

**STATEMENT OF
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UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON
PUBLIC LANDS AND FORESTS
MARCH 10, 2010
CONCERNING
S. 2895 OREGON’S EASTSIDE FOREST RESTORATION AND OLD GROWTH
PROTECTION ACT OF 2009**

Mr. Chairman, Members of the Committee, thank you for the opportunity to share the Administration’s views on S. 2895, the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009.

S. 2895 directs the Secretary of Agriculture to establish a science advisory panel, conduct an assessment of forests located in eastern Oregon and subsequently undertake ecological restoration projects. While the assessment is prepared, the legislation directs the Secretary to mechanically treat 80,000 acres of forest in the first fiscal year following enactment, 100,000 acres in the second fiscal year, and 120,000 acres in the subsequent year. During this “interim” period, the projects on the forests within eastern Oregon would not be subject to an administrative review process (appeals). The legislation also requires the Secretary to promote use of biomass and encourages the use of long-term stewardship contracts.

I would like to express my appreciation to Senator Wyden for the leadership, energy and effort that went into developing this legislation and his work to bring diverse interests together. There are numerous concepts in the bill that the administration fully supports including collaboration, achieving restoration results on the ground, conducting assessments at a broad landscape scale to focus our efforts, reducing our road system to what is needed, establishing a pre-decisional administrative review process, maintaining our much needed wood products industry and infrastructure, and promoting sustainable use of biomass as an energy source.

Current Efforts

On our national forests, we are currently engaged in numerous administrative efforts to encourage and expand many of the concepts included in this legislation.

When Secretary Vilsack articulated his vision for America's forests, he underscored the overriding importance of forest restoration by calling for complete commitment to restoration. He also highlighted the need for pursuing an "all-lands" approach to forest restoration and close coordination with other landowners to encourage collaborative solutions.

To that end, the Forest Service portion of the President's 2011 budget proposes to invest \$50 million to improve watershed conditions through a new initiative, Priority Watersheds and Job Stabilization, as a part of the Integrated Resources Restoration budget line item in the National Forest System appropriation. Under this initiative, priority watersheds will be identified through a rapid watershed assessment or State forest assessment. Large-scale (greater than 10,000 acres) watershed restoration projects within these priority watersheds will be selected through a national prioritization process which favors projects that demonstrate coordination with other federal and state land management agencies; improve watershed function and health; create jobs

or will contribute to job stability; create or maintain biomass or renewable energy development; and use youth programs. Restoration projects will clearly show restoration needs and goals, and will be developed in a collaborative manner with local communities.

Throughout the nation, the Forest Service is engaging with a variety of citizens' groups to develop collaborative solutions to help us provide the best possible stewardship of the national forests. Two notable efforts in eastern Oregon include the Glaze Forest Restoration Project and the Lakeview Stewardship Group.

The Glaze Forest Restoration Project on the Sisters Ranger District of the Deschutes National Forest was initiated in 2005 when Oregon Wild and the Warm Springs Biomass LLC approached the Forest Service with a proposal to restore 1200 acres of eastside Cascades old growth ponderosa pine forest so that it can function more naturally in a fire-prone environment.. A collaborative partnership of diverse interests agreed to cooperate and apply ecosystem, community and economic values on the land. After five years of active engagement and bringing these diverse groups together to plan and analyze this stewardship project, implementation began this January. No appeals were filed on the project, making it one of the few Deschutes National Forest projects involving commercial forest products interests to avoid appeal since 1996. The project work is ongoing, and aims to jumpstart the old growth characteristics in the Glaze area while protecting the aspen stands, scenery and wildlife habitat.

As important as the results achieved on the ground are the outcomes of the collaborative process that have resulted in strong relationships built on trust that will provide the basis for future

collaborative work and projects that restore our national forests on a larger scale and over the long-term.

The Forest Service also employs a variety of assessment methods to gather information at the landscape or watershed level to guide our restoration efforts and develop projects. For example, the Pacific Northwest Region has an Aquatic Restoration Strategy in place which identified priority basins and watersheds for restoration. The Region is conducting a region-wide assessment of terrestrial habitat restoration needs and is working with the Western Wildland Environmental Threat Assessment Center to conduct a regional assessment of wildfire risk. These assessments will help identify the highest priority landscapes for integrated forest and watershed restoration treatments. In addition, the Region is working closely with the states of Oregon and Washington as they complete their State-wide Forest Resource Assessments and Strategies as required by the 2008 Farm Bill. The State-wide assessment is an analysis of forest resource conditions and trends, threats, and opportunities for the purpose of identifying and treating priority forest landscapes. The Region is using this all lands approach to mutually identify priority landscapes and plan how to best leverage resources.

Another tool that has been helpful in building relationships and improving agency decision making is use of the objections process prior to a decision, rather than using an appeals process after a decision is made. Our experience with the objections process indicates that the process tends to increase direct dialogue between the agency and stakeholders and often results in resolution of concerns before a decision is made, and thus a better, more informed decision

results. One example is the Sportsman's Paradise Fuels Reduction Project on the Mt. Hood National Forest. This project was initiated by local homeowners, who along with the Oregon Department of Forestry and an environmental group worked collaboratively to develop recommendations for the District Ranger. The most positive aspect of this effort is that the Sportsman's Paradise homeowner's group, which previously had not engaged with the Forest Service became an active participant in the planning process resulting in new relationships. The Mt. Hood National Forest received an objection from a participating environmental group. After discussions with the group, the District Ranger made some minor revisions to the document which resulted in the group withdrawing their objection. Upon implementation, the authorized work will decrease potential catastrophic fire loss for approximately 900 acres surrounding the Sportsman's Paradise community of approximately 170 lots.

I am very interested in expanding these successes not only within the State of Oregon, but throughout the country. I am focusing on advancing several principles I believe are paramount to accomplishing restoration on the entire national forest system. These principles include collaboration with diverse stakeholders, efficient implementation of the National Environmental Policy Act, greater dialogue over areas of conflict prior to the decision, ensuring opportunities for local contractors, expansion of the use of stewardship contracting, and monitoring to track our results on the ground. S. 2895 includes many of these principles I believe lead to success.

Areas of Concern

While the Administration supports the key concepts in this bill, we do have some specific issues. I look forward to further dialogue with Senator Wyden and the committee to address the following areas of concern and offer other minor technical input into sections of the legislation.

Inclusion of existing management guidance and direction in statute: While we appreciate the intent to ensure adequate protection of riparian areas and the species dependent upon them, we are concerned about codifying any particular strategy that is intended to change over time. We want to work with the committee to ensure that as new information becomes available or there are changed circumstances in the forests that we can easily and quickly adapt our plans and strategies.

- Mandate to treat specific acreage levels. These specific levels of treatment may result in unrealistic expectations on the part of communities and forest product stakeholders that the agency would accomplish the quantity of treatment required. The levels called for in the first year would require the forests involved to more than double their current levels of treatment. We want to work with the committee to ensure these treatment levels do not affect other forests and programs in Oregon or the rest of the country.
- Establishment of a formal science advisory panel. I am concerned that the proposed advisory panel could be costly and process laden. It appears likely that the tasks assigned to the advisory panel would not be achievable within the timeframes provided. Reaching consensus among a broad array set of scientists on a wide variety of management recommendations for a landscape as diverse as eastern Oregon will be a challenging task. Often, there is conflicting peer-reviewed science regarding appropriate management actions and disagreement over the geographic applicability of scientific conclusions. The

selection of restoration projects could be affected if the scientific panel cannot achieve consensus, or if it makes a recommendation that the Forest Service found inappropriate to a specific management situation. Finally, we believe that establishment of an advisory science panel is unnecessary, because personnel on the eastern Oregon forests currently work very closely with scientists from the Pacific Northwest Research Station and other scientists, including those from Oregon State University and the University of Washington, to ensure that management practices reflect current science and that decision makers are aware of relevant disagreements within that science.

- Exemption from the appeals process for certain projects during the interim period. An administrative review process serves as an important and useful process for resolving issues and averting litigation. With no established administrative method to review decisions and areas of disagreement, we could see more litigation during the interim period as a result of having no administrative review process. Further, the bill provides for an objection process for decisions on ecological restoration projects that is only subtly different than the objection process in our current regulations. Our preference would be to have the authority to use our current regulations at 36 CFR 218 to manage an objections process for all interim and ecological restoration projects.
- Collaboration: The provisions in the bill that provide for recognition of collaborative groups are much more formal than necessary to ensure collaboration on restoration projects. Collaboration can and has been achieved without formal recognition; I am cautious about adding more process to our already rigorous public engagement process. Further, it is not clear whether these groups would be subject to the Federal Advisory Committee Act.

- The precedent setting nature of the legislation and the movement toward greater disaggregation of the national framework under which the national forests are managed continues to concern me. The Agency has a meaningful national approach to management of the forests that takes into account local conditions and circumstances through the development and implementation of Land and Resource Management Plans.

S. 2895 includes many of the concepts embodied in the president's proposed 2011 budget. We will use the full and comprehensive range of authorities available to the agency to restore and sustain forest landscapes in a collaborative open manner.

I want to again thank Senator Wyden for his leadership and strong commitment to Oregon's national forests, their surrounding communities and forest products infrastructure. I look forward to working with the Senator, his staff, and the committee, and all interested stakeholders on this bill and to help ensure sustainable communities and provide the best land stewardship for our national forests.

This concludes my prepared statement and I would be pleased to answer any questions you may have.