

**STATEMENT OF
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**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
JULY 20, 2012**

**CONCERNING
H.R. 6089 HEALTHY FOREST MANAGEMENT ACT OF 2012**

Mr. Chairman and members of the Subcommittee, the National Association of Forest Service Retirees (NAFSR) appreciates the opportunity to appear before the Subcommittee today to comment on H.R. 6089, the Healthy Forest Management Act of 2012. I am Hank Kashdan, Legislative Director for NAFSR. I retired from the Forest Service in December, 2010 having served as Associate Chief immediately prior to retirement. I was a Forest Service employee for 37 years. The NAFSR organization is a national, nonprofit organization of former Forest Service employees and associates. Members of the Association possess a unique body of knowledge, expertise and experience in the management of the National Forests, other public lands, forestry research, state and private forestry assistance, agency history, laws and regulations, and international forestry. Members of NAFSR are devoted to contributing to understanding and resolving natural resource issues through education, independent and cooperative analysis, and periodic review and critiques of agency policies and programs.

Although my testimony is specific to H.R. 6089, NAFSR recognizes that the Subcommittee is holding this hearing on three bills that focus on major forest and rangeland health issues across the nation's public lands under the jurisdiction of the United States Forest Service or the Bureau of Land Management. This high level attention is much appreciated by NAFSR. The recent catastrophic wildfires occurring throughout the West, clearly illustrate the need for rapid, efficient, and collaborative action to address insect epidemics, drought, deteriorating forest health, and the ever increasing risk of catastrophic wildfire. These conditions are a direct threat to communities, the health of the nation's public lands, and infrastructure investments on and near those public lands. The retirees in NAFSR stand ready to assist the Subcommittee on this issue at any time during its consideration of these bills.

Overview of Actions Taken to Date

NAFSR applauds the significantly increased attention by the agencies in addressing deteriorating forest and rangeland health issues on public lands.

The recently authorized Collaborative Forest Landscape Restoration Program is already yielding improved forest health and brightening the economic prospects for communities adjacent to

public lands. The collaborative basis for establishing management activities in these areas is a model of how public lands can be managed in the future.

The Forest Service and Bureau of Land Management's use of stewardship contracting authority has finally reached the point of "critical mass" such that it is becoming a tool of choice for land managers rather than an experiment in the performance of restoration activities on the nation's forests and rangelands. Although the retirees feel that stewardship contracting has been implemented over a painfully long period of time, we now see widespread acceptance and understanding within the agencies of the benefits of this tool. As noted later in our testimony, NAFSR believes permanent authority for stewardship contracting is an important consideration in meeting the challenges identified in H.R. 6089.

The retirees congratulate the agencies on the issuance of the National Cohesive Wildland Fire Management Strategy that will serve as a framework for broad interagency strategy actions to address wildland fire issues with close involvement of local and tribal governments, non-governmental organizations and others.

The Forest Service is currently pilot testing new budget structure efficiencies as authorized in the Fiscal Year 2012 Appropriations Act. The pilot, under an Integrated Resource Restoration budget line item, applies to three of the four Forest Service Regions in the Intermountain West, which contain many areas severely impacted by drought and insect infestation. We are hopeful the test of this integrated budget structure will increase the efficient use of existing funds in completing critical projects.

The Forest Service's development of a Bark Beetle Strategy is an important aspect of prioritizing the critical project needs to address a problem that, taken as a whole, cannot simply be addressed with higher funding levels that are highly unlikely to occur in the near or long term future.

The retirees note the use of Good Neighbor Authority that was first authorized in the late 1990's. This program has been very successful in providing resources and focus in working with the states to address forest and rangeland health issues. I personally remember some of the reservations the Forest Service had with enactment of this authority in an Appropriations Bill. Those concerns focused on the perception of "shared authority" to conduct restoration activities on federal, as well as adjacent state and private lands. The success of this authority resulted in a similar authorization for the Forest Service to use hazardous fuels reduction funds (with an expenditure limitation) on adjacent non-Forest Service lands. We highlight the initial concerns about such shared authority as we note similar perceptions by agencies will undoubtedly be at the forefront of concerns about H.R. 6089 as it receives further consideration.

All and all, NAFSR believes good progress is being made through the interagency increase in focus, prioritizing, and collaboration. Recognizing that the prospect for increased funding, or even sustained levels of funding, to land management agencies to address these problems is highly unlikely, it is clear that a new perspective with a strong bias for action and collaboration is needed. A simple look at the impacts of the recent wildfires in the West, expanding drought areas, and further spread of insects across the landscape, mandates that increasingly bold action be taken through an expansion in the use of existing tools and authorities, further collaboration

with stakeholders, and a streamlining and expediting of procedures for environmental analysis and public involvement. This will require efforts that stretch the cultural “comfort zones” of the public land management agencies in order to be successful. It is in that context that NAFSR offers the following perspective on H.R. 6089.

NAFSR Perspective on H.R. 6089

With only one significant reservation, NAFSR is very supportive of H.R. 6089. I will address that reservation after first acknowledging the Bill’s positive aspects.

- The Bill provides for an extension of Stewardship Contracting authority. This is essential. Stewardship contracting is a key element in future successful implementation of actions to address the critical challenges on the landscape. NAFSR would only recommend that strong consideration be given to making the authority permanent as was done in the Senate Agriculture Committee’s markup of the Farm Bill.
- The Bill provides for Stewardship Contracts to be executed for up to 20 years. NAFSR concurs with this provision. Such long term contracts in critical landscapes will provide better prospects for local business to obtain financial backing and provide for the long term collaborative structure within local communities that will improve forest and rangeland health.
- The Bill makes the Good Neighbor authority permanent. NAFSR supports this action. This authority has been a good tool in conducting cooperative work on federal and adjacent lands.
- NAFSR appreciates specific mention in the Bill that emergency hazardous fuels reduction projects, whether inside or outside the wildland urban interface, would be performed using analysis, appeals, and judicial review procedures provided for in the Healthy Forest Restoration Act of 2003.
- The Bill extends environmental analysis, appeals, and judicial review processes contained in the Healthy Forest Restoration Act of 2003 to hazardous fuels reduction project to be performed under this Act. The Bill further authorizes the use of categorical exclusions for projects within 500 feet of houses or infrastructure. NAFSR supports this method of streamlining analysis and appeals procedures in order to move quickly to perform activities that if otherwise delayed by cumbersome procedures, would result in unacceptable deterioration of forest and rangeland health, damage to communities and infrastructure, and possible loss of life.
- The Bill formalizes a significant role for Governors in designating high risk areas. NAFSR understands the federal agencies have concerns about such legislation; however we also recognize that cooperation with Governors is already a standard and highly routine practice by the federal agencies in developing collaborative plans to address management on federal lands. As such, we are supportive of such authority except as stated in our one major reservation which is explained as follows.

The Bill, in Section 6 (e) (1) states that for projects identified by the Governor, “implementation” will occur within 60 days. Our reservations are as follows:

- A false expectation is potentially created that the agency will shift nationwide resources to implement projects simply as a result of designation by a governor. The current budgetary capacity of the agencies would not support such an expectation. If enacted as currently stated, the provision will likely result in unnecessary friction and conflict between a Governor’s office and the federal agencies. NAFSR feels the final implementation of projects should be at the discretion of the Secretary in consultation with the Governor.
- Rather than potentially creating false expectations that nationwide resources might be shifted as a result of a Governor’s designation, NAFSR feels that the primary benefits derived from this legislation will be through extension and/or permanent authority in the use of available tools (stewardship contracting, Good Neighbor Authority, etc.) and a streamlining of environmental analysis, appeals, and judicial review. With the legislation authorizing a Governor to designate high risk areas, the streamlined analysis, appeals, and judicial review would become available to the agencies.

Conclusion

In closing, NAFSR would again like to thank the Subcommittee for affording us the opportunity to provide testimony regarding H.R. 6089. We again offer our assistance in any way possible to assist the Subcommittee in developing legislation that will achieve a significant improvement in the health of the nation’s forests and grasslands, while protecting communities and infrastructure.

I would be glad to answer any questions the Subcommittee may have either now or in the future.