

**STATEMENT OF
HARRIS SHERMAN
UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT
UNITED STATES DEPARTMENT OF AGRICULTURE**

**BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

MARCH 25, 2011

**CONCERNING
S. 268, THE FOREST JOBS AND RECREATION ACT OF 2011**

Mr. Chairman, Members of the Committee, I am Harris Sherman, Under Secretary of Agriculture for Natural Resources and Environment. Thank you for the opportunity to share the Department's views on S. 268, the Forest Jobs and Recreation Act of 2011.

S. 268 directs the Secretary of Agriculture to develop and implement forest and watershed restoration projects on 70,000 acres of the Beaverhead-Deerlodge National Forest and 30,000 acres of the Kootenai National Forest within 15 years of enactment. The bill prescribes treatment methods, annual acreage targets, and standardized criteria to prioritize areas for restoration projects. It also requires consultation with an advisory committee or collaborative group for each restoration project implemented by the Secretary, and calls for a monitoring report every five years. The bill designates twenty-four wilderness areas totaling approximately 666,260 acres, six recreation areas totaling approximately 288,780 acres, and three special management areas totaling approximately 80,720 acres. Some of the designations apply to lands managed by the Bureau of Land Management and we defer to the Department of the Interior on those provisions.

We appreciate the close work of the Senator's staff with the Forest Service to refine legislation that would provide a full suite of significant benefits for the people, economy, and forests of Montana and the nation. The continuing commitment to bring diverse interests together to find solutions that provide a context for restoration, renewal, and sustainability of public landscapes is evident in the legislation being considered by this Committee today.

The Department supports the concepts embodied in this legislation, including collaboratively developed landscape scale projects, increased use of stewardship contracting, the designation of wilderness areas, and the importance of a viable forest products industry in restoring ecosystems and economies. In fact, we are currently engaged in numerous programs and activities on the National Forests of Montana and around the nation that embrace the concepts in this bill. While we support the concepts of the legislation, the Department has concerns regarding Title I which I will address later in my testimony.

The President's FY 12 budget proposal includes an \$854 million Integrated Resource Restoration (IRR) line-item. This integrated approach, similar to the landscape scale efforts envisioned in this

bill, will allow the Forest Service to apply the landscape scale concept across the entire National Forest System.

Three examples of the work we are carrying out in the spirit of this legislation, which IRR is intended to help us replicate, are underway as large-scale restoration projects on the National Forests of Montana: the East Deerlodge Stewardship project on the Beaverhead-Deerlodge, developed with a local collaborative group, which is expected to substantially increase treated acres and harvested volumes based on the President's FY12 budget request; a Region-wide Long-Term Stewardship Contract, which will accomplish a wide range of restoration priorities throughout the State; and the Southwestern Crown of the Continent project, which will treat close to 200,000 acres on the Lolo, Flathead and Helena National Forests with funding provided under the Collaborative Forest Landscape Restoration Program.

Efforts such as these have helped the agency and stakeholders gain experience in identifying the factors necessary for the success of large-scale restoration projects, and I acknowledge the Senator's incorporation of their input into this legislation. I offer our continued support for further collaboration on addressing remaining concerns to ensure that it can serve as a model for similar efforts elsewhere.

Regarding the input from the Department that the Senator has incorporated, there are three items in the new legislation for which I would like to express the Department's appreciation in particular: (1) the incorporation of the administrative review procedures in Section 103(d), which promote transparency and encourage proactive collaboration, thus resulting in better decisions and more work done on the ground; (2) the adjustments to wilderness area designations in Title II, which now more closely reflect the extensive collaboration, analysis and resulting recommendations of the Beaverhead-Deerlodge 2009 Forest Plan and other forest plans; and (3) the removal of the previous bill's prescriptions for how the agency would meet requirements of the National Environmental Policy Act (NEPA), which would have likely resulted in greater controversy and complicated the agency's approach to environmental review.

Comments on the legislation

In general, and as the Department has testified to this Subcommittee in the last Congress, we have reservations about legislating forest management direction or specific treatment levels on a site-specific basis because it could establish a precedent leading to multiple site-specific laws in the future. We also recognize the importance of collaborative efforts such as the one which helped produce this legislation. These efforts are critically important to increasing public support for needed forest management activities, particularly in light of the bark beetle crisis facing Montana and other western states. We believe these efforts can significantly advance forest restoration, reduce litigation risk for these activities, and make it easier to provide jobs and opportunities in the forest industry for rural communities.

I will now point out several specific concerns that the Department would like to work with the Committee and Senator Tester to address.

One concern is the definition of mechanical treatment in Section 102(6). The Department acknowledges the inclusion of language that allows fiber to be left on the forest floor after treatment only if an option for removal of the fiber was provided. However, while we acknowledge the importance of encouraging the development of woody biomass and other small-diameter timber

markets, requiring that an option be provided for removing the fiber creates a barrier to using certain contracting methods that may be more effective in achieving the objectives of the bill.

Another concern arises in Section 103(b). While the Department believes the acreage targets for mechanical treatments are achievable and sustainable, we are concerned about the precedent set by legislating these targets given constrained Federal resources. Further, the Department would not want to draw resources from priority work on other units of the National Forest System in order to accomplish the goals in this legislation. Finally, we do not want to create unrealistic expectations by communities and stakeholders about the quantity of treatments that the agency would accomplish.

The reporting requirements in Section 103(f) raise two concerns. First, the requirements overlook an important opportunity to evaluate whether the Act's prescriptions continue to provide optimal performance in light of potential changes in budget trends, wood markets and forest health conditions. Second, the analyses prescribed by this subsection may be duplicative of reports required by other laws and regulations.

Regarding Section 103(g), we very much appreciate the Senator's recognition of the need to maintain the agency's financial capacity to carry out critical forest management activities elsewhere in the National Forest System. We look forward to working with the Senator to further refine this subsection in order to achieve that outcome. Specifically, we are concerned that the provision as written could give rise to potential litigation about the appropriate allocation of funds among the Regions.

Finally, the Department is concerned about several prescriptions in the legislation that codify scientific assumptions and value determinations that, while consistent with our shared vision today, may come to be recognized as undesirable or ineffective as new data and circumstances arise in the future. These include the road-density standards in Sections 104(a)(4) and 104(b)(3), and the INFISH compliance requirement in Section 104(b)(1).

Regarding the land designations in Title II that pertain to lands under the jurisdiction of the Forest Service, we support the wilderness recommendations made in each Forest's land and resource management plan given the depth of analysis and public collaboration that goes into them. Therefore we are pleased that many of the bill's wilderness designations are generally consistent with those plans, and I acknowledge the Senator's work with the Forest Service to resolve many important issues that arose in this respect with the previously introduced legislation. We would like to address some remaining inconsistencies, however, particularly concerning the Mount Jefferson Wilderness designation in Section 203(a)(11).

In closing, I want to thank Senator Tester once again for his strong commitment to Montana's communities and natural resources. We want to underscore our commitment to the continuing collaboration with the Senator and his staff, the committee, and all interested stakeholders in an open, inclusive and transparent manner to 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.