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STATEMENT OF
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BEFORE THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS
CONCERNING

HR 3650: THE STATE NATIONAL FOREST MANAGEMENT ACT
HR 2316: THE SELF-SUFFICIENT COMMUNITIES ACT

FEBRUARY 25, 2016

Chairman McClintock, Ranking Member Tsongas, and members of the Subcommittee, thank you for inviting me to testify before you today on the State National Forest Management Act and the Self-Sufficient Communities Act. The Administration opposes these bills because they elevate one use above others on public lands and leave many fundamental questions of responsibility unanswered. These lands were set aside for multiple uses to provide the greatest good for the greatest number of people, and the Administration believes they should continue to be managed as such.

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HR 3650: "The State National Forest Management Act"

This bill directs the Forest Service to convey to a state up to 2 million acres of the National Forest System (NFS) that the state elects to acquire through enactment by the state legislature of a bill meeting certain criteria. Portions of the NFS conveyed to a state would be administered and managed primarily for timber production.

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This bill does not recognize that the multiple-use National Forests provide enormous benefits for all Americans, and it is incumbent upon us that we continue our nation's legacy of conservation and productivity of these lands so that our children and grandchildren can also benefit from them. The federal mission of sustaining the health, resilience and productivity of our nation's forests is critically important to maintaining these values and benefits.

It is important to remember the origins for these forests. Congress established them because the American people wanted them.

The United States experienced massive population growth and industrialization in the last half of the 19th Century. As the population expanded inland, industrial-scale lumber operations cleared forest land for settlement, agriculture and to provide the energy and building materials needed to fuel the growth of the young nation. Logging came in successive waves, starting in the Northeast, then followed by the Great Lake States and the Gulf States. Slash piles from these operations burned around the clock, and devastating wildfires were not uncommon.

By the end of the 19th Century, unchecked industry had ravaged forest landscapes across the public domain, devastating soil quality and watersheds and threatening the future of the very industries that depended on them. In the East, agriculture and heavy logging denuded landscapes to the point that bare watersheds no longer produced sufficient clean water for the burgeoning cities and failed to protect even great industrial centers such as Pittsburgh, Pennsylvania from destructive, yet preventable floods. Wildlife populations also suffered tremendously from deforestation, with local extirpations and dramatic population drops common throughout the areas affected by industrial logging. The swift deforestation of millions of acres throughout these regions created concern and prompted subsequent action to prevent the negative effects of industrial logging that had impacted the East.

Public sentiment coalesced into a general call for protection of some of the country's remaining natural resources. In the late 19th Century conservation of forest lands in particular reflected the public's desire to prevent unsustainable forest harvests in favor of more sustainable use informed by science. Champions of conservation such as Theodore Roosevelt believed forest resources

were sufficiently critical such that only planned, sustainable use could provide timber for future generations. Business associations, sportsmen groups, municipalities, settlers, wildlife conservationists and many others rallied to the cause.

In March 1891, Congress wisely recognized that action was needed to conserve the economic and cultural treasures within the public domain and authorized the creation of the Forest Reserves. The first reserve, the Yellowstone Timber Land Reserve in Wyoming, was established that very month. Shortly thereafter Congress passed the 1897 Organic Act that established the mandate to manage those reserves for their continued health, providing clean water and abundant timber. Encouraged by the success of these acts, several conservation groups in New England and the Appalachians searched for means to bring eastern forests under federal care. With popular and Congressional support, President Taft signed the Weeks Forest Purchase Act on March 1, 1911. The legislation authorized the Forest Service to purchase and manage forests in states unable to fund extensive forest acquisition and management programs on the watersheds of interstate rivers. The Act permitted the purchase of "forested, cut-over, or denuded lands within the watersheds of navigable streams" deemed "necessary for the regulation" of their flow. The Weeks Act inaugurated the greatest forest restoration project in U.S. history.

President Roosevelt established the U.S. Forest Service in 1905 to manage these reserved lands. Gifford Pinchot, the first Chief of the Forest Service, summed up the agency's purpose in his 1907 guide, *The Use of the National Forests*:

It will be seen that a National Forest does not act like a wall built around the public domain, which locks up its lands and resources and stops settlement and industry. What it really does is to take the public domain, with all its resources and most of its laws, and make sure that the best possible use is made for every bit of it. And more than this, it makes these vast...regions a great deal more valuable, simply by using them in a careful way, with a little thought about the future.

More than a century after Pinchot wrote those words, the "vast regions" he referenced continue to provide tremendous benefits to America's citizens as part of the National Forest System. America's National Forests provide a broad range of values and benefits, including biodiversity, recreation, clean air and water, carbon storage, forest products, erosion control, and soil renewal.

NFS lands are located in source areas for many important rivers as well as local and regional aquifer systems. They are the largest source of municipal water supply in the country, serving

over 66 million people in 3,400 communities in 33 States. The value of water flowing from agency lands has been estimated to be \$7.2 billion annually.

Forests are economic drivers. Restoring the health and resilience of our forests generates important values as well as economic benefits. In FY 2011, for example, the various activities on the NFS contributed over \$36 billion to America's gross domestic product and supported nearly 450,000 jobs. Many of these jobs were located in rural communities and are associated with varied outdoor industries and small businesses.

Outdoor recreational experiences on National Forest System lands support over 5,000 outfitting and guiding operations, many of which are small businesses employing local citizens.

Over 68 percent of the Forest Service's contribution to the economy was associated with direct use of NFS lands and resources, including land-use fees – ski areas, outfitting and guiding, campground concessions; expenditures related to skiing, hiking, hunting, fishing, and other forms of outdoor recreation; the generation of energy, minerals, and traditional forest products; and livestock grazing.

Forest management

With our many partners, the Forest Service shares this committee's commitment to increase the pace and scale of forest restoration and management in our National Forests. Restored acres and timber volume is up on the National Forests and we must continue to

invest in current management regimes and not lose focus on legislative changes that may only polarize and create more conflict.

In 2015, Forest Service restoration treatments lessened the threat of wildfires in communities within wildland-urban interface areas by reducing hazardous fuels on 1.7 million acres in those areas.

The agency also accomplished more than 4.6 million acres of restoration treatments in 2014, an increase of 400,000 acres, or nine percent, compared to acres completed in 2011.

In 2014, we exceeded our targets by producing 2.9 billion board feet of timber. Our timber harvest has increased 18 percent since 2008. The agency is achieving these results despite the fact that since 1998, National Forest System staff was reduced by well over a third as wildfire spending depleted resources from other programs.

We have achieved much of this by investing in collaborative approaches to forest restoration across the country as a way to develop better projects, to work across larger landscapes, to build public support for forest restoration and management, and to reduce the risk from litigation. Our commitment to working with locally elected officials and building relationships with the communities they represent has led to more successful restoration projects in every state with a national forest. Dozens of “collaboratives” across the country are enabling the Forest Service and our partners to get more work done. These collaboratives are locally led groups from communities, environmental groups, forest industry, and others and are designing projects that address forest restoration, supply wood to local mills, conserve watersheds and provide a range of other benefits.

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

The CFLR program is on track to meeting its goals over its ten year timeframe, making substantial strides in the first five years to promote forest health and resilience and reduce the risk of catastrophic wildfire. In the five years since initial program implementation, the 23 projects collectively have treated over 1.45 million acres to reduce the risk of catastrophic fire, over 84,570 acres to improve forest health, over 1.33 million acres to improve wildlife habitat, and over 73,600 acres to eradicate noxious weeds and invasive plants. In addition, these projects

have exceeded their timber output goals, producing nearly 1.3 billion board feet.

These collaborative projects help rural communities by creating and maintaining jobs. Between 2011 and 2014 these projects generated \$661 million in local labor income and an average of 4,360 jobs per year. The FY 2017 President's Budget for the Forest Service includes a proposal to keep funding authority for the program at \$40 million. At this funding level, the Forest Service will continue implementation and monitoring of the existing 23 CFLRP projects. Investing in this program is a critical part of the Forest Service's capacity to reduce the risk of catastrophic wildfires in priority, high-risk areas, improve water quality and quantity, increase carbon sequestration, and build on innovative implementation and monitoring with our partners. Restoring healthy, resilient ecosystems sustain local communities through economic wellbeing and recreation opportunities; provide water, timber, and fuel wood; and support vital ecological processes that support wildlife and maintain healthy soils and watersheds. By supporting these 23 collaborative efforts, CFLRP's strategic investment of Federal dollars will continue to attract significant investments across land ownership boundaries within the CFLRP landscape, including private land, Tribal land, and land managed by State and other Federal entities.

These collaboratives, and dozens of similar efforts, help maintain a robust forest industry with benefits flowing not only to local communities, but also to the Forest Service itself as the agency relies on local forest contractors and mills to provide the workforce to undertake a variety of restoration activities.

Our restoration efforts are not just confined to public lands. Recognizing that fire, insects, disease, wildlife and watersheds do not respect property lines, the Forest Service and USDA's Natural Resources Conservation Service are combining resources to expand our efforts across both public and private land. The Forest Service and NRCS Chiefs' Joint Landscape Restoration Partnership program aims to reduce wildfire threats to communities and landowners, protect water quality and supply, and improve wildlife habitat for at-risk species. On February 16, 2016, the USDA announced a federal investment of over \$40 million for restoration of forests near growing communities. The announcement included 11 new Joint Chiefs projects totaling \$7 million for 2016 and committed additional investments totaling nearly \$33 million in 27 projects launched in 2014 and 2015. Local partners plan to invest up to an additional \$11 million in

financial, technical and in-kind assistance for the 38 projects.

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

In the Middle Klamath River Communities of northern California, the Partnership helped support efforts by the Karuk Tribe, the Mid-Klamath Watershed Council, the Salmon River Restoration Council, several local Fire Safe Councils, and the Northwest Youth Corps who are working together to increase community safety by reducing hazardous fuels in the Wildland Urban Interface adjacent to communities along the Klamath River.

As another example, in Colorado, the San Juan Project addresses fuel hazard in the project area which is considered moderate to extreme. Treatments would reduce dense shrub cover through mastication and reduce tree density through selective thinning in order to mitigate uncharacteristic wildfire behavior and improve forest health. Partners include the San Juan Conservation District, the Colorado State Forest Service, the Pagosa Lakes Property Owners Association, San Juan Headwaters Forest Health Partnership, the Mountain Studies Institute, and Hidden Valley and Eagle Peak Ranch Subdivisions.

The watersheds of Lake Superior's coastal forests are home to tributaries that impact the water quality of The Great Lakes, among the most important natural resources in the world. With more than 20 percent of the earth's surface freshwater, they provide drinking water for 45 million people and habitat for a vast array of plants and wildlife, including more than 200 globally rare species. The Forest Service and NRCS are partnering with Sugarloaf: The North Shore Stewardship Association, Grand Portage Tribal Council, The Nature Conservancy, Soil and Water Conservation Districts and the state.

The health of the national forests and the communities we serve are our shared priority. The Forest Service is accelerating restoration and management of the national forests through innovative approaches and increased collaboration, though it is clear that more work needs to be done, and we welcome practical legislation that provides for expedient and responsible efficiencies in the execution of that work.

Fire

We are at a tipping point in the history of the Forest Service. Urgent action is needed in order to address the program disruption and associated deterioration of capacity to effectively manage our National Forests caused by the continually increasing percentage of our budget that is dedicated to wildfire suppression activities. We remain willing and ready to work with Congress to improve our tools to better manage our forests, but the most important action Congress can make now in advancing the pace and scale of forest restoration is to fix the fire funding problem.

In 2015, fire funding represented 52 percent (\$2.159 billion) of the agency's budget. Between FY 2014 and FY 2015, the suppression budget, using a rolling ten-year average, grew by \$115 million and non-fire programs were reduced by that amount, requiring the agency to forego opportunities to complete vital restoration work and meet public expectations for other services the agency provides such as outdoor recreation, facility maintenance, research and more.

Although the Forest Service has, in recent years, made great strides in the pursuit of efficiencies – we are treating more acres with fewer people-- there is a limit to what the agency can achieve going forward unless Congress solves the wildfire budget challenge we face. The most important action Congress can make now in advancing the pace and scale of forest restoration is to comprehensively fix the fire funding problem.

HR 2316 “Self-Sufficient Community Lands Act”

While USDA appreciates the Committee's interest in collaborative management of NFS lands, the Administration opposes this legislation.

H.R. 2316 would require the Secretary of Agriculture to establish community forest demonstration areas comprised of NFS lands to be managed by an advisory committee appointed by the Governor of the State in which the lands are located. That advisory committee would manage the demonstration areas, and treatments such as timber harvests would be subject to Federal environmental laws only to the extent that State lands are subject to those laws.

The Administration opposes this bill because it would remove the authority vested in the Forest Service to manage NFS lands by authorizing the advisory committee nominated by the Governor to manage the land and resources of the community forest demonstration areas under laws and regulations applicable to management of State forest lands.

USDA appreciates state and local community interest in the management of the National Forests. However, this bill limits the ability of American citizens to participate in an open decision-making process and leaves many fundamental questions of responsibility unanswered.

The National Forests and the federal estate are treasures that belong to all of us as American citizens. They are part of our rich heritage, and part of what made - and continue to make - this country great. The Forest Service takes great pride in the work we do as stewards of these world-class lands that provide so much for the American People, and the Administration will oppose legislation that seeks to promote private interests over the public good on these lands.

Again, thank you for inviting me here to present the views of the Administration on these bills. The Forest Service looks forward to continuing to work with you to ensure the continued management of the National Forests for the greatest good of all Americans.

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HR 3826: MOUNT HOOD COOPER SPUR LAND EXCHANGE CLARIFICATION ACT

FEBRUARY 25, 2016

We would like to work with the Committee and Sponsor to address several concerns with HR 3826. The Cooper Spur Land Exchange was initially authorized by the Omnibus Public Land Management Act of 2009. Clarifications are needed to move forward with the exchange.

The following issues concern the Forest Service:

- The bill would require the Forest Service to reserve a 24-foot wide trail easement. The width of the easement would restrict the ability of the Forest Service to appropriately address reconstruction and repair needs of the trail, the drainage and soil protection features that go beyond the normal 3-4 foot tread path, and the loss of buffer between the trail and any non-federally owned building or facility adjacent to the trail.
- The bill would eliminate the requirement that the Forest Service reserve a conservation easement on the Federal land to be conveyed. We understand there may be state-level protections under the bill; however, the Forest Service will have no legal right or obligation to monitor and enforce the status of any of the identified wetlands after

conveyance because the United States will have no property interest, such as a conservation easement, protecting the property. In addition, without a reserved federal interest like a conservation easement, Executive Order 1990 will become inapplicable to the lands once they leave federal ownership.

- The bill would require the joint selection of an appraiser by the Forest Service and Mount Hood Meadows within 60 days after enactment of this legislation. Selection of an appraiser is not attainable within a 60 day period. The process to hire a non-agency appraiser must follow federal contracting regulations. The contracting process typically takes 120 days for contract selection.
- The bill would require the land exchange be completed within 1 year after passage of the legislation. It typically takes the better part of a year to just obtain an approved appraisal. Realistically, it will take more than 18 months to complete the appraisal and all necessary analysis to complete the exchange.

We look forward to working with the Committee to resolve these issues. Thank you for the opportunity to testify.

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HR 4510: BOLTS DITCH ACCESS AND USE ACT

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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding HR 4510, Bolts Ditch Access and Use Act.

HR 4510 seeks to resolve issues associated with the use and maintenance of Bolts Ditch near the Town of Minturn, Colorado. The headgate and approximately 450 lineal feet of the ditch are located within the Holy Cross Wilderness on the White River National Forest. The United States opposed two water rights application cases associated with this ditch in 2006 and 2007. Subsequently, the United States and the applicants reached a stipulated agreement and settlement in both cases; where it was agreed that the point of diversion would be removed from the Holy Cross Wilderness unless (1) the point of diversion in the Holy Cross Wilderness is specifically authorized by the President, (2) the Holy Cross Wilderness boundary is altered to exclude the point of diversion from the Wilderness area, or (3) the point of diversion is confirmed by Congress to be specifically included as a part of the authorization of the Homestake Reservoir Project within the Holy Cross Wilderness Area.

HR 4510 would direct the Secretary of Agriculture to issue a special use permit to the Town of Minturn authorizing non-motorized access to use and perform routine maintenance on the Bolts Ditch headgate and 450 lineal feet of Bolts Ditch in accordance with US Forest Service wilderness regulation. This bill does not authorize new construction or reconstruction.

HR 4510 has the support of Eagle County, the Colorado River District, and local and national wilderness advocacy organizations.

The Department does not oppose HR 4510.

This concludes my remarks. I would be happy to answer any questions. Thank you for the opportunity to testify.