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Chairman Manchin, Ranking Member Barrasso and Members of the Committee:

On behalf of the Family Farm Alliance (Alliance), thank you for the opportunity to present this testimony today on the bipartisan forest health and wildfire bill co-sponsored by Chairman Manchin and Ranking Member Barrasso – the *Promoting Effective Forest Management Act of 2022*. My name is Pat O'Toole, and I have served as President of the Board of Directors of the Alliance for over 18 years.

At the outset of this testimony, I would like to thank the Chairman and the Ranking Member for your leadership on this critically important bipartisan legislation. If enacted into law, this will very definitely reduce future catastrophic wildfire risk and improve forest health in the West.

The primary purpose of this testimony today is to provide an overview of that bill. However, there is another piece of legislation that is on the docket today - S. 4729, sponsored by Senator Lujan – which would amend the Agricultural Credit Act of 1978 to waive the cost share requirement under the emergency forest restoration program for land damaged by the Hermit's Peak/Calf Canyon Fire in New Mexico. At this time, I'd also like to note the Family Farm Alliance support for the *Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act*, which will provide maximum relief for agricultural producers in that part of the Southwest. Thank you, Senator Lujan, for your leadership in seeking to provide aid to farmers, ranchers and others in the area around Las Vegas, New Mexico who were impacted by last spring's wildfires.

About the Family Farm Alliance

The Family Farm Alliance (Alliance) is a grassroots organization of family farmers, ranchers, irrigation districts, and allied industries in 16 Western states. We are committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental and national security reasons – many of which are often overlooked in the context of other national policy decisions. The American food consumer nationwide has access to fruits, vegetables, nuts, grains and beef throughout the year largely

because of Western irrigated agriculture and the projects that provide water to these farmers and ranchers.

Personal Background and Experience with Forest and Range Management

I have served on the Family Farm Alliance's Board of Directors since 1998 and was named as the organization's President in 2005. I am also a former member of Wyoming's House of Representatives. I presently serve on the board of directors of Solutions from the Land and work closely with both the Intermountain Waterfowl Joint Venture and Partners for Conservation.

My family has a strong background in irrigated agriculture and our 140-year-old ranch (Ladder Ranch) is located near Savery, Wyoming. Our family raises cattle, sheep, horses, dogs and children. My family and Ladder Ranch were the recipients of the distinguished 2014 Wyoming Leopold Environmental Stewardship Award. Our ranch straddles the Wyoming-Colorado border at the headwaters of the Colorado River, which has long afforded me the opportunity to view some unique water issues first-hand. I have personally testified before Congressional committees several times, and Alliance representatives have testified before Congress over 90 times since 2005.

We've seen the ups and downs and the volatility of weather and the changing climate. Now it's clear that the cycle of life – particularly in the forested highlands of our Western watersheds - has been disturbed.

The State of Western Forests

Last week, many areas of the Rocky Mountains received much needed rain. However, dry and windy conditions still exist across much of my home state of Wyoming and the northern Plains. As of last week, 94 large fires and complexes were burning 900,748 acres across the country. So far in 2022, a total of 51,811 wildfires have burned 6,682,998 acres across the country. These numbers are above the 10-year averages of 44,109 wildfires and 6,232,850 acres burned, according to the National Interagency Fire Center.

Increasingly fierce Western wildfire disasters are becoming an annual occurrence and underscore the importance of improving on-the-ground vegetation management actions that can lead to improved forest health. Improving the condition of our nation's forested lands is also of primary importance to water providers. National Forest lands are overwhelmingly the largest, single source of water in the U.S. and, in most regions of the West, contribute nearly all the water that supplies our farms and cities. In addition, our already fragile water infrastructure can be severely damaged or rendered useless by wildfire and post-wildfire flooding and debris flows. These burned areas hold no water at all, leading to floods, erosion, and mudslides. It also increases turbidity in the streams flowing through our watersheds. The unhealthy state of our national forests, which were initially reserved specifically to protect water resources, has led to catastrophic wildfires that threaten the reliability, volume, and quality of water for thousands of acres of irrigated agricultural

lands, tens of millions of Americans, along with the wildlife, recreational, and multi-purpose values of these lands.

Our great Western forests are damaged and diseased. This came about through a perfect storm of neglect, misguided litigation, lack of use of science, strained management budgets, and, of course, climate change. We can have no doubt that the West is warming, and some places are warming more rapidly than past modeling has predicted. Insect outbreaks have weakened and killed trees. Violent winds have brought these trees down providing an abundant source of fuel. Drought and forests cluttered with dead fall timber serve as a tinderbox for increasingly intense and devastating fires. Our National Forests in the Rocky Mountain Region are suffering from climate-driven lack of function. The inability to develop a logical management strategy has led to these consequences: catastrophic fires, lack of wildlife habitat, and critical interruption of our water supply.

Western Wildfire and Forest Health Challenges

Today's wildfires are often larger and more catastrophic than in the past. Some of the blame can be attributed to climatic conditions, like reduced snowpack in alpine forests, prolonged droughts and longer fire seasons. Western population growth has also played a role, since we now have more homes within or adjacent to forests and grasslands. However, decades of fire suppression and inability to manage our forests through controlled burns, thinning, and pest/insect control probably play an even bigger role. Where California now has about 100 trees per acre, it once had about 40 trees / acre.

Much of the media coverage on the fires that raged in Northern California last year featured commentary from politicians, environmental activists and academics who point to climate change as the driving factor behind the fires that have forced tens of thousands of Westerners to flee their homes. Climate change concerns may certainly be shared by some rural Westerners who live in once-thriving timber dependent communities. However, there is also a growing frustration that forest management – or rather, the lack of management by federal agencies, driven in part by environmental litigation – fails to get the attention it deserves in many media accounts of policy solutions offered to combat the current Western wildfire infernos. Simply laying the blame for deteriorating forest conditions and the resulting wildfires solely at the feet of climate change is inaccurate. It also perpetuates inaction and ignores the body of science showing many substantive things we can do now to make our forests more resilient to climate change and restore their value to water supply and the environment.

Some of us who live in rural Western communities who have watched the condition of federal forests deteriorate in recent decades have a different perspective. We have witnessed how federal forest management actions have been hampered in recent decades, in part due to environmental lawsuits initiated by certain activist groups. I am encouraged that this new bipartisan bill reflects the concerns of the men and women on the ground regarding the urgency of implementing forest restoration and management.

1. Cumbersome Processes Associated with Forest Health Projects

The U.S. Forest Service (Forest Service) is not fully meeting agency expectations, nor the expectations of the public, partners, and stakeholders, to improve the health and resilience of forests and grasslands, create jobs, and provide economic and recreational benefits. The Forest Service spends considerable financial and personnel resources on paperwork and dealing with environmental litigation.

In recent years – catalyzed by the ominous increase in Western wildfire activity – we have worked with other organizations, seeking ways to discourage litigation against the Forest Service relating to land management projects. We have supported efforts to cut red tape associated with vegetative management activities carried out to establish or improve habitat for economically and ecologically important Western species like elk, mule deer, and black bear. Thus, we have advocated for expediting and prioritizing forest management activities that achieve ecosystem restoration objectives.

We need to find ways to streamline projects that would reduce wildfire risk and improve forest health for a variety of reasons. An increasing percentage of the Forest Service’s resources have been spent each year to provide for wildfire suppression, resulting in fewer resources available for other management activities, such as restoration. In 1995, wildland fire management funding made up 16 percent of the Forest Service's annual spending, compared to 57 percent in 2018. Along with a shift in funding, there has also been a corresponding shift in staff from non-fire to fire programs, with a 39 percent reduction in all non-fire personnel since 1995.

Additionally, the Forest Service in 2019 had a backlog of more than 5,000 applications for new special use permits and renewals of existing special use permits that are awaiting environmental analysis and decision. On average, the Forest Service annually receives 3,000 applications for new special use permits. Over 80 million acres of National Forest System land need restoration to reduce the risk of wildfire, insect epidemics, and forest diseases¹. It is essential to begin taking a risk management approach to restoring and managing our Western forests before the fear and over analysis cause more forest land, along with the multiple values to water supply, wildlife habitat, recreation, and food production, to be lost.

Forest Health Solutions

Regardless of the causes behind the sad state of our forests, it is our job now to look for solutions. These solutions will be applied through specific and thoughtful management. The problem involves a natural landscape, so some of the solutions will be time-tested natural processes. Others will be driven by landowners and forest managers through proactive, aggressive actions. The neglect and deterioration of our forests cannot continue. We must act now to heal them. If we don’t, we will lose them for a generation. We offer below the recipe for success.

¹ Federal Register Doc. [2019-12195](#) Filed 6-12-19

1. Actively Manage and Restore our Federal Forests

Drought brings less snowfall in many areas. The snow that falls melts off up to 45 days earlier and runs off downstream on frozen ground. Therefore, the snowpack no longer functions as a reservoir delaying the release of water in a timely manner. However, the forest floor can be restored through thoughtful management. A responsible level of continuous fuels reduction includes a combination of robust mechanical thinning and prescribed fire. This can be employed to significantly reduce evapotranspiration, tree stress, disease, and pest infestation, preserve healthy forest conditions, and protect species and habitats.

This is not only good stewardship – it is good economics.

Failure to employ this approach will continue the downward, accelerating spiral of fuel accumulation, drought, disease, and invasive insects. This will lead, inevitably, to additional high-intensity and costly fire events in the future.

We believe active forest management can increase water yield, improve water quality, provide for jobs, and reduce the cost and danger of firefighting, while increasing forest resiliency. This can be done, in part, by increasing the productivity of national forests and grasslands; employing grazing as an effective, affordable forest and grassland management tool; increasing access to national forest system lands; expediting environmental reviews to support active management; and designing West-wide studies to quantify water yield.

a. Use Controlled Fire, Grazing, and Timber Harvest as Management Tools to Restore Forests

Wildlife habitat has suffered profoundly from the “pick-up-sticks” of dead trees on the forest floor, from disruption in water function, and most dramatically, from widespread hot fires. These large catastrophic fires not only eliminate habitat, but kill millions of animals, birds and insects. Controlled fire is one of the tools that can be used to improve forest grounds. However, it is not the only tool. A 2021 article in the Sacramento Bee ([“‘Self-serving garbage.’ Wildfire experts escalate fight over saving California forests”](#)) does a nice job explaining this. We are seeing a major shift happening; the people who love the forest are coming together.

The Organic Administration Act of 1897 (Organic Act) addresses the role of the forests as part of a larger community—a larger and complex landscape. They do not exist in a vacuum. Forest lands were intended to produce timber for Americans. We have seen the terrible effects of the near halting of the timber industry. Foresters know how to log in a responsible and sustainable manner. When done properly, it is one of the most effective tools to restore forest health. The alternatives are unregulated logging in other parts of the world and sky-high lumber prices. Sustainable timber management is a practice that must be encouraged and facilitated.

Likewise, the forests are part of our food production system. The grasslands existing in forest lands sustain not only grazing wildlife like deer, elk, bighorn sheep, and antelope, but also forage for domestic livestock like cattle and sheep. Proper grazing improves soil through hoof actions and fertilization from manure. Grazing returns carbon to the soils and is a tool, indeed almost the only tool, for improving and restoring soils. Again, it must be properly managed, but many grazers are experts in just those practices. Narrow policy proposals that disconnect the role of responsible grazing, or even seek to eliminate this practice, from grassland function will result in cascading impacts to habitat connectivity, soil health, wildlife habitat, and carbon sequestration. These actions will also create added strain on rural communities.

b. Secure Long-Term Conditions of Water Flows

“Securing long-term conditions of water flows” is named as a top priority in the Organic Act, yet it is perhaps the most severely impacted by the deteriorated forests. The forests act as a sponge. Winter snowfall settles among the trees, and snowmelt and rainfall alike traditionally soak into the humus and healthy soils on the forest floor. Climate change and human mismanagement have disrupted this crucial cycle. Upland watershed and forest management activities can help increase water quality and quantity, as well as mitigating the risk of catastrophic wildfire. Restoration – utilizing what I refer to as “AgroForestry” - is very doable. It will require planning, resources, commitment and will. All of these things exist.

2. Engagement of the U.S. Forest Service

Since the Forest Service is responsible for much of the forestland in the West, it’s engagement will be critical. Bold action is required. Decision-makers must be empowered to act, rather than get bogged down in bureaucratic morass. Unfortunately, current bureaucratic practices are not equipped to fulfill the need. Upper-level policy makers and managers will need to create a plan and set an agenda that will lead to success. We must “empower the competent” to achieve scale. The areas in need of restoration encompass millions of acres; 100-acre solutions will not suffice. Legislation may be required.

Experts from the Forest Service and various affected interests must be part of the planning process. These interests would necessarily include area and state foresters, private sector forest managers, watershed experts, wildlife scientists, grazers, and local community representatives. This group should be broad enough to cover areas of concern, but nimble enough to plan quickly and set the wheels in motion. The multi-level strategy includes solutions to sustainably manage our water, which largely originates on forest landscapes and watersheds. It must consider the habitat provided, or formerly provided, by the affected forest lands, and the needs of those species whose lives depend upon those lands. Likewise, traditional forest uses that have sustained local communities must be considered both as a tool to bring about needed change, and as a part of the holistic system which includes trees, wildlife, water and people. These tools include targeted logging, particularly of dead standing trees, and grazing to restore soils and reduce fire danger.

Healthy forests provide multiple recreation, agricultural, ecological and economic benefits, and indeed the legislation that created the Forest Service, mandates this. A successful plan must direct the effective transition from the forests' present non-functioning state to a functioning state. This will take time, but a commitment to action is required to ensure long-term success.

3. Improve federal funding programs and delivery

To increase stakeholder confidence and ensure effective funding delivery, federal agencies should invite outside guidance and clearly state to the maximum extent practical, the intended impact of funds, method of distribution, and other discretionary factors. We understand that these agencies have limited influence over specific legislative prescriptions and that further direction may be provided as the legislative process unfolds. We also believe that a certain amount of discretion based on agency expertise is necessary to ensure proper allocation of funds. However, we submit that our collective on-the-ground experience can serve as a guide to ensure that such funds broadly dedicated to conservation and restoration are best utilized to the benefit of ecosystem function, local community vitality, and working lands health.

4. Remove regulatory barriers to conservation

From our decades of collective expertise, we are aware of numerous barriers that prevent interested landowners and other entities from participating in programs administered by federal agencies, and ultimately, prevent funding from reaching the ground in a meaningful way. Statutory limitations such as program payment caps can create misalignment between program eligibility and conservation objectives. Regulatory hurdles can prolong agency action.

We do not seek changes that waive or ignore existing federal environmental laws. Instead, we call for improvements to make those laws work for the benefit of the nation as intended. By eliminating duplicative or unnecessary processes and using streamlining tools already allowed under the law - and promoting action instead of litigation - the status quo could be changed. The proposed changes could help government agencies to use their limited resources to expeditiously implement land management actions designed to prevent wildfires and improve habitat for priority, endangered and/or threatened species. Surely that would be a dramatic improvement over spending precious time and resources on bureaucratic process and litigation. These types of critically needed procedural changes will improve our Western landscapes and protect our valuable water supplies from the devastating effects of wildfires. They will also allow agencies to improve habitat, restore ecosystems for the benefit of federally important species and allow continued agricultural use of our public lands.

Increasing the efficiency of environmental analysis would enable the Forest Service to do more to increase the health and productivity of our national forests and grasslands and be more responsive to requests for goods and services. The Forest Service's goal should be to complete project decision making in a timelier manner, improve or eliminate inefficient processes and steps, and, where appropriate, increase the scale of analysis and the number of activities in a single analysis and

decision. Improving the efficiency of environmental analysis and decision making will ensure that lands and watersheds are sustainable, healthy, and productive; mitigate wildfire risk; and contribute to the economic health of rural communities through use and access opportunities.

The Alliance Supports the *Promoting Effective Forest Management Act*

1. The *Promoting Effective Forest Management Act* Puts Actions Over Rhetoric

The subject legislation truly does emphasize accomplishments over rhetoric. The bill directs the Forest Service and the Bureau of Land Management (BLM) to set annual acreage targets for mechanical thinning projects on National Forests and other public lands. Under the bill, agencies are to double their acreage targets by 2025 and quadruple them by 2027. The bill directs the Forest Service and BLM to report certain acreage accomplishments, including whether the mechanical thinning targets have been met. If the targets are not met, the agencies must report any limitations or challenges, including litigation or permitting delays that hindered their progress.

2. The *Act* Promotes Meaningful Forest Management

We strongly support the forest management provisions of this legislation, including the requirement in bill Section 401 that requires each National Forest and BLM unit to use at least one existing streamlined authority for environmental review on a forest management project within the next three years.

There are other useful management provisions in this legislation.

Western irrigation provides significant environmental benefits that are often overlooked, including providing key habitat for migratory birds, sustaining floodplain function, and recharging aquifers. As an example, Colorado State University researchers found that 92 percent of Northern Colorado's artificial wetlands were connected to irrigation infrastructure. Agricultural lands, enabled by irrigation water, also provide open space, riparian habitat and wildlife corridors, and serve as important buffers between public wildlands and expanding urban and suburban areas. The bill's provisions requiring the Forest Service and United States Geological Survey to establish a pilot program to conduct research on and evaluate wetland and riparian restoration techniques should yield information that will definitely support my "AgroForestry" ambitions. It should also provide examples that hundreds of other ranchers and landowners like me can apply to solutions that benefit their operations and the environment.

I mentioned earlier in this testimony the concerns shared by rural residents throughout the Western U.S. – the lack of effective forest management by federal agencies is hampered by third-party litigation, often launched by environmental organizations headquartered in faraway locations. We support the bill's provisions that allow counties and local governments to intervene in lawsuits intended to stop wildfire prevention projects on nearby National Forests. These provisions give much needed recourse to rural communities who suffer the most when wildfires grow out of control.

Finally, we are strongly supportive of Section 205 of the legislation, which directs the Forest Service and BLM to develop a strategy to increase the use of grazing as a wildfire mitigation tool. This includes the use of targeted grazing, increasing issuances of temporary grazing permits, and completing environmental reviews for vacant grazing allotments that could be used for grazing when drought and fires impact occupied allotments. Ranchers know – and science confirms – that livestock grazing is an effective tool in managing grasslands and the cluttered understory of Western forests. Increasing the use of grazing as part of a larger management strategy will make landscapes more resilient, reduce fire severity, and improve human safety conditions.

3. The Act Will Improve the Forest Workforce

Rural communities throughout the West are concerned about the loss of experienced loggers and the infrastructure that were once commonplace in timber communities. Section 301 of the bill directs the Forest Service to work with States to develop a universal, tiered program to train people to enter the logging workforce, and to examine ways to facilitate apprenticeship training opportunities. This section also allows existing funding to be used for low-interest loans to modernize logging machinery. The bill also provides what appears to be common-sense incentives that will hopefully encourage experienced wildland firefighters to continue doing their invaluable work.

4. The Act Will Induce Cultural Change in the Agencies

Those of us who live in communities where federal agencies like the Forest Service and BLM are located have become accustomed to the “revolving door” nature of federal employees’ employment in our hometowns. The *Promoting Effective Forest Management Act* includes encouraging provisions that incentivize employees to remain in a location. Meaningful collaboration and real solutions are driven by strong relationships, and those relationships can only develop with time.

Section 402 directs the Forest Service to curtail employee relocations and to develop a program that provides incentives for employees to grow in place. Further, this section places a cap on employee relocation expenses, and directs the Secretary to solicit employee applications in a manner that does not limit eligibility to current Forest Service employees. These types of surgical fixes will help build community relationships and enhance Forest Service employee’s understanding of local resources and shared challenges.

5. Applicability to the Headwaters of the Colorado River Project

My family is helping to lead an effort to design a comprehensive, multistakeholder, large landscape initiative to restore two severely degraded (non-functioning) 50,000-acre watersheds; one in the Medicine Bow National Forest in Wyoming and a second in the Routt National Forest in Colorado. Our vision is to restore two forested rangelands to a resilient state that filters and stores water, produces protein, sustains wildlife and fisheries, sinks carbon, produces renewable energy feedstocks and enables economically viable rural communities to thrive.

The Little Snake River Watershed is a fascinating combination of a functioning conservation district that has a 30-year record of nationally recognized river restoration, grazing habitat enhancement, fish passage, and migratory bird habitat enhancement projects. Our team is designing a plan to implement an integrated, multidisciplined and multilevel watershed enhancement project that will demonstrate how collaborative and cooperative restoration efforts can be carried out at scale and replicated in watersheds across the West.

Men and women like my family, who live and work in the forests have up-close and personal experiences and observations upon which they formulate their assessment of the conditions in these forests. We view the watersheds and assess their functionality as intact, interconnected ecosystems. In our view, the forested watersheds are in a state of dramatic decline as a result of decades of siloed, top-down management, litigation that has prevented many pragmatic enhancement and restoration initiatives from moving forward. Climate change has further taken a major toll on the health and functionality of the watersheds.

We believe it is time for a new way forward, one that would be characterized by large landscape scale, integrated and multidisciplinary enhancement projects guided by multistakeholder collaboration. Obviously, the targeted actions included in the *Promoting Effective Forest Management Act of 2022* will better allow the stakeholders involved in our project to achieve success.

Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act

On April 6, 2022, the Forest Service initiated the Las Dispensas-Gallinas prescribed burn on federal land in the Santa Fe National Forest in San Miguel County, New Mexico, when erratic winds were prevalent in the area, which was also suffering from severe drought after many years of insufficient precipitation. The prescribed burn, which became known as the “Hermit’s Peak Fire”, exceeded the containment capabilities of the Forest Service, was declared a wildfire, and spread to other federal and non-federal land. Two weeks later, the Calf Canyon Fire, also in San Miguel County, began burning on federal land and was later identified as the result of a pile burn in January 2022 that remained dormant under the surface before reemerging. The two fires merged, and by May 2 the fire had grown in size and caused evacuations in multiple villages and communities in San Miguel County and Mora County.

President Biden on May 4 issued a major disaster declaration for the counties of Colfax, Mora, and San Miguel, New Mexico. The Forest Service has since assumed responsibility for the Hermit’s Peak/Calf Canyon Fire, which resulted in the loss of federal, state, local, tribal, and private property. This includes homes and farms north of Las Vegas supplied by 75 acequias in the burn scar of the Hermit’s Peak-Calf Canyon Fire. The irrigation ditches have existed for more than 200 years.

Clearly, the United States should compensate the victims of the Hermit’s Peak/Calf Canyon Fire.

The *Hermit's Peak/Calf Canyon Fire Forest Restoration Program Relief Act* (S. 4729, sponsored by Senator Lujan) would amend the Agricultural Credit Act of 1978 to waive the cost share requirement under the emergency forest restoration program for land damaged by the Hermit's Peak/Calf Canyon Fire in New Mexico. The Family Farm Alliance supports S. 4729, which will provide maximum relief for agricultural producers in that part of the Southwest.

Conclusion

The revival of Colorado River and other Western watershed forests is crucial to combating the effects of climate change. By bringing together changemakers and working collaboratively, we can change the paradigm of forest management. Success will mean healthier forests, healthier wildlife populations, more prosperous and dynamic local communities, more recreation opportunities, greater economic benefits, and much-needed security in our water supplies.

Balance in production and conservation is the answer to forest health.

I'm very lucky to live in a ranching and farming community in a watershed on the headwaters of the Colorado River. We have worked for 30 years on building resilience, leading to some of the most significant watershed restoration and agricultural productivity projects in the country, as we work with federal and state partners to manage our land for multiple outcomes- protein production, fisheries, wildlife, healthy forests and vibrant rural economies.

The key to our family's success has been local leadership and uncommon collaboration with diverse partners to address our unique challenges and capitalize on opportunities. We all must become more adaptable and open to change. We must learn from those who have experience.

The Family Farm Alliance supports the *Promoting Effective Forest Management Act of 2022*. I personally support this legislation. On behalf of the Family Farm Alliance, I thank Senators Barrasso and Manchin for the welcomed bipartisan leadership on this critically important matter. We stand ready to work with you and your staff on this bill as it moves through the legislative process.

Thank you for this opportunity to submit this testimony.