

**Statement of
Aaron Miles, Member Clearwater Basin Collaborative**

**Before
U. S. Senate Energy and Natural Resources Committee**

**Hearing
*Forest Management – Challenges and Obstacle to Increased Management***

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Mr. Chairman and members of the committee, my name is Aaron Miles and I work as the manager for the Department of Natural Resources for the Nez Perce Tribe at Lapwai, ID. I am also a member of the Clearwater Basin Collaborative. I thank you for the opportunity to speak to you today.

I would like to thank Senator Mike Crapo and Senator Jim Risch for their support of our communities in the Clearwater Basin located in North Central Idaho as well as the invitation to participate in this hearing of the Senate's Committee on Energy and Natural Resources. In particular Senator Crapo chartered the Clearwater Basin Collaborative (CBC) in 2008 to address federal land management issues in the basin where the majority of acreage is National Forest System lands. The CBC was formed out of frustration with the gridlock and status quo or inability of the Forest Service to effectively manage forest landscapes in today's litigious climate. Our vision is to enhance and protect the ecological and economic health of our forests, rivers and communities within the Clearwater Basin by working collaboratively across a diversity of interests.

I would like to share my thoughts about some of the challenges we have seen in our efforts to promote:

1. Active timber management to support ecological restoration
2. Rural economies
3. Honoring Tribal Sacred and Special places
4. Wilderness, Wild & Scenic Rivers and Special Management Designations
5. Outfitters and Guides
6. Wildlife Management

I list all 6 of these focus areas because the Clearwater Basin Collaborative is committed to the interests of a diverse array of people and needs and our work on all of these interests together is a big part of our success which includes increased timber harvest on the NezPerce/Clearwater National Forest.

The Nez Perce Tribe shares concerns in a number of these diverse interests. The Tribe still experiences high unemployment and many of our members work during the seasonal months for the Tribe's Department of Natural Resources and Department of Fisheries Resource Management. At one time the Tribe employed nearly 300 employees in forest products jobs when active management was the major part of our operations and took place on 50,000 acres of land with nearly 15 to 20 MMBF(million board feet).

The tribe has also worked towards the restoration of Pilot Knob, a well-known sacred vision quest site on the Nez Perce/Clearwater National Forest. Pilot Knob has a number of radio telecommunications towers because of the locale and elevation needed for communications. The Tribe believes we are nearly at a time where technology will allow for changes that will support communication needs and the return of mountain to its original use and sanctity for the Tribe. The CBC is committed to resolving these issues.

The Tribe is working towards restoration of many of the anadromous fish bearing streams on the Forest. Much of the work includes road obliteration and culvert replacement to reduce stream sedimentation and is in conjunction with the Tribe's anadromous fisheries outplanting efforts to restore fisheries in major tributaries on the Forest. Special designations such as Wild & Scenic and Wilderness protect some of the pristine places for these efforts and is a positive net gain in the amount of protection of these important resources.

The Tribe has joined forces with the Idaho Department of Fish and Game, and the US Forest Service in the CBC's Wildlife Initiative. This effort ties elk body condition to forest habitat conditions on the Forest. Through the effort it is our hope to address wildlife concerns in the basin for elk and ungulate species as well as other wildlife. The Clearwater Basin once boasted one of the nation's largest elk herd and changes in forest conditions has negatively affected population viability. The Tribe's culture is also interwoven with these species.

Overall the health and welfare of the Nez Perce People is interdependent upon the Forest. It still provides the spiritual sanctuary and sustenance to my people. It will always be a place called home for the Nez Perce just as it has since time immemorial.

For purposes of this hearing today, I will focus on some of the challenges and obstacles associated to increased timber management.

Tools and Obstacles – Challenges and Opportunities to getting more work done in the Woods: The FS has become an agency focused on the costs, resources and time invested in NEPA and Planning and often based on anticipated challenges (appeals and litigation), rather than on the desired future outcomes. In the years since the National Environmental Policy Act was passed into law, there have been numerous lawsuits resulting in a mountain of case law that has transformed the way the agency approaches and conducts NEPA analyses.

Current FS regulations are filled with controversy, complexity and excessive scientific analysis requirements and legal barriers that delay or block needed management of much of the public land area. These regulations and analysis requirements are applied across landscapes whether needed for the resource or not and result in redundant and often unnecessary actions. To complicate matters, the multitude of regulations is sometimes at cross purposes with what is needed on the ground or in conflict

with other regulations. Rather than sound professional practices applied on very different landscapes with distinctly different needs, the Agency is often hamstrung to produce in their insurmountable focus on regulatory compliance.

I believe there needs to be a hard look at the intent of the original law (NEPA) and how the analyses have been shaped by case law. Secondly, there is discussion about making NEPA more efficient. From my perspective the agency is trying a couple of things. First, as evidenced in the Clear Creek project, the Nez Perce-Clearwater Forests are trying to propose and analyze more activities in a project that covers a larger area. Over my career, I have seen the pendulum swing back and forth between the large-scale and small-scale approaches. Large scale projects were in vogue until one or two were successfully litigated, causing a Forest to lose a major portion of its overall timber program. It took the Forest years to rebuild its program. The Forest then opted for small scale projects so the loss of one didn't have just a major adverse impact to the Forest's overall vegetation program. It is now working its way back to larger, more complex projects. It is critical that these projects succeed—the stakes are high.

The second approach the Nez Perce-Clearwater Forest has tried is upfront collaboration designed to build understanding and support with stakeholders prior to starting NEPA analyses. The Clearwater Basin Collaborative believes this is the desired approach to project development and appreciates the Forests' efforts. The various perspectives brought in up front helps the Forests to design a better project. In the end, if there are challenges, collaborators are able to work behind the scenes to facilitate resolution. If there is no resolution, collaborators can stand with the Forests to defend proposals. The agency benefits when it has that kind of support in appeal negotiations or in a courtroom.

A serious in-depth review of NEPA and its application over time along with a review of the regulations guiding the Forest Service could help Congress make informed decisions about whether or it is time to

consider NEPA and regulatory reform. The value of true collaboration and its positive effects on the ground is happening all over the country and certainly in the Clearwater Basin of Idaho.

In terms of agency spending and overhead, it always makes sense to look for efficiencies and eliminate unnecessary and/or redundant functions. Recently, the NezPerce and Clearwater National Forest were consolidated. This move has reduced the cost of two stand-alone administrations, is saving money and is resulting in management consistency across the landscape. We suggest similar options could be explored at other locations.

Each level of the Forest Service serves a specific and useful function and our belief is that elimination of any of the levels would negatively impact good public service. The CBC has worked in partnership with the District, Supervisors, Regional and Washington Office level on issues and believes much of our success is due to those working relationships.

It would be unfair to leave the issue of spending without saying something about the ever declining budgets of the Forest Service. While appropriated dollars decrease with time, more resources are needed to fight escalating fire activity. The buildup of fuels, increased urban interface challenges, escalating fire complexity and costs all contribute to the Agencies inability to actively manage their lands. If a third or more of the budget is being used for firefighting – it is no wonder the Forest Service is not providing the level of public service they once did. The many dedicated professionals I have known over the years are capable of good work but the number of employees funded and the active management programs continue to be sacrificed for firefighting efforts.

Approaches on How to Tackle Forestry Challenges: The Nez Perce-Clearwater National Forests and Clearwater Basin Collaborative have been working together for five years. Progress has definitely been made in terms of trends and today the Forests are more successful achieving targets and reducing unit

costs than before collaboration with the CBC was a reality. This change is multi-faceted and time consuming because it is founded on mutual trust, open dialogue, diverse interests, and willingness to consider new and different approaches. We commend the Forest Service for their willingness to work with the CBC and are proud that CBC members are committed to science based and sound resource management and the interests of the public as well as their own.

In addition to providing valuable support for NEPA analyses, collaborators can serve as advocates for the Agency and for specific projects with other members of the public. Collaborative groups can help the Forests secure funding and recruit partners and leverage matching funds for special initiatives. The collaborative groups represent the diverse array of interests and provide input to the Agency to consider in their land management activities. The structure of Collaborative groups is critical in ensuring results that are scientifically sound and should have diverse representation and members who will work together to ensure projects achieve scientifically sound outcomes.

Additional Considerations: We think it might be timely to take a look at the agency's mission. The Forest Service has been tasked with being all things to all people. This is perhaps the most difficult mission in the federal government to fulfill. The agency is doing its best to redeem its mission, but it is increasingly difficult in this time of declining budgets and a society that is so divided and often lacks the skill/will to have a civil debate about land management issues. Fewer people are willing to have the difficult discussions that lead to win-win outcomes and decreasing personal contacts when project issues develop is counterproductive.

As a Nez Perce Indian, my people have witnessed the conversion of these landscapes from grassland-savanna to closed forest canopies and less desirable conditions. The Nez Perce sustenance way of life was built around those types of ecosystems for our own food source and to support diversity of wildlife populations. As a member of the CBC, I have personally witnessed the shift in dialogue and change in

attitude towards the Forest Service to more of a working partnership. I wholeheartedly believe that our collaboration has created a different atmosphere in the basin. We have made progress over time and we will need to continue working together to meet the needs of people and the resources we all depend on.

Thank you for your time.