

Testimony of
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On implementation of the Healthy Forest Restoration Act (Public Law 108-148)
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Mr. Chairman and members of the Committee, thank you for the opportunity to testify at this important hearing to review implementation of the Healthy Forest Restoration Act (Public Law 108-148). It is an honor to appear before you, and I hope that my testimony will move us forward as we protect and restore America's national forests and help provide communities with effective wildfire protection.

I am the executive director of the WildWest Institute, a Montana-based conservation group that formed in April 2006 through a merger of the Native Forest Network and Ecology Center. Our mission is to protect and restore forests, wildlands, watersheds and wildlife in the Northern Rockies Bioregion. We monitor and participate in the public land management decision processes in the Northern Rockies and craft positive, proactive solutions that promote ecological and economic sustainability through restoring naturally functioning ecosystems degraded by systemic mismanagement.

We ensure that the government follows the law when managing our public forests and wildlands. With the assistance of WildWest's biologist and forest ecologist, we stay abreast of, and seek out, the latest scientific research on forest and fire management, biological diversity and ecologically-based restoration. We also strive to get on-the-ground in all project areas to gather site-specific information. We then provide this research and information to specialists within government agencies so that the best-available science and site-specific information is incorporated into public land management decisions.

Our organization is also very active in a number of collaborative efforts to help protect communities in the Northern Rockies from wildfire and move bona-fide restoration work forward on our national forests. Our goal is to work together with diverse interests to help be a catalyst for the establishment of a new, sustainable restoration economy in our region for the 21st Century and beyond.

Before I get into the specifics of reviewing implementation of the Healthy Forest Restoration Act, I'd like to share with you some recent examples of our collaborative work with the hopes that these examples will clearly demonstrate the willingness and dedication of the conservation community to find solutions that benefit our forests, wildlands, watersheds, wildlife and communities.

Recently, we helped plan a very successful Montana Communities and Wildfire Conference with the support of the Western Governors Association and a diverse set of stakeholders across the state of Montana including scientists, firefighters, homeowners, realtors, planners, foresters, developers, legislators, conservation organizations and other community leaders.

One of the results of that conference has been the establishment of a Montana FireSafe Council, which will serve as a clearinghouse for homeowners and communities seeking information, resources and assistance about community wildfire protection. One of our staff members serves on the steering committee for the Montana FireSafe Council and we remain committed to helping it succeed.

Our organization is also an active member of the Salmon Forest Collaborative, who along with the community of Salmon, Idaho, Lemhi county commissioners and the U.S. Forest Service are seeking to find common-ground surrounding community wildfire protection and restoration projects on the Salmon-Challis National Forest. In fact, during the past two days, one of our staff members was in Salmon, Idaho attending a two day meeting of this collaborative to hammer out the details of how the group operates and what criteria will be used as we move forward with project selection. In addition to relationship building, one of the early results of this effort was getting on the ground with the U.S. Forest Service and community members to settle an appeal our organization filed on a fuel reduction project near the community of Gibbonsville, Idaho. The appeal resolution allowed the community wildfire protection work to go forward without unnecessary harm to the forest, wildlife and roadless wildlands.

Since the start of the year we have also been involved with a very similar collaborative effort in Libby, Montana with the Lincoln County Commissioners, community members and business leaders to find agreement on community wildfire protection and restoration projects on the Kootenai National Forest. Our organization holds a position on the leadership team of the Kootenai Forest Stakeholders Coalition, and just as with the Salmon, Idaho example, in addition to relationship building, one of the early results of this effort was getting on the ground with the U.S. Forest Service and community members to settle concerns a number of conservation organizations had with a fuel reduction project near the community of Yaak, Montana.

In mid-May, the WildWest Institute and the West End Volunteer Fire Department in DeBorgia, Montana joined forces for the DeBorgia Community Wildfire Protection Work Weekend. The goal of the work weekend was to bring people together to create defensible space on private land around the DeBorgia community through education, action and fellowship. Special emphasis was placed on improving defensible space around the homes of elderly members of the community, along key roads in the community and establishing a safe zone near the firehouse and community center. By all accounts, the work weekend was a tremendous success. The fellowship component of the community work weekend included a community potluck barbeque at the DeBorgia Schoolhouse, which poetically, was one of the few buildings in the entire area to survive the 1910 wildfires. In addition to lots of volunteer help, the community work weekend was supported by a grant the WildWest Institute secured through the National Forest Foundation. The grant money was used to hire a local fuel reduction crew through Wildland Conservation Services, which helped put some money into the pockets of local workers.

In addition to the DeBorgia Community Wildfire Protection Work Weekend, which we plan to replicate in future years, the WildWest Institute, West End Volunteer Fire Department and others local residents, businesses and conservation groups are also currently engaged in a collaborative process through the Healthy Forests Restoration Act with the Lolo National Forest to develop a common sense plan for fuel reduction work on Forest Service land directly around the greater DeBorgia area. I'll address details of this process and project later in my testimony.

Yet another example of our organization's proactive work to find solutions took place in the Blackfoot Valley, near the Community of Ovando, Montana last summer. Following a series of fieldtrips to the Monture Fuel Reduction project with the U.S. Forest Service and local logging contractors – during which we expressed some concerns with the fuel reduction project as proposed, especially concerns with potential soil damage and an excessive cutting of trees within this very diverse, mixed conifer forest – the district ranger agreed to give us a small parcel of the project so that we could complete a pilot project that would allow us to put our restoration and fuel reduction vision to work.

The type of ecologically-based fuel reduction work that we wanted to complete on the site was to be guided by the Restoration Principles, which WildWest and others helped develop through a three-year bridge-building effort between conservationists, scientists and community-based forestry advocates.

We partnered with a local logging contractor and our project successfully demonstrated the viability of a forest restoration approach that enhanced ecological integrity, protected soils and reduced fuels while again putting money into the pockets of some local workers. Along the way, we also gained valuable hands-on experience with various ecologically-based fuel reduction and forest restoration techniques, as well as continued to build a better working relationship with the district ranger and his staff.

Another important point that I want to deliver with this testimony is that if Congress is looking to help revitalize rural communities, perhaps the best place to start is to properly fund the nearly endless ecologically-based watershed and road restoration opportunities that abound on our national forests and often enjoy broad consensus among diverse stakeholders. With appropriate funding from Congress, watershed and road restoration could not only help provide good-paying jobs for generations, but it would move us all a long ways towards building trust and better working relationships.

I have yet to meet a Forest Service line officer or specialist who believes that Congress is even coming close to properly funding ecologically-based watershed restoration programs. For example, right now in the Northern Rockies the Forest Service estimates that 85% of the fish-passage culverts are currently impassible to fish, with an estimated cost of over \$200 million to just fix the top priority culverts. Right now the Forest Service's road maintenance backlog in just Montana and Idaho is \$1.3 billion, and nationally the road maintenance backlog is nearly \$10 billion.

The Forest Service needs more direct appropriations of real restoration funds from Congress. Restoration of our national forests should not be tied to industrial logging and resource extraction. One important reason is that we will never be able to log enough trees to pay for all the needed restoration work. Plus, industrial logging can cause more restoration needs through negative impacts such as loss of critical wildlife habitat, soil compaction and erosion, increased siltation in rivers, proliferation of noxious weeds, opening up forests to increased illegal ATV use, reduction of biodiversity and even short- to long-term increases in fire risk and severity.

Congress has passed, and the Forest Service is currently utilizing, Stewardship Contracting provisions; however, Stewardship Contracting doesn't necessarily result in better logging. It's a contracting mechanism and the truth of the matter is that in the Northern Rockies we are seeing many of the Forest Service's large logging projects done using Stewardship Contracting. In some specific cases, Stewardship Contracting may work for funding restoration, but only when cutting down lots of commercially valuable trees is needed to restore a forest and if this logging doesn't compromise other resource values. But again, with literally billions and billions of dollars in just watershed and road restoration work needed on national forest lands across the country there is no possible way that we could ever cut enough trees to pay for this restoration work.

I'd like to provide this Committee with one example of a needed watershed restoration project. Our organization is currently working with the Lolo National Forest, the community-based Lolo Watershed Group and fellow conservation groups on a watershed restoration project for the Upper Lolo Creek watershed west of Lolo, Montana, along the trail used 200 years ago by the Lewis and Clark Expedition and for thousands of years by the Nez Perce. Our work on this important collaborative restoration project was initiated a few years ago

during regular meetings we are holding with the Lolo National Forest leadership team. We were really excited to get involved in some good watershed and road restoration work that we all could agree needed to be done and this project seemed to fit the bill perfectly.

Specifically, this project calls for removing or replacing 21 fish-passage culverts to improve native fish habitat, decommissioning 17 miles of unneeded old logging roads and permanently closing 63 miles of roads and “jammer” roads.

To help the local communities learn more about this specific project, as well as gain a better understanding about the concept using forest restoration to create local jobs, we worked with the Lolo Watershed Group to help put together a workshop titled “Putting Local Labor to Work on Forest Restoration,” which took place at the Lolo Community Center last summer. Our work on this project continues to this day. In fact, as I give this testimony, one of our staff members is leading a public fieldtrip in conjunction with the University of Montana to the Upper Lolo Creek Watershed Restoration Project to look more closely at this project and also explore larger issues surrounding watershed and road restoration in the northern Rockies.

Unfortunately, since it is my understanding that the U.S. Congress provides the Forest Service with so little money for this type of watershed restoration work, this common ground watershed restoration project is literally just sitting on the shelf waiting to be implemented, which is very unfortunate since this restoration project enjoys support from the Missoula County Commissioners and Carpenters Union Local 28 and because it would employ local workers improving forest and watershed health once implemented.

Since I am testifying before you today, I would like to specifically request that the U.S. Congress work together to find a way to provide funding for the Upper Lolo Watershed Restoration Project – as well as the countless other bona-fide watershed restoration projects throughout our region that would put local people to work restoring watershed health, if only Congress properly funded this important work.

Finally, before getting into the specifics of reviewing implementation of the Healthy Forest Restoration Act, I’d like to say a few words about the general issue of appeals and litigation, as I’m sure some members of this Committee will be asking me questions related to this topic.

With much foresight, and with the recognition that the U.S. Forest Service has, unfortunately, a long history of mismanagement, Congress established the public appeals process as an integral part of the public decision making process and an important and necessary means for the public to maintain a “check and balance” when it comes to the management of the public’s land.

During the entire public process established by Congress, including the public appeals process, our organization strives to work together with the Forest Service and their specialists to provide the Forest Service with the best available science, research and site-specific information so that this important information is incorporated into public land management decisions.

Unfortunately, for a variety of reasons, sometimes the Forest Service decides to move forward with a project that is not based on the best available science or the laws of this nation. The public appeals process provides one final opportunity for the Forest Service to reconsider an ecologically misguided and potentially illegal project.

Over the past two years, our organization has explored, with willing Forest Service rangers, a number of ways to make the public appeals process work better, including face-to-face meetings before public appeal deadlines and on-the-ground meetings within project areas to talk about our differences and hammer out agreements.

Sometimes it is necessary for our organization to file a lawsuit in order to hold the government accountable and ensure that logging and roadbuilding projects on our national forests don't cause unnecessary harm and are bound by the law. But again, this course of action is only taken after our participation in the public decision making process.

Most people also think it's too much to ask for the government to follow the laws of this nation when conducting logging and roadbuilding projects on our public forests. Furthermore, the success that conservation groups such as ours have in the courts is testament that our lawsuits have merit and are preventing the government from breaking the law – something I think we'll all agree is a good idea.

Personally I feel it's unfortunate that some people would like to provide an over-simplistic view of these important issues, which might lead some to believing that there are two types of conservation groups: those that work to find solutions and those that just simply file appeals and lawsuits and refuse to work together. As I hope the Committee can clearly see by the numerous examples I have provided, this is simply not the case.

While organizations such as the WildWest Institute may file a lawsuit to hold the government accountable, we are also working hard trying to find solutions that will benefit our forests, wildlife and communities and help put the Northern Rockies – and our nation – on a path towards a more economically- and ecologically-sustainable future.

Community Wildfire Protection Plans

In addition to specific information about our experience with the Healthy Forest Restoration Act, I was asked to provide comments on the development of Community Wildfire Protection Plans (CWPP). Since development of a CWPP in most cases precedes development of a HFRA project it makes sense to look at CWPPs at this time. Specifically, I was asked to address what worked and what can be done to improve those plans and the collaboration called for in those plans? And how CWPPs translate into projects undertaken by the Federal land management agencies and how, or whether, our experience suggests that the collaboration called for in the development of the community wildfire protection plans is translating into collaboration in the development of the specific projects?

Since our organization has limited experience with the development of CWPPs I took the liberty of gathering information from professional foresters, fellow conservationists and former firefighters from throughout the western U.S. The perspectives gathered are also included to help provide this Committee see a more complete picture of the development of CWPPs and what's working and what's not.

Our organization has been involved with the development for only one CWPP, the Missoula County CWPP. Our experience with the Missoula County CWPP, which admittedly was somewhat limited (with the bulk of our participation coming from a board member who is now currently on our staff), was largely positive. This CWPP was initiated by the Missoula County Office of Emergency Services and they did a commendable job of making sure to invite a large, diverse set of stakeholders from throughout the county – something which unfortunately

doesn't appear to be happening with the development of all CWPPs, but appears to undoubtedly be one of the common components of all successful CWPPs.

From our perspective working on the Missoula County CWPP, it would be helpful to further focus fuel reduction treatments even tighter from the typical Wildland-Urban Interface boundary of 1 ½ miles (although some CWPPs have WUI boundaries that extend three miles or more) to a Community Protection Zone (CPZ) boundary of ¼ mile.

Our rationale is really quite simple: given limited resources and limited time it makes most sense to focus fuel reduction activities – whether on public or private land – immediately around the community rather than ignoring legitimate threats and focusing instead on the larger WUI, which can extend out 1 ½ to three miles. Perhaps once we have done all the work within the ¼ mile Community Protection Zone we can explore options for treatments outside of the CPZ; however, the reality is that CPZ treatments will likely need to be conducted on such a regular basis so as to tie up all of the available time and resources. The other advantage of focusing limited time and resources within the CPZ is that we can ensure that more at-risk communities are provided some level of defensible space rather than just focusing on treating a limited number of communities and extending treatments out 1 ½ to 3 miles.

We also believe that both landowners who are developing private property and real estate developers need to take on a large level of the responsibility for home and community wildfire preparedness, rather than just expecting U.S. taxpayers to fund fuel reduction activities on public lands. As we stated in our comments on the Missoula CO CWPP, we would support county government efforts to enact defensible space codes and to provide certain incentives to landowners and developers who agree to incorporate this into their property development. Obviously, the insurance industry can have some influence on this as well but county governments need to create some regulations so other county, state and federal taxpayers aren't left essentially holding the bag for those who choose to live and build in high-risk areas.

This is also where joint educational efforts could go a long ways towards facilitating greater public awareness and participation in community wildfire protection efforts in the county. For example, public forums, community meetings and a Parade of FireSafe Homes should be organized in our communities on an on-going basis. I'd like to point out that our organization has hosted a number of these public forums featuring the Forest Service's own experts on defensible space, fire chiefs and local fuel reduction contractors.

The other day I also spoke directly with Tracy Katelman, a professional forester and owner of ForEverGreen Forestry in Eureka, CA, who has authored four community wildfire protection plans in Northern California and Southwestern Oregon, including the Lower Mattole Fire Plan, one of the early CWPPs models cited in the SAF/NASF Guidelines.

Ms. Katelman explained, "When developing Community Wildfire Protection Plans it is vitally important that a diverse set of stakeholders be at the table from the outset. This includes those perceived to be at the extremes – such as the timber industry and environmental advocates. CWPPs that only include government, fire fighters and federal land management agencies – while fundamentally important participants – are likely not as effective over time because they lack authentic community involvement. The local knowledge provided by residents at the neighborhood scale is important both in terms of reducing wildfire risks and hazards in the WUI, but also for empowering communities to take responsibility for reducing those risks and hazards over the long term."

According to Katelman, even though CWPP guidelines exist (e.g. those developed by SAF/NASF), they are so general that the methodology varies significantly, with one community going about the plan one way and a neighboring community going about it another way. This makes it very difficult to get a state or regional perspective both in terms of what works or doesn't, but also in terms of the priorities at that larger scale.

"Resources are an issue, as there is basically no more money available to do CWPPs. National Fire Plan money for doing CWPPs virtually no longer exists in California, instead that funding is given to projects that can produce the most 'acres treated' by fuel reduction. If the desire is for communities to create effective CWPPs that both identify and reduce the risks and hazards of wildfire, more resources need to be available at the community level, preferably through non-governmental organizations. These needed resources include standardized guidelines that encourage neighborhood-level participation, training, and finances," stated Katelman.

Finally, Ms. Katelman offered that "CWPPs work best where agencies and the public have existing working relationships and effective communication, and all stakeholders are involved from the beginning."

In my conversations and correspondence with fellow conservationists I've also heard some of the following themes about CWPPs:

The development of CWPPs in many areas were poorly publicized and they were not publicized through federal channels in some cases. As such, a common concern expressed was that federal public lands were essentially privatized (or given to local communities) by CWPPs.

Some CWPPs were essentially crafted by contractors (forestry consultants) in association with the county commissioners. In some cases the state and federal land agencies were included, but none of these county plans were developed with true collaboration.

The CWPPs are supposed to prioritize areas and identify project areas that the federal agencies then turn into fuel reduction projects. Instead, in some cases it appears as if the Forest Service will simply submit a list of every timber sale, which then gets stapled onto the county plan. This then becomes the foundation for the Forest Service to argue that the projects were identified and prioritized by the county collaborative committees.

In some instances the level of true collaboration, including interested stakeholders (as discussed in the WGA's 10 Year Wildfire Strategy) has been non-existent in many areas.

Review Implementation of the Healthy Forest Restoration Act

The purpose of this hearing is to review implementation of the Healthy Forest Restoration Act. As I'm sure members of this Committee are aware, this is a somewhat difficult task for the simple reason that since the HFRA was signed into law in December 2003, so little work has been accomplished under the HFRA by the U.S. Forest Service. Further complicating the issue is the fact that the Forest Service often lumps HFRA projects together with Healthy Forest Initiative projects put forward under Categorical Exclusion (CE) authorities. Yet, many CE projects in the Northern Rockies, and elsewhere, are found deep in the backcountry and have primarily timber production goals, which often run directly counter to community wildfire protection or forest restoration goals.

I'd like to highlight information that was provided to this Committee last week by the U.S. Forest Service detailing fuel reduction accomplishments of the HFRA.

According to the U.S. Forest Service, FY 2006 accomplishments under the Healthy Forest Restoration Act are as follows:

Montana - zero acres of fuel reduction accomplished on Forest Service land under HFRA.

Wyoming - zero acres of fuel reduction accomplished on Forest Service land under HFRA.

Idaho - 103 acres of fuel reduction accomplished on Forest Service land under HFRA.

Certainly, it's hard to make the case that 103 acres of total fuel reduction accomplished by the Forest Service under the provisions of the Healthy Forest Restoration Act in FY 2006 – 2 ½ following HFRA becoming law – in the states of Montana, Idaho and Wyoming is much of an accomplishment.

Even if you broaden the view to look at Forest Service accomplishments in the eight-state Rocky Mountain Region, including the states of Montana, Idaho, Wyoming, Arizona, Colorado, New Mexico, Utah and Nevada, you find that that in the 2 1/2 years since HFRA became law the U.S. Forest Service has accomplished 7,995 acres of fuel reduction under HFRA in FY 2006.

It's also important to remember that in some cases the Forest Service is apparently placing acres into the "accomplished" list even if no actual on-the-ground work has taken place, but simply if a timber sale is under contract. Therefore, on-the-ground accomplishments may be much less.

What are the reasons for these anemic HFRA fuel reduction numbers in the Northern Rockies and Rocky Mountain Region? Given that the HFRA limited some forms of public participation and streamlined provisions within the National Environmental Policy Act the HFRA fuel reduction numbers over 2 ½ years since HFRA became law certainly calls into question the rationale of many of the most ardent supporters of the Healthy Forest Restoration Act who told us that so-called "analysis paralysis" was solely responsible for preventing the Forest Service from moving forward with bona-fide community wildfire protection activities.

It appears that limiting public participation and streamlining environmental laws is not the solution to increasing community wildfire protection efforts. It is my hope that this Committee and Congress take this reality into account when you consider important public lands bills in the future, such as HR 4200.

It clearly appears that one of the major limiting factors is funding. This has been our experience working with the Forest Service in Montana and it seems to be a common theme across the west. For example, the New Mexico Business Weekly reported in April that Senator Bingaman is concerned that important fuel reduction projects in his state won't happen because of a lack of funds the federal agencies have for contracts, staff and equipment.

Unfortunately, given the way Congress currently funds the Forest Service and based on the Administration's FY 2007 proposed Forest Service budget I'm afraid that the funding problem will continue to hamper community wildfire protection efforts, as well as critically needed ecologically-based restoration work on our national forests.

For example, it is my understanding that the Administration's FY 2007 proposed Forest Service budget would eliminate the Economic Action Program that provides funding for communities for economic diversification, assessments for wildfire risk and planning for defensible space. The State and Volunteer Fire Assistance programs, which provide for community protection planning and projects through both the State and Private Forestry and Wildland Fire Management programs, would be cut by nearly \$23 million – a 30 percent reduction.

While most programs will see funding reductions, spending for the federal timber sale program would increase in the proposed FY 2007 budget. For example, the timber sale program would receive nearly an 11% increase of \$30 million. I must also point out that since FY 2000, the forest products line-item has increased from \$216 million to the proposed \$310 million in FY 2007 – a 43 percent increase. The proposed Forest Service FY 2007 budget also includes a \$41 million increase (117 percent) in funding for timber sales under Northwest Forest Plan to log 800 million board feet of trees. Achieving that goal will require logging more ancient, old growth forests that the public owners of these forests – along with the two previous Chiefs of the Forest Service – clearly want to see protected. In addition, the Forest Service plans to divert \$23 million for new timber sales from the Knutson-Vandenburg (KV) Fund, which formerly was used to pay for reforestation costs and the restoration of logged over forests.

Now I don't profess to be a Forest Service budget expert, and having worked closely with the budget officer on a national forest in Montana recently to try and figure out solutions that would allow this national forest to spend more money on bona-fide community wildfire protection and restoration projects, I can tell you from this personal experience that attempting to get a handle on where the Forest Service spends its money and what funds are ear-marked for certain programs and what funds are discretionary is, at best, a confusing and somewhat subjective exercise.

However, the fact remains that while Congress and the Administration press for more funding for the timber sale program (which often just increases fire severity and causes more restoration needs) critical funding for community wildfire protection and ecologically-based restoration projects lag far behind and in many cases are being significantly decreased. I challenge Congress and the Administration to fund the Forest Service based not on the demands of special interests and their lobbyists, but on the desires of the American people who want to see these public national forest lands protected and restored to provide clean water, critical wildlife habitat and enjoyment and inspiration to future generations.

A Tale of Two Healthy Forest Restoration Act Projects: The Middle East Fork HFRA Project on the Bitterroot National Forest and the DeBaugen HFRA Project on the Lolo National Forest

Middle East Fork HFRA Project, Bitterroot National Forest, Montana

One of the first proposed Healthy Forest Restoration Act projects in Montana is called the Middle East Fork Hazardous Fuel Reduction project on the Bitterroot National Forest. Undoubtedly, the Middle East Fork HFRA project has been one of the most controversial HFRA projects in the country, not only due to the specifics of the project itself, but also due to a series of problems associated with the HFRA collaborative process Bitterroot National Forest officials selected to use, or failed to use.

Because of the controversial nature of this project, I fully acknowledge that perhaps others have a different perspective on the process and the project. And I would encourage this Committee to talk with those people as

well. However, the perspective I'm going to share with you comes from not only our organization, which has invested approximately 2,000 hours in the Middle East Fork HFRA project/process, but also from some longtime Bitterroot Valley residents, affected East Fork homeowners and prominent Ph.D. faculty members at the University of Montana's School of Forestry who are some of the nation's leading researchers on issues related to entomology, soils, fire and fuels, forest ecology, aquatics, fisheries, wildlife and public process.

The purpose of sharing this perspective with this Committee reviewing implementation of the Healthy Forest Restoration Act is not necessarily to rehash problems associated with the Bitterroot National Forest's Middle East Fork HFRA process and project, but to ensure that as the Forest Service moves forward with HFRA projects mistakes are not repeated and compounded.

The proposed Middle East Fork project would mix some bona-fide community protection work, which everyone agrees should go forward, with logging over four square miles of the Bitterroot National Forest (nearly 3,000 acres in total), including logging in previously unlogged forests that as recently as 2004 the Forest Service considered meeting the requirements of old-growth habitat. Many of these proposed logging units, which target larger trees, also sit outside of the identified Wildland-Urban Interface, far from homes.

These forests along the East Fork of the Bitterroot River are home to elk, bighorn sheep, moose, mule deer, white-tailed deer, black bear, wolves, coyote, bull trout, cutthroat trout, goshawk, martin, black-backed woodpecker, pileated woodpecker, downy woodpecker and flammulated owls. It's also important to note that many of the areas slated for logging under this HFRA project are pockets of unlogged forest that are literally surrounded by clearcuts from previous industrial logging projects. In fact, past logging, roadbuilding and terracing on this particular portion of the Bitterroot National Forest was so egregious that it led to the Bitterroot Clearcutting Controversy of the early 1970s that eventually led to the passage of the National Forest Management Act.

According to the Forest Service, 33% of the Middle East Fork project area has already been logged, much of it done during the clearcutting, roadbuilding and terracing binge of the late 1960s and early 1970s. There are currently 208 miles of roads within the project area, an average of 5.2 miles of road per square mile. The Forest Service also estimates that the 1,482 miles of roads (and 1,682 stream crossings) in entire East Fork of the Bitterroot watershed contribute 151 tons of sediment per year to streams.

It appears that the Forest Service claims that the first official HFRA collaborative meeting for the Middle East Fork HFRA project was held in Sula, Montana on March 18, 2004. Despite the fact that we are on the BNF's official mailing list, our organization – which at the time was called the Native Forest Network – was not invited or notified of this March 18, 2004 meeting. Sula District Ranger Tracy Hollingshead acknowledged this fact in a November 30, 2004 email in which she stated, "...the notification for the Middle East Fork meeting in Sula on March 18, 2004 was not sent to Native Forest Network...."

Why was our organization never notified or invited to this March 18, 2004 meeting? Documents that we obtained via a Freedom of Information Act (FOIA) request reveal that BNF officials intentionally crossed out and failed to invite numerous other organizations to that March 18, 2004 meeting, including Wilderness Watch, Friends of the Clearwater, Bitterroot Trout Unlimited, Center for Biological Diversity, Intermountain Fire Sciences Lab and The Wilderness Society.

It's also important to note that the BNF's announcement for the March 18, 2004 meeting that was mailed to a self-selected portion of the BNF's mailing list didn't even mention anything about the Healthy Forest Restoration Act or the Middle East Fork Hazardous Fuel Reduction project. These words were simply not in the announcement. Therefore, in our view, this March 18, 2004 meeting doesn't fit the requirement for an HFRA collaborative meeting. How could it if the announcement never mentioned anything about the HFRA or the Middle East Fork Hazardous Fuel Reduction project?

Yet BNF officials have repeatedly penalized our organization for not attending this March 18, 2004 meeting. This is especially frustrating since, as I mentioned, our organization wasn't invited to this meeting and the meeting announcement didn't mention anything about the Healthy Forest Restoration Act or the Middle East Fork Hazardous Fuel Reduction project.

Further casting doubt on the BNF's claim that this March 18, 2004 was part of the HFRA collaborative process are the statements from Jed Fitzpatrick, an East Fork community member who attended that March 18, 2004 meeting, that appeared in the October 5, 2005 issue of the Ravalli Republic:

"At the press conference Tuesday, other residents from the Middle East Fork community were present who supported alternative 3. Jed and Jessica Fitzpatrick live at the southern end of the proposed project boundary and attended the first public meeting in Sula, which didn't seem to discuss logging at all, Jed Fitzpatrick recalled. 'They didn't say we're going to log this much acreage in the Middle East Fork,' he said. Rather, the meeting focused on things the agency could do to benefit the local community, he said. He remembered talking about things like back-country access for horses, fishing access and more toilets. 'There was no way this plan (alternative 2) was birthed from that,' he said. He doesn't understand the need to log areas far away from the community, as is proposed in alternative 2. 'The area they're going to cut is not a threat to us,' Fitzpatrick said. He would like to see alternative 3 implemented because it keeps the values intact that he treasures about his surroundings. 'I live here because it's wild and I want it to stay wild,' he said. However, Fitzpatrick does see where some logging could be done, but he wants to make sure it happens in a non-invasive way by local loggers. He's fearful of outside commercial logging interests coming in and making money and destroying soils and watershed resources. 'I think you could harvest that with a balance,' he said."

On September 21, 2004 the Bitterroot National Forest mailed out an announcement, which stated, "You are cordially invited to a collaborative planning meeting for the Middle East Fork Hazardous Fuels Reduction Project, Wednesday, Sept 29th at the Sula Clubhouse." The announcement also states "This project fits the intent of the Healthy Forest Restoration Act (HFRA) passed by Congress and signed by President Bush in December 2003. This legislation emphasizes citizen participation by requiring projects be collaboratively developed between citizens and agencies." This is the first announcement sent to the public which clearly states the name of the project and the fact that this project will be conducted under the Healthy Forest Restoration Act.

Unfortunately, due in part to the fact that the Forest Service only gave the public a one week notice for this meeting, representatives of our organization were unable to attend the September 29, 2004 meeting because our entire staff was attending a conference that we had been helping to organize for the better part of a year.

So, when looking at all the facts, BNF officials appear to be penalizing our organization for not participating in the collaborative process of HFRA because we simply were unable to attend one single meeting (September 29, 2004) that we received one week's notice about. Since the Bitterroot National Forest has repeatedly informed us that we not did participate in the official HFRA collaborative process for this project we can only assume

that the HFRA-mandated collaborative process for this project started and ended with that September 29, 2004 meeting. In the nearly two year's that have passed since that meeting, the Bitterroot National Forest refused to hold any other HFRA collaborative meetings as part of this project. I don't believe that this constitutes the type of "collaborative process" that Congress envisioned when it passed the Healthy Forest Restoration Act.

Yet, apparently outside of the Bitterroot National Forest's version of the HFRA collaborative process, since the fall of 2004 our organization invested nearly 2,000 hours trying to work with the Forest Service and community members to help develop a common-sense fuel reduction plan that would provide effective and efficient community wildfire protection for the East Fork community.

Our organization hosted public meetings about this project in Sula (May 3, 2005) and Missoula (March 30, 2005) and public science panels about this project in Hamilton (June 2, 2005) and Missoula (June 28, 2005) featuring some of the region's most well-respected scientists and researchers.

Through a dozen public field trips over winter, spring and summer that we organized – including a major tour on May 4, 2005 featuring nearly sixty people representing the logging industry, East Fork residents, Forest Service and interested citizens – we have taken over one hundred people from the Bitterroot and Missoula Valleys into the woods to get an on-the-ground look at this project. We also went out in the project area with prominent Ph.D. faculty members at the University of Montana's School of Forestry to hear their perspectives and have them share their considerable knowledge with us.

I would like to point out that in comparison, the Bitterroot National Forest has, to date, not held one single public field trip about the Middle East Fork Hazardous Fuel Reduction project. Again, I don't believe that this constitutes the type of "collaborative process" that Congress envisioned when it passed the Healthy Forest Restoration Act.

In response to the harmful parts of the Bitterroot National Forest's Middle East Fork Hazardous Fuels Reduction project, in November of 2004 conservation groups, together with some Bitterroot Valley residents and former Forest Service employees, collaboratively created an alternative that was intended to provide far superior wildfire protection to the East Fork community, protect old-growth forests and elk and bighorn sheep winter grounds and implement bona-fide restoration activities within the East Fork area. We called this the Community Protection and Local Economy Alternative and we submitted it to the Forest Service in December 2004 during the official scoping process for this project.

While the Bitterroot National Forest did accept and develop the Community Protection and Local Economy Alternative into Alternative 3 within the environmental impact statement, regrettably, Bitterroot Supervisor Dave Bull decided to arbitrarily eliminate nearly all the watershed and road restoration components from Alternative 3. This was unfortunate, as these restoration activities had the potential to provide hundreds of local jobs restoring watershed and forest health in the East Fork of the Bitterroot River drainage.

We still don't fully understand why the Bitterroot National Forest decided to eliminate from further analysis the major restoration components of the Community Protection and Local Economy Alternative. According to information the Forest Service provided to us (which is contained in the Middle East Fork Hazardous Fuel Reduction Draft EIS, 2.7.4. Elements Outside This Project's Scope Eliminated From Alternative 3):

“Additional watershed restoration opportunities are not identified in this analysis. This was consciously done for three reasons. 1) The HFRA authorizes prescribed fire and vegetation management tools to reduce fuels and restore fire adapted ecosystems, but does not specifically authorize watershed improvement projects. 2) The Forest Service wants to assure that the activities proposed can and will be implemented....3) The Bitterroot National Forest currently has a backlog of watershed restoration needs which will be completed as time and resources allow. Because of this backlog, members of the public have expressed concerns about identifying restoration work that might not be completed in a timely manner. The Bitterroot National Forest concurs and sees no value in adding to that list of watershed improvement projects at this time.”

The Purpose of the Act (HFRA) is in part “to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; and to protect, restore, and enhance degraded forest ecosystem types in order to promote the recovery of threatened and endangered species as well as improve biological diversity and enhance carbon sequestration.”

The restoration component of the Community Protection and Local Economy Alternative focused on achieving these goals. Since the HFRA does not contain language that prohibits specific types of bona-fide restoration activities (but in fact clearly calls for efforts to protect watersheds and restore degraded forest ecosystem types) we believe any decision to not consider watershed and road restoration activities would be arbitrary and capricious, and we believe would violate the intent of the HFRA.

Furthermore, according to the best available science watershed and road restoration work is an integral part of restoring fire-adapted ecosystems, which is one of the primary objectives of the Middle East Fork HFRA project. Therefore, this only added additional confusion as to why watershed and road restoration work contained within the CPLE Alternative was excluded.

We were also especially troubled with the statement Bitterroot National Forest officials made under reason 3. While we, and the public, are concerned that the Bitterroot National Forest has a backlog of watershed restoration needs – especially related to the \$16 million short-fall for watershed and road restoration activities as part of the 2001 Bitterroot Burned Area Recovery Plan, but also an annual road maintenance shortfall on the forest of \$2,245,000 – we think the Bitterroot National Forest is grossly mischaracterizing that concern with the statement above in reason 3.

We are not aware of anyone within the environmental community, or the public at large, that has “expressed concerns about identifying restoration work.” Rather, the concern that has been expressed from the environmental community, and the public at large, over the past few years has centered on the failure of the Bitterroot National Forest to implement the required watershed and road restoration work as outlined in the Burned Area Recovery Plan FEIS and Record of Decision.

This concern was compounded over the first three years of implementation of the Burned Area Recovery Plan due to the insistence from Bitterroot National Forest officials – including numerous statements by Supervisor Bull – that BAR plan watershed and road restoration work was “on track” despite the facts, which clearly showed the loss of millions of dollars in restoration and rehabilitation funds and the overall slow pace of the watershed and restoration work.

I should also point out, as we have done repeatedly in meetings, personal communications and within the Community Protection and Local Economy Alternative, that we were not asking that all watershed and road

restoration work within the Middle East Fork HFRA project area be implemented as part of this project. Rather, we clearly articulated that all watershed and road restoration work within the Middle East Fork HFRA project area be identified (along with an economic analysis of the dollar amount needed to complete all the identified work) and that from the identified work a prioritized list of watershed and road restoration work be created.

Despite the setback with the watershed restoration work being eliminated from this Healthy Forest Restoration Act project, Alternative 3 still included 1,600 acres of fuel reduction work on Forest Service land, including 600 acres of strategic fuel reduction within a ¼ mile Community Protection Zone around structures within the project area and an additional 1,000 acres of fuel reduction work outside of that zone but still within the Wildland-Urban Interface. According to the Forest Service, this plan would have generated \$1 million in labor income and provide 45 local jobs in the Bitterroot Valley.

Unfortunately, some in the logging industry knowingly misled the public when they characterized this alternative as “no action on the forest except for a small amount of work done around houses and raking needles from under decks.” I guess only a logging industry lobbyist could see local conservation organizations supporting and encouraging fuel reduction on 1,600 acres of Forest Service land that would generate \$1 million in local labor income and provide 45 jobs as “no action” and just “raking needles from under decks.” I’d also like to point out to the Committee that when the Montana Logging Association filed their official HFRA objection on this project they stated, “Alternative 3 must be stricken from the FEIS document.” It really seems quite remarkable to me that the logging industry would go to such lengths to purge a fuel reduction project that would reduce fuels on 1,600 acres, pump \$1 million in local economy and create 45 jobs.

During the late spring and summer of 2005, while the Bitterroot National Forest was accepting public comments on their Draft EIS for the Middle East Fork Hazardous Fuel Reduction project, we began to notice on field monitoring trips into the project area that the Forest Service was busy marking logging units, helicopter landing pads and temporary roads based solely on their preferred alternative. In other words, months before the eventual Record of Decision for the Middle East Fork HFRA project would be signed (in April 2006), and while accepting public comments on the draft project, the Forest Service was using taxpayer dollars to mark logging units associated with their preferred alternative. Just how much money did they spend? Information obtained from the Bitterroot National Forest via a FOIA request shows that at least \$208,000 in taxpayer funds were used to mark logging units during the public comment period and prior to any official decision.

Whether technically legal or not, I hope members of this Committee will realize that this pre-decisional expenditure of \$208,000 in taxpayer funds does a huge disservice to genuine democratic process and collaboration and only serves to poison civic participation.

A few days after this pre-decisional expenditure of taxpayer funds was revealed to the public, on September 22, 2005, Bitterroot National Forest Supervisor Bull released the Final EIS for the Middle East Fork HFRA project with a press conference at the Supervisor’s Office of the Bitterroot National Forest in Hamilton, MT. When members of Friends of the Bitterroot were informed by the media of this press conference announcing the release of the much anticipated Final EIS for the Middle East Fork HFRA project they went to the Bitterroot National Forest headquarters.

“I was removed from the press conference at the public Bitterroot National Forest office under escort by an armed Forest Service law enforcement officer who was wearing a bullet-proof vest,” explained Jim Miller, 53,

President of Friends of the Bitterroot. “We’re not dangerous. All we were armed with was pen and paper to take notes. We can only assume that what Supervisor Bull and the Forest Service fear most is the truth.”

Also barred from attending the public press conference at the Bitterroot National Forest office were longtime Bitterroot Valley residents and members of Friends of the Bitterroot, Stewart Brandborg and Larry Campbell.

Eighty years young, Brandborg is a former Forest Service wildlife biologist whose father was the Supervisor of the Bitterroot National Forest from 1935 to 1955. In fact, a photo of Brandborg's father still hangs in the hallway of the Supervisor's office where he was turned away from the press conference.

“My father was a supervisor on this forest for twenty years. I have an interest in what is taking place on this public forest and want to witness it. I've never been barred from attending a public press conference in sixty years of conservation work.” According to Brandborg, the Bitterroot National Forest had hand-selected those who could attend the press conference in the Bitterroot National Forest Headquarters office, only allowing individuals to attend who support the Bitterroot National Forest’s controversial HFRA project.

Ironically, back in 2001, Campbell, 57, was on the receiving end of an assault in the parking lot of this very same Forest Service office. Campbell was assaulted, spit on and threatened by a band of approximately a dozen loggers right in the parking lot of the Bitterroot Supervisor's office in Hamilton as he emerged from inside the office after picking up some public documents. “Bitterroot National Forest officials did absolutely nothing about the assault and made no attempts to come to my rescue. Instead Forest Service officials simply sat inside the office and peered out the window as the assault took place,” related Campbell.

During the official HFRA objection process, which took place in October 2005, the Bitterroot National Forest received two official HFRA objections to the project from families that live in the East Fork community, as well as objections from longtime Bitterroot Valley residents and two Ph.D. faculty members at the University of Montana's School of Forestry. Official HFRA objections were also received from the logging industry, as well as the local conservation groups that helped develop the Community Protection and Local Economy Alternative.

In the nearly six months between when the HFRA objections were filed and when the Record of Decision was signed, the Bitterroot National Forest made no attempt to work with our organization, except for a brief phone call I received from Supervisor Bull in January 2006.

During the entire time our organization participated in the development of the Middle East Fork HFRA project we clearly stated to the Forest Service, East Fork community and the general public that we were very supportive of effective community wildfire protection work going forward in the area, and we remain supportive of the effective community wildfire protection work going forward to this day. In October 2005 we even met personally with Undersecretary of Agriculture Mark Rey to urge the Forest Service to consider splitting the Middle East Fork HFRA project into two Records of Decision – one that would immediately implement the 1,600 acres of common-ground community fuel reduction work found in Alternative 3, and a second decision that would have included the controversial aspects of this project, including logging of large trees far from the nearest homes and outside of the WUI.

The Forest Service refused these repeated requests and instead signed a Record of Decision that opted to defer a small portion of the Middle East Fork HFRA project that was clearly illegal due to soils issues (with the full

intention of bringing back this portion of the project at a later date), while still going ahead with misguided logging of large trees in previously unlogged forests that don't pose an immediate threat to scattered homes found up the East Fork.

In late April 2006, our organization, along with Friends of the Bitterroot, filed a lawsuit on the Middle East Fork HFRA project and currently that lawsuit is making its way through the judicial system. In the meantime, the Forest Service is going forward with auctioning off some of the first timber sale contracts that are part of this project and they expect work to begin in late August or early September.

In the Forest Service's legal brief, the government states, "Fire season is fast approaching, and delaying the (Middle East Fork) Project even for a short period increases the risk that if a fire occurs, it will be severe."

Yet, relegated to the background is the surprising scientific truth stated clearly in the Forest Service's own environmental impact statement (p. 3.1-38): "Generally, for logistical and economic reasons, the larger fuels are treated first and the treatment of smaller fuels typically follows 1-3 years later. During that time period, before treatment is complete, fire behavior severity is increased."

What lessons can be learned from our situation with the Bitterroot National Forest's Middle East Fork HFRA project?

First and foremost, any HFRA project needs an open, honest and inclusive collaborative process that includes participation from a diverse set of stakeholders. When various stakeholders and the Forest Service already have issues with mistrust, an open, honest and inclusive process becomes all the more important. Collaboration does not include the Forest Service coming to an initial HFRA meeting with logging units already mapped out, as was the case with the Middle East Fork HFRA project.

It is highly inefficient for the Forest Service to tie bona-fide community wildfire protection work with industrial logging of large trees further from homes and, in some cases, outside of the Wildland-Urban Interface. If the goal of a project is to help offer some protection to a community in the event of a wildfire that should drive the project, not industrial logging of large trees in the backcountry. If the Forest Service attempts to tie misguided logging with community protection, controversy increases and the project is often placed on shaky legal ground.

In order to help this Committee understand the level of concern and opposition that the Middle East Fork HFRA project and process elicited I'm including the following information in this testimony:

"When you lay out expected receipts and costs, this would bring into focus that costs will far exceed receipts. It would be clear that timber sales would not fund your healthy forest goal....You say that selling timber, even at a loss, provides you with funds to partly offset the cost of doing Healthy Forest work on lands adjacent to the logged area. I don't think this is true on the Bitterroot or other Region 1 Forests.... I can't see how you can fund any part of the off-sale acres you desire to treat under the Healthy Forest Act."

- *Bob Wolfe to Supervisor Dave Bull specifically about the Middle East Fork HFRA project (Sept. 29, 2005)*

"... there has been a consistent, deliberate removal of information that accurately portrayed the conditions of the soils and the prescriptions and mitigations needed to address those degraded soil conditions. Therefore, I can not support the DEIS in terms of assuring we are meeting the SQS. I can no longer say the proposed actions are legal regarding NFMA and other pertinent laws and FS policies. I am very disappointed that all my hard work

has been erroneously reinterpreted, rewritten and changed far from what I wrote and intended by the editor(s) who weren't even on the ground doing soils investigations in this project area!"

- Ken McBride to Supervisor Dave Bull (May 5, 2005). *McBride was the Bitterroot NF's soil scientist for 16 years before retiring in the fall of 2005.*

Text of Official Middle East Fork HFRA Objection received on October 14, 2005 from Robert S. Francis, 2546 E. Fork Rd., Sula, MT 59871

"I wish to object to the planned 'preferred' Alternative #2 that would 'treat' 6,472 acres instead of Alternative 3 that would impact 1,064 acres. I object on a personal and a general basis.

On a personal level my objection is based on the fact that my ranch house is next to Forest Service road #5778. The logging truck traffic resulting from Alternative #2 will make that structure uninhabitable. This observation is based on a small project set up by Sula Ranger Hollingshead last year. Her total lack of courtesy and consideration resulted in logging trucks roaring by our house at 3 am. I have no hope that attitude will change.

On a general level I object to the premise that logging, etc outside the 400 meter zone protecting property is useful. There is no evidence it helps stops wildfires. In fact, there is ample evidence that logging increases the intensity of fires due to the drying effect on the understory and the piles of tinder-dry trash, slash, et at logging sites.

On a general level I object to the premise that logging will affect the Douglas-fir bark beetle epidemic. There is ample historical data that shows this is a normal, cyclical process. It is nature's way of thinning. Logging does not cure it. To use this infestation as an excuse to 'get the cut out' is, at best, intellectually dishonest. This course of action makes sense only if one accepts the attitude that our national forest is a tree farm – not an ecosystem. I do not share that attitude.

I object to Alternative #2 on an economic basis – as a taxpayer. Logging is a notorious money-loser. The value placed on the product is much too low. If my corporation conducted business the way you folks do, we would have gone out of business years ago.

Finally, I object to the heavy-handed methods used to ram Alternative #2 down my throat. Under the guise of getting 'community support' you have used scare tactics, and have hand-picked certain people for 'testimonials' that support the plan you were going to use – no matter what.

I have one last request – please give me at least 3 months warning before the log trucks start rolling along road #5778, so I can move out."

Text of Official Middle East Fork HFRA Objection received on October 24, 2005 from Jed and Jessica Fitzpatrick PO Box 45, Sula, MT 59871

"My wife, daughter and I live on the eastern edge of the project's boundary and feel that Alternative 2, the proposed alternative, will negatively affect this area. Treating nearly 6000 acres through the prescribed methods will greatly increase the spread of noxious weeds, disturb fragile soil systems, greatly increase sediment (26 tons) into the Bitterroot River, while not reducing the urban fire threat or the pine beetle infestations.

We support Alternative 3 for this project because it focuses on urban interface, rather than backcountry logging. Alternative 3 would resolve the questionable aspects of the project proposed.”

Text of Official Middle East Fork HFRA Objection received on October 24, 2005 from Cheryl Holden Rice and Jack D. Rice, 329 El Capitan Loop, Stevensville, MT 59870

“In the 1860s, a twice-widowed grandmother Eliza and her Carlton and Holden sons settled on what they named Carlton Creek fed by Carlton Lakes off Carlton Ridge and Lolo Peak. Larry Creek Campground is namesake to her third husband Larry Lavey. My grandchildren are seventh-generation to the Bitter Root Valley, where seven of their fourth-great-grandparents worked it. Moreover, a sister and some cousins share eight generations in the local timber industry. By 1993 in this valley, 53 different surnames of families over the century are my relatives, some providing other names on the landscape. Like the Salish before us, when we marry and have children, we make certain we do not marry a blood relative. Therefore, we knew our neighbors, and for the most part, still do. We wave to each other in recognition. Importantly, we also know that our forests enrich our lives through the ages.

Last spring, a tour organized by Montana environmentalists and loggers peaked my interest. I joined them up the Middle East Fork of the Bitterroot, an area ravaged by the fire of 2000. There, Bitterroot National Forest Supervisor Dave Bull introduced himself when he kindly invited me a ride up. Instrumental in obtaining the first approval under the Healthy Forests Restoration Act, Mr. Bull merits praise. Riding next to me was Bill Glasser, owner and builder of southern Bitter Root's Lost Trail Ski Resort. He graciously shared special sunglasses to better depict the expanse of bark beetle-killed trees.

I also met Matthew Koehler who represented Native Forest Network. Perceptively, he initiated the public tour after many trips to study the area. He, like my timber family, cares about the forest for the sake of the forest, which includes people, wildlife, and flora. We both realize that, unlike coastal areas, our semi-arid valley does not allow trees to rapidly replenish as is evident in clear cuts. As Mr. Glasser told me, the seeding and planting up the West Fork after the fire, is damaged by drought.

That morning, a welcome gentle spring mountain rain with its wet, pungent, charcoal snags and downed timber amidst beetle-killed stands awoke the memory of fire. Also, miles of numerous road strings over this range reminded one of others who left their mark, including my family of sawyers and loggers. As the sky cleared, birds reveled among a freshly washed, sprouting, newborn forest. On mountain tops, we each contemplated what is best for this forest and the life bound to flourish with time.

Each soul among us seemed to agree that the urban-interface below the ridges is our first concern. Close trees shelter most homes along Middle East Fork. Everyone I questioned agreed that just as I am responsible for the huge poplar over my roof, neighbors who chose to live in the forest have personal responsibility to protect their homes from the trees in their yards. Significantly, Mr. Koehler pointed out alternative 3 focus on these homes with crucial concern for our neighbors. That is consensus.

Then in September my husband and I learned that last summer Mr. Bull, who decided on alternative 2, prematurely authorized \$208,000 of taxpayer money to mark trees to be cut before any final decision was properly made. We drove up Middle East Fork to see. Trees still hover over private homes. Two bore blue bands depicting a future cut. Driving up logging roads in the area visited in spring, we saw no fire or beetle killed trees marked blue. Green, healthy, blue-ribbon trees of various sizes were to be cut.

Having stated our views in June, we continue to support alternative 3 with its immediate treatment to 1,587 acres to protect homes about a mile on both sides of the river's Middle East Fork and, upon completion, with opportunity to address burns, beetles, fuel reduction and restoration further back.

Whether outfitter, logger millworker, forester, scientist, environmentalist, conservationist, or anyone else, Bitterrooters wave to neighbors. We can work together as demonstrated for generations and by the tour. Richly blessed with a Bitterroot forest that is home to most of us, let us ensure this into eternity. Consensus for treatment of nearly 1,600 USDA acres toward a healthy forest with homes that would bring about 45 jobs and \$1 million local labor income is a first-rate start!"

Text of Official Middle East Fork HFRA Objection received on October 14, 2005 from Stephen F. Siebert, Professor, Department of Forest Management, University of Montana College of Forestry and Conservation, 6310 Woods Rd., Missoula, MT 59802

"I am writing to express my opposition to the Middle East Fork Hazardous Fuel Reduction project in terms of both substance and process. While I do not have official standing to file an objection, I submit this statement for the record. I visited several forest stands that will be impacted by the proposed project this past summer, attended the field trip that Forest Supervisor Dave Bull organized for College of Forestry and Conservation faculty members, attended the public meeting in Hamilton, and was a panel discussant at the Missoula public meeting.

On the faculty field trip and at the public meetings, numerous questions and concerns were raised with regard to Bitterroot national Forest assumptions about fire regimes and behavior, potential to control bark beetle infestation, noxious weed invasions, elk forage cover relationships, soil compaction, stream sedimentation, and fisheries. In my opinion, these concerns have not been adequately addressed.

Given the inherent uncertainty and unpredictability of management actions in a project of this scale, a case could be made to pursue the proposed alternative as a learning exercise. This would necessitate documenting, monitoring and assessing impacts through rigorous, replicated, randomized studies with adequate controls. However, as proposed, the project will not serve this function either.

Based on the failure of the Forest Service to address substantive concerns about the proposed alternative and the dismal decision-making process (particularly the selective inclusion of the public and ejection of some members of the public from the public announcement meeting), the Bitterroot National Forest Sula District has achieved 'catastrophic success.' The American public and the US Forest Service deserve better."

Text of Official Middle East Fork HFRA Objection received on October 24, 2005 from Diana L. Six, PhD, Associate Professor of Forest Entomology/Pathology, Director, UM Mentoring Program for Women in Science, Dept. of Ecosystem and Conservation Sciences, University of Montana College of Forestry and Conservation, Missoula, MT 59812

"The Middle East Fork Hazardous Fuel Reduction Project has substantial problems in its design and its ability to meet its stated objectives. I will restrict my comments to planned work outside of the urban interface zone as that work is clearly needed, meets objectives, and is not in contention. In contrast to the community protection zone, much of the additional work that is planned, especially in the higher elevations, is not likely to meet

objectives and may even work counter to them. This area is primarily composed of mixed fire intensity stands which do not behave the same as low elevation low intensity high frequency fire adapted stands and thus cannot be assumed to respond the same ways to thinning treatments. By opening these stands they become drier and windier and can burn hotter (per comments by fire expert Ron Wakimoto and others). Furthermore, as planned, these are spacing treatments not restoration treatments that truly attempt to restore historic stand structure and function (see Franklin et al, ...). The lack of application and use of current knowledge in the ecological sciences and ecosystem management principles in this project is as disturbing as the apparent poor understanding of when and where to properly apply certain types of treatments.

My expertise lies in insects and disease of forests and in genetics and I will confine the majority of my remaining comments to these topics. Thinning of stands to reduce tree susceptibility to bark beetles can be a very effective preventative strategy when applied properly and at the correct time. While the efficacy of thinning in Douglas-fir remains to be tested it is likely to be effective in many situations. Thinning works by releasing trees in overdense stands from competition. This release means that trees have higher levels of resources of which some then be made available to produce defensive compounds. While Douglas-fir does not use pitch to defend itself against beetles as do pines, it has other defenses that are resource dependant. The effects of thinning, however, are not immediate. Typically, trees in thinned stands become more susceptible immediately after thinning due to changes in stand conditions including increased light and wind to which they are not accustomed. After a lag period of one or more years, trees then often exhibit an increase in their defensive capabilities and become more resistant. Therefore, immediately after thinning, trees become more susceptible-if thinning is done in a stand with high levels of beetle activity this can increase, not decrease, mortality. Such treatments, therefore, are most appropriate and effective as preventative treatments applied before beetles become active in considerable numbers in an area.

In epidemic situations, such as the areas affected by the project, thinning is ineffective and may exacerbate mortality in remaining trees. Such efforts and expense would be better placed into areas on the Bitterroot Forest where beetles are not yet active but where conditions would support increases in their populations and where the treatments can do some good and are appropriate. This project will not reduce beetle populations or mortality due to the small amount of area being treated relative to the size of the infestation and thinning in these areas is not likely to help save the remaining live trees.

Another concern with the project is the source of stock to be used for replanting at some of the sites. It is now well known, and has been for some time, that replanting with trees not native (same species) to the site can be devastating to the long term health and function of a forest. Forest geneticists have recommended that replanting should be done using seed sources from the site as this assures replacement of dead trees with site-adapted trees and less of a potential for losses in genetic diversity if seed is properly collected. The genetic diversity present in a stand is ultimately tied to how well a forest is able to deal with changes in the environment that occur in the short and long term. Unfortunately in the past, and still in many places currently, the value of maintaining genetic diversity is not understood. Nor is the fact that trees are site-adapted to more than just temperature, elevation, precipitation and soils at a site. We now know that more than optimal site conditions for tree growth are important in maintaining a healthy forest. The genetics of trees at particular sites have resulted from millennia of adaptation to conditions that go well beyond temperature, precipitation and soils and include susceptibility to many diseases and insects, ability to survive prolonged drought, and other disturbances. Problems related to the genetics of offsite trees often do not show up until decades after planting. By that time, the trees have produced pollen that has spread throughout the forest and their alleles have been incorporated into the genomes of the "native" trees potentially polluting and diluting the genetic pool and affecting adaptive

traits that evolved there. Once this happens it cannot be reversed.

I hope the Forest will reconsider the non-community zone portion of this project and in the future base more of their management on ecological principles and the best available science. Management is clearly need in many places but should always strive to use the best information available to ensure the greatest likelihood of doing good.”

Ravalli Republic (Hamilton, Montana) Letters to Editor - June 20, 2006

Middle East Fork project needs examined

By Jed Fitzpatrick, Sula, MT

I would like to comment on the Middle East Fork Hazardous Fuel Reduction Project scheduled to begin soon in Sula. My family and I live year round here in Sula on the far Eastern end of the project boundary. We have been involved with this project from its inception, attending the community meetings and receiving all the literature from the Forest Service pertaining to this project.

We feel the "collaborative effort" touted by the Forest Service on this project has created much confusion and argument from the beginning. The meetings at the Sula Clubhouse were very poorly orchestrated and mediated by Forest Service management, leading to more of a community argument rather than a constructive debate. What you know now as the Middle East Fork Hazardous Fuel Reeducation project, 11 million board feet of timber harvested, apparently spawned from these two disorganized meetings. I do not believe this project originated from these meetings, and I feel our community has been unfairly divided and used as leverage on an issue we actually have no say in.

This beautiful valley teems with game and is probably the most coveted mule deer special tag area in the state; huge herds of big horn sheep inhabit the same country. Logging and burning will obviously affect these critters, not to mention the hunters trying to find the game while helicopter logging operations continue throughout the hunting season.

I urge everyone on both sides of the fence on this project to examine it closely as I have done, and ask yourself if this project is actually "healthy" for our forest and this community.

DeBaugan HFRA Project, Lolo National Forest, Montana

The WildWest Institute, West End Volunteer Fire Department and others local residents, businesses and conservation groups are currently engaged in a collaborative process through the Healthy Forests Restoration Act with the Superior District of the Lolo National Forest to develop a common sense plan for fuel reduction work on Forest Service land directly around the greater DeBorgia, Montana area.

Thankfully, our experience with the DeBaugan HFRA process on the Lolo National Forest has been night and day different from our experience with the Middle East Fork HFRA project/process. In fact, to date, it's been a refreshing process and I personally believe that Superior District Ranger Rob Harper and his staff deserve a lot of credit. Credit also needs to go to the West End Volunteer Fire Department and their Chief Bruce Charles who have been instrumental in keeping this process flowing smoothly, as well as a local organization called the Happy Homemakers, who have graciously provided the beautiful DeBorgia School House (which again, was

one of the only buildings in the entire area to survive the 1910 Fires), as well as tasty cookies and brownies, for all our the HFRA collaborative meetings.

According to the Forest Service's own scoping document for this HFRA project, the DeBaugan collaborative group (so named for the communities of DeBorgia and Haugan) was formed in early 2005 by the community members and environmental group representatives from Missoula. Since May of 2005, there have been six HFRA collaborative public meetings and two HFRA collaborative public field trips to discuss how to effectively protect homes from wildfire, current forest fuel conditions and potential fuel reduction opportunities.

These HFRA collaborative meetings and field trips have been facilitated not by the Forest Service, but by outside facilitation provided by Dr. Jim Burchfield, assistant Dean of the University of Montana's School of Forestry and Conservation. Dr. Burchfield has done an excellent job and the outside facilitation has allowed the collaborative group to build trust, rather than fight with a facilitator who might have their own agenda. Attendance at these HFRA collaborative meetings and fieldtrips has been very high, with 114 individuals participating, which given the small populations in these communities is quite remarkable.

Just to be clear and for comparisons purposes, the Bitterroot National Forest held only one official HFRA collaborative meeting and no public fieldtrip for the Middle East Fork project, while as you can see the Lolo National Forest has held six official HFRA collaborative meetings and two HFRA collaborative field trips.

Again, according to the Forest Service's own scoping document for this HFRA project, based upon this intensive nine-month effort, the DeBaugan collaborative group developed a proposal to reduce fuels near the edge of National Forest lands and in most cases immediately adjacent to private land near the communities. The proposal specifies fuel reduction activities on 5,732 acres through prescribed burning and cutting, removal and slashing of small trees.

While the WildWest Institute and other conservation groups involved are very supportive of fuel reduction work around the DeBorgia area on Forest Service land to help protect the community from wildfire, we do have some concerns with the Forest Service's proposal as it now stands. We have let the Forest Service and collaborative group know that our concerns center around issues related to old-growth forests, soils, water quality, roads and endangered species such as lynx and bull trout. We are optimistic that these concerns will be properly addressed and rectified as the Forest Service goes through the environmental effects analysis and puts together an Environmental Impact Statement.

However, unlike our experience with the Bitterroot National Forest on the Middle East Fork HFRA project – where the Forest Service refused for over a year to even consider making changes to their project and government officials insisted at all costs that they knew what was right – the Lolo National Forest has been very upfront and open to changes in the project stating in their official scoping document that “the proposal may be modified, additional actions proposed to mitigate negative effects, or dropped from consideration as needed to meet federal and state laws, Forest Service regulations and policy, and Lolo Forest Plan standards, objectives and guidelines.”

The Forest Service has informed the collaborative group that fuel reduction work on the Forest Service lands around the DeBorgia area will not be implemented until at least 2009 due to the HFRA process, Forest Service budget issues and unforeseen circumstances that have drawn Forest Service employees off their regular duty, including a human-caused wildfire along Interstate 90 last year, as well as Hurricane Katrina.

It's interesting to note that when the collaborative group was informed last summer that it would be at least 2009 until this project would be implemented community members, the volunteer fire department and conservationists asked the Forest Service to consider moving forward with the most important community fuel reduction work under the provisions of the Categorical Exclusion authority. We were told that doing so would move the HFRA project back even further.

This experience, coupled with accounts such as the one given recently by Senator Bingaman, really illustrate to me the serious nature of the Forest Service's budget crisis.

Furthermore, the fact that work on the DeBaugan HFRA will not begin until at least 2009 just further emphasizes the importance of the defensible space work around the homes of elderly members of the community, along key roads in the community and near the firehouse and community center that the WildWest Institute and West End Volunteer Fire Department completed this past May as part of our DeBorgia Community Wildfire Protection Work Weekend.

What more could be done to improve upon HFRA and what steps could the Administration take to improve its implementation of HFRA?

Based on my experience with the HFRA process and resulting projects, and a review of the administration's FY 2007 budget request, I would like to make the following observations and recommendations.

1. The Forest Service's "Healthy Forests" budget does not provide adequate support for community wildfire protection efforts on non-federal lands where it would be most effective, especially since nationally 85% of the land proposing a risk to communities is in non-federal land.
2. While increasing the budget for the timber sale program, the Administration's FY 2007 proposed Forest Service budget also would eliminate the Economic Action Program that provides funding for communities to conduct assessments for wildfire risk and planning for defensible space. Furthermore, the State and Volunteer Fire Assistance programs, which provide for community wildfire protection planning and projects through both the State and Private Forestry and Wildland Fire Management programs would be cut by nearly \$23 million – a 30 percent reduction.
3. Environmentally harmful logging that does not enhance community protection or forest health is being included in HFRA and HFI projects. Paying for bona-fide community wildfire protection projects and ecologically-based restoration work through the federal timber sale program does not work. This practice not only increases controversy and mistrust among various stakeholders, but commercial timber sales often increase fire risk and severity and cause additional restoration needs.
4. The required HFRA collaborative process is, in some cases, being ignored, or highly manipulated, by the Forest Service. Again, this practice only serves to increase controversy and mistrust among various stakeholders. An open, honest and inclusive collaborative process with outside facilitation appears to be the best course of action.
5. The old growth forests and large tree retention requirements of the HFRA are, in some cases, being ignored and/or manipulated by the Forest Service in order to cut down large trees. Once again, this practice only serves to increase controversy and mistrust among various stakeholders, not to mention that it may result in increased fire risk and severity as well as significant damage to overall forest health.

For all future HFRA projects I would urge:

1. That a greater portion of the Forest Service “Healthy Forests” budget be dedicated to non-federal lands in the Wildland-Urban Interface. In FY 2007 the administration proposes to spend only 4% of the funding in this area that makes up 85% of the risk nation-wide.
2. That when developing fuel reduction projects to protect communities from wildfire the Forest Service and BLM focus fuel reduction activities within the ¼ mile Community Protection Zone. Given limited resources and limited time, it makes most sense to focus fuel reduction activities immediately around a community rather on the larger WUI, which in some CWPPs extends out 1 ½ to three miles or more. Another advantage of focusing limited time and resources within the CPZ is that we can ensure that more at-risk communities are protected.
3. That the Forest Service allow the local collaborative process to work and together with a diverse set of stakeholders help design authentic community wildfire protection and restoration projects, not just timber sales under the guise of community wildfire protection and restoration. In order to help with this effort, the Forest Service should seek outside facilitation for the HFRA collaborative process and begin working more closely with independent researchers and scientists at colleges and universities throughout the country to make sure that protects are based on the best available science.
4. That old growth logging and cutting of large trees and entry into roadless wildlands be prohibited in all future HFRA and Healthy Forests Initiative projects. This practice only serves to increase controversy and mistrust among various stakeholders and takes valuable resources away from bona-fide community wildfire protection and ecologically-based restoration projects.

Mr. Chairman and members of this Committee, I look forward to answering any questions that you may have and thank you for the opportunity to testify at this important hearing to review implementation of the Healthy Forest Restoration Act.