STATEMENT OF

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COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON

PUBLIC LANDS AND FORESTS

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CONCERNING

S. 2798 NATIONAL FOREST INSECT AND DISEASE EMERGENCY ACT OF 2009

Mr. Chairman, Members of the Committee, thank you for the opportunity to share the Administration's views on S. 2798, the National Forests Insect and Disease Emergency Act of 2009.

I would like to express my appreciation to Senators Udall and Risch for their leadership in addressing insect and disease issues on millions of acres affecting thousands of communities across the western United States. This legislation: authorizes the Secretary of Agriculture to designate emergency areas in order to mitigate hazards posed by large scale infestations of beetles and insects; directs that increased resources are available within each emergency area to mitigate hazards; and makes existing good neighbor and stewardship contracting authorities permanent. The legislation directs the Secretary to give priority consideration to the removal of hazardous fuels and hazard trees, the restoration of forest health, and the delivery of assistance to state and local governments, Indian tribes, and private landowners in the designated emergency areas. The legislation provides for the application of the Healthy Forest Restoration Act environmental documentation process and a pre-decisional administrative review process to provide for a more rapid response to address these issues. We believe the pathway forward to restore these areas is to work in close coordination with states and private landowners.

Current Challenges

Outbreaks of bark beetles, which are occurring in numerous forest ecosystems across western North America, are the largest in recorded history.[1] Although western forests have experienced regular infestations throughout their history, the current outbreaks are notable for their intensity, extensive range, and simultaneous occurrence in multiple ecosystems. During the last 10 years

[1] Bentz, et. al. (2009)Bark Beetle Outbreaks in Western North America: Causes and Consequences, Bark Beetle Symposium, Snowbird, Utah.

there have been 17 million acres affected by bark beetles in the interior west (CO, MT, ID, WY, UT, SD)[2]

The primary difference between previous beetle outbreaks and the current epidemic is that more people now live, work and recreate throughout the lodgepole pine ecosystem. Removing dead trees and other fuels can effectively reduce the risk of fire damage at a local scale, e.g., in the immediate vicinity of a home or community, although the effectiveness of removing dead trees to reduce fire risk at the forest landscape scale is less clear.[3] Communities surrounded by dead trees are at increased risk of wildfire and damage from falling trees. In addition, the forest products industry that is vital to the efficient removal of hazardous fuels and hazard trees has been hard hit by the down turn in the market. These important differences along with the scale of infestations require new and innovative approaches that reduce safety threats to people and property while ensuring that the restored forests are diverse and resilient to change across the landscape.

Public Hazards

Dead trees pose several significant hazards to public safety including increased risk of catastrophic fire, threats to water supplies as a result of catastrophic fire, and hazard trees along utility corridors, roads, trails, and other infrastructure.

Wildfire Implications

The relationship between bark beetle outbreaks and subsequent fire at the larger landscape scale is not yet fully understood[4]. Outbreaks in recent years have provided scientists with excellent opportunities to conduct studies and gather new information about the role of bark beetles in western forests, but more research remains to be done.

At the stand level, both crown and surface fire hazards[5] change over time after a bark beetle outbreak[6]. The fire hazard in the crown is high in the period one to two years after pine trees die because the dead needles are retained in the tree's crown, stocking the canopy with dry, fine fuels that can ignite quickly during weather conditions conducive to fire.[7] Importantly, in the

[2] USDA, Forest Service – Forest Health Protection Aerial Survey Data. 2009

[3] see Dominik Kulakowski, Thomas T. Veblen (*2007) EFFECT OF PRIOR DISTURBANCES ON THE EXTENT AND SEVERITY OF WILDFIRE IN COLORADO SUBALPINE FORESTS.* Ecology: Vol. 88, No. 3.

[4] Bentz, et. al. (2009) Bark Beetle Outbreaks in Western North America: Causes and Consequences, Bark Beetle Symposium, Snowbird, Utah.

[5] The term Fire hazard as used here refers specifically to the state of fuels in a given stand – independent of variables such as temperature, wind, and precipitation that influence fuel moisture content and fire occurrence.

[6] Bentz, et. al. (2009) Bark Beetle Outbreaks in Western North America: Causes and Consequences, Bark Beetle Symposium, Snowbird, Utah.

[7] Page, W.; Jenkins, M. 2007. Mountain pine beetle-induced changes to selected lodgepole pine fuel complexes within the intermountain region. Forest Science 53(4):507-518.

grey phase, characterized by dead standing trees with no needles, the risk of ignition and the risk of crown fires actually go down, and that lasts for 10 to 20 years after the tree is attacked.[8] As the trees lose their needles, the fire risk in the crowns decreases because there is less fuel. The fire hazard at the surface increases as dead trees begin to fall and create a heavy fuel bed with young trees growing up through the tangle of down logs[9]. In dry, hot, windy weather conditions, fires burning in heavy surface fuels can move fast, burn extremely hot, and be very resistant to control[10]. An additional significant concern is the safety of our firefighters. Large areas of fallen trees limit escape routes for crews, severely limiting our ability to deploy firefighters in these areas[11].

A wildfire burning in the heavy fuels close to the soil can literally bake the soil, sterilizing it and sometimes leaving a water-repellent surface that sheds rain, and leads to severe gully erosion, debris flows into reservoirs and streams, and flood damage. We experienced these effects after the Hayman Fire in central Colorado in 2002. After the Buffalo Creek Fire in 1996, Strontia Springs Reservoir filled with sediment that washed off burned areas after heavy rains, and the South Platte River was running brown with mud.

Hazard Trees

In certain areas, dead trees are an immediate hazard because of the increased risk they may fall and damage property or hurt people. For example, in the beetle-infested area of northern Colorado and southern Wyoming, over 900 miles of trails and 3500 miles of roads are lined with dead trees that are at high risk of falling. There are hazard trees on more than 21,000 acres of developed recreation sites—such as campgrounds and picnic areas. Power lines and communication sites are also threatened by hazard trees. There are more than six thousand acres of right-of-way corridors for authorized transmission and distribution lines in the area affected

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Page, W.; Jenkins, M. 2007. **Predicted Fire Behavior in Selected Mountain Pine Beetle–Infested Lodgepole Pine**. Forest Science 53(6):662-674

Hawkes, B. 2008. Effects of the mountain pine beetle on fuels and fire behaviour. *In* Mountain Pine Beetle: From Lessons Learned to Community-based Solutions Conference Proceedings, June 10–11, 2008. *BC Journal of Ecosystems and Management* 9(3):77–83.
http://www.forrex.org/publications/jem/ISS49/vol9_no3_MPBconference.pdf

Jenkins, M., Hebertson E., Page, W. and Jorgensen C. 2008 Bark beetles, fuels, fires and implications for forest management in the Intermountain West. Forest Ecology and Management 254 (2008) 16–34

[8] see Dominik Kulakowski, Thomas T. Veblen (*2007) EFFECT OF PRIOR DISTURBANCES ON THE EXTENT AND SEVERITY OF WILDFIRE IN COLORADO SUBALPINE FORESTS.* Ecology: Vol. 88, No. 3, pp. 759-769.

[9] Bentz, et. al. (2009) Bark Beetle Outbreaks in Western North America: Causes and Consequences, Bark Beetle Symposium, Snowbird, Utah.

[10] Barrows, J. 1951. Fire Behavior in the Northern Rocky Mountains. Station Paper No. 29. USDA Forest Service, Northern Rocky Mountain Forest and Range Experiment Station, Missoula MT. 133 pages

[11] Alexander, M and Stam, J. 2003. Safety Alert for Wildland Firefighetrs: Fuel Conditions in Spruce Beetle Killed Forest of Alaska. Fire Management Today 63 (2) 25.

by bark beetle infestation in northern Colorado and southern Wyoming.[12] Forest Service resource specialists have estimated this represents over 1000 miles of transmission lines. When dead trees within and bordering on transmission corridors fall on lines they can start wildfires and disrupt power supplies to cities and towns.

Current Efforts

No effective treatment for suppression of large-scale pine beetle outbreaks currently exists, but the agencies within the Department are approaching this problem in a variety of ways based upon their individual missions, policies, laws, and management mandates under which they operate. On National Forests that have been affected by bark beetle, we are actively engaged in numerous on-the-ground efforts to address the insect and disease outbreak that this legislation targets. In the areas hardest hit by bark beetles, we modified our 2010 budget allocations to focus resources to mitigate the outbreak.

When Secretary Vilsack articulated his vision for America's forests, he underscored the overriding importance of forest restoration by calling for a commitment to restoration across landscapes—an all-lands approach to forest restoration—by working closely with other landowners to encourage collaborative solutions. Restoring our forests includes mitigating the effects of severe infestations of insects and disease by removing dead trees where appropriate and working across boundaries by cooperating with the states, other governments, and private landowners. Much of the woody material to be removed can be used as a sustainable energy source for our country and other uses such as pellets for wood stoves, house logs, furniture, and decorative items.

As Forest Service Chief, Tom Tidwell, recently stated in testimony on the President's budget, the agency will integrate traditional timber activities predominately within the context of larger restoration objectives, focusing on priority watersheds in most need of stewardship and restoration work, pursuing forest products when they support watershed, wildlife, and restoration goals. We will also greatly expand the use of stewardship contracting authority to meet restoration objectives and build in longer-term contracting certainty for communities and the private sector to invest in the kind of forest restoration infrastructure we will need to achieve these objectives. In this regard and to the extent that S. 2798 is implemented using a science-based and collaborative approach, engaging multiple and diverse stakeholders, this bill will be more consistent with the aspirations and goals of the Administration concerning ecological forest restoration and rural job development.

The Forest Service recognizes the impact a depressed market is having on the forest products industry in much of the West. The forest products industry is a primary partner in accomplishing work integral to sustaining and restoring the health, diversity, and productivity of the National Forest System, and can help us in our work to mitigate the risks of insect and disease. To accomplish the work of effectively and efficiently restoring National Forest System lands to a

[12] Figure derived from data in the Forest Service Special-Use Database System, Region 2.

healthy condition, we need skilled forestry operators, vibrant rural communities, and a healthy forest products industry.

Our experience indicates that an expanded use of the objections process under the Healthy Forest Restoration Act 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.

Concerns

I look forward to further dialogue with Senators Udall and Risch and the committee to consider the following suggestions, concerns and other minor technical input into sections of the legislation.

Biomass

We appreciate the emphasis on biomass production and use to promote a sustainable and renewable energy source for our country that may lead to greater diversification of the wood products markets and the development of new businesses and jobs. However, we would like to work with the committee to understand and address the relationship between the bill and the Clean Air Act and existing programs and policies.

Stewardship Contracting

We appreciate and value the recognition of the need for stewardship contracting authority as a tool to achieve forest restoration goals on the national forests. We have serious concerns with the methods used to address the challenges of awarding long-term stewardship contracts, and do not believe the provisions in Section 7(a) (1) and (3) is necessary or desirable. The administration has the flexibility to address relevant requirements and is convening a multi-agency working group to identify and assess options for issues related to stewardship contracting, and we look forward to apprising the Committee on progress.

National Environmental Policy Act Provisions

We are concerned about the applicability provisions under Section 4 emergency designations. We are concerned that not subjecting emergency designations to applicable laws and regulations would give the impression that the bill circumvents important environmental protections and we would like to work with you to ensure environmental protections remain. We would also like to work with you to clarify the nature and effect of designating insect and disease emergency areas to better understand applicability to other laws and regulations. Similarly, the Administration has significant concerns about the overly broad waiver contained in Section 4(c)(6)(c).

While the bill recognizes NEPA's applicability to treatment decisions, it does so by expanding the use of the-Healthy Forest Restoration Act (HFRA) provisions for NEPA analysis and documentation. The bill needs to provide for an effective NEPA process and include HFRA protections for old-growth forest stands, threatened and endangered species, and other resources. We would like to work with you to ensure that management actions will be consistent with land management plans and consistent with prohibitions and restrictions on removing vegetation from Federal land including roadless areas.

Good Neighbor Authority

As the Departments of Interior and Agriculture testified before this subcommittee in October of 2009, we believe our Nation's forests and public lands face forest health challenges that must be addressed across diverse land ownerships. In these times of limited resources, it is important to leverage workforce and technical capacities and develop partnerships for forest restoration across all lands, while ensuring compliance with existing applicable laws and regulations. However, we believe further study and analysis is needed to better understand the interplay of needs, state and federal contracting and labor law, and regulation before expansion of the authority is authorized. For example, where federal or applicable state contracts are awarded, we would seek to use competition, consistent with current statutory requirements and the President's March 4, 2009 Memorandum on Government Contracting. We look forward to working with the committee, States, and federal agencies to make suggestions to improve the bill in a manner that meets the needs of key stakeholders.

I want to again thank Senators Udall and Risch for their leadership and commitment to our national forests, their surrounding communities and the forest products infrastructure. I look forward to working with the Senators 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.