

Mr. Chairman and members of the Subcommittee, thank you for inviting me to talk with you today about H.R. 4200, the Forest Emergency Recovery and Research Act. In October 2002, President Bush recognized the need to restore our Nation's public forests and rangelands to long-term health with the introduction of the Healthy Forests Initiative. The President directed federal agencies to develop tools to allow federal land managers to reduce hazardous fuel conditions in a timely manner. The Congress passed legislation that allowed for long term-stewardship contracts to implement management goals including fuel reduction projects. This committee also was instrumental in enacting the Healthy Forest Restoration Act of 2003 (HFRA) which is helping to address severe forest health conditions in a meaningful time frame.

While we now have tools to assist us in treating forest and grasslands to recapture healthy conditions, we have the need for similar tools to help us recover and restore areas after catastrophic events such as wildfire, hurricanes, tornados and other wind events, ice storms, insect and disease infestations, and invasive species impacting millions of acres of forests annually across the United States. So far this year, wildland fires have burned over five million acres on Federal, state and private lands throughout the nation and destroyed over 1,700 structures. Last summer Hurricanes Katrina and Rita, along the Gulf of Mexico, destroyed cities, tragically took many lives and disrupted millions of others. These storms also caused moderate to severe damage to about twenty million acres of woodlands, including private, state and federal ownerships across the Gulf States from Texas to Florida. Along with causing physical damage Hurricanes Katrina and Rita have adversely impacted many ecosystem functions and processes that create conditions for attack by invasive species.

Invasive insects and diseases pose great risks to America's forests and have risen to catastrophic levels over the recent past. Twenty million ash trees have been killed by the emerald ash borer in Michigan, Indiana, Illinois, Maryland, Ohio and Virginia. The non-native hemlock woolly adelgid is currently affecting over half of the native range of hemlock species. Sudden oak death has the potential to affect susceptible oaks in most of the eastern US. In Colorado and Wyoming alone, bark beetles have killed trees covering 1.7 million acres, and across the western US there are currently 6.6 million acres affected. These are some examples of the scope of the challenges to our resource managers, and we are using our current authorities to address these matters.

We believe H.R. 4200 would provide some innovative authorities to improve the ability of the Secretary to promptly implement recovery treatments in response to catastrophic events affecting Federal lands. While these treatments include the removal of dead and damaged trees, the bill covers the entire spectrum of resource needs. Reforestation treatments, road and trail rehabilitation, and infrastructure repair are among other commonly critical aspects of post-disturbance recovery covered by the bill. H.R. 4200 also would support the recovery of non-federal lands damaged by catastrophic events, and would provide similar authority for Forest Service experimental forests. The Department strongly supports the goals of the legislation and its intent to get recovery actions accomplished promptly while focusing on maintaining sound environmental decision-making and public involvement, but we have objections to the spending provisions in Title IV and are prepared to work with the Committee on these provisions.

I would like to take you through each title and provide our views.

TITLE I - Response to Catastrophic Events on Federal Lands

Section 101 would direct the Secretary to develop research protocols or procedures for the purpose of conducting and evaluating the effectiveness and ecological effects of our recovery and emergency stabilization treatments. Research protocols would be designed to improve knowledge, understanding, and predictive capabilities to enable land managers to increase the long-term benefits and to decrease the short-term effects of management actions. The protocols would undergo peer review and be submitted to Congress no later than 180 days after enactment. They also would be made available to the public. Section 101(d) would authorize post catastrophic event research projects to be conducted in accordance with these protocols.

In the area of post-fire tree removal there is great debate, much of which is centered on the lack of scientific studies. In 2001, Forest Service research scientists McIver and Starr reviewed the existing body of scientific literature on logging following wildfire. The research paper titled "Environmental Effects of Post-Fire Logging: Literature Review and Annotated Bibliography" reviewed and interpreted twenty-one post fire logging studies. McIver and Starr concluded that while the practice of salvage logging after fires is controversial, the debate is carried on without the benefit of much scientific information. They also concluded that the immediate environmental effects of post-fire logging is extremely variable and dependent on a wide variety of factors such as the severity of the burn, slope, soil texture and composition, the presence or building of roads, types of logging methods, and post-fire weather conditions.

We realize that there is much to be learned about post-event recovery and restoration treatment, and we are encouraged that H.R. 4200 helps address this issue through greater integration of management and science. The bill would strengthen the agency's ability to improve the effectiveness of post-disturbance management practices on various site conditions through the application of adaptive management procedures that couple management and scientific research in the design, data collection and analysis of post-disturbance management actions. The bill's provisions on research protocols, monitoring and forest health partnerships would improve the environmental quality of decisions through continuous learning and adaptation while forging partnerships between managers, researchers, communities and interested citizens. The results of this research-management integration will help managers to better predict and prevent undesirable effects from postfire logging activities, and to structure projects that enhance the economic and other benefits from such treatments.

Section 102 would direct the Secretary to conduct catastrophic event recovery evaluations, depending on the scope of the event. Evaluations would be required for catastrophic events over 1,000 acres, but may be used for smaller events. The required evaluation could begin as soon as practicable during or after the conclusion of the catastrophic event and must be completed in 30 days. The bill would provide an extension on a case by case basis of up to sixty days. The evaluation would be developed using an interdisciplinary approach, public collaboration and public notice of each evaluation and any public meetings. A rapid evaluation provides land managers and the public needed information on resource damage and how to

proceed with recovery efforts.

Section 104 would authorize the Secretary to prepare a list of management practices, by forest type or plant association group that may be immediately implemented as part of a catastrophic event recovery or research project. The list of pre-approved management practices would be prepared using notice and comment rulemaking and would be subject to peer review. To comply with consultation under the Endangered Species Act, the Secretary may use emergency procedures as provided under the ESA regulations. A decision document would be issued within 30 days after the Secretary determines under Section 102(d) whether to implement a pre-approved management practice, and the practice could be immediately implemented without further NEPA after the provisions of Section 104(f) have been met. Once established, the list of pre-approved management practices would provide the agency an important tool to accelerate its ability to implement recovery activities.

Section 105 would authorize the Secretary to utilize emergency procedures to develop and analyze a recovery or research project. In conducting an environmental analysis, the Secretary would not be required to study or develop more than the proposed agency action and the alternative of no action under NEPA. A decision document would be issued no later than 90 days after the Secretary determines whether to use the emergency procedures and could be immediately implemented once the provisions of Section 105(d) have been met. This authority would greatly enhance Forest Service ability to work collaboratively to develop proposed recovery projects.

The Department supports the inclusion of a pre-decisional administrative process in Section 106. We believe that a pre-decisional objection process would encourage more up-front participation in the public involvement processes and provide the opportunity for those that participate to express concerns about a proposed decision. Public interest is better served through mutual efforts to resolve differences before a decision document is signed rather than by trying to resolve those differences after a decision is made.

Section 107 would direct the Secretary to standardize the collection and reporting of reforestation needs in response to catastrophic events through agency-wide guidance. These requirements are similar to recommendations made in a recent GAO audit report (GAO-05-374), which the agency is already implementing. The Department supports these requirements which will help the Forest Service better understand where the needs are most serious and help managers develop options for treatments to achieve Land and Resource Management Plan objectives.

We support Section 108(a) which would provide the flexibility for managers to use any other applicable statutory or administrative authorities to conduct a post-catastrophic event recovery project or post-catastrophic event research project that is not implemented using the emergency procedures in Section 105. Section 108(b) would allow the Secretary to give consideration to local contractors in awarding contracts to implement pre-approved management practices and projects for which emergency procedures are used. Peer review which would be required under Section 101(b) and Section 104(b), monitoring which would be required under Section 104(h) and 105(f), and the preparation of a recovery evaluation or recovery proposal would be exempt from the Federal Advisory Committee Act under Section 108(c). These provisions support the

underlying theme of HR 4200 for rapid assessment and quick action to assist in recovery.

Section 109 would require the Secretary to ensure the application of standing dead trees and downed wood retention guidelines as contained in the applicable land and resource management plan. If the plan does not contain these guidelines, trees would be retained in the oldest age class to provide wildlife habitat, a long-term nutrient source, and as practicable, the more decay resistant species. We would like to work with the committee to clarify the requirement to provide a long-term nutrient supply in Section 109(a) (2) (b). The Forest Service currently has studies in place such as the long term soil productivity studies in a variety of forest ecosystems throughout the U.S. to determine long-term nutrient requirements. These study installations have only been in place for a couple of decades, and we want to assure that current knowledge is compatible with the bill requirements.

TITLE II - Restoring Landscapes and Communities Impacted by Catastrophic Events

Section 201 would amend the Cooperative Forestry Assistance Act of 1978. The Act is currently one of our primary authorities for cooperative relationships with private landowners and communities on non-federal lands. Catastrophic events frequently cross a mix of land ownerships and the effectiveness of post-disturbance recovery efforts - such as those related to water quality, insect pest outbreak and storm disaster recovery - often depends upon coordinated action across multiple jurisdictions. Section 201 would provide authority for working across boundaries with local communities, Tribes, and State Foresters. These provisions would clarify expectations of people and communities regarding the assistance provided by the Forest Service in response to post-catastrophic events.

Section 201 would authorize the Secretary to cooperate with eligible entities, at their request, to prepare landscape assessments of non-Federal land and community wildfire protection or related plans. This coordination between Federal managers and private landowners and communities could help to better address post-catastrophic event effects on watersheds, reduce the risk insect damage to forests across a landscape, and prevent the spread of invasive plant and insect species to non-Federal lands.

The Secretary would be authorized to provide both technical and financial cost-share assistance to assist in the preparation of landscape assessments and community wildfire protection plans and to implement special recovery projects identified in the assessments or community plans. This authority would articulate the practice of post disaster assessment that we typically conduct with States and local governments, and foster a collaborative approach to post-event treatment on a larger landscape across both public and private lands. We believe that with the combination of these clear authorities, the know-how to assist, and the relationships that we have built over time, the Forest Service would be better positioned to assist in post-event recovery efforts.

TITLE III - Experimental Forests

Section 302 would authorize the use of pre-approved management practices on experimental forests. Section 303 would authorize the use of emergency procedures for any activity or series of activities in Section 105(a) in experimental forests. We would like to work with the committee to clarify language in this section to insure that experimental rangelands are included

in this authority, and to address other issues.

TITLE IV - General Provisions

Section 402 would require the Secretary of the Treasury to establish a special account for each Secretary concerned for research-related use. Ten percent of the gross proceeds from catastrophic event recovery and research projects would be deposited in the special account to develop research protocols, to implement research projects, and to provide monitoring.

Section 403 would expand the authorities of The Knutson-Vandenberg Fund and the Forest Service Salvage Fund to allow their use for pre-approved management practices and for catastrophic event recovery and research projects and other activities.

Under Section 404 FEMA would be authorized to reimburse the Secretary concerned for any assistance provided for non-Federal land designated by the President as a major disaster or emergency area as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

While we support the new procedural authorities contained in H.R. 4200, we object to the spending provisions in Title IV.

Summary

Mr. Chairman, we believe H.R. 4200 would provide several innovative measures to land managers to promptly respond to emergency resource recovery on both federal and non-federal ownerships. The bill would provide direction for rapid response to catastrophic events and allows managers and partners to spend less time planning and more time doing. The bill integrates strong science with management and public participation while providing additional flexibility on where and how we can use these tools. The Department strongly supports HR 4200 and its intent to get recovery actions accomplished promptly while focusing on maintaining sound environmental decision-making and public involvement, but has objections to the spending provisions in Title IV of the bill. We would like to work with the Committee to address these objections and some additional technical issues.

This concludes my statement. I am glad to answer questions.