THE PRESIDENT'S HEALTHY FORESTS INITIATIVE AND H.R. 5214, H.R. 5309 AND H.R. 5319

HEARING

BEFORE THE

COMMITTEE ON RESOURCES
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C O N T E N T S

HEARING ON THE PRESIDENT'S HEALTHY FORESTS: AN INITIATIVE FOR WILDFIRE PREVENTION AND STRONGER COMMUNITIES; AND H.R. 5214, TO AUTHORIZE AND DIRECT THE SECRETARY OF AGRICULTURE TO TAKE ACTIONS TO PROMPTLY ADDRESS THE RISK OF FIRE AND INSECT INFESTATION IN NATIONAL FOREST SYSTEM LANDS. (NATIONAL FOREST FIRE PREVENTION ACT); H.R. 5309, TO AUTHORIZE THE REGIONAL FORESTERS TO EXEMPT TREE-THINNING PROJECTS, WHICH ARE NECESSARY TO PREVENT THE OCCURRENCE OF WILDFIRE LIKELY TO CAUSE EXTREME HARM TO THE FOREST ECOSYSTEM, FROM LAWS THAT GIVE RISE TO LEGAL CAUSES OF ACTION THAT DELAY OR PREVENT SUCH PROJECTS. (WILDFIRE PREVENTION AND FOREST HEALTH PROTECTION ACT OF 2002); H.R. 5319, TO IMPROVE CAPACITY OF SECRETARY OF AGRICULTURE AND THE SECRETARY OF INTERIOR TO EXPEDITIOUSLY ADDRESS WILDFIRE PRONE CONDITIONS ON NATIONAL FOREST SYSTEM LANDS AND DEPARTMENT OF INTERIOR LANDS THAT THREATEN COMMUNITIES, WATERSHEDS, AND OTHER AT-RISK LANDSCAPES THROUGH ESTABLISHMENT OF EXPEDITED ENVIRONMENTAL ANALYSIS PROCEDURES UNDER NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, THE ESTABLISHMENT OF A PREDECISIONAL ADMINISTRATIVE REVIEW PROCESS FOR CERTAIN FOREST SERVICE PROJECTS AND FOR OTHER PURPOSES. (THE HEALTHY FORESTS REFORMS ACT OF 2002)

Thursday, September 5, 2002

U.S. House of Representatives

Committee on Resources

Washington, DC

The Committee met, pursuant to call, at 9:34 a.m., in room 1324, Longworth House Office Building, Hon. James V. Hansen (Chairman of the Committee) presiding.

The CHAIRMAN. This meeting will come to order.

Mr. Rehberg, it is a pleasure to see you, sir. We are expecting the Secretary of Interior and the Secretary of Agriculture to walk in, but, as you all know, the traffic was horrible this morning and everyone is trying to get in here so they can testify. But we have got a lot of ground to cover today, so we may move ahead.

Mr. Rehberg, you are going to testify, aren't you? So we could start with you as soon as we get these opening statements.

We welcome the Secretary of Agriculture and the Secretary of Interior just walking in. Thank you for being here, and I think you just about made it on time. We understand the traffic was horrible this morning, and we all had that same problem. We appreciate you being here.

I will give my opening statement and then turn to the minority for theirs.

STATEMENT OF THE HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

The CHAIRMAN. So far this year more than 6.3 million acres of forestland and rangeland have burned in wildland fires. This is more land than the entire acreage of Maryland, Vermont, Rhode Island, New Hampshire, New Jersey, Massachusetts, and Connecticut. Sadly, 20 firefighters have died, more than 2,000 homes and structures have been destroyed, and tens of thousands of people have had to evacuate their homes.

In addition to destroying lives and property, these fires have decimated millions of acres of habitat, killed millions of trees and severely damaged watersheds for decades to come. According to the Forest Service, currently 231 million acres of the Federal estate are at increased risk of catastrophic forest fires like the ones we are seeing today. I sincerely hope that this year marks the turning point in how we care for our forestlands and rangelands.

It deeply concerns this Committee that it take so much destruction and tax dollars spent on firefighting to convince some people that we need to do better management of our forests. The greatest tragedy of fire seasons like these are that they are predictable and preventable. While drought has made this fire season worse than it otherwise would be, the real problem is that there is an unnatural buildup of fuel in the forests as a result of a century of fire suppression and a lack of active management. Now, instead of fires that burn at low intensity, sparing the large trees while burning the underbrush and ground cover, we have catastrophic fires that destroy hundreds and thousands of acres and much of the habitat that the forests provided.

We have understood for a long time that years of fire suppression has impaired the health of the forests, but lately when we have tried to thin the forests or get it back to a more healthy condition we been thwarted by groups that apparently care more for environmental laws than for the health of the actual environment. The Center for Biological Diversity website says it all. They wrote, quote: " It is critical to act now to help preserve our environmental laws, end of quote. They don't say that it is critical to act now to protect the environment. They say it is critical to act now to protect environmental laws."

Personally, I care about on-the-ground improvements and management. If we need to amend some environmental laws to improve the health of the environment, then that is what we need to do. But the current state of the forest is a direct result of allowing the courts instead of foresters to manage our forests.

We also get these disastrous results when we manage areas for one species and not for the health of the forest as a whole. What some don't realize is that when then ice sheet receded from North

America they left behind a new inhabitant, humans. For the last 10,000 years, man has been managing the new forests of North America. The early inhabitants used fire to manage the landscape and create habitats they favored. Some now believe that we should leave the responsibility of managing the forests to the forests themselves. However, as long as we have had the current forests of North America, we have had humans manage them. To take humans out now is an unnatural experiment.

We are glad to see that Senator Daschle also subscribes to the views that humans need to be more active managing forests. He also realizes that one of the major impediments to good management are frivolous lawsuits as shown by his rider on the supplemental appropriations bill. In that bill, Senator Daschle includes language to exempt a fuels reduction project in the Black Hills from environmental laws and judicial review.

Among the projects I would like to see expedited is the Griffith Springs project in the Dixie National Forest in Utah. This project is a sanitation and salvage harvest that would remove spruce beetle infected trees and recently killed trees on 714 acres.

During the last week I was down on the Dixie, I walked it, I flew over it. It is a tragedy. Having relatives from that area, I could hardly believe what has occurred. That was not a forest when the pioneers came into that area. Due to the imagination and good management of the Forest Service, they went in and planted trees, and now it has been known for years as one of the finest and most beautiful forests there is in America. Now it is just one dead tree after another.

The Forest Service supervisor is a fellow by the name of Hugh Thompson. Hugh said, when I first saw this heavy infestation of pine beetle, I could have gone in there and cut out 17,000 acres, and the healthier trees would have made it. One lawsuit after another, and now we have an entire dead forest.

I asked the new forest supervisor, what is going to happen to the Dixie forest? He said, there is a 100 percent guarantee it will burn to the ground. Then what? There is a 100 percent guarantee we will have a flood.

What did we gain by those lawsuits that completely took apart this beautiful forest?

The Committee applauds President Bush to be willing to stand up for the health of the forests. It is ironic that the President is vilified when he argues that we need to more actively manage the forest, while Senator Daschle is hardly criticized for taking a far more aggressive position in South Dakota.

The President and members of this Committee have sound plans for moving forward and improving the health of the forests. We hope to have the types of improvements in the rest of the country that Mr. Daschle secured for South Dakota. As the old saying goes, an ounce of prevention is worth a pound of cure. Never has that saying been more appropriate than it is now.

[The prepared statement of Mr. Hansen follows:]

Statement of James V. Hansen, a Representative in Congress from the State of Utah

So far this year more than 6.3 million acres of forestland and rangeland have burned in wildland fires. This is more land than the entire acreage of Maryland,

Vermont, Rhode Island, New Hampshire, New Jersey, Massachusetts, or Connecticut. Sadly, 20 firefighters have died, more than 2,000 homes and structures have been destroyed, and tens of thousands of people have had to evacuate their homes.

In addition to destroying lives and property, these fires have decimated millions of acres of habitat, killed millions of trees, and severely damaged watersheds for decades to come. According to the Forest Service, currently 231 million acres of the federal estate is at increased risk of catastrophic forest fires like the ones we are seeing today.

I sincerely hope that this year marks a turning point in how we care for our forestlands and rangelands. It deeply concerns this Committee that it takes so much destruction and tax dollars spent on fire fighting to convince some people that we need to better manage our forests.

The greatest tragedy of fire seasons like these is that they are predictable and preventable. While drought has made this fire season worse than it otherwise would be, the real problem is that there is an unnatural build-up of fuel in the forest as a result of a century of fire suppression and a lack of active management. Now, instead of fires that burn at low intensities, sparing the larger trees while burning the underbrush and ground cover, we have catastrophic fires that destroy hundreds of thousands of acres and much of the habitat that the forest provided.

We have understood for a long time that years of fire suppression has impaired the health of the forest. But lately, when we have tried to thin the forest to get it back to more healthy conditions, we have been thwarted by groups that apparently care more for environmental laws than for the health of the actual environment. The Center for Biological Diversity's website says it all. They warn, "It's critical to act now to help preserve our environmental laws." They don't say that its critical to act now to protect the environment; they say its critical to act now to protect environmental laws. Personally, I care about on-the-ground improvements and management. If we need to amend some environmental laws to improve the health of the environment, then that's what we need to do.

But the current state of the forest is a direct result of allowing the courts, instead of foresters, to manage our forests. We also get these disastrous results when we manage areas for one species and not for the health of the forest as a whole.

What some don't realize is that when the ice sheets receded from North America, they left behind a new inhabitant—humans. For the last 10,000 years, man has been managing the new forests of North America. The early inhabitants of this continent used fire to manage the landscape and create habitats they favored. Some now believe that believe we should leave the responsibility of managing the forests to the forests themselves. However, as long as we have had the current forests of North America, we have had human managing them. To take humans out now is an unnatural experiment.

We are glad that Mr. Daschle also subscribes to the view that humans need to more actively manage forests. He also realizes that one of the major impediments to good management is frivolous lawsuits, as shown by his rider on the Supplemental Appropriations bill. In that bill, Mr. Daschle included language to exempt a fuels reduction project in the Black Hill from environmental laws and judicial review.

Among the projects I would like to see expedited is the Griffin Springs project on the Dixie National Forest in Utah. That project is a sanitation and salvage harvest that would remove spruce beetle infested trees and recently killed trees on 714 acres. For years the Forest Service has tried to eliminate fire risk on the Dixie National Forest through fuel reduction projects such as this. However, this project, along with others, has been halted due to appeals. The question is not if these trees will burn, but when. We need to make sure that when there is a fire on the Dixie, it will be a low-intensity fire that is beneficial to the forest, and not a catastrophic one that will destroy the forest the habitat it provides.

The Committee applauds President Bush for be willing to stand up for the health of the forest. It is ironic that the President is vilified when he argues that we need to more actively manage the forests, while Mr. Daschle was hardly criticized for taking a far more aggressive position in South Dakota. The President, and members of this Committee have sound plans for moving forward and improving the health of the forest. We hope to have the types of improvements in the rest of the country that Mr. Daschle secured for South Dakota. As the old saying goes, "An ounce of prevention is worth a pound of cure." Never has that saying been more appropriate than with the current situation on our forest and rangelands.

I look forward to hearing from our witnesses today.

The CHAIRMAN. I look forward to hearing from our witnesses today. I don't see Mr. Rahall here. I imagine Mr. Miller is going to speak for him. But before Mr. Miller, let me say, we will go to our three Congressmen, we will take the two Secretaries, and then go to our first panel.

I understand, Madam Secretary, Ms. Norton, that you have to get out of here in a short time, so we will take you first, if that is all right, as soon as we finish with these gentlemen.

Mr. Miller.

STATEMENT OF THE HON. GEORGE MILLER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MILLER. Thank you, Mr. Chairman.

I wouldn't pretend for a moment to speak for Mr. Rahall, but I will speak in his place; and we join you in sharing your very serious concern about the issues of forest health and the fires in our forests and the threat that they pose to many of our communities and the health of those very same forests.

I would say that I am concerned that the tragic fires that we have experienced both last year and this year are being used for a means to waive the basic environmental laws, and I think the evidence is clear that that is not necessary. In fact, we see in my own State of California, where we have reached agreement on our Sierra Nevada plan, after 10 years and some $23 million of scientific study and management development of those lands, a plan is now in place which will prioritize the treatment of those forests that will allow within the first quarter mile in the interface area of the taking—of the thinning and the taking of trees up to 30 inches, and in the next mile and a quarter, I believe it is, or mile and a half of the interface area you can take trees out up to 20 inches and with all the thinning that goes along with that.

That is a plan in place on the ground. Unfortunately, this administration has chosen to now spend the money to re-review that 10 years of science where we have agreement in the environmental community, we have agreement in the logging community, we have agreement in the communities, to re-review that rather than get on with the treatment of those lands.

The Western Governors Association, under the leadership of your Governor, came forth with a plan that again was agreed to by all of the parties for the treatment of the lands within the environmental laws, setting the priorities once again about the most critical areas, the areas that pose the greatest danger of loss of life and property; and yet we are back here suggesting that the only way we can do this is to waive the environmental laws.

It is also a little questionable in terms of the proposals being put forth exactly what it is we are going to treat. The Forest Service has treated about 275,000 acres, if my figures are correct, and yet we see the testimony from the industry and others suggest that there needs to be treatment of about 72 million acres. The Forest Service has estimated it will cost about $1,685 per acre to thin some of those forested lands. On the average, the Forest Service timber projects generate about $800 an acre. If timber revenues are supposed to convert the cost of the thinning, it has been suggested that you will have these forest stewardship contracts and you will

be able to take the money out and put it into the treatment of the forest. If that is the case, if these figures are accurate, you will have to have forest projects on 447 million acres. There is only 191 million acres in the forest.

So I don't quite get how you are going to get this $121 billion, but the answer obviously is you think you can waive environmental laws and therefore you can raise the amount of money taken off of each of these lands, and the only way you can do that is to take more and more of the large trees off of the lands to get the—to take the cost from $800 an acre that the lands yield under the sales programs to get to the $1,600 that it costs to thin these lands, according to the Forest Service.

I think what we should really be doing is we should be putting the money that has now been held up in the supplemental, we should be putting the money into the treatment under the plans that are on the ground that have agreement across the communities, across the interest groups, and get on with the thinning of these lands and quit trying to use these sales as a means to eviscerate the environmental laws of this Nation. Because it is very clear, both from our experience in California and the experience of the Western Governors Association, that that is not necessary and that in fact we can get on with the thinning program now.

But what the thinning program is going to need, it is going to need a combination of both stewardship contracts and Federal dollars, because the stewardship contracts—it would be a misnomer to call them stewardship if they have to generate the revenues necessary for the treatment of the lands, because they simply will have to cut down the forests to save it. I have seen that policy before. It doesn't work terribly well.

So I would urge that the Committee would give very thoughtful consideration to these bills that are before us and understand that, one, they simply may not be necessary; two, they may do a great deal of harm; and, three, financially they are unsustainable, simply unsustainable. It won't work. And if you are going to treat the level of acreage and forestlands that has been suggested by the industry and others in testimony before this Committee—.

I don't know if I have time left. If I do, I would be happy—.

The CHAIRMAN. The time of the gentleman has expired. I appreciate the gentleman's comments.

We have our three sponsors of these bills with us. Could I limit you each to 5 minutes? We have to get these two Secretaries out of here by 10:45. Can you get it done in that time?

Mr. McInnis, we will start with you. Mac.

STATEMENT OF THE HON. SCOTT MCINNIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. MCINNIS. Thank you, Mr. Chairman.

First of all, I would like to make a comment in regards to Mr. Miller's comments.

Mr. Miller, the only individual I am aware of in the entire—Mr. Miller. Mr. Miller, I am addressing my comments to you. The only person that I am aware of in the entire Congress that is making an effort, and frankly has been very successful at waiving environmental laws, was Mr. Daschle with his attachment on the bill over

there. He is the only Member of Congress that I have seen that has been successful in the waiver of those; and, as mentioned by the Chairman, it is of interest that the National Sierra Club and the National Wilderness Society haven't even blinked an eye at his process.

My bill does not follow that process. My bill, in fact, incorporates some of what you have said.

I agree with you that the stewardship, for example, as highlighted in my bill—which my bill I think is pretty much a middle-of-the-road bill—the stewardship alone cannot carry the weight of the financial burden. It is going to have to have contribution from the Federal Government. So we agree on that point.

I also agree very strongly with you, as does my bill, that we should not waive environmental regulation and go into the forests with a timber company with the idea of being the largest lumber manufacturer in the world. That is not the idea here. The fact is, what I am doing here is expediting a process. Our whole problem out there and which my bill I think attempts to address, our whole problem out there is paralysis by analysis. It goes appeal after appeal after appeal. My letter to the General Accounting Office last year came back and said less than 1 percent I think or something of these projects are appealed. They immediately withdrew that letter and said they made a dramatic mistake in the calculation, that in fact it was closer to 50 percent.

What my bill does is allows a preprocess decision to be made. It does not eliminate at all the appeal process, but it expedites the appeal process so you can't do as they did in Colorado where we had hundreds of thousands of trees blowing down. Every scientist in the world was saying to us the beetles are going to move in first on the dead trees, then they are going to move into the live trees; and, by the way, this thing is also going to be a fire hazard in 2 or 3 years. We are still tied up in the process up there. In the meantime, the beetles have moved into the live trees now, and that was the big fire that we had up in Steamboat Springs, Colorado, which we just recently got under control.

I am trying to get a fair hearing by all sides but get it done in a timely process. My bill is the kind of bill that you ought to support. It is—you put a category up there that these bills are bills that are—all the bills we are hearing today, you make it seem as if it is some type of radical approach. Mine isn't at all. Mine is a reasonable approach.

I might also want to say to you that when we talk about thinning, we can't just talk about the interface. A lot of the water you get out of Colorado to your State of California, the water tables and the water storage areas we have up there are deep in the forest. Denver right now, because of the Hayman fire up there, because we weren't allowed to send a round there where they store their water and so on now has huge amounts of sludge going into their city water system.

So it goes beyond the urban interface. We have got to look at forest by forest on a custom basis. That wasn't done by Mr. Daschle, with the exception of one forest in his State. What I am saying, across the country we ought to take a look at forest by forest, not limit it to just interface but also go up into the watersheds or the

water storage areas, go into the areas where we have endangered species, where every tree being the same age growing up is knocking out our usual fire blocks. There is a lot that we can do, and I think that my bill is a reasonable approach to that.

Now, in response to what Mr. Daschle has done over on the Senate side, I think Members of the House of Representatives ought to be able to come in with the same thing. I am attempting to do the same thing Mr. Daschle did with my blow down in the beetle kill up in Steamboat Springs. But I think my bill is a reasonable approach, and I would urge that the Committee take a careful look at my bill.

I have got 5 minutes worth of comments, Mr. Chairman, that I ask that I be able to incorporate into the record. But I would just summarize my comments by saying that I think the testimony we are going to get today from the two Secretaries respectfully is going to buttress the approach that we use in the middle of the road, that we don't go around environmental laws but we put these environmental laws in what the average person out there using common sense would say the reasonable, prudent standard to be, is this thing ought to be heard and ought to be decided within a period of time that doesn't put the forests at risk because we have delayed it in court action after court action after court action. So I would ask for a favorable consideration of my bill, and I appreciate the Chairman's allowance for me to testify.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

[The prepared statement of Mr. McInnis follows:]

Statement of Hon. Scott McInnis, a Representative in Congress from the State of Colorado

Today we have the rare privilege hearing from America's two land-managers-in-chief—Interior Secretary Gale Norton and Agriculture Secretary Ann Veneman—on the most pressing issue facing land managers today - the wildfire crisis in the American West. I want to applaud both Secretary Veneman and my old friend from Colorado Secretary Norton - along with their Boss down the street a block or two - for their forward engagement in attacking this problem. After wrestling with the issue as Chairman of the Forests Subcommittee over the last couple years, it's become clear to me that it's going to take some good-old-fashioned elbow grease from those in the highest levels of our government to get the upper hand on this wildland epidemic. So I commend the President, Secretaries Norton and Veneman - as well the sub-cabinet officials here with us today, Undersecretary Rey and Assistant Secretary Watson - for your good faith leadership on this issue.

In the last 6 months, the American public has undergone a sea change in its understandings about our national forests. Mere months ago, many viewed these great natural resources in the same manner that they thought about grandma's antique China - if you shelter it from the elements, lock it up, and just plain leave it alone, it will be preserved in its present state for generations to come. Benign neglect, many believed, was the best way to protect this intergenerational asset.

Well, it's not news to anyone in this room that the 2002 fire season has smashed this myth like so much antique China under an anvil. After record setting fires in Colorado, Arizona and Oregon - and the thousands of other wildfires that have made this fire season among the worst in the last half century - the ill-informed mythology of laissez faire forest management is on life support. There's a fresh consensus in the American West that we need to—no, we must!—start managing our forests in a meaningful way.

For those not convinced of this dramatic change in public attitude, consider the growing list of once reticent Senate Democrats who have joined in the chorus of calling for big changes in the way we manage our forests—names like Wyden and Feinstein. I guess one could even make the case that Senator Daschle is prepared to make a change or two in current law when it comes to managing our forests. More

impressively, environmental groups that mere months ago embraced a "no cut" philosophy now propose thinning our forests, even if on a limited scale. Now, these environmental proposals are, in my estimation, little more than half measures, and a more cynical person might describe them as a political fig leaf to help deflect growing frustration with this movement on the wildfire issue. But their proposals are a start, and they underscore just how far even once ardent opponents of forest management have come.

Today we will discuss a series meaningful legislative proposals focused on solutions. I want to briefly describe why I believe that my legislation—The Healthy Forests Reforms Act—is a reasoned and prudent approach to getting our arms around the West's wildfire crisis.

The legislation was built two principles that, I believe, are the beginnings of common ground and a bipartisan approach.

First, public input in forest management is a must. And yes, that includes the opportunity for aggrieved parties to challenge forest management projects administratively and in the federal courts under our new procedures. As a general maxim, public engagement is a necessary pre-condition of good, sound forest management.

The second principle underlying my legislation is this—at present, the process that governs management of our forests and rangelands simply moves too slowly given the massive size of the wildfire threat hanging over us. To say that our forest management process moves at a snail's pace is to insult the foot speed of a snail. I think that every Member here today would agree that it just flat doesn't make any sense that it takes hazardous fuels projects—in the wildland urban interface, near watersheds, anywhere—upwards of several years to work their way through the NEPA process and any subsequent appeals and lawsuits.

Senator Daschle's Black Hills project was ensnared in bureaucracy and lawsuits for over a decade. A thinning project in my District on the Routt National Forest aimed at slowing the spread of bark beetles took over a year and half just to work its way through the NEPA process. Incidentally, that project is now under administrative appeal. As the process drags-on, the beetles continue to spread, destroying a broad swath of once scenic forest.

In the Colorado case, the South Dakota case, and in more cases than I care to count, the slow moving nature of our management process has been a primary culprit in the decline of forest health and in the related rise in catastrophic wildfire.

So what do we do about?

Well, the authors of NEPA and its implementing regulations recognized that there would be emergency instances in which the federal government would need to use so-called alternative arrangements in weighing environmental effects in lieu of the more typically used (and typically slow moving) Environmental Assessment or Environmental Impact Statement processes. If the wildfire situation isn't an emergency, I don't know what is. So my bill directs the Council on Environmental Quality to establish an expedited environmental analysis process for fuels projects on at risk landscapes, placing reasoned limits on the amount of process and documentation required. This expedited process would still allow for extensive public input, including an opportunity to appeal and litigate projects, and require a complete assessment of environmental effects and public input. But instead of taking upwards of several years to complete, this administrative process would be complete in 120 days.

If 120 days isn't enough time for "process", I ask my Colleagues, how much is?

Next, my legislation would replace the current Forest Service appeals process, which invites conflicts, moves slowly and discourages meaningful public participation during the early formulation of projects, with a more collaborative predecisional review process. Unlike the current appeals framework, the predecisional review process would allow the appeals officer to enter into collaborative dispute resolution with appellants and other interested stakeholders, and authorizes the appeals officer to sign off on negotiated agreements, so as to avoid the months-long remand process.

Next, my legislation would continue to give opponents of thinning projects implemented under this process the authority to challenge agency actions in federal court. Once challenged in federal court, the Secretary would be required to stay the project for 45 days, during which time the court would decide on the merits of the overarching cause of action. The legislation gives the judiciary the authority to appoint special masters to ensure disposition of legal challenges within the 45-day time frame. And it also includes the caveat that, if the judiciary feels like it can't dispose of the challenge in that time frame for Constitutional reasons, it can extend that deadline at its discretion.

Additionally, the Healthy Forest Act would apply the Black Hills National Forest sufficiency rider to the aforementioned thinning project in Colorado's Routt National Forest, with an understanding that other Members may wish to propose one time

exemptions to thinning projects in their Districts that are similarly bogged down in bureaucracy, appeals or lawsuits. If nothing else, it will be interesting to find out if what's good for Mr. Daschle's goose is good for everyone else's gander.

My bill would expand stewardship contracting authority for the Forest Service and Department of Interior agencies, as the Administration has called for and my Colleague from Virginia Mr. Goodlatte has tirelessly championed in recent months. And it would authorize hazardous fuels reduction funding over the next 8 years at the levels requested by the bipartisan Western Governor's Association.

Lastly, the bill creates rigid monitoring safeguards to protect against the kind of Chicken Little attacks that some environmental groups have already begun to levy against the bill. It would require the General Accounting Office to conduct an annual programmatic assessment to ensure that this new expedited process is giving the public a meaningful opportunity to comment on projects, and to challenge those projects after the fact, both administratively and in the Courts. What's more, the bill directs the Secretaries of Interior and Agriculture to create a scientific monitoring panel, consisting in part of appointees of the Chairman and Ranking Member of this Committee and its counterpart in the Senate, to assess the relative success of fuels projects implemented under this act. The bill specifically requires that panel to catalogue any abuses, should they occur.

So what emerges, Colleagues, is a bill that gives our land managers the tools to move with greater dispatch to reduce the threat of wildfire, but in a way that provides hard-hitting and objective checks and balances.

As this process and my legislation move forward, I would say to my Democratic Colleagues that nothing in this bill is sacrosanct, except the underlying mission to establish a more reasoned and efficient process. I repeat the overture that I've made to a few of you personally already—lets sit down, work out the details, and move forward in a bipartisan way.

I hope that my Democratic Colleagues will see and accept this olive branch. Don't let the fiery rhetoric of those defending the status quo burn that down too.

[A letter submitted for the record by Mr. McInnis follows:]

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COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

Member:
Agriculture, Livestock, and Natural Resources Committee
Business Affairs and Labor Committee

September 4, 2002

Representative Scott McInnis
Chairman of Subcommittee on Forests and Forest Health
1337 Longworth House Office Building
U.S. House of Representatives
Washington, D.C. 20515-6205

Dear Representative McInnis:

The devastating and unprecedented wildfires of 2000 and 2002 have brought the issues of wildfires and forest management to the forefront in Colorado. What our state is experiencing this summer is a quickly-emerging prolific pattern of natural resources destruction. We have seen a glimpse this year of things to come with the catastrophic Hayman and Missionary Ridge fires, among myriad other recent examples. With millions upon millions of federally-owned forested acres at high risk of landscape-scale wildfires, something must be done, now!

It has become painfully obvious to forest ecologists and policy makers all across the country that our current system of managing national forests is not working. In Colorado alone, process gridlock and endless appeals have helped fuel two major catastrophes this summer. The Mount Zirkel Complex fires near Steamboat Springs have destroyed thousands of acres of the Routt National Forest blowdown - acres that were to be thinned or salvaged before they ran headfirst into fatally flawed Forest Service policy and appeals. This torched wildlife habitat now joins the likes of the South Platte Restoration project. That project was aimed at protecting a vital Denver watershed in the Pike National Forest before the Hayman fire burned a 137,000-acre swath through its heart. One million Denver water users are now one heavy rain away from being without water within three days – and this immediate threat is expected to last for two years.

Streamlining Forest Service policy is a critical issue to Colorado and transcends political party lines. The time for decisive and meaningful action is now. Arduous NEPA processes and other inflexible federal regulations have rendered the US Forest Service totally helpless in treating our national forests and protecting our communities.

With this understanding, we urge your support of a common sense approach to streamlining the management process of our national forests. Specifically, we believe Congress should move to streamline analysis requirements under NEPA for wildland fire mitigation projects. Given the continuing threat of catastrophic wildfire in the West, it would be reckless to require perilous fuels projects to continue to go through a bureaucratic process that can and does take upwards of several years to complete. Next, we believe that Congress should reform the Forest Service's administrative appeals process, which too often has been used as a bureaucratic bludgeon by those opposed to active management of our forests. Finally, we urge you to support the broader application of stewardship contracts and other "win-win" techniques that harness the economic interests of the private sector toward the greater public good of healthier, more sustainable forests.

Thank you for your active support of these important measures. The health of Colorado's wildland-urban communities and our cherished national forests depend on it.

Sincerely,

Representative Diane Hoppe

Representative Diane Hoppe

c: Senator Wayne Allard
Senator Ben Nighthorse Campbell
Representative Diana DeGette
Representative Joel Hefley
Representative Bob Schaffer
Representative Thomas G. Tancredo
Representative Mark E. Udall
House Resources Committee

The CHAIRMAN. Mr. Rehberg.

STATEMENT OF THE HON. DENNIS R. REHBERG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. REHBERG. Thank you, Mr. Chairman.

The most common question asked when you return from a break is, how was your break and what did you do? Well, I brought along a newspaper to show you what I have been doing. I have been fighting fire on my own ranch, fire that got into the trees, fire that we had an inability to get out because we didn't have roads to get in there. Thank God I don't have to deal with the Federal Government. I only have to deal with the State of Montana. The Bureau of Land Management did come and help me fight that fire. But we live with this every day. I am a little tired right now because I have been up many nights fighting this fire.

These are human problems, but not only that, they are environmental problems. I am glad that finally Senator Daschle recognized this problem. My bill, H.R. 5214, I thank you, Mr. Chairman, and the members of the Committee that have co-sponsored that legislation and for giving us this hearing today.

I am glad that Senator Daschle finally recognized the problem. So what I did is in House Resolution 5214 I am attempting to do for the other 49 States what Senator Daschle felt necessary to do for his own State.

What this Congress has done—and I take issue with Mr. Miller as well on his comments about these fires creating this heartache and this desire to change these environmental laws. No. We have been calling for this since 1988, and this Congress has failed to act. In the year of 2000, we burned almost a million acres in Montana, and the Congress failed to act. We are now seeing fires in Arizona, Colorado. Other States are starting to see the same problems that we have been living with in Montana and Idaho for many, many years, and there is one thing we know that will happen: These fires will occur again.

I, as well as Congressman McInnis, take a little issue with the comments about interface. Fires don't respect fences. Twenty-mile-an-hour winds create a situation where you don't know where the fire is going to go.

Now, fire can be a tool to manage your property in. I am not that far out of the management of property, I am not that far into being a Congressman yet that I have lost sight of what it takes to manage land. And there are only so many tools in your satchel, and one is grazing, and undergrazed grass kills grass as much as an overgrazed grass. CRP does in fact create fire danger.

One of the other tools that is in your satchel would be fire. But an uncontrolled fire is a catastrophe. It kills animals, it kills the environment, it kills trees.

So if we don't come up with the various tools to be used and look at perhaps logging companies a little different than we have in the past, we are loving our forests to death. They are dying out there, and we are the reason for it. You can sit in Congress all you want and talk about all these various laws that are important to be in place, but one thing I have learned since I have been here for now

about 21 months is, everybody admits there is a problem, something needs to be done, and people in Congress support reform as long as it doesn't change anything. But we have got to change something in our forests, because what we have done now is we have created a situation where judges and lawsuits are making the determination in our natural resource policy.

For those of you on the Committee and those that are in the audience that have actually managed forests or managed pastureland, you know that you have got to get on your hands and knees. You have got to count the bugs. You have got to see what the manure is doing. You have got to look at your water cycle. You have got to look at your mineral cycle. And a judge sitting in a black robe behind a desk making a determination based on briefs filed by opposing parties is not the way that we have got to manage our forests.

Finally, Senator Daschle has recognized the problem, and I think it is important that we recognize his recognition and support the exact same legislation verbatim that he was willing to put on a rider in the U.S. Senate. So, Mr. Chairman, I hope you will incorporate either my bill into one of the other bills—.

I tremendously respect Mr. McInnis and thank him for continually bringing this issue out in his Subcommittee, as has Mr. Goodlatte; and I served on that Subcommittee in the Agriculture Committee. I thank Mr. Shadegg as well and am proud to co-sponsor his legislation. It is fine time within this Congress to quit talking about the management of our forests, quit loving them to death, quit allowing ourselves to divvy in the corners and sue each other back out of those corners, and try and actively manage our public lands for the betterment of not only the people and the economy and the jobs—and it is not about money, but the environment, the animals, and ultimately building a more secure future for the communities in this Nation.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank the gentleman.

[The prepared statement of Mr. Rehberg follows:]

Statement of Hon. Denny Rehberg, a Representative in Congress from the State of Montana

Mr. Chairman, I thank you for scheduling this hearing today to consider the National Forest Fire Prevention Act, my legislation to expand the Daschle rider so it applies to fire-prone National Forest lands across the nation, not just those in the Black Hills of South Dakota. My bill is supported by many of my colleagues on this Committee, evidence that it is time to change the system.

Many of America's public lands have become so overgrown and neglected that they are now powder kegs just waiting to erupt. We all have watched the wild fires rage across the forests—destroying homes, property, and the environment in their wake—and it is time to stand up and address the problems facing America's forests.

Montana experienced total forest devastation during the summer of 2000, when 655,000 acres of the Bitterroot National Forest burned. I have personally witnessed the devastation wrought by wildfires. Just this past week, Montanans asked me, as their voice in Washington, to push for sound forest management that reduces fuel loads and prevents fires from ruining the lives of those caught in their deadly path.

Forest fires are not Democrat or Republican issues. They are public safety issues. Mother nature has already unleashed the awesome power of fire throughout the West this year and burned more than 6 million acres - an area the size of New Hampshire.

This year's fires alone have driven tens of thousands of people from their homes, destroyed more than 2,000 structures, and caused the deaths of many firefighters.

These fires have also killed hundreds of millions of trees, devastated habitat, and severely damaged forest soils and watersheds for decades to come. Though such devastation can hardly be quantified, the total cost of these fires is already more than a billion dollars.

We must do something to improve the process to give forest managers the tools they need to manage for a healthy ecosystem and treat the forest to prevent further devastation.

That is why I introduced legislation, the National Forest Fire Prevention Act, to address this serious situation. My legislation takes the common sense policy, originally outlined by Senator Daschle, and extends its benefits to the rest of America. The National Forest Fire Prevention Act simply allows forests facing the most serious public safety threats to be treated by the Forest Service, without waiting for the full completion of lengthy and burdensome bureaucratic processes.

The bill does not overturn NEPA or NFMA, though it will no doubt be inaccurately characterized as doing so. There is no language in the bill to overturn those laws and is not an intended consequence of the legislation.

A healthy forest makes for a healthy community. We can't lose sight of that. But a delicate balance must be struck. We must have strong laws to protect the environment, there's no question about that. Yet those same laws should not be so burdensome that they prevent local forest managers from implementing common-sense land management solutions.

I'm encouraged by the President's plan - it's certainly an important step toward improving the health of America's forests. We simply must implement some regulatory streamlining so we can clear out the dead, dying, bug-infested timber that is making our forests unhealthy and prone to wildfires.

I look forward to hearing the testimony on my bill, and the proposals introduced by my colleagues Mr. Shadegg and Mr. McInnis, as well as the President's Healthy Forests Initiative. Thank you, Mr. Chairman, for bringing us all together to consider each of these proposals today.

The CHAIRMAN. The gentleman from Arizona, Mr. Shadegg.

STATEMENT OF THE HON. JOHN B. SHADEGG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. SHADEGG. Thank you. It is a great privilege for me to be back here and testify, and thank you for your support—.

The CHAIRMAN. Your microphone is off.

Mr. SHADEGG. I thank you and thank Chairman McInnis for working with me on this issue and for his co-sponsorship of my bill.

I want to take this opportunity to welcome Dr. Wally Covington of Northern Arizona University to the hearing. He is a nationally recognized expert in this area, and I think we will enjoy his testimony. I think he can teach us a lot.

It is a great privilege for me to be back in the Resources Committee. If I had my preference, I never would have left the Committee, and I would be here permanently. But it is nice to be back amongst you, even just for today.

If I have a single message to get across, it would be a message to address to this Committee that we simply cannot allow partisan preconceptions to stop us from acting today on this issue. I respect Mr. Miller immensely and his knowledge and his expertise, but I have to say, fundamentally, the concept that we may not need this legislation is simply wrong.

The second point I want to make is, we can find a compromise here. When you look at the incredible consequences of the policies we have pursued, you recognize we not only can find a compromise, we must find a compromise. This year has been one of the most catastrophic periods in the history of wildlands fire and fire management. A total of 6.328 million acres have been consumed by fire

already this year, including almost 650,000 in my own State of Arizona. We have to do something about this.

There are, of course, many causes for these wildland fires, but—and we will hear more from Dr. Covington later about what those causes are. They include long-term policy of suppressing every fire, but they also include, importantly—and I think this is the significance of Senator Daschle's legislation—they include a recognition that we have collectively allowed an excessive buildup of unnatural fuels, of high fuel load in our forests. Everyone has come to an agreement on that point.

That was the key to Senator Daschle's legislation. He recognized and those who worked with him on that compromise recognized that we have this high fuel load, that it is dangerous, that it is doing severe damage, that it leads to high temperature crown fires, and that those high temperature crown fires do severe damage.

Recognizing that, you have to ask, how did we get there? And the answer is, the policy we have in place is not working. The current law, as Mr. McInnis clearly articulated and Mr. Rehberg articulated, does not serve our interests. It allows a single individual to bring a lawsuit and to stop good public policy from going forward to allow these fuel loads to buildup. We can do something about that, and I think it is important, and I—.

Again, Mr. Miller, I hope you would be listening to this because I think you are key to this discussion, Mr. Miller.

Mr. MILLER. I am listening. I can think and listen at the same time.

Mr. SHADEGG. I appreciate that.

It seems to me we can find a middle ground. Each of the bills before you today contains a middle ground. All three of them are proposing that there are compromises that could be struck here.

Mr. McInnis's bill says, all right, we won't take out the administrative process altogether, but we will expedite it.

Mr. Rehberg's bill follows the compromises set forth in the Daschle legislation.

My own bill says, let us look at the experts in the field, the regional forester, and defer to his judgment and let him make a decision about whether or not we must act in a given area, base that on good science, and then allow that action to occur without an unnecessary delaying lawsuit which can result not only in damage to the forest but in damage to habitat.

In my own State of Arizona, lawsuits were filed by well-intended environmental groups in the area later plagued by the Rodeo-Chediski fire. Those lawsuits stopped the thinning of area which was critical habitat for a number of endangered species, including 21 northern goss hawks and 12 spotted owls.

The reality is, as a result of that litigation, the forest was not thinned. As a result of the fact that the forest was not thinned, we had a high-intensity crown fire, as Dr. Covington will explain to you, and it absolutely destroyed the habitat.

You can go to my State of Arizona, you can go to my colleague Congressman Hayworth's district, and you can walk through that fire and you can walk through sections of the fire which were not treated and they are destroyed. There is nothing living. It is a moonscape. It is gone. I beg you. Come there and see it. And you

can walk 20 feet across a line to a section of the forest that was treated, that was thinned as Dr. Covington and other experts advocate, and you can hardly tell the fire was there, and you have a continuing habitat where these endangered species can live.

But we are in charge of this. We have to change the policy; and, if we don't, then we will be responsible for what is going on.

My legislation includes a number of compromises. It is an effort to reach a reasonable balance. It says the regional forester must examine the area, he must make a certification, he must certify that the project is necessary to save that section of the forest. I believe it is critical for us to find a common ground here, and I appreciate the Committee's willingness to undertake this important task.

The CHAIRMAN. I appreciate the gentleman's comments.

[The prepared statement of Mr. Shadegg follows:]

Statement of the Hon. John Shadegg, a Representative from the State of Arizona

Let me first thank Chairman Hansen for the opportunity to testify at today's hearing, and Chairman McInnis for working with me on this issue. Let me also take the opportunity to welcome Dr. Wally Covington of Northern Arizona University who is a nationally recognized expert in the area of forest ecosystem restoration. I am happy to be back in the Resources Committee...even for only one day...to speak with you about the crucial issues of wildlands fire prevention and forest management.

This year has been one of the most catastrophic periods in the history of wildlands fire management. A total of 6.328 million acres has been consumed by fire this year including 649,000 acres in my own state of Arizona, 993,000 acres in Oregon, and an incredible 2.2 million acres in Alaska. Nor has the destruction of this fire season been confined to the West: Georgia has lost over 159,000 acres to fire this year and other Eastern states have also been hit hard. In fact, over 5 million acres have burned annually in three of the last four years.

Why have recent fire seasons been so devastating? While there are a variety of reasons, one which most objective observers will agree on is the lack of proper management of our National Forests and other federal lands. Many National Forest areas have an unnaturally high fuel load, including dense stands of younger trees. As Dr. Covington will discuss in greater detail, this is in contrast to pre-settlement vegetation patterns in many types of forests, most notably ponderosa pine and dry mixed conifer forests which, under more normal circumstances, feature lower densities of larger, more fire resistant trees. In forests of these types, reducing the fuel load through removal of some trees is needed to reduce the likelihood of catastrophic fires and restore healthy forest ecosystems.

While objective observers can agree on the need to thin trees as a necessary part of managing a healthy, relatively fire resistant forest, current law allows even a single radical individual who is not interested in objectivity to stop even the most scientifically defensible project. Laws such as the National Environmental Policy Act and the Endangered Species Act were written to allow citizens to use the court system to ensure that federal agencies were making responsible land and resource management decisions. However, they have been seized upon by radical groups and individuals as means to bring activities which are legal and legitimate to a standstill under the guise of environmental protection.

Ironically, the actions of these groups and individuals are actually worse for the environment than the actions they seek to curtail. They attack projects primarily on the basis of short-term considerations and often with the primary objective of preventing thinning projects which include a commercial component.

However, the result of these attacks is the inability to remove excess trees from forests and the consequent overcrowding of unhealthy trees and build-up of fuel load. The long-term results are high intensity crown fires which wipe out all vegetation and wildlife, cause erosion by removing the plant structure which holds soil in place, and create air pollution. The excess fuel load causes these fires to burn at such high heat that the soil in many areas is literally sterilized.

An excellent example of the irony of the actions of these groups occurred this summer in my state of Arizona. The Center for Biological Diversity used the National Environmental Policy Act to sue the Forest Service in May, 2000 to stop a tree thinning project in the Apache–Sitgraves National Forest. This is an area which, ac-

cording to Brian Segee of the Center, was home to endangered species including 21 Northern Goshawks and 12 Spotted Owls. The Center succeeded in stopping the project and thus prevented the Forest Service from reducing the fuel load by removing excess trees.

This June, the high fuel load in this area caused the Rodeo–Chediski fire to burn at an intensity which wiped out the habitat of these Northern Goshawks and Spotted Owls. Presumably these birds were able to fly away but thanks to the Center, their habitat is now a charred wasteland. To further show how the Center was able to bring this, now obviously needed, thinning project to a halt, I am submitting for the Record of the Hearing an article from the Scottsdale Tribune on the issue.

To ensure that badly needed projects can move forward in the future, I have introduced H.R. 5309, the Wildfire Prevention and Forest Health Protection Act of 2002, along with 19 of my colleagues. H.R. 5309 is designed to break the current gridlock on responsible forest management by allowing projects involving the removal of trees to proceed if they meet certain criteria.

The legislation allows the Forest Service to proceed with a tree removal project on National Forest lands if the Regional Forester finds that the project will take place in an area with a high fuel load and that a significant possibility exists that a crown fire could occur which would cause extreme harm to the forest ecosystem. This criteria is based on the fact that fires in areas of high fuel load burn at such a high intensity that they devastate the ecosystem. Alternatively, a project could proceed if it involves trees which are either dead or severely damaged by fire. This criteria acknowledges that dead and dying trees can pose forest health concerns by providing an environment conducive to insect infestation.

In addition, the process incorporates two safeguards to ensure that these projects are in fact necessary for responsible forest management. First, the Regional Forester must make all decisions regarding the necessity of the projects on the basis of the best available scientific information to ensure an objective factual basis for the project. Second, the Regional Forester must certify the necessity of the projects to both the Chief of the Forest Service and Congress. This gives a meaningful opportunity for Congress and Forest Service headquarters to oversee the Regional Forester's findings and override them if they do not believe that the project is warranted or factually supported.

Once the Regional Forester has made these findings on the basis of the best available science and given Congress and the Chief of the Forest Service the opportunity to oversee his findings, the project may proceed without legal challenge or review using the exact same language inserted by Senator Tom Daschle in the Supplemental Appropriations Act for fiscal year 2001. Unlike the Daschle approach, H.R. 5309 embodies greater flexibility because it is not project specific: it can be applied to projects in any Forest Service region which meet the science-based criteria and can withstand the oversight. Perhaps most importantly, it treats all areas of the country equally instead of decreeing that certain areas are more equal than others.

In closing, let me again thank Chairmen Hansen and McInnis for the opportunity to participate in today's hearing. I look forward to the testimony of the witnesses and to passing legislation which will break the gridlock in forest management.

[An article submitted by Mr. Shadegg follows:]

Scottsdale Tribune

EastValleyTribune.com SATURDAY JUNE 29, 2002

Green group suit blocked forest thinning

Environmentalists say 1999 plan a cover for logging, not sincere fire management

BY MARK FLATTEN AND DAN NOWICKI

Plans to cut fire danger by thinning trees in an Arizona forest now being destroyed by the nation's largest active wildfire were blocked for three years by a Tucson environmental group, a Tribune investigation has found.

The U.S. Forest Service approved a plan to thin trees and remove volatile debris in parts of the Apache-Sitgreaves National Forest on the Mogollon Rim in September 1999, according to court records. The plan was halted after the Center for Biological Diversity appealed the decision, then sued in May 2000, claiming the Forest Service had not followed regulations.

The matter is still pending in federal court.

Environmentalists say they can't be held responsible for the fires raging out of control in Arizona. But the lawsuit all but halted any kind of fire prevention work in the Apache-Sitgreaves forest, said Pat Jackson, regional appeals and litigation officer for the forest service in New Mexico. About 90 percent of the management area where forest thinning was blocked by the lawsuit has burned, he said.

"We're litigating while the forest burns," Jackson said Friday.

Federal officials say lawsuits and protests have virtually halted their efforts to thin overgrown forests throughout Arizona to reduce the risk of cataclysmic fires like the ones that have consumed more than 400,000 acres along the Mogollon Rim, and are still burning out of

Please see GREEN, Page A8

GREEN: 'We're litigating while the forest burns'

From Page A1

control. Wildfires in Arizona and Colorado have ignited calls for reform of often conflicting laws governing forest management.

Challenges from environmentalists, logging companies, ranchers and homeowners have paralyzed the decision-making process and delayed desperately needed work for years, according to forest officials.

Jackson said the lawsuit filed in U.S. District Court in Phoenix by the Center for Biological Diversity is a stark example.

[illegible]

Phoenix by the Center for Biological Diversity is a stark example.

It has prevented work to reduce fire hazards on all but 306 acres of the Apache-Sitgreaves, Jackson said. An agreement reached with the center in August 2000 allowed small-scale thinning of trees up to 6 inches in diameter near Forest Lakes, about halfway between Heber-Overgaard and Payson, Jackson said.

Brian Segee, of the Tucson center, said the lawsuit was filed because the Forest Service wanted to cut large trees — some more than 16 inches in diameter — in what amounted to a logging contract rather than thinning to prevent forest fires. Segee said it is wrong to blame his group or other environmental organizations for the inferno.

"It's sheer scapegoating," to blame environmental groups for the Rodeo-Chediski fire, Segee said. "These guys want to use this to further whatever their political agenda is."

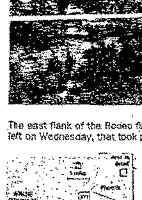
Wally Covington, a forestry professor at Northern Arizona University and a longtime advocate of culling forests to reduce fire dangers, said most mainstream environmental groups support the concept. Disputes typically arise over the issue of how many trees should be removed, and how big they can be, he said. Things such as diameter caps or arbitrary limits on the percentage of trees cut are not effective means of thinning, he said.

Any thinning proposal that includes commercial logging is likely to be challenged, he said.

"There has been opposition from some of the zero-cut environmental groups," Cov- [illegible] Covington said. "They have concerns that this is just the camel's nose under the tent, that this will be the re-establishment of timber-based logging in the western forest lands. The anti-cut groups are

The east flank of the Rodeo fire was stopped cold by a road and a prescribed burn, shown at left on Wednesday, that took place two years ago outside Show Low.

GEORGE FREY/THE ASSOCIATED PRESS



bitterly opposed to that."

It took almost two years for the recommendation to do large-scale thinning in Apache-Sitgreaves to reach John Bedell, the forest supervisor named as the defendant in the lawsuit. In that time, extensive environmental studies were conducted to comply with the requirements of a half-dozen different laws aimed at protecting everything from endangered species to antiquities in the region, known as the Baca Ecosystem Management Area, court records show.

Bedell adopted the management plan for about 28,000 acres in the area that is now part of the Chediski fire. In his findings supporting the plan, Bedell warned of the fire risks.

"Stand overstocking is causing an increased risk of catastrophic wildfire," Bedell said in his 1999 decision.

[illegible]

The plan called for a combination of tree, brush and debris removal, as well as controlled burns, to treat different areas of the Baca. It would have permitted the commercial cutting of up to 31 million board feet of timber from the area. A board foot is one inch by one inch by one foot.

The Center for Biological Diversity appealed Bedell's decision to the regional forester in New Mexico, who in December 1999 sided with Bedell. In May 2000, the center, filed a lawsuit and sought an injunction to block any implementation of the proposal.

That virtually halted any fire prevention thinning in the Apache-Sitgreaves, Jackson said. The only exception is the 306 acres near Forest Lakes. There, the Forest Service was allowed to do limited thinning of trees up to 6 inches in diameter, court records show.

Segee said the center also agreed to fire treatments on an additional 1,000 acres south of Forest Lakes, but that agreement could not be found in the court file.

The center's lawsuit contends the forest service did not follow administrative procedures under the National Environmental Policy Act, one of several laws that govern Forest Service actions.

Among the specifics alleged were that the Forest Service did not adequately analyze impacts on the endangered birds such as the pygmy nuthatch, the yellow-bellied sapsucker and the northern goshawk.

Jackson characterized the [illegible] suit as a "process claim" which does not charge environmental damage would be caused, but rather that the paperwork and procedures were not completely complied with.

Much of the dispute between the Forest Service and the center involves which trees should be cut, Segee said.

The fire hazard is caused by an abundance of trees less than 6 inches in diameter that have grown throughout the forest, Segee said. Under the Baca plan, about 26 percent of the wood that would have been thinned would be from trees larger than 16 inches in diameter, he said.

"It's a timber sale," Segee said. "It's not a fuel remediation treatment."

Jackson said effective fire management cannot be achieved with an arbitrary cap on tree diameter, particularly one as small as 6 inches. That would not allow the removal of dead or diseased trees that will pose a fire hazard, or thinning of trees that create a canopy that fuels the type of crown fire amid the treetops as was seen in the Rodeo-Chediski blaze, he said.

Lawsuits and the bureaucratic malaise like the one involving the Baca proposal are fueling renewed efforts in Congress to reform laws governing the Forest Service. What happened in the Apache-Sitgreaves shows the urgency for reform, said Rep. J.D. Hayworth, R-Ariz., whose district includes the areas where the fires are burning.

Hayworth blamed groups like the Center for Biological [illegible] Diversity for bringing forest management to a standstill throughout the western United States.

"Where is your biological diversity if everything is incinerated?" Hayworth said.

Hayworth said he has had preliminary discussions with Rep. Mark Udall, D-Colo., about drafting bipartisan legislation "to put some sanity into forest management again." Hayworth revealed no specifics Friday.

Sen. Jon Kyl, R-Ariz., blamed "radical environmental groups," including the Center for Biological Diversity, for creating a paralysis in the Forest Services' decision-making. Other environmental organizations such as the Grand Canyon Trust and the Nature Conservancy have been cooperative with fire remediation efforts, he said.

[illegible]

organizations such as the Grand Canyon Trust and the Nature Conservancy have been cooperative with fire remediation efforts, he said.

But all it takes is one lawsuit from one group to block sound management, he said.

"They just run the Forest Service through fits," Kyl said. "They end up doing so much paperwork that is redundant and unnecessary that they don't want to even put these things out because it just takes too much of their time and effort and all they do is get sued. Frankly, the Forest Service is partly to blame here because they've given up in a lot of these cases. But I can understand why."

The Center for Biological Diversity is involved in a dozen lawsuits involving federal agencies in Arizona alone. Segee said only two — the Baca and a separate action on the north rim of the Grand Canyon — seek to block timber sales.

The Forest Service has said there are 5,000 actions pending against the agency, but some environmental activists said they doubt that number, if accurate, represents challenges and lawsuits filed only by environmentalists. Timber companies, housing developers and off-road vehicle groups also frequently go to court with the government, said Sharon Galbreath, executive director of the Southwest Forest Alliance.

It's unfair and "cheap politics" to single out environmentalists, said Sandy Bahr, a lobbyist with the Sierra Club's Grand Canyon Chapter in Arizona.

"If they would focus on thinning the small trees and, especially, in areas around communities where they can make the most impact, I think [illegible] they will find that their projects move forward," she said.

— Tribune writer Mark Flatten can be reached by e-mail at mflatten@aztrib.com. Dan Nowicki can be reached by e-mail at dnowicki@aztrib.com.

The CHAIRMAN. I would ask unanimous consent the gentleman from Arizona be allowed to sit on the dais with us. And thank you so much for being here.

Secretary Norton, Secretary Veneman, we appreciate you both taking a place there.

Mr. DEFAZIO. Mr. Chairman, we are not going to ask questions of the Members then?

The CHAIRMAN. Both of these Secretaries, Mr. DeFazio, have to leave in a very short time, so we thought to accommodate them we would do that. After they are done, if you would like to ask questions of our colleagues—.

Mr. DEFAZIO. Well, are we going to get a chance to ask the Secretaries questions?

The CHAIRMAN. Well, that depends on how long it takes, I guess.

Mr. DEFAZIO. The first—you know, we have been here for half an hour and we have heard from four Republican members, one Democrat who represents a much more urban area. I represent the most—the largest fire in the United States. I hope I have an opportunity at some point to speak on the issue today, Mr. Chairman. That is all.

The CHAIRMAN. Of course you will be.

I appreciate the two Secretaries being with us at this time.

Secretary Norton, we will turn the time to you.

Ms. NORTON. Mr. Chairman, if I can make an adjustment in terms of the schedule. I conferred with Secretary Veneman. We both have—I have a plane to catch. She has another commitment. I can stay until 11:15.

The CHAIRMAN. Fine. Whatever you folks want.

Ms. NORTON. She has to leave at 10:45.

The CHAIRMAN. Secretary Veneman, we will hear from you.

STATEMENT OF THE HONORABLE ANN VENEMAN, SECRETARY, UNITED STATES DEPARTMENT OF AGRICULTURE

Secretary VENEMAN. Thank you.

Mr. Chairman and members of the Committee, it is an honor to appear before you today. I do want to apologize for having to leave early today. We had other commitments before this hearing was scheduled. Under Secretary Mark Ray, who is here with me today, will be available to stay and answer the questions of the Committee for those that come up after I am finished.

It is also an honor for me to appear here today with Secretary Norton. We have worked very closely together on the issues related to our public lands, and I feel truly honored to be able to serve in this administration with her.

The issues that we are discussing today are very important to the President and to both of us as Secretaries of our respective departments that deal with public lands. Our Nation is experiencing a devastating fire season, one as severe as the previous record-setting season of the year 2000; and to date wild fires have burned 6.3 million acres. This year matches the number of acres burned in the year 2000 and doubles the 10-year average for the number of acres burned.

Firefighting costs for the Forest Service this year alone are projected to exceed $1.25 billion. Hundreds of communities have been

affected, and thousands of people have fled their homes. Thousands of homes and structures have been burned. Most tragically, 20 firefighters have lost their lives.

Most agree that this is not acceptable. Our Nation cannot afford to continue on a course that will result in more severe fire seasons like the one that we are having this year. We cannot afford the environmental devastation these fires cause to our forests, our rangelands, our rivers, and our air. We cannot afford the terrible human toll they take on communities and families, especially when human lives are lost.

Last May, Secretary Norton and I, along with a bipartisan group of 17 western Governors, signed an historic 10-year comprehensive strategy and implementation plan to proactively reduce the risk of wildfire to communities and the environment, and we appreciate that the leadership that this Committee has shown in passing House Concurrent Resolution 352, which endorsed the 10-year strategy.

The 10-year strategy and implementation plan acknowledges the need to actively manage our forests, to thin crowded trees, remove underbrush and deadwood, and to restore healthy, fire-resistant forest conditions. They outline the process through which Federal, State, and local parties are cooperating to get work done in a timely way. They also recognize the critical need to reduce catastrophic fire risks both around communities and in strategic areas across the broader landscape.

Yet, notwithstanding the unprecedented cooperation achieved through the 10-year strategy and implementation plan, land managers continue to face burdensome procedural requirements, appeals, and litigation that threaten to delay critical projects until it is too late.

The Forest Service estimates that planning and analysis consumes 40 percent of the total work at the forest level. Routine prescribed fire treatments can take 6 months to plan. Projects that involve forest thinning or other mechanical treatments require 2 to 4 years of analysis at a cost that can exceed a million dollars per project.

Once project planning is completed, the Forest Service is often confronted with time-consuming appeals and litigation that add months and sometimes years to the process. Between January of 2001 and July of 2002, 48 percent of all proposed Forest Service mechanical fuels reduction projects were appealed. In northern Idaho and Montana, 100 percent of projects were appealed. Unless our land managers have the tools and flexibility that they need to work with States, local governments, and communities to make good decisions in a timely manner, we will not achieve the goals of the 10-year strategy and implementation plan; and that is why President Bush has announced the Healthy Forest Initiative.

The central purpose of the Healthy Forest Initiative is to provide the tools needed to actively manage our forests and rangelands and to make them less prone to devastating wildfire. The Healthy Forest Initiative focuses on what we leave on the land rather than what we take from it. It recognizes that time is not on our side and that resource managers working closely with States and local com-

munities must be empowered to act quickly and strategically to make forests, rangelands, and communities more fire safe.

Today the administration is transmitting to Congress proposed legislation to implement key elements of the President's Healthy Forest Initiative. The legislation has four parts.

First, it authorizes emergency fuels reduction projects in priority areas that pose the greatest risk to people, communities, and the environment. These include areas surrounding communities, municipal watersheds, areas affected by disease and insects, and burned areas prone to catastrophic reburn. It provides a process for selecting these projects that is consistent with the 10-year comprehensive strategy and implementation plan, and it allows for the timely consideration of legal challenges.

Second, the legislation provides authority for Federal land managers to enter into long-term stewardship contracts with the private sector, non-profit organizations, and local communities. This authority focuses again on what we leave in the forest for the overall long-term health of the forest. It allows contractors to provide valuable services, such as thinning trees and removing brush and deadwood and to utilize the materials which may have incidental value. It also provides incentives for contractors in local communities to invest in needed equipment and infrastructure, such as biomass plants, to produce energy.

Third, the legislation repeals the rider that was added to the fiscal year 1993 Interior appropriation bill that imposes extraordinary administrative appeal requirements on the Forest Service that are not required of any other Federal agency.

Finally, the legislation establishes a standard of review for Federal courts to ensure that they weigh the risks of irreparable environmental harm caused by catastrophic fires against the effects of management activities that reduce fire risks.

The President intends to work cooperatively and in a bipartisan way with Congress, Governors, and local communities to move forward on these legislative proposals. We acknowledge the good work that this Committee has already done, including the legislation proposed by the Chairman and many other members of the Committee as we heard today. We look forward to working with you on the Healthy Forest Initiative and as we cooperate to make our forests, our rangelands and our communities healthier and more fire safe.

Thank you again, Mr. Chairman, for the opportunity to appear before you today.

The CHAIRMAN. Thank you, Secretary Veneman.

The CHAIRMAN. Secretary Norton, we will turn the time to you, ma'am.

STATEMENT OF THE HONORABLE GALE A. NORTON, SECRETARY, DEPARTMENT OF THE INTERIOR

Secretary NORTON. Thank you, Mr. Chairman. I appreciate the opportunity to talk with you all today about the Healthy Forest Initiative.

As Secretary Veneman mentioned, her Department and mine have worked very closely together on this project and on coordinating our overall fire management program; and in cooperating

with her on the presentation today I would like to focus on some of the visual issues here, to talk about essentially how these problems look.

As I have talked with people who may not be as familiar with our forests as I think most of these Committee members are, I found that there is some misunderstandings and failure to grasp what the reality of the situation is, and I think looking at some of the photos is most helpful.

First, let me introduce Rebecca Watson, who is our Assistant Secretary for Lands and Minerals Management. She oversees, among other things, the Bureau of Land Management.

The first set of photos that we have here—and these are also found in the President's Healthy Forest Initiative report that was included in members' packets—shows what has happened in forest areas throughout the West.

In the 1890's, when the top picture was taken, we see a cabin that is in what forests usually looked like at that time, a ponderosa pine-type forest that has a great deal of open grassland between the trees.

The next photo was taken, the same cabin, the same forest in the 1980's. In that area, we see vastly more dense forests. Across the board in the West in many of our forest areas there are 15 times as many trees today as there were in the early 1900's.

That cabin was moved early in the year 2000, and during the summer of 2000 a fire came through and destroyed the entire forest behind the cabin. It was an overly dense area that was subject to the same kind of catastrophic fires that we are concerned about; and had the cabin not been moved, it undoubtedly would have been destroyed.

But the last picture was taken earlier this year, and it shows that the trees are indeed dead.

The difference between the dense forests and what we see with fire behavior there and a natural forest is illustrated here. Fire is truly a natural part of our ecosystem, and we don't want to guard against fire entirely. What we want to guard against is the catastrophic fire that occurs in overly dense forests.

As you see here, the flames are very small. They are really focusing on the undergrowth and small trees.

The next picture is one that shows what happens when a fire goes through a dense forest. This is a catastrophic fire. This is hitting the crowns of the trees. It is destroying old trees that would have survived the much smaller natural fires that we see going through.

In order to make the changes that need to be made, we are talking about thinning the forests. And thinning the forests takes our forests from an overly dense set of trees to ones that are much more—are further apart and that have cleared out the small trees and the underbrush.

And if you can put up the before and after photos.

We have some areas where the fires have gone through, but the trees were thinned. And we have essentially the areas that were thinned and the areas that were not thinned. If you can just hold up both of those photos together. Hold up the other Squires photo.

This is an area in Oregon, and the fire has gone through this area. I am sorry, we haven't—that one. Yes. OK. Well, I am looking for the after-fire photos here. Well, I will tell you what. Just hold up the Rodeo-Chediski photo. OK. This—all right.

This is an area that was not treated in the Squires area in Oregon—I apologize—and, as you can see, it is a devastated forest.

The same area—the furthest back photo that is up there. The next one. This is an area where the fire actually went through. You can see there is some burned areas, but it is a very little problem. Then the Rodeo-Chediski fire shows it most clearly.

We have in the same area in Arizona where the areas were treated and untreated. You can see thinned and unthinned. Where the thinned fires, the trees are still alive. The same fire went through both of these forest areas. The unthinned area obviously is devastated. The thinned area, the trees are surviving.

That is the result we want to get. We want to get our forests into a condition that will survive fires, that will restore the natural ecosystems.

Now, from the Department of the Interior perspective, we have something over 50 million acres of forested lands in the lower 48. We manage our forests, for the most part, with the ecosystem of the forest in mind as the primary factor. We have some areas that are timber areas, especially on Indian reservations and in our Oregon and California designated lands that are BLM areas managed for commercial timber.

But we also see the effects on the forest ecosystems. Birds like the white-crowned sparrows, western bluebirds, Rufus hummingbirds, white-headed woodpeckers, Lewis woodpeckers and so forth are historically common to the West, but they are species of birds that require open areas. Their populations are declining because of the lack of open areas. The dense forest ecosystems are not conducive to those kinds of wildlife. So, for the management of wildlife and the enhancement of our forested areas for wildlife, we need to have more active management of the forests.

The Department of the Interior worked with the Department of Agriculture on our program with the Western Governors, the National Association of Counties and so forth to come up with a plan for dealing with the fire problem. We look forward to using the collaborative process that was identified in cooperation with those groups in order to identify the areas where emergency fuels treatment needs to take place, and our legislative proposal would provide that that process could go forward on 10 million acres. That would be areas in watersheds, areas that would be affected by disease, wildland urban interface and other high priority areas.

For the Department of the Interior, the stewardship contracting approach is a new one. The areas where we would be looking are sometimes areas that might be considered commercial timber areas, but, for the most part, our lands are not that. We are going to be trying to be creative, to identify ways of shifting some of the costs for the thinning that needs to take place for the health of our forests onto the private sector and finding some way to get other people involved in this process.

Frankly, for us, it is not going to be easy. We might have to look, for example, to a small landscape company that would be willing

to thin out an area of juniper in order to have us pay for part of the contract, but they could keep wood for firewood or for mulch. That is the kind of contracting that we see perhaps taking place for the Department of the Interior. That, for us, gives us a way of expanding our ability to do fuels treatment. It is not something that is just being done in the context of the areas of the Pacific Northwest that we usually think of as the area of commercial forest. For us, it covers our rangelands and our forests that are not commercial-type forests.

Thank you.

The CHAIRMAN. Thank you, Madam Secretary.

[The prepared statement of Secretary Veneman and Secretary Norton follows:]

Statement of Hon. Ann M. Veneman, Secretary of Agriculture, and Hon. Gale A. Norton, Secretary of the Interior

Chairman Hansen and Members of the Committee:

We appreciate the opportunity to meet with you today to discuss the President's Healthy Forests Initiative and legislation that will improve fire management and forest health on our public lands.

We would like to provide for the record written comments on the legislation that is being heard today. Our Departments are reviewing these bills and evaluating how they compare with the Administration's proposals. We want to commend the Committee and particularly, Subcommittee Chairman McInnis, for his active attention to the issue and the energy he has put into drafting a legislative proposal. We would also like to thank Representatives Rehberg and Shadegg for their proposals. There are common themes in our legislation and we look forward to working with you as the legislation moves through the process.

The need for a plan to restore our forests and rangelands to long-term health has never been greater. Today, the forests and rangelands of the West have become unnaturally dense and ecosystem health has suffered significantly. When coupled with seasonal droughts, these unhealthy forests, overloaded with fuels, are vulnerable to unnaturally severe wildfires. Currently, a 190 million acres of public land are at increased risk of catastrophic wildfires. It is in this context, and during this severe and ongoing wildland fire season, that we discuss President Bush's recently introduced Healthy Forests Initiative and legislation designed to promote efficiency and timely and more effective implementation plans to restore and sustain healthy forests and rangelands.

The nation is experiencing one of the worst wildfire seasons in modern history. The Hayman fire in Colorado, the Rodeo–Chediski fires in Arizona, the McNally fire in California and the Biscuit fire in Oregon have come in sequence over the last several months. These incredibly fast moving, destructive fires have resulted in catastrophic environmental, social and economic impacts. They have been the worst in each state's history. These infernos, along with over 60,000 other wildfire starts, have burned over six million acres so far this year, matching the pace of the previous record-setting 2000 fire season and doubling the 10-year average. Based on current fuel conditions and weather predictions the potential for more fires remains high through the fall. The cost of fighting these fires has been staggering. Firefighting costs for the Forest Service alone will exceed $1.25 billion. Hundreds of communities and thousands of people have fled their homes, and, most tragically, 20 brave firefighters have lost their lives.

Our firefighters are more effective than ever, controlling over 99% of all fires on initial attack. Yet, as the severity of the season demonstrates, even our best firefighting efforts are not enough without an effective strategy to reduce the risk of catastrophic wildfire. In May of this year, working with the Western Governors' Association and a broad cross-section of interests including county commissioners, state foresters, tribal officials and other stakeholders, we reached consensus on a 10–Year Comprehensive Strategy and Implementation Plan to reduce fire risks to communities and the environment. The plan sets forth the blueprint for making communities and the environment safer from destructive wildfires. The plan calls for active forest management focusing on hazardous fuels reduction both in the wildland-urban interface and across the broader landscape. Active forest management includes: thinning trees from over-dense stands that produce commercial or pre-commercial products, biomass removal and utilization, and prescribed fire and

other fuels reduction tools. We want to thank Representative Pombo and the members of the House of Representatives for initiating and passing House Concurrent Resolution 352 endorsing the Collaborative 10–Year Strategy. We take seriously our responsibilities under the Implementation Plan. For example, within five weeks of signing the Agreement, we completed detailed work plans to address the 23 implementation tasks identified in the Plan.

Timely and strategically placed fuels treatment projects are effective in preventing or stopping fires. A recently published study by the Western Forest Fire Research Center concluded that treated stands experience lower fire severity than untreated stands that burn under similar weather and topographic condition. This report was released in March before this fire season, but we have many examples from this summer including the Squires Fire near Medford, Oregon, where untreated forest burned intensely while fire dropped to the ground in the treated areas giving firefighters the chance to attack the fire safely. On the Rodeo–Chediski and Cache Mountain Fires, damage to forest stands was minimized in areas treated to reduce hazardous fuel 3–5 years earlier.

In order for the 10–Year Implementation Plan to succeed, the Forest Service and Interior agencies must be able to implement critical fuels reduction and restoration projects associated with the plan goals in a timely manner. Too often, however, the agencies are constrained by procedural requirements and litigation that delay actual on-the-ground implementation. A June 2002 Forest Service study, The Process Predicament, identified three factors most contributing to project delay: 1) excessive analysis; 2) ineffective public involvement; and 3) management inefficiencies.

The situation in this country has reached a point where the roadblocks which prevent agencies charged with the responsibility for forest health to implement management decisions must change. On August 22, 2002, President Bush announced Healthy Forests: An Initiative for Wildfire Prevention and Stronger Communities. The Healthy Forest Initiative will implement core components of the 10–Year Implementation Plan, enhancing and facilitating the work and collaboration agreed to in that document. The Healthy Forests initiative directs the agencies to improve regulatory processes to ensure more timely decisions, greater efficiencies and better results in reducing the risks of catastrophic wildfires by restoring forest health. The President's initiative directs us, together with Council on Environmental Quality Chairman Connaughton, to: improve procedures for developing and implementing fuels treatments and forest and rangeland restoration projects in priority forests and rangelands in collaboration with local governments; reduce the number of overlapping environmental reviews by combining project analysis and establishing a process for concurrent project clearance by Federal agencies; develop guidance for weighing the short-term risks against the long-term benefits of fuels treatment and restoration projects; and develop guidance to ensure consistent NEPA procedures for fuels treatment activities and restoration activities, including development of a model Environmental Assessment for these types of projects.

In accordance with the Healthy Forests Initiative, we have submitted to the Congress for consideration a legislative proposal designed to accomplish more timely, efficient, and effective implementation of forest and rangeland health projects. The intent of this proposal is to significantly increase and improve forest and rangeland health and to prevent the damage caused by catastrophic wildfires.

The first section would expedite implementation of fuels reduction projects, where hazardous fuels pose the greatest risk to people, communities, and the environment, consistent with more targeted legislation passed in July. In implementing projects under this section, the highest priority will be given to wildland urban interface areas; municipal watersheds; and forested or rangeland areas affected by disease, insect activity, or wind throw; or areas susceptible to catastrophic reburn.

Section 2 would authorize agencies to enter into long-term stewardship contracts with the private sector, non-profit organizations, and local communities. Stewardship contracts allow contractors to keep forest products and other vegetative material in exchange for the service of thinning trees and brush and removing dead wood. Long-term contracts provide contractors the opportunity to invest in equipment and infrastructure needed to productively use material generated from forest thinning to make forest products or to produce energy.

Section 3 would remove a rider contained in Section 322 of the Fiscal Year 1993 Interior and Related Agencies Appropriations bill that imposed extraordinary procedural requirements on the Forest Service that are not required of any other Federal agency. The goal of meaningful public participation and consensus building will be better served through pre-decisional public notice and comment rather than through post-decision appeals.

The fourth section would address standards of injunctive relief for activities necessary to restore fire-adapted forest and rangeland ecosystems. This section is de-

signed to ensure that judges consider long-term risks of harm to people, property and the environment in challenges based on short-term risks of forest health projects.

In addition, the Administration will work with Congress on legislation to supplement the Agriculture and Interior Departments effort to fulfill the original promise of the 1994 Northwest Forest Plan.

President Bush's proposed Healthy Forests Initiative is based upon a commonsense approach to reducing the threat of catastrophic wildfires by restoring forest and rangeland health. Our goal is to ensure the long-term safety and health of communities and ecosystems in our care. Our responsibility is to ensure the long-term health of our forests and rangelands for the use, benefit and enjoyment of our citizens and for generations to come. These are goals and responsibilities that we take seriously and we fully commit ourselves, our agencies and the resources you have provided us with to fulfill them. We appreciate the continued bipartisan support we have received from the Congress, and we look forward to working with you on these legislative proposals.

The CHAIRMAN. May I ask the two Secretaries, do you have any time left that we could ask you some questions? All right. I will—they have quite a heavy schedule. It reminds me of Mr. Babbitt, who used to come in here and do the same thing.

Mr. DeFazio, do you want to take 5 minutes? Go right ahead.

STATEMENT OF THE HON. PETER A. DEFAZIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. DEFAZIO. Well, Mr. Chairman, you might remember at many times I disagreed with the past administration and didn't support those sorts of activities, either.

Since I didn't have an opening statement, since the largest fire thus far this summer is still burning in my district, an area shared with Representative Walden, and there is a lot to say about this, I can use most of this for an opening statement, hoping that the Secretaries are listening.

I raised this issue previously with Secretary Veneman and Assistant Secretary Rey in terms of the needs for thinning and a way of, as I described it to Assistant Secretary Rey, Nixon going to China. Mark, you could bring a lot of credibility to this.

We have a choice, Mr. Chairman. We can either engage in the old battles here, let us repeal the environmental laws—and that is whole problem—or we can deal with this seriously. And I don't think we are dealing with it seriously. I just heard about a bill that the administration is going to propose that we don't have before us or they have sent up today. We don't have that bill before us. I would hope that before the Committee marks up a bill we would be allowed to perhaps hold a hearing on the administration's bill and we will be given a little bit of time to prepare.

I found out about this on Thursday. I believe most Democrats found out about this on last Thursday before Labor Day weekend. We didn't have adequate time to prepare.

There are experts in my district who do bring incredible credentials to this issue who are pretty neutral on it who do look at the problem and propose real solutions, as opposed to, hey, let us have fun. Senator Daschle snuck something into a bill. Nobody knew it was there. Let us beat the hell out of him for it, and let us beat the Democrats over the head with it, and let us pretend this is a solution to our problems. It isn't the solution. Now, let us get to the seriousness.

I mean, Secretary, just on the Bitter Root, I just changed your headlines a little bit. Unmanaged forests, no, that is a mismanaged forest in the second one with all the overgrowth. We are talking about a hundred years of mismanagement, Democrat and Republican mismanagement of the forestlands of the United States. It is going to take a long time to dig out of this hole, and it is going to be very expensive.

Here is the problem. We have got to talk about paying for it. It is great—I was talking to loggers down in the southern part of my district who are unemployed; and they said, you know, we go out and buy some equipment. We would be happy to work on these projects, but we have got to know that there is some predictability here. If we are going to make the investment, we need to know this project lasts 3 years, 5 years, 10 years. How much work is there going to be out there? They are not going to make the investment to get back into business.

There are plenty of people who are qualified and could do it, but the Federal Government hasn't been willing to put up the money, neither Democrat nor Republican. Let us not turn this into a partisan issue, let us not go back to the old battle. Let us really deal with the problem.

I see some kernels of potential agreement with Representative McInnis and with what Mr. Shadegg said, but the point is, when you look at the study—and I don't know if either of you are familiar with this, but the FI A biozone, which has not been peer reviewed and studied yet, but it is available in draft, from—been done at Oregon State University at the research station. They just did an intensive analysis of one forest in Oregon and Washington—in Oregon and California.

In that one forest, after you net out what you could possibly make, because particularly on the east side forest there is very little value. Juniper for mulch, juniper doesn't biodegrade; it is not a very good mulch. But, you know, I mean, there is not much value there. They made great fence posts, and we might be able to market the juniper there.

But the point is, $1,685 per acre, 2.7 B—billion—dollars outlay net for one forest. We are talking about mismanagement of the Federal forests over a hundred years that, if we were willing to make the investment, realistically, over the next 10 years, with all the commercial value that could be realized—and most of that is westside Oregon, Washington, Northern California—for any commercial species that might come out and need a thinning, you are talking about probably a net outlay by the Federal Government of $50 billion or more.

That is what we need to hear from this administration. We didn't hear it from the last one. I don't know that we are going to hear it from this one. But the point is, we can't—let's not go back. Let's not go back. I mean, let us not go back and fight the forest wars all over again. The current forest policy of the United States of America is a failure, and it is a bipartisan failure accumulated over many years with many contestants on either side. And let us not feed either side of this battle. Let us try and break through. Please, let us try and break through.

There are things that we can do that bring vast agreement between environmentalists and industry and the people in the local communities who are the ones most impacted by this stuff. But there are other things that just feed back into the old wars, and that is where I am afraid we are headed with this hurry-up.

Mr. Chairman, I ask respectfully that we hold another hearing on this issue. We have all the bills, including the ones the administration has just mentioned, today before us. We have it at a time when the Secretaries and other interested parties have the time to sit with the Committee and go into these things in detail. Let us deal with this issue seriously. Let us not use it for political advantage, I beg you, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

I ask unanimous consent the gentleman from California, Mr. Herger, be allowed to sit on the dais. Hearing no objection, it is so ordered.

On the majority side, questions for the two Secretaries. Mr. McInnis is recognized for 5 minutes.

Mr. MCINNIS. Thank you, Mr. Chairman; and I would address it to both Secretaries.

I keep hearing up here that there are proposals to throw all environmental laws out. Have you seen any proposal or does the proposal that the President intends to put in in front of the U.S. Congress propose in any sense whatsoever to throw the environmental laws out?

Secretary NORTON. Congressman McInnis, that is certainly not our proposal. Our proposal is a very reasonable approach. We have a collaborative process that we would work with the Western Governors and local stakeholders to identify priority areas for an emergency treatment project, and that would be a substitute for the ordinary NIBA analysis that would be done in that situation. It would still have the same kind of process that would be done for the overall management of the forest areas or the BLM districts or so forth.

We have land-use plans, and those land-use plans would be addressing the overall plan for the health of that area. So you would have that overall guidance document in place, and then for the emergency treatment we would use a collaborative process instead of producing all of the paperwork.

Mr. MCINNIS. Madam Secretary.

Secretary VENEMAN. Yes, Congressman. I think that one of the things that is important to recognize about these proposals is it is not calling for an elimination of input but more upfront collaboration so that we don't continually get into delays in the process because of continued appeals and court actions, so that we can create the kind of predictability that Congressman DeFazio is talking about.

I think that a couple of things also are clear in terms of some of the issues that were brought up.

One, we don't want this to be a partisan debate either. It is a bipartisan issue. We have worked with a bipartisan group of Governors in proposing the various plans and the implementation. We had bipartisan representation in Oregon last week when we announced the programs with Senator Wyden and Governor

Kitzhaber being with us, because these issues are long-term issues, as you say. One of the proposals in this legislation is to create the exact kind of predictability and investment that Congressman DeFazio talked about, and that is allowing us to enter into some long-term contracts so that those investments can be made so that we can have the predictability and we can get the long-term plans that are going to be necessary to deal with this long-term and long-time problem that you have identified.

So I think that, in fact, the legislation does address a number of these issues that have been raised, and we need to work together in a bipartisan way to accomplish the kind of results that we all need.

Mr. MCINNIS. I would also like to be point out that will probably be brought to your attention, is that there is a new study out by the Forest Trust in regards to the report—a comparison in the two government reports of which I mentioned earlier on factors affecting timely fuel treatment decisions. When you take a look at that, let me tell you that it is based on a faulty—the premises is based on a faulty comparison. It is not accurate. When we came out with our new numbers, we are focused on the mechanical removal of mechanical thinning. That is—it is very clear in the title of what we are attempting to figure out what appeals have delayed that. So I don't want this to distort the effort that I am making, frankly, to get accurate numbers of what this appeal or paralysis by analysis is doing.

Finally, with the remaining seconds I have, Mr. DeFazio, I think the comments I heard from you are some of the best comments I have heard. I would invite you to come to my Subcommittee. Because in my Subcommittee it has become a partisan warfare on describing a thinning of—it can't be more than seven inches, or something like this, study after study thrown in our face. And I would like you to come in and broker a little bipartisanship in that Committee, because it seems that everybody talks about bipartisan, but as soon as we get into that Committee they lock horns, and it is a little easier said than done.

Mr. DEFAZIO. I will be happy to work with the gentleman, and I will talk to him afterwards.

Mr. MCINNIS. Thank you, Mr. Chairman.

The CHAIRMAN. On the minority side, Mr. Miller.

Mr. MILLER. Mr. Chairman, I thank Secretary Veneman and Secretary Norton for joining the Committee hearing.

The Chairman raised the issue in opening remarks, and there has been a lot of agreement here, that this has been a mismanaged policy in the past, and the crux of that has been around an intensive fire suppression policy.

What are you envisioning in the future in dealing with the issue of fire suppression? Under our most optimistic policies and treatment, it is going to be a long time before we can outguess the lightning strikes. We have the forests in such a shape that just with the natural causes of fire, what is it that we are going to do, both on the Interior lands and the Forest Service lands, with respect to suppression? We are always subject to Monday morning quarterbacking when the winds change and weather change, and yet we

know an extensive suppression policy has gotten us into the situation where we are now.

Secretary NORTON. We undergo a process of looking at each individual fire to decide if that is something that ought to be allowed to burn or should be suppressed. We have had a number of fires, even in this drought year where all of the forests are so fire-prone, where we still have allowed some fires to go forward.

We had, for example, one that is on one of the Department of the Interior lands where we are monitoring that, but it was allowed to burn.

In most years we can make better use of natural fires and allow those to do some of the prescribed burn-type thinning for us. This year has been such a drastic year, we have not been able to use that as much as possible.

We have to make the balance of protecting homes and protecting from the catastrophic fires. If we get to a stage where we have thinned out our forests where it is back to a more natural state in our forests, then fires are not so catastrophic and do not have the same ecological effect that they have today, so we can judge it more just from the impacts on human habitation.

Today we have to look at human habitation and the devastation to habitat that may also be caused.

Mr. REY. In the Forest Service, I think we have a pretty good example of how we can increase the use of prescribed fire, once we have refused fuel loads, so fire can be used safely. In our southeast region where we do a lot of prescribed fire, it is because we have forests where the fuel loads have previously been reduced, so we can use prescribed fire as a primary forest health tool.

Mr. MILLER. Do you have the same policy as the Secretary, fire by fire?

Mr. REY. Basically the same policy, that is correct.

One thing that I think is worth adding, it is probably easy to beat ourselves up for 100 years of mismanagement, but I am not sure it is fair to our predecessors. At the turn of the century, we had an incomplete understanding of the role of fire and natural ecosystems in a large number of catastrophic fires, so the reaction at that time based upon what was known is not necessarily a bad reaction. Indeed, it was a reaction that was necessary at that time to convince people that you could protect forces and that forests were worthy of a long-term investment. It was the basis for the development of what we now call scientific forestry. But, like anything else, too much of a good thing is dangerous and we now know that we overreacted and suppressed fires in cases where we should not have.

The CHAIRMAN. On the Majority side, Mr. Walden.

Mr. WALDEN. Mr. Chairman, thank you.

I share both the passion and concern of my colleague from Oregon, Mr. DeFazio. Forty percent of this Biscuit fire, over 204,000 acres, burned in my side of the district. And I have had a lot of other fires, including the Squires fire which the President and the secretaries were at, and I want to thank you for coming to Oregon and I want to thank the President for not only coming out, but meeting with the firefighters and for speaking out on the need for reform and change.

As I rode back down the hill with the President, with Senator Wyden and Senator Smith, he was very clear on his openness to work to find a solution. I sense in terms of legislation coming up here that there is an opportunity for us to weigh in and try to figure out a solution here. He was certainly open to that in the briefing and in the private discussions we had.

Mr. Miller's comment was intriguing because I agree we cannot always outguess lightning, but the Forest Service did try on the McCache area where they tried to do a vegetation project. It took years to go through the process. ONRC appealed it. It was the fire this year that burned two of the houses at Black Butte, 500 of the 1,000 acres were proposed for treatment, but because of their appeal that was later thrown out, did not get treated, and that is where the fire burned.

Occasionally we do try and outguess the lightning, and most of the time firefighters put out these blazes. I was amazed by the number of dry lightning strikes in my district, and it is an enormous percentage that get put out right away. Very few actually get away, but when they do, we have these catastrophic fires. I am concerned about where we are in terms of getting in and doing the treatments and the time delays and this enormous fight we are having over what size tree is allowed to be cut.

Shouldn't we be managing based on the health of the trees? I hear these comments about saving old growth. I like being out in old growth, too. We do need to preserve some. The point is you can have a 24-inch diameter diseased tree up against a 30-inch healthy tree. Doesn't it make sense to take out the diseased one regardless of its diameter?

How do we get to an answer on old growth?

Secretary NORTON. Certainly we need to look at these situations on a case-by-case basis. From our perspective, what we would like to see are some open areas for wildlife. From our wildlife management perspective, we may want to do some things that are not dictated just on cut out every tree smaller than X or leave every tree bigger than X.

Our proposal is not about trying to go after old growth. That is not what we are talking about here. We also need to have the on-the-ground flexibility to be able to manage to what a particular forest needs.

Mr. WALDEN. Does this proposal prevent any appeal or any comment by people?

Secretary VENEMAN. No, it does not. And I think that is important here. The public input process is what is important. The proposal attempts to put much more of that up front in the planning process as opposed to leaving it to appeal after appeal after appeal. That actually is impacting the overall health of the forest, whether it is cleanup after a fire or it is dealing with the underbrush and the fuels load, is that we want to be able to come in and actively manage but with proper planning and input.

I might add that in response to your question about what you take out of a forest, as I said in my opening statement, what is critical here is what we leave behind. The Healthy Forest Initiative is about leaving behind a healthy forest that can withstand some fire, that can protect communities and protect people.

Also, it is very important that this year I think we have had one of the most successful suppression years that we have ever had because we have suppressed, in early outbreak of fire, 99.6 percent of the fires; and yet we have had one of the most devastating fire years because the areas that are burning are not well-thinned and they are not healthy and they are not well maintained, and that is what this initiative is really all about.

Mr. WALDEN. I would just point out that on the Squires fire, 37 tankard sorties were flown out of the Medford tankard base. We are delighted it was able to remain open and we are doing our part on this end to make sure that it is upgraded and will remain open and active for the future.

The CHAIRMAN. On the Minority side, Mr. Inslee.

Mr. INSLEE. Thank you, Mr. Chairman.

There is a lot we still do not know, but we know that we cannot go back to the days of lawless logging and we cannot allow the smoke from these fires in the West to obscure the fact that the real question is not whether to have a fuels reduction program, but where to clear and what to clear.

I have a couple pictures that I think, after listening to the hearing, identifies the issues that this Committee needs to resolve to try to improve our fuels reduction program.

The picture we are looking at here is a 500-year-old Douglas fir in the Mount Baker National Forest. I was up there a week ago, and we were taking a core sample of it, aging it. That tree is an interesting tree in that it does something that fire-resistant trees do: It survives fires. It survived a fire 60 to 80 years ago—our core sample disclosed that—that burned through the forest. These are the fire-resistant trees. We do not want to take these fire-resistant trees out of the forest.

The controversy in these forests that lead to these appeals are the fact that the Forest Service frequently in mechanical thinning projects has attempted under the guise of a fuel reduction program to sell commercial timber to generate revenue rather than to protect the ecosystem from catastrophic fire. This tree was not marked for logging. I used it for a demonstration.

This next picture was. This is a tree from an Oregon forest in an alleged fuel reduction program, a tree that is clearly not the sort of toothpick trees that we consider part of the fuel-reduction effort that ought not to be the ones that are cut.

The diagnosis that I have is where we have controversy is in the mechanical thinning programs, where citizens have blown the whistle on commercial sales under the guise of fuel reduction programs. How do we solve that problem?

The proposal that has been given under this bill and by the administration is to reduce the ability of citizens to blow the whistle on the government that they elect and pay for. We do not think that the answer to this problem is to reduce citizen involvement. In an administration that believes in local control, it seems to me to be a little bit ironic that its response to this issue is to reduce citizen involvement in decisionmaking. I would suggest that there are things that we need to do, can do successfully, to reduce controversy about these issues. And I will propose a bill that will do these four things, and I would hope you would support it.

No. 1, we will focus these fuel reduction programs where they ought to be focused and that is in the urban/wildland interface. If we have 39 million acres at risk for fires, and we do not have as much to do about 1 to 2 percent of them a year, we ought to be focusing in the urban/wildland interface to first protect people's houses from burning down. But we are not doing that now.

The Forest Service last year in the acreage it treated, two-thirds of the acres it treated was not close to anybody's house or a town that was under threat. We need to say 85 percent of your budget is used first to protect people's homes from burning down. That ought to be the national priority when we have to husband our resources.

If we look at the Los Angeles forest, you are spending huge amounts out in Timbuktu, and you are not spending money right next to people's houses that are in danger of burning down the next time there is a lightning strike. It is a priority issue.

No. 2, we have to have definitions on a forest-by-forest basis of what trees we are going to cut down. The reason we have citizen concern about this is that the Forest Service does not offer citizens clarity or certainty as to what will be cut and what will not be cut. The Forest Service on a forest-by-forest basis needs to adopt maximum diameter cuts so that citizens will know what the rules are in a local input decisionmaking process.

No. 3, we need the funds from commercial sales from these programs to go to the general fund and not the Forest Service. The reason we need to do that is if we create an incentive for any agency to generate revenues by doing program X, you going to get program X. And it is asking too much of the Forest Service to ignore the fact if you sell timber out of this program you make money and if you just do thinning you do not, and to ask it not to be influenced by that fiscal situation.

No. 4, we need to involve the States more, and the Governors have led a step forward in this. We need to create a grant program for the States because when the Governors looked at this issue they did not waive environmental laws or reduce citizen input, they welcomed it. We need to welcome citizen input to come up with locally generated solutions. I ask you to consider those four ideas, and I throw it open for your response.

The CHAIRMAN. The gentleman's time has expired. They can give you a written response.

The CHAIRMAN. Mr. Inslee.

Secretary Veneman, I know you have to leave at 10:45. Let me just say we appreciate you coming to the Committee. We know this is a very emotional issue with a lot of people. The Committee and many of the members have talked to me about many of the things that you have alluded to. Many fall in the realm of the idea of the amount of your money and budget that goes to adjudicate issues, that really that money should be used for advancing the Forest Service or the Interior.

I was appalled when I called BLM and talked to Mr. Bosworth about the amount of money that it takes to litigate these areas. It is unbelievable that the budget has gone that far in the years that I have been here. Somehow we have turned over the management of the public lands of America to people who wear black robes and

are not scientists and do not have a good understanding of the issue.

I hope in Mr. McInnis's bill and Mr. Shadegg's bill we can incorporate some of these issues to alleviate that huge problem. We really should probably double your budgets just to adjudicate these issues.

We thank you for being here. It is 10:45. That is the time you needed to leave. I appreciate you being here.

Does the Committee have further questions? They have two very competent assistants.

Mr. REHBERG. Mr. Chairman, my question is for Mr. Rey.

Secretary VENEMAN. Thank you, Mr. Chairman.

Mr. REHBERG. I thank the Bureau of Land Management team for coming out on our fire. They responded very quickly, and we appreciate them being there. Please pass that along to your folks.

Mr. Rey, I would like you to respond to Mr. Inslee. I take some offense with people trying to manage forests from Washington, D.C. It is easy to look at a picture, but can you look at that picture and tell us exactly why that a tree needs to be cut down? I doubt it.

Mr. REY. At the risk of offending you further by suggesting how we could manage these two stands from Washington, D.C., let us look at the first picture first.

That picture is on the west side of the Cascades Forest on the Mount Baker Snoqualmie National Forest. It needs to be thinned, but it is Fire Regime 4, which means that fire is a less frequent visitor in this section. That would not be one of our top priorities for thinning. If we were to thin it, we most definitely would not cut the tree that Mr. Inslee is looking at.

Now the other picture, that is the Ponderosa pine site on the east side of the Cascades. That would be Fire Regime No. 1, which is the most frequent Fire Regime, and depending on the ecological circumstances involved or its proximity to the wildland-urban interface, a priority for treatment.

Now, one of the things that I have learned to become suspicious of over the years is pictures that show me part of a tree and not all of the tree. I would like to see the crown of that tree to see if it is diseased, dying, or dead so I can evaluate whether its removal would be necessary just for that reason. But beyond that, even if it is a perfect and live tree, I am looking at a stand density that is large.

In some sites we will have so many trees of medium to large diameter per acre, that to get down to the stand densities that we want that we know that can withstand fire, we are going to take out some larger-diameter trees even if they are healthy, because we are concerned about the quality of the stand that we leave behind, not because we are necessarily looking to remove large-diameter trees.

Mr. REHBERG. I have not heard you talk about loggers. Your decision was made based upon the commercial value of that tree.

Mr. REY. Whatever commercial value comes from one of these thinning operations is in our view incidental, not dispositive or motivating in why, when, or how we do it.

Mr. REHBERG. That would be the mantra if you are trying to keep change from occurring. If you want it exactly as it is, you

would always throw up the commercialization of the forest as opposed to seeing perhaps timber companies being a tool to create a better environment.

Mr. REY. If there is incidental value to taking out a tree, provided that your primary purpose is the health of the forest that you leave behind, I think it makes some sense to recover that value by creating jobs and products. But the real challenge is not to take out the big trees, but what to do with the small trees. If we can by writing longer-term contracts provide for stability of supply, we can add value to smaller-diameter material by using that stability to attract infrastructure investments that do not exist now that can utilize that material.

This is a 2x8 I joist. It structurally has the same properties as a 2x8 of sawn lumber which would have to come from a tree at least that big or bigger. This joist is comprised of 12 one-eighth-inch strips on either side, with a particle board insert in the middle. You don't need anything bigger than 4 to 6 inches in diameter to manufacture this. A 4- to 6- inch tree, put it on a lathe, instead of sending it through a head saw, peel it instead of sawing it, cut the sheet of veneer into strips, glue the strips together, grind up what is left to make the particle board and you have a 2x8.

Mr. REHBERG. I would like to ask you one more specific question. The pictures were put up of the Bitterroot. The Forest Service made the recommendation that they would like to see 38 sales on the Bitterroot. It was appealed. You did not appeal that appeal.

Did you not appeal that appeal because your determination of 38 or 39 sales was inadequate and wrong, or did you make it because the laws were in place to take the appeals process so far beyond the salvageability of those trees that it was not in the best interests of the Federal Government to do it? Did you compromise for the sake of compromising, or did you back off because you were wrong in the first place?

Mr. REY. We settled that case through a mediated settlement because the issues involved were time-sensitive. It was a choice between trying to see what we could agree to treat, or treating nothing.

Mr. REHBERG. So the health of the forest was dictated by the law and an appeals process as opposed to doing the right thing for the forest?

Mr. REY. That is what our land managers would say, yes.

Mr. REHBERG. Thank you, Mr. Chairman.

Mr. MCINNIS. [Presiding.] We are going to have two votes. We will continue for another 5 minutes, and then recess until probably 11:20, at which time we would ask the second panel to testify. Hopefully we will be able to expedite so we can finish. We have 5 more minutes.

STATEMENT OF THE HON. HILDA L. SOLIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. SOLIS. Mr. Chairman, I apologize for arriving late. We recently had a fire in my district that is still not fully contained. There are 15,000 acres that have burned in the Los Angeles National Forest. I am getting details now from the Forest Service as to how that got started, but one of the concerns that I have which

was echoed earlier was how we deal with communities and populations that are near these areas which are fire-prone. What we are seeing is a lot of possible hazards to the locales and to structures there. Already we have spend $1.9 million in trying to contain the fire in this particular location.

I would hope that we could have some input from the Forest Service to better understand what kinds of support we actually need in areas that are adjacent to these communities. We are talking about a heavily populated area that is visited extensively during the summer. We have thousands of families that go up there and camp. I would like to hear what kinds of plans there are for that.

Secretary NORTON. We have an agreement with the Western Governors Association, the National Association of Counties, and others that would establish a process for prioritizing our fuels treatment programs, and so we would envision a collaborative process that would have local public meetings, the local county commissioners would be involved, as we are deciding what to do to try to prevent the possibility of catastrophic fires in the future.

So in that planning process stage, we would have a lot of involvement, in contrast to what Mr. Inslee was suggesting.

That would be our involvement at that stage of the process, if that addresses your question.

Ms. SOLIS. One of the concerns that I have is there are constituents who are distressed that they lost their property, their cabins. What kinds of decisions are made that would allow for those structures to be destroyed? Obviously there are issues about personnel. How many appropriate personnel were assigned and made available at this particular site?

Mr. REY. That was one of our fires. We would be willing to sit down and give you our post-suppression report and go over what the initial attack strategy was so you can see for yourself the decisions that the fire managers on the ground made. I would be happy to visit the forest with you and walk it through from the time of ignition to the early stages of initial attack. We have done that in a number of cases with local and Federal elected officials so they can see some of the variables that our fire managers have to confront when there is an ignition.

The Angeles is a particularly challenging forest for us because our fire models show that there is no place on the Angeles where an ignition will not reach a dwelling or a neighborhood within 6 hours if we fail on initial attack. So the entirety of the Angeles for all practical purposes is in the urban/wildland interface, and that is Fire Regime 1, so fire is a very frequent visitor.

In southern California, we have a cooperative agreement with Los Angeles County and the California Department of Forestry. They do the majority of initial attack work, and we come in behind them. But I think the best thing for us to do is to sit down after we get that fire suppressed and walk through the attack strategy and see how it played back.

Ms. SOLIS. I am distressed to hear it will not be contained until next week. This will be a 10-day approach to this particular problem.

Mr. REY. It is not that we are dilly dallying to contain it. It is the practical realities of getting containment in that topography with gusting winds that are challenging.

Mr. MCINNIS. Mr. Inslee, you have 35 seconds of time.

Mr. INSLEE. Mr. Rey, I trust your judgment there is risk here, but why the Forest Service spent $9.8 million in the Plumas National Forest, which is way away from dwellings, and 21 times less than that in the Angeles forest, which your testimony just told me is 6 hours away from burning down homes—why do you prioritize in that way? Doesn't it make sense to change that prioritization?

Mr. REY. Much of the money spent on the Plumas National Forest was as result of a congressional earmark placed in the Department of Interior appropriations bill by Senator Feinstein.

We are supportive of the work that was done there. It was necessary. There are wildland/urban interfaces on the Plumas. That is why the money was spent there.

Clearly the wildland/urban interface is a top priority. It is not our only priority. We acknowledge that it is a top priority, and we will be moving resources into places like the Angeles.

In 2002, our investment in the wildland/urban interface as opposed to outside of it flipped over. Sixty-nine percent of our work was done in the wildland/urban interface. The balance was outside of it. So that the statistics you cited from 2001 have reversed themselves dramatically. I think that trend will continue as we move more aggressively into the wildland/urban interface. It is a top priority. It is not our only priority.

Mr. MCINNIS. Mr. Inslee, your time is up. Mr. Gibbons.

Mr. GIBBONS. Mr. Chairman, thank you.

I want to thank you for the bills you and the others have put forward, and thank our witnesses for being here today. I appreciate all the hard work they have done.

I have one brief question that may require you to get back to us with a written response. We have heard about the costs of dealing with our forests and cleaning them up. Enormous numbers of dollars are argued out here as a reason not to do it. But what I would like you to do is to give me an estimate of the cost of the firefighting that has taken place or will take place as a result of not doing it, and sort of compare those two on economic and operational costs to fight fires when we do not go in and prepare not only our forests and our wildlands for fire resistance compared to a fire operation that takes place afterwards? I think that is a fair comparison to make and I know that we have spent a lot of money in the last few months just fighting fires, in addition to the lost resource revenues. I would ask if that can be provided.

Secretary NORTON. We will take a shot at that.

Mr. MCINNIS. The Committee will recess. I think it is going to be about 20 minutes. We will try to be back in order at 11:20.

[Recess.]

Mr. MCINNIS. The Committee now will have our second panel of Mr. Burley, Mr. Creal, Mr. Covington, Mr. Calahan, and Mr. Schulke. I would defer to Mr. Hayworth for a special introduction.

Mr. HAYWORTH. Mr. Chairman, I thank you very much.

It is a special honor to welcome a friend and constituent, who remains a constituent at least until the realignment and the forma-

tion of the 108th Congress, known formally as William Wallace Covington, known to us in Arizona and across the United States as Dr. Wally Covington.

Dr. Covington has been a leader in forest health and ecological restoration since he became a professor at Northern Arizona University in 1975. Today he directs the Ecological Restoration Institute at NAU, the Nation's foremost applied research institute for forest restoration. Dr. Covington practices what I would like to refer to as enlightened environmentalism. He cares a great deal about the preservation of our forests and environmental resources and has provided us with some of the best scientific research in the field. We are grateful to have Dr. Covington here to testify. We thank you for coming back and doing this hardship duty in Washington, and we look forward to your testimony.

Mr. FLAKE. I just want to echo Mr. Hayworth's sentiments. Anybody from Arizona has heard of Dr. Covington's work, and anyone who has visited and toured the forests with him knows of his commitment and knowledge and experience. I look forward to benefiting from that today.

Mr. MCINNIS. We are going to go ahead and proceed. We will allow each panelist to testify for 5 minutes, and I ask everybody to respect the 5 minutes because we are going to try to move through this and finish early in the lunch hour because of other commitments that the Committee has.

Mr. MCINNIS. We will go ahead and start with Mr. Covington. Mr. Covington, you may proceed.

STATEMENT OF WILLIAM WALLACE COVINGTON, REGENTS' PROFESSOR AND DIRECTOR OF THE ECOLOGICAL RESTORATION INSTITUTE, NORTHERN ARIZONA UNIVERSITY

Mr. COVINGTON. Thank you very much.

Where we are right now is where many people have been predicting where we would be for generations of professional ecologists and natural resource managers.

I would like to start by saying that I feel that we have to be very careful in defining what the problem is and have some very clear thinking about moving forward in resolving the problem.

Large catastrophic stand-replacing fires are natural in many western forest types. This includes chaparral, large pole pines, spruce fir types, and some other forest types. There is very little we can do to change that fact other than type conversions. The major opportunity here for dealing with a restoration-based hazardous fuel reduction is the Ponderosa pine, the drier forest types. That is where the bigger problems are. I think everyone is in agreement on that. Over 90 percent of the fire-suppression expenditures over the past several decades have been in this type.

The next point that I want to make is state that the problem is a very complex one. It is not just about drought. We have always had periodic droughts in the West; we always will. But the problem is we have droughts intersecting with fuel conditions that are unprecedented in the evolutionary history of especially the Ponderosa pine type. It is not just about houses burning. Although the loss of a home is tragic, houses can be rebuilt in months. Ecosystems take centuries. Degraded watersheds take millennia. And it is not

just about crown fires. Crown fires are just the latest in a long series of symptoms of degrading ecosystem health. They include the loss of native biological diversity, the decline of watershed function, increased erosion and sedimentation, and unnatural insect and disease eruptions.

It is not just about too many trees. We have too few old-growth trees. There has been a tremendous population crash of old-growth trees and far too many younger trees. It is not just about small trees. In restoring ecosystem health, we also have to look at removing some of the larger trees that have invaded areas where they should not be, especially wet meadows, open parklands. These openings that are so important to so many species that Secretary Norton alluded to.

It is not just about 40-acre stands or a quarter-mile strip around a town. It is about greater ecosystems that have become so degraded and fragile that they are no longer sustainable; and instead of an asset, they are a liability to our generation and to many generations to come unless we get on this problem. To restore these degraded ecosystems, we need to approach restoration of greater ecosystems.

Let me say a little bit about what a greater ecosystem is. First, for dealing with the problem of houses burning, it is pretty straightforward. It is a matter of building new houses with fire-resistant material, thinning immediately around the house, fire-wise landscaping, and then not building too close to highly flammable vegetation. It is a bit more of a complex problem when we are not just concerned about protecting human houses, but we are concerned about protecting Mexican spotted owl sites and the houses of other species. Those species require this greater ecosystem approach.

By greater ecosystem what I mean is if we want to protect watersheds and critical habitat for humans for present and future generations and for other animals and for plants as well, we need to think on the greater ecosystem scale and we need to act at the greater ecosystem scale.

What is the greater ecosystem? It is a large chunk of the landscape that includes not only wildlands but embedded human communities. These typically occur on a scale of 100,000 to 1 million acres. It is not just a little problem here of protecting houses.

I try to get my students and other people who have been out in the woods with me to think of themselves as time travelers from future generations, from 10 generations into the future. If you are here from 10 generations into the future, you see the problem very differently from the way you would look at it just from a narrow perspective: my house which may burn down in the next few months. The treatments are pretty straightforward.

Ecological restoration deals not just with fire hazards, but with restoring comprehensively greater ecosystem health for human beings as well as for the rest of the members of the greater ecosystem community. These involve retaining trees which predate settlement, retaining sufficient presettlement trees needed to reestablish approximate presettlement structure; thin and, where environmentally sound, remove those trees, rake heavy fuels from the base of especially old-growth trees.

We know from the early research that I did almost 30 years ago that prescribed burning cool fires can kill the old-growth trees from what we call hot-footing, from heavy fuels at the base of those trees. Old-growth trees are very rare and critical elements of the landscape.

We must burn to emulate natural disturbance regimes, seed with natives, and control exotics. There are many benefits to taking an ecological restoration approach instead of just looking at this as a hazardous fuel reduction or a house burning problem.

Ecological restoration approaches eliminate unnatural forest and insect disease outbreaks. I mean unnatural, too. I am not talking about endemic or natural of dwarf mistletoe infestation, bark beetles and so on. It protects critical habitats for threatened and endangered species. It enhances native plant and animal biodiversity, improves watershed function and sustainability; and again not just for current generations, but for generations yet unborn.

The final point that I need to make is that there are solutions, and we can do it. We need to take a restoration approach. We need to be comprehensive in our thinking. And the final point that I have is this truly is a fork in the road. The decisions that we make today influence our great great grandchildren. Down the fork we are headed right now are degraded landscapes. Biodiversity has crashed. They are unsustainable. Down the other fork, if we move forward in a coherent fashion, are sustainable landscapes that will bring many benefits to human beings and other organisms on the planet for many generations to come.

Thank you very much for asking me to speak at this meeting.

Mr. MCINNIS. Thank you, Mr. Covington.

[The prepared statement of Mr. Covington follows:]

Statement of Dr. William Wallace Covington, Regents' Professor and Director of the Ecological Restoration Institute Northern Arizona University

Chairman Hansen, and members of the Committee, thank you for this opportunity to testify on a subject of personal importance to me and of critical importance to the health of our nation's forests and the people and communities that live within them.

My name is Wally Covington. I am Regents' Professor of Forest Ecology at Northern Arizona University and Director of the Ecological Restoration Institute. I have been a professor teaching and researching fire ecology and restoration of forest health at NAU since 1975. Throughout my career I have applied my academic skills to real world problems. I chair Arizona Governor Jane Dee Hull's Forest Health/Fire Plan Advisory Committee and am a member of the National Commission on Science for Sustainable Forestry.

I have a Ph.D. in forest ecosystem analysis from Yale University and an M.S. in ecology from the University of New Mexico. Over the past 27 years I have taught graduate and undergraduate courses in research methods, ecological restoration, ecosystem management, fire ecology and management, forest management, range management, wildlife management, watershed management, recreation management, park and wildland management, and forest operations research. I have been working in long-term research on fire ecology and management in ponderosa pine and related ecosystems since I moved to Northern Arizona University in 1975. In addition to my publications on forest restoration, I have co-authored scientific papers on a broad variety of topics in forest ecology and resource management including research on fire effects, prescribed burning, thinning, operations research, silviculture, range management, wildlife effects, multiresource management, forest health, and natural resource conservation.

I am founder and director of the Ecological Restoration Institute located in the Office of the President, Northern Arizona University. The ERI is recognized as the national leader in forest restoration-based fuel reduction technology transfer, outreach, in-service education, public information, and mission oriented research for

forest restoration. The Institute and its partners in federal, state, private, and NGO sectors have the talent and expertise in place and are applying it to get operational scale forest health restoration treatments on the ground. Working with partners, the Institute has built strong local, state, regional, and national support for restoration-based fuel treatments.

WE MUST ACT INTELLIGENTLY NOW WHILE CONSIDERING THE IMPACT OF OUR ACTIONS ON THE FUTURE

What is needed today is clear thinking. Fuzzy thinking can be a major threat to marshalling the nation's resources to address the critical problem in time to prevent catastrophic losses that will affect generations to come.

There is plenty of blame to share over the current state of our forests. This hearing is intended to go beyond the blame to solve the crisis. It is my role and obligation as a scientist and as a professional forester to bring honest, objective, facts and informed recommendations to this committee. I will attempt to do so in this statement.

My testimony will focus on the science of forest restoration and how to reverse the trend of increasing catastrophic wildfires in the dry forests of the West by implementing science-based forest restoration treatments.

WHAT MUST BE DONE

1. *We need to act swiftly and with great care so that future generations do not inherit yet another forest management crisis. The best way to do this is by following a scientifically rigorous, environmentally responsible, and socially and politically sound approach. Such an approach must begin with careful definition of the problem.*
    a. Large, catatrophic stand replacing fires are natural in chaparral, lodgepole pine, spruce/fir and other forest types. We can do little to change that.
    b. Such fires are not natural in the ponderosa pine and dry mixed conifer forests and are a major threat to ecosystem integrity and sustainability
    c. According to a 1999 GAO report over 90% of the fire suppression expenditures were spent in the frequent fire forests of the West.
    d. There is abundant relevant scientific research in the ponderosa pine type that began in the 1890's and continues today that provides a sound scientific framework for implementing the science and practice of restoration. We have solid information about presettlement forest conditions, changes in fire regimes over the last century, deterioration of overall ecosystem health, and ecological responses to thinning and prescribed burning—the key elements of any attempt to restore ecosystem health in ponderosa pine and related ecosystems. We know that current overcrowded stands of trees do not sustain the diversity of wildlife and plants that existed a century ago. We know this by examining the data of early naturalists and scientists.
2. *The problem is complex*
    a. It's not just about drought we have always had periodic droughts and always will, but the forest has never had the fuel loads that exist today
    b. It's not just about houses burning—although the loss of a home is tragic, houses can be rebuilt in months. However, ecosystems take centuries, and watersheds millenia
    c. It's not just about crownfires—crownfires in ponderosa forests are just the latest in a long series of symptoms of failing ecosystem health, other symptoms include disease and insect infestations and before that the loss of native biodiversity, the decline of watershed function, and increased erosion and sedimentation
    d. It's not just about too many trees—it's about too few old-growth trees and far too many younger trees
    e. It's is not about cutting trees—it's about thinning forests (as opposed to logging) and implementing a range of techniques to restore ecological integrity and create a long term solution
    f. It's not about 40-acre stands or a quarter mile strip around a town it's about greater ecosystems that have become so degraded and fragile that they are no longer sustainable, and a liability rather than an asset to present and future generations

3.There are solutions, and we can do it

a. To restore these degraded ecosystems, it is essential that we restore entire greater landscapes, and do so quickly—time is clearly not our ally
b. We must do so in a systematic, scientifically rigorous fashion
c. For protection of structures such as houses, the science seems pretty clear: use fire resistant materials, fire resistant landscaping and don't build too close to heavily fueled landscapes
d. For protection of watersheds, critical habitat for humans and other animals and plants we have to think much bigger. Here we need to think and act at the scale of greater ecosystems—large chunks of the landscape that include not only wildlands but also embedded human communities. These greater ecosystems typically occur on a scale of 100,000 to 1,000,000 acres
e. The treatments are straightforward, they include:
i. Retain trees which predate settlement
ii. Retain postsettlement trees needed to re-establish presettlement structure
iii. Thin and remove excess trees
iv. Rake heavy fuels from base of trees
v. Burn to emulate natural disturbance regime
vi. Seed with natives/control exotics

4.There are many benefits from ecological restoration in these dry forest types beyond the reduction of crownfire

a. It eliminates unnatural forest insect and disease outbreaks
b. It enhances native plant and animal biodiversity
c. It protects critical habitats for threatened or endangered species
d. It improves watershed function and sustainability
e. It enhances natural beauty of the land
f. It improves resource values for humans, not just for current, but also for future generations
g. In cases where a road system is in place and small wood processing facilities are available, the trees removed can often help defray the cost of restoration treatments and provide jobs and income for local communities

5. There are challenges to implementing restoration

a. It could be expensive in the short term, but it will save money and resource values over time
b. It is important that we assure that trees that are removed are being removed for the purpose of restoring natural forest patterns and processes
c. Political maneuvering over setting one-size-fits-all diameter caps can interfere with cost effective, ecologically sound restoration

6. There are consequences if we fail to implement restoration based hazardous fuel reduction at the greater ecosystem scale

a. Piecemeal solutions will treat symptoms and not the underlying disease
b. Scientific evidence supports the prediction that if we do not act quickly the number, size, severity, and costs of wildfires in the dry forests of the West will increase

RECOMMENDATIONS

1. Design treatments starting with solid science, set standards for effectiveness, and measure progress

Research to date indicates that alternative fuel reduction treatments have strikingly different consequences not just for fire behavior but also for biodiversity, wildlife habitat, tree vigor and forest health. Treatment design should be based on what the forest requires to maintain health and reduce catastrophic fire. Science-based guidelines should be developed and become the foundation for treatments. In addition, they should be the criteria for evaluating the effectiveness of treatments. Guidelines will help guide managers and provide a base of certainty to those that are distrustful of land management agencies. The standard should be clear if a treatment does not permit the safe reintroduction of fire and simultaneously facilitate the restoration of the forest it is not a solution.

2.Reduce conflict by using an adaptive management framework to design, implement and improve treatments

We can wait no longer. Solutions to catastrophic wildfire must be tested and refined in a "learning while doing" mode. Two of the barriers preventing the implementation of landscape scale treatments are the unrealistic desire for scientific certainty and a fear that once an action is selected it becomes a permanent precedent for future management. Scientific certainty will never exist and the past century of forest management demonstrates the need for applied research and active adaptation of management approaches using current knowledge. We should expand our environmental review process to provide approval of a series of iterative treatments, provided they are science based, actively monitored and committed to building from lessons learned and new information.

3. Rebuild public trust in land management agencies by continuing to support a broad variety of partnership approaches for planning and implementing restoration-based fuel treatments

The lack of trust that exists between some members of the public and land management agencies is the genesis for obstructionist actions. The only way to rebuild trust is to develop meaningful collaborations between the agencies, communities and the public. There are emerging models of various forms of collaborative partnerships working to reduce the threat of fire while restoring the forest for its full suite of values. Their success depends on meaningful community collaboration, human and financial resources and adequate scientific support to make well informed management decisions. Congress, federal agencies, universities, and non-governmental organizations must support these communities to help them achieve success.

We are at a fork in the road. Down one fork lies burned out, depauperate landscapes—landscapes that are a liability for future generations. Down the other fork lies health, diverse, sustaining landscapes—landscapes that will bring multiple benefits for generations to come. Inaction is taking, and will continue to take, us down the path to unhealthy landscapes, costly to manage. Scientifically-based forest restoration treatments, including thinning and prescribed burning, will set us on the path to healthy landscapes, landscapes like the early settlers and explorer saw in the late 1800s.

Knowing what we now know, it would be grossly negligent for us not to move forward with large-scale restoration based fuel treatments in the dry forests of the West. Inaction is now the greatest threat to the long-term sustainability of these western ecosystems.

Thank you very much for asking me to appear before the Committee.

Mr. MCINNIS. Mr. Burley, you may proceed.

STATEMENT OF CHARLES H. BURLEY, PRESIDENT, BURLEY & ASSOCIATES, LLC, TESTIFYING ON BEHALF OF THE AMERICAN FOREST RESOURCE COUNCIL

Mr. BURLEY. Thank you, Mr. Chairman. We have heard here today, I think clearly, that we have a serious issue with wildfires. We have seen them throughout the West this year. We had a historic season in 2000. I think it is clear we have a problem. I agree with the comments earlier that this should not be a partisan issue. It is our public lands and communities that are at risk. My particular area of expertise in eastern Oregon, we have seen quite a few fires over there, some homes lost, and we really need to get out and get something done.

The American Forest Resource Council does represent the forest products industry in 12 States. I have spent a lot of time going throughout the West the last couple of years. I was also on the Governors' collaborative team that helped write the 10-year strategy and implementation plan. I think the outcome is extremely useful, and I hope to see it implemented. But the problem is that

we have a process issue that needs to be dealt with because all of the funding and all of the support for that plan is not going to happen if we do not deal with this gridlock issue, this "analysis paralysis" as it is coined.

Nobody is asking that these environmental laws be repealed. What we are asking is that they be made to work, that they go back to the original intent. The administrative appeals process—early in my career I spent 10 years working for the U.S. Forest Service, the last 12 years working for the industry. Throughout that entire time I have always felt the best thing we can do is get rid of the administrative appeal process because it has become abused in my opinion. It is an opportunity for people who do not like a decision, despite the fact that they have participated throughout the entire public process.

And I think this example typifies my point. This is again the Oregon Natural Resource Council's appeal of the McCache vegetation project which was up in the central Oregon area. The McCache project was about 2-3 years in the NEPA process, public comment, draft documents out, public comment on those, and yet the appeal on this said the goals of reducing risk for firefighters and the public are inappropriate. They say that the McCache area is not very populated and you cannot realistically change fire behavior enough to make a difference for the firefighters.

The point is that the McCache area, when that fire started by lightning strike, immediately they had to evacuate a youth summer camp. They then put two communities on notice, Black Butte Ranch as well as Camp Sherman. Within a 5-mile radius of the start of this fire, we had private industrial lands that had a tremendous amount of investment in them. We had two resorts, plus a full-blown community with 1,400 homes, all within a 5-mile radius of this fire. So to me, when we see the appeal process being used or abused in this case to stop projects that are well intentioned, scientifically based, that have gone through the NEPA process, to me I think this is indicative of a system that is broken.

Again, I repeat, with all of the money and the collaborative plans and all the efforts that we have put into this, if we cannot deal with this gridlock problem, we are not going to get anything done, and all the science in the world is going to be trumped.

The last comment before I am out of time here, regarding the science I urge extreme caution in avoiding one-size-fits-all prescriptive direction. We have seen in eastern Oregon and eastern Washington since 1993, have seen this 21-inch diameter limit and it has been problematic to the Agency in trying to get the work done on the ground because these professional land managers that are trying to do the right thing out there, when they have these types of arbitrary, politically correct forestry—as we sometimes refer to it, these restrictions placed on them—it ties their hands and makes it more difficult for them to do the job.

Using the pictures that Representative Inslee had, what happens out there has to be based on the site-specific conditions and we cannot sit here in Washington nor can we sit in Portland, Oregon and say what they should be doing in upper northeast Oregon. It is the person that goes out on the ground and looks at the specifics and decides what needs to be done. Thank you, Mr. Chairman.

[The prepared statement of Mr. Burley follows:]

Statement of Charles H. Burley, President, Burley & Associates, LLC for the American Forest Resource Council

EXECUTIVE SUMMARY

The forest health crisis facing our federal forests can no longer be ignored. There are 72 million acres of National Forest System land at high risk to catastrophic wildfire. Another 26 million acres are at high risk to insect infestation and disease. That is enough to burn a path from New York City to Los Angeles 62 miles wide. The total federal land area at risk to catastrophic wildfire is 190 million acres.

Effective fire suppression and a passive forest management philosophy have created this monumental crisis. It is going to take scientifically based, active forest management to restore our forest's health.

Local land managers must be empowered to make decisions on forest health treatments based on site-specific conditions. In some cases they may recommend thinning and harvest, in some cases prescribed burning, and in other cases no treatment may be appropriate. The key to success is the local land managers who possess the site-specific knowledge and expertise must have all the tools at their disposal to make these decisions.

It took a long time—maybe one hundred years—to get into this forest health crisis and it is going to take us a long time and a great deal of funding to get out of it. Healthy forests don't just happen and every day we delay makes the problem exponentially worse. Every day we delay management projects we increase the risk a new wildfire will be sparked or an insect infestation will occur, or a disease epidemic will spread.

The federal land management agencies are drowning in paperwork and red tape. The President has asked Congress and the Council on Environmental Quality to throw them a lifeline; restore common sense to the management of our federal lands. The application of NEPA and appeals must be brought back in line with the original intent—to prepare a detailed statement for major federal actions significantly affecting the quality of the human environment—instead of the unending planning and analysis process it's become.

Treating the unhealthy forests around homes and communities is important work and needs to be done to protect human life and property; however, most wildfires don't start in these areas. They start in overgrown, unhealthy forests typically far from communities and rural residences. These fires destroy wildlife habitat, threaten our drinking water, degrade air quality for hundreds of miles, and pose great risk to property and human life.

Fire is a natural part of a healthy ecosystem and can be quite beneficial. The problem is our public forests are not healthy. Fires in these forests tend to burn hotter, faster, and larger than anything that occurs in nature. Healthy forests don't just happen. We need to actively manage our forests, return them to healthy conditions, and then allow fire to be naturally reintroduced where and when it's appropriate.

TESTIMONY

Good morning, Mr. Chairman. My name is Charles Burley and I am the president of Burley & Associates, LLC. My testimony today is on behalf of the American Forest Resource Council (AFRC). The AFRC represents about 80 forest product manufacturers and forest landowners—from small, family-owned companies to large multi-national corporations—in twelve states west of the Great Lakes. AFRC's mission is to create a favorable operating environment for the forest products industry, ensure a reliable timber supply from public and private lands, and promote sustainable management of forests by improving federal laws, regulations, policies and decisions that determine or influence the management of all lands. Nationally, the industry has sales of over $195 billion annually and employs 1.6 million people.

Over the past several years we have experienced record-breaking fire seasons. The 2000 fire season, which until this year was the worst on record, generated significant interest in addressing the risks of wildfire. This led to the collaborative efforts of western governors, federal, state, local and Tribal governments and interested stakeholders, including the forest products industry, to develop the "Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10–Year Comprehensive Strategy Implementation Plan". The Secretaries of the Interior and Agriculture adopted this plan on May 23.

This year we are again experiencing a record setting fire season. As of August 31, over 6.3 million acres have burned which is more than twice the 10-year average of 3.1 million acres. We've also, tragically, lost the lives of 20 firefighters and over a thousand structures, including homes.

Communities throughout the West are impacted either directly or indirectly. Direct impacts include evacuations and structures lost. Indirect impacts include decreased air quality and reduced tourism as we saw with Denver and Florence, Oregon this year.

There are numerous contemporary reports from the Government Accounting Office, National Fire Protection Association, National Research Council, and other equally qualified bodies pointing out the increased risk of wildfires and their impacts to our nation's forests and communities. I won't belabor this by listing and citing all the reports and statistics.

Suffice it to say that it's become readily apparent that we have a major problem with the risk of wildfires across our country. These problems won't go away and the sooner we address them the sooner forest health can be restored. Something must be done and done quickly.

Actions taken must treat the problems and not the symptoms. The fundamental problem causing the increased risk of wildfire is the poor forest health and excessive fuel loads on our public lands. I cannot overemphasize the need for urgent, decisive, and direct action to treat these problems.

The President's Forest Health Initiative, which was released on August 22, outlines the tools necessary to accomplish this. Some argue the President's proposal is simply another excuse to log the public lands or to turn the key over to the industry. But there is evidence that proper management can help reduce the risk of wildfires.

In a recent study of the fire hazards in Montana, it was reported that comprehensive, ecologically based prescriptions "achieves far greater hazard reduction immediately post-treatment, and is far less expensive to employ. It is also superior in terms of longevity and extent of effectiveness compared to the treatments with a singular focus on small-tree removal. [1]

Another report that looked at actual on-the-ground management pre- and post-fire concluded that the "results unanimously indicate that treated stands experience lower fire severity than untreated stands that burn under similar weather and topographic conditions. [2]

So why aren't we doing more? There's this 800-pound gorilla on our back that Forest Service Chief Dale Bosworth calls the "analysis paralysis." This analysis paralysis is the result of a patchwork of laws and regulations that has accumulated over the past few decades. The two that most directly affect the agency's ability to get work done are NEPA and the administrative appeals process.

NEPA

A recent Forest Service internal study of NEPA [3] had some very interesting results. This analysis of NEPA used business and process workflow models to show the activities necessary to conduct project planning and comply with NEPA and other laws within the context of a timber sale. These results include:

- Undue impacts in terms of time and costs during the planning phase of a project.
- Considerable complexity caused by the exponential interactions among the laws that govern environmental analysis within project planning.
- Potential for interruption in the project analysis/decision making process by other State and Federal agencies with environmental regulatory authority.
- An intense level of detail (time & effort) has been introduced into the process, due to risk mitigation and burden of proof (as it relates to public comment).
- Case law is often over interpreted and inconsistently applies, which can result in additional time and effort being expended.

There are many detailed and technical comments on NEPA which I'd be happy to provide you if requested. I also wish to note the CEQ is looking at this problem with its NEPA Task Force. We applaud this effort and are submitting detailed comments on NEPA through that process. The bottom line is that the application of NEPA must be brought back in line with the original intent—to prepare a detailed

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[1] Fiedler, Carl E., Charles E. Keegan III, et al, "A Strategic Assessment of Fire Hazard in Montana", Report submitted to the Joint Fire Sciences Program, September 29, 2001.

[2] Omi, Philip, Erik Martinson, "Effects of Fuels Treatment on Wildfire Severity", Western Forest Fire Research Center, Colorado State University, March 25, 2002.

[3] Internal Forest Service report, "Complexity of Laws Introduced in Project Planning", USDA FS Inventory & Monitoring Institute, October 8, 2001.

statement for major federal actions significantly affecting the quality of the human environment—instead of the unending planning and analysis process it's become.

APPEALS

The U.S. Forest Service is rather unique in that it is one of only a few, if not the only, federal agency that has an administrative appeals process. Prior to the enactment of the Appeals Reform Act (Section 322 of Public Law 102–381, the Department of the Interior and Related Agencies Appropriations Act 1993), the appeals process had been the result of agency rulemaking. The passage of the Appeals Reform Act marked the first time Congress legislated the appeals process.

Like so many things in life, the appeals process was well intentioned when first instituted. Unfortunately, over time, it has become a process all too often abused by individuals and organizations that wish to delay or stop Forest Service activities from being implemented—this is particularly acute if the project involves harvesting trees.

For example, a recent Forest Service internal report[4] documents the fact that 48 percent of mechanical treatment decisions for hazardous fuels were appealed in fiscal year 2001 and 2002 (through June 27).

The appeals process has become a formality or simply part of the agency doing business. Whenever the agency estimates the time to plan a project, it always allows for at least a 90-day appeal period.

Appeals are problematic in that the timeline set aside for them is excessive given all other factors. In fact, most NEPA scoping and public comment periods are less than the time allowed to file an appeal. This is counter intuitive given the fact that most appellants have already participated in the process, are familiar with the details and thus should require little time at the end to decide whether to appeal or not.

But perhaps more importantly, the appeal period is increasingly being used to simply block or delay projects. Appellants also use the informal disposition provision to effect changes in the project at the exclusion of others that had participated in the process prior to the final decision.

SOLUTIONS NEEDED

The American Forest Resource Council supports the recently completed plan entitled "A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10–Year Comprehensive Strategy Implementation Plan.

This plan was the result of months of collaborative work by representatives of federal, state, local and tribal governments and interested stakeholders. It clearly lays out the goals, specific action items, and performance measures to ensure our nation's wildfire risks are being addressed appropriately. Being a collaborative plan, no party got everything they wanted. Nevertheless, with the broad base of support, we are confident the plan will be successful.

One essential element for success in restoring forest health and reducing the risk of wildfire is adequate funding. It's imperative that Congress familiarizes itself with this plan and funds it for success. The performance measures provide for monitoring both for outcomes and wise use of taxpayers' dollars.

It's also important to point out that the plan, given it's collaborative development, is a balance of differing points of views. Participants maintained the flexibility to ensure when decisions are made at the local level, the necessary tools are available to get the work done both effectively and efficiently. This includes active forest management when and where it's appropriate.

There must be recognition that scientific forest management cannot be arbitrarily limited. To be truly effective, management must be free to utilize all the information and technology that's available. One specific example here is the arbitrary 21-inch diameter limit in eastern Oregon and eastern Washington. Such one-size-fits-all, top-down prescriptive direction does more harm than good in the long run.

Stewardship contracting authority is another means to help accomplish forest health restoration goals. This presents opportunities to treat areas otherwise not available under ordinary contracting methods. Stewardship contracting has the added benefit of supporting local communities and keeping receipts local where they can do the most good.

More importantly, however, all the above changes won't do any good if we don't realize substantive, structural changes to the project planning process. Long-term

[4] "Factors Affecting Timely Mechanical Fuel Treatment Decisions" (July 2002) USDA Forest Service Internal Report

structural changes must occur if we want to have a reasonable, cost-effective process to meet the intent of NEPA yet get work done in a timely manner.

Short-term we must realize immediate relief in the form of exemptions and "alternative arrangements" as already allowed in the CEQ NEPA regulations. Exemptions may not be politically attractive but they are not without precedent. In a 1998 Report for Congress by the Congressional Research Service[5], it was shown that "Congress has often enacted provisions that modify the application of [NEPA] or specify the extent of the documents that need be prepared in particular instances or contexts." This includes instances of exempting certain federal activities from NEPA compliance (vis-a-vis Senator Daschle's recent language regarding the Black Hills National Forest), pronouncing certain analyses to be sufficient or adequate consideration under NEPA, and limiting the scope of NEPA analysis.

We face an emergency crisis with the wildfires and immediate action is necessary. Without short-term relief from the process gridlock, we will in all likelihood be here again next year having this same conversation.

Our national forests and other public lands are a treasure that must be carefully managed for the benefit of future generations as well as for today's. I urge you to take the necessary action in support of the President's Forest Health Initiative, provide short-term relief from the gridlock, and institute structural changes to make the process more effective in the future.

This concludes my testimony and I'd be glad to answer any questions you may have regarding this important issue.

EXAMPLES OF GRIDLOCK

McCache Vegetation Project

Santiam Pass is a major highway corridor over the Cascades in Central Oregon. Much of the area in Santiam Pass is within the Northwest Forest Plan. About a decade ago the forest suffered an epidemic of spruce budworm resulting in extremely high mortality of the dense stands of fir and spruce. Due to the early spotted owl lawsuits, the agency was enjoined from doing anything in the area despite the common knowledge that the area was at high risk of wildfire. This risk was particularly acute given the proximity of the communities of Sisters, Black Butte Ranch, and Camp Sherman. After the injunctions were lifted and the Northwest Forest Plan was in place, the agency began planning restoration activities in the Santiam Pass area.

One of these activities focused on the Cache Mountain area. The McCache Vegetation Management Project decision notice was signed in October 2001. It said,

> This decision will guide the stewardship efforts in restoring the forests in this unique Late Successional Reserve. The project area was hit hard in the 1990s by the spruce budworm, and over 1/3 of the forest stands have moderate to very high mortality. The decision addresses what type of actions the Forest Service will take to reduce the risk of losing important habitat for plants and animals and to restore forest health. Other important goals are to reduce fuels in order to lower the risk to people (local residents, visitors, and fire-fighters) from severe wildfire. The types of management actions addressed in this decision include removing dead and dying trees and dense shrubs, thinning dense forest stands, and re-introducing low-intensity fires. These restoration activities would occur on about 5,000 acres of the 15,000 acre project area." (McCache Decision Notice, October 19, 2001) (emphasis added)

This project had gone through NEPA with all the obligatory public review and comment periods. Nevertheless, there were some environmental groups that did not like the final decision, despite their involvement throughout the process. Consequently they appealed the final decision in December 2001.

One appeal, from the Oregon Natural Resource Council (ONRC), felt the objectives of reducing the risk of wildfire were inappropriate. In its appeal, ONRC stated:

> "The goal(s) of reducing risk for firefighters and the public are inappropriate." ,and
>
> "The McCache area is not very populated and you can't realistically change fire behavior enough to make a difference for the firefighters.

This ONRC appeal, and those of others, was denied in the early part of this year. Unfortunately, by that time, it was too late to implement the project this past field season. As a result there was no vegetative management done on or in the vicinity of Cache Mountain as planned.

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[5] "Statutory Modifications of the Application of NEPA", CRS Report for Congress, 98–417A, May 1, 1998.

On July 23 this year around 5:30 p.m. lightening struck Cache Mountain and started a fire in the immediate vicinity of where treatments that had bee appealed were planned. Forest Service briefing materials on the fire had the following to say:

> Threatened resources: "Potential threat to Suttle Lake recreation complex 1–2 miles north, Black Butte Resort (about 1300 homes) four miles east, Weyerhaeuser land and timber directly east, bald eagle and spotted owl habitat near Suttle Lake, and Santiam Wagon Road.
>
> Remarks: "Fire is actively burning in extreme dry heavy dead and downed fuels on the north side of Cache Mountain. Fuels on the east side of Cache Mountain are brush and bug-killed whitebark pine and fir.

By July 29, the fire had grown to 4,200 acres. During the course of the fire, a church summer camp and Black Butte Ranch, a resort and residential development, had to be evacuated. By the time the fire was contained, it had burned two homes in Black Butte Ranch approximately 4–5 miles from where the fire started. In addition, valuable resources on public land such as spotted owl habitat was lost, and an adjacent private forest landowner lost a large investment in its plantation.

Now no one can say with certainty that had the McCache project been implemented there would have been no fire or it would not have grown to the size and cause the damage it did. But chances are pretty good that had the project been implemented, the fire could have been controlled sooner and the damage less severe.

The other lesson that can be learned from this is that time is of the essence. Fires won't wait for us. We have to get out in front and the NEPA and appeals processes are not conducive to effective and timely action.

Little Canyon Mountain

The Little Canyon Mountain is located in eastern Oregon and is typical of the problems associated with wildland-urban interfaces (WUIs). The mountain is owned and managed by the Bureau of Land Management (BLM). Because of its size and the lack of BLM resources in the immediate vicinity, the agency has an agreement with the Oregon Department of Forestry (ODF) to provide fire protection for the area.

Nearly three years ago, a BLM employee who is familiar with the Little Canyon Mountain and a homeowner in the WUI, recognized the need for restoration and fuels reduction on the mountain. He prepared an EA that sat on his supervisor's desk for two years despite cries from the communities to do something before disaster strikes.

During this year's fire season, there was renewed interest in implementing the EA that still has not been signed. When the BLM was asked why not, the response was they don't want to be sued by the environmentalists. Instead, the BLM Prineville Office expressed its desire to collaborate with the environmentalists and others to develop a level of trust before anything is done on the mountain.

In fairness to the BLM, they are doing some treatments strictly in the interface area but it's questionable whether this will be effective in the event of a large fire on the mountain. The ODF recently visited the site and wrote BLM urging action. In its memo, the ODF states, "Many "green" trees show visible indicators of ongoing attack or severe stress that makes attack in the near future nearly certain. The standing dead fuels with retained needles will promote sustained crown fire runs with extreme rates of spread in the near term. Absent treatment, these fuels will convert to heavy down fuels that create different, but equally difficult, control problems. Either condition is likely to lead to stand-replacement fires. The close proximity to populated areas also introduces high risk that such events will be community-replacement fires.

Little Canyon Mountain highlights the problems federal agencies face with the constant threat of appeals and litigation from opponents of active forest management. As a consequence, public and private resources and properties are put at risk. In cases such as this delaying activities is inviting disaster.

"Beschta Report"

The "Beschta Report" typifies problems associated with the NEPA process. This report is a compilation of views by several scientists regarding resource issues to consider when planning for the salvage of fire-killed timber. There's some question of the scientific robustness of the report and the degree to which it was peer reviewed. But few would argue that the recommendations, which outline the factors to consider when planning salvage sales, are not without merit.

However, the report exemplifies the issue of new information and how best to treat it. Some argue it's not new information in that the recommendations are factors normally considered anyway. Others argue that the report represents the best available science and the science supports the position of no salvage logging.

The first question is how does the agency evaluate the quality and validity of the information in the report? Is it truly science just because a scientist wrote it or is it just his opinion shared by others?

The second question is how does the agency utilize the information in the report? In this case, when the report was first released, the Regional Forester issued a directive to the field saying they had to incorporate the report in all salvage sale environmental documents. Subsequent to this direction, when environmental documents were released and the "Beschta Report" was not found in the "four corners of the document", i.e., the actual words "Beschta Report" and its recommendations weren't physically found in the EA, then the EA was found by the courts to be inadequate.

Early this year, after losing a court case, the Regional Forester issued another directive again stating the report must be mentioned in the environmental document. This only made the situation worse. The Regional Forester should have looked at the report and realized it's not the source of information but the information itself that was relevant. That is a directive to ensure when salvage logging is planned, the environmental document should address certain factors such as sedimentation and soil compaction—factors in the Beschta Report and also factors that should be included nevertheless.

This response gets the agency out of the box of having to find the words "Beschta Report" in the environmental document. It also gets away from having to respond in similar fashion when the next piece of new information is forthcoming.

Mr. MCINNIS. Dr. Creal, you may proceed.

STATEMENT OF DR. TIMOTHY H. CREAL, TESTIFYING ON BEHALF OF THE FOREST COUNTIES PAYMENTS COMMITTEE, SUPERINTENDENT, CUSTER SCHOOL DISTRICT, SOUTH DAKOTA

Mr. CREAL. Mr. Chairman, thank you for asking me to be here to speak today.

My name is Tim Creal. I am superintendent of schools in the Custer School District in the Black Hills of South Dakota. Actually I am here today representing the Forest Counties Payments Committee of which I am a member. The seven-member committee is comprised of four nonFederal members appointed by Congress, and three Federal members representing the Forest Service, the Bureau of Land Management, and the White House Office of Management and Budget.

The committee was created by Congress to advise Congress on long-term solutions for making payments to States and counties where national forests and Revested Oregon and California Grant lands exist. The committee is to evaluate certain impacts to States and counties and make recommendations on policy and legislation. Recommendations are to be consistent with sustainable forestry. In addition to its responsibilities to Congress, the committee is chartered as an advisory committee to the Secretary of Agriculture under Federal Advisory Committee Act guidelines.

The Forest Counties Payments Committee has conducted an extensive public comment effort to understand the issues affecting many of the 772 counties, parishes, and communities where public lands exist.

The committee held listening sessions in many regions of the country. These were all announced in the Federal Register. Sites include Portland, Oregon; Pendleton, Oregon; Boise, Idaho; Albuquerque, New Mexico; Jackson, Mississippi; Tallahassee, Florida; Reno, Nevada; Rapid City, South Dakota; Washington, D.C., and we still have one listening session to do in Rhineland, Wisconsin.

All comments made by the public and elected officials were documented by a court reporter and they are part of the official record and are on the Committee's website. A summary of these issues from the listening session and alternatives for future payments was included in an interim report of which this is the document that was recently submitted to Congress.

Members of the Committee met in August to begin developing recommendations for future payment options. During this meeting, the Committee discussed the need to make a recommendation to Congress regarding an issue the public raised at several, almost all, if not all of our listening sessions.

The current Forest Service appeal regulation governing decisions on projects has created a tremendous amount of frustration among people who try to work with the Agency collaboratively. This is all people. Many of these citizens depend on timely decisions that affect their communities, and they are concerned about solving forest health problems. The work they do together and with the Agency can be undone by someone who did not make an effort to find solutions for addressing forest management issues.

Based on what it heard, the Committee felt it was important to make a recommendation to Congress now, rather than wait until a report on the payment options is submitted early next year at the end of the 18-month timeframe. That recommendation was recently submitted to the six Committees in Congress who had jurisdiction over our work.

The recommendation includes two parts. The first is to repeal the statutory language that requires the Forest Service to have an appeals process for projects implementing resource management plans. The Forest Service should then review their current regulation at 36 CFR 215 and propose needed changes. When the Organic Act was passed in 1897, Congress recognized it could not develop regulations that would adequately address the unique biologic and social differences of the forest reserves. As a result, it vested authority in the Secretary to develop appropriate regulations for the management of these lands.

The full authority to create and manage an administrative appeals process needs to be returned to the Secretary. The Committee stopped short of suggesting any specific changes to the appeal regulation. These decisions should be made as part of a review process in developing a new regulation with public comment and discussions in Congress.

The terrible effects from wildfires this year have caught the attention of the American public, Congress, and the President. As we stated in our earlier letter, a bias for action is needed. The Forest Counties Payment Committee recommends that Congress provide language to exempt from appeal, salvage and restoration activities from wildfires occurring in 2002. This would provide the Forest Service time to review the current appeal regulation and determine what changes are needed under these circumstances.

Mr. Chairman, our Committee members are aware that different ideas exist for managing public lands. It is clear to us, having listened to people from many parts of the country, that they do not object to reasonable laws and regulations for these lands. However, they have told us that some of those laws and regulations are not

working well. The Forest Service appeal regulation is one of the biggest concerns the Committee heard about.

Mr. Chairman, that concludes my remarks. I would be happy to answer any questions.

Mr. MCINNIS. Thank you.

[The prepared statement of Mr. Creal follows:]

Statement of Dr. Timothy H. Creal, Superintendent, Custer School District, Custer, South Dakota, Representing Forest Counties Payments Committee, an Advisory Committee to Congress

Mr. Chairman and members of the Committee, thank you for inviting me to speak to you today. I am Tim Creal, Superintendent of Schools for the Custer School District in South Dakota. I am here today representing the Forest Counties Payments Committee of which I am a member. The seven-member Committee is comprised of four non-federal members appointed by Congress, and three federal members representing the Forest Service, the Bureau of Land Management, and the White House Office of Management and Budget. The Committee was created by Congress to advise it on long-term solutions for making payments to states and counties where National Forests and Revested Oregon and California Grant lands exist. The Committee is to evaluate certain impacts to states and counties, and to make recommendations on policy and legislation. Recommendations are to be consistent with sustainable forestry. In addition to its responsibilities to Congress, the Committee is chartered as an Advisory Committee to the Secretary of Agriculture under Federal Advisory Committee Act guidelines.

The Forest Counties Payments Committee has conducted an extensive public comment effort to understand issues affecting many of the 772 counties, parishes, and communities where these public lands exist. Listening sessions were held in many regions of the Country and announced in the Federal Register. All comments made by the public and elected officials were documented by a court reporter, and are part of the official record. A summary of issues from these listening sessions and alternatives for future payments was included in an Interim Report recently submitted to Congress.

Members of the Committee met in August to begin developing recommendations for future payment options. During this meeting the Committee discussed the need to make a recommendation to Congress regarding an issue the public raised at several listening sessions.

The current Forest Service Appeal Regulation governing decisions on projects has created a tremendous amount of frustration among people who try to work with the Agency collaboratively. Many of these citizens depend on timely decisions that affect their communities, and they are concerned about solving forest health problems. The work they do together, and with the Agency, can be un-done by someone who did not make the effort to find solutions for addressing forest management issues. Based on what it heard, the Committee felt it was important to make a recommendation to Congress now, rather than wait until a report on payment options is submitted early next year. That recommendation was recently submitted to the six Committees in Congress who have jurisdiction over our work.

Our recommendation includes two parts. The first is to repeal the statutory language that requires the Forest Service to have an appeals process for projects implementing resource management plans. The Forest Service should then review their current regulation at 36 CFR 215, and propose needed changes. When the Organic Act was passed in 1897, Congress recognized it could not develop regulations that would adequately address the unique biologic and social differences of the forest reserves. As a result, it vested authority in the Secretary to develop appropriate regulations for the management of those lands. The full authority to create and manage an administrative appeals process needs to be returned to the Secretary.

The Committee stopped short of suggesting specific changes to the Appeal Regulation. Those decisions should be made as a part of reviewing and developing a new regulation, with public comment and discussions with Congress.

The terrible effects from wildfires this year have caught the attention of the American public, Congress, and the President. As we stated in our letter, a bias for action is needed. The Forest Counties Payments Committee recommends that Congress provide language to exempt from appeal, salvage and restoration activities from wildfires occurring in 2002. This would provide the Forest Service time to review the current Appeal Regulation, and determine what changes are needed under these circumstances. Mr. Chairman, our Committee members are aware that different ideas exist for managing the public lands. It is clear to us having listened

to people in many parts of the Country, that they don't object to reasonable laws and regulations for these lands. However, they have told us that some of those laws and regulations are not working well. The Forest Service Appeal Regulation is one of the biggest concerns we heard about.

Mr. Chairman, that concludes my remarks. I would be happy to answer any questions you, or members of the Committee may have.

Mr. MCINNIS. Our next witness is Mr. Calahan.

STATEMENT OF DAVID CALAHAN, RETIRED FIREFIGHTER

Mr. CALAHAN. Mr. Chairman, members of the Committee, thank you for your invitation to testify today. My name is David Calahan. I was born and raised in Oregon, a son of a timber faller. My first job out of high school was working in the woods as a choker setter. For 30 years I have lived in the wildland interface of southern Oregon. My home is located in the Applegate Valley which is west of Medford. I am on 80 acres of land, surrounded on three sides by 6,300 acres of BLM land. I retired from the Medford Fire Department in November 1999. The Medford Fire Department also protects the rural area around Medford, so firefighters are trained in wildland fires and work closely with all of the local fire agencies.

I would like to advise anyone in the rural area as to how best to make their homes less likely to be lost to a forest fire. I am not opposed to logging or thinning, and I do both on my properties.

In 2001 I helped defend homes threatened by the Quartz fire. This summer I worked as a volunteer on the Squires fire which started 3 miles from my home. Within a few hours of the fire's ignition, I was on the scene defending an absentee friend's buildings, and I continued for another 4 days monitoring hot spots. This is the fire that burned the tree stands recently visited by President Bush. I have observed firsthand the burned landscape, having taken multiple hikes through much of the fire area to learn what really happened on the ground. Once again I was shown that forest fires burn in a mosaic pattern, burning hot in some areas, cooler in others, and sometimes it only underburns or the fire skips areas completely.

During the President's visit, the press and the public were shown very unrepresentative and misleading pictures of how the Squires fire burned in relationship to thinning. There are a number of areas burned by the Squires fire where thinning had recently been done on BLM lands, and yet overall the tree sustained severe mortality. The photos submitted were taken in the Squires fire area which show areas burnt with quite the opposite effect. These are stands that BLM had thinned which burned quite severely. Photos 1 through 3 show recently thinned stands where very little will survive. These photos demonstrate thinning may help reduce a fire's severity if the weather conditions are working for you. But when weather turns against you, thinned areas can suffer even more than untouched areas. These photos show where thinning, described as fuel reduction, took place and there were large stumps where mature trees were cut, trees that are the most fire resistant.

One of the downsides of thinning is it lets in more sun and wind that dries out the forest, making it potentially even more prone to severe fire. In the same canyon were places that BLM had not yet

thinned. There are many places in the Squires fire that had beautiful burns, where the fire burned cool and stayed on the ground.

Photos 4, 5 and 6 show a stand BLM plans to thin soon, but at the time of the fire was untouched. Trees planned for removal are marked with the blue paint. The trees in these photos are still healthy.

The effect of this burn was to do exactly what we want fire to do, a nice beneficial underburn. The aftermath of the Squires fire shows multiple factors at work to create a mosaic burn pattern. The untreated, heavily burned stand shown by President Bush and the press illustrates only one part of this. This was an area above the private land logged by Boise Cascade. Boise's land is 200 acres and was completely stripped of its commercial timber approximately 4 years ago and left covered with logging slash and small conifer trees. When the fire came through this industrial logged area, it burned very hot. The fire came out of this private land and traveled a short distance through BLM land to reach the ridge viewed by President Bush. Most of this area of the ridge burnt severely, whether thinned or not. As the fire crested over the ridge, it became less severe due to burning downhill.

This can explain the area President Bush also visited, showing a stand of trees thinned by BLM and had burned less intensely. In any fire, you will get many different kinds of burns, which is mostly determined by weather and terrain. Fuel density is many times overruled by weather and terrain. The point is, individual stands cannot be used as an example of how fire will treat a certain area in the future. There are simply too many factors, of which fuel density is only one and sometimes a small one. My experience and observation in fighting forest fires have convinced me that logging of the larger, mature trees can lead to fires burning much hotter.

As I saw repeatedly in the Squires fire, some areas thinned by BLM burned much hotter and did more damage to the remaining trees and soil when compared to areas that had not been touched. I would like to get the message across that most fire in the forest, when it is not threatening someone's house, is a good thing. We know that we got into this high fuels situation by denying fire, and in the more remote areas by changing our approach to fire is the only way we are going to get out of it. We also need to be willing to spend the necessary money to do the rural interface thinning. We need to remove the premise that logging mature trees is an acceptable way to pay for thinning.

We cannot log ourselves out of this problem. Logging practices and the building of more new roads contribute to the fire problem. The act of logging makes a firefighter's job far more hazardous due to the slash created once a tree is felled. Thinning has a role, but from the moment a tree hits the ground, the fuel increases and it can only return to nearly the level it was before the trees fall with intense management through prescribed burns or hand piling and burning the ground fuels.

In the year or two before that can be accomplished, we have increased the ground fuel loading by 3 to 15 tons per acre, and within a decade you need to return to think again as Mother Nature will fill those open spaces created between the remaining trees with lots of brush. We need to protect people and homes from the

risk of fire through community protection projects which focus first on the wildland interface. Thinning the forest will not solve fire problems.

I will be happy to answer any questions. Again, thank you for inviting me.

Mr. MCINNIS. Mr. Calahan, I think your remarks appropriately should include not just the house but the watershed situation and wildlife areas as well.

Mr. CALAHAN. I agree.

[The prepared statement of Mr. Calahan follows:]

Statement of David Calahan, Retired Firefighter

Mr. Chairman, Ranking Member Inslee, Members of the Committee: Thank you for your invitation to testify today.

My name is David Calahan. I was born and raised in Oregon, a son of a timber faller. My first job out of high school was working in the woods as a choker setter. For 30 years I have lived in the wildland interface of southern Oregon. My home is located in the Applegate Valley, which is west of Medford, on 80 acres of land bordered on three sides by 6300 acres of Bureau of Land Management land. I retired from the Medford Fire Department in November, 1999. The Medford Fire Department also protects the rural area around Medford, so firefighters are trained in wildland fires and work closely with all the local fire agencies. I continue to work on the thinning of small fuels around my property and I love to advise anyone in the rural area as how best to make their home less likely to be lost to a forest fire. I am not opposed to thinning or logging and I do both on my own properties.

In 2001 I helped defend homes threatened by the Quartz fire. This summer I worked as a volunteer on the Squires Fire, which started just 3 miles from my home. Within a few hours of the fire's ignition I was on the scene defending an absentee friend's buildings (house, shop and new barn), and I continued another four days of monitoring hot spots. This is the fire that burned the tree stands recently visited by President Bush. I have observed first hand the burned landscape, having taken multiple hikes through much of the fire area to learn what really happened on the ground. Once again I was shown that forest fires burn in a mosaic pattern, burning hot in some areas, cooler in others and sometimes it only underburns or the fire skips areas completely.

During the President's visit, the press and the public were shown very unrepresentative and misleading pictures of how the Squires Fire burned in relation to thinning and other treatment of the land. Attached are photos that will show areas burnt with quite the opposite effect.

There are a number of areas burnt by the Squires Fire where thinning had recently been done on BLM lands and yet overall the trees sustained severe mortality. As the attached photos illustrate (all taken in areas burned in the Squires Fire), stands that the BLM had thinned sometimes burned quite severely. Photos no. 1, 2, & 3 show recently thinned stands, and you will see that the fire burned up into the trees' crowns, scorching them far up the trunks, killing the needles (most of the needles on the trees in these photos are missing or brown) and the tree. These photos demonstrate thinning may help reduce a fire's severity if the weather conditions are working for you. But when the climate/weather turns against you, thinned areas can suffer even more than untouched areas.

You can also see from these photos where thinning (described as fuel reduction) took place there are large stumps where mature trees were cut, trees that are the most fire resistant. One of the downsides of thinning is it lets in more sun and wind that dries out the forest making it potentially even more prone to severe fire.

In the same canyon were places that BLM had not yet thinned. One such area I saw was about 60 acres that had a beautiful burn where the fire stayed on the ground and only scorched the trees when it got to the very top of the hill. Photos no. 4, 5 & 6 show stands BLM plans to thin soon but at the time of the fire was untouched. Trees planned for removal are marked with blue paint. This stand and other untouched areas in riparian zones burned cool and the trees remain healthy. The trees in these photos are not scorched high up and the forest canopy is mostly undamaged. The effect of this burn has been to do just what we want fire to do, a nice beneficial underburn. Over time, some of the scorched small trees will die from the effects of fire and/or lack of light, reducing the stand density and leaving the strongest, largest trees to withstand future fires as they withstood the Squires Fire.

The aftermath of the Squire's Fire shows multiple factors at work to create the mosaic burn pattern. The untreated, heavily burned stand shown by President Bush and the press illustrates only one part of this. This was an area above private land logged by Boise Cascade. Boise's land (200 acres) was completely stripped of its commercial timber approximately four years ago and left covered with logging slash and small conifer trees. When the fire came through this industrially logged area covered with logging slash it burned very hot. The fire came out of this private land and traveled a short distance through BLM land to reach the ridge viewed by President Bush. Most of this area of the ridge burnt severely whether thinned or not. As the fire crested over the ridge it became less severe due to terrain burning downhill. This can explain the area President Bush also visited showing a stand of trees that had been thinned by BLM and had burned less intensely. In any fire you get many different kinds of burns, which is mostly determined by climate/weather (wind, humidity, inversion layers, etc.) and terrain. Fuel density is a factor which is many times overruled by climate and terrain. The point is, individual stands cannot be used as an example of how a fire will treat a certain area in the future. There are simply too many factors of which fuel density is only one.

The Squires Fire also illustrates problems with the 'defensible fuel profile zones,' or shaded fuel breaks located on ridges that federal land management agencies have started to favor recently. This is a wide strip on each side of a ridgetop with very few trees left standing. The DFPZ on the northern flank of the Squires fire failed to stop the fire and a number of the few trees left after the treatment were killed.

My experience and observations fighting forest fires in the wildland-urban interface have convinced me that logging of larger, mature trees in the backcountry can lead to fires burning much "hotter," which is very damaging to the health of the forest. As I saw repeatedly in the Squires Fire, some areas thinned by BLM (where they cut down larger and mature trees), burned much hotter and did more damage to the remaining trees and the soil when compared to areas that had not been touched

I would like to get the message across that most fire in the forest, when it isn't threatening someone's house, is a good thing. We know that we got into this high fuels situation by denying fire and, in much of these more remote areas, changing our approach to fire is the only way we will get out of it.

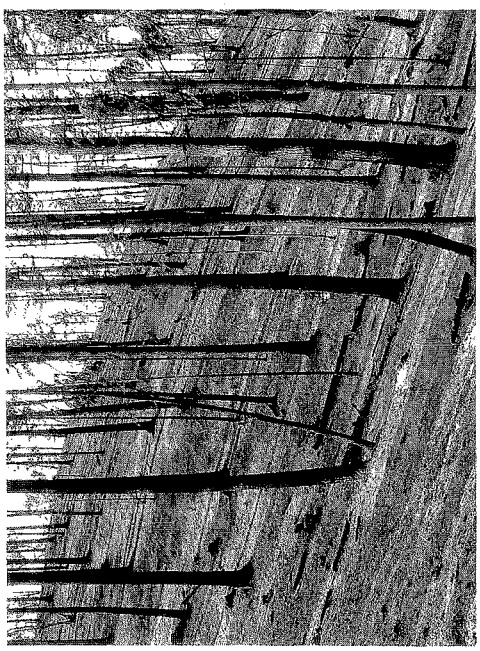
We also need to be willing to spend the necessary money to do wildland interface thinning. We need to remove the premise that logging mature trees is an acceptable way to pay for the thinning. We cannot log ourselves out of this problem. Logging practices and the building of more new roads contribute to the fire problem. This is partly because of opening up the forest to sun and wind, as I discussed above. Partly, too, the act of logging makes fire problems bigger and a firefighter's job far more hazardous due to the slash created once a tree is felled. Thinning has a role, but from the moment a tree hits the ground the fuel increases and it can only return to nearly the level it was before the tree's fall with intense management through prescribed burns or hand piling and burning the ground fuels. In the year or two before that can be accomplished, we have increased the ground fuel loading by 3 to 15 tons per acre (figures supplied by the BLM). And within a decade or less you need to return to thin again, as Mother Nature will fill those open spaces created between the remaining trees with lots of brush.

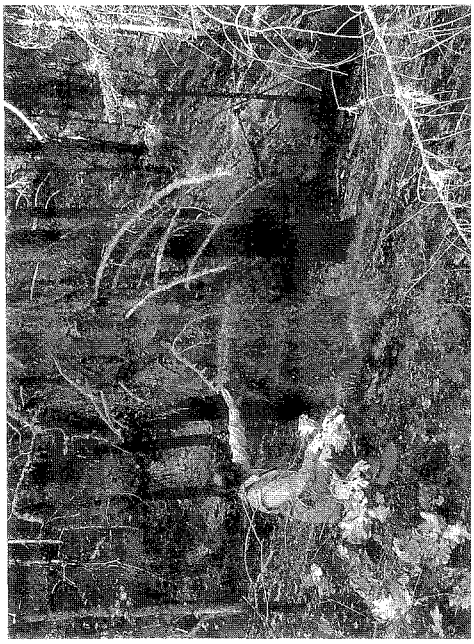
I believe we need to protect people and homes from the risks of fire through genuine community projects which focus first and foremost on protecting homes in the wildland interface. As my inspection of the Squires Fire area and the attached photos show, thinning the forest does not reliably solve fire problems.

Thank you again for the opportunity to testify today. I would be happy to answer any questions you might have at this time.

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

Submitted For the record -
by CALAHAN





Mr. MCINNIS. Mr. Schulke.

STATEMENT OF TODD SCHULKE, FOREST POLICY DIRECTOR, CENTER FOR BIOLOGICAL DIVERSITY

Mr. SCHULKE. My name is Todd Schulke. I am a forest policy director for the Center for Biological Diversity. I sit on the Arizona Governor Jane Hull's Fire Forest Health Advisory Committee, Senator Bingaman's Collaborative Forest Restoration Program Advisory Committee, and the Southern New Mexico National Fire Plan Implementation Team.

Based on my experience and the Center's research, we believe that the bills that are being considered will actually make the problems worse and will certainly increase public controversy on this issue. Much has been made about fuels reduction projects being blocked by conservationists. The truth has been shown by various reports, including the Southwest Fuels report that I provided you. When one sifts through the rhetoric, it becomes obvious that the vast majority of all fuels treatments go unchallenged.

Eleven timber sales that were challenged in Region 3 that showed up on Mark Rey's list that claimed 48 percent of all mechanical fuel treatments were challenged. The Center appealed seven of these. Each included destructive salvage logging, logging of mature and old-growth trees, and/or drastic overstory removal. A current analysis of the NEPA docket in Region 3 showed a total of 244 thinning, burning and logging projects. Of these 244, 10 are controversial, less than 3 percent.

Mr. SCHULKE. This site-specific analysis corroborates the GAO report that showed the vast majority of fuels projects are not challenged.

There are obviously disagreements about logging large trees. To illustrate this, I will discuss a few projects in detail.

The Sheep Basin project on the Gila National Forest emerged from the early collaborative planning process that was initiated by local conservationists and supported by Senator Bingaman. After years of dialog, an agreement was reached. Conservationists and locals agreed that there should be a diameter cap to stop logging of large trees. However, the Gila National Forest disregarded this agreement, and the project was repealed.

The regional forester upheld that appeal because there was not a cumulative effects analysis done. This illustrates the value of citizen involvement in oversight of environmental analysis.

Another relevant example of a project that was challenged is the Baca Timber Sale in the recent Rodeo fire in Arizona. Ninety-five percent of the trees in this area were below 12 inches. The Forest Service wanted to log over 25 percent of the volume in large trees.

The Rodeo fire began on the heavily logged White Mountain Apache Reservation, but the Baca sale only covered 2 percent of the area. It is really impossible to say that this challenge resulted in or played a signature role in the Rodeo fire.

The Center's challenge of this timber sale has received a lot of attention, but the fact of the matter is the Forest Service and the local community approached us and asked us to release 1,300 acres for community protection treatments. We readily agreed, and after

2 years the thinning was not done even though there was not legal constraint to doing so.

In Ashland, Oregon, the Ashland Watershed Protection Project was initiated after a timber sale was proposed that would cut four-million-board-feet trees as large as three feet in diameter. The community of Ashland was concerned about the logging, and an alliance formed that developed an alternative for the final EIS, and this alternative was chosen.

These examples show that appeals are often—often improve projects, the projects can be implemented in a timely manner, and the forest protection laws are also implemented.

The scientific basis for supporting the above action is a clear understanding that focusing fuels reduction near communities is the most effective and efficient way to protect communities.

There is also growing agreement on the need to thin small trees to get fire back into forests. Consider the quotes in front of you in my testimony. I will read a couple:

Fuel treatments that reduce basal area density from above, i.e., removal of the largest stems, will be ineffective within the context of fire management. That is from Omi and Martinson at Colorado state.

Clearing underbrush and dense thickets of smaller-diameter trees through prescribed burns is more effective at preventing catastrophic fires than cutting down more fire-resistant trees. Dr. Tom Swetnam, for the University of Arizona.

The Center for Biological Diversity recently completed a report that analyzed the stand structure in all the forests in the West and showed that 90 percent of all the trees in the West are below 12 inches. They are small.

In restoration efforts, it is also critical to recognize differences in forest types. In a recent oped, Secretaries Norton and Veneman asserted that forests in the West historically had 25 trees per acre. So much for taking things forest by forest. This information is just not true. The forests of the West varied dramatically and still do.

It will take several years to complete effective fuels reduction in areas near communities. During this time we should be implementing pilot forest restoration projects to learn more about how to do this right.

Recently, a coalition of environmental groups developed a proposal that would again focus most of the energy on protecting homes and communities and thinning small trees to reintroduce fire back into the back country.

In closing, I would like to say it is a waste of time to continue the argument over ecologically destructive and scientifically unsupportable timber sales that log large trees. There is a tremendous amount of work to be done in areas where there is strong scientific agreement and social support. All the parties involved in these complex and challenging issues need to begin working together in this emerging zone of agreement and get on the job with protecting communities from fire. Thank you.

[The prepared statement of Mr. Schulke follows:]

Statement of Todd Schulke, Forest Policy Director, Center for Biological Diversity

My name is Todd Schulke. I'm the forest policy director for the Center for Biological Diversity. I sit on Arizona Governor Jane Hull's Fire and Forest Health Advisory Committee, Senator Bingaman's Collaborative Forest Restoration Program Advisory Committee and the Southern New Mexico National Fire Plan Implementation Team. I also live with my wife and 2 young sons in a fire prone ponderosa pine forest on the Gila National Forest in southwestern New Mexico.

Based on my experience and the Center's research on community protection and forest restoration, we believe that the bills being considered by this committee will not contribute to fire risk reduction or the protection of communities. These proposals may actually make fires worse in some cases and will certainly increase public controversy.

I will discuss the following points:

1. Timber sale challenges do not get in the way of legitimate fuels reduction;
2. The reasons timber sales are appealed;
3. How the appeals process has helped improve some fire projects;
4. Community Protection and Forest Restoration Science
5. Recommendations for an ecologically sound fire policy.

Timber Sale Challenges

Much has been made about fuels reduction projects being blocked by conservation challenges. The truth of the matter has been shown by the various reports including the GAO report, Mark Rey's report, and the Southwest Fuels Reduction report that I provided.

When one sifts through the rhetoric about who challenged what projects it becomes obvious that the vast majority of all fuels reduction, such as wildland urban interface work and prescribed burning have gone unchallenged even though virtually all of these projects are eligible for litigation. The large numbers of projects approved under categorical exclusions get through this NEPA shortcut (and other efficient analyses) precisely because generally all parties agree these fuels reduction efforts are not controversial. The trend here is obvious, timber sales that log large trees get challenged—legitimate fuels reduction projects do not.

Eleven timber sales that were challenged in Region 3 showed up on Mark Rey's list that claimed 48% (155) of all mechanical fuel treatments were challenged nationwide. The Center for Biological Diversity was the appellant on seven of these 11 projects. The projects challenged by the Center all include destructive salvage logging, logging of mature and old growth trees, and/or drastic overstory removal.

An analysis of current projects on the NEPA docket in Region 3 showed a total of 244 thinning, burning, and logging projects. Of these 244 projects, 10 (less than 3%) are currently either being challenged or under consideration for challenge (pending alternative chosen in decision). Again, each of these 10 projects includes destructive salvage logging, logging of mature and old growth trees, and/or drastic overstory removal.

This site-specific analysis corroborates the GAO report showing a vast majority of fuels projects are not challenged. It also casts doubt on the percentages shown in the Rey report that neglected to consider non-controversial thinning and burning, as did the other 2 reports.

Projects Appealed by Conservation Groups

There are obviously deep disagreements concerning logging of mature and old growth trees, particularly in the backcountry far away from homes. Some of these conflicts are outlined in 2 reports that you have (Southwest Logging report, American Lands Alliance Fuels Reduction report). To further illustrate the issues I'll discuss a few projects in more detail.

On the Gila National Forest the Sheep Basin "Restoration" Project illustrates the basic disagreement that keeps us from moving beyond debate and to focusing our efforts into action. The Sheep Basin project emerged from an early collaborative watershed planning process that was initiated by local conservationists and supported by Senator Bingaman. The watershed chosen is in Catron County, N.M.—a nationally known hotbed of environmental conflict. The idea was to move beyond this conflict to watershed restoration that benefited all stakeholders.

After years of dialogue an agreement was reached. A several thousand-acre project was identified for thinning and other restoration activities. Conservation groups and the Catron County Citizen's Group (interested in utilization of restoration by-products) agreed that the project should proceed with a diameter cap limiting logging of large trees.

However the Gila National Forest disregarded the agreement by choosing an alternative that will log large trees, though over 90% of the trees in the area are below 12" and all other parties agreed there were alternatives to logging big trees that would meet both ecological and economic objectives.

The decision to log large trees (in this case healthy trees up to 35" more than 20 miles from the nearest community) resulted in an appeal. By ignoring this unusual agreement the Forest Service chose controversy over cooperation.

The Regional Forester upheld the appeal because essentially no cumulative effects analysis had been done. This decision is typical of appeals—in every positive appeal decision, the Forest Service finds itself in violation of the law and sends the project back to the individual forest for further analysis.

Conservation groups had been warning the Gila for several years that they needed to address cumulative effects, as the Forest Service plans to log approximately 90 million board feet off 60 million contiguous acres in a single watershed. This successful appeal, that caused the logging plan to be sent back to the forest so cumulative effects could be analyzed, illustrates the value of citizen involvement in oversight of environmental analysis processes.

Another relevant example of a project that was challenged is the Baca Timber Sale, on the edge of the recent Rodeo fire in N. Arizona. This sale was proposed in an area where 95% of all trees were below 12". But the Forest Service wanted to log over 25% of the volume from trees over 16". This same area has also recently been logged under the Jersey Horse Timber sale. Further, the Sitgreaves National Forest is the most heavily logged forest in the Southwest. The Rodeo fire burn area alone contains over 2100 miles of logging roads. (See Baca Timber Sale Fact Sheet)

The Rodeo Fire began on the heavily logged White Mt. Apache Reservation with reservation land accounting for over 50% of the total fire area. The Baca Timber Sale covered only 2% of the Rodeo fire area and burned toward the end of the fire. It's impossible to say that the challenge to the Baca sale played a significant role in the Rodeo Fire saga. The bottom line is logging proved to be ineffective in stopping the Rodeo fire, especially during the 100-year drought conditions.

The Center's challenge of this timber sale has received a tremendous amount of criticism (it was highlighted in President Bush's Healthy Forest initiative as an example of analysis paralysis). But the truth of the matter is that twice the Forest Service and the community of Forest Lakes requested release of areas for community protection treatments. We readily agreed both times to fuels reduction on over 1300 acres. Though the second release of 1000 acres was agreed to in November of 2000, the Forest Service had not implemented the thinning project even though there were no legal constraints to doing so.

In the case of the Rodeo fire it would have made much more sense to implement aggressive home protection treatments near communities rather than last ditch efforts in the face of a drought driven fire. The residents that lost their homes and those that lived in fear that it would happen to them, would have been much better served if the Forest Service had focused on protecting their homes proactively rather than trying to push through another timber sale.

The Ashland Watershed Protection Project is an example of public involvement improving agency decision-making. Initially, the Ashland Watershed Protection Project was named the HazRed Timber Sale Project, a four-million-board-foot timber sale that would have logged trees as large as three feet in diameter.

The community of Ashland was concerned about the proposed logging, and several groups and individuals appealed the project. As a result, a diverse group of residents formed the "Ashland Watershed Stewardship Alliance," which met twice a week for six months. The Alliance included representatives from the mayor's office, small- business owners, forest workers, members of the Society for American Foresters, environmental groups, and other concerned citizens.

During the public comment period the Alliance produced a proposal that became the basis for the development of a new alternative that was included in the Final Environmental Impact Statement. A modified version of this alternative was approved by the agency as the Ashland Watershed Protection Project.

Implementation of the project began in 2001 and will continue for several years. Treatments include the following:

- Treatment of 10 percent of Ashland's municipal watershed. It reduces fuels on national forest lands using manual treatments (e.g. brush cutting, pile and swamper burning) directly within the Wildland Urban Interface (WUI) zone and in areas within the interior proposed for prescribed understory burning.
- Prescribed under burning in area-wide treatments in suitable and manually pretreated areas and fuel break maintenance are also taking place.
- The project does allow for some overstory tree removal, but a 17-inch diameter cap has been imposed on trees marked for removal. Trees 17 inches or greater

in diameter in southern Oregon are typically considered late successional and have developed resistance to fire.

These projects illustrate various aspects of the issues surrounding timber sale challenges. These examples show that following appeals projects are often improved, often get implemented in a timely manner (with community support), and ensure that forest protection laws are being implemented.

Community Protection and Forest Restoration Science

The scientific basis supporting the actions mentioned above is the clear understanding that focusing fuels reduction on areas near communities is the most effective and efficient method to saving homes and lives. The best available science shows treatment of an area of up to one-quarter mile is justifiable for home protection, fire fighter safety, and other community values. (CBD WUI paper). The area beyond one-quarter mile should be considered wildland forest and subject to restoration oriented treatments such as prescribed burning.

There is broad agreement that prescribed burning is an effective method for reduction of forest fire intensity. Reintroduction of fire is also critical to the long-term enhancement of ecological integrity in fire dependent forests. An extensive prescribed burning program should be implemented when it will be safe and where it will be effective.

There is also growing agreement on the benefits of fuels reduction focused on small diameter trees, brush and ground fuels to lessen the severity of forest fires and to facilitate reintroduction of beneficial fires where appropriate. Consider quotes by prominent fire ecologists from universities around the West:

"...fuel treatments" that reduce basal area or density from above (i.e. removal of the largest stems) will be ineffective within the context of wildfire management."—from "Effect of Fuels Treatment on Wildfire Severity" (Omi and Martinson 2002), Western Forest Fire Research Center at Colorado State;

"...clearing underbrush and dense thickets of smaller-diameter trees through prescribed burns is more effective at preventing catastrophic fires than cutting down more fire-resistant large trees. "It's clearly the small-diameter trees that are the problem," Swetnam said, citing trees 8 to 10 inches in diameter. - Dr. Tom Swetnam, director of the Tree Ring Lab at U of AZ (Arizona Daily Star, June 25, 2002);

"The small trees and surface fuels contribute most to fire risk, as they provide "ladders" for the fires to climb from the surface into the tree crowns. Forests where "ladder fuels" are limited and tree crowns (or the crowns of groups of trees) are separated won't support a crown fire. Thus, "thinning from below" to remove the smaller trees, e.g. those 8–10 inches in diameter or less, greatly reduces the intensity with which fires will burn through a forest." - Dr. Penny Morgan—University of Idaho, House Resources Committee Hearing, July 11, 2002.

The Center for Biological Diversity recently completed a report using Forest Service information that showed more than 90% of all trees in the West are 12 inches in diameter or smaller. This shows that any overstocking problems in our forests are clearly in the small tree size classes. (See Forest Structure in the West Report)

In restoration efforts it is critical that differences in forest types be recognized. In a recent USA Today oped, Secretary's Norton and Veneman asserted that forests in the West historically had 25 trees per acre. This gross generalization is simply not true for most of the West. Certainly there were forests with lower stand densities historically but to erroneously claim that western forests universally had 25 trees per acre would lead us to apply restoration based on faulty historical information and ecological theory. This would certainly lead to more damage to ecosystems.

Unfortunately there is a dearth of empirical research concerning the effects of thinning on fire behavior. Omi and Martinson found 6 relevant papers—2 of those studies from New Jersey and 1 from Florida. Clearly, more work needs to be done in this area before considering large-scale forest restoration that involves thinning.

It will take several years to complete effective, focused fuels reductions in areas near communities. During this time it will be important to implement pilot forest restoration projects to develop the knowledge base necessary to avoid causing widespread ecological harm.

Recommendations for Community Protection

Recently a coalition of grassroots and national conservation groups developed a proposal for a comprehensive community protection program. The elements of a focused and effective program would include:

1. Community protection as the Forest Service's top wildfire management priority.
2. Focus of resources on priority work that protects homes and communities by:
   - Providing funds and expertise to fireproof buildings; and

- Thinning trees and removing other vegetation within the Community Zone (up to a maximum of 500 meters from a community's buildings).

3. Outside the Community Zone: avoid controversy, delay, and harm by preparing dry forest sites to burn cooler and more controllably by clearing brush, thinning only small trees, and using prescribed fire through best value and/or service contracts.
4. Prohibiting road construction and major reconstruction in national forests, activities, which double the chances that a fire will occur and, when fires do occur, can increase severity.

FUNDING

1. Providing $2 billion per year for five years for community protection.
2. Of new funding, 75% to state/tribal fire assistance through Block Grants for community protection, including public education and outreach on making homes "firewise," homeowner cost share grants, seed money for community protection, and treatment of non-federal lands in the Community Protection Zone.
3. Direction that 90% of all hazardous fuels treatment funding (planned fiscal year 03 appropriations and added funds) be spent within the Community Protection Zone on lands adjacent to projects funded by block grants.
4. Reallocation of Forest Service and BLM personnel so that the number of FTEs working within the Community Protection Zone is proportionate to amount of funding spent within the Community Protection Zone, assisting communities in public education and planning for fire safety and fuel reduction work.

PROCESS

Promotion of community involvement, timeliness, accountability and local employment by:

- •Using an open process that incorporates local priorities for structural safeguards and fuels reduction in the Community Protection Zone;
- Excluding work that requires new roads or major road reconstruction;
- Using existing legal authorities that agencies have successfully used to accomplish work promptly and without controversy;
- Requiring an efficient multiparty monitoring program, including planned timelines for all funded hazardous fuels reduction projects on federal lands with a monthly report-back mechanism to advise Congress of unplanned delays of greater than 60 days.
- Awarding best value and service contracts (including monitoring contracts) to local cooperatives, small and micro-businesses, and other entities that train and use local employees.

This outline provides and effective and efficient framework for protecting communities from forest fires that can be the basis for developing widespread agreement need to facilitate rapid protection of homes and lives from the risk of forest fires.

In closing I'd like to say it is a waste of time to continue the argument over ecologically destructive and scientifically unsupportable timber sales that log large trees. There is a tremendous amount of work to be done in the areas where there is strong scientific and social support. All parties involved in these complex and challenging issues need to begin working together in this emerging "zone of agreement" and get on with the job of protecting communities from the risk of fire.

Thank you.

Appendix

A. Southwest Fuels Reduction Report
B. Southwest Logging Report
C. American Lands Fuels Reduction Report
D. Baca Timber Sale Fact Sheet
E. CBD Wildland Urban Interface Paper
F. Small Tree Quote Report
G. Forest Structure In the West Report

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

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No Opposition to Fuel Reduction Projects in the Southwest

According to the most recent Schedules of Proposed Action from each National Forest in the Southwest Region 3, there are a total of 244 thinning, burning, and logging projects currently in some stage of planning. These include prescribed burning and forest thinning throughout the forest and in the wildland-urban interface.

National Forest	Prescribed Burns	Forest Thinning
Apache-Sitgreaves	2	14
Carson	9	16
Cibola	12	20
Coconino	10	14
Coronado	8	8
Gila	13	15
Kaibab	7	13
Lincoln	2	21
Prescott	1	4
Santa Fe	14	17
Tonto	9	15
Total	87	157

Of the 244 projects currently in NEPA, only 10 are currently opposed by environmental groups. None of these are prescribed burns or wildland-urban interface projects, 2 are post-fire salvage timber sales, and all 10 include substantial logging of large trees (over 16 inches in diameter).

The 10 projects currently opposed include: Viveash Salvage Sale (Santa Fe NF), Aqua Caballos Timber Sale (Carson NF), Honey Timber Sale (Tonto NF), Chamberlain Timber Sale (Tonto NF), East Rim (Kaibab NF), Hidden Fire Salvage (Kaibab NF), Frenchy Timber Sale (Kaibab NF), Sheep Basin Timber Sale (Gila NF), Rio Penasco II (Lincoln NF), Mineral (Apache-Sitgreaves).

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SOUTHWESTERN NATIONAL FORESTS THREATENED BY LOGGING
Community Protection Takes Back Seat To Timber Cut

Under direction from the Bush administration, the U.S. Forest Service is resurrecting a large-scale logging program in the Southwest. The Forest Service is ignoring direction from Congress (and their own fire science) to focus their efforts on work near communities to protect them from fire.

In 1980's and early 1990's nearly half a billion board feet of timber was logged annually from Southwestern National Forests (Region 3: AZ & NM). In 1996 a federal judge acknowledged the ecological damage caused by the timber program, and enjoined logging in the Southwest to prevent further population declines of the threatened Mexican spotted owl.

Under the guise of forest health and fire reduction, the Forest Service is once again proposing to log large numbers of mature and old growth trees amounts of trees. Under the auspices of community protection, the Forest Service is proposing several large timber sales, which will log big trees often miles from the nearest town.

Old growth trees are essential to the continued survival of many imperiled species, and are often the most fire-resistant trees in the forest. With less than 5% of the Southwest's old growth forest remaining, protection of the remaining large trees is critical to maintaining important wildlife habitat and the ecological integrity of the forest.

The Center for Biological Diversity supports both forest restoration and the protection of communities from the threats of forest fire. The Center has designed and implemented forest restoration projects that utilize prescribed fire and conservative thinning of small trees. The Center also strongly supports community protection efforts that target treatments near communities where they will be the most effective.

Following are four examples of projects in Arizona and New Mexico. They all contain unnecessary and destructive old growth logging. It is imperative that the Forest Service reconsiders these timber sales—and the legitimate controversy and opposition they will engender—and instead fully and earnestly turn toward the task of protecting communities and undoing over 100 years of damage on Southwestern National Forests.

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RIO PEÑASCO II WATERSHED PROJECT: LINCOLN NATIONAL FOREST

17-60+ million board feet; 32,000 – 50,000 acres
Lincoln National Forest, Sacramento Ranger District
Project Leader Mark Macfarlane 505-682-2551
Decision expected Summer 2002

The remote Sacramento Mountains in south-central New Mexico were extensively logged in the early 20th Century. However, the remaining old growth and mature forests of the Sacramentos harbor the densest breeding population of Mexican spotted owls in New Mexico, as well as rare and endemic species such as the Sacramento Mountains salamander. The high percentage of private lands within the area makes the need for fire risk reduction acute, and the complexities of management more difficult.

The Rio Peñasco project is an enormous undertaking supposedly to reduce fire hazard in the Sacramentos. Logging would occur on up to 50,000 acres, including nearly 8,500 acres of commercial timber sales. The Forest Service estimates that 17 to 60 million board feet of timber would be generated from these sales, in which thousands of large trees would be cut.

Rio Peñasco is one of twelve pilot large-scale watershed restoration projects initiated by former Forest Service Chief Dombeck in 2000. While portions of the Rio Peñasco project appear to be legitimate community protection efforts—thinning small-diameter understory trees in 30,000 acres—the inclusion of a 17 million board foot timber sale, that includes cutting large trees, betrays the vision of watershed restoration that was the initial objective for the project. In order to allow the necessary thinning of small-diameter trees, the Center for Biological Diversity has proposed that the Forest Service issue separate decision notices for the large tree timber sale and small diameter thinning components of the project.

SHEEP BASIN RESTORATION PROJECT: GILA NATIONAL FOREST

9 million board feet; 4,000 acres
Gila National Forest, Reserve Ranger District
Project Leader, Laura Valletos 505-533-6605
Decision made – April 24, 2002

In 1997, the Gila National Forest ignited a storm of controversy with its announcement of the watershed-level Negrito ecosystem plan, which proposes 15 timber sales totaling over 90 million board feet in volume. Five years later, the Forest Service has issued a decision on the Sheep Basin restoration project, the first timber sale to be released under the Negrito watershed plan. Under the decision notice, 9 million board feet of ponderosa pine across nearly 4,000 acres would be logged. Recent field visits discovered that the Forest Service has already begun marking the sale, and has marked many old growth ponderosa pines.

The Forest Service has been presenting the Sheep Basin project as a restoration project, but recently admitted that it is a timber improvement project (but they retained restoration in the name in order to not confuse anyone!). Furthermore, the project limits opportunities for the local communities that have attempted to create jobs removing small-diameter trees in forest restoration. By including old growth and large tree logging, the Sheep Basin project disqualifies local citizen groups from receiving grant money from Senator Bingaman's Community Forest Restoration Program that requires preservation of large and old trees.

AGUA/CABALLOS TIMBER SALE: CARSON NATIONAL FOREST

6.4 million board feet; 3900 acres
Carson National Forest, El Rito Ranger District
District Ranger, Kurt Winchester, 505-581-4554
Decision made – June 3, 2002

Agua/Caballos is a controversial timber sale that has been in the planning stage for several years. Located near the Northern New Mexico community of Vallecitos this timber sale would log over 6 million board feet of timber under the guise of improving forest health. The real motivation behind this project is to provide sawlogs from the antiquated Vallecitos Sustained Yield Unit that requires ecologically damaging logging of sawtimber. The Agua/Caballos timber sale will likely spawn public controversy similar to the highly contentious La Manga timber sale in the late 90's. Sadly the old growth trees cut on La Manga were left on the ground to rot.

Ironically, by pushing this controversial timber sale the Forest Service is postponing the inevitable and necessary transition toward forest restoration that rural communities need to make in order to build agreement that will foster both forest restoration and appropriate rural economic development. This irony is emphasized by the fact that there is a large number of legitimate forest restoration activities needed in this area that could provide a tremendous amount of local employment opportunity

EAST RIM VEGETATION MANAGEMENT PROJECT: KAIBAB NATIONAL FOREST

8 million board feet; 7,500 acres
Kaibab National Forest, North Kaibab Ranger District
District Ranger, Jill Leonard 928-643-7395
Decision expected Summer 2002

The Kaibab Plateau country on the North Rim of the Grand Canyon contains some of the most extensive stands of old-growth forest remaining in the Southwest. These forests contain an incredible diversity of wildlife, including the densest breeding population of northern goshawks in North America, the endemic Kaibab squirrel and the famous Kaibab mule deer herd. While partially included within Grand Canyon National Park, most of the Plateau is administered by the Kaibab National Forest. Teddy Roosevelt was

so inspired by the area that in 1906 he declared it to be the Grand Canyon Game Preserve, the only such area in the Southwest. The Southwest Forest Alliance has proposed the Kaibab Plateau as a national old growth preserve.

Despite the critical ecological importance of the forest on the Kaibab Plateau the Forest Service continues to propose timber sales that log thousands of mature and old growth trees. The latest example, the East Rim Vegetative Management Project, is one of the controversial stewardship pilot projects that exchanges valuable old growth trees for the logging. This project will log over 8 million board feet of old-growth ponderosa pine, mixed-conifer and spruce-fir forest. Much of the proposed logging within the East Rim timber sale will occur directly on the edge of steep canyon directly bordering a designated wilderness area. Erosion and sedimentation caused by the logging operations will directly impact a genetically pure population of the threatened Apache trout less than one half mile from the sale's boundaries.

KACHINA VILLAGE FOREST HEALTH PROJECT: COCONINO NATIONAL FOREST

Coconino National Forest, Mormon Lake Ranger District
Project Leader Tammy Randall-Parker 928-774-1147
Unknown board feet; 10,000 acres
EIS expected Summer 2002

The Kachina Village Forest Health Project, which would log over 4,600 acres of ponderosa pine south of Flagstaff, illustrates well the Forest Service's lack of a definition for the wildland-urban interface as well as its failure to prioritize projects, which are truly needed for community protection. While the Coconino National Forest characterizes Kachina Village as a wildland-urban interface project, it proposes extremely aggressive logging in the wildland forest several miles away from the nearest community.

Kachina Village is the second large-scale planning effort of the Grand Canyon Forests Partnership. Although the first project planned by the Partnership included a 16-inch diameter cap, the Forest Service has indicated that Kachina Village will have no size cap on the logging. In doing so, the Forest Service's is ignoring the will of many Partnership members and as is the case with the Sheep Basin restoration project, undermining its own credibility and the very concept of restoration.

Effectively Treating the Wildland-Urban Interface to Protect Houses and Communities from the Threat of Forest Fire

Center for Biological Diversity

August 2002

Summary

The protection of houses and communities from the threat of forest fire depends upon the proper treatment of the wildland-urban interface (WUI), the area directly adjacent to houses and communities. The protection of the house depends entirely on treatment of the home ignition zone—the house itself and the area within 60 meters (200 feet) of the house. This is necessary to protect the house from the various forms of ignition present during forest fires, regardless of what treatments are implemented in the adjacent forest. In addition, an overlapping community protection zone can provide opportunities for firefighters to protect other flammable features of a community. The largest community protection zone required under maximal conditions is less than 500 meters (1640 feet) wide. However, most communities require treatment extending less than 400 meters (1312 feet) from the house.

Introduction

Current efforts to protect communities from the threat of forest fire are being planned without consideration for what is actually effective at protecting houses and communities from the forest fire. Considering the current risks and the limited resources available for the implementation of WUI projects, individual projects and strategic plans need to utilize the best available science to develop the most effective and efficient methods for protecting houses and communities. At the same time, the focused treatment of the WUI is necessary in order to avoid inadvertently damaging adjacent forest ecosystems and wildlife habitat with poorly planned and ineffective projects. This paper includes an extensive review of all the available scientific literature in an effort to determine what is actually necessary and effective at protecting houses and communities from the threat of forest fire. WUI treatments that provide effective protection from forest fires can be implemented relatively quickly in and around the homesite (the house and its immediate surroundings), and with a minimum of impact on the wildland forest.

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Protecting the House

Effective fire protection eliminates ignition opportunities: a structure that does not ignite does not burn, regardless of what occurs around it. Forest fires can ignite houses in three ways: 1) flames of the burning forest can provide enough radiant heat, without reaching the house directly, to ignite the surface of the house; 2) flames of the burning forest can reach the surface of the house through surrounding vegetation; and 3) firebrands (burning embers from a fire) can be carried by wind to fall on or near the house. The first of these threats can be effectively treated by breaking up forest fuel continuity within a maximum of 60 meters of a house; the second requires vegetation removal for a few yards adjacent to the structure; and the third is addressed with fireproof roofs and other building materials.

In order for a forest fire to ignite a house without reaching it directly, the fire must provide sufficient radiant heat for long enough to raise the temperature of the surface of the house to its ignition point. Experimental studies and modeling have shown that partial removal of trees within 40 meters (132 feet) of the house protects it against radiant ignition from the flames of a forest fire that is torching and crowning (Cohen and Butler 1998, Cohen 2000a). These studies assumed severe conditions, and lesser distances may suffice. Thus, another study (Davis 1990) found a precipitous drop in structural ignition with a distance of only 20 meters between the house and forest vegetation. Increasing the homesite treatment to 60 meters (200 feet) would provide an extra margin of safety in areas with extreme slopes or extremely tall trees, and would protect against scorching of exterior walls under extreme conditions.

How many trees to remove is a function of site-specific factors. The goal of the treatment is to break up any flame front sufficiently that radiant heat is not great enough to ignite the surface of the house over the duration of the exposure to the flame front. This does not require the removal of all vegetation within the home ignition zone. In fact, trees that are adequately spaced from the house and the surrounding forest can provide heat protection by blocking the radiating heat of the forest fire. Vegetation with the potential to produce smaller flames can safely be relatively close to the house (Cohen and Butler 1998).

Even when intense flame is kept far enough away from a house to prevent radiant ignition, ignition from direct contact between flames and the home or adjacent flammable materials like woodpiles is still a major threat. In fact, a large proportion of the houses that burn during forest fires do not ignite from a hot crown fire, but from a relatively low-intensity surface fire (Cohen 2000b). Fire can burn grass and needle litter right up to the surface of the house, or ignite a tree, shrub, or manmade structure touching or close to the house. A minimal break in the continuous surface fuels (such as a simple rake line around the perimeter of the house) can be effective in preventing direct ignition (Cohen 2000b). For this reason, homesite protection involves eliminating continuous ground fuels that lead from the forest to the house. This can be accomplished with rock landscaping, cement sidewalks, green grass, or other means like raking away needles and dried vegetation.

The final source of home ignition is firebrands, burning embers generated by the forest fire. Firebrands can be lifted high into the air and carried by wind to ignite fires miles ahead of the forest fire. They can be blown onto the roof of the house or into any exposed flammable area, causing fires that can ignite the house even if the forest fire is miles away. Therefore, firebrands are an extremely dangerous source of ignition on and adjacent to houses (Cohen and Saveland 1997). Even highly effective fire prevention or suppression miles from the homesite, cannot protect houses from this threat of ignition. Similarly, WUI treatments that neglect firebrand ignitions will be dangerously ineffective at protecting houses and communities from forest fires.

Because of the threat of firebrand ignitions, reducing the flammability of the house itself is absolutely necessary, regardless of the vegetation treatment in the surrounding forest, and regardless of the distance between the house and the adjacent forest. These basic treatments are essential elements in any community protection plan. In general, treating the house itself against firebrands involves using fire-resistant materials in the building of the house, especially the roof; and the same removal of flammable materials directly adjacent to the house that is needed to prevent direct spread of flames to the house; along with cleaning roofs and gutters of dead branches, leaves and needles.[1]

Community Protection Zone

Additional thinning for up to 500 meters from buildings may enhance a community's resilience to wildfire. After survivability of individual buildings has been addressed, an issue remains about whether firefighters can safely defend community space. This space between and immediately adjacent to buildings includes landscaping, street trees, city parks, utility poles and other flammables which communities have invested in and which contribute to an area's livability. Enhancing options for firefighters to control fire in this space requires breaking up fuel continuity at greater distances from homes than necessary to protect the homes themselves, because injury to humans can occur with a fraction of the heat and time required to ignite wood (Cohen and Butler 1998).[2]

Experimental studies and modeling have shown that the width requirements of the firefighter safety zone (where firefighters are "free from danger, risk, or injury"(Beighley 1995)) are related to the average sustained flame length of the forest fire flame front at the edge of the safety zone (Butler and Cohen 1998). The sustained flame length is significantly different from the maximum observed flame length, which includes tall

[1] Three public agencies in the West provide information to homeowners on how to treat their house and property to protect them from the threat of forest fire. The National Wildland/Urban Interface Fire Program (Firewise) and the California Department of Forestry both recommend that homeowners remove hazardous fuels within 30 feet of the house. The Colorado Department of Forestry provides the following recommendations: remove all flammable vegetation from within 15 feet of the house, and create a defensible space of reduced fuels extending 75 to 125 feet from the house. The treatments described here surpass all of these, and include recommendations by the US Forest Service Fire Sciences Laboratory (Firelab).

[2] The calculations are based on a burn injury limit of 7 kW/m^2 (Braun et al.1980, Butler and Cohen 1998; 2000). Human burn injury limit is the amount of heat required to injure a firefighter not using a personal fire shelter, over the duration of a flame front during a forest fire.

flame bursts that do not produce heat of the same magnitude as sustained flames. The calculations in this paper approximate the maximum potential sustained flame length as twice (2X) the height of the average overstory tree at the site (not to be confused with the maximum tree height). These calculations use the maximum possible values for every variable so that the results far over-estimate the actual physical requirements for community protection zone. In effect, the calculations below incorporate a large safety factor by adopting a strong bias toward maximum values, including the range of high winds and steep slopes, whether or not such conditions are present or physically possible.

The great majority of WUI communities in the West are surrounded by trees between 10 and 50 meters (33 and 165 feet) tall. Using the 2X factor, the maximum sustained flame length for a tree 50 meters (165 feet) tall is 100 meters (330 feet). A factor of 4 times (4X) the sustained flame length is used to determine the minimum distance required for a community protection zone to effectively act as a safety zone under these assumptions of maximum conditions (Butler and Cohen 1998). Using the 4X factor, a forest fire with a sustained flame length of 100 meters (330 feet) requires a community protection zone 400 meters (1312 feet, or approximately ¼ -mile) wide.

There are extremely few communities surrounded by forests that consist of trees with an average height greater than 50 meters (165 feet), and it is highly unlikely that trees of any height can produce sustained flame lengths greater than 100 meters (330 feet). However, the maximum possible treatment zone to create defensible community space was determined by assuming a forest with an average overstory tree height of 60 meters (200 feet). Defending community space between and among houses in such a forest could conceivably require a treatment zone 480 meters (1600 feet) wide.

It is important to note that creation of defensible community space does not require the removal of all trees within the area. It involves thinning the forest to create breaks in the continuity of tree crowns, and removing ladder fuels and small-diameter understory trees. Of course, the community protection zone treatment is dependent on the forest type, average tree height, and slope at that location. Rules of thumb recommend reducing crown cover to less than 35 %, with a minimum of 10 feet of open space between crowns; pruning branches up to 10 feet high; and removing small-diameter understory trees or spacing them the same as the overstory trees (Anderson and Brown 1988, Schmidt and Wakimoto 1988). It is important to retain trees, particularly large, fire-resistant trees, in the community protection zone, because trees suppress the growth of highly flammable brush, limiting the amount of vegetative maintenance needed, as well as reducing wind speeds, and blocking heat from the forest fire.

The defensible community space treatment reinforces the homesite treatment described in the previous section. The recommendation for a homesite treatment involving the area within 60 meters of the house is based on the assumption that the flame front is continuous. However, the community protection zone treatment reduces the potential for a forest fire to provide enough heat to ignite the house. Therefore, a properly implemented community protection zone treatment can reduce the area required for the more aggressive homesite treatment. However, the defensible community space is not a

replacement for treatment in the home ignition zone. Homesite treatment is an integral and critical component of an effective defensible community space. That is, the defensible community space will not be effective without implementing the homesite treatment.

Firefighting Strategy

It is important to note that the strategy proposed in this paper differs from the strategy proposed by Cohen (2002). Cohen recommends that the house and the immediate surroundings be properly treated before a forest fire occurs, and immediately following a forest fire, firefighters and homeowners can focus on extinguishing fires ignited by firebrands and other small fires as they occur. If necessary, the firefighters can move to a safe stand-by location as the fire front passes, and then return to the houses immediately afterward to suppress any subsequent fires. This strategy is known as follow-up.

The strategy proposed in this paper includes the assumption that some communities will choose to place firefighters along the boundaries of the community, regardless of the facts that such action may not increase the survival of houses. However, the strategy proposed in this paper does not preclude the opportunity for firefighters to remove to a safe stand-by location. Consequently, firefighter safety also requires that homeowners appropriately treat their houses and properties. Even though the flames from a burning house may not be nearly as high as those produced in a forest fires, a house will burn much longer than the duration a forest fire burns in one location, and a burning house can create a serious threat of ignition to a neighboring house (Cohen and Butler 1998). Because firefighters should not be caught between a burning forest and a burning house, fire management agencies should perform assessments of all individual houses before determining that a neighborhood is a safe and appropriate area in which to work during a fire.

Beyond the Community protection zone

Vegetation management beyond the structure's immediate vicinity has little effect on house ignitions (Cohen and Saveland 1997). Cohen (1999) stated, "*The evidence suggests that wildland fuel reduction for reducing home losses may be inefficient and ineffective. Inefficient because wildland fuel reduction for several hundred meters or more around homes is greater than necessary for reducing ignitions from flames. Ineffective because it does not sufficiently reduce firebrand ignitions.*" In short, a properly implemented homesite treatment provides complete protection for the house; a fireline in the community protection zone can provide additional protection against encroaching ground fires that can ignite houses if the homesite treatment is not properly implemented; and treating the forest beyond the community protection zone provides no additional protection for houses or communities. However, there may be reasons other than community protection to implement forest restoration projects in the forests outside the WUI.

Maintaining the WUI

The more tree thinning is used to treat the WUI, the greater the need for near-term precautions against fire hazard and for long-term maintenance. Thinning greatly increases the immediate fire hazard because it creates a large amount of highly flammable slash and debris, and the open forest structure produces conditions in which there are drier and warmer surface fuels, and higher wind speeds. This increased fire hazard must be mitigated as soon as possible following the thinning operation. This can only be accomplished by reducing surface fuels and debris, and the most efficient and effective methods may be prescribed burning or chipping followed by removal of the remaining fuel. Some sites may require an initial pile burn followed by a broadcast burn. In other cases, it may be necessary to utilize an incremental approach, in which a series of prescribed burns is used to remove fuels.

Subsequent prescribed broadcast burns may also be the most efficient and effective for maintaining the WUI treatment over time. Such burning would maintain lower fuel loads within the forest, as well as reduce the growth of highly flammable shrubs and understory trees. Regular (possibly annual) maintenance is critical for maintaining the community protection zone.

Prioritization

The US Departments of Agriculture and Interior defined the interface community as having a population density of 250 or more people per square mile, and the intermix community as having 28-250 people per square mile (USDA/USDI 2001). While this should certainly not be taken as any hard definition, it does serve as a guideline for the prioritization of projects. The WUI communities can be categorized as interface (neighborhoods extending into the forest), intermix (groups of houses within the forest), and individual properties (isolated inholdings) within the forest, and can be prioritized in this order by relative risk to lives and property, and by relative amount of protection gained from each project.

Interface communities contain the greatest number of houses and people per square mile. Furthermore, because of the relatively dense development and extensive road systems in interface communities, WUI projects involve a relatively small area per house and are relatively easy to implement. Therefore, WUI projects for interface communities can provide the greatest protection for the greatest resources (houses and people) with the smallest amount of time and effort, and should be prioritized for extensive projects. This is not to say that all WUI communities and houses should not be protected from the threat of forest fire. Certainly, homesite treatments should be implemented as soon as possible on all WUI communities and houses. This would provide immediate and complete protection for the houses until the site can be assessed for the implementation of a community protection zone treatment.

Conclusion

A focused treatment of the wildland-urban interface can provide houses and communities with real and effective protection from the threat of forest fire. Treatment of the home

ignition zone—the house itself and the surrounding area up to 60 meters from the house— provides the house direct protection to from the various ignition sources of a forest fire. The treatment of the homesite alone can effectively protect the house from the threat of forest fire, regardless of what other treatments are implemented in the WUI. Creation of a defensible community space can provide an additional safety zone where firefighters can safely defend other fire-vulnerable features of a community than just its buildings. This community protection zone does not require the removal of all trees, and entails treatment for less than 500 meters from the house.

The highest priority should be given to WUI projects that protect interface communities (neighborhoods extending into the forest). Such projects can provide the greatest protection for the greatest resources (houses and people) with the smallest amount of time and effort.

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There is growing agreement on the benefits of fuels reduction focused on small diameter trees, brush and ground fuels to lessen the severity of forest fires and to facilitate reintroduction of beneficial fires where appropriate. Consider quotes by prominent fire ecologists and land managers:

"... *"fuel treatments" that reduce basal area or density from above (i.e. removal of the largest stems) will be ineffective within the context of wildfire management.*" – from "Effect of Fuels Treatment on Wildfire Severity" (Omi and Martinson 2002), Western Forest Fire Research Center at Colorado State.

"*...clearing underbrush and dense thickets of smaller-diameter trees through prescribed burns is more effective at preventing catastrophic fires than cutting down more fire-resistant large trees. "It's clearly the small-diameter trees that are the problem," he said, citing trees 8 to 10 inches in diameter.*"- Dr. Tom Swetnam, director of the Tree Ring Lab at U of AZ (Arizona Daily Star, June 25, 2002).

"*The small trees and surface fuels contribute most to fire risk, as they provide "ladders" for the fires to climb from the surface into the tree crowns. Forests where "ladder fuels" are limited and tree crowns (or the crowns of groups of trees) are separated won't support a crown fire. Thus, "thinning from below" to remove the smaller trees, e.g. those 8-10 inches in diameter or less, greatly reduces the intensity with which fires will burn through a forest.*" –Dr. Penny Morgan fire ecologist, University of Idaho (House Resources Committee Hearing, July 11, 2002).

"*It makes sense to start protecting both people and forests by first thinning small trees that fuel destructive fires near human habitation. Safe, prescribed burns are the key to keeping Southwestern forests from bonfires.*" Melissa Savage, Southwestern forest ecologist, professor emeritus, UCLA.

Politicians are wrong to blame environmentalists' legal victories over clear cutting of forests for catastrophic wildfires plaguing the West, according to a panel of forest fire experts gathered in Tucson. Poor forest management policies, with roots in the 19th century, predate by 120 years litigation that curtailed clear-cutting and prescribed burns in national forests, they said. They warned, however, that harvesting should be limited to thick stands of small trees and not include old-growth trees. Older, larger trees - preferred by loggers - are more resistant to fire, the experts said. – Statements from 2002 Ecological Society of America Annual meeting (Tucson Citizen, 8/6/02).

Dombeck points out that the harvesting of large trees, "the overstory," causes increased undergrowth, which fuels the fires. Thinning that undergrowth was one of his key fire prevention initiatives and is still going on, though not fast enough. He says many large trees, such as Ponderosa pine, are not only fire- resistant but also thrive in an environment of natural fire, so it makes no sense to cut them. From interview with Mike Dombeck , former Forest Service Chief (Atlanta Journal Constitution, 07/07/2002).

"*There was scarcely an acre of the fire zone visited by President Bush in Arizona in June that had not been cut for timber at least once. The nice big trees that lumber companies*

want are not the problem. Brush is the problem, and slash from logging." Roger Kennedy, former National Park Service Director (NY Times Editorial, August 8, 2002).

Center for Biological Diversity

Protecting and restoring endangered species and wild places through science, policy, education, and environmental law.

Forest Structure in the West

90% of Trees 12 Inches in Diameter Or Smaller

One of the most controversial aspects of Forest Service forest thinning proposals is the claimed need to log large trees for these projects to be successful in reducing the risks of forest fires. The data presented here show that the vast majority of all trees in forests of the west are small – more than 90% are 12 inches in diameter or smaller.

Conservation groups strongly support legitimate forest thinning near communities where it will do the most good and where the focus is on small trees with the goal of allowing safe and effective use of controlled burns. These data clearly show that any overstocking problems are in the small tree size classes, reinforcing the need to protect mature and old growth trees.

State	Year of Data	Percent of trees smaller than 12 inches diameter
Arizona	1999	90.9
California	1994	89.1
Colorado	1983	94.0
Idaho	1991	91.5
Montana	1989	94.4
Nevada	1989	89.6
New Mexico	1999	94.1
Oregon	1992	89.9
Utah	1995	93.8
Washington	1991	88.8
Wyoming	1984	93.3
Overall	--	91.7

These data come are the most recent available (out of the 2002 Resource Planning Act Assessment Report by the U.S. Forest Service). They include surveys of lands of all ownerships (U.S. Forest Service, Bureau of Land Management, state, tribal, and private lands) in each state.

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Mr. MCINNIS. I thank the panel.

We will go ahead and open for questions or comments. I will initiate that.

First of all, Mr. Schulke, I want to make it very clear to you that our focus here is not just on old growth or, as you say, big trees; it is a focus on the forests as a whole. And I see out there some of the more radical organizations—not to say that yours is—but some of the more radical organizations are constantly trying to pull this argument into old growth in an effort to bolster their arguments that we shouldn't touch the forests at all. I think you would find the testimony from the Secretaries, any of the bills here, it is a very small percentage of old growth that is necessary. That is not where the focus is, and I think you need to acknowledge that we are looking at the forests as a whole.

The second point I would like to ask is you is, you use the number 244 thinning projects and how little you appeal them. Can you tell me what number of the 244 were not appealable because they had categorical exclusion?

Mr. SCHULKE. Not at this time, but I can get you that information.

Mr. MCINNIS. I think that would be very pertinent as to your 244.

Part of the problems of the GAO study is that in their initial one—which, by the way, they have even withdrawn their support of their own study. They said it is inaccurate. But part of their problem was that they considered thinning projects that you couldn't appeal in the first place. That is what threw out the numbers. Now, that is GAO's own numbers.

Mr. SCHULKE. But Mr. McInnis—.

Mr. MCINNIS. So I—.

Mr. SCHULKE. —you can't litigate those projects.

Mr. MCINNIS. I am the Chairman. You may speak when I am finished.

Mr. SCHULKE. Thank you.

Mr. MCINNIS. My point here to you is that I think it is very important we know what number the 244 that were categorical exclusions.

The other point I would like to make to the Committee as a whole is, keep in mind, I happen to agree that controlled or prescribed burns are helpful. But my understanding—and I could be corrected. But my understanding is that one out of every 20 or one out of every 22 controlled burns gets out of control. This is a very risky, very dangerous proposition. So I don't want people to think that this is the automatic answer, these prescribed burns. You saw it in New Mexico, what happened a couple of years ago. We saw it in Yellowstone. Those were prescribed burns that got out of control, and I am sure we could come up with a number of others. So, one out of 20.

So while I support that, we also have to work very diligently that making sure—to put whatever safeguards we can.

I found the testimony—Mr. Burley, your testimony, especially interesting. And it was helpful for—excuse me. Mr. Covington, I'm sorry. I got—Mr. Covington. I found that testimony very helpful, and I appreciate some of the comments, things I didn't even think about there.

Mr. Calahan, your testimony was interesting. You are a fireman. I used to be a volunteer fireman. I have been in the wildfires, and

in my district this year I have gone to most of those. That is why we need to custom look at every forest.

Obviously, in some of the areas you saw, you didn't think thinning was necessary. In your own yard, you thought thinning was necessary. It just shows that we cannot categorically say—and I am not saying that you have. But we can't categorically dismiss thinning as helpful.

We had a terrible fire down in the four corners at the park, the Mesa Verde National Park this last summer about a month ago, and they—it is a textbook example which saved the headquarters and saved many of the ruins, the thinning—and the superintendent will tell you categorically that it was the thinning that saved their headquarters and these facilities from burning. They had just finished the thinning last year.

You can go up and you can look. You can see where the fire came from all sides, and it stopped right where the thinning was completed. So, thinning works sometimes; sometimes thinning doesn't.

With that, I will be happy to—yes, Mr. Udall. And let me mention one other thing. We had heard earlier testimony about old growth trees don't burn, or apparently they are very fire resistant. In the Hayman fire—and I think Mr. Mark Udall was on a tour recently. On the Hayman fire, we lost trees that were over 500 years old that will take over 20 generations to replace. They were not fire resistant. That fire burned so hot, it burned down a grove of these trees or a group of these trees. So these trees are not fire resistant, as some might imply.

Tom Udall. Mr. Tom Udall.

Mr. TOM UDALL. Thank you, Mr. Chairman. I very much appreciate the panel being here and having your testimony today. I think that the testimony has shown that all of us really need to learn a lot about this area in terms of embarking on policies.

[The prepared statement of Mr. Udall follows:]

Statement of Hon. Tom Udall, a Representative in Congress from the State of New Mexico

First I would like to thank Secretaries Norton and Veneman for coming here today to discuss these very important issues facing America's forests today.

This season's wildfires have burned more than twice the ten-year average on public and private property across the West. Scientists, environmentalists, and even lawmakers agree that 100 years of fire suppression and a record drought year contributed to the conditions that set the stage for this year's fire season. And, we can all understand that clearing some of the fuel that feeds these fires is necessary. However, that is where our agreement ends.

The Administration's "common sense" policy for managing our National Forests is not common and makes no sense. This policy perpetuates and expands the current unsound practice of not spending our limited resources in the communities that need them most, and instead spend them in the backcountry. The General Accounting Office (GAO) was asked by several Members of Congress to review the steps the Departments of Agriculture and Interior have taken to date regarding implementation of the National Fire Plan. In that report, the GAO identified the need for two things—more and better interagency coordination, and better focus on identifying and responding to the highest-risk communities in the wildland/urban interface area. So why is the Administration looking to move resources away from these high-risk communities?

I am equally concerned that the proposal essentially cuts the public out of having a say in land management decisions when it gives the agency the authority to proceed without environmental checks and sideboards. The key to land management now and in the future is to have all stakeholders involved in the process when it comes to our lands.

All fire season, the Administration and other public officials have blamed environmentalists who appealed forest thinning projects for the catastrophic wildfires. The Administration wants to exempt a range of agency actions from the National Environmental Policy Act, the very law that epitomizes open and thoughtful decision making by allowing the public to have a say in and look at the environmental impacts of a logging or development project. This cornerstone of good government has kept a check and balance in place that has helped to improve countless projects on public lands.

Even more troubling, the Administration and sponsors of legislation, have based this massive environmental policy overhaul on false premises. The Administration and the bill sponsors somehow would have us believe that if the environmentalists had not held up so many thinning projects, the fires never would have happened. They cite a July Forest Service report claiming nearly half of all thinning projects have been appealed as the smoking gun leading to the conclusion that appeals must be stopped. Yet, just one year ago a GAO study revealed that only one percent of hazardous fuels reduction projects had been appealed.

Last month, Representative Inslee and I asked the Forest Service to provide the documentation to support its report's claims. Only by using suspect methods in their data collection, and cooking the books, can the Forest Service make the outrageous statement that almost 50 percent of all thinning projects were appealed. According to a Forest Trust analysis of the appeals report, the Forest Service report used selective sampling to skew the numbers. The Forest Service report only surveyed mechanical fuel treatment appeals and ignored all other forms of fuel reduction treatments. But, in 2001, mechanical treatments accounted for a mere 15 percent of all hazardous fuels reduction efforts. So looking at the larger universe of fuels treatment projects, of 244 such projects in the Southwest region, only 2 are opposed. Let me repeat that only 2 projects out of the 244 in the Southwest were appealed. That's less than 1%

Furthermore, the Forest Service definition of mechanical fuels treatment projects in the report was so broad that virtually any timber sale was included. Almost 90 percent of the appealed projects in the Forest Service report include timber sales. In fact, many of the appealed projects listed in the Forest Service report are not even fuel reduction projects, once again illustrating the biased and unreliable nature of this report. And that's just the point: when the agency proposes controversial projects outside of the wildland urban interface—timber sales in the name of forest health, they're likely to be scrutinized and challenged.

At a time when Members of this committee are demanding better science in the implementation of environmental laws, I do not see how we can establish a national policy based on such mistruths. To think that thinning projects would fire-proof our forests is seriously misguided.

This is not, as the President has said, a common sense approach to forest management. If we are to truly address wildfire management and improve forest health, we need a common sense approach that allows the people to continue to play a role in land management. Thank you.

Mr. TOM UDALL. Mr. Covington, to start with you, when we heard earlier testimony that, you know, about a hundred years and we have been in mismanagement and we have had overgrazing and we have disconnected native Americans from the land and they used to use burning to manage the land and then we have had this very aggressive fire suppression, when did we first start thinking that fire suppression was not the way to go? You seemed to indicate in your earlier comments that we have known for a couple of generations. And why? You know, what is your take on that and why has it taken the bureaucracy so long to realize that and put a policy in place, in your opinion?

Mr. COVINGTON. Thank you, Mr. Udall.

The—just historically—I will try to make this short. I tend to talk in 50-minute units, being a professor. But the short version of that is there was a tremendous idealogical war when the Secretary of Interior was Noble back when John Wesley Powell and Gifford Pinchot were duking it out. John Wesley Powell advocated for managing western lands close to natural conditions, including fire. Pow-

ell actually learned how to use fire from the Paiute people of northern Arizona, Southern Utah, was a strong advocate of it. He was not formally educated in forestry, forestry of the day. Pinchot was. Pinchot was educated in western European forestry, where fire was the enemy of the mixed mesophytic forests that were over there. So they were at ideological loggerheads, basically. Pinchot won that argument. That sent us down the point where we are today.

As a young man, when I was first becoming educated in fire ecology, fire was still fundamentally bad in western forests. By the time I was into my master's degree program there was some, well, yeah, you know, people have been saying for a while fire is a good thing as long as it is a natural fire. Now we are at the point where—as a matter of fact, when I started working in Northern Arizona University in 1975, the West had just—the Forest Service had just said we will start using prescribed burning, not let fires go.

We have won kind of the battle that prescribed fires can be good, but it is too late. In the 1940's, we could have used prescribed burning to do the thinning and restore forest ecosystem health.

One of the first research projects I did started in 1975. I tried this, and to my great surprise it did not kill the trees that needed to be removed, it killed the old growth trees. And I did not want to believe that. That data hit me square in the eyes. I did it repeatedly, which led me then to realize that in dense forests of ponderosa pine and related types, you have to go in and mechanically thin those trees so you can safely then reintroduce the natural process of fire.

So, anyway, that is just a little bit of the background.

Steve Pine, by the way, has a great documentation of this. I know you know of Pine's work and so.

Mr. TOM UDALL. So was it in the 1940's that people like you were urging the Forest Service to start to change in terms of the usage of fires and that?

Mr. COVINGTON. People like me? Maybe. But not me, clearly. While I have some years on me, I wasn't here then.

Mr. TOM UDALL. I am not giving you all those years. I am just trying to document. Because you said for generations we have known this.

Mr. COVINGTON. In the 1940's, Harold Weaver started working on the Coleville Reservation up in eastern Washington. My subsequent students and grad students have continued the prescribed burning project. Harold Weaver, following on Leopold's statements, said: Fires are going to get worse in the ponderosa pine mix dry forest types. They are going to get catastrophic. Insect and disease problems. We have got to reintroduce fires.

Do you know what the response of the mainstream community of land managers, of forest managers, and fire experts were at the time was, that is just a bunch of Paiute forestry. That is what ignorant, uneducated people do to the land.

That fight went on. It started in Arizona with Harry Calender. Weaver came over. Biswell from California came over and worked with the White Mountain Apaches—which is, of course, where the Rodeo-Chediski fires started—to start doing prescribed burning on

grand scales. But still the mainstream didn't get it until now it is too late under dense forest conditions.

We simply—you cannot kill—safely kill the trees that need to be removed to restore natural conditions, biological diversity and so on with prescribed burning.

Mr. DUNCAN. [Presiding.] The time of the gentleman has expired.

Mr. Hayworth.

Mr. HAYWORTH. Thank you, Mr. Chairman; and thank all the panelists. Especially pleased to have Wally here.

Wally, let us continue on with what you were talking about earlier, maybe to amplify a couple of these things. If you could crystallize for us the difference between ecological restoration and hazardous fuel reduction.

Mr. COVINGTON. OK. Hazardous fuel reduction treats a symptom of ecosystem health, but just one symptom. Ecological restoration seeks to treat, in a sense, the entire patient. So with ecological restoration approaches we are not merely concerned about unnatural fire behavior or unnatural insect and disease outbreaks, but we are concerned about unnatural crashes of the species in the ecosystem, unnatural eruptions of species, losses of long-term soil processes, losses of watershed function. So it gets then what we are trying to do with ecological restoration, get at the whole problem, not just a part of it.

Mr. HAYWORTH. Wally, I am reading different documents—and I thank Mr. Schulke for being here. Going through his testimony I see I guess what message was released from the Center for Biological Diversity: Southwestern National Forests Threatened by Logging.

Maybe we need to get a definition here. Professor Covington, in your mind, what is the difference between logging and thinning? And is there a scientifically standardized definition of the distinction between the two?

Mr. COVINGTON. Well, there is a professional—and I am also a professional forester, as you know, J.D. And in the profession we differentiate between logging. The purpose of logging is to provide wood for wood utilization. The purpose of thinning is to improve land conditions. So, it is—what I like to emphasize is again that ecological restoration would be using thinning to improve land conditions.

Then, as Mark Gray said, as almost incidental to the land health restoration project, where roads exist, you may be able to, in an environmentally, socially, and politically sound fashion, remove those excess trees and then get some utilization for the human component of the ecosystem to, you know, have jobs and also to help defray some of the cost.

Mr. HAYWORTH. In your opinion, do you share the assessment that I see in Mr. Schulke's notion that our forests are threatened now by logging in the Southwest?

Mr. COVINGTON. No, I don't think they are. That was true some years ago. Right now, the greatest single threat by far to the vast ponderosa pine dry forest types, the dry mix conifer, dry Douglas types is unnatural, severe catastrophic crown fire. There is just no doubt at all that that is the largest single threat to the long-term sustainability to these ecosystems.

Mr. HAYWORTH. I thank you very much, Professor.

Let me turn to Mr. Calahan. Thank you for coming, sir; and we appreciate your first-hand knowledge of what was transpiring in Oregon. My friend Congressman Walden especially is concerned about that.

Our documentation says you are a retired firefighter. I guess you obviously had to come out of retirement, given the severity of what was going on with your property and what was happening to your neighbors there.

Mr. CALAHAN. I think firefighters are like moths to the flame, you know.

Mr. HAYWORTH. What are you doing now, sir?

Mr. CALAHAN. I seem to be plenty busy. There is plenty to do. But I am working on my own property. I lost a hundred fir trees this year due to drought in 1 year.

Mr. HAYWORTH. Well, we thank you for coming down and being a part of this; and I thank all who join us here today.

Obviously, we have some differences of opinion. Mr. Schulke, can there be a meeting of the minds, or are we destined to fall into the traps of demonizing each other as we continue ad infinitum? Is there any realm of compromise that the Center would accept, from just hearing some of the testimony that you have heard?

Mr. SCHULKE. Absolutely, Mr. Hayworth. Absolutely.

I don't know if you have heard the outcome of the meeting we had with Senator McCain a couple weeks ago in Flagstaff, but we talked about that exact thing.

One thing I will provide you. This is a newsletter that I brought that shows some of the efforts that we are working on to do forest restoration which involves the kind of small tree thinning that I was suggesting, and economic development to utilize those small trees. This is a Center project. So, we do have a lot of agreement. There is a lot to move forward together on here.

Mr. DUNCAN. The time of the gentleman has expired.

Mr. Mark Udall.

Mr. MARK UDALL. Thank you, Mr. Chairman.

I also want to welcome the panel, and thank you for your compelling testimony.

Dr. Covington, I think we could all sit and listen to you for a 50-minute block. I look forward to taking advantage of your expertise.

I had an opportunity, as Congressman McInnis suggested, to tour the Hayman fire, and I spent some time with Dr. Kaufman, who I think you probably know. One of my concerns is that we are really focused on I think what you call the dry forest environment, and there is a lot of talk about the ponderosa and Douglas fir ecosystems. Then people then tend to lump, in my experience, other forest types into that particular situation.

I would urge all of you and all of us here to help begin the education process. I think it is really necessary when it comes to the general public to help them better understand we do face—it is not just one forest type. Lodgepole, for example, are subject to stand replacement type fires as we saw in Yellowstone. We have both environmental and social considerations we have to take into account when it comes to lodgepole.

I called on the Forest Service to study with a scientific panel the Hayman fire to better understand the behavior of that fire, because even today we are hearing a lot of anecdotal evidence. We see the photographs that—the two Secretaries were here. Those of you on this panel have made various observations and then drawn some conclusions, and I think it is all very well-intentioned, but there is more work to be done to analyze the fires, as terrible as they have been, to help us understand where we might go in the longer run.

I do appreciate the science emphasis here, because those of us here get caught up in the policymaking and by extension the politics.

I was pleased—I think my colleague, Mr. Hayworth, I think has stepped out, but he represents a district where there has been significant fire this summer. I get the sense from Mr. Hayworth that he is really looking for some common ground, as I think all of us here on the Committee are.

Mr. Calahan, I was just really impressed with your testimony. I am going to ask you questions, probably unfair, but if you were in a position where you could direct resources and personnel in this challenge we face, what would you do? What would you do to reduce the hazards of wildfire and protect property and human life?

I think you come with a great credibility and your testimony was very powerful in that you give us a sense that you understand the environment, you understand forests, but you also want to protect and preserve forests, but you are not adverse to logging and fuel reduction efforts when necessary.

Mr. CALAHAN. Thank you. I think probably, at least in our area, in the Applegate Valley, we are becoming educated, the citizens are, about the vulnerability of their homes. In fact, there is a bill I believe that was just passed, it has been introduced and been worked on, where you will be fined if you are a contributor to this fire if you don't do the fuels treatment around your home. And I think that is moving ahead rather well. The public is becoming aware that they need to be responsible for their own property in any way they can.

There was a little bit of funds that came out that helped, and you could get about $330 to do some thinning around your home if you qualified. So that is a step in the right direction.

But I see very little of the money that is happening in BL M and the Forest Service being applied to the rural interface, that area where the private land and the government land is. They are concentrating it out, they do big blocks of land, but it is up here on a hill where everybody can see it, but it is not really doing the area we need. I would like to see that drawn into these places where people want to put their homes next to BLM land. BLM land, where the Forest Service is a great neighbor because they don't come around too often, but they are a bully when they do come around.

I may stand alone in this one, but I think we are really making a mistake when we go out on something like the Biscuit complex and deploy 92 plus cats and try to stop it at every hill and dale. That was a remote fire. When it comes to the communities, if we had already done our homework, that wouldn't be such a problem. But protect our communities and the private lands.

But I see where we need to back up to one of those natural breaks or one of those where we have a road and a somewhat bald ridge and back off and let the fire burn to you, because you have to understand that this fire is doing a good thing. It is one of the few ways we are going to be brought back to zero, because we cannot go out and manage all these lands and thin them all. We just don't have a prayer. There is too much. It is too big. We need to put the money where it needs to be.

I also think we need to separate logging and thinning. They are two separate—I mean, they are related, but we are trying to tell these BLM managers and Forest Service managers that they have to make this pay for itself. And when you throw in all this little stuff, they have got to throw in something big in order to make it pay for itself.

Mr. MARK UDALL. Mr. Chairman, I thank you for indulging.

I think, if I could just add a final comment, Mr. Calahan, you make the very good point that we need to continue to do all we can to have our fuel reduction and our thinning debates and policy-setting here and separate the logging debate and the logging policy; and the more we can do that I think the more successful we can be, understanding that they are at least cousins and perhaps even siblings.

Mr. DUNCAN. Thank you very much. The time of the gentleman has expired.

Governor Rehberg.

Mr. REHBERG. Thank you, Mr. Chairman.

Dr. Covington, it just goes to show you, you can hear the same testimony and view it two different ways. I have particular problems with Mr. Calahan's testimony because I think it is a simplistic view of the kinds of problems that are created within a forest. Now, I guess my question to you is, is the thinning—first of all, are you familiar with the Squires fire? Have you seen it? Have you been there?

Mr. COVINGTON. Yes. I haven't been on there.

Mr. REHBERG. Based upon your knowledge of the ecology of the forest, is the thinning of the forest what creates the potential for a more severe burn, or is it some other factor within that forest that created the more severe burn?

Let me tell you the direction I am heading from, just to give you a little hint. My background is grass. I know grass inside and out. There is nobody in this room that knows more about grass than I do. That is why I talk about undergrazed grass kills it every much as overgrazed grass.

So, if you have a forest canopy, you have got thick trees, you have got pine needles. When you have got pine needles, you have a severe burn. Not only do you have the crowning, but you also have a severe burn on the ground because of the pine needles. If you have a thin forest, you have a better opportunity for better grass, but from an ecological standpoint, unless you change the management of the way you treat those grasses, some day you are going to have the same problem but on the ground. You are going to have too much grass. Because grass in itself, when the sun is shining and it is raining or it is snowing, builds upon itself and it

eventually becomes such a wolfey plant that it creates a fire danger at a more severe level on the ground level.

So my question is, based upon his testimony, is it in fact the thinning that created the more severe fire? And he uses the term: One of the downsides of thinning is that it lets in more sun and wind that drys out the forest, making it potentially even more prone to severe fire. No. What happened is the sun is going in and you are not doing anything to manage the ground and, as a result, you are creating a different kind of a fire damage.

Mr. COVINGTON. In brief, thinning is not thinning is not thinning, right? So if you do too little thinning and you leave the slash, the thinning debris on the ground, it is true that you can get greater wind movement, greater sunlight drying out of that surface and you can get—you can actually increase the severity of the fire.

Mr. REHBERG. Because of the slash, not because of thinning.

Mr. COVINGTON. Because of the slash. Well, but also because there is better wind movement and it dries out more if you do too little thinning. It is kind of like if you go in—you know, if—God forbid, but I go into my doctor and he says, you have got a tumor, you know, that is malignant. And he says, well, you know, I will tell you what I am going to do. I am going to go in and remove 10 percent of that, and then we will come back in another 3 years and we will remove another 10 percent, maybe 20 percent of it. That can make it worse.

The tree population eruptions are a cellular disorder. They are like a cellular disorder in the body. So if you remove only part of the problem, you can make it worse. However, in the case of ponderosa pine, frequent fire types, if you go in and remove the excess trees that should be removed to restore more natural conditions, there is no way that large crown fires can occur. It simply will not occur.

As you have pointed out, fires will occur in the surface vegetation through the grasses and wildflowers and shrubs. Those fires for the most part can be controlled with direct attack. You can put people in front of those fires with hand equipment and stop those. It doesn't take a huge fire line like Mr. Calahan was talking about, you know, in the conditions that we have now.

So, does that answer your question?

Mr. REHBERG. I had mentioned in my opening statement the tools that are available to manage a forest; and I would suggest that in my business, you know, if I have got a mismanaged pasture that I am moving into, one of the things that I do consider is a prescribed burn. Because I may have too much sagebrush because I purchased a piece of property that used to be farmed and they have gone back and now it is sagebrush.

But you clearly understand that when you go in with a prescribed burn to change the ecology of that land, unless you change the management after the burn, what have you solved? And isn't that the same issue that we are talking about here, is that if we don't in fact change the management of the entire ecosystem in the long-term, yeah, maybe we did go in and thin and create a more difficult problem. That is why we have to look at it from the ecological system standpoint.

Mr. COVINGTON. Exactly. And within the absence of fire or other forms of management of the understoring vegetation, you may have a healthy—let us think of the trees as sort of the lungs or something like that in the body. You may have healthy lungs, but if you are not paying attention to the herbaceous and shrub layer, then you don't have a healthy body or a healthy ecosystem.

Mr. DUNCAN. The time of the gentleman has expired.

Mr. REHBERG. If somebody could ask Mr. Burley perhaps, it looked like he was trying to wave a response of some sort.

Mr. DUNCAN. Just very quickly.

Mr. BURLEY. It will be brief, Mr. Chairman. I just wanted to follow on on Dr. Covington's comment.

You know, when you are managing these stands—I mean, there are multiple objectives, as he has pointed out, under ecosystem restoration. But with respect to fire behavior specifically, I mean, you have got different fuel classes. We have got fuels that are a thousand hour classes. They are large chunks of woody material that will sit there and burn for thousands of hours, and you have got very fine light fuels. So to say that just thinning will increase the fuel load, you have to kind of look at what fuel class is it. Because the lighter finer fuels aren't nearly as dangerous or have as severe an impact on the stand when the fire does burn through it.

But it is also—you know, it also points out—I think Dr. Covington's answer points out that it is more than just—you know, it is more than just the fuels and the number of trees, that you have to look at the crown closure. There is so many factors involved in this thing, which is why it just makes it all the more difficult to try and write a one-size-fits-all prescription.

Mr. DUNCAN. All right. I understand that Chairman McInnis accidentally skipped over Mr. Inslee a while ago, so we are going to go next to Mr. Inslee.

Mr. INSLEE. It has happened before. Thanks, Mr. Chair.

I just want to note Mr. Rey's comment about trying to find commercial value for some of the real thin trees is something I think worth investigating. I hope we can work on that together to find a way to have value inducement for the very, very thin products.

But I want to focus on what I think really is the crux of our issue here, and that is, how do we get to a fuels reduction program that citizens have trust in their government, that is motivated by a desire to have healthy systems rather than to increase commercial productivity? And I think that is the real question. How do we design a system to do that?

I think Mr. Calahan's statement about the issue of what happens when you essentially tell the Service to finance a fuels reduction program by selling big trees, you are going to end up with controversy with citizens. Because they are going to make decisions to cut down big trees because that is where the commercial value is, rather than being a decision driven by science on ecosystem values. And that is the crux of this.

To me, financing this system by selling big trees is a little like selling your kidney to finance an operation on your good kidney—or your bad kidney. That is not the way to finance the fuel reduction program, for two reasons. One, there is not enough money to do it or even close enough. No. 2, it creates these perverse incen-

tives to cut big trees. And that is why we have ended up with some appeals in the mechanical portion of our project.

We have the additional problem—and I hope we can find a bipartisan solution to this—but this is not a moment where the citizens, after this administration has tried to roll back, you know, rules against arsenic, protection on clean air, protection of our coastal waters, anything on global warming, try to roll back discharge rules on toxic waste for mining, and now they expect the citizens to just trust them. That is what they are asking. This is not a moment where citizens are reacting real positively to that request, and we need to find some fences around this program so citizens can have confidence that these decisions are made for fuel reduction purposes rather than commercial timber harvest.

Now, I have proposed a couple things, and we are going to propose legislation to try to do that in a couple ways: one, to have the funds from any commercial productivity go to the general treasury rather than the Forest Service; two, to ask on a forest-by-forest, boutique way of individualized, customized diameter requirements, customized to the circumstances of each forest, with exceptions for diseased trees perhaps or exceptions for exceptional density in the woods perhaps. Those are two ideas that I have proposed to try to give citizens more confidence that these decisions are made for the right reasons.

So I guess, let me ask you, Mr. Burley, first, those are two ideas I have proposed. Do you have any others or do you have any comments on how you think we could increase citizens' confidence that these decisions as to which trees to cut are based on a fuel reduction motivation rather than a commercial timber sale?

Mr. BURLEY. Well, speaking as a professional forester also, I think it would be helpful if we demonstrated trust in the profession. And I think these are professional managers out there, and they need to be given the tools and the latitude and be empowered to do the job.

You know, I—personally, I wouldn't feel qualified questioning, you know, somebody that is designing a nuclear submarine because that is not my area of expertise. And I don't know how else to answer that, sir. I mean, it—granted, it is a real issue; it is a trust issue. I know that. But these are professionals and, you know, they know what to do. They are educated, they read the science, they stay abreast of what is going on. And by tying their hands through these arbitrary restrictions, I think we are just—we are creating more problems than we are solving.

Mr. INSLEE. Mr. Calahan, do you have any thoughts in this regard?

Mr. CALAHAN. Well, dealing with the Medford BLM quite a bit in the last few years because of a project that is behind my place, it is actually the follow-up to the Squires fire area, I find that there is a lot of people in the agency that really are trying to speak out, but they are so limited. They are afraid. You know, they have got a job. They have got health insurance. They want to stay there. And they are trying to make changes from within the agency, but the agency itself is still like that train going down the track. It has so much momentum on this cooperating with the logging industry

that they just—they are overruled. The people that care are overruled most of the time.

The changes are happening subtly. In the last decade or so I think we have really made some inroads into the agencies as far as—because of people that care and the citizens input. We are actually helping the forest. It is coming about, but it is a slow process.

Mr. INSLEE. Well, you know, I think Congress needs to help in that movement, and I will tell you why. The Forest Service has been told by the administration essentially to finance this on their own. They want to do more fuel reduction programs, but they haven't doubled the appropriation to do it. The appropriation they have given the Forest Service only allows 1 to 2 percent a year of all the acreage that they themselves have identified of needing these treatments. They have essentially told the Forest Service, go finance this by cutting down big timber. And that will get us nothing but more appeals, many of which are rightful, because these decisions are being made for the wrong purposes.

I empathize with the individuals in the Service, but Congress needs to help them move along. And I want to thank the panel and thank Mr. Chair.

Mr. DUNCAN. The time of the gentleman has expired.

I am next on our side. I don't really have any questions, but I do want to commend Chairman McInnis and Mr. Shadegg and Governor Rehberg for their very reasonable and moderate approaches that they are taking to this very serious problem.

Chair McInnis Chaired hearings of the forest Subcommittee in early 1998 in which I participated four and a half years ago, at which time we were warned that some 40 millions acres out West were in imminent and immediate danger of catastrophic forest fires. Then, again, those warnings were repeated in a hearing in early 2000, two and a half years ago. And those warnings came true in 2000, when we had seven million acres and $10 billion—seven million acres burn, $10 billion worth of damage.

The worst thing, though, about this whole situation is, as we heard the Secretary of Agriculture say this morning, 20 firefighters have lost their lives this year. I had a young woman from my district in Tennessee who was a firefighter out there who, in a fall, is now paralyzed from—I am told is paralyzed from the waist down. And the sad thing is that many of these fires were preventable.

I want to read for the record a couple of quotes I have, that the Washington Times had a story recently that said: There are simply too many trees—quoting Dale Bosworth, head of the U.S. Forest Service. Quote: We have so many more trees out there than under natural conditions. There might have been 40 to 50 ponderosa pine per acre at one time. Now you have the got several hundred per acre.

The June 27th Washington Post had a headline reading, quote: Did politics put a match to West wildlands? Unquote.

Jay Ambrose, the director of editorial policy for the Scripps Howard newspaper chain, a very moderate, middle-of-the-road newspaper chain, wrote that: The most flammable and dead trees and underbrush should have been removed, but, quote, the extreme en-

vironmentalists hate the prospect. It is unconscionable to them that anyone might make money off the forest. Never mind that a multi-use public-private plan would help save the national forests from high heat scorching fires that will slow renewed growth, and never mind that mechanical thinning would give firefighters a chance of controlling fires and protecting homes without risking their own lives. The extremist idealogy spits on private enterprise. Unquote.

Then Robert Nelson, a professor at the University of Maryland, wrote a column about this, and he said this. He said, in fact, over the last decade it was more important to the Clinton administration to promote wilderness values by creating roadless areas and taking other actions to exclude a human presence. This aggravated last summer's tinderbox forest conditions and continues to threaten public land.

He said, Federal policies, quote, have produced an enormous buildup of small trees, underbrush, and deadwood that provide excess fuels to feed flames.

I think it is pretty clear, you have to cut some trees to have a healthy forest and prevent forest fires, yet amazingly there are extremists who seem to be dictating much of this debate who don't even want the removal of the dead and dying trees.

Professor Nelson said in a similar statement to Mr. Bosworth, he said: In many Federal forests, tree density has increased since the 1940's from 50 per acre to 300 to 500 per acre, and that these forests are filled with dense strands—quote, are filled with dense strands of small stressed trees and plants that, combined with any deadwood, to provide virtual kindling wood for forest fires.

I recently read Bill Bryson's book about hiking the Appalachian trail, and in that book he noted that New England was only 30 percent in forestland in 1850, but now it is 70 percent in forestland—New England.

The Knoxville News Sentinel in my hometown reported a couple of years ago that Tennessee was 36 in percent forestland in 1950, while today the State is half in forestland. Yet, if I went in any school in my district and asked the young people there, are there more trees today than there were 50 or 100 or 150 years ago, they would all say there is many fewer trees now.

We have a lot of misinformation out about this, and it is causing a lot of problems. I will say again that if any of us burned one tree in a national forest, we would be arrested; but these policies we have been following have caused millions of acres to burn and have cost many, many lives, and it is time for a change I think.

Next, we will hear from Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Dr. Covington, on your principles here: Retain trees which predate settlement; retain post-settlement trees needed to reestablish presettlement structure; thin and remove excess trees; rake heavy fuels; burn to emulate; seed with natives/control exotics.

Then you go to the challenges: Could be expensive, in the short-term, save money and reduce resource values over time; important we assure that trees are removed or being removed for the purpose of restoring natural forest patterns; and, political maneuvering

over setting one-size-fits-all diameter caps can interfere with cost-effective, ecologically sound restoration.

Now those sound like principles that most people could agree on. I think that the two key things, if you can focus on this, is, how, without being prescriptive, can we be certain that the trees being removed are for the purposes of restoring natural forest patterns and processes? That is kind of the nub of the argument here. I mean, we have some bad history with some salvage sales where really prime timber, particularly east side in Oregon was cherry-stemmed in order to make—because the Forest Service was told, you have got to pay for this stuff, and so they added those trees in.

It seems to me one of the things we have to do, we are going to have to admit up front a lot of this isn't going to make money; in fact, it is going to cost a lot of money. Would that be sort of one way to—I mean, how would you get at that level of confidence? Because that is really the key controversy that is swirling here between industry and environmental advocates.

Mr. COVINGTON. Well, that is an excellent question. I spend a lot of time thinking about this and actually working with various groups to try to figure out how to do that. I think it would be ill-advised to try to set a national sort of a policy or even a forest level policy on diameter caps, for example, or on how to control aggressive exotic species or what frequency to burn the sites on.

The issue—it is out there at this tree and this subwatershed, this four acres, this hundred acres, to politically, what I have great hope in, is of collaborative partnerships of various forms, you know, citizens, base groups, collaborative community groups who can work with the concerned agencies and landowners, whether they are State or Federal agencies or landowners, to try to come to a level of understanding about how environmentally, socially, politically and ecologically sound restoration treatments might best be implemented.

I have a tremendous faith and respect for such democratic processes and for people who are coming to the table with the idea of let us do something so that we can pass the land on in a better condition than we received it.

The Greater Flagstaff Forest Partnership there around Northern Arizona University has been a model kind of case study in this sort of work, but there are many others around the country. That is one.

Mr. DEFAZIO. Quincy Library Group, if you are familiar with that.

Mr. COVINGTON. Well, the Quincy Library Group, I have some familiarity with it. I haven't looked into the politics of it very much.

I am, this fall, will be working more closely with the citizens base group, the Applegate partnership up in the vicinity of the Biscuit fire.

So it just—let me close this off by saying, you know, I am not all that bright, frankly. You know, I am an ecologist. I am a conservation ecologist. I am a forester. Many of the political, social, economic sides of this are a stretch for me to do well to get into them and still maintain my depth in that.

I do have working with me in the Ecological Restoration Institute a number of gifted persons. One of them is Hannah Cortner, whose special area is the human dimension of ecosystem management, the social, political, more philosophical concerns.

So, anyway, that just, in a nutshell, that is the way—I wish Hannah were here. I would pass this off to her.

Mr. DEFAZIO. Yeah. I mean, as law-makers and as, you know, trying to move forward from what we see as sort of gridlock in this, I am not sure—I mean, your—I would agree with your sentiments, and I think there is some potential for that, but how we move that process forward is not—does anybody else have an idea how to get past this sort of—this level of confidence issue, something that we could do?

You know, it is just critical I think that we back off from the controversy and potential controversy and—go ahead.

Mr. DUNCAN. The gentleman's time has expired. I am going to give you extra time, Mr. DeFazio.

Mr. DEFAZIO. Thank you.

Mr. DUNCAN. But try to make these answers brief so we can get to the other members.

Mr. BURLEY. I will do that. Thank you, Mr. Chairman.

I agree with Wally. I mean, it is an education problem as well; and I think the collaborative efforts can be helpful, provided they, too, have some sideboards on them.

We have seen, for instance, in Oregon, we have the Blue Mountain demo area that Governor Kitzhaber was—I mean, that was his thing, and 7 years later it has very little to show for it. We had a lot of meetings. And I think people, you know, kind of—the trust level got up.

Mr. DEFAZIO. So your answer would be sideboards, something to move the process along?

Mr. BURLEY. Yeah. There needs to be sideboards.

Mr. DEFAZIO. Something to move the process along.

Mr. BURLEY. Right. Because 7 years from now we are going to be right back here asking the same questions.

Mr. DEFAZIO. Given the Chairman's prescription, can anybody answer briefly?

Mr. CREAL. I would like to respond to that. The Secure Rural Schools and Communities Act really addresses that with regional advisory Committees; and we are seeing great success through that Committee work, where they are building trust and building those relationships back up between the diverse groups.

Mr. DEFAZIO. OK. So if we imposed a structure for the Committees or locally oriented Committees with some mandate to go out and address these problems?

Mr. CREAL. Well, one of the most powerful parts, though, is that they have resources.

Mr. DEFAZIO. Sure. The sections two and three. Yeah. Right.

Mr. Calahan?

Mr. CALAHAN. Well, I see all this small fuel out in the forests, the smaller—basically, you don't count anything less than six inches and call it commercial value, you know. There are countries in this world where women go out and find a stick anywhere for their fire and it is important to them. We are blessed with all of

this excess wood, but it is not being utilized. It is basically being chopped up and put on that pile and being burned.

I wonder if there isn't some sort of push toward finding a better way of utilizing those small products. And I don't just mean poles by chipping them up and getting them out of the woods. Maybe if the government put some energy into that direction, it might be a help.

Mr. DEFAZIO. Sure. Like biomass for electric generation something, like that.

Mr. SCHULKE. Mr. DeFazio, I mentioned earlier in my testimony the zone of agreement, finding those places where we do agree and starting from there. I would refer you to Senator Bingaman's Community Forest Restoration Project, where there were parameters set up in a bill and there is a panel that makes decisions and—within those parameters, and $5 million a year gets spent on projects that the conservation community agrees with because they are in on making those decisions. So, yeah, there are models out that work. Getting rid of the loss is going to make that—.

Mr. DEFAZIO. OK. Great. Thank you.

Thank you, Mr. Chairman, for the indulgence.

Mr. DUNCAN. Thank you, Mr. DeFazio.

Mr. Walden, and then Mr. Shadegg.

Mr. WALDEN. Thank you very much, Mr. Chairman.

Mr. Calahan, I appreciate your coming here from our district and testifying. I think your comments are very helpful. I especially agree with your comment about sometimes it is the natural barriers that actually are what stop the fires, the ridge tops, the creekbeds, whatever it may be, a road, something like that.

I, as you know, was up there with the President on the Squires fire, and there were four firefighters there who also met with him and talked to him about the Squires fire. There were actually four—I think most of them—I may be wrong, but I think all four actually fought that fire were engaged—one of them certainly was, because he was the one that took the pictures that were used. And a couple of them also had been involved in some of the thinning efforts and some of the restoration efforts on the lands there. But to a one of them, they said, you have got to help us do this kind of work. Every one of them said that.

I was impressed by that, because not only had they done—some of them done the pre-thinning, but they had also been there fighting the fire then. And it was—they made it clear to us up there—you know, we can't control what the media decides to cover out of an event, but they made it clear that when that fire came up that ridge, that even though they had done some thinning, it came with such force that it just wiped it out. So that was conveyed to all of us on the ridge top. Then it crested over, and in some areas it had been thinned. And then—.

The picture that you have here, the one that Mr. Inslee used as well with the blue paint on the tree, is that not from a proposed timber sale that has been appealed for 18 months or thereabouts?

Mr. CALAHAN. No, that is not. That is down the ridge probably three-quarters of a mile.

Mr. SHADEGG. So it is not the Superior sale that has been held up?

Mr. CALAHAN. Well, Superior is the logging company that got the contract to do the Spencer project. But you are speaking—.

Mr. WALDEN. I guess that is what I am trying to sort out. Because I talked to some of the Boise folks today, and they were talking about their sale. And, yeah, it did burn through their land, as you say, in your testimony. About 2 days into the fire they thought it finally hit, and then it kind of wandered through there a couple of days. And there was some slash on the ground, obviously.

Mr. CALAHAN. A lot of slash, sir.

Mr. SHADEGG. But they had replanted as well. So you had young conifers, and there was slash on the ground, no doubt. But they were indicating that it actually started on the BL M lands, and by the time it hit their property it was going pretty good.

Mr. CALAHAN. Both sides of that ridge surrounding the Boise land is pretty much what I call toast, and some of it is thinned toast.

Mr. SHADEGG. Right. We saw that as well. So I think you are right in that sometimes, even when you have done the thinning, what comes at you you cannot stop for whatever reason.

Mr. CALAHAN. Absolutely correct.

Mr. SHADEGG. But I have also been with Mr. Burley out in the Dechutes forest where they have done a thinning project and—or were in the middle of it and a fire came through. And, boy, that was real obvious, that the lodgepole was going to survive, most all of it where it had been thinned out, and the ponderosa pine clearly was going to survive. You could just see this clear line where they had stopped work for the day before the fire; and the other side, the soils were, however you describe them, totally destroyed. It was like flour. And that most of the ponderosa was destroyed and all the lodgepoles.

So I really think we need to move forward in a collaborative way to try and do the best we can on this, and I intend to work with our Chairman and Mr. DeFazio on that. Because it really bothers—as an Oregonian, I don't want charcoal forests; I want green, healthy ones.

I also heard Mr. Rey—and I don't know if you were here when he testified—but repeatedly make clear it is not their intent to make this a logging operation in the former sense of the word. That if trees were taken out that were commercial grade, it would be very incidental to what they are trying to do. So I think they are trying to get at what some of my colleagues have indicated, you have got to sort of divide out logging from ecosystem restoration.

So I hope we can work together on this. I think we have to as a country, because America's forests are going up like never before in my memory. It costs us, as I understand it, twice as much to fight these fires as to go in and do the restoration work; and I didn't hear anybody on the panel today from the administration saying we are going to pay for this by cutting big trees. That is not—I haven't heard them tell me that on the record or off, and yet I hear it from Mr. Inslee, who is not here at the moment, but I don't hear that out of the administration. I don't think that is practical.

I do think they are going to have to come forward with a fairly substantial appropriation as we did in the fire plan to try and address this.

The final point I would make, because we have talked a lot about now we have got to protect around homes, and I fully agree with that. I also think we have got a lot of private forestland out there that abuts Federal land, and we are losing it. Boise Cascade lost nearly 10,000 acres of 30- to 50-year-old trees because the fire roared off the Federal land in some cases, including here in Squires, onto their land. Some of the back fires had to be set there.

I know there are other private, State, and county forestlands that get burned up; and they are not always, you know, completely properly managed, either. But I do think, as the Federal Government, what I have seen is a real delay in managing—gaining and managing these lands that we have, and they abut private lands that in most cases or at least some are better managed. I think we have got a liability there, frankly, or should morally, that we need to take care of our lands.

In conclusion, Mr. Chairman—I know I am out of time—the comments about local decisionmaking I think are really appropriate. Your comment, Dr. Covington, about one size doesn't fit all, it is a problem we faced on the east side where they just arbitrarily set a 21-inch limit on breast height you could cut. Well, what does that really mean? It is supposed to be a temporary rule. It has been there for 8 or 9 years, you know, and then meantime we don't get things done.

So, I want to get something done. I want to work in a bipartisan manner to do that so we have green forests and not black ones.

Mr. DUNCAN. All right. Thank you very much. The time of the gentleman has expired.

Mr. Shadegg.

Mr. SHADEGG. Mr. Chairman, I appreciate the Committee indulging me as a guest today and getting to go last. I also thank all of the witnesses. I think their testimony has been educational and helpful.

It is difficult to try to bridge this gap, but I am encouraged by the compromise discussions that have occurred here today. I had some discussions with Mr. DeFazio. His speech at the beginning of the hearing could have been my speech. My speech was his speech. Let us get past the politics and get to a policy that works, because there are clearly some problems with the current policy.

I also find it encouraging when everyone on my side of the aisle says we should not be doing logging. We should not allow a forest restoration project distorted into a logging project, and we should not be paying for it with logging. I think there is agreement on this side of the aisle on that.

I am encouraged when I hear Mr. Inslee talk about commercial value. I am encouraged when I hear Mr. Schulke say they support thinning and even, I believe he said, economic development. I think we can find a common ground, and I think we have got to.

I want to focus my questions on three topics. Dr. Covington, you are the focus. I want to discuss this urban-wildland interface. I want to discuss the issue of cutting only small trees and the question of caps. With all due deference to Mr. Calahan, I heard today

a certain degree of thinning did not work, and in some instances thinning made the fire worse. I was a little shocked to hear that because that is contrary to everything else that I am hearing.

First, Dr. Covington, tell me, should we be focusing exclusively on the urban-wildland interface? Do you agree with that?

Mr. COVINGTON. No, I do not. Again, it is a matter of perspective. With complex problems like this, it is often best to break them down into subproblems and then prioritize them.

In the urban-wildland interface insofar as houses being burned down and threats to firefighter lives, that is a very high-priority area. However, I do not feel we can wait until we have solved that problem completely before we at least start addressing some of the other problems.

From a future generations standpoint, I am very concerned about the Mexican spotted owl. You lose 12 Mexican spotted owl houses, and that is a much bigger impact to the Mexican spotted owl population than losing thousands of human houses. We need to set priorities and then move forward in them, but I don't think that it makes sense just because we have subproblems that you prioritize them and you only do this one and wait until you get that one solved before you go to the next one.

Mr. SHADEGG. It is odd to me that some of the strongest environmental groups are saying we ought to work only on the urban-wildland interface when they ought to be the ones reminding us that we better save the most remote stuff. I share that concern.

Second, this issue of removing only the small trees and the caps, I will tell you I have read every number in the world on caps, from 6 inches to 16 inches and above, and during the Rodeo-Chediski fire we got into a blame game. There is no point in looking back. Let us look forward, and should we be looking at just small trees? Caps may be a way of giving some relief that we are not going to cut big trees, but the point was made earlier that big diseased trees should not necessarily be saved. I would like you to talk about caps and diameters.

Mr. COVINGTON. Cap diameter limits, the maximum size of trees, it is not really an ecological issue from an ecological health standpoint.

From a fire behavior standpoint, it is clear that in the areas where the most severe unnatural fire behavior is, the Ponderosa pine forest, it is predominantly the small-diameter trees. You remove those, and you will not see crown fires again. That is simple, if that is your only issue is the elimination of crown fires.

If, however, it is an ecosystem health issue, we cannot get something for nothing. So for every tree that you leave in an ecosystem in excess of the natural carrying capacity of the land, of the natural density of the land, it comes at the expense of grasses, wildflowers and shrubs, and then the associated and dependent food web for those flora. If we are just concerned about eliminating crown fires, we can set diameter caps and that will do it. If we have this intergenerational perspective and we are concerned about passing on biologically diverse ecosystems to future generations, I think we have to be very cautious about politically expedient across-the-board rules like that.

Mr. SHADEGG. Third, this issue of thinning did not work by Mr. Calahan's observation, and some areas that were thinned burned worse. How do you respond to that?

Mr. COVINGTON. This can happen. One of the problems we have—and the Biscuit fire was also predominantly in a frequent fire ecosystem. In the unnatural, heavily loaded, feud-loaded ecosystems, greater ecosystems, when we get a fire start, we get a plume-dominated fire behavior. Under plume-dominated fire behavior, you buildup the big cumulus cloud above the fire. Eventually that reaches a weight and cools enough that it collapses. When that collapses, it drives wind out, air out, in all directions at very high rates of speed. It is just like a bellows in a foundry.

In those circumstances, it would not matter if there was one tree standing per acre, and with that kind of heat coming out there, 1,000 degrees, well above the ignition point of organic matter, it is going to burn like hell. That is another reason why we have to think big about this. We have to think about the greater ecosystem.

Mr. SHADEGG. Mr. Schulke, if you were convinced that the larger trees proposed to be removed were being removed for the reasons that Dr. Covington said, and determinations were not being made for commercial logging purposes or by people who were going to get a commercial benefit out of it, would you still have a concern about removing some of those bigger trees if they were removed for ecological reasons?

Mr. SCHULKE. If you look at the old-growth Ponderosa pines out in the woods, they have mistletoe in them. They have the disease that seems to be anathema to the Forest Service. Yes, we would have a problem with that. Oftentimes mistletoe creates nesting sites for the spotted owls.

Mr. SHADEGG. You are saying you might not necessarily agree with Dr. Covington about which was a diseased tree?

Mr. SCHULKE. Diseased trees are part of the natural ecosystem, plain and simple. I would say a large percentage of old-growth trees have mistletoe in them. Should they be logged? No.

Mr. SHADEGG. What you are saying is no large tree should be removed, period, and you just fundamentally disagree with Dr. Covington on that point?

Mr. SCHULKE. Generally. And the problem is that the logging report that somebody referred to earlier, those are the kinds of projects that are abused all the time by the Forest Service, and they are cutting large trees in many cases, and they—.

Mr. SHADEGG. I am saying if we can figure out a mechanism.

Mr. SCHULKE. But that is the problem; we cannot.

Mr. SHADEGG. Dr. Covington, do you want to respond to that?

Mr. COVINGTON. I Chaired the Arizona Forest Health Fire Plan Advisory Committee that Todd has done a lot of hard work on, and I appreciate the work he has done.

One thing that Todd and I talked about after Senator McCain's hearing in Flagstaff on conflict resolution is perhaps if there were a diameter cap, let us say there were a 16-inch cap, if we could specify under what conditions there would be exceptions to the cap, that might be a way to move forward.

Frankly, this does revolve around ideological warfare and a lack of trust. I have a lot of faith in the profession. My students are out

there. They are post-Earth-Day-educated, and they have a strong land ethic.

We tend to, I think, all too often bring up the ghost of the past in trying to deal with this. The old forester, the idea of a forester with his head full of sawdust, and there is no tree that, once it reaches financial maturity, you zip it down, that is gone.

The bottom line here is there are some ways to move forward with this. We do need to be very careful to police these projects. Good intentions are not enough. We do have to have well-informed decisionmaking on this. One of the things that we have kicked around in the advisory Committee, Governor Hull's advisory Committee, is requesting maybe the National Research Council of the National Academies, and the Ecological Institute would also be glad to take a leadership role in this, too, but together kind of a biophysical basis of restoration in fire management in these forest types, the social-political-economic basis of it, and then some management guidelines, but not prescriptive management guidelines, guidelines that would instead advise local groups on how to use this information to develop adaptive management experiments to operationally learn while we are doing.

Let us go ahead and approach these big projects, use the best information we have, and we have to find out whether it is working or not, otherwise we will just keep doing things that do not work.

Mr. SHADEGG. We thought fire suppression was working, and we discovered it did not work.

Mr. DUNCAN. Mr. DeFazio, and last questions?

Mr. DEFAZIO. Mr. Chairman, thank you.

Dr. Covington, you talked about this tremendous distrust, and hopefully in the future we can move beyond that. Just to get something now, you said there would be a possibility of establishing on some sort of a basis diameter caps, and if you can specify the conditions under which exceptions would be made, and I assume that would be done on a forest basis or some smaller unit because there is an incredible amount of diversity in tree species. How would you determine the exceptions?

Mr. COVINGTON. We have put some thought into this, some with BLM's Mount Trumbell's projects where we first confronted this concern.

One example of an exception to the diameter cap would be—and this is in the Forests Forever document prepared by the Southwest Forest Alliance and the Center for Biological Diversity and other members of that group—is that one of those exceptions would be where trees have invaded a park or grassland or a wet meadow. One of the classic examples of that, some of my collaborators in the environmental community, when they visited one of our first cuts up at the Mount Trumbell area, BLM lands, came in and said they are cutting old-growth trees. One tree had a 28-inch diameter. We went in and got a cross-section of it and looked at it. It was 90 years old. It was a postsettlement tree, but it was growing in a swale, in an area that was a wet meadow. In presettlement, that would have been a lot of grasses and wildflowers in it, a critical hotspot for biological diversity. To restore that area, that tree had to be removed.

By the way, that area before treatment did not have a blade of grass or wildflowers on it, because where do trees come in and thrive? Areas that are most productive. They are not only most productive for trees, but also these critical other elements in the ecosystem. There are some other examples that demonstrate that.

Mr. DEFAZIO. Historically that tree would have been prevented from growing in that area by the periodic fires that swept through, so starting sometime around the time of fire suppression, the tree became opportunistic even though it was a species that was widely found in that area?

Mr. COVINGTON. Exactly, although it was not so much fire suppression as it was fire exclusion. The first fire exclusion was by almost mandated overgrazing on public lands. The purpose of that overgrazing was not to produce livestock. The reason foresters were behind it was fire was the greater evil. By overgrazing, you eliminate the grasses and the grass competition, so it is a perfect opportunity for a population expansion.

Mr. DEFAZIO. Is there a place where we can find a list of these exceptions that have at least been put in place for that ecosystem there?

Mr. COVINGTON. No, there is no place you can go for it, but I would be glad to think this through with some other folks.

Mr. DEFAZIO. We have to probably think pretty quickly.

Mr. COVINGTON. Can do.

Mr. DUNCAN. Thank you, Mr. DeFazio.

I will just say one additional thing. At the hearing I mentioned that 4-1/2 years ago the Forest Subcommittee staff told me that in the mid-1980's the Congress passed a law that the environmental groups wanted saying we would not cut more than 80 percent of the new growth in the national forests, but at that time we were having approximately 23 billion board feet of new growth per year, yet allowing less than 3 billion board feet to be cut, less than half of that that was dead and dying. Yet I know that if somebody went to most people and said, horror of horrors, we are cutting 3 billion board feet a year out of the national forests, that could be stated in such a way that people would think that it is terrible. Yet it was just a tiny fraction of what the environmental groups wanted in the mid-1980's, yet they had to keep raising the bar.

I think what we need in this debate is a little moderation and balance. The debate is being controlled now and has been for several year by extremist groups, and we have these groups all over the country that protest any time anybody wants to dig for any coal, cut any trees, or drill for any oil, or produce any natural gas. That hurts the poor and the lower-income and the working people because it drives up prices and destroys jobs. I know that most of these environmental extremists come from wealthy or upper-income families, but they are hurting a lot of the middle and lower-income people in this country. We do need some moderation and balance in this debate.

Mr. SHADEGG. Mr. Chairman, I would like to formally request to put my opening statement in the record and a newspaper article.

Mr. DUNCAN. Your opening statement and any additions thereto will be put in the record at your request.

Mr. SHADEGG. Thank you, Mr. Chairman.

Mr. DUNCAN. The hearing is adjourned.

[Whereupon, at 1:15 p.m., the Committee was adjourned.]

[The prepared statements of Mr. Gallegly and Mr. Herger follow:]

Statement of Hon. Elton Gallegly, a Representative in Congress from the State of Califrornia

Mr. Chairman, I support the President's "Healthy Forest Initiative" and have co-sponsored the bills before us today (National Forest Fire Prevention Act and Healthy Forests Reforms Act) because the cost of inaction is too high. We are in the middle of the worst national fire season in recent memory. My district contains a small portion of the Angeles National Forest, which had 60,000 acres burned this year. In addition, 30,000 acres burned in my district during the massive "Wolf Fire," in the Los Padres National Forest.

In my district, the fires were created by drought conditions that forced forest managers to curtail forest fuel reduction practices, such as prescribed burning. Last year, the Angeles National Forest reduced fuel on 3,800 acres, this year only 458 acres. In addition, forest fuel reduction funds are rapidly drying up. The entire fuel clearing budget for the Los Padres is only $487,000. Merely half a million dollars is used to pay for brush thinning and controlled burns for over 2 million acres of national forest. Los Padres officials say they are capable of treating up to 10,000 acres of forest land, but funding only allows for 6,000.

Natural occurrences, such as droughts, are beyond our control. However, many forests in California and across the West faced a lack of funds and a burdensome NEPA process that ties up fuel reduction projects for years and wastes taxpayer funds.

We pay a high price for not providing the resources necessary to prevent forest fires. Many communities are adjacent to national forests, and people's lives and property are threatened. Many of these forests also contain many endangered species and historic artifacts. The Los Padres National Forest in my district is home to endangered species such as the California condor and arroyo toad. The forest is also home to many priceless Native American sites. All that is put at risk by not addressing the man-made causes of wildfires.

Mr. Chairman, our communities deserve to have the best preventative measures to stop wildfires before they happen. I therefore urge this committee to act and pass a package that truly prevents wildfires.

Statement of Wally Herger, a Representative in Congress from the State of California

Mr. Chairman, members of the Committee, thank you for the opportunity to be here today to discuss this incredibly important issue.

Secretary Norton and Secretary Veneman, thank you so much for being here. Those of us who represent heavily forested areas are so relieved that President Bush and you are taking a proactive role to finally restore some common sense, reasonableness and balance to our forest policies and to the regulatory quagmire that has put our forests in serious jeopardy. And I want to commend you for standing up and doing the right thing in the face of the political attacks and half-truths from the radical environmental community.

Let me briefly tell a story from the Six Rivers National Forest, which is located partially in my Northern California District, that I think is a poignant demonstration of the lunacy of environmental extremism and of how it has gone far beyond environmental protection to a policy of gridlock, and ultimately, environmental devastation.

In 1995/96, winter storms caused a severe blowdown and breakage of trees in the Six Rivers National Forest that created an emergency fuels situation with extremely high potential for catastrophic fire. The local Forest Supervisor at that time pleaded for special permission to do expedited salvage and restoration work in the area that would prevent the downed wood and debris there from becoming fuel for the next devastating fire. She called it "a true emergency of vast magnitude" and said, "it is not a matter of if a fire will occur, but how extensive the damage will be when the fire does occur.

Unfortunately, her plea was denied by the former administration. The local Forest Service officials were left to wrestle over the next two to three years through a time-consuming regulatory and procedural quagmire. By 1999 only 1,600 acres were treated when, just as the Forest Supervisor predicted, a fire raged through this area burning more than 125,000 acres. In the areas of the most intense blowdown the

fire created a moonscape with, as officials later described, "ashes three feet deep, and nothing green remaining.

Since the 1999 fire, the local Forest Supervisor, Lou Woltering, and his staff have been working diligently to implement a community protection project that would remove excess fuels and create fuel breaks along ridges in the area so firefighters can protect three local communities against the next devastating fire, which is not a matter of if, but when. It is important to note that of the 120,000 acre burn area from the original fire, the Forest Service's plan was to treat only 1,050 acres. The Environmental Impact Statement (EIS) for the project took 2 years to prepare. For this project—one that is designed to protect public health and safety—the final environmental record was 10,000 pages long!

Yet, even after all that environmental analysis, it was appealed by a coalition of environmental groups and recently halted by an activist judge—seven years after the original blowdown. It was stopped NOT because there was some demonstrated harm to species or to the environment, but because of a technicality. The judge ruled in part that the Forest Service failed to take into account a document called the Beschta Report, a 1995 paper commissioned by a coalition of environmentalists about the effects of salvage logging. Courts have sometimes showed support for the paper, even though it contains many unsubstantiated statements and assumptions and has never been published in any scientific journal, nor subject to any peer review!

Four or five years from now, unless the Forest Service is given the authority to go in and do their job in this area, the burned and downed trees will be fuel for the next fire, threatening the neighboring communities and the people who live there.

These Forest Service officials tried to do the right thing for the local communities and for the environment. But they were stopped cold by the radical environmentalists. What the environmental community has left us with is a scorched landscape. THAT is their idea of environmental protection.

Let me take this opportunity to publicly commend the local Forest Supervisor, Lou Woltering, and his staff for their hard work and dedication. These folks cannot reasonably be expected to disprove every possible negative. But that is essentially what they are being required to do under the layer upon layer of regulatory and court-imposed analytical and process requirements that exist today. The system has elevated form over substance. And land managers are being set up to fail, because any radical group with a postage stamp, an agenda and a sympathetic judge can find some report or scientific document that has been overlooked, or an analysis that has not been done. This needs to change. Local managers need to be given flexibility to do their jobs, with the help and involvement of local communities.

I believe that is precisely why, Madam Secretary, we must streamline our regulatory process in such a way as to allow these managers to go about the serious business of restoring our forests to a healthy condition and protecting our communities. I look forward to hearing from you today on the President's initiative and on the various legislative proposals that are being considered as possible opportunities to get us to that important end.

Thank you.