to get me in trouble, as opposed to just those that I suspect may.

[Laughter.]

Mr. REY. So, yes, I have said in the past that we should revise some, we should consider—

Mr. UDALL OF NEW MEXICO. Can you tell us which laws those are, and in what ways they need to be changed and why?

Mr. REY. I will offer that to you in generalities, and I will leave to the Forest Service, when the Subcommittee chooses to reschedule the hearing that you would have had but for the anthrax contamination a few weeks ago, because they were prepared to offer some fairly detailed testimony about what needs to be changed based upon the agency's analysis. I think it would be fair to let them speak first.

But in general terms, the statutes that govern public land management—that is the 1976 National Forest Management Act and the 1976 Federal Land Policy Management Act—are statutes that I think would benefit from congressional review and updating. They were written at a time when the societal concerns that we placed against public land management issues are different than the concerns we have today. We have learned a lot in 25 years, and that learning should be reflected in our statutes. And so those are the two at the top of my list, because I think we could achieve a lot in terms of more enlightened land stewardship at a more affordable cost if we took a hard look at those two statutes.

Mr. UDALL OF NEW MEXICO. Could you be a little bit more specific about these two acts and how you think they should be changed, in reflecting on what has happened in the last 25 years?

Mr. REY. Well, let me give you one specific example, and then we can elaborate on that. In the 1976 act, Section 6 of the act spoke to a question of species conversion, and what Congress was concerned about at that time was converting hardwood stands in the Ozarks to pine. So they wrote language that directed the Forest

Service, or I should say limited the Forest Service's authority to do that sort of thing.

And that language is itself still useful, but it doesn't capture the entirety of the ecosystem challenges that we now face, and I think we could do a much better job in managing more clearly and more understandably at a lower cost if we were to update that language to reflect some of what we have learned about forest sustainability over the last 25 years. We are using language that in a sense is an artifact of an earlier era.

If you analogize—and this is a fairly humble analogy but I will use it anyway—if you analogize to the tools we use in forest management, let's for the moment say that laws are tools. They are things that Congress gives the executive branch to work with in carrying out our responsibilities. If you analogize to tools, the kinds of tools we were using to manage the national forests in 1976 were slide rules and mainframe computers.

We adapted FORTRAN, which was one of the earliest computer languages, for an application for the national forests called FORPLAN. Nobody uses FORTRAN anymore as a language. As a computer language, it is dead, but yet we are still using FORPLAN applications—and we are not using FORPLAN applications as a consequence. We are using different computer applications that reflect what we have learned in 26 years, and we have updated those tools, those kinds of tools. Nevertheless, we are still trying to manage under a statute that is 25 years old, and that doesn't reflect what we have learned in the last 25 years.

Mr. UDALL OF NEW MEXICO. When you worked with the Senate Energy and Natural Resources Committee and there were recommendations made about the National Forest Management Act, to do away with citizen oversight committees, are those, is that one of the things that you are going to recommend be changed?

Mr. REY. No, no. In fact, I am in favor of greater use of citizen oversight committees, and legislation that the Congress passed last year would direct the Forest Service to do that, and we are chartering those committees today, and I am very pleased with the results.

Mr. UDALL OF NEW MEXICO. Thank you, Mr. Rey.

Thank you, Mr. Chairman.

Mr. PETERSON. Thank you, and I recognize the timid gentleman from Arizona, Mr. Hayworth.

Mr. HAYWORTH. Thank you very much. I thank the Chairman, and am listening with interest to my colleague from New Mexico and hearing the testimony.

Welcome, Secretary Rey. Hearing us wax about the challenges of a quarter century brings to mind, at this time 25 years ago I was a freshman in college, so both personally and in terms of public policy, that was a long time ago.

To follow the theme of reasonable, rational changes in terms of environmental legislation, I would like to return to the questions—and our Chairman touched on it briefly in questions earlier—dealing with the Thirtymile fire. This Subcommittee has had great concerns. We have met with many who have dealt with this.

And it seems that within the current formulation of the Endangered Species Act, there are three statutory exemptions from the

general purposes and provisions of the act, including Section 7, consultation requirements, that really have these three exemptions: one, exemptions in presidentially declared disaster areas; two, national security emergencies as decided by the Secretary of Defense; and, three, exemptions granted by a group that has really evolved in slang and I guess in essence to the so-called "God Squad." And the tragedy of losing human life, and going back in hindsight, is that none of these are either relevant or helpful during an emergency situation like we experienced during the Thirtymile fire.

Now in the Supreme Court case, *Tennessee Valley Authority v. Hill*, the Supreme Court found that Congress expressed exemptions were the only exemptions in ESA, arguing, "Congress was aware of certain instances in which exceptions to the statute's broad sweep would be necessary. Thus, the Endangered Species Act creates a number of limited hardship exemptions. In fact, there are no exemptions in the Endangered Species Act for Federal agencies, meaning that under the maxim that the express mention of one is the exclusion of the others, we must presume that these exemptions listed above were the only hardship cases Congress intended to exempt."

In the wake of that opinion and ruling, there is no statutory provision for the Fish and Wildlife Service to administratively waive the dictates of the Endangered Species Act. On this issue, it would appear to me that our Endangered Species Act needs to be fixed, and the Wilderness Act emergency exemption language is an appropriate way to achieve that. Would you concur that we should explore these efforts and make this change in terms of protecting human life in these types of situations?

Mr. REY. In response to an earlier question from Congressman Peterson, I indicated that that sort of language in the Endangered Species Act would be helpful. At the same time, we believe presently that our direction to the field, both the Fish and Wildlife Service and the Forest Service, is clear that in these sorts of situations, fire fighter safety takes precedence.

Now, we also acknowledge, as a result of the findings of the investigative report, that notwithstanding the clarity of that direction, there was confusion in this particular instance. This confusion was not causal to the loss of life of the four fire fighters, but it was nevertheless observed as documented in the report.

Now, I guess another question you could ask is that, given the Supreme Court's holding in the *Tennessee Valley* case, is our existing direction to the field itself vulnerable to a legal challenge if some third party wanted to maintain that we don't have the authority to do what we think we have clearly done? And that I don't know the answer to. I would have to ask our general counsel whether they are comfortable that they could sustain a challenge in that area.

But the short answer to your question is, that language would be helpful to have in the Endangered Species Act.

Mr. HAYWORTH. Well, I thank you very much for coming in, and I appreciate your amplification of what is transpiring, and I think we should move forward to get this done legislatively in terms of the statute. Thank you, sir.

Mr. PETERSON. We now recognize the gentleman from Colorado, Mr. Udall.

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman, and welcome, Mr. Rey. I know all of us here on the panel are inclined to forgive you for your long association with the Senate, and are glad that you are over here on the House side.

I have some concerns about a number of Forest Service policies, but let me use my time in this first round to focus on one which seems to potentially involve a proposal that would reduce public involvement in decisions about some of the most sensitive parts of the national forests.

I want to associate myself with my colleague from Colorado, Mr. Tancredo, who talked about the need for local input and local involvement. It seems to me that what is being proposed would actually restrict that kind of involvement. And although Mr. Tancredo and I don't agree on a number of issues, I think maybe we do on this particular one.

What is involved, as I understand it, is how the Forest Service will meet the requirements of NEPA for considering their effects on planned actions involving so-called extraordinary circumstances, meaning that they could affect sensitive areas such as watersheds, threatened species habitat, or inventoried roadless areas.

It is my understanding that under current rules, the Forest Service cannot apply a so-called categorical exemption to any planned actions involving these extraordinary circumstances, and so must either produce an Environmental Impact Statement or at least an EA, Environmental Assessment, regarding this planned action. And I also understand the Forest Service is proposing to revise its policies so that they could instead dispense with preparing that kind of NEPA document for planned actions involving these exceptional circumstances, provided, and this is key, that they decide on their own, without any requirement for public involvement, that the planned action would not have a significant effect on the resources involved.

With that prelude, my first question is, is my understanding correct on these points?

Mr. REY. Not completely. Let me try to run through what the Forest Service is doing, and then let's talk about whether we think it is a good idea or not.

Under our current regulations, if an activity, any activity—and I want to emphasize that, any activity—is conducted in the vicinity of certain categories of areas—wild and scenic rivers, wilderness, certain roadless areas, there is a list of about seven of them—if we conduct, if we propose to conduct any activity in the vicinity of these areas, we must, just by the mere presence of those areas, write an Environmental Assessment or an Environmental Impact Statement. We cannot, under current regulations, decide that the activity is so inconsequential that we should not spend the taxpayers' money doing that kind of analysis.

What the proposal that is making its way through the system now would say is that the mere presence of those areas, the fact that they are in the vicinity of how we want to proceed, should not by itself, without regard to the activity in question, require an additional, a higher level of environmental analysis.

Now, we would still be obliged, as we are under the current rules, to provide public notice and an opportunity for comment, even if we decide not to do an EA or an EIS, and I daresay that there will be instances where the public will say, "No, no, the activity you are proposing does have consequences that the vicinity of these special areas require you to evaluate." In that instance we most likely will end up doing an Environmental Assessment or an Environmental Impact Statement.

But there are a number of activities, trail maintenance in wilderness areas, for instance, where we can't imagine what value we are providing to the American public by spending their money to do an Environmental Assessment when we know that the environmental implications of what we are going to do are either negligible or positive. So that is what we are struggling with here. We are not intending to cut the public out or to shelter our decisionmaking from public review.

But the Forest Service does more Environmental Impact Statements and Environmental Assessments than any other agency of the United States Government, and it just seems that we ought to be looking for ways to apply a rule of reason here, to put some of the money that we are spending processing those papers back into actual on-the-ground resource management. And this just seems to us to be an instance where the almost mindless requirement that if we are operating, we are going to do something, whatever that is, in an area near something else, shouldn't by itself kick in a paper processing requirement.

Mr. UDALL OF COLORADO. Mr. Chairman, I would note my time has expired, but I just did want to say that we have just scratched the surface of this issue. But Mr. Rey I am sure is familiar that in '98 the 7th Circuit Court of Appeals ruled in this regard, and I hope that what you describe is actually the spirit in which the Forest Service intends to proceed, because at best it would potentially involve litigation that would further tie up the very projects that we are trying to accomplish.

Mr. REY. That is absolutely correct.

Mr. UDALL OF COLORADO. And so I take your comments at face value, and urge you to consider the value of public input whenever possible. Thank you.

Mr. REY. We will definitely do that, and I would be more than pleased to come back to the Committee at some point in the future, at a hearing, to talk just about this rule only, because I think this is one where we should be able to reach an agreement.

Mr. PETERSON. Thank you. I remind the gentleman from Colorado, he has used a minute of his next round.

Mr. UDALL OF COLORADO. Duly noted, Mr. Chairman.

Mr. PETERSON. The gentleman from Idaho, Mr. Otter.

Mr. OTTER. Well, thank you very much, Mr. Chairman. Mr. Chairman, I did have an opening statement welcoming Mr. Rey, not only to his present position but also to the House. It is good to have his credentials and his knowledge of Idaho. And I would like to submit this for the record, if I might.

Mr. PETERSON. Without objection.

[The prepared statement of Mr. Otter follows:]

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

Mr. Chairman, I wish to thank you for inviting Mark Rey here today. President Bush's choice of Mark shows his concern for the needs of western forests and the people who depend on them.

In a previous incarnation Mark served as a staffer for Idaho's senior Senator, my distinguished predecessor in this seat, Larry Craig. Mark follows in the footsteps of the chief forester, Dale Bosworth, who also has an extensive knowledge of Idaho.

I mention that, Mr. Chairman, because Idaho's forests are in crisis. Since the beginning of the Clinton administration more than 30 mills have closed in my state. Thousands of millworkers have lost their jobs, and thousands more in the towns that have lost their largest employers because of mill closures.

The previous administration held our forests and forest users in contempt. They imposed a roadless rule that cut our mills off from their supplies. They failed to take steps necessary for fire prevention, and then allowed millions of acres of our forests to go up in smoke. They failed to prevent the importation of state subsidized Canadian lumber that violates the rules of fair trade.

Fortunately, the Bush administration has taken steps to restore our forest policy to normalcy. I look forward to listening to Mark Rey's testimony.

Mr. OTTER. I now hold the House of Representatives seat in Idaho that Secretary Rey's former boss held, Senator Larry Craig, and I know Larry speaks very highly of you and looks forward with great anticipation to the job that we are all sure that you are going to be able to do.

I would like to pursue some of the comments and some of the questions by several of the questioners before me, and I do so primarily because I also believe in a lot of local input. I believe that those people who are the most directly affected are generally the ones who, at least in the past, it appears sometimes are not listened to very much, and I reflect that on the 32 mills that closed during the last 8 years in Idaho, the thousands of jobs that were lost, and watching cities die or small municipalities die was not easy to do in Idaho.

I am reminded of a story, that when I first came to the Congress, I met a young fellow that was also elected to the Congress, and as freshmen we were busily trying to find out as much as we could about the entire thing, the entire congressional picture, and also one another. And so in small talk I asked him how big his district was, and he said he thought it was about 22 blocks long and about 8 blocks wide. And he said, "Why? How big is yours?" And I said, "Well, mine is 682 miles long and 150 miles wide, and I have two time zones in it." And he reflected that he thought he had maybe 22 zip codes in his.

And as curious as that whole conversation was, on the way home on the airplane I got to thinking that here is a person that shares basically my philosophy and certainly my party credentials, but also here is a person that, if I were to ask to amend the Endangered Species Act or the Clean Water Act to make it more workable for my district, there would be the belief, and I could see there is some validity to that, that he would perhaps think that I was trying to affect his ability to turn on the water tap in that 22-by-8 block area and not have the best and cleanest water come out of it. And if I were to talk to him about wilderness area, would it simply be the back alley that had the most muggings in it last weekend, as opposed to my wilderness area?

And so I reflected on that, because it does affect 87,000 miles of stream in my area. It affects all the watershed. And therefore it affects every job. It affects every pursuit of every occupation in my district. And so it is of great importance to me that certainly we maintain the environment that we want to, but it has also got to be workable for the local folks.

And so it is that local input that so many times that I find out, in pursuing what the conscience, what the local conscience is of something, a new public policy that is being established, that so many times the local input becomes input from far, far away. And so I would like to know, in this local input that we are concerned about and encourage, could you qualify "local input" for me?

Mr. REY. When we talk about local input, I think we are generally referring to participation by people in the communities who are immediately adjacent or in many cases actually surrounded by our Federal lands. And, as I indicated earlier in response to a question from Congressman Kildee, those communities have changed appreciably over the last 20 years.

They are much more diverse than they once were, in terms of the kinds of people who live there and why they live there. There are amenity immigrants who have come to those communities because they like the out-of-doors and the life, the quality of life that they provide. So it is, the kind of local input we get these days in decisions affecting a national forest is a much more varied response than we have previously.

The good news, though, is that by virtue of the proximity that they share, they do tend to want to work together to try to find common ground, and that is something that we hope to nurture.

Mr. OTTER. Thank you. Thank you, Mr. Chairman.

Mr. PETERSON. Now we recognize Mr. Holt from New Jersey.

Mr. HOLT. Thank you, Mr. Chairman, and thank you, Mr. Rey, for giving us some time.

On the never-ending question of roadless areas, the Forest Service plans to build 47 miles of new roads in FY '02, and I presume—and I am sorry if I missed earlier statements—I presume that you favor keeping the policy where the Chief will personally sign off on any decisions to build new roads.

Mr. REY. That is correct.

Mr. HOLT. What I would like to hear, though, and forgive me if this is repetitious, but I would like to hear your criteria for making decisions, that either he or you should apply for making decisions for building new roads. I mean, does it include species protection? With regard to public input, is it local public input? Is it scientific public input? How do you try to get dissenting input, or would that—could you be as specific as you can in a minute or two about what the criteria would be?

Mr. REY. We are now talking about specifically building roads into roadless areas, as opposed to road construction generally, and the Chief has reserved for himself the right to approve any project in that regard. Any project that proposes road construction in roadless areas would have to go through a full public participation process. And in almost every instance if not every instance, and it may be the latter rather than the former, a full-blown Environmental Impact Statement would be required. That means that

there would be an extended period for public comment that would include both local input as well as input by any national interest that wanted to offer their views.

In the vast majority of instances where this will occur, it will be because the new road is necessary for forest health purposes or for administrative access. Most of the exceptions to those general criteria might occur in Alaska, where there is a very limited road network serving the national forests at the present time.

Mr. HOLT. Over the months I think we will want to pursue this more. Let me turn to an interesting statement that came from two Senators for whom you worked a few years back, that called for a custodial level of funding for the Forest Service. Now, I don't know what your role was in preparing that statement or supporting it, but I would like to know, now that you are overseeing this agency, do you think that the budget should be at a custodial level, or really what should it be at?

Mr. REY. I have already been implicated in supporting, as part of the administration, much higher budgets for the Forest Service, as have Senator Craig and Senator Murkowski after making that statement. That particular statement in its full context was in response to the proposed Roadless Area Rule, and in reaction to their strong view that the better way to address the disposition of the roadless areas was the traditional mechanism of having the agency make recommendations on a forest-by-forest basis to Congress as to which of these areas should be designated as wilderness.

Their broader concern was that if the Roadless Rule was indicative of a broader strategy not to actively manage the national forests, then indeed what in their view we were arriving at was custodial management, and they then speculated that perhaps a funding level commensurate with that would be appropriated. Having made their point, however, they have voted on I think at least three subsequent budgets that resulted in much more robust funding for—

Mr. HOLT. Let me understand what has changed since that statement was made. Actually, I am not even sure that you say that you agreed with that earlier statement. I mean, surely it is not that things like the timber program are actually making money now, or that these other programs are profitable in any sense, so what has changed since then?

Mr. REY. What I think has changed specifically since then is that the courts have essentially agreed with their view as the legality of the national Roadless Rule, and they have forbore from pressing the point about custodial management.

Mr. HOLT. All right. Thank you. Thank you, Mr. Chairman.

Mr. PETERSON. Yes. Earlier this year the GAO testified before this Subcommittee that there is a lack of coordination among the Federal agencies charged with implementing the National Fire Plan. Specifically, the GAO testified that the agencies had yet to establish consistent performance measures or criteria for identifying high risk communities. The GAO also said that this lack of coordination was substantially inhibiting the general progress and success of the program. What has the Forest Service, in conjunction with the Department of the Interior and its relevant agencies, done to address this issue?

Mr. REY. You know, I am going to regret all the GAO reports I helped order up over the years. The chickens are going to come home to roost.

[Laughter.]

Mr. REY. We are working intently and intensively with the Department of the Interior to address many of the concerns GAO raised, and we will address many of the concerns GAO raise. We will, however, not address them within the time frame and necessarily in the order that GAO would prefer.

One of the concerns I have with the general tenor of GAO's recommendations about how we proceed in implementing the National Fire Plan is that they seem to be suggesting—and maybe I am being unfair, maybe they would say this is not what they are suggesting—but at least to me, as I have read their reports, they seem to be suggesting that we should not proceed to begin fuel reductions until we have agreed upon prioritization schemes and approved fire management plans for each land management unit of the national forest system and the Bureau of Land Management.

And I fundamentally disagree with that recommendation, because if we were to do that, we would not be doing any fuel treatments on the ground for at least 3 years or so. We believe we know enough now about where there are some priority needs crying out for treatment on the ground, that we ought to get about the process of doing that even as we go about the process of responding to GAO's recommendations, and making more orderly and more available to an auditor the priorities that we are using in carrying these things out.

Mr. PETERSON. As a follow-up, during the last two appropriations cycles, Congress has appropriated significant funds to the National Fire Plan in an attempt to get a handle on our Nation's forest health crisis. There is a concern that a lot of new equipment is being purchased and new people hired, but little fuels treatment work is being done on the ground. Is this factual?

Mr. REY. Not entirely. I would like to submit for the record the list of all of the fuels treatment projects that are underway in 2001, so that you can see for yourself that we are engaged in a considerable number of fuels treatment projects both within the wild land/urban interface and in other high risk areas.

Clearly in the first year of implementation of the fire plan we are going to have a different mix in fire preparedness versus fuel treatment, and the agencies, both the Department of the Interior and the Forest Service, thought it was imperative to rebuild our fire preparedness capabilities. We have enjoyed the fruits of that this summer, in that we have successfully attacked and suppressed fires that would otherwise have consumed tens of thousands of acres, so that investment has already borne fruit.

But we have been doing fuels treatments as well, and assuming that Congress continues to provide us with that level of funding, you will see an increase of that in the future. But I would like to submit for the record a list, a roster of all the fuels treatments done this year.

Mr. PETERSON. Thank you. I think that would be well received.

Several weeks ago a coalition of environmental groups in the West unveiled a new campaign to preserve 1.1 million acres of

older forest on public lands, including forests as young as 80 years. Also, Senator Wyden, as Chair of the Senate Energy Subcommittee on Public Lands and Forests, has held a hearing on the subject and stated he is considering introducing legislation to protect old growth forest.

Given your history with this topic, do you feel that this is the time to consider such legislation, or given the dynamic nature of forests, could there ever be a legislative solution to the old growth controversy?

Mr. REY. Let me deal with the part of the question involving Senator Wyden first, and go out on a limb a little bit, because I am going to reflect on a conversation I had, and he should have the opportunity to respond, to say whether I have got it right or not.

Senator Wyden's view is that in the Northwest, in the area covered by the President's Northwest Forest Plan, there ought to be an opportunity to, one, increase thinning in areas where we are deficient in that regard, and thereby produce some additional timber that is utilizable by the sawmills in the region; and at the same time protect some old growth areas that were not protected by the plan. He has indicated an interest in pursuing that. I have indicated that we would work with him if he wanted to take that step.

Mr. PETERSON. Thank you. We have been rejoined by the lady, Ms. McCOLLUM from Minnesota. You are recognized for questioning.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. Rey, I would just like to clarify a couple of things I heard you say. I asked about, in the Thirtymile fire, about the Endangered Species Act the last time there was someone here from the Forest Service, and I was left with the clear impression that the Endangered Species Act itself did not cause the much sadness and devastation that went on during that fire.

Mr. REY. That is correct, and if I didn't say it clearly, I will say it more clearly now, that the delay attributable to confusion over the Endangered Species Act, while it existed, was not causal to the fatalities in question.

Ms. MCCOLLUM. Well, then I heard you say that you needed to review the Endangered Species Act.

Mr. REY. No.

Ms. MCCOLLUM. Just earlier today. So if the Endangered Species Act did not cause the—

Mr. REY. The Endangered Species Act did not cause the fatalities in question.

Ms. MCCOLLUM. Thank you.

Mr. REY. The Endangered Species Act caused some delay which was identified in the report investigating the fire.

Ms. MCCOLLUM. But was it communication that caused the delay, because there were—

Mr. REY. That is correct. Confusion over the requirements—

Ms. MCCOLLUM. Because people didn't understand the Endangered Species Act—

Mr. REY. Correct. That is correct.

Ms. MCCOLLUM. —not the act itself. It was confusion on the people not understanding it.

Mr. REY. That is correct.

Ms. MCCOLLUM. Then, going back to your analogy of a slide rule versus computers when you were talking about hardwood forest to pine, ecosystems challenge and cost, so when we manage, when we try to do conservation, when we try to protect old growth, it is usually to try to keep things in that ecosystem in a way that keeps it, it is an entirety. So could you elaborate a little more, leaving the slide rules and the computers out of it, and talk about your vision for managing old growth forests and if that has anything to do with a cost-benefit analysis from the forestry department?

Mr. REY. There is no cost-benefit analysis associated with the management decisions we make relative to protecting old growth values. I think the most important thing that I would urge people to keep in mind is that forests are dynamic ecosystems. They change over time. We have the scientific capability to perpetuate a particular kind of forest, old growth forest or younger seral stages, but in every instance that will require intervention as opposed to simply drawing a line around the forest and walking away, because forests are dynamic systems and change over time.

Ms. MCCOLLUM. Well, Mr. Chair, Mr. Rey, maybe I am confused in what I heard, then, but I heard you talk about ecosystems challenging and balancing the cost. So you did mention cost. I wrote it down. Could you explain to me how ecosystems and challenging have some kind of cost effect to it?

Mr. REY. What I think I was trying to say in the context of the particular question about what parts of the National Forest Management Act could benefit from revision, is that we have learned more about ecosystems than we knew 26 years ago, and the language of the National Forest Management Act isn't reflective of that information, and we could have better direction and less confusion if we updated the act to reflect what we know.

What I said with respect to costs, I think was in response to a different question from Mr. Udall involving a proposal that we have out for public comment now involving some of our National Environmental Act procedures. I indicated that I thought there were ways that we could achieve the same environmental result at a reduced cost if we were able to in some cases simplify those procedures. I don't remember, and I may be wrong, but I don't remember talking about costs when we talked about amending the National Forest Management Act.

Ms. MCCOLLUM. Mr. Chair, Mr. Rey, I didn't say it had to do with the National Forest Act. I was just asking how it interplayed with when we were talking about different species—

Mr. REY. Was that answer helpful?

Ms. MCCOLLUM. —and protecting ecosystems, and I very much appreciate the clarification. Thank you, sir.

Mr. REY. Thank you.

Mr. PETERSON. We thank the gentlelady.

Does the gentleman from Idaho care for further questions?

Mr. OTTER. Yes, thank you very much, Mr. Chairman.

You know, in speaking about old growth and the treatment on the ground, it is of great concern to us, especially in the Payette National Forest and the Boise National Forest and the Panhandle National Forest, part of the Sawtooth, on up into the northern reaches. One of the reasons for that is because between 1910 and

1913 we burnt millions of acres of forest. All that forest was replaced naturally by species that primarily have a 90 to 110-year live. That's it.

So we are right now approaching a very dangerous threshold for that forest, in that it is going to die. It is just a matter of time. And the fact that it is in such a terrible state of health right now—you know, I have often said if it was a horse, I would have shot it because it was in pretty bad shape and I didn't want to see it suffering.

But when we consider some of the limitations that have been put on good management of that forest, those limitations are in fact causing us environmental problems, because we have lost 880,000 acres last year, all of that watershed which goes to the Salmon, the Clearwater, and now the Snake River and then the Columbia, all that soil, all that topsoil that is going to be washed off because now there is nothing there to hold it is causing a major environmental problem. And it probably would be in violation of the Endangered Species Act for us to allow that forest to burn because we are endangering the salmon.

Yet we don't seem to be able to recognize, policy-wise, that we have these two things, these two public policies from Congress that are actually in conflict with one another. And so my concern is that, is the management plan, whenever we get it rocking and rolling, is it going to be able to reflect the natural death of those trees, the millions of acres in Idaho? And once they are dead, then they just, as you well know, they just turn into fuel for a fire.

In fact, the 880,000 acres we lost was primarily, almost unfightable. And being an old fire fighter, I could not recognize the problem they were having because we didn't have forests like that when I was fighting fires. We didn't have the undergrowth. We didn't have the inaccessibility.

Anyway, the point to my question is, is our National Fire Plan going to reflect things like our forest getting ready to die? Is it going to be able to reflect the necessary taking out of the undergrowth in order to protect that resource for us?

Mr. REY. The National Fire Plan does and will continue, as we continue to work with the governors, start from a premise that we have upwards of 70 million acres of forest with fuel loads that are outside of what we believe to be the natural or historical regime those forests evolved under. They are that way because of our management or nonmanagement decisions over the last 100 years.

Apropos of the part of the country that you just described, there is a book published earlier this year called "The Year of the Fires"—it is by Steven Pine from Northern Arizona University—that chronicles that year, 1910, and the fires that occurred, and it is a graphic illustration of why we are in the situation we are in right now.

One of the main challenges, major challenges that we have in implementing the Fire Plan is in reconciling the broader implications of not dealing with those fuel loads and the kinds of fires that ensue from a watershed standpoint, and the effect that they have on threatened or endangered species like salmon, and the immediate aspects of the impacts of doing thinning or fuel load reduction activities on threatened or endangered species.

This may be one area where the Endangered Species Act doesn't help us very much and isn't very clear, because the reviewing biologists when they look at a fuel reduction project, are not able to weigh the long-term benefit of doing the fuel reduction against the immediate impact associated with the disturbances that will be created when you go in and cut the trees. And that is very unfortunate, because they can only look at the latter, and not balance that short-term risk against the larger long-term risk that when that area explodes in fire, it will have a much more catastrophic effect on threatened or endangered salmon stocks.

Mr. OTTER. Thank you. Thank you, Mr. Chairman. I would only mention, in the 880,000 acres we burned, we had some depths up to 18 inches where the earth had been calcined. You know, unless it was a real muddy lumbering season, I never saw a track go 18 inches deep. By the way, the 1910 fire to which the Secretary and I have referred, we have some reaches on Slate Creek, which is a tributary to the St. Joe and then on into the Coeur D'Alene, that there is still nothing growing on reaches of the Slate Creek—I just was there about 3 weeks ago—because the earth was burnt so deep. It's like trying to grow something in a jar of marbles.

Mr. PETERSON. We thank the gentleman.

I very reluctantly recognize the gentleman from New Mexico. He said he had 15 pages of questions, and I think that would endanger my dinner hour, so I will cautiously turn the mike over to the gentleman from New Mexico.

Mr. UDALL OF NEW MEXICO. Mr. Chairman, I won't ask them all in this 5 minutes. Okay?

Mr. PETERSON. We will allow you to present the rest of them for the record, because Mr. Rey would look forward to answering all of them, I am sure.

Mr. UDALL OF NEW MEXICO. I do have a number of other questions, and would be happy to stay here a little bit longer.

Mr. Rey, earlier you mentioned an exchange of letters between the administration and several environmental groups regarding future discussions about roadless areas. Could you submit those letters for the hearing record, for the information of the Subcommittee.

Mr. REY. Be happy to, and it was a consortium of environmental and other groups. It wasn't exclusively environmental groups. It was under the auspices of the Teddy Roosevelt Institute.

Mr. UDALL OF NEW MEXICO. Okay.

Mr. PETERSON. Without objection, they will be accepted.

Mr. UDALL OF NEW MEXICO. Thank you, Mr. Chairman.

Mr. Rey, in October of 2000, over at the University of California, at the Center of Forestry, you gave a speech to the Forestry School there and you used pretty strong language about the Roadless Rule. I mean, you at one point talked about—and this is on page 4 of the speech that I have—you said, "By executive fiat, the President almost doubled the size of restricted land, leaving many in Congress dumbfounded, the Forest Service paralyzed, and citizens angry and without a voice."

And then you seemed to quote from a supervisor of one of the Nation's largest forests, very approvingly, of a letter that he sent to Forest Service Chief Dombeck, where he said in a letter, "I have

been a line officer for just over 20 years and a Forest Service supervisor for over 10 years. In all of that time, I have never experienced such public disbelief and animosity directed toward any policy proposal as this one," referring to the Roadless Rule.

And I am a little mystified here today by your testimony where you talk about being responsible and balanced and having this balanced approach on the Roadless Rule, because the Roadless Rule, as you know, the Clinton Administration took a significant period of time—despite some of these things in the press that this was done at the last minute—took a significant period of time. There were 600 hearings. They went to communities all over the West. They came to my State; I know they came to many other western States. We had 1.6 million comments. Ninety-five percent of the comments said that they wanted more protection for roadless areas.

And so I am wondering, you know, what this new rule that you are going to come out with, are you going to do that kind of extensive hearing process where you really hear from the people?

Mr. REY. We may, depending on how we proceed with the advice of the groups who have offered us their advice, but that will come as we get further along in our process. I think you would agree—

Mr. UDALL OF NEW MEXICO. So you are not going to commit to doing a hearing process that is just as open and just as broad, and letting the American people speak?

Mr. REY. That was where I was going to go to next.

Mr. UDALL OF NEW MEXICO. Well, please do.

Mr. REY. There were indeed a number of hearings, an extraordinary amount of public comment, but all of those hearings and all of that public comment followed—it did not precede, it followed—the President of the United States making an announcement that his government was going to do this. And it seems to me that anybody who wanted to be skeptical or cynical about whether their comments were going to be truly listened to, had good reason to be in the way and the order in which events unfolded.

So I will pledge to you one thing today, and that is, I will never advise the President of the United States to announce the outcome of a rulemaking before it begins. And if, contrary to my advise, the President does that, he will have my resignation on his desk.

Mr. UDALL OF NEW MEXICO. So is your position that what happened in that rulemaking, because the President said this is a good idea, this is the road we should head down—

Mr. REY. It wasn't—

Mr. UDALL OF NEW MEXICO. —that then all these people that were out there, these local people and environmentalists that were against the rule and all these people, they just decided not to show up at all these hearings? I mean, I still don't understand. You have a year and a half of hearings. You have 95 percent of the comments saying they want more protection. You have millions of comments on this. And where were all the people that you are talking about in your speech here, that objected so strongly to what was going on here? What happened to them?

Mr. REY. Their comments are in the docket, too. They were reflected in the docket. They were admittedly less numerous than

those who supported the rule, but we both know how the comment process works. Groups mobilize.

But it wasn't just the President announcing that this was a good idea and that they were going to proceed. To follow, in 2 months after the President's announcement, the Secretary of Agriculture made the same announcement. In his State of the Union address following, the President thereafter said, "We have done this." And in a May appearance the Vice President also acknowledged, "We have done this." All four of those statements preceded the close of the public comment period on this rulemaking.

And that, among other reasons, is why I think the courts overturned it, because that is not the way rulemaking should be conducted by the executive branch. It doesn't send a message to the public that their comments are valued, that their comments are relevant, and that their comments are going to be listened to. And we will never do that, I promise you.

Mr. UDALL OF NEW MEXICO. Well, you are going to propose a rule. Am I correct?

Mr. REY. That is correct.

Mr. UDALL OF NEW MEXICO. And you are going to propose a rule, and everybody out there I think is going to know that the administration has proposed a rule, and presumably you and the Secretary of Agriculture and the President will have all talked about it, so you will be in support of the rule that you propose. Is that correct?

Mr. REY. But we will never make categorical statements in the past tense, taking credit for this as already being done before the comment period closed, and that is what the previous administration did, not once, not twice, not three times, but on four separate occasions. And I don't, you know, I don't mean to rehash old ground over that. It has happened. The courts are in the process of reviewing it. We will be directed by whatever the courts review.

But I think it is worthwhile to acknowledge that that occurred, because it explains the intensity of feeling the groups had about that rule—both positive feelings, because if I was in favor of that rule, I would be delighted that the President, the Vice President, and the Secretary had already told me what they were going to do. I would be ecstatic. If I was opposed to that outcome, I would be downhearted, I would be devastated, and I would wonder whether it is worth my time to show up at a public hearing, to tender comments, to offer my views, when for all practical purposes it appears that the decision has already been made.

Mr. UDALL OF NEW MEXICO. Thank you very much for your answer.

Mr. PETERSON. The gentleman's time has expired.

Mr. REY, the characterization that we just heard was that the Clinton proposal took a year and a half, had a year and half of hearings. As I recall, it was a little closer to a year.

Mr. UDALL OF NEW MEXICO. It was a very lengthy period.

Mr. PETERSON. I will accept that.

Mr. REY. Actually, if I could interject, I thought it was a very short period. We take more time than that to do an Environmental Impact Statement on a project that affects 10 acres, let alone one that affects 70 million acres. I think that was a relatively short period of time—

Mr. UDALL OF NEW MEXICO. Well, I hope you will commit on your rule for—that is what I was asking you—a much longer period of time.

Mr. REY. I am sure it will take us a longer period of time.

Mr. UDALL OF NEW MEXICO. And many more comments on your rule. I hope you commit to that kind of openness.

Mr. PETERSON. Mr. Rey, back to my time, I reclaim my time.

Mr. UDALL OF NEW MEXICO. Sorry.

Mr. PETERSON. Isn't it true that a forest plan takes up to 5 years?

Mr. REY. That is if—

Mr. PETERSON. And that is just for a single forest?

Mr. REY. That is correct. It takes longer in many instances.

Mr. PETERSON. What is the longest that you have ever seen a forest plan take?

Mr. REY. Eternity, seems to be. It seems to be that that is—

[Laughter.]

Mr. PETERSON. So if we are talking about 70 million acres, it probably should have taken a little longer than that.

Mr. REY. Well, I mean, I think that is—the observation that the court made in reviewing the rule was in many respects similar to the observations that the court offered 20 years ago, the last time we tried to do this through a single rulemaking in the Carter Administration. And in each instance the court called into question whether, however many hearings you have nationwide, you can adequately assess the site-specific impacts associated with a decision of this magnitude.

And I think that is probably the more pertinent question, rather than how many comments we solicit or how many meetings we had. It is the quality of the decisionmaking process and the analysis that is used, not the quantity of the people we turn out.

Mr. PETERSON. I would also like to note for the record, in light of what has been said, that in many of the hearings, the public hearings were extremely deficient in the information that was given out relative to the maps of the areas that were being considered. In fact, after the decision was made, after the policy was stated, we still lacked definitive maps to show us exactly what—isn't that true?—what the plan was presenting.

Mr. REY. That was certainly true with the first round of hearings. I believe it got better with the second, but nevertheless that was one of the flaws that Judge Lodge cited in issuing the preliminary injunction on the rule.

Mr. PETERSON. Thank you very much. Mr. Inslee?

Mr. INSLEE. Thank you, Mr. Chairman.

Mr. Rey, my apologies for not being able to join you. We had a mark-up over—taking care of our reinsurance industry issues, so if I am redundant, my apologies to you.

We did have an extraordinary outpouring of citizen comment on the Roadless Rule. I don't know if there has ever been such an emotive response to an issue, and the sort of tenor of the comments were extraordinarily one-sided, I think, at least in my reading of them, showing a huge, huge majority of folks who were committed to retaining the roadless characteristic of these forests. That is my

reading. If you have a different reading, I would like to know your comments about that.

But, secondly, could you tell us, to the extent you can now, what you have done to modify or affect your proposed rule in response to that overwhelming sentiment? And if you could be as particular as you can, it would be great.

Mr. REY. First let me give you my observations, and I am going to get the exact numbers wrong, but we will correct them for the record.

My recollection is, the Forest Service received somewhere in the neighborhood of 1.2 million comments on the Roadless Rule. I think it is important to keep clearly in mind that 1 million or thereabout of those comments were delivered on the last day in an organized sort of "get out the vote" effort. And there is nothing wrong with that. In fact, that is democracy at its best and democracy in action. Whether it reflects a deeply held public view or the good work of some very capable organizers is, I think, an open question.

Of the remaining 200,000 comments, they were more evenly divided as to their views on the Roadless Rule. If you take and excise comments just from State and local elected officials, people who arguably share the same responsibility that we do as public servants, my recollection is that there was a 70 percent/30 percent run against moving forward in this fashion.

Much of the dispute over the Roadless Rule was at its heart not a dispute over the need to protect roadless values, nor a dispute over whether additional areas should be designated as wilderness. It was rather a dispute over the means which the previous administration chose to pursue its ends.

I hope, and as I said earlier, I am not at all convinced we will do better, but we are going to try. We have so far issued an Advance Notice of Proposed Rulemaking, where we asked the public to respond to some basic questions about how we might best proceed. And, as I said earlier today, the administration and a consortium of groups, under the auspices of the Teddy Roosevelt Institute, exchanged letters, whereby the institute is willing to sponsor a dialogue with a broad cross-section of national groups to give us some advice on how we best proceed.

As to what we are specifically going to do in the proposed rule, we haven't gotten that far yet. And one of the things that I will be very mindful of as we get further, is to describe what we are proposing as proposals, to be honest and sincere in soliciting the public's views and the views of various groups about the merits of those proposals and whether they think they would support them or not. And that is one commitment that I feel very strongly about, because a good deal of the public cynicism for those who opposed the Roadless Rule was that it was presented in a preemptory fashion, as a policy that had been adopted, not one that was being proposed.

Mr. INSLEE. Well, from the tenor of your comments, I take it that somehow you give a two-tiered approach to comments by citizens, one which is the upper tier, which is something I guess I envision written on an individual piece of paper; another that in this case came in by the hundreds of thousands, which were perhaps more uniform in their statement on a preprinted tab. And I want to tell

you that I think that is really missing the boat on how to assess public sentiment on this.

And the reason I say that is, if the administration really wants to know what people think about this issue by the people they work for, namely the citizens, your assumption that somehow these hundreds of thousands of people who wrote you letters should be sort of undervalued would only be correct if the other side of the coin didn't have resources enough to go out and ask people what they thought. And the fact is, the folks who wanted to minimize the roadless area policy have got plenty of resources to let you know what people think. It is just that they didn't have hundreds and hundreds of thousands of people who thought that way.

And I really think that you need to reexamine how you evaluate citizens' comments, if in fact that is the case. And I would like to ask you one more question, but I am out of time here. Thank you.

Mr. REY. Could I just respond briefly?

Mr. INSLEE. Sure, from my point of view, anyway.

Mr. REY. Last month a web site named voter.com asked a question about whether my confirmation should be approved by the Senate or not. I won, 90 percent to 10.

Mr. INSLEE. On vote.com you would, believe me.

Mr. REY. Now, Mr. Inslee, you and I both know that that was because certain interests who were supporting me mobilized better than others. Whether that is a real reflection on my qualifications for the office or on how I am going to discharge the public trust is a different question, and I am not sure simply counting heads is the best way to manage our national forests or any of our other environmental resources. I don't think we want to go down that road, because what the statutes have required in the past is that we apply scientific information to deal with complex environmental quality control problems.

Mr. PETERSON. Against my better judgment, I am going to allow Mr. Udall one more question.

Mr. UDALL OF NEW MEXICO. One more question? How about—

Mr. PETERSON. That is it, one more question. I have still got the hammer, and I have got to leave, and I don't trust either one of you with the hammer, so—

[Laughter.]

Mr. UDALL OF NEW MEXICO. Oh, that hurts, that hurts. If I was in your position, I would trust you.

Mr. PETERSON. Your time is about up, Mr. Udall.

[Laughter.]

Mr. UDALL OF NEW MEXICO. Okay. Mr. Rey, thank you very much for coming today. Your comment about protecting roadless values, that this administration and you are going to see that you protect roadless values, I want to ask you about that because I am wondering how you are going to protect. We have set aside the Clinton rule. We have got your new rule coming in. You have got an interim set of advice going on with that.

And apparently the interim rule allows the Chief to sign off, but there is an "unless," unless the planning process is complete, and apparently in 12 forests across the country, including the Tongass, the planning process is complete, and timber sales are already being planned up in the Tongass. So I am wondering, what is this

administration doing to protect roadless values in the interim, before you get a rule in place if timber sales are already going on in the Tongass. The Tongass had the protection under the previous policy. Normally you would have to had to go through a whole other policy to open it up, but now apparently through this interim policy you are able to go ahead and log.

Mr. REY. Well, first off, protecting roadless values, I hope we would agree, doesn't mean protecting every single acre of the roadless areas that exist out there right now. And part of the difficulty in reaching decisions here is to work through the areas in a way that makes sense, so that people who are interested in specific areas get the opportunity to offer their views.

On the Tongass, any roadless areas that are entered during this interim period, if any are entered, any that are entered will only be entered with a full Environmental Impact Statement preceding that decision, so the highest level of protection available under existing law is going to be applied to that decision.

Mr. UDALL OF NEW MEXICO. And you are announcing at this point that you are going forward with logging in the Tongass?

Mr. REY. We are not going forward with logging in the Tongass.

Mr. UDALL OF NEW MEXICO. In the roadless areas.

Mr. REY. Forest management in the Tongass continues, and there is some portion of roadless areas that are part of the timber base in the existing Tongass land management plan, but it is something in the neighborhood of one hundredth of 1 percent that would be affected during the period where we will be struggling with this Roadless Rule. That is a maximum, one hundredth of 1 percent of the Tongass could be affected, and it will probably be significantly less than that.

Mr. PETERSON. I am going to bring this hearing to a close now.

Mr. UDALL OF NEW MEXICO. So the answer is—

Mr. PETERSON. We are already over. We are already over time.

Mr. UDALL OF NEW MEXICO. Well, I still have my green light, Mr. Chairman.

Mr. PETERSON. This is your third question, too.

Mr. UDALL OF NEW MEXICO. No, it is one question, but I thought you were giving me a round to finish my green light.

Mr. PETERSON. I gave you one question. Did you ask, was the last question yes or no?

Mr. UDALL OF NEW MEXICO. Well, I was trying to get him to simply say yes.

Mr. REY. The answer to the last, well, it isn't a yes or no question. The answer to the question is perhaps yes, but only after the strictest environmental reviews are going to be conducted.

Mr. PETERSON. And on that, we bring this hearing to a close. Mr. Rey, I thank you very much for your attendance here.

Mr. UDALL OF NEW MEXICO. Mr. Chairman, could I just note for the record that I did have a number of other questions to be asked, and submit them for the record, please?

Mr. PETERSON. And not only that, but we do ask Mr. Rey, if we submit these questions to you, the record will be open for 10 days, and we would like for not only Mr. Udall but any other Member who may submit questions to you, that you respond to those questions. They will become part of the permanent record.

Mr. REY. We would be happy to respond to those questions, and we would like to provide to you for the record our responses to all of your questions, save two, from the last hearing. We have just cleared them today so that I could bring them up to you this afternoon.

Mr. PETERSON. Thank you very much, Mr. Rey. And knowing that there is no other business to come before this Subcommittee, we are adjourned.

[Whereupon, at 5:54 p.m., the Subcommittee was adjourned.]

