

## **Charter for the Southwest Ecological Restoration Institutes**

This Charter clarifies the goals, duties and operating procedures for the SOUTHWEST ECOLOGICAL RESTORATION INSTITUTES, and their respective states, as envisioned in PL 108-317. This Charter is entered into by and among the Governors of the States of Arizona, Colorado and New Mexico, and the Presidents of Northern Arizona University, Colorado State University and New Mexico Highlands University, on behalf of their respective governing boards, hereafter referred to collectively as "the Parties".

### **1. PURPOSE**

A. The purpose of the SOUTHWEST ECOLOGICAL RESTORATION INSTITUTES ("SWERI") is to bring the unique strengths of the member universities, individually, collectively and in cooperation with other institutions to help support land managers and their collaborators working to achieve comprehensive ecological restoration treatments on the ground.

B. To assure that ecological restoration treatments are effective and efficient, the Institutes identified by PL 108-317 will develop, translate and transfer practical, operation-oriented scientific knowledge to land managers, collaborative community groups and others who cooperate in the design and implementation of ecosystem restoration treatments. A key mission is to assure, through systematic collaboration and coordination of resources, that all levels of government and stakeholders from the local to the state, regional, and national levels have the best information available to ensure that collaborative ecosystem restoration treatments are implemented in the most effective and efficient manner for restoring the ecological, economic, and social integrity of the greater ecosystems of the Interior West.

C. The SOUTHWEST ECOLOGICAL RESTORATION INSTITUTES are established by Northern Arizona University, Colorado State University and New Mexico Highlands University. The respective states will be involved and represented, at a minimum, by their State Foresters. The institutes will have many diverse stakeholders who are involved in the design and implementation of ecological restoration treatments in frequent fire forests and associated woodlands. These stakeholders may include when appropriate, but are not limited to: the federal land management agencies; state governments; tribes; elected officials; local governments; and nongovernmental entities that include collaborative community groups and environmentalists, the Western Governors' Association, and business.

D. The SOUTHWEST ECOLOGICAL RESTORATION INSTITUTES has no regulatory authority and recognizes that all legal authority is reserved by its members in accordance with existing law. It also recognizes that the institutes, by virtue of their affiliation with universities, may have duties beyond those specified in this agreement.

### **2. BACKGROUND**

A. The need for restoring ecosystem health in the Southwest has been evident for decades, especially for its ponderosa pine and drier mixed conifer forests. As a result of disruption of the natural frequent fire regime and past harvesting and

grazing practices, forests became dense and vulnerable to unnaturally severe, stand-replacing fires. In many watersheds, over 90% of these forests are considered at moderate or high risk for crownfires due to dense stand structure and accumulated fuels. Fire acreage and size have been steadily increasing, culminating in the largest fire in southwestern history, the 468,000-acre Rodeo-Chediski fire in 2002, a fire that devastated watersheds and economies over an entire region. Entire states and regions are now at risk of losing the ecological and environmental benefits of greater ecosystems at the scale of millions of acres.

B. Many managers, from resource specialists to land managers, feel that science shows that thinning, burning, and other forest restoration techniques can be effective in restoring forest health and reducing the threat of unnatural fire in the frequent fire forest types of the Interior West. A central question is how to use the best science to get restoration done in the most effective and efficient way possible, while learning how to improve our treatments as we move forward. Although there are clear needs for the discovery of additional scientific information, the flood of existing scientific literature, the disconnected sources of information, and the complexity of environmental analysis can overwhelm the resources of practitioners, stakeholders and decision-makers. Wildland ecosystems and their dependent human communities are the ultimate victims if managers cannot mobilize the critical information for rapid, thorough, and scientifically defensible environmental analysis.

### **3. STRUCTURE**

#### **A. Goals and Legislative Intent**

*3.1. Goal. The goal of the SOUTHWEST ECOLOGICAL RESTORATION INSTITUTES is to obtain, summarize, and transfer relevant and accurate scientific information to managers and other key stakeholders.*

*3.2. Legislative Purpose of PL 108-317 as published is:*

- a. To enhance the capacity to develop, transfer, apply, and monitor, and regularly update practical science-based forest restoration treatments that will improve the health of dry forest and woodland ecosystems and reduce the risk of severe wildfires, in the Interior West;
- b. To synthesize and adapt scientific findings from conventional research programs to the implementation of forest and woodland restoration on a landscape scale;
- c. To facilitate the transfer of interdisciplinary knowledge required to understand the socioeconomic and environmental impacts of wildfire on ecosystems and landscapes;
- d. To require the institutes established under this Act to collaborate with Federal agencies--
  - i. to use ecological restoration treatments to reverse declining forest health and reduce the risk of severe wildfires across the forest landscape;

- ii. to design, implement, monitor and regularly revise wildfire treatments based on the use of adaptive ecosystem management;
- e. To assist land managers in--
  - i. treating acres with restoration-based applications; and
  - ii. using new management technologies (including the transfer of understandable information, assistance with environmental review, and field and classroom training and collaboration) to accomplish the goals identified in--
    - 1. the report entitled '10-Year Comprehensive Strategy: A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment' of the Western Governors' Association ;
    - 2. the report entitled 'Protecting People and Sustaining Resources in Fire-Adapted Ecosystems-A Cohesive Strategy' (65 Fed. Reg. 67480); and
    - 3. The National Fire Plan.
- f. To provide technical assistance to collaborative efforts by affected entities to develop, implement, and monitor adaptive ecosystem management restoration treatments that are ecologically sound, economically viable, and socially responsible; and
- g. To assist Federal and non-Federal land managers in providing information to the public on the role of fire and fire management in dry forest and woodland ecosystems in the Interior West.

## B. Duties

*3.3. Institutes. Each Institute shall engage in the following activities to the extent funding for such activities has been appropriated pursuant to PL 108-317 or is otherwise made available:*

- a. Provide an annual work plan as a condition to receive federal funds for each fiscal year **on a date to be determined by the US Department of Agriculture-US Forest Service in consultation with the Department of the Interior**. The work plan will follow the template provided by the Secretaries.
  - i. The annual work plans will be developed in consultation with the Secretary of Agriculture/US Forest Service, the Secretary of Interior, the State Foresters and the stakeholders as described in paragraph 1.C above.
  - ii. The work plans will contain assurances and performance measures that are satisfactory to the Secretaries and reflect that the activities will serve the legislative purpose of PL 108-317
- b. Develop, conduct research on, transfer, promote, and monitor ecosystem restoration treatments including restoration-based hazardous fuel

reduction prescriptions to reduce the risk of severe wildfires and improve the health of dry forest and woodland ecosystems in the Interior West;

- c. Synthesize and adapt scientific findings from conventional research to implement restoration-based hazardous fuel reduction treatments on a landscape scale using an adaptive ecosystem management framework;
- d. Translate for and transfer to affected entities any scientific and interdisciplinary knowledge about restoration-based hazardous fuel reduction treatments;
- e. Assist affected entities with the design of adaptive management approaches (including monitoring) for the implementation of restoration-based hazardous fuel reduction treatments;
- f. Provide for continuing education, formal coursework, and public education as necessary and useful;
- g. Convene one or more meetings among the Institutes annually to share lessons learned and to coordinate activities so as to avoid undesirable duplication;
- h. Subject to the availability of federal funding, convene, state-by-state, one or more meetings annually of the stakeholders identified in paragraph 1.C above to: define and prioritize science needs; identify and prioritize information needs that can be synthesized from existing information; and, identify audiences that will benefit from the services provided by the Institutes. If a representative body able to perform these functions already exists in the state, an Institute may use its services to fulfill this requirement;
- i. Provide peer-reviewed annual reports to the university presidents, the Governors, the Secretary of Agriculture and Chief of the Forest Service and Secretary of Interior;
  - i. For purposes of this Charter, peer review means a meeting of the stakeholders identified in paragraph 1.C to review the annual report and work conducted by each institute.
  - ii. The annual peer-review will be conducted by October 31 following the end of the federal fiscal year. A final report will be prepared by December 31<sup>st</sup> of the same year.
- j. Notwithstanding any provision of this Charter to the contrary, no institute shall be prohibited from performing its duties described herein and other functions by contracting for their performance.

*3.4. States. The state funding for the Institutes required under this Section 3.4 may be provided by the annual University budget or funding for the Institutes may be provided by other sources as may be available and appropriate. Each state:*

- a. Shall provide facilities for the institutes; and

- b. Shall provide state funding to support a portion of the operations of the institutes.

### **C. Charter Implementation**

3.5. Coordinating Committee. There is hereby created a Coordinating Committee whose membership and purposes shall be:

- a. The Coordinating Committee shall consist of the Executive Director(s) of each Institute, the State Forester from each state, a designated representative of each state Governor and a representative of the Western Governors Association.
- b. The primary purpose of the Coordinating Committee is to implement the purposes and intent of this Charter by providing management and administrative guidance on matters affecting all the Parties.
- c. The Coordinating Committee shall adopt its own procedures and determine the frequency of its meetings.
- d. Examples of matters affecting all the Parties include, but are not limited to:
  - (i) Establishing protocols for communications among all three Institutes;
  - (ii) Identifying opportunities for leveraging resources;
  - (iii) Addressing common interests and opportunities for mobilizing critical information for rapid, thorough and scientifically defensible environmental analysis;
  - (iv) Determining how the Institutes should collectively model collaboration as a primary value.
- e. Subject to the availability of funds, each Institute will fund its own participation in the annual meeting, travel, communications and incidental expenses of the Coordinating Committee.

### **4. Amendment**

This Charter may be amended only by an instrument in writing executed by an authorized representative of each Party.

### **5. Termination**

If, as a result of the monitoring and evaluation five years following enactment of PL 108-317, the Secretary, in consultation with the Secretary of the Interior, determines that an Institute does not qualify for further Federal assistance under this

Act, the non-qualifying Institute shall receive no further Federal assistance under this Act, and shall cease to be a Party to this Charter, until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

**6. Participant signatures**

NOW, THEREFORE, in consideration of the mutual promises set forth above, the undersigned Parties do hereby execute this Charter, which shall become effective on the date on which it has been signed by all Parties.

**On behalf of the States:**

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Governor Janet Napolitano, Arizona Date

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Governor Bill Owens, Colorado Date

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Governor Bill Richardson, New Mexico Date

**On behalf of the Institutes:**

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John Haeger, President, Northern Arizona University Date

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Dr. Larry Edward Penley, President, Colorado State University Date

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Manny Aragon, President, New Mexico Highlands University Date