

# THE FOREST EMERGENCY RECOVERY AND RESEARCH ACT

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## HEARING BEFORE THE COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

ON

**H.R. 4200**

DECEMBER 7, 2005

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# **THE FOREST EMERGENCY RECOVERY AND RESEARCH ACT**

**WEDNESDAY, DECEMBER 7, 2005**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
*Washington, DC.*

The committee met, pursuant to call, at 10:10 a.m., in Room 1300, Longworth House Office Building, Hon. Bob Goodlatte (chairman of the committee) presiding.

Present: Representatives Moran, Gutknecht, Johnson, Osborne, Bonner, Neugebauer, Schwarz, Kuhl, Foxx, Conaway, Schmidt, Peterson, Etheridge, Baca, Herseth, Butterfield, Cuellar, Costa, Salazar, Barrow, Pomeroy, Boswell, Larsen and Chandler.

Staff present: Bill Imbergamo, Ben Anderson, Brian Knipling, Callista Gingrich, clerk; Lindsey Correa, Rob Larew, Christy Birdsong, and Anne Simmons.

## **OPENING STATEMENT OF HON. BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA**

The CHAIRMAN. Good morning. This hearing of the House Committee on Agriculture to review H.R. 4200, the Forest Emergency Recovery and Research Act, will come to order.

We are here today to ask a question that, in my mind, answers itself. If a forest is damaged or destroyed by a catastrophic event, should we take prudent steps to ensure it is restored in a timely, cost-effective manner?

Our public land managers have been faced with this question over and over again in recent years. It has become apparent that the framework of existing laws and regulations discourages them from acting quickly to restore forests and capture the value of damaged timber. One hundred and thirty-seven of my colleagues have joined in cosponsoring H.R. 4200 because we believe this situation needs to change.

There are several examples that illustrate the deep implications of this problem. In February 2003, an ice storm damaged both the Tiger State Forest and the Daniel Boone National Forest in Kentucky, shown in the poster on the left. Salvage work began almost immediately on the State forest, and habitat restoration was completed this fall. In contrast, the Forest Service just completed the environmental analysis of the project for the Daniel Boone Forest this fall, and thus far nothing has been done to restore the forest. The timber that was damaged is worthless; and the restoration of

habitat for the Indiana bat, an endangered species, a threatened species, has been set back by years.

We know that under certain circumstances expedited efforts can help restore forests following a catastrophic event. As you can see in the poster on the right, when the Sabine National Forest in Texas took advantage of alternative arrangements for complying with the National Environmental Policy Act, salvage was completed and reforestation was under way within 6 months. The result is a forest on its way to recovery, including restoration of the longleaf pine, a very rare habitat type that once dominated the coastal plain from Texas to Virginia.

Our witnesses will discuss further examples where disasters create a narrow window of opportunity to restore and recover healthy growing forests. My belief is that H.R. 4200, the Forest Recovery and Restoration Act, provides a balanced approach to forest recovery while sending Federal land managers a clear signal that forest recovery should be a priority.

Much like our bipartisan efforts on the Healthy Forests Restoration Act, the Forest Emergency Recovery and Research provides a mechanism by which the Forest Service can move quickly to restore forests damaged by catastrophic events like fires, ice storms, hurricanes, or insect outbreaks.

In my home State, the gypsy moth defoliated nearly a million acres a year from 1992 to 1994, much of it on the George Washington and Thomas Jefferson National Forests. Hurricanes have severely damaged National Forests of several States, Mississippi, Louisiana, and Texas most recently. Much like the devastating fires that afflict our friends in the West, these events create narrow opportunities to restore and recover healthy, growing forests. Missing these opportunities can have dire environmental consequences, and not just for the public lands.

Delays result in wasted timber resources, degraded environmental conditions, and increased costs for taxpayers. Projects which could have paid for themselves, provided valuable timber to local industry and help put our forest on the road to recovery wind up delayed to the point that the timber is valueless. Adjacent private landowners, meanwhile, absorb the risk as National Forests become the source of future insect epidemics and wildfires.

It is our hope that by adopting the same bipartisan approach we used in the Healthy Forest Restoration Act we send a clear signal that quick action for forest recovery should be standard policy for our Federal forest managers.

H.R. 4200 focuses on improving the science behind forest recovery, and it does not waive a single environmental law. It requires consideration and, if appropriate, implementation of expedited environmental review, to ensure that projects are documented and implemented in a timely fashion.

Recovering forests quickly after a disaster is common sense. Our bill ensures that the Forest Service will take these commonsense measures and back them up with sound science.

Today's hearing provides us with an opportunity to hear from the Forest Service, professional foresters, wildfire managers and environmental advocacy groups on this important bill. I look forward to working with these groups to address their concerns as we move

forward. There is a companion piece of legislation in the Senate, and my goal is to meet them in conference next year.

After we hear from the ranking member and other members with regard to opening statements, we will hear from Congressman Greg Walden and Congressman Brian Baird, who are principal authors of this legislation, along with Congresswoman Stephanie Herseth; and I thank them all for their contribution to this legislation.

It is my pleasure to recognize the gentleman from Minnesota, Mr. Peterson, for his opening statement.

**OPENING STATEMENT OF HON. COLLIN C. PETERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA**

Mr. PETERSON. Thank you, Mr. Chairman; and thank you for holding this hearing today.

I would like to welcome Chief Bosworth and all the other panelists who have joined us for this review of H.R. 4200 and thank you for taking the time to help us gain a better understanding of this legislation in relation to forest restoration and research.

I also welcome my good friends, Greg Walden and Brian Baird, and thank you both for your hard work on this much-needed legislation that we are discussing here today. We appreciate your leadership.

H.R. 4200 resulted from the devastation caused by the 2002 wildfire in southern Oregon where 500,000 acres were destroyed. Unfortunately, the struggles did not end when the fire was extinguished. Post fire recovery efforts were hampered by an exceedingly slow administrative response caused by procedural delays, administrative appeals and litigation. These delays, unfortunately, have come to characterize the NEPA process for salvage and restoration efforts, resulting in significant losses of marketable salvaged timber, the sale of which helps fund restoration efforts.

Further degradation of forest resources and ecosystem systems is another unfortunate consequence of sluggish responses to catastrophic events. In Minnesota Superior National Forest, we had a different kind of catastrophic event in July 1999. A major windstorm, with speeds of up to 100 miles an hour swept across Minnesota, impacting about 477,000 acres within the Superior National Forest, with 370,000 of those acres within the Boundary Waters canoe area.

Although the Forest Service did a good job of recovering and restoring forest resources under CEQ's alternative arrangements, we can always do better. For example, the county and State land managers were able to coordinate a salvage timber sale within a month of the blow-down. It took the Feds almost 4 months to organize such sales on a small portion of impacted lands and more than a year to organize the remaining sales. By that time, some of the most valuable timber had lost most of its value.

This legislation offers additional tools to facilitate sales more quickly; and where salvageable timber is in risk of degrading in quality, we can hopefully do something about that situation.

I am pleased to be a cosponsor of H.R. 4200 and look forward to working with the Forest Service, our panelists and other Members

of Congress to minimize obstacles to restoring Federal, State and private lands following future catastrophic events.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman.

It is now my pleasure to recognize the chairman of the Forestry Subcommittee, the gentleman from Minnesota, Mr. Gutknecht.

**OPENING STATEMENT OF HON. GIL GUTKNECHT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA**

Mr. GUTKNECHT. Well, Mr. Chairman, thank you. I will be very brief.

I would just attach myself to the remarks of my colleague of Minnesota just to mention we are delighted that Forest Service Chief Dale Bosworth is with us today and will be speaking to us, but I do want to reinforce the point that my colleague from Minnesota made.

This blow-down was a very serious event. It happened almost 6 years ago. I remind many people that we won World War II in 3½, and we have made remarkably small progress in terms of cleaning up the event. For example, Superior National Forest in their own Web site says that only 30,000 acres have actually been cleaned up. That is of the more than 275,000 acres that were affected.

Finally, let me just say, Mr. Chairman and members, that they also go on to say on their own Web site, and I quote, "The potential still exists for an extreme wildfire event in that region." So this bill is timely. I am a cosponsor, and I think everything that we can do in Congress to press the Forest Service to move a little more aggressively on these issues I think would be welcomed not only by the people in those affected regions but I think all the people of the United States.

And I yield back.

The CHAIRMAN. I thank the gentleman.

It is now my pleasure to recognize one of the lead cosponsors of the legislation, the gentlewoman from South Dakota, Ms. Herseth.

**OPENING STATEMENT OF HON. STEPHANIE HERSETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA**

Ms. HERSETH. Good morning; and thank you, Chairman Goodlatte and Ranking Member Peterson, for holding this morning's hearing on the Forest Emergency Recovery and Research Act.

I have the privilege of sitting both on this committee as well as the Resources Subcommittee on Forest and Forest Health. As such, I have had many opportunities to speak about the forestry challenges that follow catastrophic events; and I have been privileged to work with our first two witnesses, most closely with Chairman Walden and with Congressman Baird as well, on the bill we are about to discuss.

I am pleased to be an original cosponsor of the Forest Emergency Recovery and Research Act. Chairman Walden and I had an opportunity to further discuss the need for better forest emergency recovery tools during an August field hearing a few months ago in the Black Hills National Forest, a 1.2 million acre forest in South Da-

kota. Many of this bill's provisions will be beneficial not just in my district but across the whole country as forest managers are provided with a better set of tools to deal with catastrophic events.

Each year, communities across the United States deal with the risk of forest fires. During the summer months, we know that it is common to see breaking news with footage of flaming treetops and teams of firefighters rushing to extinguish the blaze. Once the fire is out, the cameras usually stop rolling and find another story to follow, and conventional wisdom says that the emergency is over. But that couldn't be further from the truth because, in many ways, the crisis is just beginning.

Forest fires erase animal habitat and can even destroy precious seed sources for native plants and trees, risking the very survival of the forest. None of these problems go away when the fire is out. In fact, none of them really emerge until you finish fighting the fire.

Just as a speedy response is crucial when fighting a fire, it is also necessary when planning forest recovery efforts. Long delays open the soil to invasive species and the trees to bug infestations. They open the soils to erosion and can threaten water supplies. Any recovery approach should recognize these realities and move quickly, whether the specific recovery project is harvesting dead trees or planting new ones. The price of inaction can be high.

If you will indulge me for a moment, there is a poster here that some of you may not be able to see as well, but certainly my colleagues on the committee can see the one to the right.

In 1988, fire burned a portion of the Custer National Forest in northwestern South Dakota. The Forest Service was unable to remove any of the dead trees, and in 2002 the same area burned again. The second fire consumed most of the new generation and inflicted even more harm on the area.

So in that poster on the right you can see that there are what appear to be white lines on the ground. Those are ash, OK? That is what remains from the trees downed by the original 1988 fire, and swift action after the first fire could have prevented this.

The Forest Emergency Recovery and Research Act will provide the tools for a rapid response, rely on the experience of forestry professionals and promote new research to improve forestry practices. I am confident that this legislation will provide an effective framework to ensure that our forests can recover after catastrophic events, and I look forward to discussing it in this morning's hearing.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentlewoman.

Are there any other Members who wish to make an opening statement?

The gentleman from Colorado, Mr. Salazar, is recognized.

**OPENING STATEMENT OF HON. JOHN T. SALAZAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO**

Mr. SALAZAR. Thank you, Chairman Goodlatte and Ranking Member Peterson, for bringing this important issue and this impor-



tant hearing today; and I also want to thank Mr. Walden and Mr. Baird for working many hours on this important issue.

Our Nation's forests provide us so many benefits for the entire public, and we need to make sure that our forest managers have the tools to act quickly to rehabilitate the forest and reforest catastrophically hit forests so these lands can continue to provide these valuable benefits.

Hurricanes, windstorms, ice storms, wildfires, insects and disease and many other catastrophic events can cause a vast damage to forests and associated water, wildfire, recreation, timber and aesthetic values.

In Colorado in the West, there is a huge insect epidemic, especially after this last severe drought that we experienced; and I have met with many of my constituents and forest managers to discuss what tools they need to address the insect epidemic. There needs to be proper treatment of these areas to ensure that they are treated and reforested, but I also don't want to limit the public's input when dealing with the management of these catastrophically hit areas.

One of the issues that I am extremely concerned about, of course, is water quality; and I am interested to hear how this bill handles water quality issues while these catastrophically hit areas are being treated. While the water users of Colorado have dealt with water quality issues after fires, they have also dealt with water quality issues when the ground is disturbed in forested areas. So I do hope that this legislation contains the proper sideboards necessary to protect the water users impacted by the treatment of these catastrophic areas.

I look forward to hearing your testimony, and I want to thank the ranking member and Chairman Goodlatte for bringing this important issue. Thank you.

The CHAIRMAN. I thank the gentleman. If there are no further opening statements, the Chair will remind Members that their statements may be made a part of the record. I will also ask that the text of H.R. 4200 be included in the record at this time.

[The prepared statement of Mr. Pombo and H.R. 4200 follows:]

PREPARED STATEMENT OF HON. RICHARD W. POMBO, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

Good morning. I'd like to start by thanking Chairman Goodlatte for holding this hearing and supporting this legislation and I'd also like to thank and commend my colleague on the Resources Committee, Mr. Walden for introducing H.R. 4200.

The Forest Emergency Recovery and Research Act is the essential next step to restoration on our national forests. Year after year, both private and public lands are ravaged by wildfires, insect and disease, hurricanes, icestorms, blowdowns and other natural disasters. On private land managers move quickly to rehabilitate and replant. Alternatively, on public land, the restoration process gets tied up in "analysis paralysis," possible appeals, and even litigation. In short, little, if any, action occurs to reforest most of our public forests after a catastrophic event.

To me, this is unacceptable. We are responsible for the proper stewardship of our public lands and we need to give the land management agencies the tools they need to get this work done. Time is of essence in these situations. H.R. 4200 will allow the agencies to move quickly while including the public in the process and ensuring the environment is protected. I am a strong supporter of this legislation and look forward to hearing from our witnesses.

109TH CONGRESS  
1ST SESSION

# H. R. 4200

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2005

Mr. WALDEN of Oregon (for himself, Mr. BAIRD, Mr. GILCHIREST, Ms. HERSETH, Mr. FLAKE, Mr. THOMPSON of Mississippi, Mr. PETERSON of Pennsylvania, Mr. BOYD, Mr. PICKERING, Mr. OBERSTAR, Mr. SHADEGG, Mr. BERRY, Mr. WICKER, Mr. LEWIS of California, Mr. ROSS, Mr. HASTINGS of Washington, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. TERRY, Mr. POMBO, Mr. JINDAL, Mrs. DRAKE, Mr. OTTER, Mr. NORWOOD, Mr. DUNCAN, Mr. REHBERG, Mr. HAYWORTH, Mr. ROGERS of Michigan, Mr. PEARCE, Mr. GIBBONS, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. CANNON, Mr. BROWN of South Carolina, Miss McMORRIS, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, Mr. SIMPSON, Mr. RENZI, Mr. YOUNG of Alaska, Mr. MCCREERY, Mr. GOHMERT, Mr. HAYES, Mr. HERGER, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BONNER, Mr. TANCREDO, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BISHOP of Utah, Ms. FOXX, Mr. ISSA, Mr. HUNTER, Mr. MCKEON, Mr. BURGESS, Mr. CALVERT, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. GUTKNECHT, Mr. SHERWOOD, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KNOLLENBERG, Mr. NUNES, Mr. SESSIONS, Mr. GINGREY, Mr. BARTON of Texas, Ms. GRANGER, Mr. REYNOLDS, Mr. TIAHRT, Mr. BLUNT, Mr. KINGSTON, Mr. CANTOR, Mr. BEAUPREZ, Mr. WHITFIELD, Mr. EVERETT, Mr. PLATTS, Mr. BOOZMAN, Mrs. MUSGRAVE, Mr. SOUDER, Mr. SANTON, Mr. PUTNAM, Mr. LINDER, Mr. ENGLISH of Pennsylvania, Mr. THOMAS, Mr. CULBERSON, Mr. BASS, Mr. JONES of North Carolina, Mr. ROGERS of Kentucky, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. LEWIS of Kentucky, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Transportation and Infra-

structure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as “Forest  
 5 Emergency Recovery and Research Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL  
LANDS

Sec. 101. Development of research protocols and use in catastrophic event re-  
search projects.

Sec. 102. Catastrophic event recovery evaluations.

Sec. 103. Compliance with National Environmental Policy Act.

Sec. 104. Availability and use of pre-approved management practices.

Sec. 105. Availability and use of alternative arrangements.

Sec. 106. Administrative and judicial review.

Sec. 107. Guidance regarding reforestation in response to catastrophic events.  
Sec. 108. Effect of title.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES  
IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

Sec. 201. Assistance under Cooperative Forestry Assistance Act of 1978 to restore landscapes and communities affected by catastrophic events.

Subtitle B—Department of the Interior Assistance

Sec. 211. Restoring landscapes.  
Sec. 212. Restoring communities.

TITLE III—EXPERIMENTAL FORESTS

Sec. 301. Findings.  
Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.  
Sec. 303. Availability and use of alternative arrangements for projects on National Forest experimental forests.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Regulations.  
Sec. 402. Funding sources.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The number and severity of catastrophic  
4 events causing resource damage to Federal land has  
5 significantly increased over the last 20 years, and  
6 such catastrophic events also create serious adverse  
7 environmental, social, and economic consequences  
8 for Federal land and adjacent non-Federal land and  
9 communities.

10 (2) Catastrophic events often devastate forest  
11 or rangeland ecosystems and eliminate sources of  
12 seed for desired tree and plant species, which—

- 1 (A) delays or even precludes the reestab-  
2 lishment of appropriate forest or plant cover on  
3 millions of acres of Federal land;
- 4 (B) increases the susceptibility of the dam-  
5 aged land to wildfire and noxious or harmful  
6 species and reduces the economic value of the  
7 damaged land's resources;
- 8 (C) increases the susceptibility of adjacent  
9 undamaged land to insect infestations, disease,  
10 and noxious weeds;
- 11 (D) pollutes municipal water supplies and  
12 damages water delivery infrastructure;
- 13 (E) exacerbates sediment production that  
14 adversely impacts native fish habitat and soil  
15 productivity;
- 16 (F) results in unsafe campgrounds, trails,  
17 roads, and other infrastructure; and
- 18 (G) adversely impacts the sustainability of  
19 ecosystems and the well-being of adjacent com-  
20 munities.
- 21 (3) Program authorities and funding mecha-  
22 nisms currently available to the Secretary of Agri-  
23 culture and the Secretary of the Interior to respond  
24 to catastrophic events on forested Federal land do

1 not provide for consistent and timely response activi-  
2 ties.

3 (4) Alternative arrangements approved by the  
4 Council on Environmental Quality have been used on  
5 an inconsistent basis to respond to catastrophic  
6 events on forested Federal land, but, when used in  
7 the past, such alternative arrangements have encour-  
8 aged expedited and successful recovery outcomes.

9 (5) A prompt and standardized management re-  
10 sponse to a catastrophic event, which is also adapt-  
11 ive to the unique characteristics of each catastrophic  
12 event, is needed—

13 (A) to effectively recover the area damaged  
14 by the catastrophic event,

15 (B) to minimize the impact on the re-  
16 sources of the area and adjacent communities  
17 adversely affected by the catastrophic event;  
18 and

19 (C) to recover damaged, but still mer-  
20 chantable, material before it losses economic  
21 value.

22 (6) Reforestation treatments on forested Fed-  
23 eral land after a catastrophic event helps to restore  
24 appropriate forest cover, which provides multiple re-  
25 newable resource benefits, including—

- 1 (A) protecting soil and water resources;
- 2 (B) providing habitat for wildlife and fish;
- 3 (C) contributing to aesthetics and enhancing the recreational experience for visitors;
- 4
- 5 (D) providing a future source of timber for
- 6 domestic use; and
- 7 (E) ensuring the health and resiliency of
- 8 affected ecosystems for present and future generations.
- 9
- 10 (7) According to the Comptroller General, the
- 11 reforestation backlog for Federal land has increased
- 12 since 2000 as a result of natural disturbances, such
- 13 as wildland fires, insect infestations, and diseases.
- 14 (8) Additional scientific and monitoring information is needed regarding the effectiveness of recovery treatments to improve subsequent recovery proposals in response to future catastrophic events.
- 15
- 16
- 17
- 18 (9) State, tribal, and local governments, local
- 19 communities, and other entities play a critical role in
- 20 restoring landscapes damaged by a catastrophic
- 21 event and in reducing the risks associated with the
- 22 catastrophic event.
- 23 (10) Greater resources and adaptive arrangements must be made available to land managers to
- 24 facilitate the prompt implementation of recovery
- 25

1 treatments, including reforestation, following cata-  
2 strophic events.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **BURNED AREA EMERGENCY RESPONSE.**—

6 The term “burned area emergency response” means  
7 the process used by the Secretary concerned to plan  
8 and implement emergency stabilization actions on  
9 Federal land in response to a catastrophic event in  
10 order to minimize threats to life or property or to  
11 stabilize and prevent unacceptable degradation to  
12 natural and cultural resources resulting from the ef-  
13 fects of the catastrophic event.

14 (2) **CATASTROPHIC EVENT.**—The term “cata-  
15 strophic event” means any natural disaster or any  
16 fire, flood, or explosion, regardless of cause, that the  
17 Secretary determines has caused or will cause dam-  
18 age of significant severity and magnitude to Federal  
19 land or, in the case of title II, non-Federal land. A  
20 natural disaster may include a hurricane, tornado,  
21 windstorm, snow or ice storm, rain storm, high  
22 water, wind-driven water, tidal wave, earthquake,  
23 volcanic eruption, landslide, mudslide, drought, or  
24 insect or disease outbreak.



1           (3) CATASTROPHIC EVENT RECOVERY.—The  
2 term “catastrophic event recovery”, with respect to  
3 an area of Federal land damaged by a catastrophic  
4 event, means—

5                   (A) if the catastrophic event involved fire,  
6 the rehabilitation and restoration activities  
7 (other than any emergency stabilization treat-  
8 ments undertaken as part of the burned area  
9 emergency response) that are undertaken on  
10 the damaged Federal land, including any infra-  
11 structure or facilities thereon, in response to  
12 the catastrophic event;

13                   (B) if the catastrophic event did not in-  
14 volve fire, the emergency stabilization and reha-  
15 bilitation and restoration activities that are un-  
16 dertaken on the damaged Federal land, includ-  
17 ing infrastructure or facilities thereon, in re-  
18 sponse to the catastrophic event; or

19                   (C) the reforestation or revegetation of the  
20 damaged Federal land in response to the cata-  
21 strophic event using, to the extent practicable  
22 and preferable, native or beneficial plants to  
23 avoid creation of plantation forests and the re-  
24 covery of trees on the damaged Federal land  
25 through the use of timber harvesting in a man-

1           ner consistent with the applicable land and re-  
2           source management plan.

3           (4) CATASTROPHIC EVENT RECOVERY EVALUA-  
4           TION.—The term “catastrophic event recovery evalua-  
5           tion”, with respect to an area of Federal land  
6           damaged by a catastrophic event, means an evalua-  
7           tion of the damaged Federal land that is conducted  
8           in accordance with section 102 for the purpose of  
9           developing the catastrophic event recovery proposal  
10          for the area.

11          (5) CATASTROPHIC EVENT RECOVERY PRO-  
12          POSAL.—The term “catastrophic event recovery pro-  
13          posal” means the list and brief description of cata-  
14          strophic event recovery projects, catastrophic event  
15          research projects, and pre-approved management  
16          practices that are—

17                (A) prepared or identified as part of the  
18                catastrophic event recovery evaluation of an  
19                area of Federal land damaged by a catastrophic  
20                event; and

21                (B) proposed to be undertaken to facilitate  
22                the catastrophic event recovery of the area or  
23                evaluate the effects and effectiveness of such re-  
24                covery efforts.

1           (6)    CATASTROPHIC    EVENT    RECOVERY  
2    PROJECT.—The term “catastrophic event recovery  
3    project” means an individual activity or a series of  
4    activities identified in a catastrophic event recovery  
5    proposal for an area of Federal land damaged by a  
6    catastrophic event and proposed to be undertaken in  
7    response to the catastrophic event to promote cata-  
8    strophic event recovery.

9           (7)    CATASTROPHIC    EVENT    RESEARCH  
10   PROJECT.—The term “catastrophic event research  
11   project” means a scientifically designed study of the  
12   effects and effectiveness of—

13           (A)   any catastrophic event recovery  
14        projects undertaken in an area of land damaged  
15        by a catastrophic event; and

16           (B)   any emergency stabilization treatments  
17        undertaken as part of a burned area emergency  
18        response in the area of land damaged by a cata-  
19        strophic event.

20           (8)    COMMUNITY    WILDFIRE    PROTECTION  
21   PLAN.—The term “community wildfire protection  
22   plan” has the meaning given that term in section  
23   101(3) of the Healthy Forest Restoration Act of  
24   2003 (16 U.S.C. 6511(3)).

1           (9) ELIGIBLE ENTITY.—The term “eligible enti-  
2           ty”, for purposes of providing assistance under sub-  
3           title B of title II, means a State Forester or equiva-  
4           lent State official, an Indian tribe, local government,  
5           community-based organization, or other person.

6           (10) FEDERAL LAND.—The term “Federal  
7           land” means land in the National Forest System  
8           and lands managed by the Bureau of Land Manage-  
9           ment, including lands held for the benefit of an In-  
10          dian tribe. The term does not include any land con-  
11          tained in a component of the National Wilderness  
12          Preservation System or designated as a national  
13          monument.

14          (11) INDIAN TRIBE.—The term “Indian tribe”  
15          has the meaning given the term in section 4 of the  
16          Indian Self-Determination and Education Assistance  
17          Act (25 U.S.C. 450b).

18          (12) LAND AND RESOURCE MANAGEMENT  
19          PLAN.—The term “land and resource management  
20          plan” means—

21                (A) a land and resource management plan  
22                developed for a unit of the National Forest Sys-  
23                tem under section 6 of the Forest and Range-  
24                land Renewable Resources Planning Act of  
25                1974 (16 U.S.C. 1604); or

1 (B) a land use plan developed for an area  
2 of the public lands under section 202 of the  
3 Federal Land Policy and Management Act of  
4 1976 (43 U.S.C. 1712).

5 (13) LAND-GRANT COLLEGES AND UNIVER-  
6 SITIES.—The term “land-grant colleges and univer-  
7 sities” has the meaning given that term in section  
8 1404(11) of the National Agricultural Research, Ex-  
9 tension, and Teaching Policy Act of 1977 (7 U.S.C.  
10 3103(11)).

11 (14) LANDSCAPE ASSESSMENT.—The term  
12 “landscape assessment” means an assessment de-  
13 scribing catastrophic event conditions and recovery  
14 needs and opportunities on non-Federal land af-  
15 fected by a catastrophic event and including a list of  
16 proposed special recovery projects to address those  
17 needs and opportunities.

18 (15) NATIONAL FOREST SYSTEM.—The term  
19 “National Forest System” has the meaning given  
20 that term in section 11(a) of the Forest and Range-  
21 land Renewable Resources Planning Act of 1974 (16  
22 U.S.C. 1609(a)).

23 (16) PRE-APPROVED MANAGEMENT PRAC-  
24 TICE.—The term “pre-approved management prac-  
25 tice” means a management practice identified by the

1 Secretary concerned under section 104(a) that may  
2 be immediately implemented as part of a cata-  
3 strophic event recovery project or catastrophic event  
4 research project to facilitate the catastrophic event  
5 recovery of an area of Federal land damaged by a  
6 catastrophic event.

7 (17) SECRETARY CONCERNED.—The term  
8 “Secretary concerned” means—

9 (A) the Secretary of Agriculture, with re-  
10 spect to National Forest System land; and

11 (B) the Secretary of the Interior, with re-  
12 spect to lands managed by the Bureau of Land  
13 Management, including lands held for the ben-  
14 efit of an Indian tribe.

15 (18) SPECIAL RECOVERY PROJECT.—The term  
16 “special recovery project” means an individual activ-  
17 ity or a series of activities proposed to be under-  
18 taken to rehabilitate, repair, and restore non-Federal  
19 land damaged by a catastrophic event, community  
20 infrastructure and facilities on the land, and eco-  
21 nomic, social, and cultural conditions affected by the  
22 catastrophic event.

1 **TITLE I—RESPONSE TO CATA-**  
2 **STROPHIC EVENTS ON FED-**  
3 **ERAL LANDS**

4 **SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND**  
5 **USE IN CATASTROPHIC EVENT RESEARCH**  
6 **PROJECTS.**

7 (a) **DEVELOPMENT OF PROTOCOLS; PURPOSE.**—For  
8 the purpose of collecting and analyzing scientific informa-  
9 tion about the effectiveness and ecological impacts of cata-  
10 strophic event recovery projects and emergency stabiliza-  
11 tion treatments undertaken as part of a burned area emer-  
12 gency response to increase the long-term benefits of man-  
13 agement activities and to decrease short-term impacts, the  
14 Secretary concerned shall develop research protocols con-  
15 sisting of a research approach that is specifically designed  
16 to improve knowledge, understanding, and predictive capa-  
17 bilities, including an appropriate and scientifically sound  
18 experimental design or set of sampling procedures, and ac-  
19 companying methods of data analysis and interpretation.

20 (b) **PEER REVIEW REQUIRED.**—The research proto-  
21 cols developed under subsection (a), and any subsequent  
22 modification thereof, shall be subject to independent peer  
23 review by scientific and land management experts.

24 (c) **TIME FOR COMPLETION; MODIFICATION.**—The  
25 research protocols required by this section shall be sub-

1 mitted to Congress not later than 180 days after the date  
2 of the enactment of this Act. The Secretary concerned  
3 may modify the research protocols, as the Secretary deter-  
4 mines necessary, after their submission to Congress. The  
5 Secretary concerned shall notify Congress regarding any  
6 such modification.

7 (d) CATASTROPHIC EVENT RESEARCH PROJECTS.—  
8 In accordance with the research protocols developed under  
9 this section, the Secretary concerned may conduct one or  
10 more catastrophic event research projects in an area of  
11 land damaged by a catastrophic event. The Secretary may  
12 develop a proposed catastrophic event research project as  
13 part of a catastrophic event recovery proposal or develop  
14 a catastrophic event research project independently of the  
15 catastrophic event recovery proposal during the cata-  
16 strophic event recovery in response to changing conditions  
17 in the area damaged by the catastrophic event.

18 (e) PUBLIC ACCESS.—

19 (1) PROTOCOLS.—The Secretary concerned  
20 shall make the research protocols developed under  
21 subsection (a), including any modification thereof,  
22 publicly available, in a form determined to be appro-  
23 priate by the Secretary.

24 (2) RESEARCH RESULTS.—After completion of  
25 the independent peer review required by subsection



1 (b), the Secretary concerned shall make the results  
2 of catastrophic event research projects publicly avail-  
3 able, in a form determined to be appropriate by the  
4 Secretary.

5 (f) FOREST HEALTH PARTNERSHIIPS.—In developing  
6 and using the research protocols required by this section,  
7 the Secretary concerned shall enter into cooperative agree-  
8 ments with land-grant colleges and universities to form  
9 forest health partnerships, including regional institutes, to  
10 utilize the education, research, and outreach capacity of  
11 land-grant colleges and universities to address the recov-  
12 ery of forested land after a catastrophic event. A forest  
13 health partnership may be aligned with the current net-  
14 work of Cooperative Ecosystem Studies Units.

15 **SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.**

16 (a) COMMENCEMENT.—

17 (1) EVALUATION REQUIRED.—In response to a  
18 catastrophic event affecting 1,000 or more acres of  
19 Federal land, the Secretary concerned shall conduct  
20 a catastrophic event recovery evaluation of the dam-  
21 aged Federal land.

22 (2) EVALUATION AUTHORIZED.—If a cata-  
23 strophic event affects more than 250 acres of Fed-  
24 eral land, but less than 1,000 acres, the Secretary  
25 concerned is authorized, but not required, to conduct

1 a catastrophic event recovery evaluation of the dam-  
2 aged Federal land.

3 (b) COMPLETION.—When a catastrophic event recov-  
4 ery evaluation is required to be conducted under sub-  
5 section (a), the Secretary concerned shall commence and  
6 complete the catastrophic event recovery evaluation not  
7 later than 30 days after the conclusion of the catastrophic  
8 event in order to facilitate prompt—

9 (1) decision-making with regard to the cata-  
10 strophic event recovery of the Federal land damaged  
11 by the catastrophic event; and

12 (2) implementation of catastrophic event recov-  
13 ery projects on the damaged Federal land.

14 (c) ELEMENTS OF CATASTROPHIC EVENT EVALUA-  
15 TION.—In conducting the catastrophic event recovery eval-  
16 uation for an area of Federal land damaged by a cata-  
17 strophic event, the Secretary concerned shall prepare the  
18 following:

19 (1) A description of catastrophic event condi-  
20 tions on the damaged Federal land, recovery needs  
21 and opportunities, and the areas where management  
22 intervention would be helpful—

23 (A) to repair, maintain, or improve re-  
24 source values;

25 (B) to maintain infrastructure;

1 (C) to foster reforestation or other recovery of the damaged Federal land; and

2  
3 (D) to achieve the goals and objectives of the applicable land and resource management plan.

4  
5  
6 (2) A preliminary determination of any catastrophic event research projects that best fit the circumstances of the particular catastrophic event environment or would enhance scientific understanding relevant to the damaged area.

7  
8  
9  
10  
11 (3) A catastrophic event recovery proposal containing possible catastrophic event recovery projects and catastrophic event research projects for the damaged area and describing the anticipated size and scope of these projects.

12  
13  
14  
15  
16 (4) One or more maps detailing the area of damaged Federal land and the location of catastrophic event recovery proposals.

17  
18  
19 (5) A preliminary estimate of the funding that would be needed to complete the catastrophic event recovery projects and catastrophic event research projects contained in the catastrophic event recovery proposal.

20  
21  
22  
23  
24 (6) A preliminary estimate of the receipts to be derived from the catastrophic event recovery projects

1 and catastrophic event research projects contained in  
2 the catastrophic event recovery proposal.

3 (7) A preliminary schedule showing the timing  
4 of possible catastrophic event recovery projects and  
5 catastrophic event research projects by fiscal year,  
6 assuming funding is available to undertake the  
7 projects.

8 (d) USE OF PRE-APPROVED MANAGEMENT PRAC-  
9 TICES OR ALTERNATIVE ARRANGEMENTS.—

10 (1) DETERMINATION.—In addition to com-  
11 plying with the requirements specified in subsection  
12 (e) for each catastrophic event recovery evaluation,  
13 the Secretary concerned shall make a determination  
14 of—

15 (A) whether or not any pre-approved man-  
16 agement practices can be immediately imple-  
17 mented under section 104 to facilitate the cata-  
18 strophic event recovery of the area covered by  
19 the catastrophic event recovery evaluation; and

20 (B) whether or not any catastrophic event  
21 recovery project or catastrophic event research  
22 project, or portion of such a project, contained  
23 in the catastrophic event recovery proposal  
24 should be developed and carried out using the

1 alternative arrangements authorized by section  
2 105.

3 (2) FACTORS.—In making any determination  
4 under paragraph (1)(B) to develop and carry out a  
5 catastrophic event recovery project or catastrophic  
6 event research project, or portion of such a project,  
7 using alternative arrangements under section 105,  
8 the Secretary concerned shall consider at a min-  
9 imum the following:

10 (A) The necessity of promptly responding  
11 to the catastrophic event on the damaged Fed-  
12 eral land.

13 (B) The recovery needs and opportunities  
14 identified under subsection (c)(1) with respect  
15 to the damaged Federal land.

16 (C) The lack of pre-approved management  
17 practices applicable to the damaged Federal  
18 land.

19 (D) The threat to public health and safety.

20 (E) The likelihood of substantial loss of  
21 adjacent private and public property or other  
22 substantial economic losses.

23 (3) NOTIFICATION AND CONSULTATION.—The  
24 Secretary concerned shall make the determinations  
25 under paragraph (1) after notification of and in con-

1 sultation with the Council on Environmental Qual-  
2 ity, but the determination remains in the sole discre-  
3 tion of the Secretary.

4 (e) INTERDISCIPLINARY APPROACH.—To conduct the  
5 catastrophic event recovery evaluation of an area of Fed-  
6 eral land damaged by a catastrophic event, the Secretary  
7 concerned shall use a systematic, interdisciplinary ap-  
8 proach that insures the integrated use of appropriate nat-  
9 ural and social sciences.

10 (f) COORDINATION WITH OTHER ACTIVITIES.—The  
11 Secretary concerned may combine the preparation of a  
12 catastrophic event recovery evaluation of Federal land  
13 with the preparation of a landscape assessment for non-  
14 Federal land in the vicinity of the damaged Federal land  
15 prepared under subtitle B of title II or subsection (c) of  
16 section 10A of the Cooperative Forestry Assistance Act  
17 of 1978 (16 U.S.C. 2106c), as added by section 201.

18 (g) PUBLIC COLLABORATION.—To encourage mean-  
19 ingful participation during the preparation of catastrophic  
20 event recovery projects, the Secretary concerned shall fa-  
21 cilitate collaboration among State and local governments,  
22 Indian tribes, land-grant colleges and universities, and in-  
23 terested persons during the preparation of catastrophic  
24 event recovery evaluations and catastrophic event recovery  
25 proposals.

1 (h) PUBLIC NOTICE.—

2 (1) NOTICE OF EVALUATION.—The Secretary  
3 concerned shall provide public notice of each cata-  
4 strophic event recovery evaluation, including the cat-  
5 astrophic event recovery proposal prepared as part  
6 of the evaluation. The notice shall be provided in a  
7 form determined to be appropriate by the Secretary  
8 concerned, such as publication in the Federal Reg-  
9 ister.

10 (2) NOTICE OF PUBLIC MEETINGS.—The Sec-  
11 retary concerned shall provide notice of public meet-  
12 ings conducted in connection with a catastrophic  
13 event recovery evaluation and the availability of pre-  
14 liminary analyses or documents prepared as part of  
15 the evaluation. The notice shall be provided at such  
16 times and in such a manner as the Secretary con-  
17 cerned considers appropriate.

18 **SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
19 **POLICY ACT.**

20 (a) COMPLIANCE REQUIRED.—Except as provided in  
21 subsection (b), the Secretary concerned shall comply with  
22 the National Environmental Policy Act of 1969 (42 U.S.C.  
23 4331 et seq.), its implementing regulations, and other ap-  
24 plicable laws in designing and conducting catastrophic

1 event recovery projects and catastrophic event research  
2 projects.

3 (b) SATISFACTION OF NEPA REQUIREMENTS.—The  
4 list of pre-approved management practices prepared under  
5 subsection (a) of section 104, the use of pre-approved  
6 management practices in the manner provided in such sec-  
7 tion as part of the catastrophic event recovery of an area  
8 of Federal land damaged by a catastrophic event, and the  
9 use of alternative arrangements in the manner provided  
10 in section 105 to design or conduct a catastrophic event  
11 recovery project or catastrophic event research project, or  
12 portion of such a project, are deemed to satisfy the re-  
13 quirements of section 102 of the National Environmental  
14 Policy Act of 1969 (42 U.S.C. 4332 et seq.) and its imple-  
15 menting regulations.

16 **SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MAN-**  
17 **AGEMENT PRACTICES.**

18 (a) LIST OF AVAILABLE PRE-APPROVED MANAGE-  
19 MENT PRACTICES.—

20 (1) PREPARATION OF LIST.—The Secretary  
21 concerned shall prepare a list of management prac-  
22 tices that may be immediately implemented as part  
23 of a catastrophic event recovery project or cata-  
24 strophic event research project to facilitate the cata-



1       strophie event recovery of an area of Federal land  
2       damaged by a catastrophic event.

3           (2) RULE MAKING.—The list of pre-approved  
4       management practices shall be prepared using notice  
5       and comment rule making under section 553 of title  
6       5, United States Code.

7           (3) PEER REVIEW REQUIRED.—Before a man-  
8       agement practice may be included on the list of pre-  
9       approved management practices, the management  
10      practice shall be subject to independent peer review  
11      by scientific and land management experts. The re-  
12      sults of the review shall be available to the public  
13      during the comment period.

14          (4) REVISION OR AMENDMENT.—The Secretary  
15      concerned may amend or revise the list of pre-ap-  
16      proved management practices as necessary whenever  
17      new scientific and managerial information becomes  
18      available. Paragraphs (2) and (3) shall apply to the  
19      amendment or revision process.

20          (b) USE OF PRE-APPROVED MANAGEMENT PRAC-  
21      TICES.—Until the end of the two-year period beginning  
22      on the date on which the catastrophic event recovery eval-  
23      uation is completed for an area of Federal land damaged  
24      by a catastrophic event, the Secretary concerned may im-  
25      plement and carry out pre-approved management prac-

1 tices to facilitate the catastrophic event recovery of the  
2 area.

3 (c) EFFECT OF TERMINATION OF PERIOD.—After  
4 the expiration of the applicable time period under sub-  
5 section (b), a pre-approved management practice may not  
6 be initiated under the authority of such subsection for an  
7 area of Federal land damaged by a catastrophic event.  
8 Any pre-approved management practice initiated before  
9 the date of the expiration of the applicable time period  
10 may not be continued after that date.

11 (d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

12 (1) ROAD CONSTRUCTION.—A pre-approved  
13 management practice may not authorize any perma-  
14 nent road building. Any temporary road constructed  
15 as part of a pre-approved management practice shall  
16 be obliterated upon conclusion of the practice and  
17 the road area restored to the extent practicable.

18 (2) TIMBER HARVESTING.—Timber harvesting  
19 carried out as part of a pre-approved management  
20 practice shall be limited to trees—

21 (A) that are already down, dead, broken,  
22 or severely root sprung;

23 (B) regarding which mortality is highly  
24 probable within five years after the end of the  
25 catastrophic event; or

1 (C) that are required to be removed for  
2 worker or public safety.

3 (e) REQUIRED CONSULTATION.—

4 (1) ESA CONSULTATION.—In the case of the  
5 proposed use of a pre-approved management practice  
6 under subsection (b), the Secretary concerned may  
7 use the emergency procedures described in section  
8 402.05 of title 50, Code of Federal Regulations, to  
9 comply with section 7 of the Endangered Species  
10 Act of 1973 (16 U.S.C. 1536). At the conclusion of  
11 the consultation, the statement required by sub-  
12 section (b)(4) of such section shall be issued for any  
13 incidental taking that may occur while using the  
14 pre-approved management practice, which shall be  
15 effective beginning on the date the Secretary con-  
16 cerned initiates the practice and shall apply to all  
17 persons assisting or cooperating with the Secretary  
18 in using the practice.

19 (2) OTHER REQUIRED CONSULTATION.—Any  
20 consultation required under other laws, such as the  
21 National Historic Preservation Act (16 U.S.C. 470  
22 et seq.) or the Federal Water Pollution Control Act  
23 (33 U.S.C. 1251 et seq.), may proceed simulta-  
24 neously with the implementation of a pre-approved  
25 management practice. Results of consultation shall

1 be immediately incorporated into the practice, to the  
2 extent feasible, practical, and consistent with the re-  
3 sponse, recovery, and rehabilitation objectives of the  
4 project.

5 (f) ISSUANCE OF DECISION DOCUMENT.—Not later  
6 than 30 days after the date on which the Secretary con-  
7 cerned makes the determination under section 102(d) to  
8 use a pre-approved management practice to facilitate the  
9 catastrophic event recovery of an area of Federal land  
10 damaged by a catastrophic event, the Secretary concerned  
11 shall issue a concise decision document that contains—

- 12 (1) a description of the pre-approved manage-  
13 ment practice to be implemented;
- 14 (2) the rationale for the agency decision;
- 15 (3) an economic analysis and justification; and
- 16 (4) an analysis of the environmental effects of  
17 the pre-approved management practice and how  
18 such effects will be minimized or mitigated con-  
19 sistent with the applicable land and resource man-  
20 agement plan.

21 (g) IMMEDIATE IMPLEMENTATION.—The Secretary  
22 concerned shall implement a pre-approved management  
23 practice immediately after the issuance of the decision  
24 document under subsection (f), subject only to the avail-  
25 ability of funds for the practice.

1 (h) MONITORING.—To monitor the implementation of  
2 a pre-approved management practice, the Secretary con-  
3 cerned may establish a third-party monitoring group, as  
4 determined to be appropriate by the Secretary.

5 **SEC. 105. AVAILABILITY AND USE OF ALTERNATIVE AR-**  
6 **RANGEMENTS.**

7 (a) LIMITED CONSIDERATION OF ALTERNATIVES.—  
8 If the Secretary concerned determines under section  
9 102(d) to utilize alternative arrangements to conduct a  
10 catastrophic event recovery project or catastrophic event  
11 research project, or portion of such a project, the Sec-  
12 retary concerned is not required to study, develop, or de-  
13 scribe more than the proposed agency action and the alter-  
14 native of no action in designing that project or the portion  
15 of the project for which the alternative arrangements are  
16 utilized.

17 (b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

18 (1) ROAD CONSTRUCTION.—Alternative ar-  
19 rangements under this section may not be used to  
20 design or conduct a catastrophic event recovery  
21 project or catastrophic event research project, or  
22 portion of such a project, that provides for any per-  
23 manent road building. Any temporary road con-  
24 structed as part of the project shall be obliterated

1 upon completion of the project and the road area re-  
2 stored to the extent practicable.

3 (2) TIMBER HARVESTING.—Timber harvesting  
4 carried out as part of a catastrophic event recovery  
5 project or catastrophic event research project, or  
6 portion of such a project, for which alternative ar-  
7 rangements under this section were used shall be  
8 limited to trees—

9 (A) that are already down, dead, broken,  
10 or severely root sprung;

11 (B) regarding which mortality is highly  
12 probable; or

13 (C) that are required to be removed for  
14 worker or public safety.

15 (e) REQUIRED CONSULTATION.—

16 (1) ESA CONSULTATION.—In the case of a cat-  
17 astrophic event recovery project or catastrophic  
18 event research project, or portion of such a project,  
19 for which alternative arrangements under this sec-  
20 tion are used, the Secretary concerned may use the  
21 emergency procedures described in section 402.05 of  
22 title 50, Code of Federal Regulations, to comply  
23 with section 7 of the Endangered Species Act of  
24 1973 (16 U.S.C. 1536). At the conclusion of the  
25 consultation, the statement required by subsection

1 (b)(4) of such section shall be issued for any inci-  
2 dental taking that may occur under the project,  
3 which shall be effective beginning on the date the  
4 Secretary concerned initiates action under the  
5 project and shall apply to all persons assisting or co-  
6 operating with the Secretary under the project.

7 (2) OTHER REQUIRED CONSULTATION.—Any  
8 consultation required under other laws, such as the  
9 National Historic Preservation Act (16 U.S.C. 470  
10 et seq.) or the Federal Water Pollution Control Act  
11 (33 U.S.C. 1251 et seq.), may proceed simulta-  
12 neously with the design of a catastrophic event re-  
13 covery project or catastrophic event research project,  
14 or portion of such a project, for which alternative ar-  
15 rangements under this section are used. Results of  
16 consultation shall be immediately incorporated into  
17 the project, to the extent feasible, practical, and con-  
18 sistent with the response, recovery, and rehabilita-  
19 tion objectives of the project.

20 (d) COMPLETION OF ALTERNATIVE ARRANGEMENTS  
21 AND ISSUANCE OF DECISION DOCUMENT.—Not later than  
22 90 days after the date on which the Secretary concerned  
23 makes the determination under section 102(d) to develop  
24 and carry out a catastrophic event recovery project or cat-  
25 astrophic event research project, or portion of such a

1 project, using alternative arrangements, the Secretary  
2 concerned shall—

3 (1) complete the alternative arrangements for  
4 that catastrophic event recovery project or cata-  
5 strophic event research project, or portion thereof,  
6 under this section; and

7 (2) issue a concise decision document that con-  
8 tains—

9 (A) the rationale for the agency decision;

10 (B) an economic analysis and justification;

11 and

12 (C) an analysis of the environmental ef-  
13 fects of the project and how such effects will be  
14 minimized or mitigated consistent with the ap-  
15 plicable land and resource management plan.

16 (e) IMMEDIATE IMPLEMENTATION.—In the case of a  
17 catastrophic event recovery project or catastrophic event  
18 research project, or portion of such a project, for which  
19 the alternative arrangements authorized by this section  
20 are used, the Secretary concerned shall implement the  
21 project, or portion of the project, immediately after the  
22 issuance of the decision document under subsection (d),  
23 subject only to the availability of funds for the project.

24 (f) MONITORING.—To monitor a catastrophic event  
25 recovery project or catastrophic event research project, or



1 portion of such a project, for which the alternative ar-  
2 rangements authorized by this section were used, the Sec-  
3 retary concerned may establish a third-party monitoring  
4 group, as determined to be appropriate by the Secretary.

5 **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

6 (a) ADMINISTRATIVE REVIEW GENERALLY.—Except  
7 as provided in subsection (b), nothing in this title af-  
8 fects—

9 (1) the notice, comment, and appeal require-  
10 ments of section 322 of the Department of the Inte-  
11 rior and Related Agencies Appropriations Act, 1993  
12 (Public 102–381; 16 U.S.C. 1612 note) and section  
13 215 of title 36, Code of Federal Regulations; or

14 (2) the consideration or disposition of any legal  
15 action brought with respect to such requirements.

16 (b) PREDECISIONAL ADMINISTRATIVE REVIEW.—  
17 The predecisional administrative review process estab-  
18 lished by the Secretary of Agriculture by regulation under  
19 section 105 of the Healthy Forests Restoration Act of  
20 2003 (16 U.S.C. 6515), and the Department of the Inte-  
21 rior administrative hearings and appeals procedures re-  
22 ferred to in subsection (c)(1)(B) of such section, shall  
23 serve as the sole means by which a person can seek admin-  
24 istrative review regarding—

1 (1) the proposed use of a pre-approved manage-  
2 ment practice under section 104; or

3 (2) a catastrophic event recovery project or cat-  
4 astrophic event research project, or portion of such  
5 a project, for which the alternative arrangements  
6 under section 105 are used.

7 (e) JUDICIAL REVIEW.—Section 106 of the Healthy  
8 Forests Restoration Act of 2003 (16 U.S.C. 6516) shall  
9 apply with respect to the implementation of a pre-ap-  
10 proved management practice under section 104 or a cata-  
11 strophic event recovery project or catastrophic event re-  
12 search project regarding which the applicable administra-  
13 tive review process has been exhausted. In any proceeding  
14 for judicial review of agency action under this subsection,  
15 attorney fees awarded to a prevailing party may not ex-  
16 ceed the hourly rates established in section 3006A of title  
17 18, United States Code.

18 **SEC. 107. GUIDANCE REGARDING REFORESTATION IN RE-**  
19 **SPONSE TO CATASTROPHIC EVENTS.**

20 Not later than 180 days after the date of the enact-  
21 ment of this Act, the Secretary concerned shall—

22 (1) standardize the collection, reporting, and re-  
23 view procedures for data regarding more aggressive,  
24 expedited, and comprehensive reforestation in re-  
25 sponse to catastrophic events by clarifying agency-

1 wide guidance and developing standard protocols for  
2 determining when and how reforestation can be best  
3 achieved as part of the response to catastrophic  
4 events; and

5 (2) clarify agency-wide guidance regarding re-  
6 forestation in response to catastrophic events to en-  
7 sure that such guidance is consistent with agency  
8 goals and budget constraints.

9 **SEC. 108. EFFECT OF TITLE.**

10 (a) USE OF OTHER AUTHORITIES.—Nothing in this  
11 title affects the use by the Secretary concerned of other  
12 statutory or administrative authority, including categor-  
13 ical exclusions adopted to implement the National Envi-  
14 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
15 to conduct a catastrophic event recovery project or cata-  
16 strophic event research project, or portion of such a  
17 project, that is not conducted using the alternative ar-  
18 rangements authorized by section 105.

19 (b) ADVISORY COMMITTEES.—The Federal Advisory  
20 Committee Act (5 U.S.C. App.) and title XVIII of the  
21 Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.)  
22 shall not apply to—

23 (1) the independent peer review provided by sci-  
24 entific and land management experts under section  
25 101(b);

1 (2) the monitoring process under section 104(h)  
2 or 105(f); and

3 (3) the preparation of a catastrophic event re-  
4 covery evaluation or catastrophic event recovery pro-  
5 posal.

6 **TITLE II—RESTORING LAND-**  
7 **SCAPES AND COMMUNITIES**  
8 **IMPACTED BY CATASTROPHIC**  
9 **EVENTS**

10 **Subtitle A—Cooperative Forestry**  
11 **Assistance Act of 1978**

12 **SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY**  
13 **ASSISTANCE ACT OF 1978 TO RESTORE LAND-**  
14 **SCAPES AND COMMUNITIES AFFECTED BY**  
15 **CATASTROPHIC EVENTS.**

16 (a) ASSISTANCE AUTHORIZED.—Section 10A of the  
17 Cooperative Forestry Assistance Act of 1978 (16 U.S.C.  
18 2106c) is amended—

19 (1) by redesignating subsections (c) and (d) as  
20 subsections (d) and (e), respectively; and

21 (2) by inserting after subsection (b) the fol-  
22 lowing new subsection:

23 “(c) RESPONSE TO CATASTROPHIC EVENTS AFFECT-  
24 ING NON-FEDERAL LANDS.—

1           “(1) LANDSCAPE ASSESSMENTS.—The Sec-  
2           retary may cooperate with an eligible entity, at the  
3           request of the eligible entity, in the preparation of  
4           a landscape assessment for non-Federal lands af-  
5           fected by a catastrophic event. The Secretary may  
6           combine the preparation of a landscape assessment  
7           with the preparation of a catastrophic event recovery  
8           evaluation under title I of the Emergency Forest Re-  
9           search and Reforestation Act regarding Federal land  
10          in the vicinity of the damaged non-Federal land.

11          “(2) COMMUNITY ASSESSMENTS.—The Sec-  
12          retary may cooperate with an eligible entity affected  
13          by a catastrophic event, at the request of the eligible  
14          entity, to assist in the preparation of a community  
15          wildfire protection plan or related plan.

16          “(3) TYPES OF ASSISTANCE.—The Secretary  
17          concerned may provide technical and financial cost-  
18          share assistance to an eligible entity—

19                 “(A) to assist in the preparation of a land-  
20                 scape assessment under paragraph (1) or a  
21                 community wildfire protection plan, community  
22                 assessment, or community action plan under  
23                 paragraph (2); and

24                 “(B) to implement special recovery projects  
25                 identified in the landscape assessment or com-

1 community wildfire protection plan, community as-  
2 sessment, or community action plan.

3 “(4) SPECIAL RECOVERY PROJECTS.—The Sec-  
4 retary may provide assistance under this subsection  
5 for special recovery projects, including projects in-  
6 volving—

7 “(A) revegetation, tree planting, and other  
8 management practices the Secretary determines  
9 to be appropriate;

10 “(B) developing products from and mar-  
11 kets for fire timber harvest and remaining for-  
12 est resources;

13 “(C) training for the local workforce;

14 “(D) repair of public facilities, such as  
15 water systems, roads, bridges and trails, af-  
16 fected by a catastrophic event; and

17 “(E) such other activities as the Secretary  
18 determines to be necessary to undertake the  
19 special recovery project.

20 “(5) DEFINITIONS.—In this subsection:

21 “(A) The term ‘eligible entity’ means a  
22 State Forester or equivalent State official, an  
23 Indian tribe, local government, community-  
24 based organization, or other person.

1           “(B) The terms ‘catastrophic event’, ‘land-  
2           scape assessment’, and ‘special recovery project’  
3           have the meanings given those terms in section  
4           3 of the Emergency Forest Research and Refor-  
5           estation Act.

6           “(C) The term ‘community wildfire protec-  
7           tion plan’ has the meaning given that term in  
8           section 101(3) of the Healthy Forest Restora-  
9           tion Act of 2003 (16 U.S.C. 6511(3)).”.

10       (b) CLERICAL AMENDMENT.—The heading of such  
11 section is amended by inserting before the period at the  
12 end the following: “**AND RESPONSE TO CATASTROPHIC**  
13 **EVENTS**”.

14           **Subtitle B—Department of the**  
15           **Interior Assistance**

16       **SEC. 211. RESTORING LANDSCAPES.**

17       (a) LANDSCAPE ASSESSMENTS.—The Secretary of  
18 the Interior may cooperate with an eligible entity, at the  
19 request of the eligible entity, in the preparation of a land-  
20 scape assessment for non-Federal lands affected by a cata-  
21 strophic event. The Secretary may combine the prepara-  
22 tion of a landscape assessment with the preparation of a  
23 catastrophic event recovery evaluation under title I of the  
24 Federal land in the vicinity of the damaged non-Federal  
25 land.

1 (b) TYPES OF ASSISTANCE.—The Secretary of the  
2 Interior may provide technical and financial cost-share as-  
3 sistance to an eligible entity—

4 (1) to assist in the preparation of a landscape  
5 assessment; and

6 (2) to implement special recovery projects iden-  
7 tified in the landscape assessment.

8 (c) SPECIAL RECOVERY PROJECTS.—The Secretary  
9 of the Interior may provide assistance under subsection  
10 (b) for special recovery projects, including revegetation,  
11 tree planting, and other practices the Secretary deter-  
12 mines to be appropriate.

13 **SEC. 212. RESTORING COMMUNITIES.**

14 (a) COMMUNITY ASSESSMENTS.—The Secretary of  
15 the Interior may cooperate with an eligible entity affected  
16 by a catastrophic event, at the request of the eligible enti-  
17 ty, to assist in the preparation of a community wildfire  
18 protection plan or related plan.

19 (b) TYPES OF ASSISTANCE.—The Secretary of the  
20 Interior may provide technical and financial cost-share as-  
21 sistance to an eligible entity—

22 (1) to assist in the preparation of development  
23 of a community wildfire protection plan, a commu-  
24 nity assessment, or a community action plan; and



1 (2) to implement special recovery projects iden-  
2 tified in a community wildfire protection plan, a  
3 community assessment, or a community action plan.

4 (c) SPECIAL RECOVERY PROJECTS.—The Secretary  
5 of the Interior may provide assistance under subsection  
6 (b) for special recovery projects, including projects involv-  
7 ing—

8 (1) developing products from and markets for  
9 fire timber harvest and remaining forest resources;

10 (2) training for the local workforce;

11 (3) repair of public facilities, such as water sys-  
12 tems, roads, bridges and trails, affected by a cata-  
13 strophic event; and

14 (4) such other activities as the Secretary deter-  
15 mines to be necessary to undertake the special recov-  
16 ery project.

17 **TITLE III—EXPERIMENTAL**  
18 **FORESTS**

19 **SEC. 301. FINDINGS.**

20 Congress finds the following:

21 (1) The experimental forests established pursu-  
22 ant to section 4 of the Forest and Rangeland Re-  
23 newable Resources Research Act of 1978 (16 U.S.C.  
24 1643) or the organic administrative authorities of  
25 the Secretary of Agriculture (16 U.S.C. 551) serve

1 as a natural laboratory for the Forest Service to  
2 evaluate management practices generally and spe-  
3 cific responses to catastrophic events that can be  
4 eventually used throughout the National Forest Sys-  
5 tem.

6 (2) To build upon the knowledge base to be de-  
7 veloped using catastrophic events research projects  
8 conducted under title I, the Secretary of Agriculture  
9 should be authorized to use the same authorities  
10 provided under sections 104 and 105 to design and  
11 carry out projects in the experimental forests.

12 **SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MAN-**  
13 **AGEMENT PRACTICES ON NATIONAL FOREST**  
14 **EXPERIMENTAL FORESTS.**

15 Management practices included on the list of pre-ap-  
16 proved management practices prepared under subsection  
17 (a) of section 104 may be implemented, in the manner  
18 provided by such section, in an experimental forest estab-  
19 lished pursuant to section 4 of the Forest and Rangeland  
20 Renewable Resources Research Act of 1978 (16 U.S.C.  
21 1643) or the organic administrative authorities of the Sec-  
22 retary of Agriculture (16 U.S.C. 551).

1 **SEC. 303. AVAILABILITY AND USE OF ALTERNATIVE AR-**  
2 **RANGEMENTS FOR PROJECTS ON NATIONAL**  
3 **FOREST EXPERIMENTAL FORESTS.**

4 Section 105 shall apply with respect to any individual  
5 activity or a series of activities proposed to be undertaken  
6 in an experimental forest established pursuant to section  
7 4 of the Forest and Rangeland Renewable Resources Re-  
8 search Act of 1978 (16 U.S.C. 1643) or the organic ad-  
9 ministrative authorities of the Secretary of Agriculture  
10 (16 U.S.C. 551).

11 **TITLE IV—GENERAL**  
12 **PROVISIONS**

13 **SEC. 401. REGULATIONS.**

14 The Secretary concerned is not required to promul-  
15 gate regulations to implement this Act.

16 **SEC. 402. FUNDING SOURCES.**

17 (a) RESERVATION OF UNOBLIGATED BALANCES.—  
18 Funds appropriated for the Department of Agriculture or  
19 the Department of the Interior for a fiscal year that re-  
20 main unobligated at the end of that fiscal year shall be  
21 available to the Secretary concerned, until expended and  
22 without further appropriation, to implement and carry out  
23 pre-approved management practices and catastrophic  
24 event recovery projects and catastrophic event research  
25 projects under title I.

1 (b) AVAILABILITY OF WILDLAND FIRES MANAGE-  
2 MENT FUNDS.—Any funds appropriated for the Forest  
3 Service or the Bureau of Land Management for a fiscal  
4 year for wildland fires management may be used to imple-  
5 ment and carry out pre-approved management practices  
6 and catastrophic event recovery projects and catastrophic  
7 event research projects under title I that are related to  
8 wildland fire.

9 (c) AVAILABILITY OF KNUTSON-VANDENBERG  
10 FUNDS.—Section 3 of the Act of June 9, 1930 (commonly  
11 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b),  
12 as amended by section 318 of division E of Public Law  
13 108–447 (118 Stat. 3096), is further amended—

14 (1) by striking “Such deposits shall be covered”  
15 and inserting the following:

16 “(b) Amounts deposited under subsection (a) shall be  
17 covered”;

18 (2) by inserting after the second proviso the fol-  
19 lowing new sentence: “The Secretary of Agriculture  
20 may also use excess amounts to cover the costs of  
21 activities of the Secretary under title I of the Forest  
22 Emergency Recovery and Research Act.”; and

23 (3) in subsection (c)—

24 (A) in paragraph (1), by striking “and”;

1 (B) by redesignating paragraph (2) as  
2 paragraph (3); and

3 (c) by inserting after paragraph (1) the  
4 following new paragraph:

5 “(2) the excess amounts will not be needed for  
6 activities of the Secretary under title I of the Forest  
7 Emergency Recovery and Research Act during the  
8 fiscal year in which the transfer would be made;  
9 and”.

10 (d) AVAILABILITY OF FOREST SERVICE SALVAGE  
11 SALE FUNDS.—Section 14(h) of the National Forest  
12 Management Act of 1976 (16 U.S.C. 472a(h)) is amend-  
13 ed—

14 (1) in the fourth sentence, by inserting after  
15 “the purposes for which deposited” the following:  
16 “and to cover the costs of activities of the Secretary  
17 under title I of the Forest Emergency Recovery and  
18 Research Act”; and

19 (2) in last proviso, by striking “for which de-  
20 posited on any national forest” and inserting “for  
21 which deposits of money are available under this  
22 subsection”.

23 (e) AVAILABILITY OF BLM REVOLVING FUND DE-  
24 RIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first  
25 paragraph under the headings “FOREST ECOSYSTEMS

1 HEALTH AND RECOVERY” and “REVOLVING FUND, SPE-  
2 CIAL ACCOUNT” in title I of the Department of the Interior  
3 and Related Agencies Appropriations Act, 1993 (Public  
4 Law 102–381; 106 Stat. 1376; 43 U.S.C. 1736a), is  
5 amended by adding at the end the following new sentence:  
6 “The money in this fund shall likewise be immediately  
7 available to cover the costs of activities of the Bureau of  
8 Land Management under title I of the Forest Emergency  
9 Recovery and Research Act.”.

10 (f) EFFECT OF DECLARATION OF MAJOR DISASTER  
11 OR EMERGENCY.—If an area of non-Federal land dam-  
12 aged by a catastrophic event is also covered by a declara-  
13 tion by the President under section 401 or 501 of the Rob-  
14 ert T. Stafford Disaster Relief and Emergency Assistance  
15 Act (42 U.S.C. 5170, 5191) that a major disaster or emer-  
16 gency exists, the Director of Federal Emergency Manage-  
17 ment Agency may use funds available for activities under  
18 that Act to reimburse the Secretary concerned for assist-  
19 ance in that area provided under subtitle B of title II or  
20 subsection (c) of section 10A of the Cooperative Forestry  
21 Assistance Act of 1978 (16 U.S.C. 2106c), as added by  
22 section 201.

○

The CHAIRMAN. Without further ado we would like to welcome our first panel of witnesses: The Honorable Greg Walden from the Second Congressional District of Oregon, who is the author of the legislation; and the Honorable Brian Baird from the Third Congressional District of Washington, who is another of the lead Democratic cosponsors of the legislation.

Gentlemen, we welcome your work on this effort; and we welcome your testimony today.

We will start with you, Chairman Walden.

**STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Mr. WALDEN. Thank you, Mr. Chairman. It is an honor to be back in the Agriculture Committee room where I started my time in the Congress, and I appreciate all the work you have done in the intervening years and before I got here on forest health issues. We appreciate the opportunity to be here today.

I introduced the Forest Emergency Recovery and Research Act, H.R. 4200, with you, Ranking Member Peterson, Representatives Baird and Herse, and 93 other Members representing both urban and rural districts across the country, following nearly 2 years of work and seven hearings that were directed at identifying obstacles to forest recovery following catastrophic events such as massive wildfires, blow downs and ice storms. The bill now has nearly 140 bipartisan cosponsors, and this morning I am proud to announce the legislation has just earned the support of a coalition of 22 State and national conservation organizations.

Among those endorsing this measure are the International Association of Fish and Wildlife Agencies, Bear Trust International, Boone and Crockett Club, Theodore Roosevelt Conservation Partnership, the Congressional Sportsman's Foundation, and the Rocky Mountain Elk Foundation, among others. Let me share with you part of what they wrote when they endorsed this proposal.

They say the Act's commitment to timely responses to catastrophic events by allowing for rapid restoration of ecosystems, utilization of damaged trees before they lose economic value, protection of adjacent lands from subsequent wildfires, insect infestations and disease outbreaks, and the opportunity for public participation in recovery planning is consistent with our members' expectations and is simply common sense.

Mr. Chairman, the goal of our bill is to expedite forest rehabilitation without reducing environmental standards. The Forest Emergency Recovery and Research Act requires an expedited NEPA procedural review and complies fully with all other environmental laws, including the Wilderness Act of 1964, the Endangered Species Act of 1973, the Federal Land Policy and Management Act of 1976, the Wild and Scenic Rivers Act of 1968, the National Forest Management Act of 1976, and the Clean Air Act of 1965.

Today, the process required of our Federal land managers forces them to be the slowest in the country in response to catastrophic forest events. In fact, we have seen that State, local and tribal forest managers consistently respond to disasters in sometimes less than half the time it takes our Federal agencies. The overwhelming results on State and tribal lands are faster and more successful re-

covery and reforestation efforts, whereas in our National Forest the Government Accountability Office reported to us that the backlog of reforestation needs is at least a million acres.

The Forest Emergency Recovery and Research Act is narrowly written to focus on the removal of dead and dying trees where appropriate, to encourage quicker replanting and habitat restoration using native plants and provide comprehensive research on the best protocols for future recovery efforts. By every standard, this is the most comprehensive forest research bill in decades.

People in my State of Oregon don't accept the notion that it should take 3 years to remove a burned, dead tree after a fire, and yet all too often that is what happens. Currently, in Oregon, only 5 percent of burned Federal lands receive any restoration treatments. This is particularly disturbing given the approximately 12 million acres in my State alone that are at high risk for catastrophic fire. A recent statewide survey found that 75 percent of Oregonians support use of the wood while it still has value and restoration of forest quicker than what occurs today. Put simply, most Oregonians, like most Americans, like to see their National Forest forested.

Before I explain what our bill does, let me talk about what it does not do. For weeks, groups who have never seen or at that time had never read—and perhaps even today have not read—the measure we introduced were attacking it with, frankly, outrageous and untruthful claims. Even after some were specifically told their claims were not accurate, they continued to mislead the public and their own supporters.

So let me tell you what this bill does not do: Its emergency action procedures do not apply in wilderness areas, national parks or national monuments.

Some have said it rewards arson. It does not. And, by the way, arson is a class E felony punishable by up to 5 years in prison, hundreds of thousands of dollars in fines and possible restitution for the lost timber and fire suppression costs.

Some have said it would require plantation forests. In fact, the bill specifically, in its language, prohibits plantation forests and directs the reforestation efforts use native species to create a natural forest or habitat.

It does not override the extensive list of environmental laws that I mentioned earlier.

It does not override the underlying forest management plans. Whatever is in the very comprehensive management plans, including limitations on harvest areas, preservation of stream setbacks, habitat areas and the like, will continue to govern recovery efforts. Those underlying plans dictate what happens, irrespective of whether it happens quickly or slowly.

It does not apply its expedited provisions to green timber sales. This is decidedly nothing like the controversial salvage rider of the 1990's. When it comes to tree removal actions, the expedited provisions apply to dead and dying trees after a catastrophic event where agencies have to justify the need to use these new emergency tools.

It does not eliminate roadless areas. Any temporary roads built as part of approved projects under existing forest plans must be re-



claimed and reforested as part of those projects. In other words, roadless areas stay roadless.

It does not overturn any court decisions or injunctions, and it has not been rammed through a committee with no hearing—as evidenced today, our second hearing on this measure—and it will not be marked-up on the day of its hearing.

We are proud of this product, and we welcome public participation in this hearing today.

Finally, it is not a clear-cutting bill and, in fact, does not require or even specify tree removal as part of the restoration work. It merely allows the agencies to implement needed recovery activities that meet the emergency criteria listed in the bill so that desired forest conditions can be achieved in a timely manner.

What H.R. 4200 does do is to require Forest Service and BLM forest professionals to review and analyze damage after catastrophic events, develop recovery projects utilizing interdisciplinary scientific teams, and to provide for public participation in that predecisional planning process, apply the best available science while providing for administrative appeals and even full legal resource. In every instance, the focus of this bill is directly and unambiguously on forest recovery in accordance with locally developed forest plans. The legal standard and burden of proof established in this bill requires the agencies to justify their actions in terms of forest recovery.

But make no mistake about it, Mr. Chairman, I and my colleague, Mr. Baird, believe that it only makes sense for the forest, the forest-dependent communities and the national treasury, where appropriate, to harvest the burned dead and dying trees while they still have value. Doing so will create jobs and tax revenue which can be used to pay for the backlog of restoration on America's forest lands.

Mr. Chairman, if we don't use wood products, then we will use substitutes that may not only be non-renewable but also may consume vastly larger amounts of energy than comparable wood products, thus adding increased amounts of greenhouse gases to the atmosphere.

In addition, vigorous young forests absorb significant amounts of CO<sup>2</sup> as they grow. H.R. 4200 allows us to address these environmental issues head-on in a thoughtful and proactive manner.

In this year, when America celebrates the 100th anniversary of the creation of our great forest reserves, it is incumbent upon us to protect these national treasures for the future by managing them intelligently today. As an old Eagle Scout, I still hear the words my scoutmaster would tell us, leave your campsite better than you found it. That is what we did with the passage 2 years ago with the Healthy Forest Restoration Act, and that is what we will continue to do with passage of the Forest Emergency Recovery and Research Act. We will leave our forests in better condition than we found them, treading lightly on the land, protecting water quality and enhancing habitat, while using the fiber from dead trees while it still has value.

Thank you, Mr. Chairman, for holding this hearing and for your work on these issues; and I look forward to working with you and your committee to enact this legislation.

[The prepared statement of Mr. Walden appears at the conclusion of the hearing.]

The CHAIRMAN. I thank the gentleman for his hard work on this legislation.

I now welcome the gentleman from Washington, Mr. Baird.

**STATEMENT OF HON. BRIAN BAIRD, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF WASHINGTON**

Mr. BAIRD. I thank the Chair and the committee members, and I want to begin by complimenting my friend and colleague, Greg Walden. Greg was instrumental and was the prime author of the Steens Mountain Wilderness Area bill in Oregon, the largest bill set aside in Oregon in many decades. He was a great asset and advocate for my efforts to support designation of the Upper White Salmon River as a wild and scenic river, he has been instrumental in helping us establish the Lewis and Clark National Park and currently is working on a proposal for a wilderness area in the Mount Hood Wilderness Area, along with my friend, Congressman Earl Blumenauer. It is a bipartisan effort. We are proud of this bill, as Congressman Walden said.

I will tell you part of the reason I am proud to support it. My district is one of the top 10 forest districts in the country. Thousands of hard-working individuals and their families depend on jobs in the woods. My district was hit very hard by the recession of a couple of years ago. Our State led the Nation for unemployment for a time. My district lead the State. And it is mighty hard to tell somebody who makes their living in the woods that we are not going to harvest dead and dying trees so that you can have a job and people can have homes and they can have paper.

If you can do it in a responsible way, which we believe this bill provides for, it is common sense to take dead or dying trees out and reforest in a responsible way. I am going to reiterate some of what my friend, Mr. Walden, said for the simple reason that, in spite of us saying it many, many times, people still don't seem to get the message.

People came to us before this bill was published and as we were drafting it and expressed a number of concerns that were quite legitimate, and we listened carefully to those, and we responded. Among the things we did, we said this bill will not apply to wilderness, to national parks or to national monuments. Those who set Yellowstone up, as an example, are proper. This bill would not impact Yellowstone. If There is a fire in Yellowstone or another national park, it stays a national park unimpacted—no harvest, no change, nature takes its course.

People said we are concerned about the salvage logging rider of 10 years ago. As Greg said, this is emphatically not the salvage logging rider. There are absolutely clear protections that say you cannot harvest green trees, they have to be dead or dying, and there is no overriding of prior judicial review of timber sales.

People came to us and said that they are concerned about plantation reforestation. Specifically, I believe for the first time in Federal statute this law requires diverse natural species to be reforested in a pattern that is not in any way, shape or form a plantation type.

I noticed my friends from the environmental community carry with them testimony by Dr. Carr. I spoke to Dr. Carr about this bill, and he asked his question about plantation reforestation, and it was evident to me that he had not read the bill. This is one of our frustrations about this, are folks offering comments that just if you read the bill are patently absurd.

There is concern about roadless areas. We share the concern about roadless areas. If the existing forest management plan does not allow a road in an area, neither does this bill. Again I think for the first time in Federal statute it requires immediate decommissioning of a road, if it is put into an area for a harvest, immediately after the harvest is done at the expense of the contractor.

People will say that the contractors will skip town. These contractors are bonded. They have to decommission the road or they won't get any more contracts and they will be held liable and responsible for it.

People are concerned about protecting lakes at national reserves. Because this bill maintains the existing forest management plan, if a lake river reserve is set aside before the fire it remains set aside after the fire.

People are concerned about erosion. Dr. Carr from the University of Montana testified that we have scientific evidence that proper cross falling of trees can actually reduce erosion and protect water quality and stream quality down river, but you need to get in and do this early or the impacts will be more damaging. That is why we put this bill forward. If you want to preserve the wood for human uses, you need to do it early. If you want to stop the erosion by cross falling trees and other measures, you need to do it early.

Now we recognize further that you should leave some large standing trees available for animal habitat, for regeneration, for shade, et cetera. There is nothing in this bill that prevents that, and the Forest Service has testified, Chief Bosworth testified that he recognizes the importance of that.

There are some ironies in this bill. I find it quite ironic that a few years ago, in the Secure Rural Exclusion Initiative that was put forward, it was scored negatively by my friends in the environmental community. Indeed, one organization said, near quoting, this bill sets a dangerous precedent by putting decisionmaking in the hands of collaborative local groups rather than in the Federal Forest Service, a dangerous precedent. Today, that dangerous precedent is being pointed out as a model of how we should do things.

Second, there was a concern a couple years ago about the Healthy Forest Restoration Act. The Healthy Forest Restoration Act is now the very mechanism folks are pointing to that allows for thinning in the wild lands.

Third, people are fond of pointing to my dear friend and respected scientist, Jerry Franklin's testimony on this bill. What they don't mention is, first of all, Dr. Franklin did not say he opposed this bill. Dr. Franklin said if he were a timber manager he would like to have this bill because it would let him go in quickly and remove the wood. He did, in fairness, acknowledge that there are adverse environmental impacts in many instances to post-fire logging, but he also recognizes that we take these social decisions about

how we manage our forests, and no impact of the forest is without some impact.

Furthermore, Dr. Franklin, regarding HFRA, which was so violently opposed by our friends on the environmental side, said that he believed the environmental side was dead wrong on HFRA. He likes to take those folks up into the wild land areas, show them a great big old growth tree and say, if this thing burns it is your fault because you choked off the funds that would allow thinning to protect these trees. So there are abundant ironies in this.

Finally, I would just point to the fact that, while I respect Dr. Franklin, there is other testimony at prior hearings, Dr. Salwasser, again Dr. Carr, who pointed out—also distinguished Ph.D. scientist—that they fully supported this bill; they thought it could have a healthy impact on the forest.

The last thing I would suggest is this: Those who oppose this legislation would have you believe that if we harvest after a fire and replant, it will be a devastated wasteland 20 years later. Not so. You can go through the Pacific Northwest or Southeast or Northeast and find areas where there were blow-downs or fires that were harvested and replanted, and 20 or 30 years later you have got a pretty dandy forest. We can do even better.

But if you look at the Yalco burn, the TiliMic burn, the Capital Forest—forests throughout the Pacific Northwest where catastrophic large-scale wildfires happened, they were harvested and reforested, they are productive habitat and commercial use forests today. And that is for jobs, that is for environment, that is for the quality of our life and our communities.

That is why I am proud of this bill, and I commend Chairman Walden and thank the cosponsors.

The CHAIRMAN. Gentlemen, thank you both very much for your testimony. It is the custom of the committee to not ask questions of congressional panels, but I do want to thank you both for your very hard work and for your testimony here today. I particularly appreciated your testimony addressing a number of some legitimate concerns and some red herrings that have been raised about this legislation and how carefully crafted the legislation has been done to address those legitimate concern.

A few years ago, I had a newspaper editor in my district write a piece criticizing the National Forest for a fire that they claimed to have been caused by logging in the forest. And instead of just writing a response, I actually invited the editor—and he came along, to his credit—up into the National Forest with the district ranger to hike along the edge of a wilderness area that interfaced with a management area and had the opportunity to show him that the logging trail in this particular instance—which was allowed under the management plan—had stopped the fire from expanding, rather than had been the cause of the fire. It had essentially been a fire break.

So that often does not occur. We have a lot of work to constantly educate the public, and you have made a great contribution in that regard because those who make these challenges oftentimes are not accountable to their citizenry as both of you are as elected officials. So I thank you very much for your contribution to this effort.

We will now move on to the gentleman right behind you, who is accountable for our National Forests.

We are now pleased to welcome Mr. Dale Bosworth, Chief of the Forest Service of the U.S. Department of Agriculture.

Chief Bosworth, we have had you here before the committee on a number of occasions, and we always welcome your contribution. And we are particularly interested in your views on legislation that has been introduced and has a great deal of support here in the House. So welcome, and you may begin your testimony.

**STATEMENT OF DALE BOSWORTH, CHIEF, FOREST SERVICE,  
U.S. DEPARTMENT OF AGRICULTURE**

Mr. BOSWORTH. Mr. Chairman, thank you; and members of the committee, I thank you, too, for the opportunity to be here and to talk about H.R. 4200.

Two years ago, the Congress passed legislation which President Bush signed into law as the Healthy Forest Restoration Act of 2003; and that was a key component to the President's Healthy Forest Initiative for restoring our Nation's public forest and rangelands to long-term health.

This committee was instrumental in helping to pass this bipartisan landmark legislation, which is helping to address severe forest health conditions in what I believe is a meaningful timeframe.

While we now have tools to assist us in treating forest and grasslands to recapture healthy conditions, we have the need for similar tools to help us recover and restore areas after catastrophic natural events which could have lasting negative events if they are not addressed very quickly.

It seems wildfire is ever with us. In 2005, wild land fires burned over 8 million acres throughout the Nation. The authorities found in H.R. 4200 could help us in recovery and dead tree removals after some of these fires. But this is not just a post-fire bill, and it has wide application to recover forest damaged by many other natural causes.

The recent hurricanes along the Gulf of Mexico destroyed cities, tragically took many lives and disrupted millions of others. These storms also damaged about 20 million acres of woodlands, including private, State and Federal ownerships across the Gulf States from Texas to Florida.

Invasive insects and diseases pose great risks to America's forests and have risen to catastrophic levels in some areas. Millions of ash trees have been killed by the emerald ash borer in Michigan, Indiana, Maryland, Ohio and Virginia. The non-native hemlock woolly adelgid is currently affecting over half of the native range of eastern hemlock species. Sudden oak death has the potential to affect susceptible eastern oaks in all of the mid-Atlantic States. Bark beetles have killed trees across 19 million acres in the western States, and in 2004 over 7 million trees were killed in Colorado alone. Southern pine beetle attacks have eliminated threatened and endangered species habitat in parts of Kentucky and have decimated over 350,000 acres of valuable pine stands in Tennessee.

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

lands. While these treatments include the removal of dead and damaged trees, the bill covers the entire spectrum of resource needs, including reforestation treatments, road and trail rehabilitation and infrastructure repair. H.R. 4200 also would support the recovery of non-Federal lands damaged by catastrophic events. The Department strongly supports the goals of the legislation and its intent to get recovery actions accomplished promptly, while focusing on maintaining sound environmental decisionmaking and public involvement, but we have objections to the spending provisions in title IV.

Title I defines actions for responding to catastrophic events on Federal lands. The bill directs the Secretary to develop research protocols to collect and analyze scientific information about the effectiveness and ecological impacts of our recovery and emergency stabilization activities. The protocols would undergo peer review and be made available for Congress and the public. These protocols would form the scientific foundation for post-catastrophic event research projects.

We realize that there is gaps in what we know about post-event recovery and restoration treatment, and we are encouraged that H.R. 4200 helps address this issue through greater integration of management and science.

The bill's provisions on research protocols, monitoring and forest health partnerships would improve the environmental quality of decisions through continuous learning and adaptation while forging partnerships between managers, researchers, communities and interested citizens.

Other important aspects of title I, which are described in more detail in my written statement, include rapid evaluations for recovery, public involvement and collaboration, pre-approved management practices that are scientifically sound and peer reviewed, and alternative arrangements from environmental analysis. The Department also supports the inclusion of a predecisional administrative process that would encourage more up-front participation in the public involvement processes and preserve the opportunity for those that do participate to express concerns about a proposed decision.

Title II emphasizes restoring landscapes and communities impacted by catastrophic events. Often highest priority recovery needs are those that directly benefit private lands and neighboring jurisdictions. Moreover, the effectiveness of post-disturbance recovery efforts, such as those related to water quality, insect pest outbreak and weed control, often depends upon coordinated action across multiple jurisdictions.

We believe that this bill would assist in the prompt development of coordinated recovery efforts. The research protocols developed under title I could be applied to non-Federal lands. Additionally, prompt action on Federal lands in response to catastrophic events could prevent the spread of invasive plant and insect species to non-Federal lands.

So, in summary, Mr. Chairman, H.R. 4200 would provide direction for rapid response to catastrophic events and allow managers and partners to spend less time planning and more time doing. The bill integrates strong science with management and public partici-

pation, while providing additional flexibility on where and how we can use these tools. The Department strongly supports the goals of the legislation and its intent to get recovery actions accomplished promptly, while focusing on maintaining sound environmental decisionmaking and public involvement.

We do have objections to the spending provisions in title IV of the bill and would like to work with the committee to address these objections and some additional technical issues.

Again, I appreciate the committee's interest in our views, and I would be happy to answer any questions.

[The prepared statement of Mr. Bosworth appears at the conclusion of the hearing.]

The CHAIRMAN. Chief, thank you very much.

I know it is wise to avoid sweeping generalizations, but is it fair to say that the window for economically salvaging trees damaged by catastrophic events is generally less than 12 months?

Mr. BOSWORTH. It is generally less than 12 months. It does vary according to the climate, the species of tree, but in most places a significant amount of value would be lost in the first 6 to 8 months, sometimes faster.

The CHAIRMAN. And would the provisions of H.R. 4200 make it more like that the Forest Service could successfully complete more projects within that window?

Mr. BOSWORTH. Yes. I believe it would shorten the time frame significantly for the planning process, which would allow us to be out in the field preparing the actual follow-up actions and be letting contracts, and we can have people on the ground doing work in a much shorter period of time.

The CHAIRMAN. As I mentioned in my little vignette that I shared with last panel about claims made in my district, logging after wildfires is often claimed to have negative effects on already compromised natural resources, and I wonder if you have witnessed these negative effects.

Mr. BOSWORTH. There is always the potential for some adverse effects from activities by man. We have good science that helps us minimize those effects, but people also need to keep in mind that there are also environmental effects from no action, and often the environmental consequences of no action can be much greater than the environmental effects from carefully crafted pre-catastrophic actions.

The CHAIRMAN. So, in other words, logging can have beneficial impacts under many circumstances.

Mr. BOSWORTH. I believe it can, yes.

The CHAIRMAN. Is 30 days, under normal circumstances, enough time for the Forest Service to complete a preliminary catastrophic event evaluation?

Mr. BOSWORTH. I believe that 30 days in most situations would be adequate for us to put a team together to go out and do an assessment of the conditions following a fire. There may be some circumstances where we have had multiple events, large fires, several large fires on one National Forest, and then maybe something like hurricanes where we are just stretched to our very limit, and 30 days may not be adequate in those cases. I would like to at least

think about some opportunities in legislation that would allow the Secretary maybe to extend that under extraordinary circumstances.

The CHAIRMAN. Our bill places a strong emphasis on improving the science surrounding forest restoration and recovery. Would you say this emphasis is a wise one, given scarce Federal funds?

Mr. BOSWORTH. Yes, I do think it is a wise one. There is a lot to be learned from being able to do actions quickly after a fire that are following scientific protocols to gather additional scientific knowledge. While we have a good scientific basis for the things that we do, there are some gaps, and it would be good to try to fill those gaps in. And that would be sort of the adaptive management approach, where you take some actions, you gather scientific information and then you make adjustments based upon what you have learned, and so over time we would get better and better and better. While right now I think we can do the job very well, we would have better scientific knowledge by using those protocols.

The CHAIRMAN. Then in applying that science to your decision-making process, does this bill require the agency to salvage damaged timber?

Mr. BOSWORTH. No, it does not. It simply allows us to do it in an expedited manner if we chose to.

The CHAIRMAN. Very good. Thank you, Chief.

I am pleased to recognize the gentleman from North Carolina, Mr. Etheridge.

Mr. ETHERIDGE. Thank you, Mr. Chairman; and, Mr. Bosworth, thank you for being here this morning and for your comments.

The chairman asked a question. I would just ask you to elaborate on it briefly. Because, depending on different parts of the country, if you are in the Southeast or southern part of the country and you have a natural disaster, chances are, depending on the type of wood, especially if it is hard wood or soft wood, the deterioration would tend to be more rapid would be my guess because of the temperature and amount of moisture, et cetera. Would be that be a correct statement?

Mr. BOSWORTH. That is correct. In the southeastern part of the country, deterioration would happen quicker.

Mr. ETHERIDGE. We have been told that the legislation would require facilitation of public collaboration as a substitute for the public involvement required under NEPA. I realize that this is intended as a way to speed up the recovery process, but can you give me a real-world example of how this would be done so that the public comments won't be ignored? I know that folks affected by these disasters would want to have some input, and they are guaranteed to have that on the NEPA process. So kind of help me understand how this compares, if you would, please.

Mr. BOSWORTH. First, I would like to say that we in the Forest Service are very committed to public involvement. We have been doing intensive public involvement for years, and we expect to continue and do this work in a very collaborative way.

I think there are a couple of things in this legislation that helps. For one thing, there would be an emphasis of doing some of the public involvement and collaboration before we have the emergency. And what I mean by that is that this would require or allow us to develop preapproved management practices that can be ap-



plied in like areas. These would be scientifically based. We have developed these preapproved management practices in a collaborative way with the public, and they would go through rulemaking, which would give people the opportunity again to comment on these preapproved management practices. So we have already done a fair amount of public involvement.

After a catastrophic event, and we have the 30 days that we do the assessment, we have opportunities then to also communicate with the public; and if we choose then to use one of those preapproved management practices, then we can apply that based again on public involvement. Then when we are getting ready to make a decision to apply those, once again the public has an opportunity to object to a decision that we are about to make. So we inform the public of what our decision is about to be, and they have an opportunity to object to that decision. Then when that is complete, we will either adjust what the decision is going to be or we will move forward with that decision.

So it seems to me that there is many places in the process where the public would be involved, and we want them to be involved.

Mr. ETHERIDGE. Good, thank you.

One of the issues that you mentioned a little earlier was about invasive species. The beetle is one that is a big issue in the Southeast and a big concern to people in our part of the country. What specifically is added to the research portion of this piece of legislation that is not included in the Healthy Forest legislation that was passed a couple of years ago that would be a benefit in this area?

Mr. BOSWORTH. I think from the research, science and research standpoint that this legislation would establish these protocols, these research protocols. Before you have a catastrophic event, again, the public can be involved and other scientists would be involved in developing those protocols that we would follow. So then when you have, say, an insect epidemic, we would be able to move forward with those protocols to gather scientific information. Often you need to take some actions on the ground so you can actually study, have our research scientists study the effects of that activity. If we can't do the activity quickly, then our scientists can't find out what the effect would be of doing that activity quickly, both beneficial and the detrimental effects. So this legislation would allow for those protocols to be put into effect to gather better information to improve on our decision-making process as the time goes on.

Mr. ETHERIDGE. Thank you.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. I thank the gentleman.

The gentleman from Michigan, Mr. Schwarz, is recognized.

Mr. SCHWARZ. This is a little bit of a follow-up on Mr. Etheridge's last question.

My district is emerald ash borer central in south central Michigan; and the ash trees are widely dispersed. The question that I have is, what improvement on dealing with something like emerald ash borer or any sort of other insect epidemic—but the one that I am concerned about is the emerald ash borer, what improvement on the way this could be handled is offered through the proposed legislation, H.R. 4200, as opposed to what you can do today under HFRA?

Mr. BOSWORTH. I visited Michigan here a few weeks ago and saw firsthand some of the problems you are talking about with the emerald ash borer—

Mr. SCHWARZ. No more baseball bats.

Mr. BOSWORTH. No more baseball bats. You can look at pictures, but until you actually go see some of it, it really strikes you as how severe it is.

The thing that I think this legislation really helps us with, and for ash borer as well as other insect epidemics, is often insects, when they get started, will be fairly confined to a small area. Many times, if we are able to go in and cut down those trees, salvage those trees, either burn the slash, but try to keep the concentration of the insect outbreak localized, then that can keep it from spreading. Once it gets to a certain size and keeps moving, then, of course, it gets more and more difficult.

In the case of a species like emerald ash borer that come from other continents, it is even more difficult because we don't know as much scientifically about those species of insects, and so it takes some time for learning.

So all of those things together to me point to the need for very quick action, both in terms of the scientific research that we do as well as salvaging afterwards if we are going to recover any value and try to confine the outbreak.

Mr. SCHWARZ. So you believe, were this proposed legislation to become law, you could act even more quickly to deal with something like the emerald ash borer.

Mr. BOSWORTH. Yes, I think that it would.

I think another situation that this would help us do is, often when you have something like, say, ice damage or storm damage, tornadoes, hurricanes, fire, you have trees that are weakened, you have trees that are blown over that become susceptible in themselves to insects, and when that happens and it builds up a lot of insects and then they can spread so then you have got a new outbreak. This would allow us to go in and salvage that material quickly, and I think make it a much better opportunity for us to keep from having that buildup that we don't have any other tools to do.

Mr. SCHWARZ. Thank you.

One final editorial remark, if I may. I implore you to continue working with Michigan State University and their Forestry Department on emerald ash borer problems. They ran out of money and are sorely underfunded in 2006 probably for the work they are doing not only in Michigan but in the entire Midwest to try to figure out ways to control, other than just going on and taking down every ash tree that they can find. That is the Forestry Department at MSU.

Thank you very much, I yield back.

The CHAIRMAN. I thank the gentleman.

The gentlewoman from South Dakota, Ms. Herseth, is recognized.

Ms. HERSETH. Thank you, Mr. Chairman; and, Chief Bosworth, thank you for your testimony today as well as your testimony before the Subcommittee on Forest and Forest Health a few weeks ago and for your service within the Forest Service.

It is true, is it not, that, as Chairman Goodlatte posed, that the value of many dead and dying trees that are impacted by a fire or other catastrophe start losing their value within a 12-month time frame?

I believe that your answer is in the affirmative there.

Isn't true that in certain parts of the country and certain tree species that the timetable is even far shorter given when the fire may occur, let's use the ponderosa pine as an example in the Black Hills Forest and the impact of beetle infestation.

Mr. BOSWORTH. In a place like the Black Hills, ponderosa pine checks much faster than a lot of other species. And by checking what I mean is that when a tree is dead and then it starts splitting, it dries out and starts to split, of course you can't make lumber out of split wood. What they get is blue stain, and that reduces the value. It doesn't reduce the structure, but it reduces the value to consumers. So, consequently, after it has gotten blue and has had some checks, there is very little value left in the log for somebody to salvage.

Ms. HERSETH. And I appreciate your responses to some of the questions of my colleagues, as well as in terms of the focus of the science and the research contained in this bill and looking for the funding mechanism essentially that will alleviate some of the problems we have seen in the Forest Service for adequate funding for some of our research stations with the partnerships that would obviously develop, whether it be with our colleges and universities or even with our State forest agencies, the tribes and the research that they have done based on their experience in being able to have some of these tools available to them that the Forest Service hasn't had.

Before I pose a final question, let me make one last comment in agreeing with your statement that the price and effects of inaction can be far worse than the anticipated or suggested effects of certain actions and the need for research to understand which protocols that are pre-approved have what types of effects on a certain forest and certain tree species.

Have you seen, in your experience, based on inaction, in certain parts of the National Forest system, versus, what some in criticizing this bill as well as positions they have taken in the past for thinning or for restoration or for harvest or logging that States and tribes have pursued, have those efforts resulted in the types of effects that some who criticize this bill suggest that it would? And how does it compare then relative to taking no action in certain parts of the country?

Mr. BOSWORTH. I have seen a number of times in my career where we have had to—say one fire goes through both private and National Forest lands or private land of different owners, where one side took action, did some tree removal, some planting, another side didn't—where we have had more adverse effects on the property that wasn't treated where we had more erosion, where we took a lot longer to get forest back.

And I think there are many, many situations that we could point out where we have ended up with a much better condition on the land after having taking taken some action after a catastrophic event.

I would like to say that fire is an important part of the ecosystem. And so I am not trying to say that having fires go through are bad. But the kind of conditions that we have in our forest right now where we have way more trees than what the natural condition would have had, when we do have a fire, it results in the soil becoming so hot that it becomes hydrophobic, in other words, where water won't be absorbed into the soil, where in the natural condition that fire burns through and just burns the small vegetation but wouldn't burn the crowns. And now we have, when fire goes through, we have large dead trees instead of just a cleansing like the fires would do under more natural conditions.

The Healthy Forest Restoration Act gave us tools to help deal with that condition, and we are using that. But we really need this kind of help in order to recover those areas where we do have those large fires or the catastrophic events so they can be on the road to recovery where we will again in the future be able to allow fire to play more of a natural role.

Ms. HERSETH. Thank you very much for your insights, particularly your last one as well as, again, your earlier responses as it relates to the importance of public input and how it would be utilized here, not only following a catastrophe but the importance of that input in the pre-approved protocols. Thank you very much. I yield back.

The CHAIRMAN. Thank you.

The gentleman from Minnesota, Mr. Gutknecht, is recognized.

Mr. GUTKNECHT. Thank you, Mr. Chairman.

I was going to bring up the same issues that Ms. Herseth just brought up, and that is, it is really important to say this often, that actions have consequences, but inaction can have even worse consequences. And I think that is a story that you and we need to remind our constituents of and the people of the United States.

I wonder, most of the issues I was going to discuss have already been asked, but we did raise, both myself and my colleague from Minnesota, Representative Peterson, the issue of developments and progress in northern Minnesota.

Are there any observations to be made? Are we making more progress? And what is the plan for next year?

Mr. BOSWORTH. Well, we are making progress as was pointed out earlier, given the lack of tools that we have to move forward in an expeditious way, we are not nearly as far along in the recovery of the windthrown trees there as we would like to be. And I think that with legislation like this available, I believe that we would have been able to be on the road to recovery much quicker in that part of the State than we have been. Folks are continuing to move forward, though, to do as much as they can.

The next steps are really going to be prescribed burning in some of those areas as well.

Mr. GUTKNECHT. Well, Chief, let me just raise an issue. I don't know if you have considered this, but I would like to have you at least consider it, because we have heard it from some of the local people up there, and that is that they have made a lot more progress on the Canadian side of the border.

Have you done an analysis of why they seem to have made enormous progress, and we seem to be so far behind. Have you done that analysis, or would you be willing to consider that?

Mr. BOSWORTH. I have not done that analysis. I would be happy to look into what some of the comparisons are. My guess would be that, on the Canadian side, they don't have the same kind of legislative restrictions that are so time-consuming. But I will check that out and find out.

Mr. GUTKNECHT. The reason I mention that and I do believe success leaves clues. And they have done a pretty good job in getting it cleaned up on their side of the border. And frankly, I think there are more Members here in the Congress today that are willing to help you if you need legislative solutions than you may even imagine. I yield back my time.

The CHAIRMAN. I thank the gentleman.

The gentleman from North Dakota, Mr. Pomeroy, is recognized.

Mr. POMEROY. Thank you Mr. Chairman.

Chief, some years ago, I was absolutely torn on an appropriations amendment that would have restricted the harvesting of usable wood after a fire. And then I, again, I voted against the appropriations rider to let the practice continue. And then after that, I felt like I had been taken advantage of; the construction of new roads, it appeared to be a harvesting that went well beyond retrieving lumber that otherwise would have been to waste.

I felt like the lumber companies abused the trust we placed in them to responsibly remove lumber that otherwise was to waste.

Are there protections in this proposal so that we might be certain we are dealing with only forest restoration and not a loophole that allows for harvesting beyond what we are intending?

Mr. BOSWORTH. I believe there is. The first thing is that this legislation doesn't require any salvage or any timber harvest. It only allows the procedures to move forward if that is what we choose to do. It requires that we do an assessment in 30 days. But beyond that, then we can make the decisions on where and if we need to do some salvage and other kinds of recovery work.

Also, this, I think that is one important thing. The other important aspect is this doesn't change any other environmental laws. It doesn't remove environmental laws. In other words, we still would follow all the laws we need to deal with. And so that adds protections.

In our forest plans that we spend a considerable amount of effort in public involvement in developing our forest plans, under this legislation, we would follow those forest plans. So if the forest plan does not allow for salvage, for example, in a certain area, and we have a fire that goes through, we won't be doing any salvage there. Because we will follow the forest plan. But if it allows for tree removal and we have this catastrophic event, then this sets up the procedures where we will be able to get at it and get it done in a timely way. And that is really how I see this legislation benefiting, that in addition to being able to get additional scientific information to help us make better decisions.

Mr. POMEROY. And the construction of roads for purposes of facilitating the salvage, does that raise other issues?

Mr. BOSWORTH. That would raise issues with some folks. It allows for temporary road construction in areas where we believe that was necessary to do. But it also requires that all roads that were built for that be obliterated, eliminated, when the timber harvest is complete.

Mr. POMEROY. That is very good improvement I think.

Another issue was relative—switching now to national grasslands. I was very alarmed in August about an interim—I think it was called an interim directive which substantially changed the leasing rights of existing lease holders relative to national grasslands.

And what struck me is that this is a very consequential policy change upsetting generations of existing Forest Service policy done by interim directive, having very significant economic consequences to the ranchers. They have now pulled it back, and they are now dealing with it more appropriately for the Administrative Procedures Act. But I learned in researching that one that the Forest Service has been using interim directives to advance substantive policy changes.

Chief, what is your view on the role of an interim directive that does not carry with it a public comment period and the other protections established for taxpayers under the Administrative Procedures Act? Is it simply for technical logistical little matters, or is this a way to drive more substantive administrative policy?

Mr. BOSWORTH. There are times when the idea of an interim directive is, you come out with a directive while you are gathering public involvement and if you get public involvement and comment, that has concerns, you can always, in other words, you don't renew the interim directive. There are times and places when that makes sense.

I think that, in the situation in the grasslands that you are referring to, that that was not the appropriate approach. And there is no reason why that needed to be done as an interim directive. It should have come out as a directive, proposed directive asking for public involvement, again taking that public involvement making a decision and moving forward with a set of directives that may have been considerably different after hearing the public involvement. So I would agree with you that was not the appropriate time and place for using an interim directive.

Mr. POMEROY. I appreciate very much your statement. I agree with you completely. There seems to be a representation that you were involved in the determination that it should proceed as an interim directive. And that was made by an employee of the Forest Service at the hearing Senator Dorgan held on the matter that I also participated in. Was that incorrect?

Mr. BOSWORTH. I think it is correct to say that I am responsible for whatever takes place.

Mr. POMEROY. So you knew it was an interim directive?

Mr. BOSWORTH. Honestly, I did not until afterwards. But I am responsible. I accept the responsibility for what my staff does. I will take the heat for that mistake.

Mr. POMEROY. I think the mistake has largely been corrected except it was very damaging to the trust and working relationship with the ranchers at a time when we have a lot of other issues to

deal with. It was most regrettable. I appreciate your candor. Thank you.

I yield back.

The CHAIRMAN. I thank the gentleman.

The gentleman from Texas, Mr. Conaway, is recognized.

Mr. CONAWAY. Thank you, Mr. Chairman.

Chief, you said the only thing you disagreed with on the bill was the funding mechanism. Would you help me understand what your agency's problems are with title IV?

Mr. BOSWORTH. Well, the legislation would allow the Forest Service to take any dollars that are not spent through the fiscal year and then redirect those to do some of the recovery work that needed to be done. And on the surface that sounds like that is not a bad thing.

On the other hand, these dollars that we get, we get in a variety of different categories so we get wildlife dollars. We get water-quality dollars, shed dollars. We get fisheries dollars. And it is very important to us that we plan this work out. The work we are trying to get done is very important. And in some years, we are unable to get to the work because of the fires. But we can carry those dollars over to the next year.

If we redirected those then into this fire recovery work, there would be some very, very important other kinds of projects that we have worked with the public on that we wouldn't be doing. And that is one of the biggest objections.

I also believe that implementing this legislation will actually be less costly than to do a project, than what has been in the past. So I believe there are actual savings that can go to getting some of this kind of recovery work done.

Mr. CONAWAY. So the legislation would require you to sweep those funds at the end of the year into this particular fund?

Mr. BOSWORTH. It doesn't require it. But it does allow it. And that is the main objection.

Mr. CONAWAY. So you would rather have dedicated funding sources from us just from these purposes, rather than give you the option and flexibility of sweeping those dollars in?

Mr. BOSWORTH. Well, I think that we have adequate funding, I believe, to do the post fire recovery work. Our biggest problem has been being able to do this in a timely manner. And this would help us do it in a timely manner. Plus it would save us some money because if you get it done in 2 or 3 months, as opposed to doing planning for a year, year and a half. We save a considerable amount of money that could be applied also to the recovery work.

Mr. CONAWAY. Thank you, Chief.

I yield back.

Mr. GUTKNECHT [presiding]. The gentleman from California, Mr. Baca, who is also the ranking member of the subcommittee that has oversight over forestry, is recognized for 5 minutes.

Mr. BACA. Thank you, Mr. Chairman.

Mr. Bosworth, I have the following questions. I know that a series of articles have appeared in the Sacramento Bee about working conditions and many of the individuals in that area. And I have these. I will submit these for the record.

Are contracting officers, representatives required to halt ongoing work if there is a serious violation of workplace safety?

Mr. BOSWORTH. The way our contracts currently are worded is they basically say that all laws apply. In other words, the contractor must follow all Federal and State laws. It doesn't go into any more specificity than that.

My expectation is that when our contracting officers, representatives or inspectors are out on the ground and they see people that are working in unsafe conditions or without adequate personal protective equipment, that we stop the work.

We are going to make some adjustments to our contracts to make that more specific. Actually, OSHA has the overall responsibility for worker safety in the work area. And I believe that our people need to also respond—we want people who are working in the National Forest Service or who are visiting the National Forests to be safe, just like we want all employees to be safe.

We want a culture of ethics in our organization as a core value, and that means safety through our organization and for our employees, but also safety for the public and safety for the contractors that work there. And so we need to make some changes. And we are making some changes in that regard.

Mr. BACA. I hope so, because the Sacramento Bee identified a lot of the problems that were there, and some of the violations and the consequences for such violations, even from the fact of, I have an employee stub from employees who have worked out there were actually getting paid less for the amount of work that they were doing. And I want to make sure that I submit that for the record.

Our forest thinning and recovery contracts are automatically denied to contractors with a history of labor, wage or workforce safety violations.

Mr. BOSWORTH. We go through a process, if there was or there are violations of the contract, then we go through a process to suspension or debarment from being able to bid on contracts. We use the same authorities that all agencies use in terms of service contracts. And yes, we can, under certain circumstances, not allow certain contractors to bid on Forest Service contracts.

Mr. BACA. Hopefully, there is oversight to look at some of these contractors that are hiring individuals and yet, at the same time, paying them these low wages, as I indicated, based on the stub that I have of certain employees that they are charging them for use of everything, and that is the abuse that is going on by the subcontractor that the forestry hires to do the private work out in that area.

Hopefully, we can look into that.

And how is the Forest Service coordinating or coordinating with the Department of Labor and enforcement?

Mr. BOSWORTH. When our employees are aware of violations, then they are supposed to report that to the Department of Labor.

We are having discussions right now with the Department of Labor to improve both our coordination and to see whether there are other opportunities even in addition to that to be able to be more effective between us and the Department of Labor.

We also need to make sure that our folks that are out on the field, that are administering the contract, know specifically who to



contact in the Department of Labor or in immigration, depending on what the concern might be and be able to do that in a prompt way. So we need to improve our lines of communication so that our people who are out on the ground have a place to get ahold of quickly.

Mr. BACA. Thank you.

And I appreciate that last comment because that was one of my additional, I guess, concerns, and hopefully, if there is better coordination between the Department of Labor and they allow a review by trained force employees to look at how they might be able to solve the particular problems that may occur and stop the—if you need to stop—the contractor who is violating the contract that he or she may have signed onto so, this way, we don't have the abuse of the labor laws that are currently in place along with the work safety of individuals.

I yield back the balance of my time. Thank you very much.

Mr. GUTKNECHT. The gentleman yields back.

Chief, we appreciate your coming up. And we hope you won't be a stranger. The truth of the matter is, I think, most of us on this committee are here to help you. So thank you very much for coming.

Mr. BOSWORTH. Thank you very much.

The CHAIRMAN [presiding]. I would now like to welcome our third and final table: Mr. James Cummins, the executive director of the Mississippi Fish and Wildlife Foundation from Stoneville, MS; Mr. Sean Cosgrove, senior Washington representative of the Sierra Club from Washington, DC; Mr. John Hancock, district procurement forester of MeadWestvaco from Covington, VA, on behalf of the Society of American Foresters and the Virginia Forestry Association; and Mr. E. Austin Short, Delaware State forester and vice president of the National Association of State Foresters from Dover, Delaware

I would like to extend a special welcome to Mr. Hancock, who happens to be one of my constituents. I would also note that, on this last panel, we have three graduates of Virginia Tech which although is not in my district is right next door.

So, clearly, we have the best forestry experience and education the Commonwealth of Virginia has to offer.

Gentlemen, I will remind all of you that your full statements will be made a part of the record, and I would ask that you limit your oral testimony to 5 minutes.

And we will start with you Mr. Cummins.

**STATEMENT OF JAMES L. CUMMINS, EXECUTIVE DIRECTOR,  
MISSISSIPPI FISH AND WILDLIFE FOUNDATION, STONEVILLE, MS**

Mr. CUMMINS. Thank you, Chairman Goodlatte.

It is certainly a privilege to be here today and talk to you a little about H.R. 4200 and the impacts of Katrina on the private forests as well. And certainly, there is no committee that understands forest restoration better than the House Agriculture Committee.

Some of the provisions that you have been the architect of in the conservation title of the farm bill have been tremendous in restoring some of our Nation's private forests. And we appreciate that.

We certainly witnessed many disasters here recently, from the wild fires in the West to Katrina in the South. Katrina damaged 5 million acres of forest land with 4 million acres in Mississippi alone. This is the largest single devastation of forest in history. It is the largest single devastation of fish and wildlife habitat since the Exxon Valdez. Unlike other disasters, most of this destruction is on private lands.

As a reminder, public forest lands comprise 317 million acres or 42 percent, and private forest lands comprise 431 million acres or approximately 58 percent of our Nation. Primarily these are in the East.

Private forests provide 90 percent of our Nation's timber harvest, and the South alone provides 60 percent of our Nation's timber harvest.

What can the Federal Government do to aid in recovery after disasters? Many of these recommendations, or at least the ones specific to Katrina, are in the report from Governor Haley Barbour's commission on recovery, which I will submit for the record.

One of the first things that we need to do is salvage which has begun on non-Federal lands in Mississippi. It was not until November 25 the comment period ended for salvage on DeSoto National Forest. There was one comment, and not even it was negative. It took 3 months to advertise the sale of 250 million board feet. There are 550 million board feet laying on the ground in south Mississippi as we speak. And a month and a half later they started turning blue, as the chief, indicated with blue stain.

Last year, the harvest for the National Forest of Mississippi was 100 million board feet with a value of \$29 million. During this same year, the value of harvest from the entire Pacific northwest region was only double that of Mississippi's National Forest.

Due to the extensive damage to homes this year from disasters, there is an increased demand for wood and wood products. This can come from salvage instead of cutting live trees in other locations. Some are concerned that live trees will be cut on the National Forests. In many cases, that will not happen unless it is so devastated, as it is in certain portions of the Katrina destruction area.

Since salvage typically brings a lower dollar value than a normal dollar cut, it is not in the best interest of the landowner, public or private, to do that.

With Katrina, we are seeing excessive build-up of down timber is causing fires, hundreds of fires that are small but significant hindrance to fire fighters. H.R. 4200 will greatly assist us in reducing this fire threat. Not salvaging is not simply a waste of precious natural resources. Not cleaning up this mess left from Katrina in restoring our forests would be like not cleaning up the oil after the Valdez hit Bligh Reef and not restoring the Gulf of Alaska.

We are pleased the bill recognizes the importance of invasive species. The removal of forest canopy has increased available sunlight reaching the forest floor, and it has encouraged an explosion of invasive species. They will likely capture succession and prevent reestablishment of native forest across thousands of acres, both public and private.

I am pleased to see H.R. 4200 emphasize forest restoration. I hope a lot of thought is given to what species would be planted in

doing so. For example, there are species that we can plant in the Gulf Coastal plain such as—Mr. Chairman, you mentioned long leaf pine. That is more resistant to breakage, uprooting, salt and insects and disease than the loblolly and some of the other species of pines. More of a longleaf pine produces a superior wood product, such as soft timber and utility poles, something we are in desperate need of today. By planting a species that is more resistant to these threats, we can better sustain forests through disasters and save taxpayer dollars.

With Katrina, a combination of tax-based programs and existing direct payment and cost-share programs will help meet the recovery needs of private landowners as stated in the landscape assessment component of H.R. 4200. It is important that we use a variety of programs that the Department of Agriculture and Interior have to take advantage of the agency's current staff and expertise. And I cannot stress that point enough, because with the disaster we have, with such a magnitude, any particular program would certainly overload staff levels.

On the direct payment and cost share side, the Healthy Forest Reserve Program can provide the greatest benefit to the private landowner in the forest along the coast. The landowner can utilize the cost-share to restore forest and the easement payment to offset his or her income loss. In the Interior, the Landowner Incentive Program and partners in Fish and Wildlife should also be considered.

USDA should consider utilizing the Continuous Sign Up for Longleaf Pine in the Conservation Reserve Program for affected counties in the range of this species. Existing programs described above and the proposed new program that I will describe in a second can be included in the landscape assessment of H.R. 4200 and complemented.

An Emergency Restoration Tax Credit program should be considered. States such as Mississippi, Texas and Virginia have enormous success with restoration programs utilizing State income tax credits. This program could be administered through the Forest Service and implemented by the State. It would only be eligible in counties designated as a Presidential Disaster Area. I have included a brief and some draft legislation from Congressman Pickering for your consideration.

I hope I have provided an overview of some of the impacts of Hurricane Katrina and why H.R. 4200 will be important and can certainly help us move in the right direction in the Southeast. I thank you for your time and bringing this subject to our attention.

[The prepared statement of Mr. Cummins appears at the conclusion of the hearing.]

The CHAIRMAN. Thank you Mr. Cummins.

Mr. Cosgrove, welcome.

**STATEMENT OF SEAN COSGROVE, SENIOR WASHINGTON REPRESENTATIVE, SIERRA CLUB, WASHINGTON, DC**

Mr. COSGROVE. Thank you, Mr. Chairman, for inviting the Sierra Club to testify on H.R. 4200 today. I also want to thank your committee staff, Bill Imbergamo and Christy Birdsong for their professionalism and courtesy in coordinating this.

The Sierra Club finds that H.R. 4200, the Forest Emergency Recovery and Research Act, as introduced is more focused on promoting rapid salvage logging than restoring environmental quality that benefits forest ecosystems, the people who use them and the fish and wildlife that depend on them.

This bill does disregard important protections for clean drinking water and wildlife and eliminates meaningful environmental analysis and public involvement required by the National Environmental Policy Act.

There seems to be a fundamental disagreement on what the goal of the legislation does. In the text of the legislation, the use of the word recovery talks about recovery after fires and other natural disturbances. My very old copy of Webster's Dictionary says there are several definitions of the word recovery. Two definitions of the word recovery are: a return to health; and a regaining of balance or control. The last definition of this word is: The removal of value substances from waste material. H.R. 4200 is clearly designed on the idea embodied in the last definition.

It is true that salvage, post-fire salvage logging and other salvage logging does in fact have serious environmental consequences. Logging of burned forest damages the soil, carries away nutrients, robs seedlings of moisture and can clog nearby streams with sediment. Trees in a burned landscape, both dead and alive, continue to provide homes for wildlife after a fire and form the building blocks of new forests. These are the trees that would be hauled away under the proposed legislation.

Post-fire salvage logging can cause great ecological damage by compacting soils and removing much needed organic material. This in turn can increase the amount and duration of topsoil, erosion and run-off. When heavy, ground-based machinery is used, the damage is generally greatly increased. Construction of permanent or temporary roads and log landings also damage soils, destroy or alter vegetation and accelerate erosion and run off. Logging roads and equipment are often the routes by which non-native plant species and pathogens are spread, such as a root fungus that kills Port Orford cedar in the Pacific Northwest.

Salvage logging after fires or other disturbances can increase the severity of future fires because of the increase in fuel loads from logging slash and the alteration of the character and condition of other vegetation.

Previously in this hearing it was mentioned, Dr. James Karr, University of Washington, who is a biologist expert in aquatic science, had made some comments about this bill. He had written a column that was in the Tacoma News Tribune yesterday. In that column, he wrote, a more complete view of forests would also acknowledge rather than ignore or distort the science that tells us forests best serve many human needs when they are viewed as vast complex systems where uninformed actions inevitably have unintended consequences, and the science shows very clearly that post-fire salvage logging is not the way to restore forests.

In his testimony before the Resources Committee in November 10, Dr. Jerry Franklin, also of the University of Washington, said, salvage logging cannot be justified on the basis that it contributes to the recovery of forest ecosystems following catastrophic disturb-

ances. There is essentially no scientific support for the view that salvage logging can contribute direct positive benefits to ecological recovery. There is abundant scientific evidence that salvage logging has diverse and significant negative impacts on ecological recovery. Dr. Franklin has over 50 years of experience in this field.

One of the things that concerns Sierra Club members is often the way that these projects are implemented. The Biscuit fire is a much talked about situation. It is a fire that burned in 2002. The Forest Service initially proposed a logging level of 90 million board feet. That was stalled for some reason. They came back quite some time later, well over a year later, with a proposal for 370 million board feet. They are still logging the area today.

It is odd to me that, for this one timber sale, there was a violation of logging in congressionally designated wilderness, wilderness area that was created in the original Wilderness Act, so it should be fairly well established where the boundaries are.

There is also logging in a botanical reserve that was created in 1966 to protect the rare brewers' spruce. Just 2 months ago, there was another violation of logging over 110 live trees where it is stipulated in the contract that only dead trees would be removed. So there are serious implications for how these are carried out.

I'll give you another example, a forest fire in Oregon, in the Malheur National Forest known as the High Roberts Forest Fire, they planned a salvage logging timber sale there, went out and marked the trees. There was a significant amount of concern because of a number of old-growth trees in the area. A Forest Service veteran, 27-year veteran of the agency, went out, looked at this area, saw that it was a normal, light underburn. He had actually become whistle blower to oppose this project. We, the Sierra Club, and a number of other groups have challenged this in court.

In the court hearing, the Forest Service 2 days before had said that these trees were alive, that they needed to be logged to be able to restore the area. Right before the hearing, the Forest Service had sent a letter to the judge asking him to disregard the declaration of Dr. Bill Ferrell, who is a retired forestry professor from Oregon State.

Dr. Ferrell said this was a normal underburn; these old-growth trees should not be logged. Well, the Forest Service sent a later that said Dr. Ferrell's testimony, while noted, should be disregarded because Dr. Ferrell himself had passed away. Well, they were surprised to see Dr. Ferrell in court the next day when he was brought to the podium. It was pointed out that the Forest Service had claimed the doctor himself had passed away. The judge noted that the doctor was in fact alive.

The timber sale was stopped. And to this day, over 3 years after the fire, both the trees and Dr. Ferrell are well alive, and I am told doing well.

So there is a number of problems with the implementation of these projects. This bill is certainly drafted with the idea of expediting logging. It is not about recovery. The Forest Service has done exceptional recovery and restoration in some areas. They have done some exceptionally bad implementation of salvage logging projects. What we find is that the best implementation comes with planning and analysis and involves the public and involves scientists.

Thank you.

[The prepared statement of Mr. Cosgrove appears at the conclusion of the hearing.]

The CHAIRMAN. Thank you, Mr. Cosgrove.

Mr. Hancock, welcome.

**STATEMENT OF JOHN M. HANCOCK, DISTRICT PROCUREMENT FORESTER, MEADWESTVACO, COVINGTON, VA, ON BEHALF OF THE SOCIETY OF AMERICAN FORESTERS AND THE VIRGINIA FORESTRY ASSOCIATION.**

Mr. HANCOCK. Thank you, Mr. Chairman and members of the Committee on Agriculture for the opportunity to testify in support of H.R. 4200.

My name is John Hancock, and I work as a district procurement supervisor for MeadWestvaco at our paper mill in Covington, Virginia. Beside representing MeadWestvaco, I am also representing the Society of American Foresters, which includes 15,000 forest managers, researchers and educators, and the Virginia Forestry Association, which includes 1,400 landowners, foresters and forest industry workers.

I would like to draw upon my experiences working in the Appalachian Mountains and working in the coastal plain of North and South Carolina and to add an eastern perspective to this discussion. When we talk about forest management and we talk about catastrophes, we need to be talking about what can occur before the catastrophe takes place and what would occur after the catastrophe takes place.

Part of forest management needs to include prevention. Even though we can never entirely prevent catastrophes, we can reduce their numbers and severity through active stewardship. In recent years, in my experience, in my area, there has been a marked decrease of management on Federal lands. Hopefully, the Healthy Forest Restoration Act will help reverse this trend.

Healthy forests are ones that have a variety of tree species, tree ages that protect water and soil, that provide habitat for wildlife and provide opportunities to recreate. A forest is more resistant, although not immune, to catastrophe.

One of the positive aspects of H.R. 4200 is the allowance of pre-approved management practices. As much as possible, planning needs to take place beforehand. Managers can look at forest type and composition. They can seek public involvement, use the management plans that are in place to have these management prescriptions ready to use once the catastrophe takes place.

We generally know what will happen when a hurricane hits the coast, when we have an insect outbreak. We can have those management prescriptions ready. And we can be prepared. This would also be a more efficient use of agency dollars, and there has been some discussion today about how scarce those dollars are.

And the research aspects of this bill will help add to the practical experience we already have in forestry. We can add some scientific research to help for future planning in the future.

Once a catastrophe occurs—we have had heard this over and over today—time is critical. Managers need to make informed, sound decisions based on management plans. But they need to do

so quickly. The response is needed for both forest recovery and also public safety.

H.R. 4200 helps managers respond more quickly. Two examples I would see in my area would be how private landowners would respond to a gypsy moth attack, for example, and our own response in MeadWestvaco when Hurricane Hugo came across Charleston, South Carolina, about 15 years ago.

We found that we had up to about 1 year in which to harvest those trees and start the recovery process. Really after about 8 to 10 months, most of the trees had started to degrade significantly. We are a company. We have a saw mill. We have a paper mill. We have several hundred thousand acres of land. We were able to recover about 25 percent of the trees, maybe 50 percent of the value. And we responded within days and weeks, not months or years. And we still were only able to recover that much.

So H.R. 4200 also helps speed up the process by having any litigation reviewed periodically, so that these projects don't get bogged down in court.

Another positive part of H.R. 4200 is that landscape level decisions are considered. Federal managers need to be good neighbors, to make it simple, so that these problems don't spill over on to private lands.

The area where I work, the Federal lands are interspersed with private lands. The value recovery will help in the forest recovery. And that value decreases rapidly with time, as I mentioned before.

Also, tree planting can be a part of the forest regeneration. There is good opportunity for natural regeneration. But there are also opportunities for tree planting.

And in my written testimony, I have also often suggested some tweaking of language to make sure that tree planting can be included.

Thank you for the opportunity to testify.

[The prepared statement of Mr. Hancock appears at the conclusion of the hearing.]

The CHAIRMAN. Thank you Mr. Hancock.

Mr. Short.

**STATEMENT OF E. AUSTIN SHORT, III, STATE FORESTER OF DELAWARE AND VICE PRESIDENT, NATIONAL ASSOCIATION OF STATE FORESTERS, DOVER, DE**

Mr. SHORT. Good morning, Mr. Chairman, members of the committee. Thank you for the opportunity to testify before you today on behalf of the National Association of State Foresters in support of the Forest Emergency Recovery and Research Act. You have my written testimony before you.

I will now review what we believe are the most pertinent points. Our forests, regardless of ownership, provide a multitude of benefits to all of us, including clean water, recreational opportunities, wood fiber and wildlife habitat.

NASF is pleased that this legislation recognizes that forest catastrophes, such as the hurricanes we all witnessed this summer, occur on a landscaped scale and thus often impact not only Federal lands, but also State, tribal community and private lands. And it is therefore vital that all forest managers have as many tools as

possible to expedite recovery from catastrophic events to minimize potential for further losses within the affected area. Furthermore, these events often provide opportunities for large-scale insect and disease infestations, invasive species and cataclysmic wildfires, as we have heard already today, that impact not only the forest initially affected by the catastrophe, but adjacent areas as well.

If one owner fails to bring their forest back to a healthy condition following a catastrophe, their forest land can become the starting point for a wildfire, invasive species infestation or forest pest outbreak. That can then gain strength and spread to adjacent lands that are properly managed.

Coordinating the restoration response across all ownerships is an important first step in eliminating additional losses and completing the recovery process. State foresters often work with our Federal, tribal and local partners on a variety of projects, including catastrophic events, and this bill will help support and improve these processes. Our Federal partners are often constrained by process and regulations. This legislation will reduce this burden while continuing to ensure our environment is protected.

On the other hand, funding is often the primary challenge for State forestry agencies when working with non-Federal landowners. Providing funds to develop community wildfire protection plans is an excellent tool to prevent further losses from fire, including loss of life following a catastrophic event.

Furthermore, providing money to restore forests on non-Federal lands through landscape assessments and special recovery projects is a very important component of the legislation to NASF.

Lastly, there is often insufficient research available to natural resource managers to help guide us to the most appropriate response to these large-scale events. The provisions within this legislation establish a system to expand and strengthen the research conducted following these catastrophes so we can better respond to future ones.

As described in my written testimony, State foresters have helped our Nation respond to numerous forest catastrophes over the years, from ice storms in the Northeast to wildfires in the western United States. Right now, there are millions of acres of forest land damaged or destroyed by the recent hurricanes in the gulf coast region, as we have heard already. This timber is worth billions of dollars and is spread across all ownerships. These areas are prime for insect and disease outbreaks and fire. Even areas that incurred only light damage are prone to future forest pest outbreaks or wildfire, particularly when combined with a drought.

State forestry agencies are moving quickly to help private landowners salvage as much of this timber as possible while protecting water quality and other natural resource values. These salvage operations reduce both landowners' financial losses and the risk of further forest resource losses.

While our responses are coordinated with Federal land managers, there is room for improvement. The Forest Emergency Recovery and Research Act will help to improve our responses by easing the regulatory process for our Federal partners so they may respond to these events more quickly, strengthen research efforts following these events so land managers can better respond to future



ones and providing funds to respond to these catastrophic events on nonpublic lands. With these provisions, we can minimize further losses following a forest catastrophe and help ensure that all of our forests—regardless of ownership—continue to provide the many benefits that we all enjoy today.

Once again, on behalf of the National Association of State Foresters, I thank you for the opportunity to testify today.

[The prepared statement of Mr. Short appears at the conclusion at the hearing.]

The CHAIRMAN. Thank you, Mr. Short.

Mr. Cummins, a couple of months ago, the committee had the opportunity to travel to the Gulf States to examine the incredible damage that we saw there from Hurricane Katrina and Hurricane Rita. We were primarily looking at agricultural damage in terms of crops and so on, and didn't get to look really closely at the damage caused by the hurricane to our timberlands. But we are very well aware that damage to timber may well have outstripped all the damage to all the other crop losses combined.

At the same time, I assume that you expect to see a spike in demand for lumber to help rebuild the gulf coast. And in your view, what is the best source of fiber to meet that demand?

Mr. CUMMINS. If we don't go in and use what is currently there, it would be a real disgrace. We have got a tremendous amount of fiber laying on the ground. Salvage has already begun. You have a very short avenue from the standpoint of transportation of existing lumber to New Orleans to the Mississippi Gulf Coast. And salvaging those lands is going to be the most important in terms of providing an adequate supply of wood products for rebuilding the coast in New Orleans as well as recovering these lands.

The CHAIRMAN. In other words, the lands themselves—I have seen the damage caused by Hurricane Hugo along the Atlantic Coast. If you don't go in and recover those, lands are destined for many, many, many, many years recovering. Congresswoman Herseth had a photograph of what happened if you didn't have recovery and you had a follow-on fire, which leaves the area totally devoid of trees and probably delays the reforestation by many, many years.

Mr. CUMMINS. Absolutely. And there is no sense in wasting these resources and going in and cutting live trees elsewhere to provide wood products. We have a tremendous source right there on site almost.

The CHAIRMAN. Mr. Cosgrove, it is my understanding that the Sierra Club's official position is in opposition to all commercial timber sales on National Forests. Is that correct?

Mr. COSGROVE. That is true.

The CHAIRMAN. Why is it that your organization would take that kind of position when it is pretty clear from evidence just cited by Mr. Cummins that to do so is going to delay the healthy restoration of those forests and the bringing in of commercial timber harvesters to take out these devastated areas and use perfectly usable timber, if it is done quickly enough, to meet the incredible demands that follow something like Hurricane Katrina? Why is it that is a sensible policy when it seems to me that you simply delay the res-

toration of the forests and add to the cost of achieving that restoration by opposing use of commercial timber harvest?

Mr. COSGROVE. I am very glad you asked that question. One of the interesting things about the impacts from Hurricane Katrina is that the Forest Service has in fact not asked for any new authority to deal with that mess. They are actually planning now to harvest, I am told, pretty close to 570 million board feet.

The situation there in Mississippi is that members of the conservation community have such a good working relationship with the Forest Service and the long-term history of land use, specifically right on the gulf coast in Mississippi, that there needs to be a lot more ecological restoration done there. Environmental advocates are working very directly with the Forest Service to do that.

The key point is that they have an exceptional amount of trust. And they are working together. And they are looking at the long-term, the past history of land use and they are looking towards the future.

So the Forest Service is working with them, and hopefully, they will continue to put together a program where they can use the salvage timber but also have a long-term focus of ecological restoration.

Now this is what is different about the Sierra Club policy is we certainly don't oppose cutting trees. We don't oppose citizens using fiber or porous products from their National Forests. But there is a long-term history the way the Commercial Timber Sale Program has been administered by the Forest Service. It is essentially used to be able to create receipts to go back to the agency so they can plan timber sales that create receipts that go back to the agencies and plan timber sales.

There is any number of abuses, and I am sure you and other members of the committee are aware of where these receipts do not go back to the Treasury, they are used to build logging roads that are still in existence that don't get recovered, that don't get decommissioned. The Timber Sale Program has a long history of destroying old-growth forests across this country—

The CHAIRMAN. Mr. Cosgrove, you're getting a little bit away from the issue here. But let me just say, in response to that, I have seen the dramatic harm that is caused not just in the Black Hills National Forest, not just in the George Washington-Jefferson National Forest but in the dramatic comparison of the land between private land and public land at Mount St. Helens and time and time and time again, dramatic waste.

The resources of the American people are limited. And the amount of money that we can expend to prevent forest fires, to prevent the disease and insect infestation and to help them recover when those catastrophic events occur is limited. And the resources that are available because of commercial timber harvesting enhances that.

Now, can there be abuses of that? Certainly. There can be. But to say the solution is to cut off for all time in all instances any use of commercial timber harvesting to allow the process to move forward when the resources that come from the commercial timber harvesting can pay for much greater areas of reforestation and of meeting the public's demand for timber, when we know in my dis-

strict for sure and many other parts of the country as well, there is too much pressure on timber harvesting on private land, because of the fact that organizations like the Sierra Club have been so successful in minimizing the amount of valuable timber that can be taken from public forest lands if they are managed properly.

So I am very concerned about that national public policy that Sierra Club takes which is, in my opinion, extraordinarily arbitrary and extraordinarily short-sighted to say, under no circumstances. Certainly, we can have a great debate over when it is appropriate to have commercial timber harvesting on public land and when not. In your mind, in the position of the Sierra Club, that debate is over; no commercial timber harvesting. I think that is very short-sighted.

Mr. COSGROVE. It is always up to the agency to make sure that their projects follow the law and implement the law and take care of all the natural resources and not just promote timber. I believe that agencies operate much like individuals in that they are subject to financial incentives.

There is an extreme financial incentive in the way the Timber Sale Program is structured. And it promotes timber sales over other resource values. And it is certainly the case that we have seen degradation to fish and wildlife habitat, to recreation opportunities. We have seen money diverted away from community fire planning.

What is it that the Forest Service does that is more important than keeping people's homes and communities safe from fire? But we are not seeing enough work being focused on that because we are seeing salvage logging projects miles in the back country.

The CHAIRMAN. Well, if the forest needs protections as well as the communities, I think the decision should be made certainly to prioritize the areas closest to communities but not to ignore areas that are far removed if those forests are in danger of the kind of devastation that we have seen happen time and time again when there isn't proper management of our forests.

Let me go on to Mr. Hancock, and perhaps you will get another opportunity to say something in a minute.

Mr. Hancock, the gypsy moth has had a major impact on forests in the eastern part of the United States. In fact, more likely than forest fires, we see the kind of devastation occur in forests in the East coming from the woolly adelgid affecting our hemlocks and gypsy moths affecting a host of different types of trees and pine bark beetles and so on.

What are the steps that you advise private landowners to take to address this problem when they get a gypsy moth infestation?

Mr. HANCOCK. I will go back to my earlier comments. When we are working with private landowners—and that is part of what I do working as a forester for MeadWestvaco is helping private landowners manage their properties. When we are working with private landowners we always consider the landowners' objectives, and we consider what resources they have to try to meet those objectives.

The best way to help with the gypsy moth is through prevention. And prevention can take several steps. Younger forests are less susceptible to dying from a gypsy moth attack than older forests.

And Federal lands tend to have large blocks of older trees, so they are more susceptible to the defoliation and then the subsequent mortality. So just active management, having a variety of ages would be the first thing I would suggest to a landowner.

There are scientific ways to determine ahead of time if there is going to be a gypsy moth outbreak. You go out and count egg masses. You look at larvae when they come out, the little caterpillars in the spring. And if you see there is going to be a gypsy moth attack, you can do some spraying to help control those populations. That would be the second thing.

If you get the gypsy moth outbreak, and you have a number of trees die, the landowners I work with, within a matter of weeks or months, they will be in trying to recover value from those areas.

Most landowners manage their properties for a great variety of reasons. But economics is one of those reasons. It might not be the overriding reason. But it is something they are concerned about. So they want to recover some value.

Also, many landowners recreate on their property. If you leave those dead trees standing, those dead trees become hazards because the dead limbs fall out of the trees; the dead trees fall over time. It is not safe for the landowner or his or her family to recreate in that area or not as safe. So, generally, if they get a gypsy moth outbreak, we would go in, do some sort of salvage operation. And then, generally in the Appalachian mountains, we are going to just allow for natural regeneration. There is no real need for tree planting in that case because the hard woods tend to grow back on their own.

The CHAIRMAN. And would you make similar recommendations were you in a position to do so with regard to our National Forests in the east when they suffer that kind of gypsy moth devastation and you have dying and dead trees?

Mr. HANCOCK. I certainly would. Of course, on the Federal lands, they would have to go back to their management plan and use that as the basis to begin with.

And that management plan has had public inputs, gone through all the processes that are required.

And part of that goes back to what I said, the Federal managers need to be good neighbors to these private landowners. If they have large areas of dead trees on their land, and then the areas adjacent to that would be more susceptible to a follow-up fire for example.

So, yes, I think, where appropriate, and they could follow the same recommendation.

The CHAIRMAN. Thank you.

The gentlewoman from South Dakota is recognized.

Ms. HERSETH. Thank you, Mr. Chairman.

I do have a couple of questions for all of the witnesses on the panel. And I appreciate your testimony and your insights today and your thoughts about the bill, what its impact may or may not be in restoring the health of our forests.

But I would like to just make a couple of initial comments and certainly give you a chance to respond to them.

First, Mr. Cosgrove, particularly, in light of the national policy of the Sierra Club in opposition to all commercial timber sales, it doesn't surprise me that among the three definitions that you set

forth to the committee today that you would believe that the bill is primarily motivated by expediting logging.

But as one of the primary cosponsors and as someone who hosted a field hearing whereby we had a number of witnesses, only one of whom represented one of the three remaining mills near the Black Hills National Forest, but other experts, other foresters, other community leaders involved at the local level, do I think any of them were motivated by expedited logging but rather restoring health, bringing back balance and control, reflecting the first two definitions that you cited? And when we have a situation where, by a recent example in the Black Hills following the RICO fire in July, that the Forest Service, being able to act on a supplemental EIS, had a restoration plan that did have the input because of the supplemental EIS that reflected the public input in a degree of local support that you don't always find in other parts of the country, one of the steps that it called for, one of the immediate steps to be taken in the recovery and restoration efforts was the removal of some of the dead and dying trees. But even acting in a faster way than is usual, because of the supplemental EIS, the beetle infestation problem was so bad in that part of the Black Hills that they had already moved in, and there were no bids. There were no bids from the mills to even go in. And so we removed a tool at their disposal to move forward with the restoration plan. And so I think there is both a short- and a long-term goal that we have to assess in what the bill is trying to achieve in restoring the health of our forest following a catastrophic event.

But I would pose a couple of questions, and certainly, Mr. Cosgrove, I would be more than willing and happy to hear your response to some of my comments there. But I would ask two questions of the entire panel, and you can address them if you would like.

First, your assessment or your opinion of this mechanism that we have created in the bill to allow for pre-approved protocols being able to be used to help the process move forward and have that public involvement before the catastrophic event, and if you think there are flaws to it, if you think it will work effectively, if it won't. And the other is to address the legitimate concern about abuses that have happened in the past in implementing the projects that Mr. Cosgrove and others have identified. And what is taking place at the State level that you are familiar with, or among tribes or others, perhaps even in some of the private land that helps reduce the abuses? Because after the subcommittee hearing with forest and forest health some from Montana presented me with a very insightful report in which compliance with the timber industry was nearly 100 percent, far greater success rate in avoiding the types of abuses that have been identified here today. So I just pose both of those, and you can address them as you would like.

Mr. Cummins, if you would like to start on either one.

Mr. CUMMINS. Sure. I think having a pre-approved plan would certainly have been extremely beneficial, being 90 days past August 29. There are no loggers available in Mississippi. There is very little housing available. People are still living in tents, living on concrete slabs. It is not really attractive to bring a logging crew in.

Certainly fuel prices have declined some, but what I am trying to get at is, by having that in place and by being able to start salvaging immediately after the storm—whatever the name of it is or whatever the cause of it is—I think the salvage will help us escalate restoration and provide value. For example, a tremendous amount of the product, 500 million board feet that is on our public lands in Mississippi, it is no good anymore. We are trying to come up with innovative ways of marketing Biloxi Blue, for example, but we are trying to create some value here. But by expediting that, and if we could have begun 30 days or sooner, we would have been able to recover a tremendous amount of value.

Ms. HERSETH. Value both in respect to the value remaining in the downed trees, but value in terms of the larger restoration plan.

Mr. CUMMINS. Absolutely. There is such a fire hazard down there now. We have had a number of small fires, but we have not had any large ones. And if we end up getting something that is pretty large with so much fuel on the ground, you will be able to see it from here. It will help us in both ways, as you mentioned.

Ms. HERSETH. Sorry, Mr. Cosgrove, go ahead.

Mr. COSGROVE. I would just say, as far as pre-approved practices, it is interesting that most projects are designed for site-specific conditions and that a broadscale list of pre-approved practices may or may not apply to a specific region or a specific National Forest or a type of watershed or a forest made of a specific type of tree species.

I think it is probably not the best way to go. I think NEPA provides a lot of opportunity for scientific analysis, provides a lot of opportunity for citizen involvement and the best way to plan things. The role for experienced professional staff on a particular National Forest, they have that institutional memory, that background, and that should be able to come into play when planning projects. But as far as just a broad list of pre-approved practices, it will certainly ignore a lot of other amenities, except for the imperative, as it is told through legislation, to go and salvage log.

And that leads us into the next question, how do you fix abuses for logging in a designated wilderness area when you can buy a \$350 GPS system from the Cabela's catalog that I got last week at home, and it can tell you if you are on the west side of this conference room or on the east side of this conference room? How do you ignore the wilderness boundary inside a congressionally designated wilderness area? Somebody thought that was OK that they did such a shoddy type of either analysis or they were not looking at the implementation of the project. But there was probably some severe amount of pressure to go ahead and carry that out, or they thought that the imperative for salvage logging was so important they could get away with it and they wouldn't be held accountable. That is how these things happen. It is exceptionally important for the Forest Service to be able to have the resources and the personnel dedicated to oversight and dedicated to proper enforcement. So many times we don't see those things happening because they are told—and earlier told facetiously—that it is OK to go ahead and log, that is the main priority, let's get the cut out, let's go do it, and then other resource values and the public trust suffer.

Ms. HERSETH. Maybe that is a good segue, Mr. Hancock, to address how other agencies at different levels have gone about their oversight, whether it is just a matter of resources or whether it is actually the relationships with other stakeholders in the restoration projects.

The CHAIRMAN. The gentlewoman has all the time she needs since no one else is taking it here. And I have a couple of follow-up questions, as a matter of fact, so go right ahead.

Mr. HANCOCK. Am I still on the abuses topic?

Ms. HERSETH. You can address either one.

Mr. HANCOCK. Let me talk about the pre-approved management plans first. I supported that idea in my oral testimony a moment ago. I think you—and it really comes down to a time issue, and Mr. Cummins spoke to that. You have to act quickly. If you do not have some of those plans in place ahead of time, you have lost a great opportunity.

The time for—as much preplanning in these events as you can do, the better. It is like the example with New Orleans. You need to have an evacuation procedure in place ahead of time. You don't wait until afterward. You need to have water for the people arranged ahead of time. You need to have those plans in place. And I would think that analogy works here, too. You need to have those plans ready so that you can implement them.

I do agree that they need to be site-specific from Mr. Cosgrove. So, hopefully, you can take those pre-approved management plans and adapt those to the circumstances you would find on the ground. Forests are very varied and very unique, and you need to be able to make some adjustments.

As far as abuses go, I do not know the answer to this, but my question would be, what is the scale of those abuses? And I would suggest that that would be the question I would ask, how widespread is this? I do not see that in my area. There may be abuses in the area in which I work, but I have not seen it. I am not aware of any.

The amount of harvesting going on in the George Washington and the Jefferson and the Monongahela, where I work is relatively minor, so there is not that many opportunities for abuses to begin with.

Ms. HERSETH. Thank you.

Mr. SHORT. I can't add too much about the pre-approved projects. Again, I emphasize time is an issue. Whether you are concerned about the value of the timber or you are concerned about trying to minimize future impacts from insect diseases or what have you, so I will echo what has been said about that already.

As far as abuses, there is a very small Federal presence in my small State, but I will comment on State issues.

And my written testimony referred to Washington State. And they have a very rigorous regulatory process out there, and yet they have been able to expedite and work with their partners when a catastrophe does occur, such as a fire or somebody will bring that project to the top of the list, get it done quickly, get it reviewed, still goes through an environmental review process and get it out and about in a matter of weeks or months, the longest, as opposed

to months or years, which can happen sometimes on the Federal side.

From my small State perspective, again, talking about working with State lands and private lands, we had an ice storm that was fairly significant for our State in 1994, a third of the forests were impacted, not all severe, but some severe. And, frankly, we made the effort and worked with our sister agencies that deal with water quality oversight, and they do species concerns and that sort of thing and reviewed projects, and basically brought that stuff to the top and got it done and did our very best to make sure it didn't—we followed environmental review processes that are necessary, but streamlined it and got it done, and I would argue we did it very well. And I would argue, frankly, by doing it quickly and doing it well, it was, quite frankly, better than having to wait several months or a couple years to address it when there could have been other problems that resulted as well from not acting in the first place.

The CHAIRMAN. I have a couple more questions, and if they prompt any additional questions from the gentlewoman from South Dakota, she is welcomed to ask them, too.

Mr. Cosgrove, you mentioned in your written testimony, and Ms. Herseth mentioned the State of Montana in her questions. You mentioned the Bitterroot fire, which burned over 350,000 acres in 2000. The Forest Service proposed salvage and recovery efforts on 44,000 acres or 12 percent of the burned area. After litigation and a court ordered settlement, this was reduced to 12,000 acres or 3.4 percent of just the burned area. While all of this was taking place, the State of Montana completed salvage logging on its roughly 24,000 acres that burned during the same fire. So my question for you is, is it your contention that these activities impacting 10 percent of the burned area and less than 2 percent of the total acreage of the Bitterroot Forest ownership has left the forest in worse shape than if nothing was done?

Mr. COSGROVE. You talk about percentages treated. I think there is some special resource values there that people were concerned about. For example, you talked about H.R. 4200 not impacting roadless areas because logging roads are going to be temporary, and they have to be removed. Well, there are thousands of miles of temporary logging roads out there now that have not been removed. They were planned as temporary all along. There is over 60,000 miles of nonplanned roads, but they are still out there.

The CHAIRMAN. Let me cut to the chase, though. We are comparing State forests and National Forests. You suppose those special considerations don't exist in the State forests?

Mr. COSGROVE. I certainly don't doubt that the State forests of Montana have more of an imperative in the legislation that they are managed by to produce timber and to not value other resource activities—

The CHAIRMAN. Well, there is a good segue to the question I want to ask, Mr. Short.

Mr. Short, do you believe that, since States typically move faster than their Federal counterparts, that they do a poorer job environmentally?



Mr. SHORT. You probably know my answer on that, but certainly, no.

The CHAIRMAN. But I want it on the record.

Mr. SHORT. I believe we do just as good a job as our Federal partners. And this is not a slam to our Federal partners whatsoever, but we are environmentalists, too. We care about the environment. We try to do our best to make sure what we do minimizes future negative impacts. And I think we get just as much done just as well, quite frankly, with much less procedure and review and regulation than our folks at the Federal level do.

I look at what they go through, and it is daunting, quite frankly. And I think we do just as good a job. We still have environmental review. We still have oversight. We work with our Federal sister agencies in State government, and I think we do the exact same thing.

As I mentioned before, I would argue that by doing it quicker—if we do the exact same thing as our Federal partners and we do it in half the amount of time, I would say we do an even better job because we address the issue more quickly.

The CHAIRMAN. I would like to give Mr. Cummins and Mr. Hancock the opportunity to opine on the same question of whether the State foresters that they deal with and the forestry departments are less sensitive to environmental concerns because they are able to accomplish these things more quickly. And it is not just true in Montana or Delaware. We have seen it in Virginia. We have seen it in the example cited here in Texas. We have seen it in Oregon. Time and time again, States have responded more quickly than the Federal Government has to fires that impact both the Federal and State lands. And Mr. Hancock and Mr. Cummins, do you want to comment on that?

Mr. CUMMINS. Sure. In the State of Mississippi, we have certainly seen where State lands, being where it is—the State Mississippi Forestry Commission, the Secretary of State's Office that administers 16 section school lands, as well as the Fire Service, we have not seen any difference in terms of quality management.

I would like to even go a step further by saying that we work a lot with the U.S. Fish and Wildlife Service in our National Wildlife Refuge System. And they have a different set of rules, and a lot of them aren't very stringent, as the Forest Service. And we actually see where they are going in and—Noxubee Wildlife Refuge, Yazoo, Theodore Roosevelt—the quality of the timber management is actually better because they do have that flexibility, and they are not restrained to certain techniques or different periods of comment, but we end up with a better product at the end of the day.

I would like to make one other comment, too, just from an observation. We had an opportunity to host a field hearing that the House Resources Committee had. It was on the Threatened and Endangered Species Act. And one thing that is coming clear to me, anyway—and Mr. Cosgrove has such indicated—about the trust in Mississippi—and he is absolutely right—there is a great trust in Mississippi among industry and among the conservation community, et cetera.

How do you legislate common sense? I don't know, but we have to get back to doing stuff that is common sense.

We have property that borders the Department of Defense—

The CHAIRMAN. You would at least have to enable it, right?

Mr. CUMMINS. You are exactly right. We have property that borders some of the Corps of Engineers land, and they cut over on us. It wasn't any big deal. They cleaned it up, planted the trees back. It wasn't a lot of value. We want to be a good neighbor. They are trying to be a good neighbor. We want to work together. But I don't know how you legislate that.

The CHAIRMAN. Mr. Hancock.

Mr. HANCOCK. I would agree that the management of the State forests in Virginia are managed equally well. They would respond more quickly. For example, H.R. 4200 is talking of things on a fairly grand scale, a thousand acres or more, or 250 to 1,000 acres, when sometimes you need to deal with a forest on a relatively small scale, like a 10-acre pine beetle outbreak. If you can keep that 10-acre pine beetle outbreak so it doesn't become a hundred acre, that is important. So they would work very quickly. And I know that, because the Department of Forestry has oversight for best management practices on private land, they are tenacious in that we follow water quality laws and sedimentation and protect the soil and water. They are very good at that on private lands over which they have oversight, and they do the same on their own lands.

I think one thing that is important to note is there is a distinction between procedure and what takes place on the ground. As a forester who still goes out in the woods, what takes place on the ground is actually what is important. A lot of what we are talking about here is procedure. It doesn't necessarily affect what takes place on the ground. You can do a good job on the ground with a management plan written on the back of an envelope, like I might have with a land owner, and they might do an excellent job on the ground, so—

The CHAIRMAN. Well, thank you. Let me ask the gentlewoman from South Dakota if my questions have prompted any questions from her.

Ms. HERSETH. No additional questions, perhaps just one final comment.

I think many us of who have gotten involved in this issue, especially those of us that are newer to Congress, certainly appreciate the wisdom of our colleagues that have been around longer as well as many of those who testify before the committees on which we serve about historical context, things that have happened in the past and what brings us to where we are today. And my sense, not only in my district but perhaps on this issue dealing with forest management from both of the committees on which I sit, is that there has been a pendulum that has swung from one side to the other over the last number of decades and an acknowledgement of many in my district, including those in the timber industry, that, at one point in the 1970's and 1980's, the pendulum was far over to their advantage and that there were abuses. And perhaps there needed to be an equilibrium that was going to be found at the local level based on communication and trusting relationships that clearly, as acknowledged exists in Mississippi, I think it exists to a greater degree in South Dakota today than that past.

But in my opinion, the pendulum has swung to the other side, and we are not at the equilibrium yet, which is why the status quo for me isn't sufficient. And this bill is designed to try to find some equilibrium, utilizing some of what has been helpful here in the last couple of years where the common ground has been found among all the stakeholders and at the same time that we are trying to find equilibrium, that we have funding priorities in the Congress that help achieve that objective of equilibrium. And so I would agree that we have to have sufficient resources for monitoring, sufficient resources for implementing the projects in a responsible way. But the status quo for me is one in which the pendulum is still too far to one side, and it is slowing things up to the detriment of the health of our forests. And so while some may want to question the motivation of the bill and can point to past abuses, to me, you have to go another step further then and offer an alternative. And when you offer the alternative to some of us who just aren't satisfied with the status quo, and your alternative is the status quo, doesn't help us advance where I think we need to be in drafting a bill that is going to meet some objectives that I think do carry the force of majority will of some of these committees that have jurisdiction over this issue. So that would be my final comment. And again, I appreciate your time here today.

The CHAIRMAN. Well spoken.

First of all, I want to thank all four of our panelists today for their contribution. This has been a helpful and lively discussion. Certainly it has gotten the blood flowing here in the room, and that is what we need in order to find that equilibrium that the gentleman referred to.

Today's hearing has reinforced for me the conviction that Congress needs to act on this issue, much like we did with the Healthy Forest Restoration Act. And it is disturbing to me that many who mischaracterized and opposed the Healthy Forest Restoration Act are now saying that they oppose H.R. 4200 because HFRA already addresses the issue. Against their opposition, we have the support of the scientific community, professional land managers and the agency charged with protecting these lands, as well as State foresters. The choice is clear: We can create a policy that encourages forest recovery or we can hope for the best. I would like to continue to move in a positive direction toward finding that equilibrium.

Without objection, the record of today's hearing will remain open for 10 days to receive additional material and supplementary written responses from witnesses to any question posed by a member of the panel. And this hearing on the House Committee on Agriculture is adjourned.

[Whereupon, at 12:25 p.m., the committee was adjourned.]

[Material submitted for inclusion in the record follows:]

STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF OREGON

Thank you, Chairman Goodlatte. As you know I introduced The Forest Emergency Recovery and Research Act (H.R. 4200) with you, Ranking Member Peterson, and Representatives Brian Baird, Stephanie Herseth and 93 other Members representing both urban and rural districts across the country following nearly two years of work and seven hearings directed at identifying obstacles to forest recovery follow-

ing catastrophic events such as massive wildfires, blow-downs and ice storms. The bill now has nearly 140 cosponsors.

And this morning, I am proud to announce the legislation has just earned the support of a coalition of 22 State and national conservation organizations. Among those endorsing this measure are the International Association of Fish and Wildlife Agencies, Bear Trust International, Boone and Crockett Club, Theodore Roosevelt Conservation Partnership, Congressional Sportsmen's Foundation, and the Rocky Mountain Elk Foundation.

Let me share with you part of what they wrote. They say, the Act's "commitment to timely responses to catastrophic events by allowing for rapid restoration of ecosystems, utilization of damaged trees before they lose economic value, protection of adjacent lands from subsequent wildfires, insect infestations and disease outbreaks, and the opportunity for public participation in recovery planning is consistent with our members' expectations and is simply common sense."

Mr. Chairman, as you know, the goal of our bill is to expedite forest rehabilitation without reducing environmental standards. The Forest Emergency Recovery and Research Act requires an expedited National Environmental Policy Act procedural review and complies fully with all other environmental laws, including:

- The Wilderness Act of 1964
- The Endangered Species Act of 1973
- The Federal Land Policy and Management Act of 1976
- The Wild and Scenic Rivers Act of 1968
- The National Forest Management Act of 1976, and
- The Clean Air Act of 1965

Today, the process required of our Federal land managers forces them to be the slowest in the country in response to catastrophic forest events. In fact, we've seen that State, local and tribal forest managers consistently respond to disasters in less than half the time it takes Federal agencies. The overwhelming results on State and tribal lands are faster and more successful recovery and reforestation efforts. Whereas, on our national forests, the Government Accountability Office reported to us that the backlog of reforestation needs is at least a million acres.

The Forest Emergency Recovery and Research Act is narrowly written to focus on the removal of dead and dying trees where appropriate, to encourage quicker replanting and habitat restoration using native plants, and provide comprehensive research on the best protocols for future recovery efforts. By every standard, this is the most comprehensive forest research bill introduced in decades.

People in my State of Oregon don't accept the notion that it should take 3 years to remove a burned dead tree after a fire. And yet, all too often that's what happens. Currently, in Oregon, only about 5 percent of burned Federal lands receive any restoration treatments. This is particularly disturbing given that approximately 12 million acres in my State are at high risk for catastrophic fire. A recent statewide survey found nearly 75 percent of Oregonians support use of the wood while it has value and restoration of the forests quicker than occurs today. Put simply, most Oregonians like to see their national forests forested.

Before I explain what our bill does, let me talk about what it does not do. For weeks, groups who had never seen or read the measure we introduced were attacking it with outrageous and untruthful claims. Even after some were specifically told that their claims were not accurate, they continued to mislead the public and their special interest group supporters.

So here's what the bill does NOT do:

Its emergency action procedures do not apply in wilderness areas, national parks or national monuments.

It does not "reward arson." Arson is a class E felony punishable by up to five years in prison, hundreds of thousands of dollars in fines and possible restitution for the lost timber and fire suppression costs.

It does not require "plantation forests." In fact the bill specifically prohibits "plantation forests" and directs that reforestation efforts use native species to create a natural forest or habitat.

It does not override the extensive list of environmental laws I mentioned earlier.

It does not override the underlying forest management plans. Whatever is in the very comprehensive management plans, including limitations on harvest areas, preservation of stream setbacks, habitat areas, and the like, will continue to govern recovery efforts.

It does not apply its expedited provisions to green timber sales. This is decidedly nothing like the controversial "salvage rider" of the 1990's. When it comes to tree removal actions, the expedited provisions apply to dead and dying trees after a catastrophic event where agencies can justify the need for emergency action.

It does not eliminate roadless areas. Any temporary roads built as a part of approved projects under existing forest plans must be reclaimed and reforested as a part of those projects. In other words, roadless areas stay roadless.

It does not overturn any court decisions or injunctions.

It has not been rammed through a committee with no hearing. This is the second hearing on this measure. It will not be marked up quickly after today's hearing. We're proud of this product and welcome this hearing.

It is not a clear-cutting bill, and in fact does not require or even specify tree removal as a part of restoration work. It merely allows the agencies to implement needed recovery activities that meet the emergency criteria listed in the bill—so that desired forest conditions can be achieved in a timely manner.

What H.R. 4200 does do is to require Forest Service and BLM forest professionals to review and analyze damage from catastrophic events, develop recovery projects utilizing interdisciplinary, scientific teams, and provide for public participation, apply the best available science, while providing for administrative appeals and full legal recourse. And in every instance, the focus of this bill is directly and unambiguously on forest recovery, in accordance with locally developed forest plans. The legal standard and burden of proof established in this bill requires the agencies to justify their actions in terms of forest recovery.

But make no mistake about it Mr. Chairman, I and my colleague Mr. Baird believe that it only makes sense for the forests, the forest dependant communities and the national treasury to where appropriate, harvest the burned, dead and dying trees while they have value. Doing so will create jobs and tax revenues which can be used to pay for the backlog of restoration on America's forestlands. And, Mr. Chairman, if we don't use wood products, we will use substitutes that may not only be nonrenewable, but may consume vastly larger amounts of energy than comparable wood products, thus adding increased amounts of green house gases to the atmosphere. In addition, vigorous young forests absorb significant amounts of CO<sup>2</sup> as they grow. H.R. 4200 allows us to address these environmental issues head-on in a thoughtful and proactive manner.

In this year when we celebrate the 100th anniversary of the creation of our great forest reserves, it is incumbent upon us to protect our national treasures for the future, by managing them intelligently today.

As an old Eagle Scout, I still hear the words of my scoutmaster who would tell us to "leave your campsite better than you found it." That's what we did with passage two years ago of the Healthy Forest Restoration Act, and that's what we will continue to do with passage of the Forest Emergency Recovery and Research Act. We will leave our forests in better condition than we found them, treading lightly on the land, protecting water quality and enhancing habitat, while using the fiber from dead trees while it still has value.

Thank you again, Mr. Chairman, for holding this hearing. I look forward to working with you and the other members of your committee on moving and passing this important legislation.

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#### STATEMENT OF HON. BRIAN BAIRD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Thank you Mr. Chairman, and thank you for holding a hearing on this important legislation. I also thank the ranking member, Mr. Peterson. I know you both are cosponsors of the bill and I appreciate the confidence you have placed in it. I also appreciate your holding a hearing to learn even more about the topic.

I have been privileged to work closely with the gentleman next to me on this effort. With Mr. Walden's leadership, a comprehensive, bipartisan commonsense bill has been crafted. H.R. 4200 balances legitimate environmental needs with economic realities.

I support H.R. 4200 for a multitude of reasons, but the most important is simple; people use wood. We can either harvest this wood in an environmentally sensitive fashion, as this bill provides, or import it from countries without environmental safeguards. The clear cutting of a rainforest in South America for wood products leaves a much larger ecological footprint than a selective harvest in a post-catastrophic area.

In drafting this bill, we fully recognize that harvest and reforestation are not without environmental impacts, and we have included extensive measures to address and minimize those impacts. These sideboards, which I anticipate others will elaborate on, include a prohibition against industrial style replanting, strong protection for green trees, and full compliance with environmental laws.

The essence of the bill is the establishment of an accelerated, science based process that includes opportunity for public input, in order to determine how to respond to catastrophic fires or other events that have killed large areas of Federal forest. It should be emphasized under our bill, the decision of whether or not to take action is to be guided by science and by professional biologists and foresters, with opportunity for public input. There is no mandate for harvest of any sort and a host of existing environmental standards must be met if any harvest is to be allowed.

We believe a more rapid decision process is necessary because wood begins to degrade immediately after such catastrophic events and if any commercial value is to be obtained from harvest it must be done quickly. According to expert scientific testimony, prompt action including cross falling of timber and other measures, can help reduce erosion and damage that might be caused if interventions are delayed. Furthermore, because smaller, younger trees degrade most rapidly, prompt harvest allows these trees to be utilized for economic purposes, thereby taking some pressure off the potential harvest of larger trees.

Others can and will address the exact processes established in the bill and the environmental sideboards it includes. I would just like to take a minute to elaborate on one provision, the pre-approved management practices. This idea came from a paper I read by Dr. Jerry Franklin, where he made mention of the particular needs of, what he called, plant association groups.

Under the normal, public rulemaking process and using peer reviewed science, the Secretaries of the Interior and Agriculture will determine what harvest, restoration and reforestation practices are appropriate in different areas. These practices will factor in forest type, slope, habitat and watershed needs, and the necessity of snag retention. Once established, these environmentally and scientifically sound practices will allow us to take fast action after a catastrophic event. Over time, we will have a comprehensive best practices guide to our Nation's forests. My hope is that these practices can serve as a model for states and private landowners.

I would also like to acknowledge an area of the bill that will require the cooperation of the executive branch and congressional appropriators. The bill provides for a number of funding mechanisms, and I know Mr. Walden is working to buttress this section further. I would like to emphasize how important it is that the Wildland Fire Management budget line be fully funded. In fiscal year 2006, Wildland Fire Management will receive 8 percent less than in fiscal year 2005. For H.R. 4200 to work, there needs to be an increase, not a decrease, in funding.

In conclusion, I thank my colleague Mr. Walden from the State of Oregon, acknowledge the fine work of my colleague from South Dakota, Ms. Herseth, and again thank the chairman for this important hearing.

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#### STATEMENT OF DALE BOSWORTH

Mr. Chairman and members of the Subcommittee, thank you for inviting me to talk with you today about H.R. 4200, the Forest Emergency Recovery and Research Act. A little over 3 years ago, President Bush recognized the need to restore our Nation's public forests and rangelands to long-term health with the introduction of the Healthy Forests Initiative. The President directed Federal agencies to develop tools to allow Federal land managers to reduce hazardous fuel conditions in a timely manner. The Congress passed legislation that allowed for long term-stewardship contracts to implement management goals including fuel reduction projects. This committee also was instrumental in enacting the Healthy Forest Restoration Act of 2003 (HFRA) which is helping to address severe forest health conditions in a meaningful time frame.

While we now have tools to assist us in treating forest and grasslands to recapture healthy conditions, we have the need for similar tools to help us recover and restore areas after natural events which are catastrophic in nature such as wildfire, hurricanes, tornados and other wind events, ice storms, insect and disease infestations, and invasive species impacting millions of acres of forests annually across the United States. In 2005, wildland fires burned over 8.4 million acres throughout the Nation and destroyed over 800 structures. The recent hurricanes along the Gulf of Mexico destroyed cities, tragically took many lives and disrupted millions of others. These storms also caused moderate to severe damage to about 20 million acres of woodlands, including private, State and Federal ownerships across the Gulf States from Texas to Florida.

Invasive insects and diseases pose great risks to America's forests and have risen to catastrophic levels over the recent past. Millions of ash trees have been killed by the emerald ash borer in Michigan, Indiana, Maryland, Ohio and Virginia. The non-native hemlock woolly adelgid is currently affecting over half of the native

range of hemlock species, Sudden oak death has the potential to affect susceptible eastern oaks in all of the Mid-Atlantic states. Bark beetles have killed trees covering 19.3 million acres between 1999 and 2003 in the western States, and in 2004 over 7 million trees were killed on over 1.5 million acres in Colorado alone. Southern pine beetle attacks have damaged pine stands across the Southeast, have eliminated threatened and endangered species habitat in parts of Kentucky, and have decimated over 350 thousand acres of valuable pine stand in Tennessee. These are some examples of the scope of the challenges to our resource managers, and we are using our current authorities to address these matters.

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

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

#### TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL LANDS

Section 101 directs the Secretary to develop research protocols to collect and analyze scientific information about the effectiveness and ecological impacts of our recovery and emergency stabilization activities. The protocols would undergo peer review and be submitted to Congress no later than 180 days after enactment. They also would be made available to the public. Section 101(d) would authorize post catastrophic event research projects to be conducted in accordance with these protocols.

In the area of post-fire tree removal there is great debate, much of which is centered on the lack of scientific studies. In 2000–01, Forest Service research scientists McIver and Starr reviewed the existing body of scientific literature on logging following wildfire. The research paper titled “Environmental Effects of Post-Fire Logging: Literature Review and Annotated Bibliography” reviewed and interpreted 21 post fire logging studies. McIver and Starr concluded that while the practice of salvage logging after fires is controversial, the debate is carried on without the benefit of much scientific information. They also concluded that the immediate environmental effects of post-fire logging is extremely variable and dependent on a wide variety of factors such as the severity of the burn, slope, soil texture and composition, the presence or building of roads, types of logging methods, and post-fire weather conditions. The Forest Service is also conducting studies to predict outbreaks of forests pests and studying practices to address invasive or aggressive native pests and their impacts and efficacy.

We realize that there are gaps in what we know about post-event recovery and restoration treatment, and we are encouraged that H.R. 4200 helps address this issue through greater integration of management and science. The bill strengthens the agency’s ability to improve the effectiveness of post-disturbance management practices through the application of adaptive management procedures that couple management and scientific research in the design, data collection and analysis of post-disturbance management actions. The bill’s provisions on research protocols, monitoring and forest health partnerships would improve the environmental quality of decisions through continuous learning and adaptation while forging partnerships between managers, researchers, communities and interested citizens.

Section 102 would direct the Secretary to conduct catastrophic event recovery evaluations, depending on the scope of the event. Evaluations would be required for catastrophic events over 1,000 acres but may be used for smaller events. The required evaluation must be completed in 30 days from the conclusion of the catastrophic event. The evaluation would be developed using an interdisciplinary approach, public collaboration and public notice of each evaluation and any public meetings. A rapid evaluation provides land managers and the public needed information on resource damage and how to proceed with recovery efforts.

Section 104 authorizes the Secretary to prepare a list of pre-approved management practices that may be immediately implemented after conducting a catastrophic recovery evaluation for a period up to 2 years. The list would be prepared using notice and comment rulemaking and would be subject to peer review. To comply with consultation under the Endangered Species Act, the Secretary may use

emergency procedures as provided under the ESA regulations. A decision document must be issued not more than 30 days after the Secretary determines under section 102(d) whether to implement a pre-approved management practice and the practice must be immediately implemented without further NEPA. Once established, the list of pre-approved management practices would provide the agency an important tool to accelerate our ability to implement recovery activities.

Section 105 would authorize the Secretary to utilize alternative arrangements to develop and analyze a recovery or research project. In conducting an environmental analysis, the Secretary would not be required to study or develop more than the proposed agency action and the alternative of no action under NEPA. A decision document must be issued no later than 90 days after the evaluation has been completed and must be immediately implemented. This authority would greatly enhance our ability to work collaboratively to develop proposed recovery projects.

The list and use of pre-approved management practices under section 104 of the bill, and the use of alternative arrangements under section 105 of the bill, are deemed to satisfy NEPA requirements under section 103(b).

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

Section 107 would direct the Secretary to standardize the collection and reporting of reforestation needs in response to catastrophic events through agency-wide guidance. These requirements are similar to recommendations made in a recent GAO audit report (GAO-05-374), but are not entirely consistent with those recommendations. The agency has submitted and is working on a Statement of Action in response to the GAO audit report. We would like to recommend that the section be adjusted to reflect the GAO recommendations and the requirements to align with them.

Section 108 would provide that nothing in title I would affect the Secretary's use of other statutory or administrative authorities to conduct a catastrophic event recovery project or catastrophic event research project that is not conducted under the alternative arrangements in section 105. Section 109 would exempt sections of the bill from the Federal Advisory Committee Act, the Act would not apply to the peer/independent review in section 101(b), the monitoring process in section 104(h) or 105 (f) and the preparation of a catastrophic event recovery or research evaluation.

#### TITLE II—RESTORING LANDSCAPES AND COMMUNITIES IMPACTED BY CATASTROPHIC EVENTS

Equally significant are the bill's provisions for working across boundaries, particularly with local communities, Tribes, and State agencies. Often, highest priority recovery needs are those that directly benefit private lands and neighboring jurisdictions. Moreover, the effectiveness of post-disturbance recovery efforts—such as those related to water quality, insect pest outbreak and weed control—often depends upon coordinated action across multiple jurisdictions.

We believe that this bill would assist in the prompt development of coordinated recovery efforts. The research protocols developed under title I could be applied to non-Federal lands. Additionally, prompt action on Federal lands in response to catastrophic events could prevent the spread of invasive plant and insect species to non-Federal lands. The Secretary would be authorized to provide both technical and financial cost-share assistance to assist in the preparation of landscape assessments and implement special recovery projects identified in the assessments. This authority would formalize a practice of post disaster assessment that we typically conduct with States and local governments, and foster a collaborative approach to post-event treatment on a larger landscape across both public and private lands.

#### TITLE III—EXPERIMENTAL FORESTS

Section 302 would authorize the use of pre-approved management practices on experimental forests.

Section 303 would authorize the use of alternative arrangements in section 105 in experimental forests.



## TITLE IV—GENERAL PROVISIONS

Section 401 would provide that the Secretary is not required to promulgate regulations to implement this Act.

Section 402 would provide authority to the Secretary to use unobligated balances to implement catastrophic event research and recovery projects. The bill also provides authority to use wildland fire management funds for pre-approved management practices and catastrophic event recovery/research projects related to wildland fire. The Knutson-Vandenberg Fund and the Forest Service Salvage Fund could be used for pre-approved management practices and for catastrophic event recovery and research projects. Additionally, FEMA would be authorized to reimburse the Secretary concerned for any assistance provided to non-Federal land designated by the President as a Federal disaster area. While we support the new procedural authorities contained in H.R. 4200, we object to the new spending provisions in title IV of the bill.

## SUMMARY

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

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

**Catastrophic Events Affecting Eastern Forests**



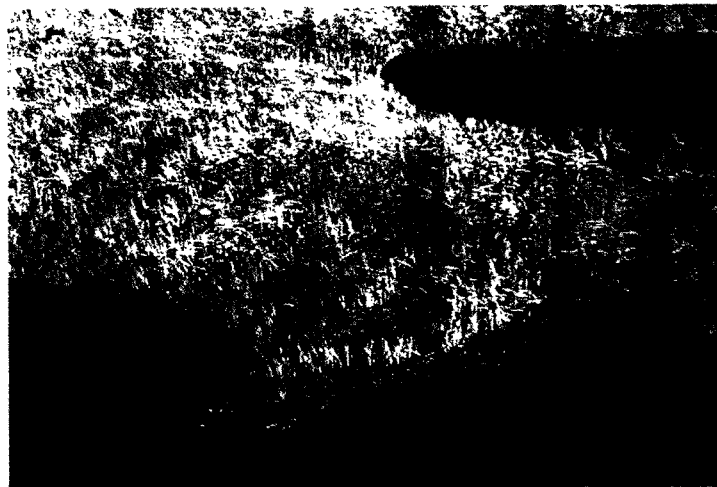
**Ice Storm December 2000, Ouachita National Forest, Arkansas**



**Hurricane Hugo 1989, Francis Marion and Sumter National Forest, South Carolina**



**Southern Pine Beetle, Large area Infestation 1983, Virginia Piedmont**



**Wind Storm July 4, 1999, Superior National Forest, Minnesota**

## STATEMENT OF JAMES L. CUMMINS

Chairman Goodlatte, Ranking Member Petersen, members of the committee, thank you for the opportunity to appear before you today to speak on the Forest Emergency Recovery and Research Act and how this legislation could impact the recovery of forests from natural disasters. I will also discuss how it could help recover forests in Mississippi damaged from Hurricane Katrina.

I am James L. Cummins, executive director of the Mississippi Fish and Wildlife Foundation. I am a certified fisheries biologist, a certified wildlife biologist and a private landowner. I also serve on the Governor's [Haley Barbour] Commission on Recovery, Rebuilding and Renewal and I have recently been nominated by Governor Barbour to serve on the Board of the Mississippi Institute for Forest Inventory. My family's 140 acres have been in the family since 1833 and during that time it has undergone many changes from cotton to cattle/corn to timber/wildlife today. To pay the land taxes, during the Depression, my grandfather cut timber with a crosscut saw for 50 cents per day.

Some of the Mississippi Fish and Wildlife Foundation's more significant accomplishments include conceptualization of the Wildlife Habitat Incentives Program and the Healthy Forests Reserve Program, helping you pass the Grassland Reserve Program and working with you to develop many of the components of the Wetland Reserve Program. Regarding public lands, the Foundation worked to develop the Holt Collier and Theodore Roosevelt National Wildlife Refuges as well as the Sky Lake Wildlife Management Area, which contains the largest stand of ancient cypress in the world.

Many of you have spent a lot of time working on supplemental disaster bills for Katrina. Along with the 150,000 citizens of Mississippi who either lost their home or suffered significant damage to it and the 60,000 private forest landowners who lost significant amounts of their forest, I truly appreciate it.

## BACKGROUND

It was 2:00 p.m. on Saturday, August 27. The staff of the Mississippi Fish and Wildlife Foundation was in the process of hosting our 6th Annual Mississippi Fish and Wildlife Expo; we typically have 10,000 to 12,000 attendees during the 3-day event. But this time, I was not managing the event. I was meeting at the Emergency Operations Center in Hattiesburg, Mississippi. After reviewing the nine or so models from the National Weather Service and listening to local officials and their request for us to shut down one of the area's largest event of the year, there was no question. That evening we canceled the Expo and moved the vendors out; 12 hours later, the largest public facility north of the Mississippi Gulf Coast and south of Jackson began providing shelter to the thousands of evacuees from New Orleans, Biloxi, Gulfport and the other numerous cities and towns in harm's way.

Little did I know that a storm surge 80 miles wide and 30 feet high was racing to the Gulf Coast. Little did I know that winds of over 150 miles per hour were on their way to the Coast and we would have over 100 mile per hour winds over 200 miles inland. Katrina did not care if you were poor, wealthy or in the middle. She was an equal opportunity destroyer.

When Oxford, Mississippian William Faulkner accepted the Nobel Prize in 1950, he said "I believe that man will not merely endure: He will prevail. He is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion, sacrifice and endurance." Today, Mr. Faulkner would be proud of his state. Its spirit, cooperation and help for others is amazing. Although Mississippi ranks last in average household income, Mississippi has the highest per capita of charitable giving of any State in the United States.

## WHAT IS NEEDED?

When we have a disaster, first at hand is helping people with some basic needs: food, clothing and shelter. Help them rebuild their lives and their spirit. Some of that has already been done and the entire Congress and the Administration deserves credit for helping. Thank you. Next, we must begin addressing the rebuilding of infrastructure—roads, schools, bridges, et cetera—and getting people back to work.

Beside the most important species inhabiting our State—the human species—Katrina had other victims. They are the diverse species of fish, wildlife and plants, including over 170 species of amphibians and reptiles alone. Pine and hardwood forests are their main habitat and the greatest non-human victim of Katrina. Katrina

caused the largest single devastation of forests in our Nation's history. And it is the largest single devastation of fish and wildlife habitat since the Exxon Valdez.

According to the USDA Forest Service, Hurricane Katrina damaged 5 million acres of forest land, with 4 million acres in Mississippi alone, and most of it on private forest lands. This represents 19 billion board feet of timber with a value of \$5 billion. This is enough timber to build 800,000 homes and make 25 million tons of paper and paperboard. Much of the downed timber will be worthless due to splintering of the logs and degradation of the wood structure. Experience with Hurricanes Ivan and Hugo suggest that about one-third of the downed timber will be salvageable; that will only partially defray the costs of clearing, site preparation and replanting. I expect we will be able to salvage only 1/5 of the downed timber from Katrina. With any forest disaster, prompt salvage is needed to capture value and prevent future insect and wildfire outbreaks.

#### BENEFITS OF H.R. 4200

But what can the Federal Government do to aid in the recovery of our forests and their associated resources after hurricanes, wildfires and other disasters? Let me provide an overview of the needs. These needs were developed after many conversations and meetings with private landowners, county and State forestry associations and the conservation community. Most of these recommendations—at least the ones specific to Hurricane Katrina—are in the report from Governor Haley Barbour's Commission on Recovery, Rebuilding and Renewal. I am submitting a copy of that report for the record. Some of these needs are also addressed in H.R. 4200.

#### SALVAGE/CLEAN UP

First is salvage and clean up, which has begun, but only on non-Federal lands. It was not until November 25 that the comment period ended for salvage on DeSoto National Forest. Hopefully, once enacted, this bill will speed this process up. As it currently stands, it has taken 3 months to advertise the sale of 250 million board feet, and now, there are no loggers available. For this sale, there was one comment, and it was not negative. The Forest Service estimates that there are 500 million board feet of salvage timber on the DeSoto National Forest. Last year, the harvest for all of the National Forests in Mississippi was 100 million board feet with a value of about \$29 million. To put this harvest in perspective, during this same year, the value of the harvest from the entire Pacific Northwest Region was only double that of the harvest from National Forests in Mississippi.

Due to the extensive damage to homes from the hurricanes this season, as well as from many disasters, there is an increased demand for wood products. Many of those products can come from salvage instead of cutting live trees that are producing oxygen, sequestering carbon dioxide, filtering air and water, providing fish and wildlife habitat and providing numerous other benefits.

The conservation of resources is very important to us. Not salvaging is simply a waste of precious natural resources. Not cleaning up this mess left from Katrina or Rita would be like not cleaning up the oil after the *Valdez* hit Bligh Reef.

Some people and organizations are concerned that live, healthy trees will be taken. Most of the time, that is not in the best interest of the landowner, whether the landowner is a private citizen or public agency. Salvage typically brings a lesser dollar value than healthy trees and the nature of salvage means a lot of product is being "dumped" on the market resulting in a depressed price.

With Katrina, we are seeing that the excessive buildup of downed timber and associated storm debris is a significant hindrance to fire fighting crews. Fires in these areas will burn more intensely due to the excessive buildup of fuels. Also, due to the opening of the canopy by Katrina, there will be excessive growth of native vegetation as well as invasive species such as cogongrass. This growth will add to the already dangerously high fuel levels across the storm impacted areas, increasing the chances of a catastrophic fire event. This bill will greatly assist us in reducing this fire threat.

Let me be clear: from a restoration perspective and a conservation perspective, salvaging this material, especially in the Southeast—is very important.

That is one of the reasons why my representative, Congressmen Bennie Thompson, and Congressman Chip Pickering co-sponsored H.R. 4200, the Forest Emergency Recovery and Restoration Act.

#### INVASIVE SPECIES

We are also extremely pleased that the bill recognizes the susceptibility of damaged land to invasive species. Hurricanes spread invasive species, such as the newly

found giant salvinia in the Pascagoula River, which came ashore from Hurricane Dennis. In areas of severe blowdown, the removal of forest canopy will dramatically increase available sunlight reaching the understory and encourage an explosion of a number of highly invasive species. Among the most problematic in the impacted area from Katrina are Chinese tallow tree (*Triadica sebifera*), cogongrass (*Imperata brasiliensis* and *I. cylindrica*), privet hedge (*Ligustrum sinense*) and Japanese climbing fern (*Lygodium japonicum*). Without aggressive action, it is extremely likely that Chinese tallow tree, cogongrass, privet hedge and Japanese climbing fern will “capture succession” across thousands of acres and prevent re-establishment of native forests across ownerships, including an array of ecologically and economically significant public and private lands.

#### FOREST RESTORATION

I am extremely pleased to see H.R. 4200 placing an emphasis on forest restoration. As the planning for forest restoration takes place, I hope a lot of thought will take place on what species are to be planted.

For example, the majority of forest devastation from Katrina occurred to loblolly pine. The Forest Service’s management bulletin (R8-MB 63) titled “How To Evaluate And Manage Storm-Damaged Forest Areas” shows that the native longleaf pine is much more resistant to breakage, uprooting, salt spray and insects and disease than loblolly and other species of pine. Moreover, longleaf pine produces superior wood products, such as saw timber, utility poles and other high value products. Many of our Federal reforestation programs (i.e., Conservation Reserve Program, etc.) have allowed the planting of loblolly pine in areas where this type of damage, as well as frequently flooded lands, which are more beneficial planted in bottomland hardwoods, can occur. By planting a species that is more resistant to these factors, we can better sustain forests through catastrophic storms and save taxpayer dollars.

When forest restoration needs are reasonable, programs that H.R. 4200 outlines are adequate, especially for public lands. Private forest lands are extremely important too. According to the Forest Service, public forest lands comprise 317 million acres (42.38 percent) and private forest lands comprise 431 million acres (57.62 percent), predominantly in the eastern United States. Private forests provide approximately 90 percent of our nation’s timber harvest.

With Katrina, a combination of tax-based programs and existing direct payment/cost-share programs will help meet the needs of both small and medium-sized private landowners as outlined in the Landscape Assessment component of the bill. It is important that we use a variety of programs that the Department’s of Agriculture and Interior have to take advantage of the agencies’ current staff.

On the direct payment and cost-share side, the Healthy Forests Reserve Program, which originated in the Agriculture and Resources committees, and under your leadership, can provide the greatest benefit to the private landowner and the forests of the Gulf Coast area. The landowner can utilize the cost-share to restore the forests. He/she can utilize the easement payment of either 30 or 99 years to help offset a loss of income. To maximize the acreage restored, you might consider emphasizing the 10-year option.

The U.S. Department of Agriculture should consider utilizing the expired Continuous Sign-up for Longleaf Pine in the Conservation Reserve Program for affected counties in the range of longleaf pine. Longleaf is more resistant to high winds and in some cases it is a higher value product than loblolly; longleaf is also a much more desirable tree from a conservation perspective.

The existing programs described above, and especially the proposed new program described below, can be included in the Landscape Assessment, as stated in H.R. 4200, and can improve what the legislation is trying to accomplish.

#### EMERGENCY RESTORATION TAX CREDIT

An Emergency Restoration Tax Credit program should be authorized. It is an incentive-based restoration program, in the form of a Federal income tax credit, which, in many cases, is more desirable than a direct payment. States such as Mississippi and Texas have had enormous success with tax credit based restoration programs utilizing State income tax credits. The program would be administered through the State and Private Forestry division of the USDA Forest Service and implemented by the State agency(s) chosen by the Governor. The program would be eligible in counties/parishes designated as a Presidential Disaster Area.

The applicable State agency would provide technical and financial assistance to private landowners on a voluntary basis to restore forests and other natural resources on their property through the proposed tax credit based program.

To be eligible for the tax credit, a property owner must have a restoration plan prepared for the eligible land by a registered forester or certified fish or wildlife biologist. The forester or biologist must verify in writing that the conservation practices were completed and that the conservation plan was followed.

A restoration plan, which is a written description of the approved restoration practices that the eligible owner plans to use which includes a map of the project area and a list of the practices that will be implemented, would be developed by the State agency. A non-profit forestry or conservation agency/organization may assist in providing the technical and/or financial assistance for the development and implementation of restoration plans.

The applicable State agency would provide private landowners with technical assistance to comply with the terms of the agreement. The agreement should be a maximum of 10 years in length.

The Forest Service, in consultation with the State agency, should determine the eligible activities. Possible eligible activities for the Presidential Disasters Declared for Hurricanes Katrina and Rita might include: forest restoration to include debris removal, control or eradication of invasive species, site preparation, tree planting, direct seeding, firebreaks, release and site preparation for natural regeneration, restoration of hydrology; restoration of wildlife habitat and corridors; fencing for habitat protection, removal of debris barriers for aquatic species, stream bank stabilization, restoration of threatened and endangered species habitat and corridors; and restoration of rivers and streams.

Any eligible owner who incurs costs for approved restoration practices on eligible lands shall be allowed a credit, in an amount equal to the lesser of 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices as established against the taxes imposed pursuant to this chapter for the tax year in which the costs are incurred.

The credit should not exceed the lesser of \$50,000 or the amount of income tax imposed upon the eligible owner for the taxable year reduced by the sum of all other credits allowable to the eligible owner under this chapter, except credit for tax payments made by or on behalf of the eligible owner. Any unused portion of the credit may be carried forward for succeeding tax years. A landowner would be eligible for up to \$50,000 of tax credits per year for a maximum of 3 years after the Presidential declaration.

A separate component will be a restoration tax credit for homeowners. It shall be limited to \$2,500 per year for 3 years. The emphasis for it will be to restore urban and community forests.

If an eligible owner receives any State or Federal cost share assistance funds to defray the cost of an approved conservation practice, the cost of that practice on the same acre or acres within the same tax year is not eligible for the credit.

I am submitting some draft language on this potential program for the record and hope, as you mark up H.R. 4200, you will consider including this provision.

#### URBAN/COMMUNITY FORESTRY

We are pleased the bill addresses urban/community forestry. According to the Mississippi Forestry Commission, 181 cities and communities have approximately 2.75 million trees damaged or destroyed with an economic value of \$1.1 billion.

To restore the quality of life on the Mississippi Gulf Coast, financial and technical assistance is needed to plan and re-establish trees and forests. Emphasis should be placed on trees that are the most resistant to high winds (i.e., live oaks, longleaf pine and bald cypress). The USDA Forest Service's Urban and Community Forestry Program and the proposed Emergency Restoration Tax Credit can greatly assist in these efforts.

#### THREATENED/ENDANGERED SPECIES RESTORATION

There were many impacts to threatened and endangered species from Katrina. There was probably little or no direct mortality on gopher tortoises, but indirectly the destruction and opening of the canopy in habitat that already was marginal will accelerate understory shrub and hardwood encroachment to further increase habitat loss in the absence of adequate prescribed fire and management. We were in the process of working in cooperation with private landowners, Environmental Defense, the Longleaf Alliance, the American Forest Foundation and others to restore habitat for the tortoise and de-list it in 10 years. That is unlikely now.

I hope I have provided you an overview of the impacts of Hurricane Katrina, why H.R. 4200 is needed and how it can be improved to better address the needs of private landowners.

Thank you. I will be glad to respond to any questions you might have.

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### STATEMENT OF E. AUSTIN SHORT, III

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

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

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

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

When an ice storm causes widespread damage to trees, the affected region frequently sees a buildup in harmful insect populations and forest diseases when pathogens find weakened, ice-broken hosts that are primed for invasion. If any particular landowner is slow to bring their forest back to a healthy condition, their land becomes the center for this forest pest buildup. Eventually the insects and pathogens will move from the damaged, un-restored forests to surrounding healthy forests. In these instances, landowners who worked diligently to restore their lands will be harmed by the lack of action on the part of their neighbors.

In January of 1998 a record-shattering ice storm hit northern Maine, New Hampshire, New York, and Vermont. The impact to the forest landscape was staggering: Seventeen million acres of forestland in these four States were damaged by accumulation of ice up to three inches, and five million acres experienced severe damage. Total natural resource loss estimates exceeded \$1 billion. Landowners and foresters were confronted with the possible spread of insects and diseases among the damaged forests, as well as the potential for severe wildfires due to the downed debris. In May of that year, Congress appropriated \$48 million for assistance to Maine, New Hampshire, New York, and Vermont for recovery from the January ice storms. These funds were delivered to private landowners through existing programs which focused on damage assessment, long-term recovery plans, tree planting, and fuel reduction. Salvage operations to reduce insect, disease, and fire threats were initiated following damage assessments. The ability of the States, landowners, and the private sector to move quickly kept the insect and disease outbreaks and wildfire danger to a minimum.

In my State of Delaware, we dealt with our own severe ice storm in February of 1994, which affected nearly one third of the State's forestland. The majority of the affected forests were privately owned, with about 15–20 percent in public ownership. My agency secured \$15,000 from FEMA's Disaster Assistance Program to reduce the severe fire danger on State Forest lands by quickly clearing firebreaks and access roads. Our staff also provided technical assistance to private landowners to salvage damaged timber and reforest these areas, thereby minimizing the risk of future forest pest infestations and wildfires.

At this very moment in the southern United States, there is a growing danger of catastrophic fire due to the huge volumes of downed woody material left in the wake of hurricanes Katrina, Rita, and Wilma. Any landowner who is unable or unwilling to act quickly to clean up these ravaged lands is contributing to this risk. And once the fire starts—regardless of the ownership—the flames know no bound-



ary. Federal land managers in the Gulf States know they must move quickly to address the substantial buildup of downed trees and reforest these areas quickly to prevent large wildfires and the danger of soil erosion. We fear the current Federal review process may delay restoration activities until after damage from wildfire, insects and diseases, and soil erosion has occurred and has spread to adjacent State and private land.

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

The State of Washington has both rigorous regulation through its Forest Practices Act and a high occurrence of catastrophic wildfire. The State Department of Natural Resources (DNR) has established a strong track record of completing post-fire salvage and restoration efforts quickly, while following Washington's strict harvest regulations. The DNR is able to expedite the approval process of forest practice applications to ensure the work can start on time. In many cases, harvest plans can be approved in as little as two to three weeks following a fire. Completion of the salvage sale and the harvest of dead and dying trees often begin 6 to 9 months after the fire is extinguished. Work begun more than 12 months after a fire is often much less effective, as insects and fungi have begun to degrade and decompose much of the remaining timber. Washington State DNR is able to ensure both restoration work and environmental review are completed in a timely and efficient manner. State Foresters believe Federal land managers need to have this ability as well.

For the Forest Service and BLM to perform as responsible neighbors and good stewards over the large estate of federally owned lands in the U.S., they must be able to deal with these disasters quickly and effectively. In recognition of the fact that these catastrophes do not stop at any single boundary line, we need to be able to deal with restoration issues across the various levels of government. Acknowledging that the body of scientific research available on the subject of forest recovery after major catastrophes is limited, we also need to better capitalize on the learning opportunities that may present themselves when such disasters occur. NASF is pleased to see the research component within this legislation to help address our needs.

While Federal forest managers are often constrained by process and regulations, State and private forest managers are often constrained by funding availability. The ability to move quickly to treat private lands is virtually useless if adequate funding is not available. State Foresters are pleased to see several funding sources addressed in the bill. Of particular interest is the ability of the Secretary to use FEMA funding in federally declared disaster areas to restore forests on non-Federal lands.

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

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**Testimony of  
John M. Hancock  
District Procurement Supervisor  
MeadWestvaco, Covington, Virginia  
On behalf of the Society of American Foresters  
And the Virginia Forestry Association  
Before the  
House Agriculture Committee  
On the  
Forest Emergency Recovery and Research Act  
December 7, 2005**

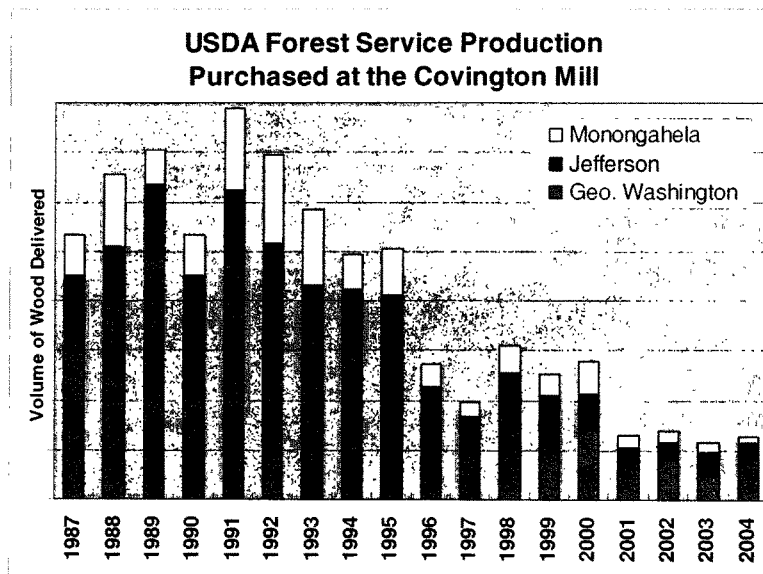
My name is John Hancock, and I am a District Procurement Supervisor for MeadWestvaco Corporation at our paper mill in Covington, Virginia. In addition to representing MeadWestvaco, I am speaking today on behalf of two groups: the Society of American Foresters (SAF), an organization of over 15,000 forest managers, researchers, and educators; and the Virginia Forestry Association (VFA), an organization of 1,400 landowners, foresters, and forest industry employees and businesses. I have held various offices and served on numerous committees for both organizations. I have a Forest Management degree from Virginia Tech, and I have worked as a forester for 23 years.

SAF and VFA support the *Forest Emergency Recovery and Research Act* (HR 4200) (FERRA). It will provide federal managers with the tools to respond quickly to catastrophic events on federally owned forests and the flexibility to work with adjacent landowners following these events. Over the last several years, we have experienced increasing numbers and severities of catastrophes in forests due to a variety of factors, including prolonged fire suppression in forests, severe drought and insect epidemics in parts of the country, lack of management to reduce fuel loads in some forests, an influx of invasive species that have altered forests, and natural disasters such as hurricanes. These catastrophes cause immense damage to forests, watersheds, wildlife habitat, and other forest resources and values.

While not specifically part of this bill, I think it is important to note that preventive measures are a critical part of any comprehensive forest management plan. Public land management agencies need to focus on stewardship efforts that maintain a healthy and vibrant ecosystem which will help prevent or minimize the impacts of catastrophes. A healthy forest is one that contains a varied composition of species and ages.

During the 21 years I have worked in the Appalachians, I saw a peak in management activities about 15 years ago on federal lands. Since then, harvests of older trees and regeneration of younger trees has slowed significantly. At the MeadWestvaco mill in Covington, purchases of wood from USFS sales have declined by a factor of five (see following graph). This same trend of declining management activities is reflected in decreased forest health and an increased susceptibility to insect and disease attacks.

Hopefully, the Healthy Forests Restoration Act (P.L. 108-148) and this legislation will reverse this trend.



While management intervention in forests is not always necessary after catastrophes, quick action is often needed to help forests recover more quickly, along with the clean water, wildlife habitat, recreation, and natural beauty they provide. Unfortunately, federal agencies too often get bogged down in time-consuming processes and have limited resources to reforest or to manage for natural regeneration, creating a growing reforestation backlog.

The processes authorized in FERRA will allow the agencies to quickly respond while still maintaining environmental review, public participation, and the opportunity to litigate projects. Additionally, we believe the authority in the bill to develop independently peer-reviewed "pre-approved" management practices through a regulatory process, involving the public, offers a valid alternative to conducting a lengthy environmental review for each project, when the implications and expected results of certain practices are already known.

A rapid response to forest catastrophes not only benefits the environment, but also provides economic benefits. The first savings is obvious: a more streamlined process can help agencies use their scarce resources more effectively. Secondly, wood-using industries such as sawmills, oriented strand board mills, paper mills, and power plants

can use these trees to make forest products or create energy. The forest industry, particularly in the area where I live and work, is a critical part of the economic infrastructure and is critical to maintaining and recovering forests. When dead and dying trees are removed promptly, the value and usefulness of those trees are at their highest and this value decreases rapidly over time. Timely action reduces net removal costs while providing the values and goods people want from the nation's forests.

The value of rapid response was clearly demonstrated at the MeadWestvaco paper mill, sawmill, and forestland near Charleston, South Carolina following hurricane Hugo. MeadWestvaco was able to use storm-damaged trees for a maximum of one year following the storm. After that, the wood was degraded due to weathering, insect damage, and decay to the point that the trees could not be used for lumber or paper. Because effort was concentrated on the most valuable trees, the company was able to recover about 50% of the value and about 25% of the volume of the damaged trees. Very quickly, salvage operations can result in a loss and create hazards for the landowner rather than creating a positive return. The forests were more quickly reforested as a result of our immediate action, and the danger of a subsequent disaster was reduced, such as a fire in the accumulated storm debris.

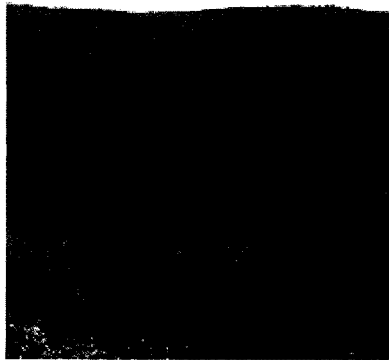
My work involves in part helping small family forest landowners manage their properties. In the Appalachians, we often have to react to insect attacks, ice damage, wind storms, and occasionally the remnants of hurricanes. Usually within a matter of weeks, or at the most a few months, I'm able to help landowners plan for and salvage the damaged trees, allowing them to at least recover part of their economic loss, to allow the forest to quickly begin the healing process, and to improve aesthetics. Frankly, dead and broken trees simply look bad to most people in addition to the other risks they pose. On federal lands, the lengthy environmental review process, the appeals process, and litigation can drag the process out for many years. By the time this process has run its course, the trees are often no longer usable.

Actions taken in response to catastrophic events under FERRA must follow direction provided by national forest or Bureau of Land Management land and resource management plans. This is important, given that these plans are developed with extensive public involvement and environmental analysis, taking many years to develop. These plans provide a framework for forest management and help to ensure that recovery and reforestation efforts meet the public's goals and objectives for each forest.

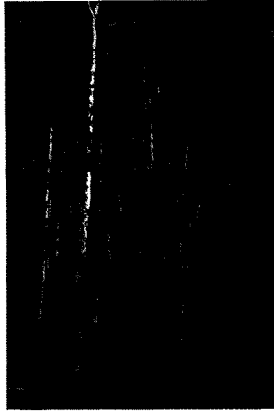
Federal forest managers are not only hindered by time consuming processes, they are also limited in terms of technical expertise and funding. FERRA helps to address this by allowing more flexibility to use funds from other accounts when necessary to pay for recovery and reforestation. We urge the agencies to hire employees with the necessary forestry expertise to manage for prompt recovery and reforestation following forest catastrophes.

SAF and VFA support the landscape assessment and research components of the Act. Landscape assessments will allow forest managers to coordinate responses to catastrophic

events with other landowners. Coordinating management more broadly, rather than focusing on a single ownership, provides the opportunity for more effective watershed and wildlife habitat protection. Federal managers also have a stewardship responsibility to their neighbors. If action is neglected on federal land, adjacent private lands may be unduly put at higher risk. An example I often see in the northern Shenandoah Valley includes leaving hundreds of acres of dead trees on federal land following a gypsy moth attack. When this is in near proximity to private land, those neighbors are at an increased risk of catastrophic fire. The many dead trees that remain standing also create a hazard for hunters, fishermen, and hikers that use those areas for recreation. In my experience, private landowners are much more likely to respond to an insect attack and in a much quicker fashion.



Example of extensive gypsy moth damage.  
Source: [www.unk.edu/acad/biology/hoback/escape/images/gmothdamage\\_sm..](http://www.unk.edu/acad/biology/hoback/escape/images/gmothdamage_sm..)



Tree mortality resulting from gypsy moth damage.  
Source: [www.fs.fed.us/ne/morgantown/4557/gmoth/tour/image29](http://www.fs.fed.us/ne/morgantown/4557/gmoth/tour/image29)

The research aspect of the Act will help to improve the body of knowledge that is currently available regarding forest recovery and reforestation. We encourage Congress to permit all forestry schools and colleges with the expertise to address this issue to be eligible to participate in Forest Health Partnerships, not just the land grant universities and colleges. This in combination with the research authorized in the Healthy Forests Restoration Act will help to advance the study of the aftereffects of insect and disease infestations in particular. It is important to note that while there is not an extensive body of research specifically examining recovery after catastrophic events, forest managers across the country have extensive practical, on-the-ground experience that adds to the knowledge base. The research aspect of the bill will enable researchers to capture both the hard data as well as the practical knowledge in a peer-reviewed context.

We do have a concern with language in the definitions, Section 3, paragraph 3(c), that contains limitations on “plantation forests” in reforestation activities. The language in this paragraph could be interpreted to supersede land and resource management plans. To prevent misinterpretation, the language should specify that reforestation be consistent with existing land and resource management plans similar to the language that applies to timber harvesting in the same paragraph. Land management plans often provide for multiple-use management objectives while also providing reforestation guidelines that allow the use of techniques appropriate to specific sites and forest types.

Additionally, with regards to the plantation language, the bill rightly seeks to promote “natural regeneration,” which means the forest grows back on its own through seeds and sprouts of tree species. However, the language recommending against “creation of plantation forests” could be problematic and could leave the federal agencies vulnerable to unfavorable court interpretation. The technical definition of plantation forests is very

broad, and includes the planting or seeding of trees. Natural regeneration processes can take many years or decades to restore the forest to the desired condition, with increased risk of incomplete regeneration due to the influence of competing and invasive vegetation. In many cases, the regeneration process can be both accelerated and accomplished with greater certainty by planting seedlings of indigenous tree species appropriate to local site conditions—in the broad sense, plantation forestry. There are many instances when planting trees is the best management option for a particular area, and it is important this option be left open to the forest managers to fulfill the intent of this legislation.

A good example here in the east would be planting longleaf pine, where appropriate, on certain federal land in coastal plain areas in the south. The area occupied by longleaf has shrunk significantly over the last 100 years, and now occupies as little as 5% of its original range. On the Francis Marion National Forest near Charleston, public input supports reestablishment of longleaf pine to more of its native habitat. This is primarily being accomplished by using controlled burns. This also benefits the endangered red-cockaded woodpecker, which prefers living in these forests. However, should the area suffer a catastrophe such as another hurricane similar to Hugo, speedy recovery efforts including timber salvage and replanting to longleaf could accomplish many positive forest health objectives. The point is that forest managers should have the flexibility to accomplish the goal of forest regeneration and recovery through means that have the greatest likelihood of success in the shortest period of time.

From my experience prompt response to forest catastrophes is critical. Federal forest managers, like all foresters such as myself, have a stewardship ethic requiring us to act responsibly for the benefit of the forests under our care while protecting societal values. This bill will help federal forest managers accomplish forest recovery with common sense approaches to these issues. In addition, we should remember that stewardship often involves active, continuous management, which will help reduce the numbers and severity of these disruptive events.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

## STATEMENT OF SEAN COSGROVE

Mr. Chairman and Members of the Agriculture Committee: Thank you for inviting the Sierra Club to testify on the Forest Emergency Recovery and Research Act.

Sierra Club, founded in 1892, is America's oldest grassroots environmental organization. Sierra Club's purpose is to "explore, enjoy, and protect the wild places of the Earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environments." As concerned citizens, the Sierra Club's 750,000 members are committed to securing policies that protect, preserve and restore environmental quality.

## THE FOREST EMERGENCY RECOVERY AND RESEARCH ACT

Sierra Club finds that H.R. 4200, the Forest Emergency Recovery and Research Act, as introduced is more focused on promoting rapid salvage logging than restoring environmental quality that benefits forest ecosystems, the people who use them and the fish and wildlife that depend on them. This bill disregards important protections for clean drinking water and wildlife, and eliminates meaningful environmental analysis and public involvement required by the National Environmental Policy Act (NEPA).

While the approach of the legislation is written in generalities that reference "recovery" after fires and other various natural disturbances, the real world examples given for the bill's development are not to protect aquatic systems, control sedimentation, halt erosion and mass wasting, improve public safety or protect homes and communities. Instead, the emergency situation most claimed as the reason for the proposed legislation is that burned trees are not being logged fast enough. My copy of Webster's dictionary has several definitions of the word recovery. Two definitions of the word recovery are "a return to health" and "a regaining of balance or control." Another definition of the word is "the removal of valuable substances from waste material." H.R. 4200 is clearly designed on the idea embodied in the last definition.

If immediate commercial logging of burned areas and other disturbed forests is the main goal of the legislation then we would do well to discuss the significant environmental impacts and burdensome financial costs of salvage logging. Post-fire salvage logging can cause great ecological damage to burned areas by compacting soils and removing much needed organic material. This in turn can increase the amount and duration of topsoil erosion and runoff, which compounds damage to aquatic ecosystems. When heavy ground-based machinery is used the damage is generally greatly increased. The associated loss of organic material due to commercial logging also means that soil will be less able to hold moisture. Post-fire salvage logging also removes trees that provide shade and this can retard tree regeneration, especially in dry areas or those in higher elevations. Construction of permanent or temporary roads and log landings also damage soils, destroy or alter vegetation and accelerate erosion and runoff. Increased runoff and erosion can significantly alter river hydrology by increasing the frequency and strength of water flows and increasing sediment loads. The change to river channels due to increased sedimentation harms aquatic species from invertebrates to fish. Logging roads and equipment are often the routes by which non-native plant species and pathogens are spread, such as the root fungus that kills Port Orford cedar.

Salvage logging after fires or other disturbances can increase the severity of future fires because of the increase in fuel loads from logging slash and the alteration of the character and condition of other vegetation. Post-fire salvage logging often undermines the effectiveness of rehabilitation activities taken to reduce the impacts of fire suppression and reduces the benefits of any prior work to limit soil erosion and runoff.

Increased salvage logging will likely cause an increased financial burden for American taxpayers. To some there is an economic imperative to log a burned area immediately to realize the economic potential of the available timber. However, a full cost accounting of any salvage logging project or program will reveal that there are larger economic questions than just the potential value of the trees to be had. Many trees may be too small, too damaged or too far from accessible transportation routes to provide much timber value. The transportation costs to mills alone may be more than the value of the trees. The use of heavy machinery or helicopters will increase the costs of operating the project. The marginal value of small and damaged trees can very well cause project planners, or timber fellers, to target large, old trees that are undamaged, alive, outside the prescribed boundaries of the project area, rare species, and generally make up the best habitat components to leave be-



hind. New laws that expedite salvage logging will cause an increase in the logging of the nation's rare old growth and wild forests simply because of the economic incentives at work in the Forest Service and BLM.

When the costs of poorly planned and implemented salvage timber sales exceed the receipts taken in by the agency the taxpayers are required to shoulder the burden for some private enterprise's desire to recoup the economic value of the public's forests. A historical accounting shows that it is quite rare when a Federal commercial logging program meets its costs. For example, National Forests in Oregon lost more than \$100 million in 1998. The Siskiyou National Forest spent more than it gained in timber receipts 10 out of 11 years between 1992 and 2002. Those losses were for logging programs that targeted green and unburned trees. It will be even more difficult for the agency to demonstrate that it can meet costs and do the careful planning required to protect non-timber goods and services for an increased and expedited post-fire salvage logging program.

The very real economic factors of road construction, maintenance and eventual removal costs, treatment of flammable slash costs, impact to ecosystem services costs and site rehabilitation and replanting costs are compounded with each poorly planned project. The time and resources that the Forest Service and BLM staff spend on harmful and wasteful salvage logging programs divert valuable taxpayer funds that could and should be spent benefiting public safety, fish and wildlife, clean drinking water, recreation and the other goods and services the public wants from their Federal public forests. The funding sources outlined in Section 402 of the bill are likely to create more perverse incentives for harmful logging, reduce funding for fire suppression, preparedness, hazardous fuels reduction and community fire planning. The effect will be to trade off citizen safety to produce more salvage timber sales. It is also likely that more funds will even be diverted from needed replanting and restoration work to pay for salvage logging. We should also appreciate the considerable economic losses suffered when ancient forests and wild roadless areas are damaged due to the impacts to ecosystem services and the extraordinary high value the public places on these wild and special places.

The proposed legislation significantly fails by not excluding ancient and wild roadless forests from salvage logging and road construction projects. The protection of these rare forest resources is not only highly beneficial to fish and wildlife, the economy, recreation and water quality but it is one of the most steadily and highly popular Federal forest management proposals presented to the public. A public poll conducted in Oregon and Washington by Davis and Hibbits, Inc. show that 75 percent of the public support protection of old growth forests from logging and other harmful activities. Likewise, over the past 7 years no fewer than 18 separate opinion polls have shown strong public support for National Forest conservation and the protection of roadless areas. In April 2001, The Mellman Group wrote:

There is widespread and overwhelming support for protecting wild areas in national forests from logging, mining, and drilling for oil and gas. A strong majority of voters (67 percent) favor the Roadless Area Conservation Rule, with 49 percent saying they favor this policy strongly (19 percent oppose). Support for this ruling cuts across partisan and regional lines. Seventy-six percent (76 percent) of Democrats, 66 percent of independents and even 58 percent of Republicans support protecting these areas. Similarly support is strong in all regions of the country. Seventy-one percent (71 percent) of people from the Northeast, 68 percent of mid-westerners, 65 percent of southerners and 64 percent of those in the West favor the rule to protect pristine national forestlands.

The Theodore Roosevelt Conservation Partnership conducted a poll of licensed U.S. hunters and anglers concerning their knowledge and beliefs about forest management and the value of wild areas. Included in their findings were that 84 percent of hunters and 86 percent of anglers supported efforts by sportsmen to keep the remaining roadless areas in National Forests roadless. Even if Congress chooses not to protect America's wild and ancient forests it is hard to dispute the popularity of providing protection.

Section 104(e)(1) of the proposed legislation would remove key protections for threatened and endangered species provided under the Endangered Species Act by allowing the interagency consultation process to be bypassed when using "pre-approved management practices." This provision takes the self-assured position that expedited salvage logging be placed on par with national defense or security emergencies. This provision would allow consultation to take place once the logging has been completed, which greatly reduces the value of consultation for protecting imperiled wildlife. After the conclusion of the near-meaningless consultation, this provision also approves any incidental death of or impacts to threatened and endangered species that may have occurred. The provision provides legal cover starting

on the date the Secretary initiated the practice and would “apply to all persons assisting or cooperating with the Secretary in using the practice.”

Under a similar provision in section 104(e)(2) consultation required by the National Historic Preservation Act, Clean Water Act, and other laws could proceed at the same time as the “pre-approved management practice.” Through this provision logging would legally continue as historic sites are being destroyed and water sources are impaired until the lower priority of consulting on the impacts occurs. This effectively neuters the role of consultation.

The mandated 30 day limit to determine and start implementation of any “pre-approved management practice” as outlined in Section 104(f) and (g) avoids any meaningful rationale and economic or environmental analysis of the project. This provision combined with other related provisions severely shortchanges public involvement. This provision also makes any quality analysis of site-specific conditions, full accounting costs, alternative actions, or impacts to threatened and endangered species almost impossible.

Congress has given the Forest Service and Bureau of Land Management all of the authority it needs to address natural disasters and the Administration has granted itself several waivers from environmental analysis under NEPA to complete legitimate forest rehabilitation and recovery after natural events. It is worth noting that the damage caused to forests along the Gulf Coast by Hurricane Katrina has been used as an example of why this type of legislation might be needed. But, the Forest Service is working to treat the affected forests with existing authorities and has specifically not asked for new authorities to deal with the mess created by Katrina. The current situation is that Forest Service employees in the region are so far working to stay within the parameters of established law and are making an exceptional effort to work with and seek the input and advice of environmental advocates. This is a big challenge for the agency to show that one of the greatest natural forest disturbance events in recent US history is being managed entirely within the confines of current forest management laws, while not forgetting that building public trust and goodwill is important.

Lawmakers should be aware that H.R. 4200 goes far beyond the provisions and reasoning for the Healthy Forests Restoration Act. There is no ecological emergency to log after natural disturbances on America’s public forests, which is what this legislation proposes.

The Forest Emergency Recovery and Research Act is not a workable approach to restoring damaged fish and wildlife habitat, protecting threatened and endangered species, conducting research or protecting citizens’ homes and communities. A stronger scientific and collaborative approach to maintaining the health of our National Forests after natural disturbances can be found in the bi-partisan National Forests Rehabilitation and Recovery Act of 2005, H.R. 3973. This legislation would allow local stakeholders to join together and create sensible long term restoration plans that protect communities from future wildfires, restore fish and wildlife habitat, and safeguard old growth and wild roadless forests from commercial logging.

#### POOR ANALYSIS AND PLANNING CREATES POOR RESULTS

In recent years we have seen a number of salvage logging projects turn out poor results. These poor results are due to the lack of oversight, responsible analysis and the pressure to pursue logging at the cost of all other resource values. Here are some examples that are of concern to Sierra Club members:

High Roberts Timber Sale, Malheur National Forest, Oregon.—In the summer of 2002, a light ground fire burned through the Malheur National Forest near the Strawberry Wilderness. In small pockets the fire reached the tops of the trees and scorched their crowns. But for the most part, the fire, known as High Roberts, burned through the understory and left the old growth ponderosa pine, Grand fir and Western larch to live on with only a little surface damage at their base.

The Forest Service claimed these trees were dead or dying and decided to use a categorical exclusion under the Healthy Forest Initiative to plan a salvage timber sale. The categorical exclusion rule allows salvage logging of dead and dying trees and excludes this kind of salvage project from environmental review or meaningful citizen input. The problem with the project is that the old growth trees at High Roberts were still alive and healthy 2 years after the fire and they were unlikely to die anytime soon. A 27 year Forest Service veteran realized the project planners had marked all the large green trees well over 21 inches in diameter to be cut, but ignored trees that were less than 12 inches in diameter. He understood full well the natural role that fire plays in this landscape and that many trees often survive wildfire. This veteran became a whistleblower in order to question the scientific validity of the Forest Service’s decision and publicly complained that the Forest Serv-

ice had “published a paper without peer review and called it science” in order to justify this timber sale.

When this shoddy analysis was challenged in court by the Cascade Resources Advocacy Group the plaintiffs received a statement in support of their claim from Dr. Bill Ferrell, a professor emeritus from Oregon State University. Dr. Ferrell is an expert in forest ecology and plant pathology. In his deposition he stated, “It is clear to me that the High Roberts fire was generally of low intensity. Two years after the fire, these trees are showing no ill effects whatsoever from the fire.” The trees he referenced were all marked with blue paint; marked to be logged. Oddly enough, the day before the hearing the Forest Service submitted a brief to the Court that stated Dr. Ferrell had died on November 13, 2004. The Forest Service acknowledged his statements, but suggested that because Dr. Ferrell had died the court should ignore his testimony. However, the day of the hearing Dr. Ferrell was alive and in court. His presence was noted in the court record when the judge said, “The court will take judicial notice that Dr. Ferrell is alive.” The Forest Service zeal to push a salvage logging project was denied and the old growth trees and Dr. Ferrell both continue to live to this day.

Biscuit Timber Sale, Rogue River-Siskiyou National Forest, Oregon—The 350 acre Babyfoot Botanical Area was created in 1966 to protect Brewers’ spruce and other rare plants in the Rogue River-Siskiyou National Forest. After the Biscuit fire the Forest Service planned one of the largest salvage logging timber sales in modern history. The Botanical Reserve, however, was always to be off the table for any timber harvest because of the unique plant diversity in the area. Despite the exceptionally high profile of the Biscuit timber sale and the scrutiny it received from the agency, the public, the media, Administration officials and Members of Congress, somehow the Forest Service mismarked the border of part of the timber sale next to the Botanical Reserve area. The result was that 17 acres of a protected reserve was logged by the Silver Creek Timber Company. (This same company was fined earlier in the year for logging illegally inside the congressionally designated Kalmiopsis Wilderness in 2004 as part of other logging operations.) Conservationists counted over 290 stumps in the Botanical Reserve including one that was three feet in diameter and 234 years old. The “serious mistake” admitted by the agency caused a local newspaper, the Ashland Daily Tidings, to editorialize that this “confirmed that more restraint, public input and independent advisors are needed” when others are asking for less.

In a more recent instance the Forest Service is investigating the illegal logging of green trees within the Wafer timber sale. The Wafer sale is part of the Biscuit timber sale and was planned inside an old growth reserve. According to the Associated Press, the South Coast Lumber Company was only allowed to log dead trees but over 100 live green trees were found logged shortly after the weekend of October 8.

Bitterroot Burned Area Recovery Project, Bitterroot National Forest, Montana—In 2000 several fires burned across 356,000 acres of forest land in the Bitterroot National Forest that had been heavily logged and roaded over the past 40 years. By fall of 2001 the Bitterroot National Forest staff released a “recovery” plan that called for logging 181 million board feet over 46,000 acres. The agency officials made note that the leftover logging slash would increase fire hazards for up to 8 years. An out of court settlement allowed logging of 60 million board feet and the logging began. Erosion and sedimentation increased in streams due to heavy truck traffic on poorly maintained roads and in some cases the logging companies were allowed to select the trees they wanted to take. This lack of oversight and guidance led to increased fire risk, erosion on steep slopes, heavy removal of large snags and much public distrust of the Forest Service. While commercial logging went ahead, over \$16 million slated for non-logging restoration and rehabilitation was diverted to pay for firefighting costs of the 2002 fire season. These funds have yet to be replaced so 3 years into the “recovery” plan about 75 percent of the critical watershed and road restoration work remains undone but the logging is near finished.

#### PRIORITIES THAT DESERVE PROGRESS

Protect Homes and Communities First—Sierra Club believes that the number one priority of the Federal fire management program should be to protect homes and communities from threat of wildfire. The research behind the Firewise program has produced solid results that help homeowners and community leaders take concrete action and derive a substantial degree of increased protection. Further, the research of the USFS Fire Research Laboratory proves that fuel reduction 100 to 200 feet around homes and other structures will provide a significant degree of increased safety from a surrounding wildland fire. The Forest Service and BLM should focus

fuel reduction near homes and communities regardless of whether the land is federally or non-federally owned. Diverting scarce resources into salvage logging programs instead of working to protect home and communities is a management and legislative decision that citizens cannot afford. While Congress discusses action to increase salvage logging we have to ask: what do these agencies do that is more important than keeping citizens homes from burning down?

**Safeguard Workers Rights and Safety**—A recent series by the Sacramento Bee identified severe abuses of the rights of forestry workers. Many workers do not receive the wages and benefits to which they are entitled and some are maimed or even killed through a lack of simple safety precautions. Sierra Club members and other citizens do not expect their Federal public lands to be places where workers are abused and forced to live in squalor.

Sierra Club applauds Chief Bosworth's immediate statement and direction to Forest Service employees to empower them to address these problems. The Chief's action is the type of leadership direction that is needed to confront the more diverse societal concerns of this era of National Forest management. To solve the problems and conditions forestry workers face will require Congressional involvement. The Forest Service can help enforce labor and safety requirements in the woods but the agency also needs strong direction to allow them to refuse contracts to contractors who insist on poor management practices and who abuse workers rights.

However, it is up to the Department of Labor to regulate the H-2B guest worker program that brings many forestry workers to the United States. In this the Department of Labor needs strong Congressional direction to: investigate the abuses that occur during the recruitment of the foreign workers in their homelands; ban unscrupulous contractors from receiving Federal contracts so that serial violators are not allowed to hide under a new business name; and, require employers and labor contractors who transport forestry workers to provide them with safe transportation. Also, agency budgets for reforestation and restoration should be adequate enough to remove the financial incentives that make the lowest cost the only deciding reason for entering into a particular contract. A well trained, established and experienced workforce will contribute more to the stewardship of our National Forests and other lands than a transient workforce in unsafe and miserable conditions.

**Maintain Existing Road System**—The Forest Service faces a massive maintenance backlog on existing forest roads that currently exceeds \$10 billion. Over 380,000 miles of roads have been built for past logging operations but now many receive no annual maintenance. In fact, only 21 percent meet adequate maintenance objectives. This deteriorating road system will continue to cause public safety and environmental quality issues that affect the millions of citizens and visitors that use their National Forests. A 1997 Congressional Research Service report stated that properly maintaining National Forest roads would reduce the current number of collisions by one-half. Opening up wild roadless areas and old growth forests for logging and new road construction, permanent or temporary, only exacerbates this very serious environmental and financial problem. New laws that allow expedited salvage logging will increase the amount of taxpayer subsidized roads and other timber subsidies. The Forest Service and BLM should fix the existing transportation infrastructure first and decommission unsafe and unneeded roads before creating any new and damaging roads.

**Fully Implement the 2001 Roadless Area Conservation Rule and Protect Ancient Forests**—Protecting America's Wild Legacy is a great benefit to us and our children. The wild forests remaining in the National Forest System are less than 1 percent of the land base of the United States. These areas provide the best remaining forest habitat in the country for fish and wildlife, the drinking water for over 3,400 towns and cities and the most outstanding outdoor recreation in the Nation. The wisest step to provide adequate budgets for Federal land management agencies is to eliminate unnecessary and wasteful expenditures. Federal taxpayers do not want nor can they continue to afford to subsidize road building and sell trees at below-market prices. Developing even more of the Nation's best fish and wildlife habitat on which subsidized logging practices can occur is irresponsible. Implementing the 2001 Roadless Area Conservation Rule will protect these wild forests and minimize the burden on taxpayers. Congress should move to enact this rule and work to protect our scarce old growth forests.