U.S. FOREST SERVICE LAND MANAGEMENT: CHALLENGES AND OPPORTUNITIES FOR ACHIEVING HEALTHIER NATIONAL FORESTS

HEARING

BEFORE THE

SUBCOMMITTEE ON CONSERVATION, ENERGY, AND FORESTRY

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

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TUESDAY, MARCH 27, 2012

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CONSERVATION, ENERGY, AND FORESTRY,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:00 a.m., in Room 1300 of the Longworth House Office Building, Hon. Glenn Thompson [Chairman of the Subcommittee] presiding.

Members present: Representatives Thompson, Stutzman, Tipton, Southerland, Hultgren, Ribble, Holden, Schrader, McIntyre, Costa, and Sablan.

Staff present: Brent Blevins, Tamara Hinton, Patricia Straughn, Lauren Sturgeon, Wyatt Swinford, Heather Vaughan, Suzanne Watson, Liz Friedlander, Lisa Shelton, Anne Simmons, John Konya, Jamie Mitchell, and Caleb Crosswhite

OPENING STATEMENT OF HON. GLENN THOMPSON, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

The CHAIRMAN. Good morning, everyone. I want to welcome everyone to today's hearing to review the U.S. Forest Service land management and its impact on the health of our National Forests.

The question of the health of our National Forests is an important one for Members of our Subcommittee, a number of whom represent National Forests in different regions of the country. As Chairman of this Subcommittee and a representative whose district includes the Allegheny National Forest, I have a keen appreciation for the value of our nation's National Forests.

The health of our National Forest is an issue of vital importance for rural America. Not only are our National Forests a source of immense natural beauty, but they provide us with natural resources, recreational opportunities, wildlife habitat, and serve as economic engines for our local communities. By promoting healthier forests, everyone wins. Healthier National Forests are more sustainable for generations to come due to decreased risk of catastrophic fires and invasive species outbreaks. Rural economies will benefit economically from increased timber harvest. We can continue to support a diverse population of wildlife through active land management practices such as prescribed burns.

Our National Forests are not museums and never were intended to sit idle. I say this frequently, National Forests are not National

Parks. This is why the U.S. Forest Service is housed in the U.S. Department of Agriculture rather than the Department of the Interior. Our National Forests are meant to provide timber, oil, natural gas, wildlife habitat, recreational opportunities, and clean drinking water for rural communities across America.

For today's hearing, we will focus on a few specific areas of forest management. Now, I want to draw particular attention to the timber harvest occurring in our National Forest system. Timber harvesting is an important means for achieving healthier National Forests and is crucial to supporting rural economies. Yet, the level harvesting on most National Forests is nowhere near the target each Forest Plan recommends. The Forest Service's timber harvest has dropped dramatically from a high of 12.7 billion board feet in 1987. Last year, we harvested a mere 2.4 billion board feet, though that has increased slightly over the last 10 years.

Now, I am sure I speak for many in this room when I say I was pleased by USDA's announcement last month that it intended to increase the annual harvest to 3 million board feet off National Forest land by 2014. However, for the sake of our forest health and the health of our rural economies, I believe we can and must go beyond that figure. I look forward to hearing about some of the tools the Forest Service is using to increase its timber harvest like stewardship contracting. I am also interested in learning about the steps the Forest Service is taking to simplify the process of harvesting timber.

Another important factor affecting forest health is invasive species outbreaks. In recent years, we have seen numerous outbreaks of invasive species such as the pine bark beetle in the West, emerald ash borer in Pennsylvania in other areas in eastern United States. Invasive species outbreaks can't be avoided. However, we can be sure that our forests are managed in such a way that they are more resistant during outbreaks. We want to also be certain that the remnants from the outbreaks do not become hazardous fuel. Catastrophic wildfires are a perfect example of what can happen when our forests are not well managed. The country witnessed a series of wildfires during the last decade that were the worst we have seen in more than 50 years. I am concerned that the frequency and intensity of these fires is a result of forests that have not been adequately managed.

In 1736, as a famous Pennsylvania said, "an ounce of prevention is worth a pound of cure." Many people have heard Benjamin Franklin's maxim but are unaware of its origins. He was referring to the threat of fire in Philadelphia and the steps that could be taken to reduce fire-related risks. I believe his advice is no less sage today than it was 276 years ago.

And we have taken steps to reduce the threat of wildfires and reduce the associated costs to the agency, but more work remains to be done. I am going to be certain that our National Forests are managed so that they are good neighbors with adjoining state and private forests and do not pose an unnecessary fire threat.

Last, the Forest Service recently released its preferred alternative for its planning role. This Subcommittee held a hearing to review the planning rule last May, and I look forward to hearing how the changes will impact forest management practices.

I want to welcome Chief Tidwell and thank him for appearing before us today. I have had the opportunity to work extensively with Chief Tidwell and the Forest Service since I was elected and I look forward to continue to collaborate to promote healthier National Forests across America.

I also look forward to hearing from our second panel of witnesses today. We have a wide variety of stakeholders who will tell us what the Forest Service does well and what they should be doing better. I particularly want to welcome Mr. Gregory Hoover, who is testifying on our second panel this morning. Mr. Hoover is a constituent from the Penn State Agricultural Extension who brings considerable experience in research in combating various invasive species, including the emerald ash borer, which has been a problem in Pennsylvania.

And finally, I want to recognize—I know he is in the room—Mr. Ross Gorte of the Congressional Resource Service who is retiring this week after 29 years of service. Ross has been a valuable resource on forestry matters for Members and staff of this Committee, including my own staff, and I wish him a very enjoyable retirement.

[The prepared statement of Mr. Thompson follows:]

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Rural economies will benefit economically from increased timber harvests.

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Timber harvesting is an important means for achieving healthier National Forests and is crucial to supporting rural economies.

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In recent years, we have seen numerous outbreaks of invasive species such as the Pine Bark Beetle in the West and the Emerald Ash Borer in Pennsylvania and other areas in the eastern United States.

Invasive species outbreaks are inevitable.

However, we can be sure that our forests are managed in such a way that they are more resistant during outbreaks.

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Ross has been a valuable resource on forestry matters for Members and staff of this committee, including my own staff and I wish him an enjoyable retirement.

I now recognize the Ranking Member, Mr. Holden, for his opening statement.

The CHAIRMAN. I now recognize the Ranking Member, Mr. Holden, for his opening statement.

OPENING STATEMENT OF HON. TIM HOLDEN, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

Mr. HOLDEN. Well, thank you, Mr. Chairman. I would like to thank Chief Tidwell and our other witnesses and guests for coming today to discuss the U.S. Forest Service land management and the

challenges and opportunities for achieving healthier National Forests.

This hearing presents an opportunity for Members of this Subcommittee to get reacquainted with the national framework for forest land management and to learn how we can best assist the agency in maintaining and improving the health of the 155 National Forests and 20 grasslands in the National Forest System.

As we discuss reauthorization of the current farm bill under tight budgetary constraints and even tighter budgetary expectations, it is important to hear from those in and around our forest communities about which programs are working and which are not, and what we can do better to promote both a healthy forest and a hearty economy. The Forest Service should always consider the multiple uses of our National Forest land, including timber production, habitat preservation, natural resource management, and recreation and ensure local economic development and environmental protections work in harmony instead of in competition with each other. We need to make sure the Forest Service and its partners work together to improve forest restoration and conservation while promoting a robust forest industry that supports local stakeholders and results in restored jobs and a vibrant rural economy. Only in partnership can we ensure the viability of our forest land and forest communities in the 21st century.

I look forward to today's expert testimony and the opportunity to listen, learn, and question those on the forefront of this very important issue. Thank you, Mr. Chairman.

[The prepared statement of Mr. Holden follows:]

PREPARED STATEMENT OF HON. TIM HOLDEN, A REPRESENTATIVE IN CONGRESS FROM PENNSYLVANIA

I would like to thank Chief Tidwell and our other witnesses and guests for coming today to discuss U.S. Forest Service land management and the challenges and opportunities for achieving healthier National Forests.

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I look forward to today's expert testimony and the opportunity to listen, learn and question those on the forefront of this important issue.

The CHAIRMAN. I thank the Ranking Member.

Now, the chair would request that other Members submit their opening statements for the record so that the witnesses may begin their testimony to ensure there is ample time for questions.

And I would like to welcome—we have one witness, our first panel, Mr. Tom Tidwell, Chief, the Forest Service, United States Department of Agriculture. Chief Tidwell, please begin when you are ready.

STATEMENT OF TOM TIDWELL, CHIEF, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Mr. TIDWELL. Mr. Chairman, Members of the Subcommittee, once again it is a privilege to be here today to discuss the challenges and the opportunities for achieving healthier National Forests. I appreciate the support this Subcommittee has shown the Forest Service in the past and I look forward to working with you to help address this very important issue that we are facing on our National Forests today.

Our ability to sustain the National Forests and provide all the benefits that the public wants and needs is increasingly at risk. The droughts that we are seeing, the invasive species, more development in the wildland-urban interface, uncharacteristically severe wildfires, unprecedented outbreaks of insect and disease, all of these stresses and disturbances are affecting America's forests. The Forest Service recognizes that we need to increase the pace and scale of our restoration, our active management of our National Forests to address these threats, these threats to the resiliency of our National Forests and watersheds, to address the threats to the health and safety of America's forest-dependent communities. We also recognize a need for a strong integrated wood products industry to provide the skills to do the restoration work and to be able to use the markets to reduce the cost to the taxpayer.

There are between 65 and 82 million acres of our National Forests that need some form of restoration, and we are committed to increasing the number of acres treated by 20 percent over the next 3 years. This will not only increase forest health but it will increase jobs and increase timber harvest to 3 billion board feet. Now, how are we going to get this done? Well, I have a series of opportunities I want to share with you.

And the first one is to increase our collaboration with projects like the Collaborative Forest Landscape Restoration Program, which is proving to be a very effective model for increasing the amount of work that is being accomplished and increasing the number of jobs that are being created. We want to be able to demonstrate that we can restore more acres with our pilot authority for a more efficient integrated resource restoration budget structure. We are going to complete our wildland fire management strategy that will reduce wildland fire hazards to communities by thinning forests, helping private landowners to remove fuels and hazards on their property, and increasing the effectiveness of our suppression efforts.

We are going to continue to implement our bark beetle strategy to deal with 18 million acres of dead and dying timber out West on our National Forests by focusing our timber harvest in areas to protect the public and communities and slowing the spread where we can. We want to continue to work with Congress to make permanent our stewardship contracting authority, which has proven to be a very effective tool to increase the implementation of restora-

tion work, timber harvest, and increase jobs. And we need to continue to explore ways to expand our markets for wood products through our work at our Forest Products Lab and to continue to develop the science: on how we need to manage our forests to protect wildlife, to provide clean water, to provide the recreational settings that 170 million people enjoy every year.

And then, of course, we are going to move forward with implementing our new planning rule, which is going to reduce the time, reduce costs to revising our plans to ensure that our Forest Plans address the need for restoration of our National Forests. We are also working on improving the efficiency of our NEPA processes through our work with CEQ to reduce the time and cost of doing analyses saving time and be able to implement the projects and put people back to work.

The opportunities are here for us to increase the health of our National Forests and I look forward to working with Congress to implement these opportunities. Restoring our National Forest to ensure that they provide the benefits, the goods and services, the benefits of clean water, clean air, wildlife habitat, the recreational opportunities like hunting and fishing, the economic activity that employs hundreds of thousands of Americans, it is a good investment for America.

Again, thank you for the opportunity to address the Subcommittee and I look forward to answering your questions.

[The prepared statement of Mr. Tidwell follows:]

PREPARED STATEMENT OF TOM TIDWELL, CHIEF, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture regarding U.S. Forest Service Land Management: Challenges and Opportunities for Achieving Healthier National Forests.

Today, people understand that forests provide a broad range of values and benefits, including biodiversity, recreation, clean air and water, forest products, erosion control and soil renewal, and more. We have National Forests in 42 states and Puerto Rico that comprise a land area of nearly 193 million acres. Our mission is to sustain the health, diversity, and productivity of the nation's forests and grasslands for present and future generations. The Forest Service does this through working with numerous Federal, state, and local partners, citizens, and industry.

Our collective ability to sustain the nation's forests and provide ecosystem services is increasingly at risk. Drought, invasive species, loss of open space, uncharacteristically severe wildfires, uncharacteristically severe outbreaks of insects and disease—all these stresses and disturbances are affecting America's forests on an unprecedented scale.

The Forest Service is responding by restoring the functions and processes characteristic of healthy, resilient ecosystems. Our goal is to sustain and restore ecosystems that can deliver all the benefits that Americans want and need. Due to changing climate, we may not be able to restore them to their original condition, but we can move them toward ecological integrity and health. The Forest Service recognizes that increasing the pace and scale of restoration and active management of the National Forests is critically needed to address these threats to the resiliency of our forests and watersheds and the health and safety of America's forest-dependent communities.

The Forest Service also recognizes the need for a strong forest industry to help accomplish forest restoration work. A vibrant industry can provide both the manpower and the know-how to undertake mechanical treatments and other restoration activities. Forest industry also lowers the cost of restoration to the taxpayer by providing markets for forest products. The Forest Service is committed to increasing the number of acres being mechanically treated by 20% over the next 3 years. This increase would allow the Forest Service to increase the number of acres and water-

sheds restored across the system, while supporting jobs and increasing annual forest products sale to 3 billion board feet of timber. A critical part of this effort is building public support for forest restoration and management activities. To this end, the Forest Service continues to emphasize the importance of collaboration among diverse stakeholders in developing restoration projects on National Forest lands. Such collaboration not only results in better projects, but it also reduces the risks of litigation.

An additional benefit of this restoration work is job creation. For example, through implementation of the Collaborative Forest Landscape Restoration Program (including the use of stewardship contracts), the proponents of projects on National Forest lands anticipate creating or maintaining 1,550 jobs. The benefits of maintaining a robust forest industry flows not only to local communities but also to the Forest Service itself as the agency relies on local forest contractors and mills to provide the work force to undertake a variety of restoration activities. A study has shown that every million dollars spent on activities like stream restoration or road decommissioning generates from 12 to 28 jobs.[1] In addition, restoring the health and resilience of our forests generates important amenity values. Healthy, resilient forests and grasslands are magnets for outdoor recreation, with more than 170 million visits per year to the National Forest System. That in turn leads to jobs and economic opportunity.

The Forest Service continues to work toward restoring more land to accomplish restoration objectives, maintain a robust forest industry, and in turn create jobs. We are striving to efficiently implement existing programs and policies, as well as pursuing a number of new policies and initiatives to increase the pace of forest restoration and conservation through collaboration and management of the National Forests. The aim of these efforts is to move beyond the conflicts which have characterized forest policy in the past and toward a shared vision that allows environmentalists, forest industry, local communities, and other stakeholders to work collaboratively toward healthier forests and watersheds, safer communities and more vibrant local economies.

Within the framework of the overall restoration program, the Forest Service is focused on the role of active forest management—including hazardous fuels reduction, reforestation, stream restoration, road decommissioning, forest thinning and harvesting, prescribed fire, and a range of other practices—as important tools to accomplish needed restoration work. The following are a series of actions that will allow the agency to further restoration and management on the National Forests:

Investing in restoration projects with partners though the Collaborative Forest Landscape Restoration (CFLR) Program. In Fiscal Year 2012, the Forest Service received slightly less than the full $40 million authorized by the CFLR Act. The Secretary funded ten new projects, in addition to the continued funding for ten projects selected in 2010. Three additional high priority collaborative projects were also funded from other appropriated FS funding. These 23 projects have demonstrated that collaboration among stakeholders can facilitate large, landscape scale restoration, thereby improving forest health, reducing wildfire risk, restoring fire-adapted ecosystems, and increasing timber and biomass production from our National Forests.

Current CFLR projects range from longleaf pine restoration in Florida to restoration of several forest types on both public and private land in the Sierra Nevada. One example is the Four Forest Restoration Initiative in Arizona, where we are working with partners to implement a collaborative landscape-scale restoration strategy across 2.4 million acres on the Coconino, Kaibab, Apache-Sitgreaves, and Tonto National Forests. This project will implement treatments in dry ponderosa pine that is overgrown and in need of thinning and under-burning to restore the role of fire in this fire-adapted forest type.

Watershed Condition Framework (WCF). This framework provides a consistent and comprehensive approach for classifying the condition of the 15,000 watersheds that comprise the National Forests and Grasslands, and for prioritizing our restoration needs. The WCF informs project planning by identifying the essential suite of projects to improve a watershed's condition and aids in project location effectiveness. The WCF also will inform Integrated Resource Restoration project planning and implementation.

Integrated Resource Restoration (IRR).—This approach is a better way for the agency to align its budgeting to focus on landscape scale restoration projects across resource areas, and with partners, by combining the restorative focus of several line

[1] Cassandra Moseley and Max Nielson-Pincus, "Economic Impact and Job Creation from Forest and Watershed Restoration: A Preliminary Assessment" (Ecosystem Workforce Program Briefing Paper #14; winter 2009; Institute for Sustainable Development, Eugene, OR).

items into a single item. It combines work done under vegetation and watershed management, forest products, wildlife and fish habitat management, hazardous fuels, legacy roads and trails, and road decommissioning into a single account. IRR will provide the Forest Service flexibility to focus on priority work using a more integrated approach to management and allows the needs of the land to drive what work gets done. In FY12 this program is being piloted in Forest Service Regions 1, 3, and 4. The emphasis in these regions will be on program integration, and the outcomes will be measured using traditional targets such as timber volume sold, miles of road decommissioned, acres of hazardous fuels treated, and miles of stream habitat restored, while also including new measures related to the watershed condition framework. The three pilot regions, located in North Dakota, Montana, Idaho, Nevada, Utah, western Wyoming, Arizona, and New Mexico, have already determined the condition class of all 5,926 watersheds containing significant portions of NFS lands. Among them, 78 priority watersheds were selected for restoration activities in the next 3 to 5 years. The IRR pilot regions will have increased flexibility to focus restoration treatments on the priority watersheds in a more efficient manner.

National Cohesive Wildland Fire Management Strategy. (Cohesive Strategy)—The Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009 charged the Secretaries of Agriculture and Interior to create a cohesive wildfire management strategy. Federal Land Managers responded by working through the Wildland Fire Leadership Council to direct the development of the Cohesive Strategy. The Cohesive Strategy is a collaborative process with active involvement of all levels of government and non-governmental organizations, as well as the public, to seek national, all-lands solutions to wildland fire management issues. The Cohesive Strategy addresses the nation's wildfire problems by focusing on three key areas: (1) Restore and Maintain Landscapes, (2) Fire Adapted Communities, and (3) Response to Fire.

The Cohesive Strategy will soon be moving into Phase III where a trade-off analysis of national risk will be conducted. We expect one result will be a better understanding of how the Forest Service can play a larger role in restoring and maintaining fire-adapted ecosystems and landscapes within an all-lands context. This understanding should help focus and support efforts that I've already described under Integrated Resource Restoration and the Collaborative Forest Landscape Restoration Program.

The Forest Service Bark Beetle Strategy.—Bark beetles have impacted nearly 18 million acres of National Forest System lands. The Bark Beetle Strategy, developed in 2011, focuses management efforts on priority treatment areas to ensure human health and safety and to reduce hazardous fuel conditions. In FY 2011, a total of approximately 16,800 acres were treated to reduce safety hazards to forest visitors, 50,100 acres were reforested, and 237,000 acres were thinned to improve resilience, producing approximately 300 million board feet of timber, 153,800 green tons of biomass, and resulting in removal of hazard trees along 978 miles of road.

Use of Stewardship Contracting.—This tool helps the Forest Service to acquire additional restoration services. Stewardship contracting allows the Forest Service to offset the value of the services received with the value of forest products removed pursuant to a single contract or agreement. Reauthorizing this authority and expanding the use of this tool is crucial to our ability to collaboratively restore landscapes at a reduced cost to the government. In Fiscal Year 2011, 19% of all timber volume sold was under a stewardship contract and funded activities such as watershed and wildlife habitat improvement projects, trails projects, road decommissioning, and hazardous fuels reduction.

Expand markets for Forest Products. Struggling markets have made it more difficult for the Forest Service to undertake restoration projects. The Forest Service is taking steps to assist in the development of new markets for woody biomass utilization and green building materials by working toward providing a reliable and predictable supply of biomass for potential investors through 20 coordinated resource offering protocol studies. In addition, the Forest Service is working in partnership with two other USDA Agencies on 12 Wood to Energy emphasis areas that will assist in creating jobs. The Forest Service continues to promote wood as a green building material.

Rigorous, applied research supports new and emerging markets with innovations that enhance and diversify the forest products industry. The **Forest Products Lab (FPL),** located in Madison, Wisconsin, plays a key role in research related to forest products markets. The FPL's mission is to identify and conduct innovative wood and fiber utilization research that contributes to conservation and productivity of the forest resource, thereby sustaining forests, the economy, and quality of life.

Since 1993, the Forest Products Laboratory (FPL) has focused some of its research effort on characterizing small-diameter logs and woody biomass, identifying potential uses, and providing technology that can help rural-based communities create successful businesses from the by-products of sustainable forest management. FPL research projects are exploring the potential of the small-diameter roundwood as a structural material for uses such as bridges, boardwalks, trail structures, picnic shelters, storage sheds, and other rustic-type buildings. Other FPL research is finding other innovative ways to use underutilized woody biomass.

Restoration Research.—Our research staff develops new technologies and brings cutting-edge science to land managers that bears on the sustainable management of the nation's forests and rangelands. Long-term research from our experimental forests and rangelands contribute to an understanding of the impacts of forest disturbance on natural and cultural resources. This knowledge assists land managers in forest restoration—restoring the functions and processes characteristic of healthy forested ecosystems.

To restore Sierra Nevada forest ecosystems, for example, our researchers have recommended an emphasis on the ecological role of fire, adaptive strategies for changing climate conditions, and the importance of diverse forest structures. In the South, Forest Service research has helped focus our Longleaf Pine restoration efforts. There the objective is to reestablish the natural structure and function in these ecosystems by adjusting species composition, modifying stand structure, and facilitating ecological processes, such as periodic fire and longleaf pine regeneration.

Implement a new forest planning rule.—The new rule corrects the inefficiencies of the 1982 planning procedures and provides a modern framework for planning in order to sustain and restore the health and resilience of our National Forests. The final rule provides an efficient planning process to guide management of National Forest System lands so that they are ecologically sustainable and contribute to social and economic sustainability, with resilient ecosystems and watersheds, diverse plant and animal communities, and the capacity to provide people and communities with a range of uses including timber, grazing, minerals and energy as well as hunting and fishing, sustainable recreation, wilderness, and cultural uses.

This rule was developed in the most collaborative effort the agency has ever used in rule making, possibly ever in its history. The rule reflects what people told us as well as the experience of the agency gained over thirty years of land management planning. We have created a final rule that emphasizes restoration, public involvement, and sustainable management to provide benefits and services both today and for future generations.

New Objections Process.—Another tool that has been helpful in building relationships and improving agency decision making is use of the objections process prior to a decision, rather than using an appeals process after a decision is made. Our experience with the objections process for hazardous fuel reduction projects authorized under the Healthy Forest Restoration Act indicates that the process tends to increase direct dialogue between the agency and stakeholders and often results in resolution of concerns before a decision is made, and thus better, and more informed decisions result. One example is the Sportsman's Paradise Fuels Reduction Project on the Mt. Hood National Forest. This project was initiated by local homeowners, who along with the Oregon Department of Forestry and an environmental group worked collaboratively to develop recommendations for the District Ranger. The most positive aspect of this effort is that the Sportsman's Paradise homeowner's group, which previously had not engaged with the Forest Service became an active participant in the project planning process resulting in new relationships. The Mt. Hood National Forest received an objection from a participating environmental group. After discussions with the group, the District Ranger made some minor revisions to the project which resulted in the group withdrawing their objection. Upon implementation, the authorized work will reduce the risk of potential catastrophic fire loss for approximately 900 acres surrounding the Sportsman's Paradise community of approximately 170 lots.

The 2012 Consolidated Appropriations Act includes a provision for the Secretary to expand and establish a pre-decisional objection process in lieu of the appeal requirements of the Appeal Reform Act. This provision allows the agency to apply the positive experience gained from use of the pre-decisional objections process for Herger Feinstein Restoration Act authorized fuel reduction projects. We have begun work on drafting the regulations.

Improved efficiency of the National Environmental Policy Act (NEPA) process for restoration.—A robust comprehensive and extensive Planning/NEPA program is needed to accomplish the hundreds of thousands of acres of natural resource projects we do across the country each year. We continuously strive to save time and money in this program. The agency has initiated a NEPA learning networks

project to learn from and share the lessons of successful implementation of streamlined NEPA analyses. The goal of this effort is to ensure that the agency's NEPA compliance is as efficient, cost-effective, and up-to-date as possible. Specifically we are looking at expanding the use of focused environmental assessments (EAs), iterative environmental impact statement (EIS) documentation, expanding categories of actions that may be excluded from documentation in an environmental as or an environmental impact statement, and applying an adaptive management framework to NEPA. Our landscape-scale NEPA projects will also increase efficiencies by analyzing across broad swaths of land, avoiding repetitive NEPA analysis. For example, our Mountain Pine Beetle Response Project on the Black Hills National Forest will implement a landscape-scale adaptive approach for treating future pine beetle outbreaks. We are also preparing for the NEPA decision on the Four Forest Restoration Initiative project in the Southwest for landscape-scale forest restoration projects.

In summary, in the 21st century the Forest Service will continue to strive to adopt and improve our ability to meet our mission of sustaining the health, diversity and productivity of the nation's forests and grasslands for present and future generations. Doing so will require working closely with our partners, including Congress and local governments.

I want to thank the Committee for its interest, leadership, and commitment to our National Forests, their surrounding communities and the forest products infrastructure.

This concludes my prepared statement and I would be pleased to answer any questions you may have.

The CHAIRMAN. Thank you, Chief, for your testimony.

The chair would like to remind Members that they will be recognized for questioning in order of seniority for Members who were here at the start of the hearing. After that, Members will be recognized in order of arrival and I appreciate the Members' understanding.

I now will recognize myself for 5 minutes.

Once again, Chief, thanks for your leadership and your testimony. I am going to come right back to the thing I led with in my opening statement. Most National Forests are not harvesting anywhere near how much their individual Forest Plans call for as a sustainable yield. And how specifically will the preferred Planning Rule encourage more harvesting on National Forests? How far will that move us towards meeting those sustainable yield goals?

Mr. TIDWELL. Well, Mr. Chairman, with our new Planning Rule as we move forward to revise our current plans, this Planning Rule will require that we have components that address the restoration needs on our National Forests. So it will be required that every forest will address what needs to be done out there on those National Forests to ensure that we are providing for healthy, productive National Forests.

From that effort, by working with the public, we also are required in this new plan to be able to establish what is going to be the expected timber harvest. I think this will be a better approach than what we did under the 1982 rule where we developed an allowable sale quantity that basically set a maximum amount of harvest which could occur but it never did predict what we would expect to be able to produce when we deal with all the multiple use and also with the budgets we can expect. So under this Planning Rule, we are going to have a much better estimation of the amount of harvest that is going to occur, the amount of biomass that needs to be removed, and I think it will prove to be a better approach, especially for industry to be able to make their investments around those numbers *versus* what we did with the 1982 rule.

The CHAIRMAN. Thank you. I remain troubled by the Forest Service's apparent reluctance—and I expressed my concern in our hearing last May—to deal with the viability standard. The language in the existing rule has been a magnet for litigation and so my question is why hasn't the Forest Service acted to improve the viability standard?

Mr. TIDWELL. Well, Mr. Chairman, I share your concerns with the problems we had with the 1982 rule when it came to viability for two reasons. Our approach that we used in 1982 rule didn't work. The approach of using management indicator species is not science-based and it did not produce the results that we wanted to ensure we had wildlife diversity. With our new Planning Rule, we have taken an approach to focus on providing the ecological conditions, the habitat that species need to be able to thrive. And we believe by focusing on the habitat that we are going to satisfy the majority—85, 90 to maybe 95 percent—for all the needs for wildlife diversity.

In those few cases where we need to do something else, where there is scientific evidence that we need to do something else to ensure a species doesn't trend towards listing, then we will take some additional steps to deal with the viability of those species. And we want to use an approach that is science-based and will do a better job, first of all, to provide for wildlife and to ensure that we are doing what we can to prevent a species from being listed.

The CHAIRMAN. In my district within the multiple uses, shale gas production obviously is one viable use and it has ramped up dramatically. There is a strong chance that some level of production will be occurring in the National Forest since 93 percent of the mineral rights are privately owned. Have you given any thought to forests like the Allegheny? How would this preferred Planning Rule impact water withdrawals in areas such as the Allegheny National Forest?

Mr. TIDWELL. The question was how would it affect water?

The CHAIRMAN. The water withdrawal which is kind of a key component for shale gas, for the process of extracting shale gas. There is a large water requirement.

Mr. TIDWELL. Well, with the new Planning Rule, we will be required to address the access needs and to also be able to have a component that addresses energy production. And so we will be required to be able to look at what we need to do on a forest like the Allegheny to ensure that we have the standards and guides in place that will allow the private interests to be able to access their private minerals.

As far as the water that is necessary, we are going to be focused on the surface impacts to minimize those as much as we can. But as far as the water, we will work with the state through the state's requirements to deal with subsurface water or in a few cases where there are federally owned minerals working with the BLM. But the focus for the Forest Service is going to be on managing that surface resource.

The CHAIRMAN. Okay. Thank you.

I now recognize Mr. Schrader, for 5 minutes.

Mr. SCHRADER. Thank you, Mr. Chairman. I appreciate you having this hearing today. I think it is extremely important. I think

everybody is concerned about the health of our National Forest and I agree with your comment about them being National Forests and not National Parks. And so we have to look at a new paradigm.

I would suggest—and I am really worried, Chief—that the management styles we have tried in the past and despite all your best efforts and the agency's best efforts that given the litigious society we live in that so far it is not working, just not working. So while I wish you the best on your new approach, I would like to see the Committee get your targets for the new plan and how the plan is going to be implementing them and hopefully some benchmarks as we hit those going forward.

The biggest concern I guess I have along the lines of my opening remark here is that we are not focusing on the health of the communities that live and nest inside our National Forests, and despite these strategies, the overstock is growing. And I would ask one basic question up front. Why is it that most states and local communities actually are able to harvest at a greater level and still provide the sustainable benefits you describe with the diverse species, healthy streams and that sort of thing? Why are they harvesting at higher levels for their small acres than our National Forest?

Mr. TIDWELL. Well, Congressman, I think one of the differences is that our mandate to manage the National Forest under multiple use where we need to address all of the different benefits that the public wants and needs off of these lands and then be able to find that——

Mr. SCHRADER. So you are suggesting that the states and counties don't have that same goal?

Mr. TIDWELL. I think at least my experience with states and a few counties is that they are often under state law required to look at how to maximize more of the revenue to provide for State School Trust, for instance.

Mr. SCHRADER. Well, that is not true in my state. I can tell you that much. And I will tell you that both in our state forests and on our county forests we actually do a better job of harvesting timber while meeting all the same guidelines in terms of diverse multiple use that you are talking about.

How has our strategy worked with regard to the bark beetle? How many acres are not being infested now as a result of the strategy that the National Forest Service is implementing?

Mr. TIDWELL. Well, the bark beetle strategy has been focused on providing for public safety and community safety and then in the few areas where we can make a difference to slow the spread is where we have been focused. So the bark beetles' spread is actually starting to decline but it is primarily in areas where we just basically are running out of forested areas, at least mature forested areas where the bark beetles have actually run through that area. We are having some limited success in places like the Black Hills. We are in the Ponderosa Pine type where we are trying to quickly move to each of the new outbreaks and be able to deal with that small area to be able to slow down that——

Mr. SCHRADER. How about my neck of the woods, which is Oregon and Northern California?

Mr. TIDWELL. We are using the same strategy there, when we see a new outbreak to be able to move quickly in there, to be able to take out the trees that are infested, to be able to slow down that spread.

Mr. SCHRADER. So it is still spreading. That would indicate to me it is not working very well.

Mr. TIDWELL. The bark beetles are a native pest and we have always had to deal with bark beetle infestation.

Mr. SCHRADER. So are we doing better with the emerald ash borer, gypsy moth and some of these others? Are we doing much better with them, then?

Mr. TIDWELL. We are struggling with all the invasives. The emerald ash borer is another significant problem, especially here in the East. And it is one of the things that it is essential that we are able to maintain our research efforts to be able to try and find some type of a biological control for that pest.

Mr. SCHRADER. With all due respect it doesn't sound like we are being as successful perhaps as we would like to be. And I hope that with the new rule and new orientation that we will be doing a little bit better.

You refer to the Collaborative Forest Landscape Restoration Program. Those are good initiatives. We have some of those in my home State of Oregon and really like them. How many are there if I may ask?

Mr. TIDWELL. With the Fiscal Year 2012 appropriations bill, we were able to receive full funding for that authority and so we now have 20 projects that have been identified and we have three more that we hope to bring on next year.

Mr. SCHRADER. So that is not a whole lot across the United States of America. It is hard for me to conceive we are going to get to even your limited target increase of 3 billion board feet when we have only 20+ projects that really seem to be making a difference, and offering a new approach. Do you really think you are going to hit your targets with 20 projects?

Mr. TIDWELL. The Collaborative Forest Landscape Restoration Projects are just part of our strategy to move forward. But they will provide the model about how to look at much larger landscapes. Many of these projects are looking at 100,000 acres at a time. That is where we can really make a difference, to be able to use these projects as a model, to be able to demonstrate the difference by looking at large landscapes with a commitment to provide the funding over multiple years. It is going to encourage investment to be able to make sure that the mill owners and the loggers have the equipment that they need to be able to do the work. And so we expect that through these demonstration areas we can then encourage this approach across much larger areas than we currently are.

Mr. SCHRADER. In Oregon where we are looking at different ways to manage what has been known historically as our O&C lands. We are maybe looking at turning some of them over to the National Forest Service, for work and stewardship while also providing a trust concept to manage some of the lands. We want to find that balance between preserving our old growth and making sure that the values in different parts of my state are respected. There has been a discussion draft circulated regarding the strategy and ap-

proach there. I wonder if you have seen it and if you could comment on that.

Mr. TIDWELL. Congressman, I haven't seen that discussion draft but I will look forward to having the opportunity to look at it and look forward to working with you to find this balance. It is one of the things we spend a lot of our time on, finding this balance of the different uses on every piece of our National Forest.

Mr. SCHRADER. Well, those people that think setting them aside is the answer and we see that is not the case based on your testimony. And there are those that think that thoughtful management under some of the states' Forest Practice Managements Act and setting aside a certain amount of wilderness but setting aside some certainty for our communities and our employers that would like to get jobs created back in America is where we should be going. And I will make sure you get that draft, sir. Thank you for coming.

Mr. TIDWELL. Thank you.

The CHAIRMAN. I thank the gentleman. I now recognize the gentleman from Wisconsin, Mr. Ribble, for 5 minutes.

Mr. RIBBLE. Thank you, Mr. Chairman.

Chief Tidwell, thanks for being here. I also want to express my personal appreciation to you for attending a forestry conference that I hosted in Rhinelander, Wisconsin. And it was very beneficial for those folks that care about our forests in Wisconsin to have you there, and I very much appreciated your time.

I want to just read a quote from your testimony and then just talk a little bit about that. "Our collective ability to sustain the nation's forests and provide ecosystem services is increasingly at risk. Drought, invasive species, loss of open space, uncharacteristically severe wildfires, uncharacteristically severe outbreaks of insects and disease, all of these stresses and disturbances are affecting America's forests on an unprecedented scale."

Mr. TIDWELL. Yes.

Mr. RIBBLE. Well, it seems to me that all of these threats except drought could be improved by using the army of experts already available to us that are provided by the U.S. timber industry. And it would be at no cost to the taxpayers simply by allowing and speeding up the process for them to harvest timber. I mean if we have a loss of open space, let's take some trees out. Wildfires, as you are aware, are caused by a bunch of different sources—drought being one of them—but also space that is too compact. Invasive species and outbreaks of insects and diseases can happen when we have single types of trees growing in a single area. And all of these are improved by a more robust management of the forest.

I would like to ask a question specific to my district at the Chequamegon National Forest. Right now, the plan that the Forest Service has is to allow roughly 130 million board feet per year to be harvested there but we are only harvesting at 50 percent of that level. I am curious. This has been going on for a number of years. Why does this continue to happen and what can we as Congress do to facilitate your agency to use the resources more efficiently so we can harvest more timber there?

Mr. TIDWELL. Congressman, once again, the allowable sale quantity is a requirement that we had in our 1982 regulations that established the maximum amount of harvest. The amount that is

harvested each year is based on the analysis of the work that needs to be done and then the ability to get those decisions implemented. On your forest in the past we have struggled a little bit with the appeals and litigation. I am pleased to know that our folks have now worked through some of those issues and that some of our previous decisions that were held up, we are now going to be able to move forward with those.

And so the way to move forward to be able to do more of the work that we need to do there is to continue to work with the communities to be able to reach agreement on the type of work that needs to be done and then to move forward and to be able to use that integrated wood products industry, those skilled folks that know how to do the work. We rely on them to be able to do this work.

We also want to be able to look at much larger areas so it would improve our NEPA efficiencies so we are not spending as much time or as much of our funding on doing the analysis, but to be able to look at these large areas so that we can do one analysis that will cover tens of thousands of acres at one time and to be able to allow that amount of work to go forward over the next few years.

We are also looking at how we can be more efficient in our timber sale layout, to do some things like sample weight scaling or designation by prescription, instead of doing the level of marking that we have done in the past so that we can be more efficient with our resources so we can actually get more work done.

But you are right. We rely on the timber industry to be able to do the work that needs to be done in these National Forests, and it is essential that we work together to be able to find ways to get more of these acres treated, get more of this biomass removed that needs to be removed and thus create more jobs and keep those mills operating.

Mr. RIBBLE. I am glad you mentioned NEPA. Are there reforms that need to happen there to basically lower timber sale costs and speed up the process? Are there things that we ought to be looking at on NEPA?

Mr. TIDWELL. Well, we are. We are looking at several things that NEPA allows us, and one of them is to look at using what we are calling an adaptive EIS. We look at hundreds of thousands of acres at one time, and to develop the analysis in the way that not only will address the issues we need to deal with today but also will allow us to move toward the next—where we have an insect and disease outbreak or if we have a windstorm that comes through—to be able to move forward and do that work without any additional analysis.

The other thing that we are working very closely with CEQ is how to do a better job to focus our analysis. We are definitely doing more analysis than we need to and most of this has been driven by past court decisions. And I accept the knowledge that we have a tendency to take the last ruling and then apply it across the board whether we probably need to or not. So we are doing a better job stepping back and really doing more of a focused NEPA just to address the issues that need to be addressed. And CEQ has been very helpful to provide some guidance on this to help our folks have a little more confidence.

The challenge that our employees have is that they know if we do this outstanding level of NEPA analysis, we can get the decision implemented. For them to take a chance to do a little bit less, it is not just that that project is not going to go forward; it is also that the jobs are not going to be created. There is opportunity of potential for another mill to close. So it puts a lot of pressure on our folks to make sure that as they move forward that they can implement this and be successful because that is what we are focused on is getting the work done, not just completing the analysis, not just making a decision. We want to be able to implement that decision. So our work with CEQ is going to help build more confidence about how we can do this to be more effective, more efficient and really be able to reduce the amount of time we are spending on doing our analysis but at the same time to be able to address the issues, provide for the protections for the environment that the public wants, but at the same time, improve the health of our National Forests.

Mr. RIBBLE. Okay. Thank you very much, Chief. Again, thank you for being here.

Mr. Chairman, sorry I went over time. If there is a little chance to circle back, I would appreciate that. And I yield.

The CHAIRMAN. I thank the gentleman and now it is my pleasure to recognize Mr. Sablan, for 5 minutes.

Mr. SABLAN. Thank you very much, Mr. Chairman.

And good morning, Mr. Tidwell, Chief, welcome.

You were discussing earlier in your testimony that the 1982 viability rule didn't work and you said the new rule focused on it. How exactly is the new rule adjusted to make work what didn't work in the 1982 rule?

Mr. TIDWELL. Well, the 1982 rule we relied on what is called management indicator species. We relied on being able to track the population of an individual species that would then indicate that we are providing for the diversity of wildlife in the whole. And the science has borne out that that approach doesn't work. So what we are doing with the new Planning Rule is to take the approach to focus on providing ecological conditions, the habitat needs of species to be able to provide for by far the majority of the species. And then when we have situations where there is scientific evidence that there is a species at risk, then we are required to take some additional steps to ensure we are doing what we can to provide those additional habitat requirements to ensure we are doing what we can to prevent listing. This is a better ecological approach that in our view will do a better job to provide for diversity and where we need to address the viability of specific species.

Mr. SABLAN. And thank you. I join my colleague from Oregon in looking forward to the new rule working.

In the second panel, one of the witnesses sets the cost of Forest Service for NEPA compliance at over $300 million, $356 million exactly. Is the Forest Service the source of this estimate?

Mr. TIDWELL. Could you please restate the question? I am sorry; I couldn't hear it.

Mr. SABLAN. On the second panel there will be a witness, Mr. Watkins, who sets the cost of the Forest Service for NEPA compliance at $356 million. Is the Forest Service the source of this esti-

mate, and if so, how was it determined? How did they come up with $356 million? Because I am leading to a second question.

Mr. TIDWELL. Well, that is the cost for doing all the NEPA analysis that we do that deals with forest restoration, timber harvest, along with everything else that we do. We do about 3,600 analyses each year in the Forest Service, and so some of the things that I have laid out about how to do a better job is to focus on much larger landscapes to be able to address all the restoration needs through one decision. Those are going to increase the efficiency and it is my expectation that we will be able to reduce the costs of doing that analysis.

Mr. SABLAN. So the $356 million is fairly accurate?

Mr. TIDWELL. It is.

Mr. SABLAN. And it comes from your——

Mr. TIDWELL. Yes.

Mr. SABLAN. So are you saying that the EIS that you referred to earlier reduced NEPA compliance?

Mr. TIDWELL. It won't reduce NEPA compliance; it will just allow us to be able to do a better job to meet NEPA compliance. And so it is just so that we will be more efficient to be able to do the analysis that needs to be done and not to do additional analyses that really aren't necessary to address the issues that have been raised through the public involvement process.

Mr. SABLAN. Thank you, Mr. Tidwell. I come from the islands so we are not one of the 42 states. I am from Northern Mariana Islands and I can understand my colleagues' concerns also and your relationship with the timber industry. We import our timber from Oregon, too, so we still have to ship that.

But we thank you, sir, for all you do and thank you for joining us this morning.

And I yield back, Mr. Chairman.

The CHAIRMAN. I thank the gentleman, and now recognize the gentleman from Colorado, Mr. Tipton, for 5 minutes.

Mr. TIPTON. Thank you, Mr. Chairman.

Thanks for being here, Chief Tidwell. I am pleased to hear some of your testimony. We have had a few conversations in terms of our ability to be able to harvest in Colorado downed or standing dead timber to be able to turn that into biomass to be able to keep a mill going and also some problems that we have with our utilities as well, being able to get in and clear out under those lines. But what do you see as the biggest impediment to managing forest in the bark beetle epidemic?

Mr. TIDWELL. You know, probably just the scale of the work that needs to be done right away to protect our communities and provide for the public safety. And then the biggest challenge, especially there in Colorado, is the loss of the infrastructure, the integrated wood products industry to be able to use this material and to be able to have markets that will offset the cost of removing it. That is, I would say, in Colorado one of the biggest challenges. And where I have worked in other parts of the country where we have lost that wood products industry, it is very expensive for us to be able, then, to do the restoration work to be able to thin out these forests not only to protect the communities from wildfire but just to improve overall forest health.

That is why we are focused on doing everything we can to be able to maintain the infrastructure that we currently have and then in a few places be able to look at using long-term stewardship contracts to be able to provide the incentive for someone to come in and make a new investment, either in a new mill or in a new operation. Those are the things that I look at as some of the biggest challenges that we have.

Mr. TIPTON. Okay. Could you maybe describe for us a few of the ideas that you have in terms of our local Forest Service officers exercising creativity and having some regulatory flexibility to be able to address some of those concerns?

Mr. TIDWELL. Well, I have talked about the NEPA efficiencies——

Mr. TIPTON. Right.

Mr. TIDWELL.—so that we can look at these much larger landscapes, I mean instead of looking at 500 to 1,000 acres at a time, to be looking at tens of thousands of acres so that we can have one analysis that will cover a lot of country and provide a lot of work over many years. The other thing is through our stewardship contracts. We have found that this contracting authority has been very beneficial. We find that we have less appeals, less lawsuits when we are using stewardship contracting authority, and it allows us to be able to do multiple-year contracts, to have contracts up to 10 years that will encourage someone to make the investment.

The other thing is to look at using all the flexibility we have with when we are laying out a project, instead of in the past, I often would go out there and mark every tree that needed to be cut. We have other flexibilities to be able to use either weight scaling or this designation by prescription so that we can lay out how we want the area to look afterwards and then be able to then let the timber operator go in there and remove the trees based on that prescription. And we find this is another way that we can save some of the cost and make it a little bit easier for us to be able to get more work done. These are some of the things that we are looking at.

We also are doing everything that we can to work with the industry, especially with some of the past timber sale contracts that they have purchased when we had a better market and be able to do everything we can to adjust those rates, or in the case there in Colorado, to actually cancel some timber sales that just were no longer economically viable because it is essential that we do what we can to be able to maintain the industry.

Mr. TIPTON. Okay. Could you speak maybe briefly a little bit to the importance of the existing utility infrastructure on Forest Service lands, providing electricity to America which we need, and how we can help protect that?

Mr. TIDWELL. Well, it is essential that we work with utility companies, they can maintain their lines and that they are able to do the clearing underneath all those power lines so when we do get a fire started, we don't lose that line. So one of the things there with the challenges with the mountain pine beetle outbreak, especially in your state and other parts of the West, is that utility companies were faced with a much larger job to be able to clear those

lines and not only the material underneath the lines but any of the trees that had fallen——

Mr. TIPTON. I am going to run out of time. Could you maybe just give a little touch and let us know are there any regulatory or legal impediments to the Forest Service to use contractors for the utilities themselves as contractors to be able to remove underneath the lines?

Mr. TIDWELL. I believe we have the flexibility in our current authorities to work with the utility companies to be able to remove what they need to underneath their lines and then also to be able to work with them to actually address adjacent areas, too. It is one of the things we are looking at is being able to use that contracting flexibility for not just within the permit but also how we can work together to be able to get more of the work done where they have the equipment in place.

Mr. TIPTON. So just to be clear, so you don't see any legal impediments——

Mr. TIDWELL. We are looking into our current authorities and I would like to get back to you on that. If I find that we have exhausted our flexibility and there is a need for additional flexibility, I would like to come back to you with that.

Mr. TIPTON. Okay. I would appreciate that. Thank you, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman. I think we have a request for one more round if that is okay with the chief. And I will start that out with my 5 minutes.

Chief, I want to come back to stewardship contracts. You had talked about those with Mr. Tipton and you obviously identified the key role that they play within our forests. I believe within your written testimony it was like 19 percent of the timber that was harvested was under stewardship contracts. And I appreciate that you identified the long-term—my question really has to do with the economic benefit to the communities. Now, obviously, there are some long terms that you address. The healthy forests are good for our communities because they keep that viable forest available for timbering and all the other uses and then obviously fire safety. And this is just a point of clarification; I am not sure about this. Do stewardship contracts have the same short-term economic benefits that other timber sales have in terms of monies coming back into the local counties and communities and school districts that a traditional timber sale would have?

Mr. TIDWELL. With the stewardship contract, there aren't any of the revenues that are set aside to go back to the counties. But the difference is that in the number of jobs that are created because through a stewardship contract we look at the landscape and look at all the work that needs to be done, and then we put together one contract that not only does the timber harvest but it also does the roadwork, the culvert replacement, the trail improvement. And all of that then creates jobs so that the revenue that would come from the biomass from the timber harvest, it goes back into the site to do more work. So it creates more jobs. So the economic benefits are in more jobs that are created through a stewardship contract *versus* a timber sale contract. We need both and we are going to continue to hopefully have both authorities so that we can look at

any one project and pick what is the right tool. Is the timber sale contract the right tool or should we use a stewardship contract?

The CHAIRMAN. Well, I appreciate hearing that because that would be what I would hope for is we would use it to expand both. The one thing I wouldn't want to see obviously is that that 19 percent of production next year go to 25 percent of production because that tells me that on the traditional timber sales—and you worked your way up the ranks to position chief so you have lived in those rural communities and you know how important economically the lifeblood is of timbering really is the key function within those communities. It can either crush a community or keep it economically viable.

So you noted in your testimony that the market for forest products is critical for forest restoration efforts. And Forest Service policies have arguably contributed to the struggling markets that you reference. "Dramatic reductions in timber sales in some parts of the country decimated market ecology of the local timber industry." And I would appreciate your thoughts on ways the Forest Service can partner with industry to facilitate the development of consistent, sustainable markets for forest products across the different regions of the National Forest System. What did you have in mind when you identified that in your testimony?

Mr. TIDWELL. Well, one of the things, we can do a better job to work with the industry to be able to lay out our planned program of work in conjunction with what is expected to come off of state or private land. For instance, right now, we have a very high demand for our timber sales. I think last year, even in this market which, as explained to me, one of the most difficult especially softwood markets that we have had in a long, long time, but we were able to sell 98 percent of the timber sales that we put up last year and that is because of being able to work together. And so in markets like this where we see a significant reduction in the amount of timber sales on private land there is a greater need for us to be able to work with the industry to be able to have more of our restoration work ready to go in times like this.

These are the sort of things that, ideally, we need to be able to do a better job in the future to have more of an all-hands approach on the work done, but at the same time, we are doing what we need to do to support the industry and especially in these tough times that we are facing right now.

The CHAIRMAN. Thank you, Chief.

And I recognize Mr. Schrader, for 5 minutes.

Mr. SCHRADER. Thank you, Mr. Chairman.

And thank you, Chief, for listening to us and responding to our concerns and questions.

One of the species I am most worried about in the forest areas is called the human species and rural America is slowly dying on the vine here. I would hope that in your landscape NEPA analysis you would take that into account a little bit.

In my state, the NEPA analysis does not work very well. In some of the testimony we are going to hear later it actually is so cost-prohibitive that very few sales get done and frankly a lot of the sales are not subscribed to at all. So that would be an indicator

that indeed things are terribly wrong and I look forward to you changing things there.

I would hope that part of the strategy might be to use HFRA 1 and maybe even go to a HFRA 2. We are trying to work that through our process here to look at Class II and Class III lands. How are you trying to approach Class II and Class III forests?

Mr. TIDWELL. Well, we want to be able to look at the work that needs to be done on the landscape and then to be able to move forward and implement that decision. Once again we want to use all the authorities we currently have in place and to make sure that we are using the right authorities so that we actually can implement the decision. We made a lot of good decisions in the past and we often win in court. I mean we win——

Mr. SCHRADER. Not in my state you don't.

Mr. TIDWELL. Well——

Mr. SCHRADER. The other states you do but not my state.

Mr. TIDWELL. The majority of the time we will win, but what happens is it takes years. And so we will go 2 or 3 years——

Mr. SCHRADER. You have a statement in here, Mr. Tidwell, "due to changing climate, we may not be able to restore them"—talking about our river and ecosystems—"to their original condition but we can move them toward ecological integrity and health." You know what the courts in Oregon say? They say even if originally the streams were at a certain temperature that is not necessarily conducive to anadromous fish, you have to do it even better than what history has. I mean that is the type of stuff we are up against in Oregon. You know, out West it is a little different than back East here. We have huge, huge obstacles to get this done.

In your new landscape NEPA analysis, it is going to take longer because it is obviously watershed-wide and trying to be more comprehensive. What assurances do you have from the legal community or some of the more extreme environmental groups that they are not going to sue you on a project-by-project basis after you do all that work?

Mr. TIDWELL. Well, I am confident as we move forward and we do the work and we do the required analysis that we will be able to implement those decisions. The other thing that we see that is changing is that we have a lot of support from the conservation community and a lot of the environmental groups that want to work with us, and especially on these large-scale projects that——

Mr. SCHRADER. Would you agree—I am sorry, again; I have limited time, too, and I apologize for interrupting. But would you agree that the constant litigation is a huge barrier to getting any of these management projects done in our National Forest?

Mr. TIDWELL. Litigation takes up a lot of time and has been a barrier. However, we are doing a better job to have less appeals and less litigation. In fact, last year in 2011 we only had three percent of our timber sales that were litigated, which is the lowest level of any time that I can ever remember. So these things that we are doing——

Mr. SCHRADER. It is just not doing it.

Mr. TIDWELL.—this collaborative approach is making a difference.

Mr. SCHRADER. Well, I appreciate that, Chief. I know your intentions are honorable and good and I don't want to be a contrarian. It is just that in the real world that I live in, in my state, where ¼ of the land mass of Oregon is National Forest System, my communities are dying. And I would ask you to put your attention on that.

And by the way, you do have the analysis draft I talked about to deal with our O&C-enforced lands out West. I urge you to take a look at that if you don't mind.

Mr. TIDWELL. Thank you.

Mr. SCHRADER. Sure. I yield back.

The CHAIRMAN. Thank you. I recognize Mr. Ribble for an additional 5 minutes.

Mr. RIBBLE. Thanks again, Mr. Chairman.

And the comments from my good friend from Oregon resonate with me a bit because I want to talk about a small community in northeastern Wisconsin called Laona. They are right in the heart of the Chequamegon-Nicolet National Forest, which used to have one of the most robust timber harvesting areas in the state. Now, due to lost employment and lost harvesting capacity, we are about to lose our school district. If we lose our school system, we lose our community. There is no reason for families to stay; there is no reason for children to come home. And without those jobs, we are going to lose those communities.

And so to my colleague from Oregon, I completely appreciate the dilemma your communities find themselves in because Wisconsin has the same problem.

Chief Tidwell, along that same line in following up with Representative Schrader, in Wisconsin you have been a bit more successful on some of your court challenges and court cases. In fact, 300 million board feet of sales have passed through the court challenges now and are ready to be harvested; yet only 65 million board feet will be sold this year. Why the discrepancy? Can you help me understand that a little bit?

Mr. TIDWELL. Well, Congressman, when we were able to work through those past decisions, we can move forward with them. It takes a little bit of time to then be able to get out there and be able to put that decision on the ground, to be able to prepare the timber sales. So we have actually sent some additional money up to that region and the region itself had already focused on moving forward with that. And so there is a little bit of a lag to be able to move our limited resources to move forward in an area. Ideally, it would be nice if we had additional resources that we could just quickly move there, but as you have heard from the other Members that we are dealing with this same issue everywhere across the country in all of our National Forests. And so there has been a little bit of a lag and I would hope that not only will they be able to increase it this year but then also next year they will be able to put those additional sales up.

Mr. RIBBLE. On behalf of several hundred school children, I would ask you to hurry.

Just another comment. Back in 1987 we were harvesting about 12.7 billion board feet off our National Forests. With your proposed plan you want to get back to 2.6 billion, maybe to 3 billion by 2014.

That is still only about 20 percent of where we were at 2 decades ago. Right now, some of my lumber mills are importing lumber from Canada when we should be exporting to Canada. If we really want to talk about the job paradigm, that would be one way of getting there. Rather than buying Canadian timber, let's harvest our own.

But going back to my question earlier about forest fires, insect, open spaces, all your comments, will annual forest harvest of 3 billion board feet be enough to address the nearly 82 million acres of National Forest lands in need of restoration?

Mr. TIDWELL. The answer is no. We will need to be able to do more. Of that 65 to 82 million, there are a lot of those areas we will treat with just fire. A lot of it is not commercial timberland. But there are a minimum of 12½ million acres that we know we have to use mechanical tree timber harvesters on to restore those acres. And so to be able to do that along with maintaining all the other areas—because we have to also continue to do the maintenance and not just the restoration—we are going to need to do more. I am optimistic as we move forward with implementing this list of opportunities I laid out today that we are going to continue to be able to increase our efficiencies to be able to actually treat more acres and thus will produce more saw timber, more biomass.

I feel confident that we are going to be able to do this and that we are going to do this with our current budgets. That is the other thing that my estimations are all based on the President's budget request. If that doesn't hold true, then I will probably have to be up here having another discussion with you. But with a flat budget, we feel that we can increase the number of acres we are treating and increase the amount of saw timber by 20 percent. When we get the 3 billion and talk about the successes we have had there, then we will be talking about what else we need to do to be able to move forward.

Mr. RIBBLE. Thanks again for being here.

And I yield back.

The CHAIRMAN. I thank the gentleman and now recognize my colleague from Florida, Mr. Southerland, for 5 minutes.

Mr. SOUTHERLAND. Thank you, Mr. Chairman.

Mr. Tidwell, thank you very much. And I want to say how much I appreciated your personal visit to my office to discuss our forests. And I want to really echo the sense of urgency. As a small business owner who had never served in elected office before, you can imagine my dismay that this city has no sense of urgency when it comes to really meeting the needs of the American people. The communities that are dying, the children who, unfortunately, are not going to be able to go to rural schools because we are not producing what is our responsibility to produce. And I have been here 15 months and yet that aggravation and anger that is inside of me has not subsided because I am interested in results and I am not interested nor are the American people in talk. And that is cheap and that doesn't put food on the table for the American people, the hardworking men and women who are struggling to survive.

And you have a very unique opportunity in your position. I was pleased with our visit but I am going to hold you accountable to results because I do believe that we must do more than just talk.

The American people expect a Congress, for example, to pass a budget and yet we haven't. So they are aggravated and they should be.

Our small communities, especially around our National Forests, expect us to harvest our timber and yet we don't. So therefore, the same aggravation that I think is leveled at us is leveled at your department and your agency because we are not doing what the American people need us to do.

Closer to my home, Florida, the Apalachicola National Forest is critical to the rural communities around the Apalachicola National Forest. And now, I mean, we are only cutting 6.8 percent of its annual growth. The mortality rate exceeds the harvest rate. And you may have addressed this and if you have before I came in a few moments ago I apologize, but I would ask you to state again does that create any sense of urgency deep inside of you? Because the anger that I feel about this place that doesn't even sometimes appear to be listening to the cries and the hurts of the American people. Deep inside of you does that statistic, 6.8 annual growth when our mortality rate is higher than that, what does that produce inside of you?

Mr. TIDWELL. It produces what I have shared, the urgency for us to be able to increase the pace and the scale of our restoration work, the active management of our National Forest to be able to address the forest health concerns. And so I share your same concerns and it is one of the reasons why we are focused on doing what we can to improve our efficiencies so that we can get more work done out there on the ground, get more——

Mr. SOUTHERLAND. But let me say this—the American people work faster than your people, something I have noticed about government, okay? Give me two serious, serious people that are out there in the private sector, okay, they are risking their life each and every day in one of the most dangerous professions in the country, okay, but what creates more fear in them than the danger of their job is the danger of defaulting——

Mr. TIDWELL. Yes.

Mr. SOUTHERLAND.—on the skidders and the loaders and the bunchers, okay, that they are leveraged against and then to come in and have to deal with people that have no sense of urgency, that are not in a hurry, that don't work fast. You can see the aggravation of the American people. What I am saying is: several of my colleagues have said hurry. We need hurry. And I want to be honest and I don't want to be mean-spirited, but there is a sense of urgency that I do not see. And these numbers do not bear out that there is this sense of urgency that the American people have.

The President can talk about jobs being the number one priority in his Administration, but quite honestly, sir, that is not true. It is just not true. Because if it were in the sense of urgency that you claim is inside of you would bear out in increased production from our National Forest in helping our communities and our schools that we made reference to all over this country. Do you understand how what the rhetoric that is said does not match the facts?

Mr. TIDWELL. Well, Congressman, I share your urgency. I have lived in those rural communities. Our employees live in those rural communities. I know exactly what you are talking about. And that

is why you will see that each of the last few years we have been increasing the amount of work, increasing the timber harvest that has been occurring without an increase in budget, without changes in the authorities or in the laws, but we have been able to do that. And we are going to continue to maximize these efficiencies so that we can get more work done.

I share with you that urgency. The other reason why we are doing everything we can to work with the industry to do rate adjustments on contracts, to do everything we can to keep them in business so that they can do the work, so that they can employ people to be able to get the work that has to be done on these National Forests. So I share the urgency but I also——

Mr. SOUTHERLAND. I want to be very candid. I know I am over my time and I apologize, Mr. Chairman, but I know that if you look at the number of mills we had in this country in 1970 compared to what we have now, what you just said is banter. And I want to be very polite, okay, but you can't eliminate because of policy—hundreds of mills in this country—and the statement you just made hold any validity with the American people that are in the timber industry. America needs what we say to match what we do, to restore integrity that we lost a long time ago with the American people. And you are on the frontlines of that and I urge you, I implore upon you to make sure that our banter matches our actions.

Mr. Chairman, I apologize. I have gone over and I yield back time that I have exceeded.

The CHAIRMAN. Well, I thank the gentleman. And Chief, I want to thank you for being here. Obviously, this is a Subcommittee that—I think we share the same passion as you do and that is vibrant healthy forests and vibrant rural communities. And I will say our public policy for forestry for decades has been hijacked through the courts and special interest groups that self-fund their organizations by suing your agency and keeping us from having healthy forests and keeping us from having healthy rural communities. But I know your commitment to work with us to bring a new public policy along the issue of forestry that has vibrant healthy forests and vibrant healthy communities.

You know, it is a sad fact today that in many rural communities across this great nation that the number one endangered species are the citizens in the communities that are located in or near our National Forests. And, it is all of our job to change that obviously and get them off that endangered species list.

So thank you, Chief. We really appreciate you coming in.

Mr. TIDWELL. Okay. Well, thank you.

The CHAIRMAN. That is fine.

I would like to now welcome the second panel of witnesses to the table. We have our second panel of witnesses here, and as they find their place at the table, we will proceed with some introductions.

I want to thank our second panel and for purpose for the introduction of the first speaker, our first witness, I will turn to my good friend from Oregon, Dr. Schrader.

Mr. SCHRADER. Thank you again, Mr. Chairman.

We are really pleased to have Gary Barth, Director of Business and Community Services from my home County of Clackamas, Oregon. As director, Gary oversees the Economic Development De-

partment, county parks, North Clackamas Parks and Recreation District, county libraries, property resources, and quite a bit of my county's efforts, and management of nearly 3,000 acres of county-held forestland. Prior to his public service career, he worked in the financial industry, earned a business degree from Portland State, an MBA from University of Portland.

I really appreciate Mr. Barth for coming. Thank you.

The CHAIRMAN. I thank the gentleman. It is my pleasure to introduce our second witness to the panel, and that is Mr. Gregory Hoover from the Department of Entomology at the great land-grant university, Pennsylvania State University. And he has over his lifetime dedicated himself to healthy forests and the studies of all those bugs that just provide a tremendous risk to healthy forests and the wildlife habitat and all the good things that come with it. So Mr. Hoover, I want to thank you for being here to testify.

And I now turn to my good friend from Florida, Mr. Southerland, for purposes of introduction.

Mr. SOUTHERLAND. Thank you, Mr. Chairman. It is always a great honor to have our constituents here from our districts. And today, I am proud to introduce Chuck Watkins. Chuck is the Chief Operating Officer of Rex Lumber Company, which operates businesses in multiple areas throughout Florida. The family-owned company is a founding member of the Federal Forest Resource Coalition, which represents purchasers of Forest Service timber across the country. The coalition has members in more than 24 states with approximately 650 member companies representing 350,000 workers and about $19 billion in payroll.

I want to say that Rex Lumber Company traces its roots back to northwest Florida back to 1926, 10 years prior to the establishment of the Apalachicola National Forest, which I made reference to a few moments ago in my questioning. Rex currently operates mills throughout my district in Bristol and Graceville, Florida, and other regions of the country employing 434 people and sourcing much of their materials from the Apalachicola National Forest in Florida.

Mr. Watkins, thank you so much for being here today.

The CHAIRMAN. I thank the gentleman.

Now, for purposes of introduction, Mr. Ribble, from Wisconsin.

Mr. RIBBLE. Thank you, Mr. Chairman.

It is an honor today to introduce Gary Zimmer. Gary is the lead wildlife biologist for the Ruffed Grouse Society in charge of the Society's four regional biologists. As an interesting side note, Mr. Zimmer spent 20 years in the U.S. Forest Service. He coordinated multifaceted district fish, wildlife, and endangered and threatened species program. He has been in a small town that I referenced with Mr. Tidwell of Laona, Wisconsin. He is acutely aware of what is going on in our National Forests in northern Wisconsin. And his role with the Ruffed Grouse Society is increased public understanding of the role of forest management to society members, landowners, and the general public and to provide technical and financial assistance in support of habitat development on public lands and habitat management.

Mr. Zimmer, it is an honor to have you here and thank you for coming.

Mr. Chairman?

The CHAIRMAN. I thank the gentleman.

We will begin with our testimony now. Mr. Barth, please begin when you are ready. The timing system is in front of you there, and please proceed with your 5 minutes.

STATEMENT OF GARY BARTH, DIRECTOR, BUSINESS AND COMMUNITY SERVICES, CLACKAMAS COUNTY, OREGON CITY, OR

Mr. BARTH. Good morning, Chairman Thompson, Congressman Schrader, and Subcommittee Members. I certainly appreciate the opportunity to testify today on the opportunities and challenges facing the management of our National Forests. And as Congressman Schrader said, my name is Gary Barth. I am the Director of Business and Community Services for Clackamas County, Oregon.

As the Director of Business and Community Services, I oversee a diverse number of divisions that include county libraries and urban park and recreation district, county-owned forest land, a county-wide park system, and the economic development team. My job title reflects the recognition of the integral relationship that exists between economic vitality and the services we provide to offer improvement to the quality of life of our citizens.

In my position I have a unique perspective on seeking to improve all aspects of the "triple bottom line" so often discussed and considered in establishing public policy. How do we produce economic value, ensure environmental responsibility, and provide for social benefits? I believe that our county's management of our 3,000 acres of the county-owned forest land is a great example of delivering that "triple bottom line" to our local residents through good stewardship of public assets. My testimony is intended to provide greater detail on how we manage our forests and how our approach could serve as a model for needed changes in Federal forest management policies.

As Congressman Schrader mentioned, the State of Oregon is vastly made up of Federal forests and Clackamas County even more so. Seventy-five percent of Clackamas County is forestland. We are perceived as an urban county. We are part of the greater Portland metro region, one of three counties making up the greater Portland area, but only five percent of our land is urban, 38 percent is rural agricultural land and over 50 percent is forestland. Over 50 percent is in ownership in control of the U.S. Forest Service and the BLM.

Forests have always been an important part of our economy and culture. Unfortunately, employment in our forests and wood products manufacturing has been in steady decline for decades. The primary cause of this decline has been changes in the Federal forest management policies. The amount of timber sold on Mt. Hood National Forest has declined 87 percent over the last 2 decades from 230 million board feet in the late 1980s to an estimated 30 million today. But the annual mortality rate is 190 million board feet. Putting that into context, the Mt. Hood National Forest is dying six times faster than it is being harvested. The annual growth of the forest is 745 million board feet. Again in context, it is growing 25 times faster than it is being productively harvested. The economic opportunity lost through mortality and lack of harvest is enormous,

as is the growing risk to the forest health and the lack of management.

We are reliant on Federal payments. That is what we are here today also talking a little bit about the reauthorization of Secure Rural Schools. But since the early 1900s when the National Forest System was established, our government has shared in 25 percent of the receipts generated off the commodity of the forest. BLM O&C lands, once private, were brought back under Federal control at initial commitment to share 75 percent later reduced to 50 percent. For decades, Clackamas County received millions of dollars in shared timber receipts annually and many local residents were employed in the forest products sector. Through the vast amount of land in Federal ownership and the dramatic decline in timber harvest, unemployment has risen, mills have closed, and counties have had to deal with devastating declines in revenue.

Again, this has been partially offset by the introduction of spotted owl guarantee payments in the early 1990s and Secure Rural Schools funding from the Self-Determination Act of 2000, since reauthorized twice. However, the current Secure Rural Schools has now expired. We received our last payment and because of the calculation in the final year of the reauthorization, our last payment was a quarter of what we have historically received on Secure Rural Schools. And even that was less than what we had received on commodity revenue sharing.

Clackamas County Board of County Commissioners supports the reauthorization of Secure Rural Schools. It is abundantly clear, however, that the Secure Rural Schools Act does not represent a long-term sustainable funding solution, nor does it provide needed employment opportunities.

Now, specifically about our plan, as mentioned, we have 3,600 acres of forest owned by Clackamas County. That is roughly split ¼ in active parks and preservation areas, about ¾ in a Sustainable Timber Harvest Program. All activities in our Timber Harvest and Reforestation Program are done in accordance with and actually exceed the requirements of the Oregon Forest Practices Act. We manage harvests on a 55 year rotation so that we can grow that product locally and we can harvest the amount of annual growth. This annual harvest is very outcome-based. We look to generate roughly $750,000 a year in revenue. That pays for the management of our Forest Management Program and provides needed funding to support my thousand acres of active park space. I do not receive any general fund support for any of my divisions in Business and Community Services. They are all self-funding through various other revenue streams, including county parks and forests.

So we often think what if? What if the U.S. Forest Service lands were managed similar to Clackamas County in the way we manage our forests. If you just took half of the U.S. Forest Service lands in Clackamas County, that would be the equivalent of 90 of my 3,000 acres. If I can generate $750,000 a year, 90 times that would be $67 million per year. That would be enough revenue to certainly fund local Forest Service operations and the management of those harvests, provide shared receipts to the county comparable to the historic levels we used to face, and provide net revenue to the U.S. Treasury. The impact on the private sector is just as dramatic. We

harvest 2 million board feet per year. Ninety times that would be 180 million board feet. That is 17 direct jobs per million board feet. That would be 3,000 new high-wage jobs and probably double that when you look at the indirect and inducted. Lower unemployment equals less dependency on public support. We would have additional revenues coming in for needed public services with less demand. That is a great combination for our county.

Forest Management legislation, Clackamas County believes that Federal legislation is needed to restore responsible management to Federal forest lands to provide a sustainable and predictable long-term solution to county revenue needs to restore economic vitality to our communities. The current Federal forest management policies are broken and our rural communities and forests are paying the price. Ultimately, any legislation should balance economic, social, and environmental values. We in fact exceed Oregon's Standard Practices Act as well as SFI certification standards in our management practices.

Congressman Schrader recently joined Congressman DeFazio and Walden to release the O&C Trust, Conservation, and Jobs Act. Similar to the what-if scenario just discussed, that plan would manage approximately half of Oregon's 2.5 million acres of BLM O&C lands to yield timber production to benefit 18 O&C counties. This stable timber supply would support manufacturing and other jobs while providing revenue to cash-strapped counties. I would like to commend the efforts of Congressman Schrader and other Members of the Oregon delegation, for proposing management that will provide a sustainable and predictable long-term solution to county revenue needs and create much-needed employment opportunities for our citizens and ensure economic protection.

As this Committee considers possible legislation for the National Forests, I would hope it will look to the management of our forest as well as the proposed O&C legislation as examples. I greatly appreciate the opportunity to appear before you today and will be happy to answer any questions you might have.

[The prepared statement of Mr. Barth follows:]

PREPARED STATEMENT OF GARY BARTH, DIRECTOR, BUSINESS AND COMMUNITY SERVICES, CLACKAMAS COUNTY, OREGON CITY, OR

Good morning, Chairman Thompson, Congressman Schrader, and Subcommittee Members. I appreciate the opportunity to testify today on the opportunities and challenges facing the management of our National Forests. My name is Gary Barth and I am the Director of Business and Community Services for Clackamas County, Oregon.

While I have lived here in the Portland area for 3 decades, I also have a strong connection to other areas of Oregon. I was born and raised in Springfield, Oregon, which was a middle-class, blue collar town with a strong traded-sector employment base. A large Weyerhaeuser plant, constructed under the supervision of my wife's grandfather provided significant employment opportunities for the residents of Springfield for decades. My uncle, a chemical engineer designed the pulp processing system. My father-in-law had a career at that plant, and my wife worked in the office of that plant as her first full time job out of school.

Numerous other mills and related value chain businesses thrived in Springfield, Oregon providing residents with ample employment opportunities and solid living wages to support themselves, their families and their community. Timber was a competitive economic advantage that helped contribute to a solidly middle class community, with good schools, outstanding parks and other public amenities and with many career paths to pursue.

My family and I retain a strong connection to Springfield and return often to visit family and friends and to attend games at the nearby University of Oregon.

Sadly, Springfield is a shadow of its former self. It is no longer the vibrant traded-sector community I recall growing up in. Area unemployment rates are among the highest in the state and average wages that once mirrored the U.S. average are far below that today. My brother is a policeman in Springfield and deals with the negative social effects of serving in an economically depressed community on a daily basis.

It is now clear to me that changes in Federal forest management policies and practices have had a profound impact on rural communities like Springfield and others across Oregon, including Clackamas County. As I have reflected on those earlier years in Springfield and the turmoil of the past 2 decades, I have a much greater appreciation for the importance of sustainable forest management. It remains quite personal to me and many other residents of rural Oregon.

After a lengthy career in the financial services sector, I made the transition several years ago to the public sector in order to serve the public and the community in which I live. As the Director of Business and Community Services for Clackamas County, I oversee a diverse number of divisions that include county libraries, an urban Park & Recreation District, county-owned forest land, a county-wide park system and our Economic Development team. My job title reflects the county's recognition of the integral relationship that exists between economic vitality and the services we are able to offer to improve the quality of life. In my position I have a unique perspective on seeking to improve all aspects of the "triple bottom line" so often discussed and considered in establishing public policy; how do we produce economic value, ensure environmental responsibility, while providing for social benefits? How do we accomplish that with limited public funds to stimulate private sector investment?

I believe that our county's management of nearly 3,000 acres of county-owned forest land is a great example of delivering that triple bottom-line of environmental, economic and social benefits to our local residents. My testimony provides greater detail on how Clackamas County manages its forests and how it could serve as a model for needed changes in Federal forest management policies that can help revitalize and restore rural, forested communities here in Clackamas County, in Springfield and across the country.

About Clackamas County

Clackamas County, Oregon, is located in north-central Oregon, ranging from the Portland metropolitan area to the summit of Mount Hood. The county encompasses 1,879 square miles (1.2 million acres), and has a current population greater than 375,000. The county encompasses all or part of 15 cities.

While many might consider Clackamas County part of the Greater Portland urban area, that is only a fraction of the county as a whole. Only 5% of Clackamas County's land area is urban, yet contains 80% of the population and 90% of the jobs. The rest of the county is rural and contains some of Oregon's richest farmland. 57% of Clackamas County is in public ownership with the U.S. Forest Service and Bureau of Land Management overseeing nearly all of it. Forested land comprises a staggering 75% of the land in Clackamas County, containing some of the most productive forest land, by many measures, anywhere in the world. Sustainable forest management practices are vital to our perceived "urban" county as well as to the greater Portland-Vancouver economic region.

Since Clackamas County was created in 1843, agriculture and timber, along with the associated metals manufacturing and commerce have been the county's principal economic activities. In recent years, as the County and its communities have continued to grow, the County has maintained and developed key industry clusters in advanced metals manufacturing, business & professional services, healthcare, high tech and software development, transportation and warehousing, forestry, food and beverage processing, and nursery and greenhouses. These clusters combine for over 50% of Clackamas County's economic activity.

Federal Forests

As a heavily forested county, forests have always been an important part of our economy and culture. Unfortunately, employment in forestry and wood products manufacturing has been in steady decline for the past 2 decades. The primary cause of this decline has been changes in Federal forest management policies. As noted, 51% of Clackamas County is comprised of Federal forests, including portions of the Mt. Hood and Willamette National Forests that account for 540,421 acres of the county and the Bureau of Land Management (BLM) oversees 78,749 acres of the county with Oregon & California (O&C) Grant Lands accounting for 52,448 acres

of that total. This has a major impact on our economic livelihood and our ability to provide county services.

Since the National Forest System's establishment in the early 1900's the Federal Government has shared 25% of the receipts generated from timber harvests and other commercial activities with local counties as compensation for our inability to tax these lands. The once private BLM O&C Grant Lands, which are unique to Oregon, were brought back under Federal control with an initial commitment to share 75% of timber harvest receipts. That was later reduced to 50%. For many decades Clackamas County received tens of millions in shared timber receipts and many local residents were employed in the forest products sector.

In the 1990's controversy, lawsuits and changes in Federal policies dramatically reduced timber harvest levels on Federal lands. For example, the amount of timber sold on the Mt. Hood National Forest has fallen from over 230 million board feet (mmbf) in the late 1980's to approximately 30 mmbf today, an 87% reduction. Yet, the annual mortality of the forest is over 190 mmbf. Put in context, the Mt. Hood National Forest is dying six times faster than it is being productively harvested. The standing timber volume of the forest is 33.6 billion board feet, with an annual growth of 745 mmbf. At the current annual harvest rate of 30 mmbf, the forest is growing 25 times faster than it is being harvested. The economic opportunity loss through mortality or lack of sustained harvest is enormous as is growing risks to forest health due to a lack of management.

Federal Payments

Due to the vast amount of land in Federal ownership and the dramatic decline in timber harvests, counties have had to deal with the associated impacts on revenue. Congress has recognized this through the passage of a number of payment programs to partially offset, at least temporarily, these loses. Beginning in the early 1990's Congress approved "Spotted Owl Guarantee Payments" to provide payments to counties in the Pacific Northwest impacted by reductions in Federal timber sales following the listing of the Northern Spotted Owl as an Endangered Species.

The Secure Rural Schools and Community Self Determination Act of 2000 (SRS) was enacted to further transform traditional timber receipt sharing into a nationwide payment program to offset the loss of revenue to rural counties with Federal forest land. The SRS program has been reauthorized twice since 2000 with further changes made in 2008 that shifted the formula away from actual historical receipts to also consider the amount of Federal forest land and local poverty. The current SRS expired at the end of 2011 and our county received its last payment in January.

Clackamas County has relied heavily on SRS payments over the past decade as a substitute for the timber receipt revenue we received in the decades prior. For most of the program's life, Clackamas County received approximately $13 million annually in Forest Service and BLM O&C payments. The changes made during the 2008 reauthorization have gradually reduced those payments and the final 2011 payment was less than $3 million, ¼ the SRS average and significantly lower than the timber receipt sharing that existed before SRS. If the program is not reauthorized, and we revert back to actual revenue sharing, Clackamas County's projected 2012 payments from the Forest Service and BLM based on today's harvests will be less than $750,000.

The Clackamas County Board of County Commissioners supports the reauthorization of the Secure Rural Schools Act. However, it has become increasingly clear that the Secure Rural Schools Act does not represent a long-term, sustainable solution for meeting county funding needs. The level of funding provided in 2011, and likely to be included in any reauthorization, is inadequate to meet the needs of timber dependent communities in our area. In Clackamas County, our road fund alone will experience a loss of up to $3 million per year. The significant reductions in SRS payments in recent years has also meant cutbacks in public safety, natural resource protection and assistance to schools.

Forest Management Legislation

Clackamas County believes Federal legislation is needed to restore responsible management to Federal forest lands to provide a sustainable and predictable long-term solution to county revenue needs and to restore economic vitality to our communities. Our current Federal forest management policies are broken and our rural communities and the forests are paying the price.

Ultimately, any legislation should balance economic, social and environmental values so that significant areas of Federal forest are focused on environmental protections and equally significant areas are focused on producing forest products and eco-

nomic benefits. Our county's small forestry program produces a mix of benefits to the environment, the economy and local residents.

Of the 3,600 acres of forest owned by Clackamas County, approximately 2,800 acres are managed utilizing sustainable forest management practices, including scheduled timber harvest and reforestation. All management activities are done in accordance with, and actually exceed, the requirements of the Oregon Forest Practices Act. Approximately 850 acres of forest are natural areas and parks where trees are only removed for public safety concerns or infrastructure development.

Clackamas County manages it timber harvests on a 55 year rotation, to approximate annual growth rates and harvest timber that can still be milled locally. This translates to approximately 2 million board feet (mmbf) of timber harvested annually from our 2,800 acres of forest land. This annual average harvest has generated approximately $750,000 in annual revenue for the county over the last 10 years. These revenues cover the cost of managing our forest lands as well as provide funding for the operations and maintenance of our nearly 1,000 acres of parks and preservation land. Our most recent timber sale went to a local mill, yet only produced enough raw material for a 2 week production run. The mill advised us that they could add a third shift of jobs with minimal capital investment if they could be assured of increased timber availability.

By comparison, the Forest Service annually sells approximately 30 mmbf of timber from the 1.1 million acre Mt. Hood National Forest and generated less than $270,000 in timber receipts for the U.S. Treasury in 2011. The county generates almost three times the revenue from timber harvests as the Forest Service does on less than .3% of the acreage. This massive discrepancy has only intensified in recent years and underscores the need for reform if counties are expected to return to actual 25% payments.

The Forest Service is hamstrung by excessive bureaucracy, regulations and administrative costs. These costs typically consume up to 75% of its forest management budget, which severely restricts the amount of on-the-ground work and timber volume that can be accomplished. The type of timber sales offered by the Forest Service today also generate little-to-no receipts for the U.S. Treasury or local governments due to how the projects are designed and the extensive use of Stewardship Contracting Authority. Currently, no receipts are shared with counties for timber sales conducted under the Stewardship Contracting Authority. If the counties will again return to shared Forest Service receipts then Congress should amend this authority to ensure counties receive 25% of the value of stewardship contracts.

Clearly if just a portion of the Mt. Hood National Forest were managed similar to how Clackamas County manages our forest land there would be significant revenue available to fund county payments and other important projects. Perhaps more importantly, it would be a tremendous boost to the local economy with an estimated 17.4 direct jobs annually per mmbf of timber harvest. This would lessen our citizen's dependence on public assistance while at the same time providing much needed revenue for schools, roads and other public needs. Using the values Clackamas County received from its last timber sale, if a little less than 4,000 acres (.7%) of the 540,421 acres of the Mt. Hood National Forest in Clackamas County was managed like this each year it would generate our average Secure Rural School Forest Service payment of approximately $8.5 million, deliver over $25 million to the U.S. Treasury in receipts and support approximately 1,700 jobs.

Congressman Schrader recently joined together with Congressman Peter DeFazio and Congressman Greg Walden to release the "O&C Trust, Conservation and Jobs Act." The plan would manage approximately half of Oregon's 2.5 million acres of BLM O&C Grant Lands by a board of trustees for sustained yield timber production to benefit our 18 O&C counties in Oregon. This stable timber supply would support manufacturing and other jobs and provide revenue to cash-strapped counties that have few options to recover lost income from Federal lands. The legislation would also protect all remaining old growth stands on more than 1 million acres. I expect our Board of Commissioners to formally adopt a resolution in support of this proposal later this week.

I would like to commend the efforts of Congressman Schrader and other Members of the Oregon delegation to promote the responsible management of Federal forest lands that provides a sustainable and predictable long-term solution to county revenue needs, while ensuring environmental protection, stewardship and restoration efforts. Our County's management of its lands shows that these can go hand in hand as does the O&C Trust Act. As this Committee considers possible legislation for the National Forests I hope it will look to these examples.

The situation is extremely urgent as our county and other rural counties across the country grapple with the reductions in Secure Rural Schools payments.

I appreciate the opportunity to appear before you today and would be happy to answer any questions you might have.

The CHAIRMAN. Thank you, Mr. Barth.

Mr. Hoover, you can go ahead and proceed for 5 minutes testimony.

STATEMENT OF GREGORY A. HOOVER, ORNAMENTAL EXTENSION ENTOMOLOGIST, SENIOR EXTENSION ASSOCIATE, DEPARTMENT OF ENTOMOLOGY, COLLEGE OF AGRICULTURAL SCIENCES, PENNSYLVANIA STATE UNIVERSITY, UNIVERSITY PARK, PA

Mr. HOOVER. Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to appear before you today to provide an entomologist's view of the impacts and challenges of the invasive pests on the management and maintenance of the health of our forests. I appreciate the Subcommittee's interest in this matter of great importance and that is the health of our nation's forests for future generations.

More than 400 species of invasive forest insects and disease are currently established in the United States. Some of these insects are able to spread quickly and cause significant economic and ecological impact to our nation's forest and urban trees. An estimate of the management costs associated with invasive insect and mite pests in our nation's forestland is at least $2.1 billion a year. The cost of insecticides applied against introduced pest insects is approximately $500 million a year in the U.S. Suburban and urban areas of the Northeast through the years have been locations of first detection of many invasive forest tree pests. For many years, scientists conducting basic and applied research and extension education activities in the disciplines of entomology and plant pathology have a long history of studying the biology and ecology of invasive forest pests and strategies and methods for their effective management. Collaborative research between entomologists and plant pathologists at land-grant institutions, state and Federal Government agencies, and others on tree diseases vectored by insects often leads to discoveries that result in the development of decision-making tools for achieving the goal of healthy forest and urban landscape trees.

Some invasive species that impact the health of forest trees on which research and extension activities are currently being conducted include the emerald ash borer, hemlock woolly adelgid, the Asian longhorned beetle, and for years the gypsy moth. Some examples of diseases in the forest that are caused by invasive plant pathogens include sudden oak death and butternut canker. Some insect-vectored tree diseases that many of us are already familiar with include elm yellows, oak wilt, beech bark disease, Dutch elm disease, and most recently, thousand cankers disease on the black walnut.

In my written testimony, I discuss a few invasive insect pests that have impacted the health of our trees in our nation's forests. Additionally, I have highlighted some research that has been conducted on these pests by entomologists, plant pathologists, chemical ecologists, horticulturists, regulatory agency employees, and others. Some research priorities associated with these invasive

pests are also suggested that may lead to discoveries allowing for more effective management and maintenance of the health of the trees in our forests and landscapes.

Many Members of the Subcommittee have used that word that frustrates many forest tree managers and that is the word *drought*. I can only tell you that with wood-boring insects, their olfactory abilities to sense trees that are stressed is beyond belief as to what we have been able to discover and there still is an awful lot of insight we need to investigate in how they perceive direct attack on trees that they can visualize, and when they get closer, there are chemical cues. And yes, with some longhorned beetles, when they land on the tree, they determine that those plant cells are collapsing due to lack of water. And so we really have our work cut out when it comes to wood-boring insects' attack on trees in our nation's forests.

This concludes my prepared statement and I would be pleased to answer any questions you may have regarding the role invasive pests play in the challenge of managing and maintaining the health of our nation's forests.

[The prepared statement of Mr. Hoover follows:]

PREPARED STATEMENT OF GREGORY A. HOOVER, ORNAMENTAL EXTENSION ENTOMOLOGIST, SENIOR EXTENSION ASSOCIATE, DEPARTMENT OF ENTOMOLOGY, COLLEGE OF AGRICULTURAL SCIENCES, PENNSYLVANIA STATE UNIVERSITY, UNIVERSITY PARK, PA

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Some invasive species that impact the health of forest trees on which research and extension activities are currently being conducted include the emerald ash borer, hemlock woolly adelgid, Asian longhorned beetle, and gypsy moth. Some diseases in the forest that are caused by invasive plant pathogens include sudden oak death and butternut canker. Some insect-vectored tree diseases include elm yellows, oak wilt, beech bark disease, Dutch elm disease, and most recently thousand cankers disease on black walnut.

I would like to discuss a few invasive insect pests that impact the health of trees in our nation's forests. Additionally, I'd like to highlight some research that has been conducted on these pests by entomologists, plant pathologists, chemical ecologists, horticulturists, regulatory agency employees, and others. Some research priorities associated with these invasive pests will also be suggested that may lead to discoveries allowing more effective management and maintenance of the health of the trees in our forests and landscapes.

Emerald Ash Borer

Ten years ago the emerald ash borer, *Agrilus planipennis,* was discovered as the cause of extensive ash, *Fraxinus* spp. mortality and decline in southeastern Michigan. The emerald ash borer is responsible for killing more than 40 million ash trees throughout much of the Midwest and in some states in the Northeast. This beetle is a member of the insect family *Buprestidae* whose adults are commonly called metallic wood-boring beetles and the larval stages are referred to as flatheaded borers. What's really important to note is evidence suggests that *A. planipennis* first entered Michigan from China at least 15 years ago prior to its detection in 2002, presumably from solid wood packing materials used to ship manufactured goods. The emerald ash borer is now found in at least 15 states and Ontario, Canada. Research has demonstrated that spread of the emerald ash borer results primarily from the flight of this invasive pest and human transport of infested ash firewood, logs, lumber, and nursery stock. As an example in 2003 emerald ash borer infested nursery stock from Michigan was illegally sold to a nursery in Prince George's County, Maryland and sold in Maryland and Fairfax County, Virginia. In an attempt to limit the all too common human-assisted spread of this invasive pest from areas infested with the emerald ash borer, many states imposed orders of quarantines and regulations on the transport of ash trees and ash wood related products. Additionally, Federal quarantines were issued by both the USDA Animal and Plant Health Inspection Service (APHIS) as well as the Canadian Food Inspection Agency.

Early detection of new infestations of the emerald ash borer is important for the success of any effective management efforts to protect the health of ash trees. Research has led to the development of sticky traps and associated lures that are being used to survey for this invasive pest. The emerald ash borer is very difficult to detect at low population densities. Continued research on the identification of an effective pheromone for the emerald ash borer should be supported. Further research on the identification of suitable natural enemies and biological control of this pest needs to occur.

The movement of ash and ash-related products from emerald ash borer infested areas continues to be prohibited by Federal quarantines. One frustration is the unintentional movement of ash materials continues to occur due to the lack of awareness and understanding of the quarantine regulations and the impact this species has on forest products (baseball bats, *etc.*) and the green industries. An increase in cooperative extension education efforts that target the public and other stakeholders groups needs to be supported.

A survey of communities in Ohio found losses in landscape value for ash trees within community boundaries were estimated to be between $800 million and $3.4 billion assuming the complete loss of ash resulting from the emerald ash borer. Tree replacement costs in these communities would range between $300 million and $1.3 billion. The total losses for these Ohio communities, including ash landscape losses, tree removal and replacements, are estimated to range between $1.8 and $7.6 billion for a single insect pest in this one state. The potential total costs in Ohio were estimated to be between $157,000 and $665,000 per 1,000 residents. It's suggested in this survey that communities can use these figures to begin developing contingency plans for the impact of the emerald ash borer on their budgets.

Ash should make up no more than 10 to 25 percent of the basal area of a forest. If ash exceeds that level and you believe that you have marketable ash trees in the forest, you may want to get estimates and consider selling the ash trees. The level of urgency will depend on how close your property is to sites known to be infested with the emerald ash borer, your overall objectives for the property, and the abundance of ash compared with other species on the site. If you think you have marketable ash trees, work with a professional consulting forester. Decisions about timber sales and stumpage values can be complicated and it's important to work with a professional forester. Consulting foresters can help identify the markets that are available in an area. They may also know of portable or custom sawmills that can be hired to saw ash trees into boards for your own use or sale. It may be important to work with neighboring forest landowners. They may be facing a situation similar to yours. Often the per-acre costs of setting up a timber sale decrease when larger areas are involved. Cooperating with neighbors may lead to lower costs and better timber prices for everyone.

Other tree species may be part of a timber harvest that removes ash. Many forests can benefit from a well-planned harvest in which ash reduction is only one of several landowner objectives. A mixed-species sale may be of interest to more buyers or result in higher profits for a forest landowner. Again, it is important to work with a professional forester to ensure that the productivity and the health of a forest are maintained or even enhanced by a harvest.

The emerald ash borer as an invasive, wood-boring pest has already placed tremendous economic pressure on both state and municipal budgets as well as their human resources. Scientists estimate the cost of treatment, removal, and replacement of ash trees due to the impact of the emerald ash borer will exceed $10.7 billion over the next 10 years.

Hemlock Woolly Adelgid

The hemlock woolly adelgid, *Adelges tsugae,* is a small, soft-bodied, insect that removes plant cell fluid with its piercing-sucking mouthparts. This forest health pest is closely related to aphids and has caused widespread decline and eventual death of hemlock trees in the forests and landscapes the eastern United States. The hemlock woolly adelgid is native to Asia and was first detected in the eastern United States in 1951 in a park in Richmond, VA. It was first observed in southeastern Pennsylvania during the mid-1960s. This pest species is believed to have been unintentionally introduced into the United States on Japanese hemlocks that were planned for use in landscapes. The hemlock woolly adelgid spread slowly until the late 1970s when this invasive insect pest reached forest areas and began to cause death of host trees. This key pest of hemlock has since spread into at least 17 states that include those in the Southeast to southern Maine. The hemlock woolly adelgid has few natural enemies in eastern North America, and our native eastern hemlock, *Tsuga canadensis* and Carolina hemlock, *Tsuga caroliniana* are highly susceptible to its attack. Currently, insect predators and an insect-killing fungus are the only known natural enemies of populations of the hemlock woolly adelgid. To date, it has no known parasitoids that reduce its populations on hemlocks. Research conducted by entomologists with the USDA-Forest Service, at land-grant institutions, state governmental agencies, and their cooperators has been focused on identifying effective management options for the hemlock woolly adelgid on forest and urban trees. The hemlock woolly adelgid and an another non-native insect pest that was detected in New York in 1908 known as the elongate hemlock scale, *Fiorinia externa,* poses another health risk to our eastern hemlocks. This armored scale insect species is attacked by some parasitoids, but it is very difficult to effectively manage when it infests forest trees. The elongate hemlock scale and the hemlock woolly adelgid pose a very serious threat to the sustainability of hemlock. Research on the biological control and the ecology of these pests in our forests needs to be investigated to an even greater extent. The loss of hemlocks in our eastern forests will have an impact on both wildlife habitat and the survival of wild trout. The loss of hemlock will also cause change in the structure and biodiversity of our eastern forests.

There is often a desire to manage a forest in a way that is most "natural." However, the current widespread outbreak of the hemlock woolly adelgid is not like any other form of natural disturbance known to affect hemlock trees in our forests. Harvesting options and related costs will differ depending on the size structure of hemlock in a particular forest and whether the management goal is aesthetics, wildlife habitat, water quality protection, future forest successional dynamics, timber revenue, or a combination of these management goals. Unless timber revenue is the main objective, pre-emptive cutting or pre-salvage of uninfested forests is not recommended, as the future interactions between hemlock and the hemlock woolly adelgid are uncertain, and cutting could remove potentially resistant hemlock.

There are a variety of silvicultural alternatives available to forest landowners with hemlock stands threatened by the hemlock woolly adelgid. The options range from doing nothing to directly influencing vegetation succession with a variety of cutting methods, depending on the forest landowner's objectives, overall hemlock health, and stand conditions. All options and associated costs should be considered carefully when planning the appropriate management strategies.

Feeding by the hemlock woolly adelgid on susceptible hemlocks may cause rapid decline in tree health, followed by quick mortality. Hemlocks may die within 4 years of being infested. Stressed hemlock trees are more susceptible to attack by other insects, mites, or diseases. Eastern hemlock is an ecologically important species in our nation's forests. Hemlock stands provide unique habitat to many forest species that are dependent on the dense canopy of hemlocks. Wildlife species such as ruffed grouse, turkey, deer, snowshoe hare, and rabbit are afforded cover by healthy hemlocks. Many songbirds use eastern hemlocks as nesting sites, food source, roost sites, and winter shelter. Many plant species also inhabit hemlock stands. The impact of feeding injury caused by the hemlock woolly adelgid on hemlocks affects and disrupts the entire ecosystem as well as the health of our eastern forests.

Gypsy Moth

The gypsy moth, *Lymantria dispar,* was accidentally introduced into Massachusetts in 1869. By 1902 this pest was widespread in the New England states, eastern

New York, and regions of New Jersey. The gypsy moth was first detected in Luzerne and Lackawanna Counties in northeastern Pennsylvania in l932. Heavy defoliation and subsequent tree mortality has occurred along mountain ridges in forests comprised primarily of oak. The gypsy moth is often considered the most important insect pest of forest and shade trees in the eastern United States.

Egg masses are light tan, and each mass may contain 400–600 eggs. A mature larva is 50–65 mm long with a yellow and black head. The thorax and abdomen have five pairs of blue spots (tubercles) followed by six pairs of brick red spots. The pupal stage is dark reddish-brown. Male moths are dark tan and fly readily during the day. Females are white with black, wavy markings; they have robust abdomens and do not fly, and their wingspan can reach 5 cm.

Egg masses deposited by females during July overwinter on trees, stones, and other substrates in the forest and landscapes. Eggs hatch from late April through early May with most eggs hatching by mid-May. Small first instar larvae do not feed right after they hatch and can be dispersed by wind. Young larvae feed on foliage and remain on host plants night and day. In late May when about half-grown, larvae change their behavior and usually feed in the trees at night, and move down to seek shelter in bark crevices or other protected sites during the day. Larvae reach maturity from mid-June to early July. Pupation takes place during late June and early July. The pupal cases may be observed attached to tree bark, stones, buildings, and other similar sites. Adults start emerging in late June with peak emergence in mid-July. The gypsy moth produces one generation a year.

This key invasive insect pest is indirectly responsible for causing mortality of susceptible host trees in forests. Heavy defoliation by the larval stage of this pest causes stress to infested host plants. Secondary organisms such as the twolined chestnut borer, *Agrilus bilineatus,* and shoestring root rot, *Armillaria* spp., successfully attack stressed trees causing mortality.

Preferred host plants for all larval stages of the gypsy moth in the forest include oaks, *Quercus* spp., alder, *Alnus* spp., aspen, *Populus* spp., gray birch, *Betula populifolia,* white birch, *B. papyrifera*, hawthorn, *Crateagus* spp., larch, *Larix* spp., linden, *Tilia* spp., mountain ash, *Sorbus* spp., Lombardy poplar, *Populus nigra,* willows, *Salix* spp., and witch-hazel, *Hamamelis* spp. Plants favored by older larvae but not by young larvae include beech, *Fagus* spp., red cedar, *Juniperus* spp., chestnut, *Castanea* spp., hemlock, *Tsuga* spp., plum, *Prunus* spp., pine, *Pinus* spp., and Colorado blue spruce, *Picea pungens.*

Light defoliation in the forest is defined as 0 to 30% loss of foliage and has little effect on the health of trees. Defoliation is barely detectable. Moderate defoliation is described as 31 to 50% loss of foliage. At this level caterpillars may be abundant enough to be a nuisance in an area if not managed. Trees will have enough foliage remaining to stay green and little mortality is expected. Heavy defoliation is when 51% or more of the foliage is removed from a tree. Tree mortality may result from one year's defoliation to hemlock, pine, and spruce in the forest. Deciduous trees can normally withstand one year of defoliation, but 2 or more successive years may result in moderate to high mortality. Around the 50% defoliation level, most deciduous trees produce auxiliary leaf buds and new foliage by mid-August. Refoliation in the same growing season creates a stress to an infested tree.

A normal outbreak pattern for the gypsy moth may be described as 2 years of light infestation with minimal defoliation followed by 2 years of moderate to severe defoliation with population collapse after the second year of heavy defoliation. Infestations may flare up in future years; however, caterpillar density and level of defoliation in the forest will probably not be as severe or widespread as encountered during an initial infestation.

Some people are dermally allergic to the caterpillars. The urticating hairs cause skin rashes on some humans. This is most noticeable in May when larvae are small. Children appear to be more prone to this problem than adults.

Air temperatures of −20°F or colder during the winter will destroy exposed eggs. Unfortunately, numerous egg masses are deposited on rocks, near the base of tree trunks and these may be covered with an insulating blanket of snow. Freezing temperatures in early May, after hatch, may also kill many larvae in the forest.

When gypsy moth larvae are half-grown, many of them feed at night and crawl down the tree in the morning to seek shelter during the day. Tree trunks may be encircled with a 14–18 inch wide piece of burlap or similar material. Place it at about chest height and arrange it so it hangs apronlike around the tree trunk. Tie off the center of the burlap band with string and fold the top portion down over the string. This burlap apron provides a place under which larvae rest and can later be killed. The apron must be checked daily, and all "trapped" larvae and pupae should be destroyed on valuable trees in a landscape. This technique works best in light to moderate infestations from late May through early July or until males begin

to fly. This management method is usually effective enough to keep defoliation levels less than 50% of the tree's crown. A few shade trees can be well protected with this method. Do not expect this technique to be effective on trees that are part of a heavily infested forest.

Male moths readily respond to the female's sex pheromone. Males can be attracted to traps baited with a synthetic pheromone; however, such traps are not effective control measures. These traps do assist in monitoring an area for low level populations of this pest in the forest.

There are some native predators and parasitoids that attack life stages of the gypsy moth in the forest. Several introduced species of fly and wasp parasitoids of the gypsy moth are established in Pennsylvania and other states. Parasitoids and predators do not provide an immediate solution to a gypsy moth infestation. However, once a gypsy moth population collapses, the value of these natural enemies is exhibited by helping maintain populations in forests at low levels for extended periods of time. These parasitoids and predators appear to be contributing to stabilizing the gypsy moth population in several areas. Native predators, such as birds, white-footed mice, and ground beetles assist in keeping gypsy moth populations in the forest at tolerable levels.

A naturally occurring virus called the "wilt" has resulted in massive mortality of caterpillars causing populations to collapse in areas of severe defoliation. Although the virus is always present, it seldom affects the larval stage until they are under stress, due to overcrowding or reduced food availability in a forest. In recent years during wet spring weather, the fungal insect pathogen, *Entomophaga maimaiga,* has also caused collapse of heavy infestations of this pest in many areas.

Several insecticide formulations (microbial, insect growth regulators, *etc.*) are registered for effective management of this key pest. To maintain good plant health, applications should be made before serious defoliation occurs in the forest. When healthy egg mass densities are approximately 500/acre, aerial suppression of gypsy moth populations is indicated in forest stands with oak and other susceptible trees species. Aerial applications of registered formulations should be made according to label directions after the majority of eggs have hatched during early to mid-May, when larvae are small. Be sure that small larvae have dispersed and they have begun to feed causing the characteristic shothole injury to host plant foliage in the forest.

Asian Longhorned Beetle

The Asian longhorned beetle, *Anoplophora glabripennis,* is an unintentionally introduced, invasive species with the potential to become a major pest in the United States. This wood-boring pest is a member of the insect family *Cerambycidae* whose larval stages are called roundheaded borers. The Asian longhorned beetle was first discovered around New York City in 1996. Additional infestations were discovered in Chicago (1998) and Jersey City, NJ (2002), and Toronto and Vaughan, Ontario, Canada (2003). In 2008 a large infestation was found in Worcester, MA. A total of 66 square miles are now under quarantine with more likely to be added as the area is surveyed. As of 2009, established populations of the Asian longhorned beetle have been detected in Austria (2001), France (2003, 2004, 2008), Germany (2004, 2005), and Italy (2007).

In the United States, the USDA Animal and Plant Health Inspection Service (APHIS) has implemented an eradication program whereby all trees with signs of an Asian longhorned beetle infestation are removed and destroyed. The eradication program for the Asian longhorned beetle has greatly impacted the local areas where this invasive species has been found because of the removal of thousands of trees that cost states, municipalities, and residents millions of dollars. The United States has implemented stricter trade regulations to prevent further introductions of this wood-boring pest. The Asian longhorned beetle could pose serious economic and environmental threats to many important stakeholders such as the maple sugar industry, forest products industry, fall-foliage tourism, natural ecosystems, recreational areas, and many highly valued landscape and street trees. This is another invasive, wood-boring pest that has placed tremendous economic pressure on both state and municipal budgets.

Little was known about ALB when it was first discovered in the United States, however, scientists have since provided considerable new information on detection and control methods now used by USDA APHIS in their Asian longhorned beetle eradication program. Although APHIS is progressing in its goal to eradicate this pest that attacks maple, boxelder, buckeye, horsechestnut, birch, willow, and elm, additional improvements in control methods are still needed to reduce costs, improve efficiency, and ensure successful eradication of the Asian longhorned beetle.

Thousand Cankers Disease

Thousand cankers disease or TCD as it's known, was discovered in Bucks County, Pennsylvania in 2011. This insect-vectored disease poses a significant new threat to black walnut in Pennsylvania. Thousand cankers disease is a pest complex that is caused by the walnut twig beetle, *Pityophthorus juglandis,* and an associated fungus, *Geosmithia morbida.* Black walnut, *Juglans nigra,* is highly susceptible to this disease.

It has been estimated that the value of the walnut nut crop in California is approximately $500 million. The economic value of black walnut for use in many different types of wood products is estimated to be $580 billion. Since Pennsylvania is the top producer of hardwoods in the United States, thousand cankers disease is of great concern to forest health managers and hardwood products manufacturers.

The walnut twig beetle is native to North America. Its native range in the Southwest appears to coincide largely with the distribution of Arizona walnut, *J. major,* the likely original native host. Records from California suggest that the walnut twig beetle may be native to that state. The first published record of a cluster of black walnut mortality associated with the walnut twig beetle was in the Espanola Valley of New Mexico where large numbers of mature black walnut died in 2001. Similar widespread decline also occurred about this time in the Boise, Idaho area where the insect was first confirmed in 2003. Black walnut mortality and the walnut twig beetle have been noted in several Front Range communities in Colorado since 2004 and in most infested cities the majority of black walnut has since died. The walnut twig beetle was detected in Portland, Oregon in 1997.

Prior to these recent reports, the walnut twig beetle was not associated with any significant *Juglans* mortality. In most areas where the die-offs of black walnut have occurred, drought was originally suspected as the cause of the decline and death of trees, with the walnut twig beetle as a secondary pest. The widespread area across which *Juglans* spp. die-offs have been recently reported, combined with the documented presence of the associated canker producing fungal pathogen carried by the twig beetle, and the occurrence of black walnut death in irrigated sites not sustaining drought, all suggest an alternate underlying cause.

The first confirmation of the walnut twig beetle and fungus within the native range of black walnut was in Knoxville, Tennessee in July 2010. *Geosmithia morbida* was confirmed in samples under regulatory controls in August 2010. The potential damage of this disease to eastern forests could be great because of the widespread distribution of eastern black walnut, the susceptibility of this tree species to the disease, the capacity of the fungus and walnut twig beetle to invade new areas, and apparent ability to survive under a wide range of climatic conditions.

On *J. nigra,* the walnut twig beetle prefers to colonize the underside of branches in rough areas and prefers branches larger than 1 inch in diameter. Tunneling by the walnut twig beetle sometimes occurs in trunks and it prefers the warmer side of the tree. Winter is spent in the adult state sheltered within cavities excavated in the bark of the trunk. Adults resume activity by late April and most fly to branches to mate and initiate new tunnels for egg galleries; some may remain in the trunk and expand overwintering tunnels. During tunneling, the *Geosmithia morbida* fungus is introduced and subsequently grows in advance of the bark beetle. Larvae develop just under the bark and then enter the bark to pupate. Larval development takes 6–8 weeks to complete. Two overlapping generations were reported per season in Colorado. Adult beetles fly from mid-April to late October in Boulder, Colorado. The adult walnut twig beetle is estimated to fly one to 2 miles. Peak adult captures occur from mid-July through late August. Data suggest that two or more generations may be produced annually. Walnut twig beetle populations can reach levels of 30 per square inch; a single black walnut tree may produce tens of thousands of beetles.

Small, diffuse, dark brown to black cankers, caused by *Geosmithia morbida,* initially develop around the nuptial chambers of the walnut twig beetle in small twigs, branches and even the trunk. *Geosmithia* spp. are associates of bark beetles of hardwood and conifer trees but have not previously been reported as pathogens of *Juglans* or fungal associates of the walnut twig beetle. Branch cankers may not be visible until the outer bark is shaved from the entrance to the nuptial chamber; although a dark amber stain may form on the bark surface in association with the cankers. Cankers expand rapidly and develop more expansively lengthwise than circumferentially along the stem. On thick barked branches, cankers may at first be localized in outer bark tissue and extend into the cambium only after extensive bark discoloration has occurred. Eventually multiple cankers coalesce and girdle twigs and branches, resulting in branch dieback. The number of cankers that are formed on branches and the trunk is enormous; hence the name thousand cankers to describe the disease.

Potential movement of thousand cankers disease may occur on veneer logs, sawlogs, burls, stumps, firewood, wood packaging material, nursery stock, scion wood for grafting, and natural spread. However, the unexpected discovery of this disease deep in native black walnut range, over one thousand miles from the nearest known infestation has confirmed some assumptions while diminishing others. It is important to keep in mind that the Tennessee infestation has likely been present for 10–20 years. An important question is where else in the native range of black walnut could this disease be present but not yet detected. Drought, walnut anthracnose, and other symptoms may have masked thousand cankers disease from being readily detected.

Thousand cankers disease is scattered throughout western states and reports of walnut mortality are occurring simultaneously in areas that are connected by major highways. This distribution along major commerce routes suggests that movement of thousand cankers disease and its vector may be human assisted. Extension education programs on thousand cankers disease need to be developed and delivered by specialists and educators at our land-grant institutions. Research conducted by scientists in both academia and state and Federal Government agencies should play a major role in disseminating applied research to stakeholders on this complex, insect-vectored disease of black walnut. Solving problems associated with thousand cankers disease will necessitate collaborative as well as interdisciplinary efforts to preserve the health of this important tree species.

Conclusion

Research priorities on invasive species that impact the health of our forest as well as landscape trees needs to be focused on the development of prevention, prediction, detection, monitoring, management, and genetic evaluation as well as restoration of trees in the forests of our nation. With the global movement of many different products, the sustained health of our forests is being placed at a higher risk for survival. We need to be even better stewards of the health of our forests for future generations.

This concludes my prepared statement, and I would be pleased to answer any questions you may have regarding the role invasive pests play in the challenges of managing and maintaining the health of our nation's forests.

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The CHAIRMAN. Thank you, Mr. Hoover.

Mr. Watkins, go ahead when you are ready, proceed for 5 minutes testimony.

STATEMENT OF CHARLES "CHUCK" WATKINS, CHIEF OPERATING OFFICER, REX LUMBER, GRACEVILLE, FL; ON BEHALF OF FEDERAL FOREST RESOURCE COALITION

Mr. WATKINS. Good morning. I am here as a representative of Rex Lumber. As Mr. Southerland said, we employ 434 people, produce about 450 million feet of lumber, and it is important to mention as Mr. Ribble said before, we are a gross exporter of lumber. About 20 percent of our lumber is exported out of this country to the Caribbean.

So our mill is sitting on the doorstep of the Apalachicola National Forest and in 1980 that mill was built——

The CHAIRMAN. Mr. Watkins, hold on. Mr. Hoover, is your microphone still on by chance?

Mr. HOOVER. It is off.

The CHAIRMAN. I don't know where the feedback is—sorry about that, sir. We are used to getting all that feedback here. We don't want it to interfere with your testimony.

Mr. WATKINS. Is that better?

The CHAIRMAN. That is great. Please go ahead. I am sorry about that.

Mr. WATKINS. So we built a mill, a lumber-producing facility in Bristol, Florida, in 1980 with the kind of verbal agreement with the Forest Service that we would get a lot of timber off of that land. That land covers a vast, vast area around us. So as that timber supply was basically reduced, it took a lot of our area away. Over the course of the 1990s and the 2000s, we are forced to buy timber and outsource and basically push away from the mill. And we all know with fuel costs, what that does to us. The reason was this little bird called the Red Cockaded Woodpecker. Well, we essentially reduced a lot of the harvesting on that forest, and so what we have found through some studies through between 2000 and 2009 is that the density of that forest has gone up by 30 percent and that Red Cockaded Woodpecker likes open park spans, pine park-type of an environment and its population has actually decreased by 15 percent. So that is a little story of our mill.

And we wonder as business owners and employers and members of our community, why? Why is that happening? Our National Forest supports over 770 Red Cockaded Woodpecker clusters, over 2,000 black bears, over 60 bald eagle nests, and frankly, we could do better. We could certainly do better.

But I am here representing the Federal Forest Resource Coalition with membership in 24 states. We have 650 member companies, 350,000 employees, and $19 billion payroll. And what we ask of you is that the Forest Service has stated that they are going to increase their harvest to 3 billion board feet and we are asking to increase it again to 3½ billion board feet in 2013. But keep in mind that that represents less than ten percent of the growth of our forests. And actually, that represents less than 50 percent of what their targets are, what their goals are now. So what we ask as a group is that we need some transparency in the Forest Service. We need to see what they are doing and understand what they are

doing and see some results. We would like to see some type of progress reports.

The recession from 2008 to 2011 was very tough on our industry. Our employment decreased by 50 percent across the country. And the ironic part of that is that as we lose these employees and we lose these mills and these manufacturing facilities, that actually is detrimental to the Forest Service. The Forest Service is losing partners in managing this land, in managing their timber harvests.

So what we would like to stress to the Committee is that the health of the National Forests, the economic health of the member companies of our group, and the health of the communities where we live are all linked together. We would ask for your support with the Forest Service in some transparency, some progress reports in assuring that we reach those goals. We are optimistic but we are very cautious.

Thank you.

[The prepared statement of Mr. Watkins follows:]

PREPARED STATEMENT OF CHARLES "CHUCK" WATKINS, CHIEF OPERATING OFFICER, REX LUMBER, GRACEVILLE, FL; ON BEHALF OF FEDERAL FOREST RESOURCE COALITION

Good morning, Mr. Chairman, Ranking Member Holden, and Members of the Subcommittee. My name is Chuck Watkins, and I am Chief Operating Officer Rex Lumber, which operates businesses in both Florida and Mississippi. Our family owned company is a founding member of the Federal Forest Resource Coalition (FFRC), which represents purchasers of Forest Service timber across the country. The coalition has members in more than 24 states, with approximately 650 member companies representing 350,000 workers and about $19 billion in payroll.

The FFRC supports sustainable management of the National Forests lands to produce clean water, enhance wildlife habitat, produce forest products including timber and biomass, support rural economic development, and to reduce the threats of catastrophic wildfires and insect outbreaks. Our members come from every link on the forest products value chain, from loggers to landowners and from large pulp and paper facilities to forest bioenergy plants. Our member companies are frequently located in rural areas, which have higher than average unemployment, poverty, and population loss compared to their states' averages.

About Rex Lumber

Rex Lumber traces its roots in Northwest Florida back to 1926, 10 years prior to the establishment of the Apalachicola National Forest. Rex currently operates three mills in Bristol and Graceville, Florida, as well as Brookhaven, Mississippi. We source our raw materials from the Apalachicola National Forest in Florida and the Homochitto in Mississippi, as well as from private timberlands.

Our mills employ 434 people directly. We have the capacity to produce 458 million board feet of Southern Yellow Pine lumber, most of which is subsequently pressure treated and sold for residential and commercial use. We export our products widely, including to the Caribbean where it is preferred for its strength and stability in an area known for hurricanes and seismic hazards. We purchase logs from over 100 local loggers, and employ over 30 other contractors for heavy maintenance and engineering projects on our facility. Our mills are one of the largest employers in our communities, where other jobs are frequently lowering paying and less desirable.

The National Forests in Florida: A Conservation Success Story

The Homochitto and Apalachicola forests are, like the rest of the National Forests east of the Mississippi, conservation success stories. Most of the lands in the eastern National Forests were acquired in the 1920's and 1930's after an era of "cut and run" logging that left watersheds subject to large fires, erosion, and depletion of both forests and their wildlife. Although it is hard to imagine today, conservationists in the 1920's and 1930's feared for the extinction of species like the wild turkey and the Whitetail deer. Reforestation and careful management have helped restore the 1.2 million acres of National Forests in Florida.

Today, the National Forests in Florida support over 770 Red Cockaded Woodpecker clusters, 60 active bald eagle nests, and over 2,000 Florida Black Bears. In

total, these forests provide habitat for some 145 species of rare plants, and 52 threatened, endangered, or sensitive species of animals. Like much of the National Forest system, however, we firmly believe that these forests could produce far more of these benefits, while providing a steadier and more reliable source of wood fiber to our mills.

Like most pine forests across the country, our forests are adapted to frequent wildfires. Overstocking of pine forests makes it difficult for forest managers to introduce fire, which controls understory vegetation and helps create and maintain the habitat preferred by such species as Red Cockaded Woodpecker, gopher tortoise, and bobwhite quail. Harvests which produce an open stand condition produce ideal wildlife habitat, while also providing high value sawtimber to a market which needs this raw material.

As you can see from the table we've included here, over the last 5 years the National Forests in Florida have been inconsistent in the harvests they have offered. Dropping from a high of 42.1 million board feet in 2007 to a low of 21 million feet in 2009, the forest has also been inconsistent in the level of sawtimber offered for sale.

NF's in Florida Sold Totals

Fiscal Year	MBF	% Sawtimber	$ Total (Millions)
2011	31.9	39%	$2.90
2010	22.4		$2.04
2009	21.5		$1.78
2008	25.4	22%	$1.99
2007	42.1	36%	$3.20

This inconsistent level of harvest makes it difficult for loggers to find consistent work to make payments on expensive logging equipment, makes it difficult for mill managers to find consistent supplies, and in particular makes it difficult for businesses to make long-term plans and investments. Other forests in the Forest Service's Southern Region have been able to consistently offer considerably higher volumes of timber for sale, all while meeting their other forest plan objectives for wildlife and plant habitat.

Increasing the Pace of Forest Restoration

Recently, Secretary of Agriculture Tom Vilsack announced that the Forest Service would step up both the pace and scale of their land management. We applaud and support this effort, but we believe it does not go far enough to meet the needs of the forests or the needs of our rural communities.

Increased management and forest products outputs, from the current low level of 2.4 billion board feet nationwide to 3.5 billion board feet in 2013, would provide a much-needed economic boost to rural America, creating thousands of jobs. The health of the National Forests, the economic health of our member companies, and the health of the communities where we live and work, are inextricably linked. Moving from the current projected harvest level of 2.6 billion board feet to 3.5 billion board feet could produce some 14,400 direct jobs, with thousands of additional indirect jobs. The current forest plans in place across the country call for a harvest level of roughly 6 billion board feet, still only ½ of the peak harvest levels of the late 1980's.

Even in these challenging wood markets, some FFRC member companies have been frustrated by the Forest Service's lack of commitment to sell adequate log supplies. The result is idled investments, reduced shifts at sawmills, jobs lost to foreign competition, and a failure to sustain or enhance a value-added, manufacturing industry that can capture greater domestic and international market share. Our member companies are extremely competitive in the global market, and only need a fairly priced raw material to capture more of those markets. The time available to capture these opportunities is limited, and we urge you to reward the Forest Service's recent initiative by investing in more aggressive management of the National Forests.

We have worked—and will continue to work—closely with the leadership in the Forest Service and USDA to find ways of reducing overhead and making the forest products and fuels reductions program more efficient. We believe some of the steps taken by the Forest Service in their February 2, 2012 report will help achieve these efficiencies. However, other authorities, like allowing the Forest Service to use des-

ignation by description on regular timber sales, much as they do on current Stewardship contracts, will help reduce unit costs even further.

Investing in Land Management

We were pleased and thankful that the Omnibus appropriations bill for 2012 set a harvest goal of 3.0 billion board feet for 2012. We urge the Agriculture Committee to reinforce the importance of this new target by seeking frequent progress reports this fiscal year, and asking the agency to increase its outputs in 2013 to 3.5 billion board feet. The current annual harvest from the National Forests represents less than 10% of annual forest growth, and less than half the allowable sale quantity under existing forest plans. In many regions, the Forest Service is falling short of its own management goals; including in reacting to the pine beetle outbreak in the Rockies, salvaging beetle and drought killed timber in the Southeast, and managing aspen habitat in the Lake States.

Stepping up management, through formal collaboratives where they exist and normal timber programs elsewhere, will help address pressing forest health concerns while helping bolster employment in rural communities where unemployment is frequently near 20% and poverty is well above state averages. Investing in the Forest Service timber program is a very effective job creator, generating 16.5 new direct and indirect jobs per million board feet harvested.

Reducing NEPA Costs

The President's Council on Environmental Quality issued a memo on increasing the efficiency and effectiveness of environmental reviews required by the National Environmental Policy Act in December. The Forest Service has told Congress that complying with NEPA and other environmental laws costs them $356 million annually, which is more than the agency spends on timber management, or Research, or State and Private Forestry. Saving even a portion of these expenses would free up resources to actually manage forests and reduce the threat of wildfire and insect outbreaks.

Timber purchasers across the country report that Forest Service personnel frequently conduct exhaustive NEPA analysis, only to propose and implement small scale land management projects which do not meet the objectives the agency set out to meet. Examples include leaving higher than called for stand densities, or dropping entire units from proposed sales even though doing so leaves forest stands susceptible to insects and mortality. The Forest Service's February 2nd report on increasing the pace of forest restoration touches on this subject, but we believe direction from this Subcommittee would help reinforce the urgency of directing the resources to management rather than paperwork.

When National Forests in the Lake States are up to 75% behind on their management goals for early successional habitat, and the National Forests in the Rocky Mountains are falling woefully behind in dealing with a massive, 41 million acre and growing pine beetle outbreak, finding some way of reducing NEPA costs is urgently needed.

Forest Health and Forest Restoration

2011 demonstrated that the poor health of our National Forests and other Federal Forests impacts everyone, from the industries that depend on useable wood fiber to casual weekend visitors to the Forests. The large fires in Arizona and New Mexico last year forced the closures of popular campgrounds, destroyed dozens of recreational cabins, and forced cancellations of Fourth of July events at popular mountain resorts. Many miles of forest roads and several campgrounds in Arizona remain closed. The large scale beetle infestation in the Black Hills has forced local campground owners to spend more than $100,000 annually to remove beetle killed trees and spray others in an effort to stop beetles from spreading off of the National Forests. The Pagami Creek fire in Minnesota disrupted popular hiking and canoeing areas in an around the Boundary Waters Canoe Area. Campers, hikers, hunters, and skiers all want to visit healthy, green, and growing forests.

In each of these cases, wood using industries, from start-up biomass plants to family run sawmills to internationally competitive pulp and paper facilities, stand ready to help the Forest Service to actively manage the National Forests. Opportunities to expand this management, and the benefits that come from it, abound nationwide.

Reduce Overhead Costs to Expand Meaningful Management

The Forest Service must reduce overhead and project preparation costs in its land management programs, particular forest products, hazardous fuels reduction, and salvage sales. Current overhead rates are over 50%, and in some regions, 70% of

appropriated dollars go into NEPA compliance, not project design and implementation.

Specific approaches currently available to the Forest Service and the Administration that would reduce costs include:

1. Reduce project preparation costs (*e.g.,*—greater use of designation by description and designation by prescription *in lieu of* marking);

The Forest Service allows the use of this management technique on some timber harvests, including on Stewardship contracts. Expanding its use can help reduce costs and move lower value wood fiber at lower costs, which should be a high priority given the slack markets for products like pulpwood and biomass. Allowing purchasers to harvest trees that meet sale specifications, while instituting controls such as post-harvest surveys and periodic scaling of sample loads, can reduce costs of sale administration to reflect the lower value of wood fiber being removed.

2. Achieve economies of scale by conducting project planning and associated economic analysis and NEPA analysis at larger scales, and then marking all sales to reflect the NEPA that is conducted;

As noted above, the Forest Service is spending over $350 million per year on NEPA and associated environmental reviews. In many cases, purchasers report that the Forest Service staff then mark timber sales that do not meet the objectives outlined in the NEPA documents. This leaves stands more susceptible to subsequent bug infestation, mortality, and fires.

3. Declare an emergency on forest lands in Condition Class II and III, in particular in lands impacted by large scale beetle infestations, allowing the use of alternative arrangements for NEPA compliance; and

The scale of the current pine beetle infestations in the Rocky Mountains is unprecedented. Yet NEPA analysis continues to take too long, while the infestations spread to new areas and threaten the viability of what little remains of the regions wood using industry. We urge rapid action to capture value and help prevent further loss of valuable forests and habitat.

4. Move rapidly to implement the new objection authority enacted as part of this year's Omnibus Appropriations Act.

The Fiscal Year 2012 Omnibus Appropriations Act provided for a new, streamlined objection process to apply to all NEPA actions of the Forest Service. This authority, modeled on the objection process authorized by the Healthy Forest Restoration Act, which this Committee helped create, will allow the Forest Service to consolidate similar objections and work with interested parties to find a way forward on vital land management projects. We urge the Forest Service to finalize regulations to implement this important provision as soon as possible.

Stewardship Contracting Reauthorization

The FFRC supports long-term reauthorization for Stewardship contracting, which was first authorized as a pilot program in 1999. In 2003, the Forest Service and Bureau of Land Management (BLM) were granted 10 years authority to enter into Stewardship Contracts or Agreements. Stewardship Contracting allows the Forest Service and BLM to enter into a variety of different contracts which allow them to trade goods (usually timber or biomass) for services (which can cover a variety of land management practices, including habitat improvement, fish passage, and other activities which would otherwise have to obtained through service contracts). Stewardship Contracting has proven an effective, and increasingly important, mechanism to help Federal land management agencies achieve land management goals. Further, in many regions, timber volumes produced through Stewardship Contracts make up a significant percentage of the Forest Service's annual sale program. Authority for Stewardship Contracting expires on September 30, 2013.

It is important to recognize that Stewardship Contracting is one tool for achieving land management goals; in many cases, the same land management results can be—and are currently being—achieved with traditional timber sale contracts. Reauthorization of Stewardship Contracting authorities must not be considered a way to replace or supplant other contracting tools.

We recommend minor changes to Stewardship contracting authority which will help the Forest Service and BLM to achieve greater program efficiency in the use of Stewardship Contracts, while ensuring local support for the projects performed using this important tool. They will also help attract a broader variety of potential partners who want to support and participate in Stewardship Contracting projects.

We recommend the following minor changes to the existing authority for Stewardship Contracts:

- Provide the Forest Service with the discretion to choose whether to use "best value" selection criteria.
- Provide the Forest Service and BLM with greater discretion to select personnel responsible for awarding and administering Stewardship contracts and agreements.
- Make retention of existing wood products infrastructure a co-equal objective with other goals of Stewardship contracts and agreements.
- Where Stewardship contracts or agreements result in payments to the Forest Service, 25% of these payments should be directed to the County where the project is being performed.
- Provide liability limitations for operations fires consistent with those in existing timber sale contracts.

Secure Rural Schools Reauthorization

As this Subcommittee is aware, authority to make guaranteed payments to National Forest Counties from the treasury expired late last year. National Forest Counties are facing potentially devastating cuts to services if they are forced to rely solely on receipts without policy changes which direct higher levels of harvest and revenues.

The guaranteed funding provided under SRS was never intended to permanently replace shared revenue from active management on Federal public lands. Congress should not provide further extension of mandatory funds without ensuring a transition that makes improvements in both the health of Federal forests and the economic condition of forest dependent counties through active forest management. H.R. 4019, approved last month by the Natural Resources Committee, would help re-establish the connection between National Forest management and revenues to local communities.

Alternative land management paradigms, including identification of lands to provide stable funding on a trust-trustee basis, whether in Federal or other ownership, should be encouraged, while restoring and strengthening the overall multiple use framework on Federal forests. We applaud the Oregon delegation for exploring these alternatives for the O&C lands managed by the BLM in Oregon.

Conclusion

FFRC appreciates this Subcommittee's focus on these important issues. The recession of 2008 to 2011 was particularly cruel to the wood products industry. In some states, employment in wood using industries dropped by 50% or more. The Forest Service has been helpful in offering some timber for sale even in these economically trying times.

However, we believe a more concentrated effort is needed to help ensure that further losses in wood using capacity do not take place near the National Forests. Whether the Forest Service is attempting to create early successional habitat for grouse and woodcock in the Great Lakes, maintain or improve quail or woodpecker habitat in the Southeast, or restoring habitat diversity in older forests in the Pacific Northwest, the existence of viable wood consuming mills helps reduce their management costs and improve the quality of life in adjacent communities. We appreciate your efforts to keep these issues front and center at the Department, and look forward to working with you to achieve healthier National Forests and more prosperous rural communities.

The CHAIRMAN. Thank you, sir.

I now recognize Mr. Zimmer for 5 minutes of testimony.

STATEMENT OF GARY ZIMMER, CERTIFIED WILDLIFE BIOLOGIST®, COORDINATING WILDLIFE BIOLOGIST, RUFFED GROUSE SOCIETY, LAONA, WI

Mr. ZIMMER. Thank you, Mr. Chairman.

I am going to stray a little bit from my comments just from what I have heard today. One point that I would like to make is that 12 years ago I made one of the toughest decisions—probably almost the toughest decision of my life when I left the U.S. Forest Service. It was the first organization that really gave me the chance to be-

come and exercise my wildlife management skills that I have learned and grew up loving as a career. While that lasted we did some great work, had a good family relationship with the folks I worked with, some of the best people I have ever worked with. That changed as things changed in the organization and I became a NEPA writer. All I did every day was writing documents, writing documents, writing documents, and writing documents.

I left 12 years ago. One of the documents that I was working on 12 years ago was one of the documents that Chief Tidwell referred to that just finally passed the court system and is now being implemented. I feel good about that. I was part of the start and I guess I will be part of the finish. Sitting back in the audience today, I realized yesterday would have been my first day I would have been eligible for retirement from the U.S. Forest Service. I made a good choice because I feel I do a lot more on-the-ground work for the benefit of wildlife species, especially those of my constituents in the society and those 15,000 members of the society nationwide asked me to do. I am not sure in the last 12 years I could have done that being employed in a sense by the taxpayer of this nation.

Also, I would like to say one other thing. I am also proud that I have 157 acres of woods in northern Wisconsin that is certified under the Forest Stewardship Council and the Sustainable Forestry Initiative third-party certification process. I join many, many other private landowners in the State of Wisconsin, many industry landowners, many state and county forests that have this certification. The only large forest landowner in the State of Wisconsin that is not certified is our National Forest. That is sad. It is very, very sad. We meet all the criteria of all these other landowners and I wish the Forest Service would.

A pilot study was done a few years ago and the Chequamegon-Nicolet was in that pilot study, and one of the biggest impediments to going forward with certification was that they weren't sustainable. These forests weren't sustainable and it in part was because of litigation.

I am really here today, though, to emphasize the critical role that active forest management plays in sustaining wildlife populations dependent on young forest habitats. Today, active forest management through the use of commercial forest provide the only realistic opportunity to maintain the range of forested habitats needed to sustain wildlife diversity. Unfortunately, this act of forest management, especially on our National Forests, has fallen well behind forest management goals, as you have heard today. As a result, young, deciduous forest habitats, those less than 20 years old, have decreased by 33 percent over the past decade and has had a significant effect on wildlife habitats.

In 2007, the American Bird Conservancy listed the early successional deciduous forest habitats in the eastern part of the country as one of the nation's 20 most threatened bird habitats. The dense, young forests that provide important protection from predators and feeding areas for young birds are being lost at an alarming rate. In the absence of fire, even-age silvicultural systems are the most appropriate method of regenerating young forest habitats. However, acreage treated using even-age silvicultural prescriptions on National Forests in the East has declined by 52 percent since 1995.

In the past 10 years, the Chequamegon-Nicolet National Forest in northern Wisconsin, one of the most actively managed forests in the eastern region, has only met 28 percent of its Forest Plan goals for aspen forest type; 28 out of 100 percent is failure in any test I have ever taken and it is a failure here, too. And we are currently behind on over 17,000 acres in the Forest Plan of aspen forest communities. No species can tolerate this 72 percent drop in habitat.

Really only through a balanced approach to forest stewardship, an approach that recognizes the ecological necessity of periodic disturbance today impacted primarily through commercial forest management, can the needs of our forest wildlife resources be adequately addressed.

Thank you very much.

[The prepared statement of Mr. Zimmer follows:]

PREPARED STATEMENT OF GARY ZIMMER, CERTIFIED WILDLIFE BIOLOGIST®, COORDINATING WILDLIFE BIOLOGIST, RUFFED GROUSE SOCIETY, LAONA, WI

Mr. Chairman:

I am a lifelong resident of Northern Wisconsin and live within the boundaries of the Chequamegon-Nicolet National Forest (NF). Since 2000, I have been a Wildlife Biologist for the Ruffed Grouse Society, a nonprofit wildlife conservation organization dedicated to improving the environment for ruffed grouse, American woodcock, and other forest wildlife. Eighteen years prior to that, I was a U.S. Forest Service employee on the Chequamegon-Nicolet NF, the majority of those years as a District Wildlife Biologist. From both inside and outside the organization I have seen the impacts that a reduction in forest management on our National Forests has had on some wildlife populations.

Periodic forest disturbance is essential to maintain healthy forest ecosystems. Vibrant populations of a diverse array of forest wildlife are critical components of healthy forests. In order to maintain the full array of forest wildlife, a landscape must support the full array of forest habitats—forests of various types and various ages—very young, very old, and ages in between. **Today, wildlife dependent upon young forest habitats, sustained only through active forest management, are declining as a result of reductions in management of these habitats.**

Throughout time across North America, disturbance events have shaped the composition, structure, and distribution of wildlife habitats and, therefore, of wildlife populations. Changes in disturbance regimes beyond the range of natural variability due to man's actions, or lack thereof, can affect the sustainability of wildlife populations on altered landscapes. Disturbance agents historically affecting vegetative communities included fire, wind, ice storms, disease, insect infestation and grazing. Since the early 20th Century, society has worked to minimize the effects of fire on the landscape through rigorous suppression in an effort to safeguard lives and property. Today, active forest management through the use of commercial timber harvest provide the only realistic opportunity to maintain the range of forest habitats needed to sustain wildlife diversity.

In February 2007, the American Bird Conservancy classified early successional deciduous forest habitats (young forests) in the eastern United States as one of the nation's 20 most threatened bird habitats. Throughout the eastern United States today, young (1 to 20 years old) deciduous forest habitats have decreased by 33% over the past several decades, while total forest land has increased by approximately 7%. In the absence of fire, young forest habitats are sustained primarily through the natural succession of open lands to shrub-dominated fields or through the use of silvicultural treatments in existing forest stands. Even-age silvicultural systems (clearcut, seed tree, two-aged, shelterwood) are the most appropriate methods to create young forest habitats.

Acreage treated using even-aged silvicultural prescriptions on National Forests in the East has declined by 52 percent since 1995. Over the past 10 years, the Chequamegon-Nicolet NF, one of the more actively managed Forests in the Service's Eastern Region, has only met 28% of its Forest Plan goal for aspen management, a critical early successional forest species, and is currently over 17,000 acres behind in managing its aspen forest communities. Neither we nor the suite of wildlife spe-

cies that utilize this important young forest habitat can tolerate a 72% drop in available habitat.

Thick, young forest habitat provides protective cover from predators for many wildlife species that are being negatively impacted by a decline in forest management. The Wisconsin Department of Natural Resources' Wildlife Action Plan identifies 27 vertebrate Species of Greatest Conservation Need with declining or vulnerable populations associated with young forest and shrub-like habitat. Included in this list are the Kirtland's warbler, a Federal Endangered Species found primarily in regenerating jack pine forests less than 15 years old in Michigan and Wisconsin. There are currently an estimated 1,800 breeding pairs of Kirtland's warblers in the world—as compared to 2,260 breeding pairs of northern spotted owls in the U.S. alone. The Huron-Manistee NF in central Michigan supports approximately half of the global population of the Kirtland's warbler.

The New England cottontail rabbit is a candidate for protection under the Federal Endangered Species Act. Once found across the Northeast, the New England cottontail rabbit has seen its range shrink by 86% since 1960 as the thicket habitats it requires become less and less abundant.

Another bird found only in young forests and shrub-like habitats is the golden-winged warbler, a bird petitioned for Federal listing under the Endangered Species Act in 2010. It is estimated that 78% of the continents golden-winged warbler population resides in the upper Midwest and is dependent on young aspen forests and other shrub-like habitats. The Great Lakes National Forests include some of the primary sources of golden-winged warbler populations in the entire United States and some of the last opportunities to halt the downward decline.

Over 40 species of songbirds in the Eastern United States are considered dependent on young forest habitat. More than half of the 187 species of neo-tropical migratory songbirds that breed in the Midwest use shrub or young-forest habitats to some degree during the breeding season. Breeding Bird Survey data document that bird species dependent upon shrub-dominated and young forest habitats are approximately twice as likely to be experiencing population declines in the Eastern United States as are birds that breed in mature forests.

Wildlife that rely upon young forest habitats also include the ruffed grouse, the state bird of Pennsylvania, and the American woodcock, two important game species pursued by over one million sportsmen and women each year in North America. These hunters have a significant economic impact, spending an estimated $500 million in local communities.

Without a doubt, a diverse landscape that includes a wide array of forest ages and forest types is essential for the survival of a litany of species. National Forests and other public forestlands play an important role in the conservation of wildlife dependent on young forest habitats. Only through a balanced approach to forest stewardship, an approach that recognizes the ecological necessity of periodic disturbance, today imparted primarily through commercial forest management, can the needs of our forest wildlife resources be adequately addressed.

Well-intended laws and regulations including the National Forest Management Act (NFMA) and National Environmental Policy Act (NEPA) have guided the management of our National Forests for many decades but have been used by some to strangle the agency. It took the Chequamegon-Nicolet NF 8 years and thousands of staff hours to complete their latest Forest Plan revision in 2004. As Forest Plan implementation began nearly every resource management project that involved timber harvests was appealed and litigated by a single environmental group. Legal challenges have resulted in continuing forest health issues, a failure to protect the forest from damaging agents and as noted earlier, a significant decline in young forest habitats. The National Forest system is the only publicly owned forest system in many eastern states currently lacking third party certification. This is due in large part to legal challenges delaying the implementation of approved management activities for sustainable forestry. The cost for the Federal Government to implement NEPA on National Forests exceeds well over $300 million annually.

We must increase the use of active forest management on National Forests if we are to safeguard wildlife that requires young forest habitats. We must reduce the ability of groups or individuals to tie up habitat management activities for years and years at little cost to them, but at a very high cost to those that live and work in the vicinity of the National Forests and to the taxpayers of this great nation. **These forests provide some of the last opportunities to maintain essential young forest habitat as an important part of the biodiversity of our National Forests and meet the social and economic demands of the public.**

Thank you for your time.

The CHAIRMAN. Thank you, Mr. Zimmer.

We will now proceed with 5 minutes of questioning, and I will take the first 5 minutes.

Mr. Hoover, you mentioned in your testimony that additional research in identifying suitable natural enemies, pheromones, and biological controls for the emerald ash borer is greatly needed. Has there been any success on these fronts? And also what successes have there been with other invasive species that you can recount?

Mr. HOOVER. Well, to effectively manage forest pests, we really don't have the tools in the way of chemical materials, so what needs to be relied on and what has been effective are those successes where parasitoids and predators have been released targeting the gypsy moth. There is a rearing facility, USDA facility in Brighton, Michigan, that is rearing three parasitoids, two larval parasitoids, and one egg parasitoid of the emerald ash borer. In Pennsylvania just last year, there were three release sites made of those natural enemies of the emerald ash borer. In 2012, there is successful establishment and evaluation will be taking place. I believe, Mr. Chairman, that the long-range effective management of many of these invasive pests in our forests is hinged to establishing effective natural enemies to keep their populations at tolerable levels.

The CHAIRMAN. Thank you. In your experience, has there been research—research obviously is incredibly important in this area in terms of our previous discussion, the invasive species can change the entire characteristic of a forest having all kinds of ramifications. Has there been a positive research partnership between institutions of higher education, private organizations, industry, state governments, and Federal Government? And particularly, what has the collaboration been that you have seen with the U.S. Forest Service on invasive species both in terms of prevention and suppression?

Mr. HOOVER. It has been my experience in Pennsylvania, we formed—instead of having task forces that addressed each individual invasive pest, those have all been consolidated into a Forest Pest Council that is made up of state and Federal Government agencies, which includes the Forest Service out of their Morgantown office. My experience has been that collaboration between state and academia with the Forest Service has been very good in the way of human resources, in the way of experimental materials that need to be evaluated on a statewide basis. So it has been my experience that the Forest Service role in research regarding invasives has been what you would want in the way of an interaction that benefits state governments and our National Forest, as well as state and private forests.

The CHAIRMAN. The method of transport appears to be where it is carried in. You know, in another situation in California where logs were imported and now there is significant outbreak of a specific invasive species—I know in my own National Forest, there are signs about, use the firewood that you find; don't carry wood in and out. And I know your role with the agriculture extension, how important is education in terms of preventing invasive species from being inadvertently introduced into an area?

Mr. HOOVER. Well, Mr. Chairman, from a frustrated former biology teacher, I regret to say we have a scientific illiterate society.

And what cooperative extension's role is is to try to educate the public as to the impact of unintentional movement of firewood that is infested with invasive wood-boring insects. And so again in collaboration with funding that supports publications, USDA Forest Service, along with regulatory agencies have been trying to make inroads along with Penn State cooperative extension in the case of Pennsylvania trying to provide outreach programming.

I can give you one specific example where I provided some training to our county extension office. One of the people present there was a blogger and they put the information on emerald ash borer up on their blog, and lo and behold, someone saw it and said I think I have that in my backyard. And as it turns out, the regulatory agencies went there and indeed they had emerald ash borer about 30 miles south of State College in Lewistown, Pennsylvania.

The CHAIRMAN. Thank you.

I will now recognize Mr. Ribble, for 5 minutes.

Mr. RIBBLE. Thank you, Mr. Chairman.

First of all, Mr. Barth, thank you for taking the long trip from Oregon all the way to Washington, D.C. You had quite a distance to come. I think we could transplant you into northern Wisconsin and you would feel right at home based on your testimony. We could probably transplant you to Pennsylvania or to Florida and you would feel right at home. Do you believe this is a national problem, the description that you made of your county?

Mr. BARTH. Absolutely, just listening to some of the comments made by the Subcommittee Members, it certainly resonated with everything that we deal with on a daily basis.

Mr. RIBBLE. I would like to invite you sometime to come to northern Wisconsin. I think you would find it beautiful. And our lakes and streams are something else. And Representative Schrader and Representative Walden who you mentioned in your testimony and I have spoken often about the issues in your forest, in ours, and they compare very favorably or unfavorably depending on your perspective.

Mr. Zimmer, thank you for coming from northern Wisconsin. I know that you have been a lifelong resident up there and you have really dedicated pretty much your entire professional life from your college days all the way to today. I would almost describe you as an environmentalist. You care about our National Forest, you care about the habitat, you care about the wildlife, and yet when I hear from the national environmental movement and they contact me, they would paint somebody like Mr. Watkins as a person who wants to rape and pillage for profit. What has having lived in northern Wisconsin having managed those forests, seen the current Chequamegon-Nicolet Forest under the National Forest Service management and also seeing private land management, what recommendations would you have for Congress and for the Forest Service to better achieve their forest management goals?

Mr. ZIMMER. Thank you, Congressman. I appreciate you introducing me also today.

I think three things that really stick out in my mind, one is better accountability. And the accountability has to come down to the forest supervisor and regional forester levels at least, but they are better held accountable to planned goals and targets rather than

just funded. We recently got the monitoring plan from the Chequamegon-Nicolet. It has taken a long time to put together, but they came out and they constantly said in there, we achieved our funded targets. That is doing the job on the ground. I did hear Chief Tidwell mention earlier about wildlife habitat goals in the new planning regs, and I hope those goals are carried down in something before supervisors have to hold on to. And also things like making jobs or retaining jobs in the community should be a targeted goal, not just those funded things that come down.

I think also these forests need better flexibility. You mentioned clearly in your statement earlier the forest at Chequamegon-Nicolet now has over 300,000 million board feet available that is through the NEPA process but hasn't increased their sell hardly at all. They have plenty of people in the NEPA, in the planning shop. Let's shift that shop now as any industry as this gentleman over here. This gentleman would shift his industry to get things done out there. And by doing that, it may not have to cost you a dollar more, but we can shift the needs to implementers instead of planners now and even stop the need for anymore NEPA for about 2 or 3 years on that forest.

Mr. RIBBLE. How would you advise us and how would you advise the nation's environmental movement that seems to have similar goals? I mean they want robust forests; they want habitat. Where is the disconnect happening? Is it that they don't have the science or there is a disagreement on science? What is the problem here? Why can't you all get along?

Mr. ZIMMER. That is a million-dollar question I think. I think it is some want it all and I think that is a big part of it. When the Forest Service did the last planning process that took nearly 8 years on the Chequamegon-Nicolet, they tried their darndest to work closely with these environmental groups, especially the group in Madison which has been the constant appeals in litigants to the plan. And they tried their darndest and the result was 40 percent of the forest was off-limits to any type of active forest management. In my thinking if I got even 40 percent in my ballpark, I would be kind of happy. Instead, they weren't; they wanted more. So they want it all.

They want to actually shut down commercial forests thinking that that is a bad thing, and in my mind from a wildlife habitat standpoint, at least have some young forest, have some old forest, and have all those stages in between. And to have that end of the spectrum that meets the needs of young forest, we definitely have to have forest management and the use of commercial timber harvest. I understand it. I think those that live in your district understand it but there are a few folks or a few organizations that don't understand that yet.

Mr. RIBBLE. Mr. Chairman, would you yield an additional 3 minutes? Thank you.

Going along the lines since you have had so much experience in the National Forest Service yourself, the next round of Forest Plan revisions are coming up on the horizon. Right now, in your role at the Ruffed Grouse Society, how active do you and your members plan on being in that? Will you participate in the hearings? And what role does your organization play in that?

Mr. ZIMMER. It is hard to justify to my boss that while we spent 8 years in discussions to get the last plan through, the result was a significant reduction in the target goals—about ⅓ reduction in the targeted goals for aspen management, which was key to our group. It also resulted in about 40 percent of the forest closed to harvest and now, even though we did all that work and cooperated with the Forest in the management planned discussions, we are only getting 28 percent of our aspen targets at this current time. Putting that all together, my boss is not too happy with me devoting a lot more time to that.

And, one other thing I can say is for years, groups, conservation organizations, and industry state the Department of Natural Resources and others have been close partners with the National Forests. I think a lot of those partners have been forgotten or lost. And in our part of the world, as you know, you want to stick with your friends because they should always be there for you. It is tough to be a partner and a friend right now to this agency.

Mr. RIBBLE. Yes. I was with a constituent not too long ago and he asked me, he said, Congressman, do you trust me? And I said, well, sure, I trust you. He said, then give me your wallet. And so I reached in my pocket and I gave him my wallet. He proceeded to pull out a Sharpie and he wrote on my wallet. And it says, develop a sense of urgency. Did you hear that, Mr. Southerland?

Mr. SOUTHERLAND. I got it.

Mr. RIBBLE. Develop a sense of urgency. This is a constituent that wrote it on my wallet so every time I open it every single day—do you think our Forest Service needs a sense of urgency?

Mr. ZIMMER. Yes.

Mr. RIBBLE. I yield back.

The CHAIRMAN. I thank the gentleman and recognize my good friend from Florida, Mr. Southerland, for 5 minutes.

Mr. SOUTHERLAND. Thank you, Mr. Chairman. And I did not know that was on the inside of his wallet when I made my comments a few moments ago.

But thank you all very much for coming. And I find your testimony fascinating and very helpful. And I commend the Chairman for this panel and this hearing today.

You know, Mr. Zimmer, much of your comments were regarding culture. And so much of the time we spend as Members, we talk about at hearings about symptoms. And we appropriate money towards symptoms but we never get to the core of what the problem is. And I found your comments fascinating because you were very honest today in your tenure and your retirement and that you left an organization that you felt was time to leave. But so many of the challenges that I hear you state really deal with a culture that really needs a controlled burn to go all the way through it.

You know, down in north Florida, we have controlled burns down pretty well. We have great organizations like Tall Timbers that are doing some incredible research to maintain a sustainable forest where humans and the environment can get along. I would throw out a congratulatory thanks to what they do. You talked about 28 percent that in any test you have ever taken that represents failure. Twenty-eight percent here in this culture and you get an attaboy and you get more dollars appropriated. That is nuts. So I

can see why you wanted to exit. And the sense of urgency that my colleague mentioned, it is clearly something that we do not see. And that is really just a statement as I listen to your honest testimony today and thank you very much.

Mr. Hoover, you made some fascinating statements and I enjoyed reading through your testimony educating me on some of the issues that you find that are very, very disturbing. What would a private landowner do by comparison to what the Federal Government is currently doing regarding invasive pests? And is there anything they could do or should do? You know, what does success look like? But really is there a good way that maybe a private landowner could and should do compared to what the government is doing regarding invasive pests?

Mr. HOOVER. I assume, Congressman Southerland, that when you said private, you mean a private forest landowner——

Mr. SOUTHERLAND. Yes.

Mr. HOOVER.—or a residential situation?

Mr. SOUTHERLAND. Yes.

Mr. HOOVER. Because as I said, there are complete different strategies and tools that exist between a landscape and a forest.

Mr. SOUTHERLAND. Sure, but I mean I know that we have individual landowners that own sizeable investments and they believe in aggressive forest management plans. And there may be nothing different I guess, but is there something different that someone who didn't have to deal with the culture that would say you know what? There is a need, we are going to meet it today, get it done.

Mr. HOOVER. Yes, and you are absolutely correct. That is what a private landowner has in the way of abilities to use in any state based on your question the extension system that is associated with every land-grant institution where in Pennsylvania, as an example, we extension foresters who would go out and help a landowner write a management plan for their forestland based on what their personal goals are. And those goals may be growing 2x4s——

Mr. SOUTHERLAND. Right.

Mr. HOOVER.—habitat for wildlife, or aesthetics. And so to compare Federal forest land management with a private landowner if they are indeed informed has the ability or maybe more accurately the flexibility to bring about management or effective management when compared to some of the restrictions that are put on Federal landowners or the management of Federal lands.

Mr. SOUTHERLAND. Very good. Very good. Are we going to have another round or could I have just—okay. Thank you very much.

Now, you mentioned earlier, it is hard right now to be a partner and a friend. I would say that to the Service—and I would say oftentimes you have to start. If you are going to have a partner, you are going to have a friend, you have to start with a mutually agreed-upon goal. What is the purpose of our friendship, of our partnership? And unfortunately, I think that we enter into efforts assuming that we all have the same common goal. And we don't, which is apparent because if you cared about these rural schools, if you cared about these rural communities, then you certainly would act in a more concerted effort to increase the hardest rates in a management plan. You would sit down and work together.

And that brings me to my next point. Chuck Watkins, again, thank you for being here. You know, one of the owners of the family was here last year—Caroline was here to testify and she made some statements regarding some things that I found interesting as I look back over her testimony. She claimed that there were some things, some solutions that could be pushed forward. I am interested in the FFRC's position on some of the things that she mentioned. She mentioned that, for example, one of the things that could be done is streamlining environmental documentation and outsourcing fieldwork would get foresters out of the office and into the field. That was one thing.

Number two, including a resource advisory committee. Now, we mentioned the word *partnership*, and to have a resource committee where you had participants and stakeholders that worked together on a management plan since it is the people's forests and the taxpayers' forests. That is a novel idea.

And then last, that we should require selected National Forests to test the feasibility of timber programs self-financing as is now done in DOD land. But those were some of the things that I know we heard from last year. What does the Coalition think of some of these ideas in order to really get us where we need to be in a management plan?

Mr. WATKINS. Well, the first topic you mentioned were the NEPA rules and the costs of those rules.

Mr. SOUTHERLAND. Yes.

Mr. WATKINS. You know, if you think of forest and trying to manage the forest efficiently, and when I mean efficiently I mean economically. If you put a lot of effort, there are some instances in certain forests in this country where we spend millions of dollars on administration and a NEPA process to just decide we are not going to cut, that we are not going to cut that timber, we are not going to harvest that timber, or to just cut a lot less of it. In some instances, 70 percent of the value is spent on administration or NEPA rules. We spend more on NEPA and those rules than we do management of the forest, on state forestry, on education. So, the big thing we prefer is we make a plan together.

So, for example, the Apalachicola Forest, we put a 10 year plan together, we do our documentation on our NEPA rules on that and follow the plan, streamlined, efficient, it is an economy of scale like any good business would do or perform. So in that process, that is where we stand.

Mr. SOUTHERLAND. Well, I think that there is a difference and a business owner who is sweating a payroll and working as hard as they can, I have often said that our family loves 40 hour workweeks. That is why we squeeze two into every 7 day period. And, we understand the difference between activity and productivity.

Mr. WATKINS. Yes.

Mr. SOUTHERLAND. It sounds like the culture that is inside of many of the agencies and departments of the Federal Government. They are interested in activity but they do not know what true, positive, healthy productivity really looks like. And so I would say before spinning your wheels in working in a partnership—and I commend you for wanting that partnership—we have to have a clear, concise goal. Why do we exist? What is our purpose? Don't

spin your wheels. Don't allow a Federal bureaucracy to eat up your time, your resources without that definition. Why do we exist? And what does success look like?

I thank you all for caring and coming here to educate us and we need that. And I commend you. We want to be partners with you to do what is right for our rural communities and for healthy forests.

And again, Mr. Chairman, I just commend you on the hearing today. Thank you. I yield back.

The CHAIRMAN. I thank the gentleman. We will take the opportunity for another round of questions.

Mr. Barth, I want to start with you. You discussed your work with stewardship contracting. In addition to seeing a 25 percent share of revenue go to localities, what other changes would you like to see to the program?

Mr. BARTH. Well, some of the concerns with the stewardship contracting and the value is that the revenues stay on the land. I think the challenge is, though, that none of the revenue is shared again with the locals. And I don't necessarily know that that is a sustainable long-term strategy as well. I think we are even starting to hear from our stewardship alliances that if we don't have more productive force economically, we won't have long-term revenue for stewardship.

Right now, we a very successful Dump Stoppers Program that we consider part of our stewardship as well. It is partners with private and Federal landowners to clear up illegal dump sites throughout all of our wilderness and forested areas. We use our funding from our Timber Harvest Program to match grant funding from the agencies. Both of our funding streams are at risk now because of the Secure Rural Schools payment issues as well as kind of the lack of productivity in the harvest. So, it kind of goes hand-in-glove. I think we need to have productive, healthy, sustainable forests that regenerate in order to produce the revenue for us to do the conservation and the stewardship efforts on the preservation lands.

The CHAIRMAN. Okay. Thank you.

Mr. Zimmer, how important is forest diversity? That is what you were describing in one of your last responses, having forest in many different stages of development and really only evident to me through proper management to have that forest diversity. How important is that to wildlife habitat?

Mr. ZIMMER. Well, to get the full array of wildlife species, some require very old forests, some require very young forests, and some require those in between or those that replace them. And in our instance, when we are talking about the range of species that utilize young forest habitat, that includes over half of the neotropical migratory birds in our part of the world. I think there are 187 listed in Midwest, neotropical migratory birds. At least half of them use young forest habitats at least some time during the breeding season often to hide their young and to feed their young even if they are in older habitats. You need kind of a mosaic; you need different sizes; you need the whole ball of wax out there to really truly meet the needs of all the wildlife species, at least all of the wildlife species found in our forests.

If you just concentrate on going to one extreme and that is done artificially in a sense when we are restricting harvest and restricting disturbance to our forest, we do that with our fire suppression efforts especially in the eastern part of the country. So it comes down to if we are going to think about those species that need that younger end of the spectrum, we are going to have to use this forest management. At the same time, we have to look at these species that utilize older forests and older forest communities. So a nice mix of habitats and types of forests out there is essential to have the full range of forest wildlife species.

The CHAIRMAN. And in your opinion that would be consistent with good, healthy——

Mr. ZIMMER. Correct.

The CHAIRMAN.—production of timber?

Mr. ZIMMER. Correct. And commercial forest management is a key component of that. It is a key tool.

The CHAIRMAN. Mr. Watkins, why do you believe that we are not harvesting as much on National Forests as each plan generally calls for?

Mr. WATKINS. Mr. Thompson, I don't know the answer to that question.

The CHAIRMAN. Okay. In your time in northwest Florida, what has been the overall trend in terms of the health of the National Forests? Any observations on that?

Mr. WATKINS. The forests—like I said, we are cutting a very small amount of the growth. The mortality rate is six times the cut rate, as you mentioned in Oregon as well. I believe they are actively managing the health of the forest. However, when the densities increase to that level, there is certain habitat there that it affects. It certainly creates issue with fire protection and control and insect and disease control. So that density has increased over 30 percent, and that creates problem, particularly when the Forest Service tries to control burn of the understory of the forest. It makes it extremely difficult.

The CHAIRMAN. Okay. Thank you.

I now recognize Mr. Schrader for 5 minutes.

Mr. SCHRADER. Thank you, Mr. Chairman. I apologize for having to step out for a little bit.

Mr. Zimmer, I actually appreciate your comments. In Oregon through this O&C National Forest Service Plan we are trying to develop as a delegation, trying to look at the stage which seems to be lacking in our state so we get that continuum of biodiversity to make it conducive to the panoply of species that are out there.

Just say if you can real quick your comment on—we have a spotted owl issue out where we come from and so a few years back we set aside large swaths of old growth forest which seem to be their preferred habitat. Recent data has come in and Fish and Wildlife has concluded that that hasn't helped at all. And indeed, the species is on an accelerated decline. The answer to that was to set aside more old growth forest. That doesn't sound smart to me. There is also apparently another species of barred owl that is a predator on the spotted owl, at least on their habitats. Does it make sense to you to set aside vast amounts of forest when we already concluded through the study that the increased forestland,

old growth, wasn't really the answer at all? I am not saying we shouldn't have old growth forest, don't get me wrong, but to increase it even more when that didn't work in the first place, your comment?

Mr. ZIMMER. Yes, Congressman. One thing, I am not a spotted owl expert——

Mr. SCHRADER. Fair enough.

Mr. ZIMMER.—but I am aware of the influence of the barred owl on the spotted owl and it appears at least at this time to be more of a factor in the limitations on the populations of spotted owl. It is going to be tough to justify having more, as you say, having more acreage of old growth for spotted owl. I would hope that when we are looking and those that are looking at the Forest Plans in your area address that and look at the whole community and the whole value of those forests and those that play an important role for spotted owl and spotted owl management be maintained——

Mr. SCHRADER. Yes.

Mr. ZIMMER.—but if it is not needed or isn't doing the job, that decision has to be made by——

Mr. SCHRADER. I appreciate your commonsense approach. Hopefully, people will get religion in Oregon and adopt some of what you are suggesting here.

Mr. Watkins, you list in your prepared testimony some recommendations that you thought would be pretty helpful, in terms of reducing costs and getting better results. Is the National Forest Service implementing them?

Mr. WATKINS. Not that I am aware of.

Mr. SCHRADER. Okay. Which speaks volumes. Okay. I would just make a comment on Mr. Barth's testimony, which I appreciate and maybe just reiterate what he talked about. On less than 3,000 acres their annual revenue goal which they seem to get is about $750,000. And in our neighboring Mt. Hood forest of 1.1 million acres, basically 300 times the size of acreage that Mr. Barth and my county manage, they get ⅓ of the revenue he gets, about $275,000. I think that is a dramatic statement, Mr. Chairman. And I yield back.

The CHAIRMAN. I thank the gentleman. I now yield to my friend from Wisconsin for an additional 5 minutes.

Mr. RIBBLE. Thank you, Mr. Chairman. I am going to come back to Mr. Zimmer.

You know, since about 1970, there has been a kind of ever-increasing amount of Federal involvement in our forests and in our environmental issues, an ever-increasing regulatory burden all with the intent of actually improving things at the Ruffed Grouse Society would kind of support from my understanding that the whole idea here was to make those habitats better. Has kind of the onslaught of regulations improved things or not?

Mr. ZIMMER. Regulations——

Mr. RIBBLE. Yes.

Mr. ZIMMER.—improved things?

Mr. RIBBLE. Yes.

Mr. ZIMMER. Well, I am not sure. I think really common sense is better. Let us use the specialists we have out there. The Forest Service on the Chequamegon-Nicolet is blessed or has been blessed.

In fact, it is the envy of the state folks that they can go to one office and get specialists from all around, trained professionals that could do the best management of the job. The state folks often have to call others in from academia or find some specialist in another state or something like that to help them with an issue, which the Forest Service has those professionals. Why do we need more and more regulations to hinder the work of people that are paid and have the training to do the job? I think that is where it makes sense to me to limit the regulations and have the people who are your employees—or our employees, the people the taxpayers hire to do the best job and limit the restrictions on those people to do that job. I worked with many of those folks, top-quality people, many of them are frustrated at all the regulations that they have in place.

And I may say that in the Chequamegon-Nicolet National Forest plan in 2004, I believe it has 368 standards and guidelines are in place to regulate the management of any action on the forest. It is endless. And the pages in each document for a site-specific project that just shows how many other little things they have to cover is just way, way too much.

Mr. RIBBLE. Mr. Watkins, I am assuming that in your line of work you have to comply with a number of Federal agencies on the regulatory standpoint. What should we as Members of Congress be doing? We want to make sure that we have clean air, clean water, forests that actually work and produce, but what role have regulations played in your business and what should we be looking at doing here?

Mr. WATKINS. Well, for example, Mr. Zimmer mentioned the SFI, that Sustainable Forestry Initiative. That is what we do. Our company is certified, our practices, by our certification, are more stringent than I understand the Forest Service's own regulations are and we don't have issues. We don't spend these volumes of dollars on administrative tasks where they seem to have to do that. And I don't quite understand that. I would say streamline that process and eliminate that overburdening items that are just not necessary. There are other private industries that use certification programs that don't do that or don't cost or put that burden on companies.

Mr. RIBBLE. Surely there is a profit incentive for you to manage the forests that you are involved in in a way that is sustainable, is that correct?

Mr. WATKINS. Oh, certainly.

Mr. RIBBLE. I mean at the end of the day, then, maybe the objectives could actually be met, couldn't they, that we could have a sustainable forest that is environmentally sound and profitable and provides some benefit to the taxpayer?

Mr. WATKINS. Absolutely. That is the perfect way to do it.

Mr. RIBBLE. Very good. Thank you.

And I yield back my time.

The CHAIRMAN. I thank the gentleman for yielding back.

And I want to thank both the Members and the members of the panel, the witnesses for coming here, bringing your expertise and your specific individual expertise. I thought we had a great diversity on this panel all focused on healthy forests and in the end our healthy rural communities. I appreciate everyone's patience. We

took some liberties in terms of the amount of questions that we did, didn't adhere too well to the clock, but this is a pretty important topic that I don't think we have talked about near enough and deserves a tremendous amount of vetting. We certainly did well today, bringing your expertise here to Washington to be able to offer that to help us as we look at future forest policies.

Under the rules of the Committee, the record of today's hearing will remain open for 10 calendar days to receive additional material and supplementary written responses from the witnesses to any questions posed by a Member.

This hearing of the Subcommittee on Conservation, Energy, and Forestry is adjourned.

[Whereupon, at 12:14 p.m., the Subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

SUBMITTED LETTER BY MARCIA H. ARMSTRONG, SUPERVISOR DISTRICT 5, SISKIYOU COUNTY, CA

March 27, 2012

Subcommittee on Conservation, Energy, and Forestry,
House Committee on Agriculture,
Washington, D.C.

Re: Additional comments submitted in connection with today's hearing on forest health, including timber harvests, wildlife management, invasive species, and the U.S. Forest Service's planning rule.

To Whom It May Concern:

My following statements will describe:

(1) In detail, how our local economy and public health and safety has declined precipitously since the advent of the Northwest Forest Plan, the listing of various endangered species, and implementation of other environmental and land/water management regulations;

(2) The scope of environmental and land management regulations that affects access to and the continued productive use of local natural resources for the economic benefit, health, safety and enjoyment of local communities;

(3) Certain specific international credos, policies, platforms and programs that have unduly influenced various Administrations, the scientific community, Federal agencies, and influential environmental groups;

(4) How those international agendas have been specifically implemented in Siskiyou County;

(5) An *Appendix* showing timber harvest trends for the past two decades on several of our local National Forests.

Siskiyou County joins with other western counties in asking for your assistance in:

(a) restoring balance to the management of our National Forests;

(b) recognizing the direct relationship between active forest management and multiple use and the economic health, cultural vitality and prospects of our local communities and Counties;

(c) mandating a real and substantive voice for local government to communicate local needs and provide input on the management of our Federal lands;

(d) recognizing the value of retaining our surviving timber infrastructure and the need for a stable supply of material for our wood products industries;

(e) stepping up the pace and scale of wildland fuel reduction in the name of public safety (H.R. 1485 Herger Catastrophic Wildfire Community Protection Act [*http://www.govtrack.us/congress/bills/112/hr1485*])—providing and supporting new opportunities for biomass utilization; and

(f) passing reforms to the Equal Access to Justice Act so that a handful of special interests from outside our area cannot hold the active management of our National Forests hostage for profit.

Background on Siskiyou County and its Economy

Sixty-three % (63%) of the land base in Siskiyou County is in Federal (or state) ownership. There are portions of the Klamath National Forest; Shasta-Trinity National Forest; Six Rivers National Forest; Modoc National Forest; and Rogue Siskiyou National Forest in Siskiyou County. The Klamath National Forest's 1.7 million acres alone comprises 42% of Siskiyou County's land base. The KNF has 381,100 acres allocated to wilderness, 396,600 acres allocated to late-successional reserves for the northern spotted owl and old growth species and another 458,000 acres allocated to riparian reserves for species such as salmon. 161,500 acres are designated an Adaptive Management Area. The remaining 300,000 acres (approx. 17.6% of KNF lands) are "matrix lands" or general forest where timber harvest may be conducted, (although not all matrix lands are even technically suitable for timber production.)

(Ref: Charnley, Dillingham, Stuart, Moseley, and Donoghue (2008) *Northwest Forest Plan—The First 10 Years* (1994–2003): *Socioeconomic Monitoring of the Klamath National Forest and Three Local Communities Northwest Forest Plan.* General Technical Report PNW–GTR–764, August 2008 [*http://www.fs.fed.us/pnw/pubs/pnw_gtr764.pdf*])

The county also includes the Tule Lake and Lower Klamath National Wildlife Refuges, as well as the Lava Beds National Monument. There are various BLM lands administered by the Redding, Medford, Ashland and Susanville BLM offices. There are lands held in tribal trust for the Karuk and Quartz Valley Indian tribes.

The entire land base of Siskiyou County is 4,038,843 acres or 6,287 square miles. Of this, 1,153,246 acres is in farmland, however only 138,000 acres of these are irrigated. 2,525,216 acres is considered rangeland/woodland/ forest. Our population of 44,301 classifies the county as "frontier." There are nine small incorporated cities that date back to the California Gold Rush.

All communities in Siskiyou County are listed on the August 17, 2001, *Federal Register* (Notices) as "Urban Wildland Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire." Approximately 3.2 million acres in the county are in a high, very high or extreme fire hazard severity zone. There have been 564 fires in the county since 2005 that burned 330,000 acres and caused in excess of $3.6 million in property damages. The fifth largest fire in California since 1932 occurred in Siskiyou County in 2008. The Klamath Theater Complex fire, which started by lightning, burned 192,038 acres and caused two fatalities. Since the year 2000, the county has seen an average of 95 wildfires a year with an average of 55,000 acres burned each year. The value of buildings and contents exposed to damage by wildfire are $1,855,175,933 in moderate fire areas; $964,520,981 in high risk fire areas; and $1,346,823,331 in very high risk fire areas. In total, 671 critical public structures are located in areas at risk of wildfire.

The economy of Siskiyou County is based on small business. In 2008, there were 6,857 non-farm proprietors in Siskiyou County. According to 2007 data, 61% of non-farming establishments in Siskiyou County had less than 4 employees; 82% had less than 10 employees and 93% had less than 20. The Small Business Association has documented that the cost of regulations hit small businesses disproportionately hard.

In the year 2000, the average unemployment rate for the year was 7.5%. By 2008, it had risen to 10.2%, rising again to 15.8% in 2009. In January of 2012, the unemployment rate was 18.6%, ranking Siskiyou 53rd out of 56 counties in the state. There are many forest-dependent communities in our county where local unemployment is estimated from 30–40%. The average wage per job in 2008 was $32,707. That was only 63% of the state average. The median household income was $36,823—or 60% of the state median. Non-household median income is currently $27,718—a ranking of 47th in the state. The AP Economic Stress Index ranks Siskiyou County as the 14th most economically stressed county in the United States.

Agriculture is a major economic sector of the county. Our 2010 Siskiyou County Annual Crop and Livestock Report indicates that the agricultural valuation in the county was $195,711,956 (gross and excluding timber.) According to the USDA Ag Census, in 1992 Siskiyou County had 647,446 acres in farms. By 2007, this had been reduced to 597,534 acres. In 2000, there were 895 farm proprietors in Siskiyou County. This declined to only 730 in 2008. The county lost 81 livestock ranches from 1992 to 2007, with an accompanying loss of 20,882 fewer cattle and calves in inventory. According to the CA D.O.T. Siskiyou County Economic Forecast, since 1995, Siskiyou County's agriculture industries have experienced substantial job loss of about 586 jobs, declining almost 45%.

During the past 20 years, there has also been a restructuring of size and sales in agricultural operations. Since 1992 to 2007, there has been an increase in the number of small farms: farms under 10 acres doubled to 80. Farms under 50 acres increased 59% to 229. Farms 50–179 acres increased 27% to 228. Farms from 180–449 acres remained about the same at 79. However, there was a 19% reduction in farms 1,000 acres or more to 100 farms in 2007. One aspect of this is land conversion from private to Federal lands. Since 1999, 8,625.71 acres valued at $3,922,179 have been converted to Federal land. Another 11,236 acres of ranch land in the Shasta Valley is currently proposed for conversion to a new wildlife refuge. In addition, the proposed Klamath Basin Restoration Agreement seeks to convert 44,479 acres of farmland in the Upper Klamath Basin to wetlands, (some of which may be in Siskiyou County.) It also proposes to secure 21,800 acres of farmland by acquisition or conservation easements in the Scott and Shasta Valleys of Siskiyou County.

At the same time, farms having less than $2,500 in sales increased 105% to 359. Farms selling $2,500–$9,999 stayed about the same at 151. Farms selling $10–$24,999 decreased 10% to 95. Farms selling $25,000–$49,999 decreased about 18% to 60. Farms selling $50,000 to $99,999 decreased 45% to 44 and farms with sales in excess of $100,000 increased by 28% to 137.

Siskiyou County accounts for 15% of the timber harvested in California. At one time, it was the second largest timber production area in the state. However, our

forest industries have been devastated by Federal and State regulations. For instance, the forestry section of Siskiyou County's 1972 Conservation Element of the General Plan indicated that there were 17 sawmills in the county (employing 2,055 people or 24% of the employment base) and 8 wood processing facilities (employing 294 people or 3% of the employment base). There were 46 logging contractors and support establishments employing 501 people or 5% of the employment base. By 2007, all 17 sawmills were gone. The census indicates that there were a total of 6 wood products manufacturing establishments (including veneer mills) employing 380 people (one mill has subsequently closed in Butte Valley). There were 38 Logging, Forestry and Support Establishments employing 157 employees.

There is no doubt that the restrictions on timber harvest from public lands under the Northwest Forest Plan have played a significant role in this decline. In 1978, 239 MMBF of timber was harvested from the Klamath National Forest (KNF), 274 MMBF from the Shasta Trinity National Forest (STNF) and 73 MMBF from the Six Rivers National Forest (SRNF.) In 2008, 20 MMBF was harvested from the KNF, 22 MMBF from the STNF and 8 MMBF from the SRNF (see *Appendix A*).

The Klamath National Forest alone went from having 636 employees in 1993 to 441 in 2003, a loss of 31%. This job loss was related to a decline in the forest budget of 18% between 1993 and 2002 and had a strong impact on local employment opportunities. Declining budgets and staffing caused some of the KNF's Ranger District offices to close or consolidate in the 1990s. Between 1990 and 2002, the KNF spent a total of $44.5 million procuring land management services. Most of this spending (64%) took place between 1990 and 1993. After 1993, contract spending on the KNF dropped off sharply. Between 1990–1992 and 2000–2002, contract spending declined 78%.

(Ref: Charnley, Dillingham, Stuart, Moseley, and Donoghue (2008) *Northwest Forest Plan—The First 10 Years* (1994–2003): *Socioeconomic Monitoring of the Klamath National Forest and Three Local Communities Northwest Forest Plan.* General Technical Report PNW–GTR–764, August 2008 [*http://www.fs.fed.us/pnw/pubs/pnw_gtr764.pdf*])

Regulatory Environment in Siskiyou County

Siskiyou County has suffered through more than its share of environmental regulations and has experienced long-standing regulatory fatigue.

* Several local species have been listed under the state and Federal endangered species acts: bald eagle; great gray owl; Lost River and shortnose sucker fish; northern spotted owl and associated old growth species, including those under "survey and manage"; northern CA coastal coho salmon; vernal pool fairy shrimp; Shasta crayfish; delta smelt; California red-legged frog; western yellow-billed cuckoo; western pond turtle; Siskiyou salamander; Scott Bar salamander; California wolverine; Swainson's hawk; peregrine falcon; greater sandhill crane; Sacramento splittail fish; bank swallow; marbled murrelet; northern goshawk and Oregon spotted frog (candidates.) We have also experienced endangered species reviews of the green sturgeon; Pacific lamprey; Pacific fisher; steelhead trout; McCloud redband trout; and spring, fall, and winter run chinook salmon (currently under additional review in the Klamath River System and proposed for re-introduction in the Sacramento River system in Siskiyou County.) Consultations and opinions are a regular factor in the delay of processing timber sales, water quality and other permits. Endangered Species provide rich fodder for outside of the area environmental litigation, particularly on National Forest projects.

- Forest Litigation by out-of-county Environmental Groups mostly on the Klamath National Forest projects:

  1998 Upper South Fork Timber Sale—Klamath Forest Alliance (KFA) Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/1998/fy98_0075.htm*]

  1998 Little Horse Peak Research Timber Sale—KFA Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/1998/fy98_0011.htm*]

  1998 Jack Timber Sale—KFA, Klamath Siskiyou Wildland Center (KSWILD), Wilderness Coalition, ONRC Lawsuit [*http://www.fs.fed.us/r5/ecoplan/appeals/1998/fy98_0103.htm*]

  1999 Bald Elk/Hard Rock Timber Sale—KFA Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/1999/fy99_0013.htm*]

  1999 Happy Thinning Sale—KFA Lawsuit [*http://www.fs.fed.us/r5/ecoplan/appeals/1999/fy99_0014.htm#correction*]

  1999 Little Deer/Davis Cabin YG Timber Sale—Forest Guardians (FG) Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/1999/fy99_0019.htm*]

1999 Bogus Thin Chip Timber Sale—FG Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/1999/fy99_0020.htm*]

1999 Kelly Pass YG Timber Sale—FG Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/1999/fy99_0021.htm*]

1999 Twice Helicopter Timber Sale—KFA Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/1999/fy99_0075.htm*]

2000 Salmon River Flood Road Damage Project—KFA Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/2000/fy00_0022.htm*]

2001 East Fire Salvage Project—KSWILD Lawsuit [*http://www.fs.fed.us/r5/ecoplan/appeals/2001/fy01_0039_40.htm*]

2001 Jones CT Timber Sale—National Forest Protection Alliance Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/2001/fy01_0056.htm*]

2002 Knob Timber Sale—KFA, KSWILD, Environmental Protection Center (EPIC) Lawsuit [*http://www.fs.fed.us/r5/ecoplan/appeals/2002/fy02—0035.htm*] [*http://www.fs.fed.us/r5/ecoplan/appeals/2003/fy03-0020-21.htm*] [*http://www.freerepublic.com/focus/f-news/920116/posts*]

2003 Beaver Creek—KSWILD EPIC KFA Lawsuit [*http://www.fs.fed.us/r5/ecoplan/appeals/2002/fy02_0035.htm*]

2003 Little Grider Fuelbreak—EPIC Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/2003/fy03-0029.htm*]

2003 Five Points Timber Sale—KSWILD Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/2003/fy03-0034.htm*]

2004 Westpoint Westpoint Vegetation Treatment Project—KSWILD EPIC Lawsuit [*http://www.fs.fed.us/r5/ecoplan/appeals/2004/fy04-0006.htm*]

2005 Meteor Timber Sale—KSWILD, EPIC, American Lands Alliance, Cascadia Wildlands Project Lawsuit [*http://www.fs.fed.us/r5/ecoplan/appeals/2005/fy05-0004.htm*] [*http://www.envirolaw.org/cases/Meteor%20First%20Amended%20Complaint.pdf*]

2005 Pomeroy Timber Sale—KSWILD Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/2005/fy05-0015.htm*]

2005 Elk Thin Timber Sale—KSWILD Appeal [*http://www.fs.fed.us/r5/ecoplan/appeals/2005/fy05-0023.htm*]

2006 Tamarack Timber Sale—KSWILD, Calif. For Alternatives To Toxics Appeal [*http://users.sisqtel.net/armstrng/timber%20appeals.htm*]

2007 Tennant WUI Hazardous Fuel Reduction—KSWILD Appeal [*http://users.sisqtel.net/armstrng/timber%20appeals.htm*]

2007 Happy Camp Fire Protection Phase 2 (HFRA)—KSWILD Objection [*http://users.sisqtel.net/armstrng/timber%20appeals.htm*]

2007–08 Pilgrim Vegetation Management Project (Shasta Trinity NF)—KFA, Conservation Congress lawsuit [*http://dmd-plt.ecosystem-management.org/appeals/displayDoc.php?doc=VjFab1EyUXhjRmhTYms1cVpXNU9OVlJXVWxkYWF6RnhWbGhuUFE9PQ==*]

2008 First Creek Forest Health Project—American Forest Resource Council Appeal [*http://dmd-plt.ecosystem-management.org/appeals/displayDoc.php?doc=VjFab1EyUXhjRmhTYms1cVpXNU9OVlJXVWxkYWF6bFZXbnBKUFE9PQ==*]

2010–2011 Elk Creek/Panther Salvage—KSWILD, EPIC, KFA, Center for Biological Diversity lawsuit [*http://www.leagle.com/xmlResult.aspx?xmldoc=In%20FCO%2020110325169.xml&docbase=CSLWAR3-2007-CURR*]

- Use of the Federal forest lands of the county, particularly for timber harvest, has been severely reduced by the Northwest Forest Plan and Aquatic Conservation Strategy. The current critical habitat designation for the northern spotted owl is anticipated to sequester more land from harvest (see previous section on economy and *Appendix A*).
- In 2001, The Biological Opinions for sucker fish and salmon, shut down the headgates for water delivery to Federal Klamath Water Project farms. This caused mass economic hardship with farmers losing their farms and migrant farm workers becoming stranded without work. Protests were held at the headgates and a civil disobedience event called the "Bucket Brigade" drew 20,000 people.

- With the concurrent Federal and state listing of the SONCC coho salmon, an attempt was made to create a programmatic incidental take permit (ITP) and watershed-wide streambed alteration permit. This was challenged by environmentalists and the permit defeated in court as not being restrictive enough. With some of the oldest water rights in the state dating back to the 1850–70s allocated by long-standing adjudications, permitting requirements and imposed conditions are being used in an attempt to redirect private water to instream flows for fish. Currently, two lawsuits are underway regarding permitting for irrigation diversion and the regulation of groundwater use under public trust for fish. Just this week, an environmental group filed a notice of intent to sue a municipal water district to remove an earthen dam under the claim that it "takes coho salmon."
- Recently, a Federal agent from NOAA accompanied by a state fish and game warden in full armed flack jacket regalia visited a local rancher on a complaint by an environmentalist that they had dewatered a stream through irrigation, therefore "taking" listed coho. The rancher was told they were looking into whether to prosecute the rancher civilly or criminally. For the past several years, many public hearings on fish and water issues now take place with armed game wardens present.
- In 1996, the "17 rivers" lawsuit against the U.S. EPA and the SWRCB (CA State Water Resources Control Board) brought water quality regulation to the county's major northern water-bodies (Klamath, Scott, Shasta, Salmon Rivers.) The lawsuit directed the establishment of Total Maximum Daily Loads for sediment, temperature, dissolved oxygen and nutrients. Considerable (expensive) efforts must be made to reduce sediment sources from roads. Tailwater recapture and recycling systems are being installed and one irrigation district has been given a mandate of donating a portion of its adjudicated water right to instream flows for fish. New requirements throughout the Klamath River system will require permits for irrigated agriculture.
- Siskiyou County was also among the counties impacted by the state legislature's moratorium on suction dredge mining for gold—an important historic industry to the area. Gold miners are unable to exercise their Federal mining rights.
- Local agricultural operations have been affected by the California Wildlife Protection Act of 1990. This protected mountain lions, which are a livestock and wild game predator. Local deer herds have been decimated by predation, depressing a once robust tourism opportunity for hunters. Depredation permits are issued annually and sheep operations have been particularly affected. Siskiyou County is the first county in California to see a gray wolf stray into its environs—another dangerous predator. Environmentalists have already petitioned the state for protection of the species.
- In 1996, the Federal Government initiated plans to acquire additional lands. In 1998, the National Forests commenced road decommissioning and implemented buffers of non-use around wilderness areas. In 1999, the Presidential "roadless policy" was implemented to declare additional areas off limits. This impacted the Klamath National Forest which had scheduled an Annual Planned Offer from Inventoried Roadless Areas of 1.49 MMBF, which was 4% of Average Volume Offered, 1996–1998. The Shasta Trinity National Forest had an Annual Planned Offer from Inventoried Roadless Areas of 3.68 MMBF, or 6% of Average Volume Offered, 1996–1998. Last year, local USFS began another round of road recognition, leading up to abandonment and decommissioning of additional roads. In 2003, a road that had been closed had to be re-opened for wildfire fighting. Its condition contributed to the death of eight firefighters when the engine rolled.
- "Rangeland Reform" restricted traditional use of public land grazing allotments for century-and-a-half-old local ranches. In addition, the State Board of Forestry has further restricted the management and use of private timber lands. Integrated Pest Management has affected lease lands on Federal refuges. Five-hundred-foot pesticide use restrictions will soon affect riparian farmlands on salmon streams.
- There are more than 152 miles of wild and scenic rivers in the County.
- Large areas of northern Siskiyou County have been under discussion for designation as National Monuments. In 2000, President Clinton declared the Cascade Siskiyou National Monument over the border in Oregon. This was originally proposed to include a portion of northern Siskiyou County, but was locally opposed. Documents appear to indicate that the Obama Administration is again

considering expanding the Oregon Monument into Siskiyou. Also, a second 200,000 acre National Monument appears to have also been put forth for consideration, known as the "Siskiyou Crest." This is widely opposed by local residents. Periodically, expansion of our already substantial Wilderness Areas in Siskiyou County has been proposed. For instance, in 2007, the proposed California Wild Heritage Act, S. 493, proposed the addition of 64,160 acres to the more than a quarter of a million acre Marble Mountain Wilderness; 19,360 acres to the 12,000 acre Russian Wilderness; and 51,600 acres to the 19,940 Red Butte Wilderness in Siskiyou County. This would have brought Wilderness right to the edge of Wildland Urban Interface areas. Portions of the 525,000 acre Trinity Alps Wilderness and the 182,802 acre Siskiyou Wilderness also fall into Siskiyou County. Also, the Castle Crags Wilderness and Mt. Shasta.

- Siskiyou County is the home of three of the four hydroelectric dams on the Klamath River that a bi-state group of several parties, including Federal agencies, wants removed. Siskiyou County does not want the dams removed. There has already been some litigation on this and it is likely that there will be more. Despite: (1) several local water adjudications with continuing jurisdiction by the Superior Court; (2) the Klamath River Basin Compact between the States of Oregon and California, ratified on April 17, 1957 which delegates in-county, non Federal project jurisdiction over surface water to the Siskiyou County Water Conservation District; and (3) state law which leaves jurisdiction over groundwater use to the county; the proposed Klamath Basin Restoration Agreement (KBRA) establishes a new chartered regional governance structure called the Klamath Basin Coordinating Council (KBCC). The Council will implement the KBRA resource, water management and fisheries restoration plan in contravention of County and District jurisdiction. The KBCC will include Federal and state agencies, tribal representatives, two counties (not Siskiyou,) certain Klamath Project water districts, environmental and commercial fishing groups.
- The Bureau of Reclamation has included the Klamath River system in its WaterSMART (Sustain and Manage America's Resources for Tomorrow) program [*http://www.usbr.gov/WaterSMART/bsp/*]. A study will look at the impacts of climate change on water resources and develop potential adaptation strategies. The program will create another multi-party regional group to manage water. Although a letter has been sent to the Bureau of Reclamation asking for coordination with the Siskiyou Flood Control and Water Conservation District and Siskiyou County, it has been ignored.

Sustainable Development, Ecosystem Management, Biodiversity and Rewilding

The American system of policymaking has a clear set of principles governing the relations between various actors in the process. Congress, acting on the preferences of the voters who elected it, makes laws that establish the objectives for programs. Administrative agencies, with Congressional grants of authority and appropriations of funds, implement the objectives established by Congress. In pursuing their statutory mandates, agencies are expected to marshal expertise, from both within and outside the agency. The role of the courts is to ensure that agencies do not deviate from their statutory mandates.

—*Congress and the Administrative State* by Lawrence C. Dodd, Richard L. Schott, 1979

This section uncovers the reasons for the confusion felt by Counties when comparing the statutes with current Forest Service management direction. It explains where we seem to have gone off track and why our National Forests no longer contribute much to the social and economic well-being of local communities and rural Counties. It explains why our National Forests experience huge, severe fires that threaten forest communities and leave our summers choked with smoke. For some reason, we no longer appear to be governing or managing for the people and human communities. It is like people are now a parasite to be protected against.

It is why the proposed Planning Rule stated:

The requirements for ecological sustainability would require responsible officials to provide plan components to maintain or restore elements of ecological sustainability. The requirements for social sustainability would require plan components to guide the unit's contribution to social and economic sustainability. sets of requirements recognizes the Agency has more influence over the factors that impact ecological sustainability on NFS lands (ecological diversity, forest health, road system management, *etc.*) than it does for social and economic sustainability (employment, income, community well-being, culture, *etc.*). National

Forest System lands can provide valuable contributions to economic and social sustainability, but that contribution is just one in a broad array of factors that influence the sustainability of social and economic systems.

Congress authorized presidents of the United States to reserve certain forest lands from the public domain by what is now called the Forest Reserve Act of 1891, and provided for management of these forest reserves by the Organic Act of 1897:

". . . to improve and protect the forests . . . securing favorable conditions of water flows, and furnish a continuous supply of timber for the use and necessities of United States citizens." In a later court decision, the court ruled that the Secretary of Agriculture may also consider the economic well-being of the citizens of a state wherein timber is located in administering national forest lands "for the use and necessities of citizens of the United States."

As the National Forest System evolved to its current size of almost 193 million acres, the U.S. Forest Service managed these lands to provide an increasingly wider range of multiple uses and benefits in terms of commodity and amenity resources for the American people. Later, the Multiple Use-Sustained Yield Act of 1960 (MUSYA) provided that the plans for forest management ". . . shall provide for multiple use and sustained yield of goods and services from the National Forest System" [36 CFR § 200.1(c)(2) (1997). Section 219.1] and that administration of the Forests should be ". . . for outdoor recreation, range, timber, watershed, and wildlife and fish purposes . . ." Multiple-use was defined as "management of all the various renewable surface resources of the National Forest System so that they are utilized in the combination that will best meet the needs of the American people." Sustained yield was defined as the "achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the National Forest System without impairment of the productivity of the land." [36 CFR § 219.3 (1997)]

In 1970, the Bolle Report criticized the Forest Service's emphasis on timber production and its reliance on clearcutting, and a court decision against the Forest Service in the Monongahela National Forest clearcutting case lead to the subsequent passage of the National Forest Management Act (NFMA). A fatal flaw in the 1976 NMFA opened the door to management according to an international platform never intended by Congress. NFMA requires that forest planning "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives" [16 U.S.C. sec. 1604(g)(3)(B)]. Congress ordered the Forest Service to set a goal of *diversity* in developing its forest plans, but it did not define the meaning of diversity.

In 1982 National Forest System Land and Resource Management Planning Regulations [*http://www.fs.fed.us/emc/nfma/includes/nfmareg.html#Fish%20and%20wildlife%20resource*] for developing forest plans transformed this general guideline into a stringent requirement: Sec. 219.19 Fish and wildlife resource "Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area. fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area." Sec. 219.26 Diversity. "Forest planning shall provide for diversity of plant and animal communities and tree species consistent with the overall multiple-use objectives of the planning area. Such diversity shall be considered throughout the planning process."

That regulation directs that effects of alternative management plans be measured by "management indicator species" (both vertebrate and invertebrate species) because their population changes are believed to indicate the effects of management activities. The second management directive included a requirement that "management prescriptions . . . shall preserve and enhance the diversity of plant and animal species, so that it is at least as great as that which would be expected in a natural forest."

This regulation would eventually lead to a fundamental transformation of forest policy when Judge Dwyer ordered the Forest Service to develop "revised standards and guidelines to ensure the northern spotted owl's viability" by March 1992. Then Dwyer proceeded to reject the Forest Service's attempt to adopt the Interagency Scientific Committee to Address Conservation of the Spotted Owl report of 1990, re-

quiring the agency to address viability issues related to other species in addition to the spotted owl, which led to the creation of the Forest Ecosystem Management Assessment Team (FEMAT). In developing a response, the Forest Service relied on the new science of conservation biology, which had helped to formulate an international agenda. Although the act was explicitly designed as a multiple-use statute, the implementation of its viability regulations forced the agency to subordinate timber production and other economic outputs to the preservation of ecosystems.

Ref: *Science, Politics, and U.S. Forest Law: The Battle over the Forest Service Planning Rule.* George Hoberg, June 2003, Discussion Paper 03–19 [*http://ageconsearch.umn.edu/bitstream/10604/1/dp030019.pdf*]

U.S. Involvement in an International Platform

See: *History of Dialogue Related to U.S. Government Commitment to Sustainable Forest/Resource Management*—Updated October 2002 by Ruth McWilliams of the USDA-Forest Service [*http://www.fs.fed.us/sustained/history-updated-oct02.rtf*])

1968—UNESCO held a Biosphere Conference on "ecosystems" and ecological planning. Recommendations were to establish natural areas for the preservation of species.

1970—The Man and the Biosphere (MAB) program established a statutory framework for a world network of biosphere reserves. The reserves were to contain three elements: one or more core areas securely protected for conserving biological diversity; a clearly defined surrounding buffer zone used for compatible sound ecological practices; and an transition area that might contain agriculture activities or settlements where resources are managed collaboratively on a sustainable basis. This pattern was later to be followed by the USFS in the designation of Late Successional and Riparian Reserves, Adaptive Management Areas and Matrix Lands.

1980—The World Conservation Strategy—Living Resource Conservation for Sustainable Development [*http://data.iucn.org/dbtw-wpd/edocs/WCS-004.pdf*] was formulated as an international framework for the preservation of species and sustainable development by the International Union for the Conservation of Nature and Natural Resources (IUCN) in cooperation with the U.N. Environmental Program (UNEP) and World Wildlife Fund (WWF), FAO and UNESCO.

1983—UNESCO and UNEP jointly convened the First International Biosphere Reserve Congress in Minsk, in cooperation with FAO and IUCN. The Congress's activities gave rise in 1984 to an Action Plan for Biosphere Reserves which was formally endorsed by the UNESCO General Conference.

1987–88—*The Brudtland Commission Report,* or *Report of the World Commission on Environment and Development: Our Common Future* [*http://www.un-documents.net/wced-ocf.htm*] popularized term "sustainable development." It defined sustainable development as ". . . development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Note how this is reflected in the current stated USFS mission: "The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations." That is not the mission as stated by the Organic Act or MUSYA.

1990—Congress directed the Forest Service under The Global Climate Change Prevention Act to establish an Office of International Forestry under a new and separate Deputy Chief in the Forest Service to assume a greater role in international environmental affairs.

International Forestry, a new "leg" of the Forest Service (along with the National Forest System, Research, and S&PF), was established in 1991 to coordinate and cooperate with other countries on matters dealing with forestry and the environment. Although previous programs had worked closely with other countries to provide expertise and experience in these matters, the International Forestry program area has given higher priority to engaging in dialogue and cooperation with other countries to solve global resource problems. The 1992 signing of the Forest Principles and Agenda 21 at the United Nations Conference on Environment and Development (UNCED)—the "Earth Summit"—was coordinated by this new branch of the agency. [*http://www.foresthistory.org/ASPNET/Publications/first_century/sec8.htm*]

1990—The USFS shifted emphasis from "sustained yield to sustaining ecosystems" including "biological diversity and ecological function" or "ecosystems" as exemplified in a paper by USFS research scientists entitled "New Perspectives for Sustainable Resource Management" (by Kessler, Salwasser, Cartwright and Caplan

(1992) *Ecological Applications,* Volume: 2, Issue: 3) also known as "New Forestry" or "ecosystem management."

1991—"Caring For The Earth: A Strategy for Sustainable Living" [*http://coombs.anu.edu.au/~vern/caring/care-earth5.txt*] was published by the IUCN—The World Conservation Union, UNEP—United Nations Environment Programme, and WWF—World Wide Fund For Nature. Items included: 4.1. Adopt a precautionary approach to pollution; 4.3. Reduce greenhouse gas emissions; 4.5. Adopt an integrated approach to land and water management, using the drainage basin as the unit of management; 4.6. Maintain as much as possible of each country's natural and modified ecosystems; 4.8 protect large areas of old-growth forest; 4.9. Complete and maintain a comprehensive system of protected areas.

1991–1992—A series writings from USDA Forest Service employees described changes happening at the USFS. "Research in a New Role" by Winifred B. Kessler, Asst. Director for Research and Development, New Perspectives Staff, USDA Forest Service, states:

> The research goal for New Perspectives is to enhance the scientific basis for managing the national forests and grasslands in an ecologically sound and socially acceptable manner. New Perspectives presents new research and management challenges that must be addressed from a whole-system perspective. The new challenge is to sustain the integrity of landscapes and ecosystems with their diverse values, rather than simply sustaining a flow of use outputs . . . Increasingly, scientists must take a landscape-level approach in the study of ecosystems and natural resource interactions. The time has never been better, as new developments in remote sensing and geographic information systems provide unprecedented capability for landscape-level research. [*http://www.fs.fed.us/eco/eco-watch/ew910322*]

In addition in 1992, Dave Iverson talks about "ecosystem management" and "overcoming organizational sickness" in "Building Quality into National Forest Management" [*http://www.fs.fed.us/eco/eco-watch/ew921014*].

1992—

> The Forest Service participated in a January 1992 conference called "Defining Sustainable Forestry." This conference was attended by "[e]cologists, foresters, economists, and sociologists." The purpose of the conference was to develop the idea of ecosystem management. The participants' ideas were reduced to chapters in a book entitled Defining Sustainable Forestry which was updated and published in 1993. In a chapter written by Forest Service officials, the Forest Service outlined "four principles to guide the evolution of ecosystem management":
>
> 1. Protect land health by restoring or sustaining the integrity of soils, air, waters, biological diversity, and ecological processes, thereby sustaining what Aldo Leopold (1949) called the land community and what we now call ecosystems.
>
> 2. Within the sustainable capability of the land, meet the needs of people who depend on natural resources for food, fuel, shelter, livelihood, and inspirational experiences.
>
> 3. Contribute to the social and economic well-being of communities, regions, and the nation through cost effective and environmentally sensitive production and conservation of natural resources such as wood, water, minerals, energy, forage for domestic animals, and recreation opportunities, again within sustainable capability of the land.
>
> 4. Seek balance and harmony between people, land, and resources with equity between interests, across regions, and through generations, meeting this generation's resource needs while maintaining options for future generations also to meet their needs.
>
> (from *The U.S. Commitment to Agenda 21: Chapter 11 Combating Deforestation—The Ecosystem Management Approach,* Susan Bucknum. [*http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1005&context=delpf*])

1992—

> The first objective of a strategy for conserving biodiversity must be the development of national and international policy frameworks that foster the sustainable use of biological resources and the maintenance of biodiversity. Additionally, national networks of protected areas must be strengthened and expanded to cover all key biomes and ecosystems, and the management objectives of pro-

tected areas must be harmonized with those for the surrounding ecosystems and human communities.

(from *Global Biodiversity Strategy Guidelines for Action to Save, Study, and Use Earth's Biotic Wealth Sustainably and Equitably;* World Resources Institute (WRI), The World Conservation Union (IUCN), United Nations Environment Programme (UNEP), in consultation with Food and Agriculture Organization (FAO), United Nations Education, Scientific and Cultural Organization (UNESCO) "Building a Sustainable Society: The Context for Conserving Biodiversity." [*http://pdf.wri.org/globalbiodiversitystrategy_bw.pdf*])

1992—Rio Earth Summit, President George H.W. Bush signs the Framework Convention on Climate Change, endorses the Rio Declaration [*http://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm*], the Forest Principles [*http://www.un.org/documents/ga/conf151/aconf15126-3annex3.htm*], and adopts Agenda 21 [*http://www.un.org/esa/dsd/agenda21/res_agenda21_00.shtml*] on behalf of the United States of America. This was coordinated by the new International Forestry branch of the U.S. Forest Service.

Agenda 21 Section II, Conservation and Management of Resources for Development, Chapter 11, Combating Deforestation, Section A: Sustaining the multiple roles and functions of all types of forests, forest lands and woodlands is [*http://www.un.org/esa/dsd/agenda21/res_agenda21_11.shtml*].

According to Hal Salwasser *et al.,* (in Salwasser, Hal; MacCleery, Douglas W.; Snellgrove, Thomas A. 1993. *An ecosystem perspective on sustainable forestry and new directions for the U.S. National Forest System.* In: Aplet, Gregory H.; Johnson, Nels; Olson, Jeffery T.; Sample, Alaric V.; eds. *Defining Sustainable Forestry.* Washington, D.C.: Island Press. 44–89) Section A posed a mandate for change to U.S. Forest Service policy. The historic management policies of the Forest Service "focus[ed] on producing and renewing selected resources (such as timber, game fish, and livestock forage) or single sectors of forest-related enterprises (such as wood products, recreation, and cattle industry)." The selected-use policies only considered sustaining certain resources and not protecting the forest as a whole. In order for the United States to fulfill its commitment to Chapter 11, it needed to assess its management directives and implement sustainable management practices which was not management for multiple uses but rather for sustaining the forest ecosystem as a whole. The recommended "activity" for attaining sustainable management was to adopt planning techniques that protect the biodiversity of a forest.

Agenda 21 Section II, Section A, Chapter 11.4 required data collection as to land classification, land use, forest cover, endangered species, ecological values, traditional/indigenous land use values, biomass and productivity, correlating demographic, socioeconomic and forest resources information. GAP Analysis—Land use classification and biological assessment [*http://gapanalysis.usgs.gov/gap-analysis/*] was later used as a tool to identify areas for set asides/roadless/wilderness and for private land regulation or acquisition.

Agenda 21 Section II, Section B has the major goal for nations to plan for the maintenance of their forests as a whole, and not for consumption of particular resources. Enhancing the protection, sustainable management and conservation of all forests, and the greening of degraded areas, through forest rehabilitation, afforestation, reforestation and other rehabilitative means was specified in Chapter 11.13:

(b) Establishing, expanding and managing, as appropriate to each national context, protected area systems, which includes systems of conservation units for their environmental, social and spiritual functions and values, including conservation of forests in representative ecological systems and landscapes, primary old-growth forests, conservation and management of wildlife, nomination of World Heritage Sites under the World Heritage Convention, as appropriate, conservation of genetic resources, involving *in situ* and *ex situ* measures and undertaking supportive measures to ensure sustainable utilization of biological resources and conservation of biological diversity and the traditional forest habitats of indigenous people, forest dwellers and local communities.

(c) Undertaking and promoting buffer and transition zone management;

This is the Man and Biosphere system of core areas, buffers and transition areas.

Prior to the adoption of Agenda 21, the U.S. Forest Service's management objectives were directed toward providing for multiple-use and sustained yield of resources via the Multiple Use—Sustained Yield Act of 1960 (Public Law 86–517). Multiple-use management means managing renewable surface resources so that they are utilized in a way that best meets the needs of the American public. It does not include consideration of effects on sustaining biodiversity.

Ref: *The U.S. Commitment to Agenda 21: Chapter 11 Combating Deforestation—The Ecosystem Management Approach,* Susan Bucknum [*http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1005&context=delpf*].

From the *Rio Declaration, Annex III Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests* [*http://www.un.org/documents/ga/conf151/aconf15126-3annex3.htm*]:

> Preamble (d) These principles reflect a first global consensus on forests. In committing themselves to the prompt implementation of these principles, countries also decide to keep them under assessment for their adequacy with regard to further international cooperation on forest issues . . .
>
> Principles/Elements 1.(b) Forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual needs of present and future generations.
>
> Principles/Elements 3.(a) National policies and strategies should provide a framework for increased efforts, including the development and strengthening of institutions and programmes for the management, conservation and sustainable development of forests and forest lands.
>
> Principles/Elements 8.(e) Forest management should be integrated with management of adjacent areas so as to maintain ecological balance and sustainable productivity.
>
> Principles/Elements 8.(f) National policies and/or legislation aimed at management, conservation and sustainable development of forests should include the protection of ecologically viable representative or unique examples of forests, including primary/old-growth forests, cultural, spiritual, historical, religious and other unique and valued forests of national importance.
>
> Principles/Elements 13.(c) Incorporation of environmental costs and benefits into market forces and mechanisms, in order to achieve forest conservation and sustainable development, should be encouraged both domestically and internationally.

1992–1993—President Bush did not sign the Convention on Biological Diversity in 1993. It was signed by President Clinton in 1994, although **never ratified by Congress.** From Article 8. *In-situ* Conservation [*http://www.cbd.int/convention/articles/?a=cbd-08*]:

> (a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
>
> (b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;
>
> (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
>
> (d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
>
> (e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;
>
> (f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia,* through the development and implementation of plans or other management strategies;
>
> * * * * *
>
> (i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;.
>
> * * * * *
>
> (l) Where a significant adverse effect on biological diversity has been determined, regulate or manage the relevant processes and categories of activities.

This is the document upon which the infamous map [*http://www.proliberty.com/observer/20091223.htm*] entitled "simulated reserve and corridor system to protect biodiversity" was based.

1993—The Helsinki Conference defined "sustainable management of forests" as the stewardship and use of forests and forest lands in a way, and at a rate, that

maintains their biodiversity, productivity, regeneration capacity, vitality, and their potential to fulfill, now and in the future, relevant ecological, economic, and social functions, at local, national, and global scales, and that does not cause damage to other ecosystems.

1993—The United States became a signatory to The Montreal Process [*http://www.rinya.maff.go.jp/mpci/evolution_e.html*]. Countries identified the following seven criteria as essential components in the sustainable management of forest ecosystems, as well as 67 different indicators specific for each criteria [*http://www.rinya.maff.go.jp/mpci/rep-pub/1995/santiago_e.html*] (1) Conservation of biological diversity; (2) Maintenance of productive capacity of forest ecosystems; (3) Maintenance of forest ecosystem health and vitality; (4) Conservation and maintenance of soil and water resources; (5) Maintenance of forest contribution to global carbon cycles; (6) Maintenance and enhancement of long-term multiple socioeconomic benefits to meet the needs of societies; and (7) Legal, institutional and economic framework for forest conservation and sustainable management.

1993—Eldon W. Ross Associate Deputy Chief for Research, USDA Forest Service submitted a statement [*http://www.fs.fed.us/sustained/ross-june-93.doc*] to the Second Ministerial Conference on the Protection of Forests in Europe indicating that "the United States believes that the conservation and sustainable management of forests is on of our most pressing global needs" and stating that:

> At a Forest Congress held on April 2, 1993, wherein all interests were gathered, the President proposed this fundamental question related to harmonizing human, biological, and economic imperatives: "How can we achieve a balanced and comprehensive policy that recognizes the importance of forests and timber to the economy and jobs of this region, and how can we preserve our precious old-growth forests, which are part of our national heritage and that, once destroyed, can never be replaced?"
>
> This Forest Conference initiated an aggressive assessment, with ensuing announcements to be released this summer.
>
> This situation is an example of a larger commitment by U.S. forest land management agencies towards implementation of Agenda 21. As announced in June 1992, all U.S. Federal forests are to be managed using an ecological approach. This policy will continue to uphold multiple-use, but with an emphasis on blending the needs of people and environmental values—with the result that our national forests and associated ecosystems will be diverse, healthy, productive, and sustainable.

1993—Presidential Decision Directive/NSC–16 *Environmental Policy on International Desertification, Forest Conservation and Fresh Water Security,* The White House November 5, 1993 [*http://www.fs.fed.us/sustained/pres-decision-11-1993.doc*] stated:

> Our strategy includes bilateral programs to conserve forests and biodiversity and maintain existing carbon reservoirs, and support for appropriate activities in the proposed World Commission on Forests and Sustainable Development, the United Nations Commission on Sustainable Development, the Food and Agriculture Organization, and other fora to foster international agreement on forest management . . .
>
> The United States is committed to a national goal of achieving sustainable management of U.S. forests by the year 2000.

1993—Vice President Al Gore called for the Federal Government to adopt an approach for ensuring sustainable economic development while also sustaining the environment through ecosystem management. An accompanying report of the National Performance Review, Improving Environmental Management [*http://govinfo.library.unt.edu/npr/library/reports/env.html*] concluded "The President should issue a directive that: establishes a national policy to encourage sustainable economic development and ensure sustainable ecosystems through ecosystem management . . ."

The White House Office of Environmental Policy (OEP) took the lead for the Federal initiative on ecosystem management by establishing the Interagency Ecosystem Management Task Force (IEMTF) to carry out Vice President Gore's mandate.

The EPA published an internal working document (NPR) [*http://www.discerningtoday.org/members/Analyses/EPA_Ecosystem.htm*] outlining the Administration's environmental strategy: Evaluating National Policies/International Obligations:

> The Executive Branch should direct Federal agencies to evaluate national policies on environmental protection and resource management in light of inter-

national policies and obligations, and to amend national policies to more effectively achieve international objectives. The State Department, USDI, EPA, USFS, NMFS, and other involved agencies should be directed to further develop national and international policies related to ecosystem management. In addition, the U.S. should to [sic] develop human population policies that are consistent with sustainable economies and ecosystems. Regional Landscape Planning: "EPA can take a number of actions that would stimulate land use planning by state and local governments in a constructive manner, and which would not result in an overly intrusive Federal role in land use planning. EPA should direct grants to states and local governments to form regional planning units around ecosystem protection and sustainability values. EPA should provide technical assistance to the state and local governments, and will develop a list of suggested criteria for use by the state and local governments in their planning decision making."

1993—When Congress refused to pass legislation to establish the National Biological Service [*http://www.doi.gov/pfm/par/acct1995/ar1995nbs.pdf*], DOI Secretary Babbitt unilaterally created it and shifted funding to it. In 1995, the NBS report *Our Living Resources* [*http://archive.org/details/ourlivingresourc00unit*] outlined trends on the distribution, abundance and health of U.S. plants, animals and ecosystems.

1993—President Clinton created the Office of the Federal Environmental Executive, the Office of Science and Technology Policy, and the President's Council on Sustainability [*http://clinton2.nara.gov/PCSD/*] by Executive Orders. The Council adopted the Brundtland Commission's definition of sustainable development: *Towards a Sustainable America: Advancing Prosperity* [*http://clinton2.nara.gov/PCSD/Publications/suscomm/ind_suscom.html*], *The Road to Sustainable Development: A Snapshot of Activities in the United States of America* [*http://clinton2.nara.gov/PCSD/Publications/Snapshot.html*], Sustainable Communities Task force Report Fall 1997 [*http://clinton2.nara.gov/PCSD/Publications/tsa.pdf*], and *Advancing Prosperity, Opportunity, and a Healthy Environment for the 21st Century,* May 1999 [*http://clinton2.nara.gov/PCSD/Publications/TF_Reports/amer-top.html*].

1993—The Forest Ecosystem Management Team (FEMAT) was chartered (Northern Spotted Owl case).

1994—The Sierra Nevada Ecosystem Project (SNEP) was chartered.

1994—The Ecosystem Management Coordinating Group (IEMCG), focused the resources of 20 Federal agencies to achieve "comprehensive integrated resource management" on an ecosystem basis (see CRS Report to Congress [*http://www.cnie.org/NLE/CRSreports/Biodiversity/biodv-4f.cfm*]).

1994—President Clinton signed Executive Order 12906, "Coordinating Geographic Data Acquisition and Access: the National Spatial Data Infrastructure" [*http://www.archives.gov/federal-register/executive-orders/pdf/12906.pdf*]. (GAP Analysis)

1994—United States GAO Report is issued on *Ecosystem Management Ecosystem Management: Additional Actions Needed to Adequately Test a Promising Approach* [*http://archive.gao.gov/t2pbat2/152537.pdf*].

1995—The GBA Global Biodiversity Assessment [*http://jrscience.wcp.muohio.edu/studentresearch/climatechange02/kyoto/articles/UNEP.pdf*] is developed at the behest of the United Nations Environment Programme (UNEP) with funding provided by the Global Environment Facility (GEF) provides a blueprint for implementation of the Convention on Biological Diversity.

Chapter 10.4—Measures to Conserve and Restore Ecosystems: Ecosystem conservation measures seek to limit human activities in limited geographic areas where they may adversely impact populations of species or interfere with ecosystem processes. The goal of conservation biologists is to use conservation measures in enough areas to protect a representative array of ecosystems and their constituent biodiversity.

10.4.2.1—Protected Areas Protected areas are defined by the Convention on Biological Diversity as "a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives."

10.4.2.2.2—Corridors in Fragmented Landscapes Biotic: movement in a fragmented landscape requires movements between individual fragments (protected areas). Corridors of native vegetation linking fragments are commonly seen as a solution to this.

10.4.2.2.3—Protection and Management of Fragments: The protection and management of fragments requires a reduction in the deleterious effects of matrix-derived influences on remnants and an increase in the area and connectivity of

habitat. This means that representative areas of all major ecosystems in a region need to be reserved, that blocks should be as large as possible, that buffer zones should be established around core areas, and that corridors should connect these areas. (This basic design is central to the "Wildlands Project" in the United States. Reed F. Noss, The Wildlands Project land conservation strategy. *WildEarth,* Special issue, 1992).

10.4.4—Restoration and Rehabilitation Landscape restoration aims at improving the design of the existing system of fragments by increasing habitat area and connectivity, and by providing buffer zones around existing fragments to protect them from external influences.

1995—the President's National Science and Technology Council (NSTC) established an Ecosystem Working Group. It concluded (1) that pursuit of improved quality of life often threatens the sustainability of ecosystems, (2) continued decreases in productivity and vitality of ecosystems which can result in increased deterioration of ecosystems that are incompletely understood, (3) the basis for human development has been the availability of healthy natural ecosystems and the resources they provide, and (4) that to sustain further human development, the ecological base to support it must be sustained.

1995—The Seville Strategy and the Statutory Framework for the World Network of Biosphere Reserves [*http://unesdoc.unesco.org/images/0010/001038/103849e.pdf*] was completed under UNESCO:

1.1 1. Promote biosphere reserves as means of implementing the goals of the Convention on Biological Diversity.

1.1 2. Promote a comprehensive approach to biogeographical classification (GAP analysis) that takes into account such ideas as vulnerability analysis.

1.2 4. Link biosphere reserves with each other, and with other protected areas, through green corridors and in other ways that enhance biodiversity conservation, and ensure that these links are maintained.

2.1 2. Incorporate biosphere reserves into plans for implementing the sustainable use goals of Agenda 21 and the Convention on Biological Diversity.

3.1 7. Integrate biosphere reserves into regional planning.

In 1996 UNESCO began Implementation of the Seville Strategy and Statutory Framework of the World Network of Biosphere reserves [*http://www.iisd.ca/forestry/ipfhist.html*]. The Intergovernmental Panel on Forests (IPF) was established in 1995 by the United Nations Commission on Sustainable Development to follow up the UNCED recommendations on sustainable forest management.

1995—The U.S. agreed to the Santiago Declaration [*http://www.fs.fed.us/sustained/santiago3_e.html*], *Statement on Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests:*

Affirming their commitment to the conservation and sustainable management of their respective forests . . . Endorse the non-legally binding Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests annexed to this Statement as guidelines for use by their respective policy-makers . . .

1995—Fourteen Federal agencies signed a Memorandum of Understanding to Foster the Ecosystem Approach (OEP 1996) [*http://library.fws.gov/Pubs9/ecosystem_approach98_files/intro_projconcept.htm*].

The memorandum defines the ecosystem approach as *A method for sustaining or restoring ecological systems and their functions and values. It is goal driven and it is based on a collaboratively developed vision applied within a geographic framework defined primarily by ecological boundaries.* (Section 1 Definitions).

The goal of the Ecosystem Approach as stated in this interagency memorandum, was to: *restore and sustain the health, productivity, and biological diversity of ecosystems and the overall quality of life through a natural resource management approach that is fully integrated with social and economic goals.*

An Interagency Ecosystem Management Task Force issues *The Ecosystem Approach: Healthy Ecosystems and Sustainable Economies Volume II Implementation Issues* (Overcoming statutory and jurisdictional barriers to a unified approach) [*http://www.denix.osd.mil/nr/upload/ecosystem2.htm*].

1996—The President's Council on Sustainability issues a report entitled *Sustainable America: A New Consensus for Prosperity, Opportunity, and A Healthy Environment for the Future* [*http://clinton2.nara.gov/PCSD/Publications/TF_Reports/amer-top.html*]. This report outlined goals for "economic prosperity, environmental

protection, and social equity together" (known as the 3 e's). An Excerpt on Sustainable Forest Management, Chapter 5, Natural Resources Stewardship [*http://www.fs.fed.us/sustained/pcsd-1996.doc*] includes the statement:

> In 1992, during the United Nations Conference on Environment and Development in Rio de Janeiro, the United States announced its commitment to carry out ecosystem management on all Federal forest lands. And, at the Second Ministerial Conference on the Protection of Forests in 1993 in Helsinki, the United States declared its commitment to the goal of achieving sustainable management of all U.S. forests by the year 2000.

1996—*A Framework for Ecosystem Management in Interior Columbia Basin* (including parts of the Klamath and Great Basin) was released.

1996—The Secretary of Agriculture established Dept.-wide policy on Sustainable Development (Scty. Memorandum 9500–6) focusing on sustainable agriculture, sustainable forestry, and sustainable rural community development.

1997—The President's Council on Sustainability released *Building on Consensus: A Progress Report on Sustainable America* [*http://clinton2.nara.gov/PCSD/Publications/Progress_Report.html*]. It recommended:

> Fully Participate in International Sustainable Development Activities in 1997. Next year's observance of the fifth anniversary of the Earth Summit in Rio will provide several opportunities for the United States to demonstrate continued international leadership on sustainable development. We encourage you to ensure that the U.S. government fully participates in these fora.

1997—The Rio Earth Summit+5 Resolution [*http://www.un.org/esa/earthsummit/*] adopted by the General Assembly includes:

> We reaffirm that Agenda 21 remains the fundamental programme of action for achieving sustainable development . . . Progress has been made in incorporating the principles contained in the Rio Declaration on Environment and Development—including the principle of common but differentiated responsibilities, which embodies the important concept of and basis for international partnership; the precautionary principle; the polluter pays principle; and the environmental impact assessment principle . . . Economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development . . . . Sustainable development strategies are important mechanisms for enhancing and linking national capacity so as to bring together priorities in social, economic and environmental policies . . . In integrating economic, social and environmental objectives, it is important that a broad package of policy instruments, including regulation, economic instruments, internalization of environmental costs in market prices, environmental and social impact analysis, and information dissemination, be worked out in the light of country-specific conditions to ensure that integrated approaches are effective and cost-efficient. Unsustainable patterns of production and consumption, particularly in the industrialized countries, are identified in Agenda 21 as the major cause of continued deterioration of the global environment. While unsustainable patterns in the industrialized countries continue to aggravate the threats to the environment, there remain huge difficulties for developing countries in meeting basic needs such as food, health care, shelter and education for people. All countries should strive to promote sustainable consumption patterns; developed countries should take the lead in achieving sustainable consumption patterns; developing countries should seek to achieve sustainable consumption patterns in their development process, guaranteeing the provision of basic needs for the poor, while avoiding those unsustainable patterns, particularly in industrialized countries, generally recognized as unduly hazardous to the environment, inefficient and wasteful, in their development processes . . .

1997—The Nairobi Declaration [*http://www.ourplanet.com/imgversn/86/nairobi.html*] of the Governing Council of the United Nations Environment Programme on the Role and Mandate of UNEP is issued, in which the role of UNEP is confirmed as "the leading global environmental authority that sets the global environmental agenda, that promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and that serves as an authoritative advocate for the global environment . . ."

1997—Information Provided by the Government of United States to the United Nations Commission on Sustainable Development—Implementation of Agenda 21: Review of Progress Made Since the United States Conference on Environment and

Development, 1992 [*http://www.un.org/esa/earthsummit/usa-cp.htm*] includes the statements:

Chapter 10: Integrated Approach to the Planning and Management of Land Resources

. . . With respect to Federal lands, the U.S. Department of Agriculture (USDA) and the U.S. Department of the Interior (USDI) have embraced the Ecosystem Approach to land management. The Ecosystem Approach to land management entails a comprehensive evaluation of all natural resource areas when making land management decisions within both Federal and non-Federal territory . . . TNC [The Nature Conservancy] has also helped establish a network of "Heritage Programmes" which are in place in all fifty states. These programmes inventory endangered and threatened species and provide the scientific basis for prioritizing and guiding development away from critical habitat areas. The USDI National Biological Service (NBS) is establishing mechanisms to collect and assess biological information that will assist decision makers in developing management and protection strategies.

Chapter 11: Combating Deforestation

. . . The U.S. is moving forward to enforce its commitment to sustainable forestry by several measures, including: establishing an ecosystem approach to sustainable forest management, inventorying forest area by ecosystem, and adjusting the balance between environmental and commercial use of publicly owned lands. It also includes developing domestic criteria and indicators for sustainable management of U.S. forests and participating in the development of internationally agreed criteria and indicators for the conservation and sustainable management of temperate and boreal forests.

1997—The Kyoto Protocol of the UN Framework Convention on Climate Change, adopted at the third Conference of the Parties makes explicit reference to land use change and forestry under several of its articles.

1997—A Committee of Scientists is appointed "to provide scientific and technical advice" to the Secretary of Agriculture and the Chief of the Forest Service on improvements that can be made in the National Forest System Land and Resource Management planning process. Instead, the Committee declared that ecological sustainability should be given priority over social and economic sustainability. In their report entitled *Sustainability: The Overarching Objective of National Forest Stewardship* (no longer available online) they wrote:

Accordingly, based on the statutory framework for the national forests and grasslands, the first priority for management is to retain and restore the ecological sustainability of these watersheds, forests, and rangelands for present and future generations. The Committee believes that the policy of sustainability should be the guiding star for stewardship of the national forests and grasslands to assure the continuation of this array of benefits . . . Sustainability is broadly recognized to be composed of interdependent elements, ecological, economic, and social. It operates on several levels. As a collective vision, sustainability means meeting the needs of the present generation without compromising the ability of future generations to meet their needs. As an approach to decision making, it calls for integrating the management of biological and ecological systems with their social and economic context, while acknowledging that management should not compromise the basic functioning of these systems.

In *Ecological Sustainability: "A Necessary Foundation for Stewardship"* is the statement:

Ecological sustainability entails maintaining the composition, structure, and processes of a system. The National Forest Management Act (NFMA) establishes the goals of maintaining species' diversity and ecological productivity; these goals are consistent with the concept of ecological sustainability. The Committee recommends that ecological sustainability provide a foundation upon which the management for national forests and grasslands can contribute to economic and social sustainability. This finding does not mean that the Forest Service is expected to maximize the protection of plant and animal species and environmental protection to the exclusion of other human values and uses. Rather, it means that planning for the multiple use and sustained yield of the resources of national forests and grasslands should operate within a baseline level of ensuring the sustainability of ecological systems and native species.

> Without ecologically sustainable systems, other uses of the land and its resources could be impaired.

1997—The fifth Council on Sustainable Development and the 19th Special Session of the UN General Assembly (UNGASS) endorsed the Intergovernmental Panel on Forests' (IPF) outcome and recommended a continuation of the intergovernmental policy dialogue on forests. Subsequently, the UN Economic and Social Council (ECOSOC) established the Intergovernmental Forum on Forests (IFF) to continue this work under the auspices of the CSD. In its final meeting in 1997, the UN *Ad Hoc* Intergovernmental Panel on Forests recommended more than 150 Proposals for Action to the international community to address a range of forest problems that countries should address at the domestic level. The IPF Proposals cover five themes: (1) Implementation of the United Nations Conference on Environment and Development (UNCED) decisions related to forests at the national and international levels; (2) International cooperation in financial assistance and technology transfer; (3) Scientific research, forest assessment, and development of criteria and indicators for sustainable forest management; (4) Trade and environment in relation to forest products and services; (5) International organizations and multilateral institutions, and instruments, including appropriate legal mechanisms. See *A Brief to Global Forest Policy* [*http://www.iisd.ca/process/forest_desertification_landforestintro.htm*].

1998—A UN Workshop on the Ecosystem Approach produced the Malawi Principles [*http://www.fao.org/DOCREP/006/Y4773E/y4773e0e.htm*], twelve principles/characteristics of the ecosystem approach to biodiversity management which were presented at the Fourth Meeting of the Conference of the Parties to the Convention on Biological Diversity.

1998—Secretary Dan Glickman made these opening remarks [*http://www.fao.org/DOCREP/006/Y4773E/y4773e0e.htm*] at the Sustainable Resource Management Meeting:

> It is my hope and expectation that the same level of commitment that led to international development and agreement on the criteria and indicators for sustainable forest management, will now occur at the national level as we work to implement and build on this framework.

1998—G8 Foreign Ministers, including President Clinton, approved an *Action Program on Forests* [*http://www.mofa.go.jp/policy/economy/summit/2002/g8forest2.html*]. The action program commits G8 countries (the world's major industrial democracies) to take specific actions in five areas: monitoring, remote sensing data and assessment, national forest programs, protected areas, private sector, and illegal logging. G8 members are providing financial and technical resources for work to utilize remote sensing, promote decentralization of forest management, consolidate establishment of cross-boundary Peace Parks, encourage public-private partnerships, and strengthen forest law and governance.

1999—The Presidents Council on Sustainable Development issued a report entitled *Natural Resources Management and Protection Task Force Report* [*http://clinton2.nara.gov/PCSD/Publications/TF_Reports/natural.pdf*] which stated:

> Convene a National Forestry Advisory Council comprised of a representative balance of stakeholders to define and help achieve sustainable management of forests on a national basis by the year 2000.
>
> . . . this recommendation would include reviewing the possible classification of public and private forestlands in states by management goal categories . . .
>
> The United States announced its commitment to implement ecosystem management on all Federal forestlands at the Earth Summit in June 1992 at Rio de Janeiro. The United States also made a commitment to a national goal of achieving sustainable management of U.S. forests by the year 2000 at the Ministerial Conference on the Protection of Forests in June 1993 at Helsinki, Finland.

1999—Doug MacCleery, Assistant Director of Forest Management for the USDA/Forest Service, wrote in *Ecological Sustainability, Consumption and NIMBYism* [*http://www.inwoodlands.org/storage/past-issues/EcologicalSustainability.htm*]:

> Over the last two decades there has been a substantial shift in the management emphasis of public lands in the United States. This shift has increased the emphasis on managing for biodiversity protection and amenity values, and reduced commodity outputs. Terms like "ecosystem management" and "ecological sustainability" are used to describe this change in management emphasis, which is often referred to as a "paradigm shift."

McCleery goes on to decry the fact that consumption patterns have not decreased, redirecting timber production to Canada and private forests. He advocates for an individual behavioral ethic of reduction in personal consumption.

1999—The Board on Sustainable Development, Policy Division, National Research Council at the National Academy of Sciences released *Our Common Journey* [*http://www.nap.edu/openbook.php?isbn=0309067839*] to address the research needs for the global commons of atmosphere, land, and water as well as to respond to the Academies' desire to reinvigorate the role of science and development in sustainable development.

1999—The UNCED Committee on Forestry, Inter-governmental Panel on Forests (IPF) [*http://www.fao.org/docrep/meeting/X0703e.htm*] issued a final report containing 143 proposals for action in four areas relating to the implementation of UNCED decisions: (1) formulation and implementation of national forest and land use plans, (2) international cooperation in financial assistance and technology transfer, (3) forest assessment and development of Criteria and Indicators for sustainable forest management, (4) trade and the environment relating to forest products and services, international organizations and multilateral institutions and instruments, including appropriate mechanisms.

2000—The UN Economic and Social Council (ECOSOC), responding to recommendations of the *ad hoc* Intergovernmental Forum on Forests (IFF), outlined an international arrangement on forests and established a new permanent subsidiary body, the UN Forum on Forests (UNFF). The international arrangement and UNFF were established to facilitate implementation of the IPF/IFF Proposals for Action, provide forum for policy dialogue, enhance coordination of work of international organizations, foster international cooperation, monitor and assess progress, and enhance political commitment to sustainable forest management.

2000–2005—The UN Forum on Forests (UNFF) operated under a multi-year program of work from 2000–2005, focusing on thematic areas related to sustainable forest management, including: deforestation, forest restoration, biological diversity, forest health, forest products, economic aspects of forests, forest-related scientific knowledge, social and cultural aspects, traditional forest-related knowledge, and monitoring, assessment and reporting. Also through this process, the Collaborative Partnership on Forests (CPF) [*http://www.cpfweb.org/en/*], a partnership among international forest-related organizations, was established to provide a means for United Nations agencies and multilateral donors to improve coordination of their efforts to facilitate sustainable forest management. The interagency partnership, which includes fourteen key institutions, is contributing to international cooperation through work, among other things, on: *Sourcebook on Funding Sustainable Forest Management* [*http://www.cpfweb.org/73034/en/*]; *Streamlining Forest-Related Reporting* [*http://www.cpfweb.org/73035/en/*]; *Harmonizing Forest-Related definitions* [*http://www.cpfweb.org/73036/en/*]; *Establishing a Global Forest Information Service* [*http://www.cpfweb.org/73037/en/*]; *Forests and Climate Change* [*http://www.cpfweb.org/73031/en/*].

2000—A Federal MOU was signed on *Sustainable Forest Management Data* [*http://www.fs.fed.us/sustained/commitment.html*] making data available on an ongoing basis related to the Montreal Process Criteria and Indicators.

2000—Sustainable Forest and Resource Management, Domestic Actions of the Forest Service, List of Actions Being Taken was issued [*http://www.fs.fed.us/sustained/sus-res-mgt-accom-fs-apr21.doc*], as was the *Integration Of Sustainable Resource Management and Criteria And Indicators In The USDA Forest Service* [*http://www.fs.fed.us/sustained/sdit-action-plan-2-26-01.doc*].

2000—The USFS published its *USDA Forest Service Strategic Plan* (2000 Revision) [*http://www.fs.fed.us/plan/stratplan.pdf*] listing "Ecosystem Health" as its #1 Goal—Promote ecosystem health and conservation using a collaborative approach to sustain the Nation's forests, grasslands and watersheds. Goal #2 was "Multiple Benefits to People"—Provide a variety of uses, values, products, and services for present and future generations by managing within the capability of sustainable ecosystems.

2000—Ruth McWilliams (USDA Forest Service) gave an address to the National Planning Conference on "Healthy Ecosystems . . . Healthy Communities" [*http://www.fs.fed.us/sustained/apa-april-2000.doc*], stating "Sustainability is the goal" and "Collaboration is the Approach".

2000—At the Federal Interagency Leadership Meeting on Sustainable Forest Management, USDA Deputy Secretary Richard Rominger spoke on the U.S. Commitment to Sustainable Forest Management [*http://www.fs.fed.us/sustained/rominger-aug-00.doc*]. Rominger stated:

> Sustainable forest management . . . builds on and advances the work of the Brundtland Commission that articulated sustainable development in 1987 . . .

Action on sustainable forest management is at a critical juncture—internationally and domestically.

* Internationally, the United Nations is establishing a new Forum on Forests. This should expedite implementation of existing agreements, provide a policy framework, and coordinate the work of international organizations.

* Domestically, the multi-stakeholder Roundtable on Sustainable Forests is using the framework provided by the Montreal Process Criteria and Indicators to move us closer to achieving sustainable forest management. As the Roundtable moves from its first phase of building understanding, to assessment and reporting, it's important that we clearly identify the Federal leadership role.

2000—Regarding the Roundtable on Sustainable Forest, Phil Janik wrote [*http://www.fs.fed.us/sustained/ltr-rsf-janik-10-12-2000.doc*]:

I am the Federal lead for the Roundtable. In that capacity, I advocate the use of the Criteria and Indicators as a common framework for the discussion and dialogue at Roundtable meetings. I participate personally in related national and international activities. For example, I chaired the eleventh meeting of the Montreal Process Working Group, and I work with State Foresters to promote the use of the Criteria and Indicators in their endeavors within states.

2001—Doug MacCleery, USDA/Forest Service, wrote a memo on Measuring SFM (Sustainable Forest management): What are some of the elements and scales? [*http://www.fs.fed.us/sustained/measuring-smf2.rtf*]

2001—In an address to the Executive Leadership Meeting of the Roundtable on Sustainable Forests entitled *The Forest Service's Commitment to Sustainable Forest Management And the Roundtable on Sustainable Forests* [*http://www.fs.fed.us/sustained/bosworth-sfm-11-14-2001.doc*], Forest Service Chief Dale Bosworth stated:

Work done by the Brundlandt Commission during the 1980s, the agenda identified at the Earth Summit in 1992, and efforts now underway by Montreal Process countries on the Criteria and Indicators for the Conservation and Sustainable Management of Temperate and Boreal Forests define the basic elements of sustainable development and serve as anchors for Federal policy . . .

Last year the Forest Service incorporated these ideas into an updated expression of the agency's mission. Our long-term Strategic Plan states: "The mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations." . . .

At the national level I do intend to continue strong support for sustainability. We are advancing use of the Montreal Process Criteria and Indicators as a common framework for measuring progress. For example, we used the seven Criteria to organize the 2000 Assessment of Forest and Range Lands, and we are applying the Criteria and Indicators to local conditions on six national forests in the east and west to test their usefulness and better understand how to integrate processes across scales . . . More work is underway at the ecoregional, national, and global levels—and so now the key is to integrate our local to global efforts in ways that make sense.

Bosworth reiterated these ideas in a speech to the Society of American Foresters entitled *The Forest Service's Role in Fostering Sustainability* [*http://www.fs.fed.us/sustained/2001may29-bosworth.html*].

2002—The Pinchot Institute published *Linkages Between the IPF/IFF Proposals for Action and the Montreal Process Criteria and Indicators* [*http://www.fs.fed.us/global/aboutus/policy/multi/reports/Crosswalk1.pdf*].

2002—The Johannesburg Plan of Implementation was agreed upon at the World Summit on Sustainable Development (Earth Summit 2002) [*http://en.wikipedia.org/wiki/World_Summit_on_Sustainable_*Development]. It affirmed UN commitment to "full implementation" of Agenda 21, alongside achievement of the Millennium Development Goals [*http://en.wikipedia.org/wiki/Millennium_Development_Goals*] and other international agreements. *The Millennium Development Goals Report 2010 Environmental Sustainability* [*http://www.un.org/millenniumgoals/pdf/MDG%20Report%202010%20En%20r15%20-low%20res%2020100615%20-.pdf#page=54*] includes: Target 7.A: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources; Target 7.B: Reduce biodiversity loss, achieving, by 2010, a significant reduction in the rate of loss.

2002—A memorandum [*http://www.fs.fed.us/sustained/wssd-respons-upd.doc*] was issued outlining the U.S. Forest Service Responsibilities for Covering and Co-

ordinating Activities at the World Summit on Sustainable Development in Johannesburg.

2002—A memorandum from Joel D. Holtrop, Deputy Chief State and Private Forestry, talked about their attendance at the World Summit on Sustainable Development in South Africa and discussed the USFS's commitment to championing sustainable development, including chairing the Roundtable on Sustainable Forests (Montreal Process).

2002—Chief Dale Bosworth addressed Leadership for Sustainable Development within the Forest Service [*http://www.fs.fed.us/sustained/leadership-sustainable-development.doc*], attaching a *Sustainable Development Portfolio of Work* [*http://www.fs.fed.us/sustained/final-enclosure.doc*], which included such items as: United Nations Forum on Forests (UNFF)—Proposals for Action; U.S. assessment underway; World Summit on Sustainable Development (WSSD)—Follow-up to Earth Summit with preparations through Federal interagency, USDA, and FS teams; World Forestry Congress—Preparations for 2003 event getting underway; WO-Sustainable Development Issues Team (SDIT)—Chartered by Ecosystem Sustainability Corporate Team (ESCT) to advance use of CI through annually updated Action Plan.

2007—After 15 years of discussions and negotiations on a global approach to protect the world's forests, countries (meeting at United Nations Headquarters in New York) adopted an agreement on international forest policy and cooperation (International Forest Policy—the instruments, agreements and processes that shape it [*http://www.un.org/esa/forests/pdf/publications/Intl_Forest_Policy_instruments_agreements.pdf*]), as well as a new multi-year program of work through 2015. The new agreement, although not legally binding, aims to promote both international cooperation and national action to reduce deforestation, prevent forest degradation, promote sustainable livelihoods and reduce poverty for all forest-dependent peoples. Another area of disagreement that has long plagued forest negotiations concerned a financing mechanism to mobilize funding for sustainable forest management. The agreement calls on countries to adopt, by 2009, a voluntary global financing mechanism for forest management.

2008–2009—A briefing paper entitled "Completion and Outcomes of the United Nations (UN) Commission on Sustainable Development (CSD), Third Implementation Cycle (2008–2009), Policy Session on Thematic Areas: Agriculture, Rural Development, Land, Drought, Desertification, and Africa" described the USDA and Forest Service's close association with the CSD. This report is no longer available on the Net. One section more than adequately documents the fact that USFS policies and rules have been heavily molded and driven by an international agenda embraced by the Administration, rather than Congressional statute.

Implementation in the Siskiyou County/Klamath Area

Tom McDonnell wrote in his *Technical Review Of The Wildlands Project And How It Is Affecting The Management Of State, Federal And Private Lands In The United States* [*http://citizenreviewonline.org/april_2002/wildlands_project_history.htm*]:

> In the introduction to the Wildlands Project, Dave Foreman states that this project serves as a coming together of grass-roots conservation activists and as a foundation for their active vision of how to protect and perpetuate native species and systems across the North American continent. He states, "Our vision is continental . . . we seek to bring together conservationist, ecologists, indigenous peoples, and others to protect and restore evolutionary processes and biodiversity." He then states that areas such as National Parks and wildernesses are insufficient for they are designed "to protect scenery and recreation, or to create outdoor zoos." He goes on to state that the "Wildlands Project in contrast calls for reserves established to protect wildlife habitat, biodiversity, ecological integrity, ecological service and evolutionary processes—that is vast interconnected areas of true wilderness." "[W]e see wilderness as the home for unfettered life, free from industrial human intervention." He also says that this wilderness will be "extensive areas of native vegetation in various successional stages, off-limits to human exploitation. Vast landscapes without roads, dams, motorized vehicles, powerlines, overflights, or other artifacts of civilization." Over half the North American land mass is envisioned as making up this massive wilderness reserve system.
>
> The project calls on the establishment of systems of core wilderness areas where human activity is prohibited, linked with biological corridors. Around these core reserve areas and their interlinking corridors, buffers are to be established. The buffer areas are to be managed to restore ecological health. Human activity associated with civilization—agriculture, industrial production, urban centers—will be allowed to continue outside these buffered regions.

Using the Noss model, the activist groups will identify and map all existing protected areas including Federal and state wilderness areas, parks and wildlife refuges, heritage areas, monuments, BLM Areas of Critical Concern (ACC) and USFS Research Natural Areas (RNA). To assist in this step, activists rely on a variety of other maps including: National Park system maps, National Wildlife Refuge maps, Forest Service RNA maps, Bureau of Land Management ACC maps, BLM Wilderness Status maps and Nature Conservancy preserve maps.

After all the currently protected areas are laid out onto a single map, the third step is to overlay this map of currently protected areas with a map of large roadless areas. Roadless areas, also called Big Outside Areas, are defined as roadless areas of 100,000 or more acres in the West, and 50,000 or more acres in the East. These roadless areas may include state, Federal and private land. Roadless maps may include protected areas such as National Parks, and unprotected areas such as Federal multiple-use lands, state lands and private lands. The only qualify factors of this roadless area map is size in term of acreage and the fact that there are no roads. The Wildlands Project's central Tucson office has at least 385 maps of large roadless areas available and has been working the last year on the development of more detailed state maps to assist regional groups in their work.

The fourth step is to analyze the geographical arrangement of the map of currently protected areas, with its overlay of roadless areas, for logical complexes of wild places and probable linking corridors. The protected areas such as wildernesses and National Parks within the Big Outside (roadless) areas are identified as key core areas. Protected areas found outside identified roadless areas are examined to see if they can "serve as beads in Biological Corridors linking Core Wilderness together." Identified roadless areas that are not already protected with National Park, wilderness or other similar designations, are considered unprotected and given the highest priority for conservation. Unprotected roadless areas which are Federal and state lands are targeted for future wilderness bills, heritage sites or other protective legislation. Private lands within these areas are given the highest priority for public agency or trust group acquisition.

In addition to legislation, this map also establishes the priorities for appeals and litigation. As stated within Wildlands documents, "It is usually more important . . . to stop an old-growth timber sale within a Big Outside area or in a corridor between two core areas than to stop an old-growth sale in a fragmented area far from potential cores or corridors. It is usually more important to establish a Wilderness Area that is part of a large complex, than one isolated in a matrix of intensive human use."

Siskiyou County, specifically the Klamath River Basin, has long been a target for implementation of rewilding strategies under "biodiversity," "ecosystem management" and "sustainable development." Drs. Michael Soule and Reed Noss recognized three independent features that characterize contemporary rewilding: large, strictly protected core reserves (the wild), connectivity, and keystone species (aka the 3C's: Cores, Corridors, and Carnivores). Ref: Soule, M., and R. Noss. 1998. *Rewilding and biodiversity: Complementary goals for continental conservation.* WILDEARTH 8(3):18–28.

Noss indicated that in selecting keystone or focus species, he would (1) identify and protect populations of rare and endangered species; (2) maintain healthy populations of species that play critical roles in their ecosystems (keystone species) or that have pragmatic value as "umbrellas" (species that require large wild areas to survive, and thus if protected will bring many species along with them) or "flagships" (charismatic species that serve as popular symbols for conservation); (3) protect high-quality examples of all natural communities; and (4) identify and manage greater ecosystems or landscapes for both biodiversity conservation and sustainable human use.

Core reserves are wilderness areas that supposedly allow biodiversity to flourish. These typically followed the pattern of UNESCO's Man and the Biosphere (MAB) program with the set-aside of "protected" or "core" areas; "managed use areas" or "buffer zones"; and "zones of cooperation" or "transition Areas." These strategies were adopted under FEMAT for the Northwest Forest Plan for the northern spotted owl, as well as the Sierra Nevada Framework.

In his article "The Wildlands Project," *WildEarth*, Special Issue, written in 1992, Noss stated that "It is estimated that large carnivores and ungulates require reserves on the scale of 2.5 to 25 million acres . . . For a minimum viable population of 1,000 (large mammals), the figures would be 242 million acres for grizzly bears, 200 million acres for wolverines, and 100 million acres for wolves. Core reserves

should be managed as roadless areas (wilderness). All roads should be permanently closed."

In 1985, an effort was made by Reed Noss, author of the Wildlands Project, to have four million hectares of the Klamath/Siskiyou area designated a UN Biosphere Reserve. The NGO coordinating the work was the Klamath Forest Alliance. The project sought not only to develop a successful bioregional plan for Klamath/Siskiyou, but also to develop methods for planning and implementation that were transferable to other regions. The Klamath Corridors Project selected large unfragmented habitat areas to be protected, connected by wide corridors to be set aside for migration and genetic biodiversity. The area covered approximately four million hectares, about ⅓ in Oregon and the balance in California. The project was funded by the W. Alton Jones Foundation, the Foundation for Deep Ecology, The Wildlands Project, the USDA Forest Service, and the U.S. Fish and Wildlife Service.

In 1992 the World Conservation Union declared a 12 million acre area of the Klamath-Siskiyou to be an Area of Global Botanical Significance. This was one of seven such areas in North America and was classified by the World Wildlife Fund (WWF) as a Global 200 site [*http://www.worldwildlife.org/science/ecoregions/global200.html*].

In 1995, work began on an ambitious Klamath-Siskiyou Biodiversity Conservation Plan, sponsored by the Siskiyou Regional Education Project of Cave Junction, in partnership with the World Wildlife Fund. In 1997 The First Conference on Siskiyou Ecology was held and a petition was sent from the conference to President Clinton, calling upon him to preserve "for posterity the principal values of biodiversity, ecological stability, and aesthetic enrichment which the Klamath-Siskiyou Province represents."

In 1999, Noss and Strittholt completed *A Science-based Conservation Assessment for the Klamath-Siskiyou Ecoregion.* In 2001, Noss and the World Wildlife Federation set forth recommendations for preservation of the Klamath-Siskiyou Forests. A proposed "roadless map" with designated wilderness was developed for the region. Recommendations included: the elimination of grazing; the listing of the fisher and wolverine; reintroduction of wolves and grizzlies; halting of all logging; establishing a system of parks and reserves; protecting roadless areas; and purchasing of private lands for endangered species. This was accompanied in 2002 by a case study of the Klamath-Siskiyou Ecoregion on the "Importance of Roadless Areas in Biodiversity Conservation in Forested Ecosystems."

In 2000, the Cascade-Siskiyou National Monument was established in southern Oregon. Siskiyou County successfully fought the portion proposed in its county. In 2003, the Klamath Basin Coalition of environmental groups produced "A Conservation Vision for the Klamath Basin" with a map of proposed "protected areas." In 2004, the Klamath Basin was named among the Top 10 "Most Endangered Areas" in California. In 2005, the World Wildlife Fund named the Klamath among California's Most Threatened Wild Places.

In 2004, the Nature Conservancy conducted an Assessment of the Klamath Mountains Ecoregion. The California Wilderness Coalition modeled a network of habitat linkages in the Klamath-Siskiyou Region. The 2004 Siskiyou Private Lands Conservation Assessment identified 19 areas of private lands to be targeted for their high conservation values.

In 2006, the Siskiyou National Monument was proposed to establish corridors for biodiversity conservation.

In 2007, the CA Wild Heritage Act proposed several areas of Wilderness expansion in Siskiyou County. The California Wildlife Action Plan prepared for the California Department of Fish and Game by the UC Davis Wildlife Health Center. The document listed 76 bird, 26 mammalian, two reptilian and 42 fish taxa on the "Special Status Vertebrates List" and an additional 71 invertebrates on the Special Animals List. The report targeted water management; instream gravel mining; forest management; fire; agriculture; urban development, livestock grazing and invasive species as "stressors" to wildlife habitats.

In 2009, California Wild 2009 created another map targeting Wilderness Expansion, additional Wild Rivers designation, roadless area designation and reserve designs in the county. In 2009, another group proposed 3,500,000 acres in California and Oregon to be called the Ancient Forest National Park. The National Park Service has established the Klamath Vital Signs Network of regional parks to be to be inventoried and monitored. Documents appear to indicate that the Obama Administration is again considering expanding the Oregon monument into Siskiyou. Also, a second 200,000 acre national monument appears to have also been put forth for consideration known as the "Siskiyou Crest" by KS WILD.

By 2011, the Nature Conservancy (TNC) and the Federal Government had acquired 100,000 acres of private farms and ranches from the Upper Klamath Basin

and converted them to wetlands. The Secure Act allocates WaterSMART funding for studies and a "trade-off" analysis leading to a cooperative watershed management program. This would focus on sustainable development; climate change; water supply and demand; endangered species; flow; and flood control.

As mentioned in the prior section, since 1999, 8,625.71 acres have been converted to Federal land. Another 11,236 acres of ranch land in the Shasta Valley is currently proposed for conversion to a new wildlife refuge. In addition, The proposed Klamath Basin Restoration Agreement seeks to convert some 44,479 acres of farmland in the Upper Klamath Basin to wetlands, (some of which may be in Siskiyou County.) It also proposes to secure 21,800 acres of farmland by acquisition or conservation easements in the Scott and Shasta Valleys of the county.

For several years, a campaign has been waged for the removal of four (three hydroelectric) dams on the Klamath River. Three of those dams are located in Siskiyou County. The Board of Supervisors is firmly against dam removal and the associated Klamath Basin Restoration Agreement that accompanies it. Negative impacts will be severely felt by the people who live in Siskiyou County.

I sincerely thank you for this opportunity to comment.

MARCIA H. ARMSTRONG
Supervisor District 5,
Siskiyou County,
Yreka, CA.

APPENDIX A

Timber Harvest Levels on the Major National Forests in Siskiyou County

(Portions of the Shasta Trinity and Six Rivers lie outside of Siskiyou Co.)

Volume of Timber Sold by Forest

*1978–2009**

National Forests in Siskiyou County

Year	Klamath	Shasta Trinity	Six Rivers
1978	238.78	273.93	72.95
1979	286.69	243.15	165.43
1980	255.3	212.29	146.99
1981	280.2	243.15	149.53
1982	243.73	219.59	120.14
1983	230.71	227.48	206.27
1984	128.66	198.76	128.07
1985	189.64	215.02	154.07
1986	173.64	160.39	129.53
1987	182.08	208.3	145.48
1988	311.66	243.11	137.77
1989	168.69	175.55	107.15
1990	99.82	179.95	55.16
1991	86.15	30.81	66.38
1992	27.93	52.94	11.08
1993	32.48	31.24	54.03
1994	23.82	19.9	3.49
1995	25.7	29.9	4.3
1996	39.6	52.7	10
1997	52.2	57.6	18.9
1998	29.5	87.1	14.7
1999	30.6	58.8	11.7
2000	2.9	4.2	2.8
2001	23.9	24.6	2.3
2002	24.3	39.1	1.8
2003	12.2	46.7	4.6
2004	14.4	44.4	4.5
2005	27.8	63.2	7
2006	20.7	40.4	12.7
2007	29.2	71.6	7.1

Volume of Timber Sold by Forest—Continued

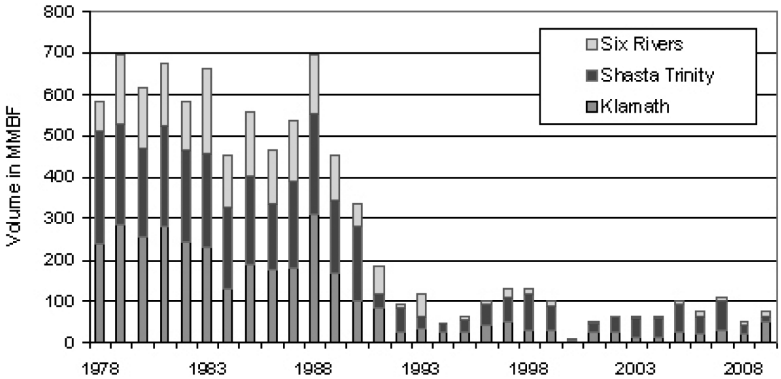
*1978–2009**

National Forests in Siskiyou County

Year	Klamath	Shasta Trinity	Six Rivers
2008	19.8	21.9	8.2
2009	50.1	12.1	11.5

*Data supplied by CFA (California Forestry Assoc.)

Volume of Timber Sold by Forest 1978–2009



In 2009, the Klamath NF sold 50.06 MMBF. It had a net growth of 125.7 MMBF and an annual mortality of 90.1 MMBF

In 2009, the Shasta Trinity NF sold 12.07 MMBF. It had a net growth of 459.7 MMBF and an annual mortality of 99.4 MMBF

(Data Source: Western Core Table Reports [*http://www.fs.fed.us/r5/rsl/publications/westcore/*] and 2009 Accomplishment Report. Data from growing stock on available, productive forestland.

SUBMITTED STATEMENT BY JERRY PETIK, DIRECTOR, GRAND RIVER GRAZING COOPERATIVE ASSOCIATION

Mar. 27 2012

The Grand River Grazing Association thanks the Committee for the opportunity to submit comment to the Record regarding the hearing held on March 27 titled "U.S. Forest Service Land Management: Challenges and Opportunities"

The Grand River Grazing Association was organized in 1940 for the purpose of managing the newly acquired land, 136,000 acres, by the Federal Government in Corson and Perkins Counties in Northwestern South Dakota. The Association now consists of 90 members nearly all family farm operations, running about 14,600 cattle plus sheep on these National Grasslands.

The National grasslands evolved from lands purchased under the Bankhead-Jones Farm Tenant Act. According to the Act, "The intent of the government was to revegetate these lands and to stabilize the local economies."

The objectives of the Association is and always has been to produce meat for the country and world consumers, provide for the well-being for the families on these diverse lands and local communities, allow for the diversity of the rangeland and strive to improve the range, doing it all in a sustainable manner.

In this testimony the Grand River Grazing Association would like to address the general management processes of the Forest Service including how they deal with people and organizations that are directly impacted by their decisions.

Unfortunately, the Forest Service has a history of retaliation, intimidation, abuse of power and harassment toward the grazing associations that represent the farmers and ranchers using the National Forests. That ill treatment is documented in a report issued by the Grand River Cooperative Grazing Association:

Documentation of retaliation, intimidation, abuse of power, and harassment By the Forest Service toward the Grand River Cooperative Grazing Association

Date: March 2011

Report by: Van C. Elsbernd (e-mail: [**Redacted**]), manager, Great Plains Consulting LLC, [**Redacted**], Fort Collins, CO

Overall, the Forest Service personnel have not followed Forest Service policy and have not implemented the protocols for dealing with impacted people and their representative organizations, like Grand River Grazing Association in an effective way. This leaves ranchers unprepared for new regulations and changes to their grazing practices and unable to plan for their operations OR the best use of all grazing lands in the region.

Forest Service personnel have made a habit of not following the plans and Forest Service policy but expect the ranchers to follow it to a Tee. Actions such as Removal of allotments without cause and developing projects without any intention to garner input or support from the Grazing Association and local government are just two examples of clear violations of the Grazing Agreement.

One reason this happens so frequently is due to the appeals process within the Forest Service. "**The appeal process in house**" is a term used within the Forest Service to allow personnel's actions to be evaluated, revised, approved or rejected by that person's supervisor. However, the more controversial plans often circumvent this in house approach and projects are only developed in conjunction with one's immediate supervisor. This limits the ability for more creative thinking and new ideas to be injected into these plans and also limits the ability for the impacted ranchers to give input.

The FS has set up a new grazing assn. without following FS policy or South Dakota state laws as to the incorporation of associations.

We only need to look to the Founders of our Constitution for the best example as to conduct the business and to work and communicate with the ranchers using the national Grasslands. The Constitution provides for three branches of Government each meant to keep the others in line. This emphasizes the need for respect and all parties to understand the 'rules of engagement'. This allows for independence yet assures others can participate and provide for an amicable atmosphere for debate and decision making. It also provides an avenue for finding positive solutions with peers, and not a confrontational struggle for dominance or a struggle from weakness just to be heard or to participate!

In other cases the Forest Service attempts to amend Grazing Agreements even when it is not agreeable to both parties. **We believe it is essential that any amendments must be agreeable to both parties involved.** Forest Service policy requires cooperation with impacted groups and a mechanism for cooperating has been in place since the founding of our Grazing Association in 1940. However, the Forest Service is unwilling, in many cases, to use that process and come to an agreement through negotiation. The Forest Service personnel must recognize this policy of cooperation and make good-will efforts to negotiate any changes or amendment to Grazing Agreements through the process established and historically utilized.

Communications about the actual management of the grasslands has been sparse and input from ranchers who have taken care of this land for generations has not been sought. Two examples of unclear communication and decisions without input are regarding the Prairie dogs and Crested Wheat Grass.

For Prairie Dogs, the official plan shows where the Forest Service wants the colonies and what minimum size is needed but gives no information as to what the maximum size would be and how to deal with the dogs after the size and number of colonies has been reached. The development of the general plan and how the plan would be managed was never discussed with the Assn. other than told where the colonies were going to be. Also, there is no plan to control the dogs that leave and go to private lands where they are not wanted. However, there is a "good neighbor policy" that states that the dogs are to be controlled when they go to private land. But, when asked, there has not been any information as to how large the colonies would be permitted to grow or how to control the dogs after needed numbers were achieved.

Crested wheatgrass was developed and introduced during the 1930s to stop the wind erosion because of the drought. I would say it this way "crested wheatgrass is what held the world together." However, the Forest Service is now planning to drastically reduce it from the National Grasslands.

Burning of heavy old growth/crested wheat grass can be an indication of failed management practices. If there were better relations between the Forest Service

personal and the ranchers, it could be possible to increase and decrease the cattle numbers to reflect the prairie growing conditions.

Burning can be a good tool but it can do long term damage as well. The soil and material moisture needs to be right. If too dry, the crowns of the preferable grass species will burn and they will not grow to take advantage of the burned out crested wheatgrass. The results will be an even more vigorous stand of crested wheat grass. Burned areas need to be grazed reasonable heavy the years following the burn to keep pressure on the crested wheatgrass or it will just come back and all your efforts will be lost. Burning should be the tool of last resort after heavier grazing and better rotation practices. Unfortunately, the Forest Service did not take these factors into account when burning the grasslands in our region.

I must confess that ranchers could also have done a better job in dealing with crested wheatgrass and getting better usage of it. Grass species diversity is always good for rangeland's health.

The Forest Service has not been willing to allow the ranchers and college experts (NDSU) to participate in developing the objectives that would enhance the health of plant life in our region and have not even involved them in developing the criteria for determining how that objective should be approached or even if it should attempted.

Some personnel have lost sight of the diversity goals for National Grasslands and are now monitoring for single and specific objectives. One of those objectives is improving the habitat for the grouse. They think the grouse need high native grasses. The FS says the National Grassland in pastures 1–5 are 97% capable of tall grass. A rangeland specialist, Dr. Kevin Sedivec from NDSU puts that number at 3%. However, it is clear that our region is a short grass prairie and grouse have thrived on that short grass prairie for generations.

Finally, in 2012, there is going to be research to determine how much of the range is capable to produce tall grass. One would think that this research should have been done **before** any decision to strive for tall grass for the grouse.

The Forest Service has not only used these strong arm tactics with individual ranchers and the Grazing Association. They have attempted to over-ride state law in closing roads on section lines, and require the county to build roads on private lands to be incorporated into forest service road systems.

Building a "road to no-where" and locating a camping site in a flood-plain are other examples of non-cooperation and plowing ahead with a single person's idea.

Very recently, two Forest Service personal have been replaced. Lines of communication have improved. Time will tell how successful that will be. Both sides see a window of opportunity and are working in a positive direction. This came about because of intervention by South Dakota and North Dakota Congressional delegations and the states' Secretaries of Agriculture not because of any internal Forest Service policy.

In closing, I would like to ask you to re-evaluate the oversight process and make policy very clear, that impacted individuals and groups are to be included in a meaningful manner at all steps in project development and implementation.

Thank you for this opportunity to provide comment and taking our recommendations into account. If you have any questions or would like additional information, please contact me at [**Redacted**] or [**Redacted**].

Sincerely,

JERRY PETIK,
Director,
Grand River Grazing Cooperative Association,
Lemmon, SD.

ATTACHMENT

Grand River Cooperative Grazing Association

Documentation of retaliation, intimidation, abuse of power, and harassment by the Forest Service toward the Grand River Cooperative Grazing Association

March 2011

1. Allotments 1–5 Project

During the working group meetings with Grand River Cooperative Grazing Association (GRCGA), District Ranger Joby Timm and writer/editor Dan Swingen both promised the P. 1–5 ranchers the following:

- Reductions would be temporary.

- Reductions would be reinstated ASAP after the decision.
- The FS will keep reductions to a minimum, hardly any impact to the ranchers.

At a Board of Directors meeting in April of 2010, Joby Timm told the GRCGA Board of Directors the following:

> Joby said the new Reviewing Officer on the Mediation Process of Pastures One thru Five is Rick Brazell. He is with the Clear Water National Forest in Idaho. We can expect his written comments within 30 days. Joby said Grand River's appeal has one more level, to the Regional Office. In the meantime **there is a stay on projects, no new fences, no new NEPA done. Question—no cuts/reductions? Joby said yes, unless resource concerns arise, drought, *etc.* (Doc #1).**

In 2009, long before the Decision Notice for Pastures 1–5 was signed, the Grand River Ranger District implemented most of the reductions for the Pasture 1–5 Project through the AOIs that year and continued them into 2010. District Ranger Joby Timm tried to explain this away in his letter and attached table (Doc #2) to GRCGA on April 28, 2010. District Ranger Joby Timm states the following:

> "The table shows planned stocking rates for 2009, actual stocking rates for 2009 and planned stocking rate for 2010"

What District Ranger Joby Timm doesn't tell which is the basis for the reductions, is that the reductions where taken off the 2008 stocking rates. This is explained in an analysis by Van C. Elsbernd, Great Plains Consulting LLC (Doc #3) which shows what the true reductions were for each allotment compared to the 2008 stocking rates outlined in the Decision Notice and EA for Pasture 1–5 Project. The 2010 AOI's for the Grand River Cooperative Grazing Association were prepared by the Forest Service on April 12, 2010. In each of the AOI's the following statement is added (Allotment 4A is used as the example):

> "4A is taking partial nonuse **for resource protection,** reducing the stocking rate to 2.9ac/HM"

Van Elsbernd asked Tim Smith, President of the GRCGA, if all the allotments had actually requested this type of partial nonuse. He said that upon checking with each Director, that they knew of only one Allotment that had made that request, Allotment 2A.

What the Forest Service has done by making the above statement is imply that the permittees are requesting the partial nonuse **for resource protection.** This is not the case at all. The above statement should read as follows:

> "The Forest Service is requiring Allotment 4A to take partial nonuse **for resource protection,** reducing the stocking rate to 2.9ac/HM"

The Forest Service is implementing the reductions outlined in the DN and Final EA for Pastures 1–5, which was at that time stayed. Since the Grand River Ranger District has the final approval of the AOIs, and the fact they actually prepare them, they could put anything they wanted in the AOI with no consequences. It was not the members who requested to take the reductions being implemented by the FS through each AOI.

The Grand River Ranger District would then meet with each Pasture Director and say to them that if you don't sign the AOI, then you won't be allowed to graze this year. Having no recourse, each Director signed.

During the 2011 AOIs Pasture meetings, the Grand River Ranger District did not tell the GRCGA members that the stay had been lifted from the Decision Notice and that they the FS was supposed to implement the 10% per year reductions as outlined in the DN. The reason for this is they had already implemented those reductions in 2009 and 2010 AOIs and did not want to give those up. This was confirmed in the Pasture 3A meeting when Tim Smith asked Joby Timm and Paul Drayton if they had told the members in the other Pasture meetings that the FS was to implement the reductions schedule as outlined in the DN. Both Joby and Paul said they had not.

2. Retaliation Against GRCGA AOI Stocking Rates

Before the 2010 grazing season started Grand River District Ranger Joby Timm announced a 35% reduction in livestock grazing for the 2010 season on Pasture 3A, which is grazed by several permittees, including the President of the GRCGA. Mr. Timm explained: "We are not implementing the plan this year, because of the appeal. I can stock it [Pastures 1–5] at any rate because I am the district ranger. It is my call."

Mr. Timm also said that the Forest Service would not approve any range projects this year on the allotments covered by the Decision Notice also because of the appeal. Finally, he then stated ifGRCGA were to drop the appeal, he would return to the phased-in reductions in the Decision Notice and allow range improvement projects identified in the same decision to go forward.

By tying an offer to return to the 10% reductions identified in the Decision Notice to dropping of the appeal, Mr. Timm clearly connected the recently announced reductions to the Association's exercise of its right to file an appeal. Even though GRCGA did not appeal the range improvements in the decision, Timm halted that work unless GRCGA would drop its appeal. This action violates the constitutional rights of the Association members and is *per se* arbitrary and unlawful action.

A federal agency cannot interfere with the exercise of constitutional rights, and that exercising the right to appeal a decision is protected under the First Amendment. *La Compania Ocho* v. *U.S. Forest Service,* 874 F. Supp. 1242, 1247–49 (D. N.M. 1995). An agency "may not take retaliatory action against an individual designed either to punish him for having exercised his constitutional right to seek judicial relief or to intimidate or chill his exercise of that right in the future." *Harrison* v. *Springdale Water & Sewer Commission,* 780 F.2d 1422, 1428 (8th Cir. 1986). Constitutional claims against federal agency officials enjoy the same protection as actions against state officials under the Civil Rights Act. 42 U.S.C. § 1983. *Gordon* v. *Hansen,* 168 F.3d 1109, 1113 (8th Cir. 1999).

Mr. Timm is also incorrect when he stated that he has unlimited authority to impose reductions. The Grazing Agreement requires the Forest Service to mediate with the Association about any reductions. "Any changes in management policy including but not limited to changes in permitted numbers and/or adjustments to the grazing season will be mutually resolved. Every effort will be made by both parties to settle disputes in good faith in an honest and open manner. Impasses will be negotiated through the C.R.M. (Coordinated Resource Management) process, or the M.O.U. (Memorandum of Understanding—Allotment Management Planning of South Dakota)." Grazing Agreement at ¶ C4.

Forest Service grazing policy also precludes reductions of more than 20% in any single year. Forest Service Manual (FSM) 2200 Range Management, Chapter 30, WO Amendment, 2231.61—Modification of Grazing Permits; Forest Service Handbook (FSH) 2209.13, Chapter 10, R–1 Interim Directive No: 2209.1302007–1, 16.1—Modification of Grazing Permit; *compare* FSH 2209.13, 08/3/92 (for reference).

GRCGA understands that the Forest Service attributes the reductions to resource conditions, due to drought and "impacts of continuous livestock grazing." The Forest Service rules provide "Where the modification is the result of concerns about the condition of rangeland resources, 36 C.F.R. 222.4(a)(8) requires the authorized officer to provide the permittee with one year's advance notice prior to implementation of the modification."

The inescapable conclusion is that Mr. Timm does not have unlimited power to impose a 35% reduction two months before the start of the grazing season. The Grazing Agreement and Forest Service rules and policy impose procedures and limit the scope of reductions. Timm has ignored everything to bring more pressure on GRCGA to drop the appeal and this violates the law.

On June 22, 2010 GRCGA filed a request for modification of stay Grand River District Ranger's post-appeal livestock grazing reductions following its September 30, 2009 Notice of Decision (Decision Notice), Finding of No Significant Impact (FONSI), and Environmental Assessment (EA). The Decision Notice notified GRCGA's members of changes in the terms and conditions for livestock grazing on Allotments 1–5 for the Grand River National Grassland located in Perkins County, South Dakota and managed as part of the Dakota Prairie Grasslands (Doc #47).

A modified stay is warranted under § 251.91(b), which allows for the issuance of a stay if harmful effects occur during the pendency of the appeal. Since GRCGA's appeal of the Decision Notice was filed and in direct retaliation therefore, the District Ranger Joby Timm has unlawfully imposed without process required by the 2002 Grazing Agreement, law, Forest Service rules and policy, significant reductions in livestock grazing for the 2010 season on the majority of the allotments that are the subject of this appeal. The decision was verbally implemented in a meeting held on March 25, 2010, and more recently through the affected grazing permittees' 2010 AOIs, under the false premise of non-use for resource protection.

The unwarranted retaliatory reductions are over and above, and directly contradict, the District Ranger's September 30, 2009 Decision Notice which imposes a maximum 10% or less reduction on Allotments 1–5. That decision was issued through a public NEPA decision-making process in which the GRCGA was afforded the opportunity to administratively appeal. On November 16, 2010, GRCGA exercised its right of appeal under 36 C.F.R. Part 251, and as demonstrated below, the

harmful and adverse livestock reductions are in direct retaliation for GRCGA's appeal of the Decision Notice.

On February 15, 2010, Tim Smith gave a deposition on the meeting his Allotment 3A had with the Grand River Ranger District confirming the retaliation by District Ranger Joby Timm in the above comments. Tim states in his deposition:

> "During the discussion, the District Ranger then said if GRCGA were to drop the appeal of his decision then he would return to the phased in reductions and allow range improvement projects to go forward.Range improvements are designed to improve resource conditions, and without them, the range will suffer environmental harm. The retaliatory range improvement freeze will also preclude projects that could potentially mitigate the reductions, leaving my livestock operation without any means to offset their economic losses. The District Ranger's retaliatory stocking rate reduction is causing irreparable economic harm to my livestock operation. These livestock grazing reductions will greatly decrease revenue while increasing my operating expenses through the need to lease or purchase alternative pasture. In the current climate of lower livestock prices and tightening or unavailable credit, my ranch operations is even more vulnerable to the significant changes being unilaterally implemented by the District Ranger (Doc #4)."

On April 28, 2010 District Ranger Joby Timm responded to the above stay request. He stated; "We derived the information you have requested from the 2009 and 2010 annual operating instructions (AOIs) that permittees and the Association received in March 2009 and April 2010." What Ranger Timm fails to mentions is that the FS created the AOIs, and they have the final say on what goes into the AOs. When presented with the AOI, Pasture Directors are told to sign or they won't be allowed to graze that year (Doc #48).

3. Mediation on Pasture 1–5 Decision

At the start of 2010, GRCGA spent four days in mediation with the Grand River Ranger District at Bismarck, ND. There were two mediation sessions. At the first mediation session, District Ranger Joby Timm stated he would not change anything in the Pasture 1–5 Decision Notice. And he didn't. During mediation the FS rejected all offers made by GRCGA to compromise and end mediation.

District Ranger Joby Timm did not go into mediation to "mediate in good faith" as required in the process.

4. Earmarked Weed Money

Under a Participating Agreement, GRCGA entered into Noxious Weed Eradication with the Dakota Prairie Grasslands in 2004. The last Participating Agreement that was signed by both parties was in 2007, and it was good for the 2007 and 2008 calendar years (Doc #5). In the Participating Agreement, GRCGA was supposed to do the work on the ground and the FS was supposed to administer the agreement.

A summary of how the Agreements came about is provided in a statement by Kevin Ormiston, Range Foreman for GRCGA (Doc #6). In 2009, at the GRCGA told the FS it would not be able to participate in the earmarked FS program for spraying noxious weeds. Kevin told GRCGA, **the Forest Service is planning to hire an additional seasonal for this purpose and it is the hope that will prove sufficient.** (Doc #7). The same happened in 2010.

Grand River Cooperative Grazing Association (GRCGA) had Weed Agreements for the Senator Dorgan Earmark weed money for years 2004 to 2008. GRCGA did not have weed agreements in 2009 and 2010. The Forest Service took the earmarked money and used it to supplement their appropriated dollars to purchase equipment (6 wheeled HOV's), pay for their weed crews and purchase other materials.

The Forest Service should have held the earmarked money in an account, carried it over for use by GRCGA over the next two years. The Forest Service misappropriated the funds, spent them to either supplement or augment their appropriated funds and used their appropriated funds elsewhere. This could be a misuse of earmarked funds and an investigation should be done on how the FS spent the money.

As far as we know this is the only documentation by GRCGA letting the FS know they will not be using the earmarked money in 2009. The following sentence shows the FS was already counting on hiring an additional seasonal with the earmarked money:

- **The Forest Service is planning to hire an additional seasonal for this purpose and it is the hope that will prove sufficient.**

The process that should have been used between the two people that are involved in how this money is spent, that being Grassland Supervisor David Pieper and GRCGA President Nate Skjoldal is as follows:

- GRCGA President Nate Skjoldal notifies the Forest Service that GRCGA will not be able to use the earmarked money in 2009. This should have been done by letter, However, letting District Ranger Joby Timm know at the Board Meeting that GRCGA will not be able to use the earmarked money in 2009 should be sufficient.
- Grassland Supervisor David Pieper should notify GRCGA President Nate Skjoldal that the earmarked money will be held and carried over to the next year for GRCGA use in weed control. Another option Supervisor Piper would have is to notify GRCGA that he had return the earmarked money to be reallocated to the other Grazing Associations for 2009.
- Grassland Supervisor David Pieper did not send a letter to GRCGA, and we do not know if Ranger Joby Timm ever notified Supervisor Pieper that GRCGA was not going to use the earmarked money in 2009.
- GRCGA does know Ranger Timm spent the earmarked money for his own use. Without an accounting from the FS, GRCGA doesn't know how he spent the money, they can only guess.

In 2010, there wasn't any discussion at a Board Meeting on the use of the earmarked weed money. However, according to Kevin Ormiston, Chancey O'Dell, Range Specialist with the GR Ranger District asked Kevin if they were going to use the earmarked weed money in 2010. The reason he asked him was Ranger Timm wanted to know if GRCGA was going to use it or was it available for him to spend. Kevin replied to Chancey that he would not be able to make use of the earmarked money in 2010.

Kevin later asked Chancey what Ranger Timm used the earmarked money for. Chancey did not know since he was being excluded by Ranger Timm from any decisions on the District (Doc #8).

A congressional Investigation or at least an oversight hearing needs to be implemented to find out what the FS did with earmarked money.

Kevin Ormiston also talked with Chancey O'Dell on September 15, 2010 and he said that since GRCGA didn't use the Ear Marked weed money, Ranger Joby Timm spent the money in 2009 on FS weed spray equipment. In 2010 Ranger Timm came to Chancey and asked him if GRCGA wasn't going to use that weed money again in 2010. Chancey said no they weren't. So Joby took the money and spent it again (Doc #9).

Kevin talked with Paul Drayton on September 16, 2010. Kevin was collecting as much information on the weed program as he can so he can have a complete summary of the entire program for the review. Paul Drayton said he shouldn't even worry about the review; they won't even talk about the weed program. This review isn't about that at all. Paul said "you would be surprised what it is really about".

Kevin Ormiston said in Sept. 2010 he knew the FS wanted to go to direct permits and that would directly affect his job, like he wouldn't have one. Drayton did not deny the direct permit allegation. He just said that there would be enough of the permittees left who would hire him to do work for them. (Doc #10).

Kevin was talking with Chancey O'Dell again on September 17, 2010, and had asked him for the Quad maps of the riparian areas for Pastures 1A, 1B, 2A, 3A, and 5A. Chancey asked him what for. Kevin informed Chancey that Van Elsbernd was coming to do PFC monitoring and that the FS was welcome to come along. At that point Chancey said he remembered the FS talking about that and that Ranger Joby Timm had said the following (Doc #11):

- "If I catch him (Van Elsbernd) out their doing that monitoring, I'll have him arrested for trespassing".

5. Notice of Civil Rights Complaint January 25, 2010

It is well known that the FS has wanted to eliminate all the Grazing Associations and go to direct FS grazing permits on all the National Grasslands. R–1 past Director of Range Management, Bruce Fox; R–1 Range Staff Jim Wickel, and Grassland Supervisor David Pieper have all said the GPG Grazing Associations have out lived their usefulness and should be eliminated. All three have been heard to say this at FS meetings.

However, Grassland Supervisor David Pieper is the main proponent of this effort. He dislikes the Grazing Associations so much he will go extreme measures to eliminate them. He has a severe dislike of Keith Winter, MCGA, because he views Keith as the main person who beat him in court over many issues. He has spent the last

10 years getting the Grassland Plan completed and has worked very hard to line up the people he wants in place (staff and Rangers) to do whatever it takes to go to direct permits. His direction to the Rangers and Staff—look for ways to make it happen.

The FS has made civil rights discrimination allegations against GRCGA. District Ranger Joby Timm and Range Specialist Paul Drayton have created the civil rights issue, and have done everything they can through threats and intimidation to make this an issue. For the FS to say they want to go direct permits on the National Grasslands, means the Grazing Agreement will either be canceled or the FS will take enough members to direct permits, approximately 40% of GRCGA membership, to create an Association that is financially unsound.

On January 25, 2010, Grassland Supervisor Dave Pieper sent a letter to GRCGA President, Tim Smith (certified mail) giving GRCGA their first notice that allegations had been made against them by a GRCGA member, although it does not specify which member or what the specific allegations are. Grassland Supervisor Dave Pieper states:

> . . . Specifically, under II.D. 11. of the current grazing agreement, the association will "Comply with nondiscrimination conditions of Executive Order No. 11246 and Civil Rights Act of 1964, and on subsequent amendments. Recently, DR Timm informed me of **a member's allegations** of unequal treatment and discrimination by the GRCGA. Based upon my discussion with Timm and as required by USDA policy, I have asked him to begin an administrative review of the **complaint** and to engage the R–1 Civil Right office and the Office of the General Counsel."

However, what Grassland Supervisor Dave Pieper doesn't tell GRCGA is that this "complaint" started back in November, 2008 (Refer to Doc #12 for a complete breakdown of FS actions in the civil rights investigation). This is when District Ranger Joby Timm is working with Matt Lopez and Standing Rock Sioux Tribe to get Matt Lopez a permit with GRCGA. He campaigned for him over Rock Creek Local District to get the permit. He did this because he is good friends with Matt's brother. Joby tried to influence the GRCGA board to give a permit to Matt Lopez (see meeting notes, Jan 15, 2009—original Platte Map found) (Doc #13).

Dec 11, 2009 is the date that Rock Creel Local District and the Grand River Ranger District start the discrimination complaint, the direct permit talks, and putting all responsibility for what has happened on GRCGA. FS does not accept any responsibility or feel they were a part of the letters or discussion with RCLD. Grand River Ranger District had from the Sept. 22, 2009 meeting to Dec. 11, 2009 to talk RCLD into what is about to take place in the following notes and messages.

In a FS Issue Paper prepared on January 13, 2010 by District Ranger Joby Timm, he states; "No contact was made by the GRCGA to the FS concerning Rock Creek." District Ranger Joby Timm is not telling the truth at this point. It was hard for GRCGA to contact the FS concerning Rock Creel Local District's actions when it is the FS who is meeting with them without the GRCGA. The following is a sequence of events that demonstrate that GRCGA did contact the FS and the members:

- April 29, 2009—meeting with RCLD, Lonnie Hall and the FS.
- Aug. 17, 2009—GRCGA calls Paul Drayton that Rock Cree's livestock were in the wrong pasture. Forest Service contacted the pasture director to inform him of the situation.
- Aug. 19, 2009—Violation letter from GRCGA to RCLD about not following AOI. A letter went out to RCLD from GRCGA as a follow up to a call made to RCLD for the purpose of informing them that the cattle on Shambo Allotment are not in the correct pasture, *which the FS determines a violation of their AOI.* Jane also encouraged RCLD to call the FS so they could aid in explaining their AOI.
- August 20, 2009—Paul Drayton's notes to Joby Timm on how the FS found Rock Creek Local District livestock in the wrong pasture and how RCLD was not following the FS AOI. Paul Drayton called Len Hofer to let him know of the situation. Len in turn called Jane who then called RCLD.

  Courtney Brownotter then called Paul Drayton to apologize and said he would have them moved into the correct pasture by 8/21. He said they really didn't know much about the allotment since this is the first year running in there.

  Courtney said Jane had faxed them another copy of their AOI. He also told me (Paul Drayton) they turned out 41 less head than permitted including bulls.
- Sept. 4, 2009—Paul Drayton's conversation with Len Hofer calling to notify FS that the bulls were still out past the date when they were to be removed from

the Shambo Allotment. Also discussed was the problem of Rock Creek turning out open cows which is against state policy due to tric. concerns.

- Sept. 4, 2009—Paul Drayton calls Lonnie Hall about having his bulls out past the removal date.
- Sept 4, 2009—Paul Drayton calls Rock Creek and left a message to "leave their cows in the west pasture on Shambo until 9/16 when they are to rotate with Lonnie Hall back to the east pasture. At that time, the bulls are to be removed." Again, At this point, Paul waves any violation on the part of Lonnie or Rock Creek.
- Sept 4, 2009—Paul Drayton's notes documents a conversation with Cathy Evans, secretary at GRCGA, *and at Paul's request she said she would be sending a letter to Rock Creek about violating their AOI (I called Cathy on Dec. 23, 2010, and she confirmed that Paul told her to send the letter).* Paul says he told Cathy that both Rock Creek and Lonnie Hall should receive a letter because neither one of them were following their AOI by not being in the right pasture and not removing their bulls on time.
- Sept 4, 2009—GRCGA sends out second letter of violation to RCLD based on Len Hofer's report of RCLD not following bull policy and not following AOI.
- Sept. 15, 2009—Paul Drayton received a copy of a letter from the GRCGA to Rock Creek Local District requesting their attendance at the special meeting to be help on Sept. 22, 2009 to discuss issues concerning their allotment.
- Sept. 22, 2009—Paul Drayton records he has notes from the special meeting held with the GRCGA and RCLD discussing issues concerning their allotment.
- Dec. 11, 2009—Paul Drayton received a phone call from Courtney Brownotter expressing concern about receiving 2 letters and possibly losing their permit if they receive 1 more letter. Paul reports that RCLD feels like they may be discriminated against.

  It is after Dec. 11, 2009 that the FS is the one who does not contact GRCGA about the situation with RCLD. It is the FS who goes on to encourage the actions proposed by RCLD and actually openly criticizes GRCGA for their management practices.

On Jan 13, 2009, a meeting was held at the Grand River Ranger District Office. Present were Rock Creek Local District, GRCGA and FS. This meeting was held because of questions Matt Lopez asked on Nov. 8, 2008 (see above). Dan Anderson showed everyone a map of the base property of the Shambo ranch from 1942. There was 2,636 ac. of base property. There were letters from the FS in 1985, 1986 and 1995, that showed the base acres had changed. Dan informed everyone that this was "incorrect". Dan said the FS had confused "base" acres with "commensurate" acres. ***So the FS misled everyone.*** Eric Bogue said the base acres had not changed since 1942. Joby Timm said Gary Petik had written the letters above.

These meetings start the Grand River Ranger District down the road of taking two letters of violation and a supposed "racially motivated remark" by a Pasture Director and turning it into a USDA investigation in the form of a compliance review of the grazing program which is administered by GRCGA and which could result in enforcement proceedings as provided in DR 4330–002.

On August 16, 2010, Regional Forester gives GRCGA its second notification that the Northern Region of the USDA Forest Service will conduct a compliance review of the grazing program administered by the Grand River Grazing Association (GRGA). The letter refers to allegations of violation of Title VI of the Civil Rights Act and then states that the Forest Service has received "written and verbal allegations from program participants of discrimination, harassment, and mistreatment by members and directors."

The claims include the following:

- disparate treatment by use of threats and intimidation
- reports of racially motivated or discriminatory remarks by board members
- concerns that all permit holders are not able to participate in officer election meetings
- use of economic sanctions to force compliance with arbitrary rules
- selective application of economic sanctions
- failure to comply with primary purpose of GRCGA bylaws, conservation of natural resources
- disparate treatment of permittees through arbitrary application of Rules of Management

An analysis of August 16, 2010 letter from the RF is attached (Doc #14). A statement taken from the analysis by Chet Anderson is as follows:

- In a conversation Chet Anderson had with Joby Timm and Paul Drayton, Chet asked Drayton if the members they interviewed came in on their own or if the FS called them in. With Joby Timm standing there, Drayton said they called the members in to question them.

The written and verbal allegations came from the members the Grand River Ranger District called into question.

The GRCGA has tried to identify where the "reports of racially motivated or discriminatory remarks by board members" would have come from. From an analysis of the documents received on October 18, 2010 at the start of the USDA investigation through a compliance review, GRCGA thinks it comes from a conversation Pasture Director Len Hofer had with Grand River Ranger District employee Paul Drayton. Attached is a statement made by Len Hofer on what he actually said to Paul Drayton concerning the Standing Rock Sioux Tribe permit (Doc #15). A summary of what Len said is as follows:

> "I did say that considering all the rules the Forest Service has and the Grazing Association has that Rock Creek might not keep their permit very long. I made the comment only in the light that Rock Creek had only used part of their permit the last few years, leasing out the entire allotment before that and they do have issues with distance, etc. and meeting the requirements might not be worth the hassle. There was no malice in my comment, skin color was never an issue; I have friends that are Native American. I say this because I'm suspecting that a personal comment I made to Paul has been misconstrued."

Len Hofer did not make a "racially motivated remark". It was Paul Drayton who made it a "racially motivated remark" by reporting it incorrectly. In a letter from Mr. James Cerney on April 7, 2010 to District Ranger Joby Timm stating (Doc #16):

> Of greater concern were comments that may have been made at an Association meeting in the fall of 2009. It has come to my attention that one of the Board members may have made, what appears to be, **a racially motivated statement.** The alleged statement was **that if the Association makes things tough for Rock Creek, they (Rock Creek) will withdraw from the Association.**

In early October, GRCGA President Tim Smith sent a letter to GRCGA membership explaining what the compliance review entailed. Tim did not at any time tell the membership they shouldn't or could not meet with the FS. What he does say is, "The Association and any member are entitled to have counsel or a personal representative", "We have asked the FS to contact counsel rather than communicating with the Board, Officers or employees directly", "You are entitled to have counsel or the personal representative present during the interview", "If you want counsel present", and "you may call the GRCGA office for guidance, if you so desire". *These are all first amendment rights which the GRCGA is exercising (Doc #17).*

On October 6, 2010, Grassland Supervisor David Pieper sent a letter to the GRCGA membership, contrary to the request made by GRCGA. In the "unofficial" copy of the Program Compliance Review Report, the FS states that "It appeared that the GRCGA attempted to limit membership participation in the compliance review." This is not true and a statement made to make GRCGA look controlling (Doc #18).

Summary of Notice of Civil Rights complaint:

At no time has the Forest Service provided the Association with factual information regarding the allegations that GRCGA has violated the Civil Rights Act. Nor has the Forest Service adequately explained the alleged violations of the Grazing Agreement other than to report allegations from a long-time member, who unsuccessfully sued the Association making the same or very similar allegations.

When the Civil Rights Compliance Director for Region 1 of the Forest Service met with the GRCGA Board in February 2010, the Association's lawyer Eric Bogue asked for a copy of the complaint. Nothing was ever provided. Forest Service Civil Rights investigation policy requires the Forest Service to produce the case file and it has not done so despite requests for the file.

GRCGA does not currently receive financial assistance from the federal government. In the past, it received ear-marked weed control funds but has not for the last two years. The Forest Service relies on the fact that GRCGA is its agent in administering the grazing agreement. GRCGA does not receive federal financial assistance or payment for the duties it assumes under the grazing agreement.

The Forest Service appears to be combining the investigation conducted under the Civil Rights program, with a 'grazing program compliance review,' even though they are independent factually and legally. In both cases, GRCGA faces vague statements alleging "written and verbal allegations from program participants of discrimination, harassment, and mistreatment by members and directors." The letter also alleges the Board members have made discriminatory remarks, arbitrarily enforced the Rules of Management, threatened economic sanctions to enforce the Rules of Management, and failed to conserve natural resources.

At this point, GRCGA is left in the dark as to whether this is a civil rights case or a grazing agreement compliance matter. Forest Service employees from the Grand River office have said that the Forest Service will soon cancel the grazing agreement for these violations and that the outcome of the investigation is a 'done deal.'

GRCGA can say that its Board has endeavored to always treat its members with respect and has not intentionally or knowingly discriminated on the basis of race, religion, gender or ethnicity.

GRCGA has always worked to comply with the grazing agreement and Rules of Management and to ensure that all members comply.

6. Direct Permits

It is well known that the FS has wanted to eliminate all the Grazing Associations and go to direct FS grazing permits on all the National Grasslands. R–1 past Director of Range Management, Bruce Fox; R–1 Range Staff Jim Wickel, and Grassland Supervisor David Pieper have all said the GPG Grazing Associations have out lived their usefulness and should be eliminated. All three have been heard to say this at FS meetings.

Listed below are statements and incidents where the FS has talked to members, directors and GRCGA employees about direct permits and actually issued a direct permit:

1. On Sept. 24, 2010 Chet Anderson made the following statement: In the fall of 2009 Director Ed Wiesinger and I, members of the resource committee, attended a tour of pastures 1through 5. Representing the Forest Service and conducting the tour were Joby Timm and Paul Drayton. The tour itself was fine and informative, but as we neared the end of the tour, Joby and Paul changed the topic of the conversation to direct permits. They promoted the idea that direct permits would have a much lower cost to individual producers than being members of an association. They made a comment that members of the Grand River Grazing Association paid the highest costs of any association members they were aware of. They were also wondering if we knew of any association members that would be interested in changing to direct permits. I was alarmed that they would present this idea to two board members and that it was presented in this setting. I felt that if they were this bold with board members, are they doing the same thing every time they get alone with a member (Doc #19)?

2. Kevin Ormiston, GRCGA Range Foreman, had a conversation in September 2010 with Paul Drayton on direct permits. When Kevin said he knew the FS wanted to go to direct permits and that would directly affect his job, like he wouldn't have one. Drayton did not deny the direct permit allegation. He just said that there would be enough of the permittees left who would hire him to do work for them. (Doc #10).

3. During the 2010 GRCGA Annual Membership meeting in December 2010, District Ranger Joby Timm talked to the members about direct permits with the Forest Service.

4. On January 10, 2011 District Ranger Joby Timm sent a letter to GRCGA concerning the expiration of the existing grazing agreement between the FS and GRCGA. In the second paragraph of the letter, Ranger Timm states the following (Doc #20):

> "I would like to begin by holding meetings with the membership of the Grazing Association and other interested parties. During the meeting(s) we will openly discuss options that may provide additional opportunities and flexibility to improve livestock operation while meeting DPG LRMP goals and objectives. As I outlined to the membership during the annual meeting, I would expect us to discuss a variety of issues that include individual grazing permit options.."

The individual grazing permit options discussed by Ranger Timm at the annual meeting were "direct permits".

District Ranger Joby Timm can't say he supports the Grazing Agreement (GA) and campaign for wit the members to go to direct permits. He is working against the GRCGA and the GA and encouraging as many GRCGA members to go to direct permits. At some point of diminishing returns, GRCGA is unable to function as an Association because of not enough members.

5. Grassland Supervisor David Pieper sent a letter on February 11, 2011 to GRCGA notifying them that the FS would be administering the Tribe's grazing privileges as follows (Doc #21):

> "Given my trust responsibilities to the Tribe and my determination that, at least for the near term, the Forest Service should administer the Tribe's grazing privileges based on their specific request, I have decided to remove the Shambo Allotment and associated Animal Unit Months (AUMs) from administration under the Grazing Agreement and work directly with the Standing Rock Sioux Tribe in authorizing grazing on the allotment."
>
> "When the Forest Service finalizes the Annual Operating Instructions (AOIs) and prepares the bill for the next grazing season in April 2011, those documents will reflect the withdrawal effective May12, 2011. At this time, we will also provide amended Brazing Agreement exhibits reflecting this change in lands and AUM's covered by the Agreement."

The Shambo Allotment has 1530 Animal Months (AMs) associated with it. What Grassland Supervisor David Pieper will issue to SRST is a "direct permit", even though he never says those words in his decision.

7. Threat Imposed by District Ranger Joby Timm and Range Specialist Paul Drayton on GRCGA staff

On Oct. 18, 2010 the US Forest Service (FS) conducted a civil rights review of the grazing program administered by the GRCGA. During that review it came to GRCGAs attention that there Secretary, Cathy Evans, and past secretary Jane Peterson felt threatened and intimidated by District Ranger Joby Timm and Range Specialist Paul Drayton when they come to the GRCGA office and Cathy is alone at the office.

On Oct 26, 2010 and Nov. 1, 2010 counsel for GRCGA wrote letters, to District Ranger Joby Timm and Grassland Supervisor David Pieper, who supervises Ranger Joby Timm and asked the following (Doc #22):

> "The GRCGA Board requests that the District Ranger and his staff call to make an appointment prior to any future visit to the Association's office and with any Association employee so that members of the Association's Board of Directors can be present as well. This should go a long way towards avoiding the opportunity for 'miscommunication' between the Association and the Forest Service."

On November 3, 2010 Grassland Supervisor David Pieper wrote a response to GRCGAs letters of Oct. 26, 2010 and Nov. 1, 2010 (Doc #23). Supervisor Pieper states he wants to first establish guidelines for both parties. He wants his staff to set appointments with GRCGA and FS to develop guidelines for business operations. GRCGA declines the offer and states there is no need to establish any guidelines; they have already been established in the first two letters.

On January 10, 2011, Ranger Timm called Cathy Evans at the GRCGA office and asked if someone from his office could come to the GRCGA office and deliver some letters. Cathy Evans assumed that their FS Secretary would come with the letters. Cathy Evans agreed it would be OK. Ranger Timm and Paul Drayton both came to deliver the letters. They stayed about 2 minutes. They did not honor GRCGA request as outlined in the attached letter. Because of their actions, GRCGA contacted the Lemmon Police Department and asked if Cathy Evans would be able to call the Lemmon Police Department and be able to request a civil assist if either Range Joby Timm or Paul Drayton, or both show up at the office, for whatever reason (Doc #24).

The procedure GRCGA Board of Directors will instruct Cathy Evans to use is: if either one or both of the above FS employees comes to the office when she is alone is:

1. If either one or both, Range Joby Timm or Paul Drayton come to the GRCGA Office will she is alone, she will instantly call for a civil assist from the Lemmon Police Dept.

2. Next, she will ask them to leave.

3. When the officer from the Lemmon Police Dept. makes it to the GRCGA office, and either Ranger Timm or Paul Drayton, or both are still there then GRCGA would ask that they be removed from the office.

8. Threat Made by District Ranger Joby Timm to GRCGA

At the Board meeting on November 9, 2010, District Ranger Joby Timm threatened GRCGA by making the following statement to Mr. Tim Smith: "You tell the Board that, and you are going to have a fight on your hands!" This is prohibited retaliation (Doc #25).

The threat was made in reference to the letters that were sent to Grassland Supervisor David Pieper and District Ranger Joby Timm about the acts of intimidation by Ranger Timm and Paul Drayton creating a hostile work environment and altering the working conditions of the Grand River Cooperative Grazing Association (GRCGA) employees.

District Ranger Joby Timm was telling GRCGA President Tim Smith that if he told the Board about the letters and they acted on them, that Mr. Smith was going to have a fight on his hands with Joby Timm.

Joby Timm was very angry and upset when he made the statement. This is a very threatening and intimidating statement to have been made by a line officer in the FS. However, it does demonstrate Joby's dislike for Tim Smith and the GRCGA, and his continued harassment of both.

Pasture Directors Gary Frisvold and Raymond Akers were both present when Joby Timm made the threat. Tim Smith had turned to Gary when Joby walked away after making the threat, and said to Gary, "Did you hear that. Gary said, 'I sure did.' "

Disciplinary action needs to against District Ranger Joby Timm for his abuse of power in the position he is in, making threats against the President of GRCGA and the entire GRCGA. The continued abuse and threats by Joby Timm are making for a hostile work environment for the entire Board of Directors and the GRCGA.

9. Shadehill Recreation Project

GRCGA appealed the Shadehill Recreation Project on august 19, 2010 (Doc #26).

On September 24, 2010 Chet Anderson attended a meeting at the Grand River Ranger District office to discuss his appeal of the Shadehill Lake Recreation project. Chet made the following statement concerning statements made by Acting District Ranger Tanya Weisbeck:

> "On Sept. 24, 2010 Chet Anderson made the following statement: In the late summer of 2010, at the request of Pasture 8 member John Bartell, I attended a meeting at the Forest Service office to discuss his appeal of the Shadehill Lake Recreation project. In attendance were Vivian Lyon, John Bartell, Tanya Weisbeck and Barbara from the FS office in Bismarck, and I. One of John's concerns was that with a horse riding trail in the pasture, cows and their grazing patterns would be disturbed. Tanya proceeded to explain that in the Ft. Pierre National Grasslands, where she used to be employed, it is common for people to hunt on horseback. 'There've been instances where producer's livestock have been shot by hunters' said Tanya. John expressed that having cattle shot would be much worse, but having cattle disturbed is also detrimental. Tanya responded that considering the 'cheap grazing fee' we pay, we should be expected to tolerate the disturbance, injury, or death of some livestock. I feel this comment was extremely prejudiced and implied two things: (1) That grazing associations are similar to government assistance programs, and (2) That if government assistance is received, the recipients should be expected to tolerate poor treatment. I will reply to both of these implications. First, our association doesn't receive one cent of government assistance. Second, for anyone, especially someone in a supervisory governmental position, to suggest that we should tolerate livestock mistreatment in any form, is very concerning. In my opinion, her comment implied that it should be okay to kick the dog of someone who receives food stamps, or that someone on Medicaid should tolerate the mistreatment of their pet because they are receiving federal assistance. I am gravely concerned that Tanya, with her supervisory position, has this underlying opinion of our association and the livestock we manage.
>
> I would be willing to comment more on this topic, but am having trouble putting all of my thoughts onto paper. I have never felt discriminated against until now."

During the appeal the Grand River Ranger district agreed to try and resolve the appeal through informal resolution. On December 8, 2010 an informal resolution meeting was held to discuss the GRCGA's appeal. The GRCGA and the FS narrowed the appeal down to the following issues (Doc #27):

> Issue potentially resolved.

1. GRCGA proposed reducing size of exclosure at the Shadehill Campground. Forest Service agreed to reduce size of exclosure from 450 acres to approximately 110 acres. FS would be responsible for the construction of the fence and GRCGA would maintain it. If fence does not keep cattle out of campground, additional fence would be constructed increasing the size of the exclosure to approximately 185 acres. See attached maps.

2. GRCGA proposed that there would not be a reduction in permitted animal months due to the building of the approximately 110 acre campground exclosure. Forest Service agreed to this proposal.

3. GRCGA proposed that the FS monitor the use of the facilities constructed in phase 1 (as described in the Decision Notice) of the campground before building phase 2. No "trigger point" for amount of use was proposed. FS agreed to monitor the use before building phase 2.

Attempts to agree on the proposed three issues above failed and District Ranger Joby Timm moved ahead on January 19, 2011 with his responsive statement to Grassland Supervisor David Pieper (Doc #28). The main issue the FS would not agree to is the maintenance of the fence they would build to fence off their campground. The FS wanted to assign maintenance of the fence to GRCGA.

In District Ranger Joby Timm's responsive statement, he used two and a half pages to describe the "informal resolution process" stating that even though he tried very hard to make it work with Chet Anderson from GRCGA who would not return his calls. When Chet was asked why he didn't return his calls, Chet said he never got a call or a message to call Ranger Timm back.

In the Responsive Statement, Page 18, Ranger Timm makes the following statements:

"The decision was to fence the 450 acres out of Pasture 8 and to review annually to determine if cattle can graze the area. Because grazing may still be authorized annually, it is difficult to quantify the economic impacts due to the fact that there are several possibilities to achieve this reduction in authorized use.

The appellant also state that the reduction in livestock will have a negative effect on the economy of our area of $138,600. In 2009, the Hettinger Research Extension Center conducted a study of the potential effect of reducing livestock numbers on 22 allotments in the Pasture 1–5 area of the Grand River National Grasslands on the regional economy. Under the parameters of this study, the reductions in livestock proposed may negatively impact individual permittees involved, but are not forecast to adversely affect the regional economy."

In the Responsive Statement, Page 10, Ranger Timm makes the following statements:

"Livestock grazing may still be allowed. Any changes in livestock grazing would be reviewed annually, there are no permanent adjustments proposed. Actual reduction in livestock grazing would be no greater than 6%. If grazing does not occur in the exclosure in a given year, the reduction does not have to be in livestock numbers, the grazing season can be shortened (approximately 11 days less).

This project will involve installation of a new fence and watering locations which will in fact affect the operating costs of the GRGA. The 450 acre exclosure which was in the selected alternative will add approximately 6,000 feet (1.14 mi) of fence. Whereas, the 240 acre exclosure which was also analyzed would add approximately 7,300 feet (1.38 mi). So utilizing the 450 acre exclosure will have an overall lower maintenance cost than the smaller exclosure."

"The FS says the reductions in livestock proposed may negatively impact individual permittees involved, but are not forecast to adversely affect the regional economy." So it is OK to impose reductions because a study says it will not adversely affect the regional economy. Somehow the logic is flawed. The FS should consider the individual members first in any reduction, especially if one is not warranted.

What the Ranger Timm is saying from in the above paragraphs is, because grazing may still be authorized annually, there are no permanent adjustments proposed. It should be noted that grazing that does occur in exclosures across the DPG is "incidental" to the regularly scheduled grazing. Incidental is described as; 1. Secondary or minor, 2. Miscellaneous or minor items. Incidental use should not be counted on the normal operation of the Pasture grazing system. Therefore, it is a true reduction is use and should be considered a cancellation of part of the permit. To say there are no permanent adjustments proposed is misleading when the FS knows it is not

going to be grazed. The purpose of the campground is for public safety and to prevent resource damage, which if livestock were allowed to graze, the FS would say they damaged the campground.

The reasoning behind where the fence should be installed is based on 1,300 feet of fence (.25 mi.) difference because the maintenance costs will be lower. And this justifies an actual reduction in livestock grazing would be no greater than 6%. Again, this is flawed logic. The reductions may not cause the FS to rethink their logic, but to Pasture 8 members, it is significant.

On February 7, 2011 the Grand River Cooperative Grazing Association (GRCGA), on behalf of its members, submits this reply to the Responsive Statement in the Appeal of the Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Grand River Recreation Projects Environmental Assessment, Grand River Ranger District, and Dakota Prairie Grasslands. It asked Grassland Supervisor David Pieper to reconsider the size of the fenced area from 450 ac. To 185 ac. as was proposed and agreed to in informal resolution (Doc #29). Decision from Grassland Supervisor Pieper is pending.

10. Civil Rights Complaint, Program Compliance Review Report and Standing Rock Sioux Tribe Direct Permit

On January 25, 2010, Grassland Supervisor David Pieper sent a letter to GRCGA President, Tim Smith giving GRCGA their *first notice* that allegations have been made by a GRCGA member. Supervisor Pieper states in his letter;

> "Specifically, under II.D. 11. of the current grazing agreement, the association will 'Comply with nondiscrimination conditions of Executive Order No. 11246 and Civil Rights Act of 1964, and on subsequent amendments. Recently, DR Timm informed me of a member's **allegations** of unequal treatment and discrimination by the GRCGA. Based upon my discussion with Timm and as required by USDA policy, I have asked him to begin an administrative review of the **complaint** and to engage the R–1 Civil Right office and the Office of the General Counsel.' Supervisor Pieper has just given GRCGA its 1st notice that allegations of unequal treatment and discrimination by the GRCGA have been made."

In Mr. Pieper's next sentence he calls the allegation a "complaint". Supervisor Pieper is careful not to disclose any information about who made the allegations or how long this has been going on.

The Program Compliance Review Report is the culmination of an effort that started in January of 2009 by the Grand River Ranger District to get the Standing Rock Sioux Tribe (SRST) to a direct permit. Grand River Ranger District planned and implemented a strategy between September 22, 2009 and December 11, 2009 to get Rock Creek Local District, a tribal entity with SRST, to request a direct permit with the Forest Service and make the claim they are being discriminated against by Grand River Cooperative Grazing Association (GRCGA.) Grand River Ranger District then spent the next twelve (12) months working with SRST and their lawyers, with no involvement by GRCGA, to get Charles W. Murphy, Chairman, and Standing Rock Sioux Tribe to a point of sending a letter dated December 20, 2010 to Grassland Supervisor David Pieper. The letter states; "Therefore, based on the foregoing, the Standing Rock Sioux Tribe is hereby requesting that it be issued a grazing permit from the U.S. Forest Service for the national grasslands in relation to the grazing privileges of Shambo Ranch. The Rock Creek District of the Standing Rock Sioux Reservation looks forward to working directly with the U.S. Forest Service beginning with the 2011 grazing season."

The FS conducted *an investigation* in the form of a compliance review which could result in enforcement proceeding as provided in DR 4330–002 (Oct. 18, 2010 Regional Forester, Leslie Weldon letter to Constance E. Brooks, P. 3, paragraph 1, sentence 4). GRCGA is not a "Forest Service Federally Assisted Program". GRCGA administers a grazing program on the Grand River National Grasslands (Aug 16, 2010 Regional Forester, Leslie Weldon letter to Tim Smith, President, GRCGA, P. 1, paragraph 1, sentence 1).

A letter from Regional Forester Leslie Weldon to Constance E. Brooks, counsel for GRCGA, along with 19 documents, were hand delivered on October 18, 2010, by Lindsay Carter at the GRCGA office. This letter was in response to the September 17, 2010, FOIA request. On page 2, paragraph 1 of the letter, the regional forester states,

> "The objective of the compliance review, as stated in our letter, is to ascertain whether the allegations have merit and to ensure compliance with and enforcement of the prohibition against discrimination. Specifically, a compliance review is an **investigation** that assess and evaluates the civil rights and equal oppor-

tunity policies, procedures, and practices of an organization or its instrumentality, funded in whole or part by USDA, to determine compliance with applicable civil rights statutes, regulation, standards, and policies."

A summary of the timeline and documents and what lead to a Civil Rights complaint by the Forest Service for Standing Rock Sioux Tribe/Rock Creek Local District—member of GRCGA is attached (Doc #30).

On page 3, paragraph 1 of the October 18, 2010 letter the Regional Forester states, "The USDA is undertaking an **investigation** in the form of a compliance review which could result in an enforcement proceeding as provided in DR 4330–002."

On the afternoon of October 18, 2010, review team leader Lindsay Carter conducted a pre-review meeting at the GRCGA office with the review team, Eric Bogue, counsel for GRCGA, Van Elsbernd, consultant and Cathy Evans, secretary treasurer for GRCGA. Lindsay Carter opened the meeting by saying the Review Team was there to conduct a compliance review of the grazing program. When questioned by Eric Bogue about the investigation, Lindsay Carter said that it was not an investigation, even though the October 18, 2010 letter expressly says it is. Lindsay Carter continued the meeting by making the following opening comments;

> "I am here to clear up any misconceptions/misunderstandings about some of the things I've said. There must be some pretty serious misunderstandings about what we are here to do."
>
> "What we are here to do is a compliance review. It is a programmatic review. Pat Jackman is here to serve as technical advisor."
>
> "The Grazing program is a USDA program. The Grand River Grazing Association is our agent; it's the Forest Service agent, therefore is a recipient and as a recipient the Grazing Association has obligations to meet and the FS has obligations to tell them what they are."
>
> "What this is, is a review of how the program is being delivered."
>
> "We are here to conduct some interviews, hopefully with Grazing Association directors, pasture directors, and grazing association members. So you all can tell us your concerns with the program, so we can listen to those. If there is something the Forest Service needs to do to improve our service to you at all we want to know what that is."
>
> "What we are here to do is help make the program better and whether that is on the Forest Service side or the Grazing Association side, we don't know what that is going to be yet. So that is really why are here."
>
> "One of the things I want to know is what the Grazing Association impressions, what their perceptions of how the grazing program is supposed to work so that if there is any misconceptions there we can start working to achieve a more common understanding of what the expectations are. And we need to know what you alls expectations of the Forest Service are. And you all need to know what the Forest Service expectations of the Grazing Association are."
>
> "This has nothing to do with canceling the Grazing Agreement as has been mentioned in letters we've received and also on the radio broadcast of your meeting last Saturday."
>
> "Once we are through the requirements dictate that we generate a report within 30 days. You all will be furnished a copy of the report. In there will be issues identified, there will be findings identified, and there will be recommendations about what we need to do whether it's a recommendation for the Grazing Association or recommendation for the Grand River District of the Forest Service. And I can tell you there is going to be some recommendations for the Forest Service."
>
> "So that report will be done and then we will work with you on it to develop a corrective action plan. So that our goal is to help you all recognize whatever deficiencies there are, if there are any."

At this point, GRCGA was very confused by the direct reversal by Lindsay Carter saying this was not an investigation, when the Regional Forester stated in the letter of October 18, 2011 that was handed to GRCGA that afternoon stating "The USDA is undertaking an **investigation** in the form of a compliance review which could result in an enforcement proceeding as provided in DR 4330–002."

GRCGA was very guarded in its approach to the civil rights investigation, especially since the FS intentionally kept GRCGA in the dark for almost a year as to what they were working on with their members and changing the investigation to a review on Oct. 18, 2010. The FS is openly critical of this guarded attitude in the

Program Compliance Report of February 2, 2011, especially in how the GRCGA conducted itself during the FS interviews (Program Compliance Report February 2, 2011, IX. Observations of Treatment of Program Participants, P. 15, point #4.)

On January 10, 2010, District Ranger Joby Timm sent GRCGA a letter stating on December 20, 2010 the FS received a request from the SRST for an individual grazing permit (direct permit) in regards to the Shambo Allotment. The FS stated it would like to consult with GRCGA about removing the NFS lands in the Shambo Allotment from the Grazing Agreement. The FS then states; "Please add this topic to your agenda for discussion at your board meeting on January 11, 2011." The consultation the FS was after was removing the Shambo Allotment from the Grazing Agreement. The FS had already determined they were going to issue SRST a direct permit (Doc #31). Consultation with GRCGA was merely a formality.

The FS stated in their January 10, 2011 letter that:

> "As indicated in the current Grazing Agreement on page 9, section F #4—Lower priority withdrawals of service lands may be made after consultation with the Association and upon 90 days written notice, but not to be effective prior to the end of the current grazing season."

In the current Grazing Agreement, Section F—It is Further Understood That, #4 actually reads as follows:

- #4—In the event the Service lands and facilities, or any part thereof, are needed for military, or other similar priority purposes, this Agreement may be terminated, or the necessary lands and facilities may be withdrawn from this Agreement any time upon 30 days written notice to the Association by the Service. **Lower priority withdrawals may be made after consultation with the Association and upon 90 days written notice, but not to be effective prior to the end of the current grazing season.**

Section F, #4 is referring to the Service lands (National Grasslands) being needed for military, or other similar priority purposes. Using this clause in the Grazing Agreement to go to a direct permit does not meet this criteria and the FS is wrong in their interpretation of the Grazing Agreement. If #4 stands as being applicable to remove land and AMs from the Grazing Agreement, then the entire National Grasslands can be classed as a "lower priority withdrawal" and the grazing agreement canceled and direct permits given to anyone.

GRCGA has a grazing permit with the FS through the Grazing Agreement. If the FS is going to suspend or cancel all or part of the permit, in this case it would be cancel, then that is an adverse action that has to be taken against GRCGA. There has to be just cause to do so.

On January 11, 2011 the Board took the following stand with the FS:

- The District Ranger (DR) delivered the first letter 4 p.m. the day before the Board meeting, without sufficient notice to get it on the next day's agenda. The Board properly deferred discussion when it had no information. Mr. Timm did not bring SRST's request with him when he attended the meeting.
- The Board requested a copy of the SRST request. The DR said he would provide it; it was not provided till Feb. 9, 2011, two days before Grassland Supervisor Pieper made his decision. So the Board did not have the relevant information they could not discuss it with the DR.
- The Board has insufficient information in order to begin consultation. Announcing the request without providing any of the background information or the FS file, is not consultation.
- GRCGAs interpretation of the Grazing Agreement requires a 90-day consultation period. A final decision by 2/11/11 is not consistent with the Grazing Agreement.

At the Board meeting Tim Smith asked District Ranger Joby Timm for a copy of the SRST request. Joby responded that he had left it on his desk and he would get it to right away.

The GRCGA wanted to contact Standing Rock Sioux Tribe (SRST), because they were still a member of the Association, to explain from their point of view what had transpired over the last two years to get SRST to the point of requesting a direct permit. On January 28, 2011 GRCGA sent a letter to Charles W. Murphy, Chairman, SRST, asking the Tribe to come to Lemmon and meet with the Board on February 14, 2011 at 2:30 p.m. (Doc #32).

On January 31, 2011 GRCGA sent a letter to Joby Timm requesting the following (Doc #33):

> "Before Grand River Cooperative Grazing Association (GRCGA) can consult with or respond to your January 10, 2011 letter stating the Forest Service received a Dec. 20, 20011 request from the Standing Rock Sioux Tribe (SRST) for an individual term grazing permit (direct permit) in regards to the Shambo Allotment, GRCGA will need to receive a copy of the request made by SRST. At the Jan. 11, 2011 Board meeting when Tim Smith asked for a copy of the letter of SRST's request, you stated that you had it but it was at your office. Please provide a copy and all additional documentation pertaining to the request."

On January 31, 2011 a letter was sent from Grassland Supervisor David Pieper to GRCGA stating (Doc #34):

> "If GRCGA wishes to discuss this matter I propose a meeting with Ranger Timm at 10 a.m. on February 4, 2011 at the GRRD office." "The agency intends to conclude consultation and make a decision concerning the SRST's request by February 11, 2011."

Tim Smith called District Ranger Joby Timm on February 4, 2011 to advise him that a letter was forth coming to Grassland Supervisor David Pieper. Ranger Timm asked Tim Smith if they had sent a letter to SRST, and he said he they had. On February 9, 2011 GRCGA responded to Grassland Supervisor David Pieper with a letter that explained GRCGA concern for withdrawing the Shambo Ranch under Section F, #4 as follows (Doc #35):

> "Your letter of Jan. 31, 2011 states, 'to Grand River Cooperative Grazing Agreement (GRCGA) on Page 9, section F#4, provides lower priority withdrawals may be made after consultation with the Association and upon 90 days written notice, but not to be effective prior to the end of the current grazing season.' It also states the Jan. 10, 2011, letter to GRCGA initiated the process outlined in the Grand River Cooperative Grazing Agreement. Even assuming that the above provision in the GRCGA Grazing Agreement applies to this situation and even assuming that the Jan. 10, 2011 letter triggered a 90-day consultation period, it would not expire until April 11, 2011."
>
> "Therefore it is GRCGA's contention that the FS has clearly misinterpreted this clause. The Federal Land Policy and Management Act defines a withdrawal as:
>
>> [W]ithholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than 'property' governed by the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) from one department, bureau or agency to another department, bureau or agency.
>
> 43 U.S.C. 1702(j). This clause clearly applies to situations when the administration of the federal land is transferred to another agency, not the removal of land from a grazing agreement."
>
> "GRCGA believes that a direct permit and a term grazing permit are similar, neither one being a lower priority withdrawal. It is also GRCGA's assumption that since the only term permit that has been issued on the Grand River National Grasslands is to the GRCGA, any actions pertaining to that permit would be done according to FS rules and policies regarding changes in the grazing permit, i.e., FSM, 2200, 'Cancellation, in whole or in part, applies if a permanent change in the permit is necessary' and just cause has to be produced for any cancellation. The FS Handbook governing the administration of the grazing agreement further provides: '22.1—Changes in Lands or Improvements. The grazing agreement shall require that the Forest Service notify the organization of all proposed changes in lands and/or improvements included in the agreements and the reasons for the changes. The parties to grazing agreements must agree to the changes before they are effective.' FSH 2209.13, ch. 20, ¶ 22.1."

On February 11, 2011 Grassland Supervisor David Pieper sent GRCGA a letter stating (Doc #36):

> "First you state that Mr. Timm failed to provide you a copy of the Tribe's letter and, you declined to initiate consultation for the reason. However, on January 18, 2011, Mr. Timm spoke to your counsel Mr. Eric Bogue by telephone and informed him that he would be sending by fax a copy of the Tribe's letter. Mr. Timm did so on January 18 in accordance with the telephone call."

> "Given my trust responsibilities to the Tribe and my determination that, at least for the near future, the Forest Service should administer the Tribe's grazing privileges based on their specific request, I have decided to remove the Shambo Allotment and associated Animal Unit Months (AUMs) from the administration under the Grazing Agreement and work with the Standing Rock Sioux Tribe in authorizing grazing on the allotment."

The GRCGA could not have stopped the FS from withdrawing the Shambo Allotment from the Grazing Agreement, even if they would have consulted with the FS in January, 2011. Some keys points about the withdrawal are as follows:

1. There was nothing that GRCGA could have done to prevent this. The FS was on a mission to get SRST to a direct permit, as stated in their first letter of January 10, 2011:

> "The FS takes its tribal trust responsibilities very seriously and would like to consult with you about **removing the NFS lands in the Shambo Allotment** from the Grazing Agreement."

2. Even if GRCGA would have met with the FS prior to Feb. 11, 2011, just by the way the letter is written the FS would have made the same decision.

3. If the FS can withdraw this lands and AM's from the Association, they can do as many as they want, for whatever the reason maybe; *i.e.,* wildlife area, recreation area, direct permits, *etc.*

4. GRCGA only has to lose 35–40% of their membership to direct permits, before the Association becomes unprofitable to operate.

1. Even if GRCGA would have agreed to everything so far, no appeals, *etc.,* GRCGA would end up in the same place. The FS wants GRCGA replaced with direct permits.

On February 9, 2011, Eric Bogue talked with Mr. Timm about the fax. Mr. Timm asserted that he sent the letter to me previously and said it was a "lie" to state otherwise in the letter, basically calling Eric a liar. Mr. Timm also told Eric that they (FS) are recording all of the meeting now and that he didn't "promise" anyone regarding the SRST letter at the meeting. He said he "confirmed" that discussion when he re-listened to his recording of the meeting, basically calling Tim Smith a liar.

Eric Bogue was asked to check his fax log, which he did and sent the following e-mail on what he found on Feb. 16, 2011:

> "I did just print that received log. It does go back far enough. I did get a fax on the 18th, however, it does not indicate from whom. Interestingly enough though, the fax that I can confirm getting from them (FS) on the 9th does show their fax number ([**Redacted**]). Without doing a full file search I don't think I can tell you which other matter the fax was in reference to."

So I think we can safely say Bogue Law Offices fax machine records do not show the receipt of any telefax from the District Ranger's office fax machine, [**Redacted**] on 1/18/11 as claimed by the District Ranger Joby Timm.

On February 9, 2011 District Ranger Joby Timm did fax a copy of the December 9, 2010 SRST request for a direct permit (Doc #37).

11. GRCGA Development of AOIs

On December 28, 2010, GRCGA sent a letter to District Ranger Joby Timm concerning the development of Annual Operating Instructions (AOIs). In the letter GRCGA stated the following (Doc #38):

> "The Grand River Cooperative Grazing Association (GRCGA) recently determined from a review of the Grazing Agreement that the authority to prepare annual operating instructions (AOIs) is delegated to GRCGA. Even though the FS assumed this aspect of the administration of the grazing program, GRCGA will accept its responsibility of preparing AOIs for the 2011 grazing season. The format for the 2011 AOIs would be similar to the 2010 AOIs that the FS completed and sent out."

On January 10, 2010 District Ranger Joby Timm delivered a letter to GRCGA office stating the following about the GRCGAs letter of Dec. 28, 2010 (Doc #39):

> "Keep in mind that if all AOIs are not completed and delivered to the Forest Service (FS) office by March 15, the FS will have to develop the AOIs. This deadline will ensure the AOIs are completed in a timely manner to allow the

calculation of the grazing bill. As you know, livestock cannot be turned onto the National Grasslands until the bill is paid."

GRCGA sent a letter to Ranger Timm on January 31, 2011, and reviewed the 2010 AOIs that were prepared by the FS, and noticed the following (Doc #40):

- The AOI date and the District Ranger signature were assumed to be the same, as no date accompanied the Ranger's signature.
- Only two AOIs were dated before March 15, 2010 (March 4 and March 7)
- The rest of the AOI's were signed after March 15.

Once again, Ranger Timm is trying to intimidate the GRCGA by stating a policy that doesn't exist. Even his office doesn't have the AOIs prepared by March 15.

The GRCGA makes a request of the FS to help facilitate the AOI process with GRCGA as follows:

> "To facilitate the process, GRCGA requests that the FS use the same first billing for 2011 that was made for the first billing in 2010. Any differences between 2010 and 2011 first billing can be adjusted in the second billing. This will help meet our concern of a timely calculation and payment of the grazing bill so livestock can be turned onto the National Grasslands."

The Grand River Ranger District did not respond back to GRCGA on this request.

12. District Ranger Joby Timm Gives GRCGA SOPs for Board Meetings and Directors

At the Board meeting on January 11, 2011 District Ranger Joby Timm gave the GRCGA a set of draft outline of "Standard Operating Procedures" for the GRCGA monthly meetings (Doc #41). It appears Ranger Timm is trying to put the GRCGA in a staff role to his position as Ranger and have them report out each month on what they did. GRCGA informed Ranger Timm they already had a set of standard operating procedures for their meetings and would continue to use those.

13. District Ranger Joby Timm Gives GRCGA a Grand River National Grasslands, USFS, Answers to Your Questions "Fact Sheet"

At the Board meeting on January 11, 2011 District Ranger Joby Timm gave the GRCGA a Grand River National Grasslands, USFS, Answers to your questions "Fact Sheet" (Doc #42). Ranger Timm said these were questions he was getting asked most often and wanted GRCGA to have a copy to disperse. He said look it over and get back to me if GRCGA see's anything they would like to comment on.

On page 2 of Fact Sheet, #9 references "Program Compliance Reviews". This topic must be receiving a lot of attention. GRCGA is still working on a response to the Fact sheet, but doubts if their comments will convince the FS to change it.

During the pre-briefings of the Program Compliance Review Report by the FS with South Dakota and North Dakota officials, the Fact Sheet was handed out as part of the briefing packet provided by the FS. The name on the Fact had been changed to "Grand River National Grasslands, 2010 Compliance Review: Answers to your questions 'Fact Sheet'". It is the same fact sheet, only with one word noticeably put in bold print. That word lies in the following sentence:

> 4. Currently the GRCGA, working as an agent for the U.S. Forest Service, helps administer the grazing program on the Grand River Ranger District. The Forest Service **allows** the GRCGA to administer the grazing program through a grazing agreement. The Grazing Agreement and Rules of Management outline the processes and responsibilities of both the Forest Service and the GRCGA. The current grazing agreement expires on December 31, 2011.

The Fact Sheet must serve many needs depending on what emphasis the FS wants to put on it. And the FS wanted to make sure the officials knew that the "Forest Service" allows the GRCGA to administer the grazing program through a grazing agreement.

14. District Ranger Giving GRCGA 5 Letters on January 10, 2011 and Expecting Some of the Letters To Be Answered at the Board Meeting on January 11, 2011

On January 10, 2011, District Ranger Joby Timm and Range Specialist Paul Drayton came to the GRCGA office at about 4:00 p.m. and hand delivered 5 letters from the FS. Some of the letters required immediate answers, *i.e.,* next day Board meeting. Others were answers to previous GRCGA letters. **This delivery of letters was done to send a message of intimidation and harassment to the GRCGA and Cathy Evans, GRCGA Secretary. The number of letters delivered and**

with both Ranger Timm and Mr. Drayton delivering the letters, which they were notified not to do, clearly sends a message that Grand River Ranger District can do whatever they want and GRCGA can't do thing about it.

15. District Ranger Joby Timm Gives GRCGA a FS Agenda for Board Meetings

Prior to the February 14, 2011 Board meeting, Paul Drayton sent an e-mail on February 8, 2011 to GRCGA with an agenda for the Board meeting titled (Doc #43):

> "United State Forest Service, Grand River Ranger District Monthly Grazing Administration Meeting with Association, February 14, 2011."

In Mr. Drayton's e-mail he states:

> "Hi Cathy. **Here is an agenda we would like you to forward on to the directors before the meeting next week. This will give them a chance to look it over and prepare for any items they need or want to discuss.** I also scanned in your January meeting notes with some edits/corrections/suggestions that Joby and I came up with. Thanks and see you next week."

The FS agenda provide in the e-mail had many topics that the FS proposed to spend approximately three (3) hours of time and requiring seven (7) decisions by the FS. Many of the topics needed more information or could have been handled with a letter or an email. GRCGA prepared a response to FS on their agenda (Doc #44).

Upon review of the current Grazing Agreement GRCGA could not find the above mentioned meeting or any reference to a monthly grazing administration meeting. In the future GRCGA will provide the FS an agenda for its Board of Directors monthly meeting the day before the meeting. This may help the FS's understanding of what GRCGA is doing in the administration of the grazing program on the Grand River National Grasslands as outlined in the Grazing Agreement. This may help the FS's understanding of what GRCGA is doing in the administration of the grazing program on the Grand River National Grasslands as outlined in the Grazing Agreement.

It appears Ranger Timm is trying to put the GRCGA in a staff role to his position as Ranger and have GRCGA structure their meetings each month with an agenda provided by the FS.

16. District Ranger Joby Timm Gives GRCGA Corrected Board Minutes

Prior to the February 14, 2011 Board meeting, Paul Drayton sent an email on February 8, 2011 to GRCGA with an agenda for the Board meeting titled:

> "United State Forest Service, Grand River Ranger District Monthly Grazing Administration Meeting with Association, February 14, 2011."

In Mr. Drayton's e-mail he states:

> "Hi Cathy, Here is an agenda we would like you to forward on to the directors before the meeting next week. This will give them a chance to look it over and prepare for any items they need or want to discuss. **I also scanned in your January meeting notes with some edits/corrections/suggestions that Joby and I came up with (Doc #45).** Thanks and see you next week."

During the Civil Rights Investigation the week of October 18, 2010, one of the issues brought forward by the Civil Rights Investigation review team (review team) was an accusation by the Forest Service (FS) that Grand River Cooperative Grazing Association (GRCGA) had changed their monthly Board of Director minutes. Upon a review of the minutes, the review team found the minutes had been changed, but not by the GRCGA, but by the FS.

It appears the FS is again making an attempt to once again change the minutes of the GRCGA monthly Board of Director minutes. A review of the FS changes to the minutes shows they are mostly points of clarification, misspellings, or wording preferences. Aside from clerical errors, the Association minutes cannot be changed just to suit a participant. The minutes are recorded sessions and principles of corporate governance preclude efforts to rewrite the previous meeting. If the minutes contain an issue of significance that was not transcribed to the satisfaction of the FS, then the FS should bring that issue to the next Board meeting where it can be discussed again and recorded.

GRCGA responded to the FS's attempt to correct the minutes with a letter dated February 11, 2011 (Doc # 46). GRCGA advised the FS a copy of the GRCGA monthly Board of Director minutes are provided to the FS as so they can have a record of each meeting. GRCGA will continue to provide copies of the minutes.

17. Statements of Forest Service Harassment and Intimidation

1. Intimidation and threat by District Ranger Joby Timm

On March 2 and 3, 2010, Ranger Timm suggested the GRCGA participate in funding the biologically capable study for which the Ranger District had received about $250,000.00. Tim Smith, President, GRCGA instead stated that the Association members would develop a monitoring program using the NDSU baseline range assessment and that the FS would be invited to participate.

Ranger Timm told Tim Smith that unless the monitoring plan was approved by him (Ranger Tim), Ranger Timm would end livestock grazing for the 2010 season, should the Association proceed without his approval (Doc #49).

2. Intimidation by Dan Swingen

On September 9, 2010 Kevin Ormiston, GRCGA employee made the following statement. This documentation was from a Prairie Dog Tour in Pastures 7 & 8 on July 27, 2010.

- On July 27, 2010 I was at a Prairie Dog meeting in Pastures 7&8 with 2 of my directors and various Forest Service personnel, including Dan Swingen and Fish & Wildlife biologist Scott Larson out of Pierre. After viewing the town in 7 Dan asked the group starting with me what do you think & I responded "I was hoping to retire here but if you introduce the ferret here you're going to destroy this land like down at Wall." "There is 2800 Acres of Dogs & it looks like the moon. What's more important for families that work for Grand River Grazing Assn or animals? The cuts that the permittees take is less money in the bank to pay us and finance the improvements." With a nice smile he did not answer me he moved on to the next person & asked him "what do you think?" I knew then my job is in trouble.

  Later after the tour we were going to town and I was in the back and Swingen and Larson were talking in the seat ahead of me talking about how they should burn and transplant dogs to expand the towns quicker. Dan said the "Dems" were probably going to lose the house and Senate and the Presidency in the next election. The republicans would slow down the process of putting the Black Footed Ferret on the Grand River Ranger District. It's a sad world we live in when we have to fear our Govt.

  Kevin Ormiston
  Foreman Grand River Grazing Assn.

  Signed: Kevin Ormiston 9–23–2010

3. Harassment by Joby Timm

- On Sept. 24, 2010 Chet Anderson made the following statement: As a member of the prairie dog committee, pasture 8 director, and resource committee member, I have had several opportunities to meet with Forest Service personnel. During one of our meetings the topic turned to a project that I felt would be worthwhile, but would be impossible to complete due to a lack of funds. **Joby made a comment that if we (GRCGA) weren't paying lawyers to appeal the Forest Service Decision on pastures 1–5, we would have more funds available for projects.**

  Chet Anderson, Pasture Director

4. Abuse of position and intimidation by Joby Timm of the GRCGA Board

In late 2008 and early 2009, Joby Timm tried to get Matt Lopez a permit with GRCGA. He campaigned for him over Rock Creek Local District to get the permit. Joby tried to influence the GRCGA board to give a permit to Matt Lopez (see meeting notes, Jan 15, 2009—original Platte Map found).

5. Intimidation by Joby Timm on two Pasture Directors

In 2009, Joby Timm talked with Pasture Directors Dan Anderson and Len Hofer on why they should go with direct permits, outlining the cost of doing so. He tried to influence the directors to leave the Association and go with direct permits.

Report by: Van C. Elsbernd (e-mail: [**Redacted**]), Manager, Great Plains Consulting LLC, [**Redacted**], Fort Collins, CO.
Date: March 8, 2011

SUBMITTED E-MAIL BY RHONDA MUSE, NATIONAL INSTITUTE FOR THE ELIMINATION OF CATASTROPHIC WILDFIRE

March 30, 2012

To: House Agriculture Committee
Subject: U.S. Forest Health comments

To: the House Committee on Agriculture, Subcommittee on Conservation, Energy, and Forestry

We are sorry we missed your subcommittee meeting on the topic of U.S. Forest Health and Job Creation in Rural America. We are working hard on a similar proposal to improve forest health and would like to submit to you a recent position paper that you may use as supplemental comments. If you are interested in meeting or talking with participants of our Institute, please contact Bruce Courtright at [**Redacted**] or by phone at [**Redacted**].

Thank you for taking the time to look over our documents for potential use in your efforts. Please notice the cover letter indicated there are 12 enclosures, most of these are supplemental documents to our position paper and I have not included them here. If you would like to obtain the entire packet of information please let me know.

Sincerely,

RHONDA MUSE,
National Institute for the Elimination of Catastrophic Wildfire.
www.stopwilfire.org

ATTACHMENT 1

Something of Value: The National Forest System

Congressional Action is Needed for the Revitalization of the National Forest System.

March 12, 2012

EXECUTIVE SUMMARY

America's 193 million acre National Forest System is in serious decline. The United States Forest Service (USFS) was created to be the Congressional designated manager of the forests and to be the leader of professional forestry in the United States. As much through designed neglect as benign neglect, the national forests are being allowed to change from productive forests to fire-prone, insect-infested, and disease-wracked lands of declining value to the public, and the USFS that manages them for their citizen-owners is declining in its ability to carry out its mission of "caring for the land and serving people." Congress must act immediately to save the National Forest System and its invaluable commodity and amenity resources, and to restore and revitalize the beleaguered USFS charged with their management.

During the past decade, the natural resources on over 12 million acres (an area larger than the State of Maryland) of National Forest System lands have been damaged or destroyed by catastrophic wildfires, insects, and disease. This devastation is a consequence primarily of improper and inadequate management in a time of rapidly changing environmental conditions caused by climate change. Science-based resource management by Forest Service professionals has been preempted by those with ideological agendas and the political power to impose them. Congress's statutory direction for management of the national forests on a sustained yield-multiple use basis has been subverted by special interest groups. This situation will only get worse without immediate congressional intervention.

Congress must act now to charter a comprehensive review of the legislated mission and physical status of the forests and their resources, and then reverse and remedy the situations in those forests and their administration that threaten the nation's economical and ecological well-being. If it does not, and current trends continues, the nation's needs for vital economic goods and ecosystem services provided by the National Forest System will not be met (such as water), and Forest Service capabilities to manage the national forests will decline with the decline of its corps of professional resource managers and other specialists.

We believe the necessary review would best be led by a new public land law review commission, or Congress's investigative arm, the Government Accountability Office (GAO), with input by members of the Forest Service along with representatives of state and local governments directly concerned with national forest issues, citizen dependent on the forests, resource management experts, and user group members. This review should focus on: (1) the biological and physical condition of

the National Forest System; (2) the management needs and challenges which must be met to restore those lands and resources through active management, as well as restore public confidence in the process; and (3) The indicators of needed service and products being delivered to American citizens. As a result of this review, Congress should: (1) revise the often-conflicting statutes governing National Forest System management and stewardship; and (2) revise, restore and reaffirm the mission of the Forest Service to manage those lands to produce "the greatest good for the greatest number in the long run" that was its original charge, as well as provide for accomplishment of that mission.

Steps toward these ends are listed in the white paper.

ATTACHMENT 2

Something of Value: The National Forest System

A Position Paper

The National Institute for the Elimination of Catastrophic Wildfire
March 2012

Something of Value: The National Forest System

Congressional Action is Needed for the Revitalization of the National Forest System.

March 12, 2012

The Congress of the United States of America began the evolution of today's National Forest System over a hundred years ago, and Congress' attention is needed now to return these treasured lands to healthy and bountiful lands for the welfare of all American citizens.

Currently, as much through designed neglect as benign neglect, the national forests have been allowed to change from productive forests to fire-prone, insect-infested and disease-wracked lands of declining value to the public. This condition is caused, in part, by lack of clear management direction for these lands, lack of human and financial resources to protect and manage these lands, and lack of public understanding of the importance of effectively managed forests.

The first step to national forest recovery is for Congress to charter a comprehensive review of the legislated mission of the forests, the role Congress sees for the forests in meeting the nation's increasing need for natural resources, and the actions needed to protect the forests from natural and anthropogenic damage and destruction. This review would be best led by a new public land law review commission, or Congress's Government Accountability Office (GAO) with input by representatives of state and local governments directly concerned with national forest issues, citizen dependent on the forests, resource management experts, and user group members. This would be a formidable task; however, these lands and their proper management are of vital importance to the nation.

Origin and Value of the National Forest System

Congress authorized presidents of the United States to reserve certain forest lands from the public domain by what is now called the Forest Reserve Act of 1891, and provided for management of these forest reserves by the Organic Act of 1897 ". . . to improve and protect the forests . . . securing favorable conditions of water flows, and furnish a continuous supply of timber . . . ." The Forest Service's Organic Act specified the purposes for which forest reserves (national forests) could be created: (1) to insure "a continuous supply of timber for the use and necessities of United States citizens"; and (2) to secure favorable conditions of water flows. (In a later court decision, the court ruled that the Secretary of Agriculture may also consider the economic well-being of the citizens of a state wherein timber is located in administering national forest lands "for the use and necessities of citizens of the United States.") Congress shifted jurisdiction of the forest reserves from the Department of the Interior to the Department of Agriculture by the Transfer Act of 1905—which also established the U.S. Forest Service—and designated the forest reserves as national forests by the Designation Act of 1907. The Weeks Act of 1911 authorized the Secretary of Agriculture to purchase certain lands for addition to the National Forest System. As authorized by still other Acts, additional lands were acquired by exchange, donation, transfer, and condemnation. As the National Forest System evolved to its current size of almost 193 million acres, the Forest Service managed these lands to provide an increasingly wider range of multiple uses and benefits in terms of commodity and amenity resources for the American people. Congress reaffirmed that administration ". . . for outdoor recreation, range, timber, watershed, and wildlife and fish purposes . . ." when it passed the Multiple Use-Sus-

tained Yield Act of 1960. Since its founding, the Forest Service has been designated by Congress to administer these critical natural resources for the citizen-owners of the national forests.

Today, when the United States population has grown from slightly more than 50 million in 1897 to 313 million, the purpose of the National Forest System and the mission of the Forest Service are more important than ever. In the midst of a worldwide economic crisis, the American people and their industries are fighting to survive and thrive in an increasingly challenging global marketplace. The renewable natural resources of the National Forest System, one of the nation's most valuable and competitive assets, are in extreme peril. Active and effective scientific management and stewardship of these lands that provide fresh water for domestic, industrial, and agricultural use; habitat for fish and wildlife; a sustained yield of essential wood products to support local and national economies—and, yes, outdoor recreation to sustain a mentally and physically healthy population—is absolutely essential to national survival.

Adverse Impacts Affecting the National Forest System and the U.S. Forest Service

Myriad impacts are adversely affecting the National Forest System and the Forest Service charged with its administration.

(1) Rapidly changing environmental conditions caused by changing climate conditions.

(2) Single-species habitat protection policies which have caused dramatic increases in the frequency, severity, and size of wildfires which annually consume millions of acres of precious natural resources and damage or destroy soils which may take 1,000 years to rebuild.

(3) Insect infestations exceeding four million acres in the West which, if not treated, will fuel future catastrophic wildfires.

(4) Invasive vegetative species are taking over huge numbers of acres of potentially productive forest and grasslands.

(5) Reduction and deterioration of water quality and quantity which causes increasing water shortages for domestic, industrial, and agricultural uses and fisheries.

(6) Unnatural overstocking of forest vegetation that leads to declining forest health and insect infestations that are direct results of overstocked stands. This is a direct result of the Forest Service not being permitted to actively manage these valuable forested lands by thinning and harvesting because of frivolous court challenges that result in:

(a) Severely reduced monetary return to the U.S. Treasury,

(b) Severely increased unemployment,

(c) Unnecessary suppression and restoration costs to taxpayers, and

(d) Dramatic detrimental changes in stand structure and composition.

(7) A major and perverse shift in use of the justice system during the past 30 years to block active resource management and use and garner economic windfalls for anti-forest management activists that has:

(a) Drastically reduced sustainable harvesting of the timber resource from about 11 billion board feet 20 years ago to less than 2 billion today, and

(b) Significantly increased catastrophic wildfires in which overstocked stands and dense canopies contribute to such disastrous fires as the 2002 Hayman Fire in Colorado, the 2008 fires in Trinity and Siskiyou counties of California, and the 2011 New Mexico and Arizona fires; more than 1 million acres of valuable National Forest resources have been destroyed by these wildfires alone. Overall damage costs of wildfires range from three to 10 times fire suppression costs, not counting associated property losses and personal injuries and deaths.

(8) The excessive costs of red tape and legal minutia that hinder forest planning and execution of management projects to the point only a small percentage of critical forest health and wildlife habitat projects are accomplished. An example is the death of over four million acres of Colorado and Wyoming forests cause by insect infestations in large part a result of ineffective forest management.

(9) The shift from professional forest management programs to a passive caretaker mode because the Federal Government fails to meet the legislated promise to the American people and instead permits special interest groups, through

misguided legislation, to curtail sound Forest Service forest management. This has taken a heavy toll not only in terms of deteriorating forest health but also in reduced county and school revenues, increased unemployment, and depressed economies that destroy forest-dependent communities.

(10) The inability to salvage dying and fallen trees after fires or other catastrophic events that leaves large volumes of hazardous fuel for the next fire and creates life-threatening conditions for firefighters and residents.

(11) Agency fire strategies that contribute to catastrophic fire occurrences rather than limits them, and closures of roads necessary for forest work, firefighting, law enforcement, public use, and search and rescue operations.

(12) The Forest Service—the strength and effectiveness of which is critical to sustaining and improving forest resource health, providing services to an expanding population, and meeting growing demands for natural resources—has been and continues to be subjected to impacts that severely curtail its efficiency and effectiveness. It has gone from being rated one of the most effective Federal Government organizations in 1984 to one of the least now. These adverse impacts include:

(a) Tight control of Forest Service by the U.S. Department of Agriculture may limit executive decision space and constrains creativity.

(b) Reduced staffing has caused lack of depth in most of the organization.

(c) Loss of credibility with cooperating organizations, local communities, and individuals has resulted from erosion of effective training programs for leaders and managers.

(d) Lack of leadership at various levels of the organization has affected quality decision making.

(e) An administrative and accounting system that does not meet the needs of on-the-ground land, natural resource, and business management. The existing system tends to over-manage in critical areas, does not provide sufficient decision latitude for local program managers, and does not provide a positive program review system. Major centralization of administrative tasks accomplished in the early 1980s to reduce administrative costs resulted in project personnel spending an inordinate percentage of time doing administrative work previously done by an efficient and effective support staff. This has damaged management effectiveness, reduced morale, and drastically reduced customer service throughout the entire organization as evidenced by the latest GAO review of Forest Service business consolidation effectiveness.

Indicators provided for the review of National Forest System.

The proposed Congressional review of the Forest Service efforts to implement legislative direction regarding National Forest administration should have the following indicators of effectiveness. They were developed with extensive input from state and local officials, diverse resource groups and knowledgeable citizens.

(1) The National Forest System meets the needs of all American people and contributes to the economic well being of local communities. Local governments are actively included in all Forest Service resource plans and decisions that affect them.

(2) Congress, the Administration, and domestic and international cooperators receive quality professional Forest Service advice and technical assistance.

(3) Forest Service research and development programs expand scientific knowledge required by managers of the nation's and the world's renewable natural resources and at the same time involve local resource managers in identifying emerging issues and challenges.

(4) Forest Service land management programs are harmonized and integrated with those of other public agencies and private ownerships to ensure greater protection of the health of forests and rangelands from wildfire, insects and disease, and human and other threats.

(5) The Forest Service has the financial resources to employ the full range of management tools including, but not limited to, planned prescribed fire to establish resilient landscapes able to adapt to changing climate conditions and public needs.

(6) The true cost of wildfire is recognized and fuel reduction programs are funded to achieve the national goals necessary to establish and maintain healthy, productive forests. Grant funding is available to all critical areas regardless of the ability to provide matching funds.

(7) The Forest Service planning system is consistent with statutory direction and responsive to public users and local community needs as well as to changing climate conditions. Local cooperators are involved in local forest planning from start to project completion.

(8) Forest Service resource decisions and plans take into account the need for healthy ecosystems balanced with the social and economic needs of counties, local citizens and groups.

(9) A reliable "feedstock" supply from the National Forests supports investment in various local forest product industries that contribute to forest health, carbon storage, and local economies. Efforts are made to support local citizens in development of new projects such as wind, solar, geothermal, hydropower and use of woody renewables for energy and heat.

(10) There is adequate long-term funding separate from the timber sales program to support the sale and removal of excess forest fuel materials. There is a method of sharing income from cooperative programs with local communities for schools, local roads and investment in future resource projects.

(11) There is true government-to-government coordination and cooperation between the Forest Service and state, tribal, local groups and local government entities to ensure harmonization of their respective goals and objectives.

(12) National Forest management goals recognize local public health and safety as well as consider the social and economic well-being of forest-dependent communities. This is evident by the creation of collaborative areas set up by forests to support stewardship projects that are mutually designed to meet Forest Service and local goals. In addition there is a revived and robust timber sale program that is able to use emerging legislation allowing product removal for forest health and safety.

(13) A viable timber sale program exists to provide feedstock to local mills. With this revitalized sale program struggling mills are able to put more people to work to supply the nation's needs for timber products. The outlook for meeting the bulk of the nation's wood supply needs from our own lands is bright.

(14) Forest recreation plans provide for maximum use of National Forest Service lands to all types of visitor activities. Special efforts are made to include local citizens and groups along with state and local unites in recreation development use plans.

A Desired Future State to Meet the Nation's Current and Future Needs

Numerous groups that support restoration of critical natural resources throughout the United States advocate cooperative efforts on both public and private lands to ensure the needs of future generations are met. These groups are achieving results in ensuring sustained abundance of these resources because some of the roadblocks referred to herein have been removed by Congress. Such positive steps are essential to restoration of the National Forest System and resolution of the nation's financial crisis.

Recommended Actions to Attain the Desired Future State of the National Forest System and the U.S. Forest Service

A healthy National Forest System and Forest Service may be attained if and when the nation's leaders take the following actions to save precious natural resources in a way that reduces overall losses and associated costs to the American taxpayer:

(1) Produce a report that recommends Congressional action

Based on the findings and recommendations of a new public land law review commission or GAO report on its proposed study of the National Forest System, Congress should enact legislation affirming the mission of the U.S. Forest Service and provide congressional direction to manage and restore the National Forest System and provide national and international leadership in all aspects of natural resource management.

(2) Review the Consequences of Legal Challenges

A *primary* roadblock to natural resource management progress is the obstructionism of the few who use the courts to impede or terminate needed resource management work by using (some would say "perverting") the Equal Access to Justice Act of 1980 to force taxpayers to reimburse them for legal expenses for often-frivolous lawsuits. Some of these plaintiffs and the suits they file state they want no commercial use of the public lands, especially timber harvesting. Such litigation has become a huge and harmful industry that costs the Federal

Government millions of dollars per year and many more millions—if not billions—in the costs consequent of not managing public forest lands. Some of these issues could be effectively dealt with through bipartisan support of H.R. 1485, the Catastrophic Wildfire Community Protection Act, and H.R. 1996, the Government Litigation Savings Act; the latter bill would limit reimbursements to law firms for expenditures in lawsuits. If passed, both bills would enhance needed resource work and provide needed employment while costing the nation little.

(3) Reduce the Costs of Catastrophic Wildfires

(a) Catastrophic wildfires in 2011 consumed 1.73 million acres of National Forest System lands at a tremendous cost. Suppression costs are but a fraction of the true costs of these wildfires. True costs include impacts on homes, communities, and invaluable natural resources that include watersheds that yield high-quality fresh water, timberlands, fish and wildlife habitat, and outdoor recreation; impact on lands that provide essential ecosystem processes and services; and release of air pollutants that contribute to global warming.

(b) Allocation by Congress of half these lost dollars to work on National Forest System lands that reduced fuel hazards could not only prevent a large percent of catastrophic wildfires and their myriad expensive consequences, but provide jobs for many citizens who sorely need them. The concept of "Invest to Save" must become an essential element in funding National Forest System management.

ATTACHMENT 3

National Institute for the Elimination of Catastrophic Wildfire

A concept paper for the development of the 'Institute', its Board of Directors, participants and partners.

March 2011

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Background

Current Condition/Issues

Forests in the Nation are in critical need of restoration by thinning small-diameter timber and removing woody biomass that has contributed to poor forest health and greatly increases the risk of catastrophic wildfire. Management practices by forest managers today is different than in prior years and with many years of fire suppression, forests are dense, have fewer large-diameter trees, and have an abundance of small, tightly spaced trees and underbrush.

Fire is a natural part of the ecosystem; however, the excessive buildup of "fuel" in our nation's forests is changing the beneficial role of fire into one of destruction. Foresters know that **active management of our forests**, such as thinning and prescribed burning, can reduce fire hazards by removing the small trees, underbrush, and dead wood which fuels catastrophic wildfire.

Despite their often lush, green appearance, the structure and composition of tree stands in our nation's forests have changed over the last century. Tree density is six to ten times greater than historical conditions. More small dead and dying trees form "fuel ladders" to the highly combustible crowns or tops of large trees. Subsequently, the risk of catastrophic fire is the most serious threat to the health and sustainability of our nation's forests today.

Firefighters now report a frightening new breed of fire called "white-ash fires." Normally, fire will simply scorch a tree, but leave it alive. These new fires burn trees down to white ash, burning so intensely that they endanger the safety of firefighters and communities, threaten wildlife species, and sometimes cause long-lasting, irreversible damage to watersheds. There is no greater threat to clean air, water, fish and wildlife habitat than catastrophic wildfire. We must **actively manage our nation's forests**, before our future options burn up.

Fuel reduction is the single most important factor for reducing the intensity of today's catastrophic wildfires.

As a result of human activity, habitation and twentieth century fire suppression policies, we now have a hazardous over-accumulation of fuel in our nation's forests. One-third of the Interior West's forests are now at a high risk of large, uncontrollable, catastrophic wildfire, which damages key ecosystem components, including soil.

According to academic and federal agency scientists, *"**...in many of the Interior West forests, the costs and risks of inaction are greater than the costs and risks of remedial action.**"*

We can't have a policy of fire suppression without a plan of action to reduce forest fuels. Decades of fire suppression have caused an excessive accumulation of fuel in our nation's forests. The number of acres burned in recent years has quadrupled due to the increasing number of large, intense fires. While only one percent of wildfires becomes catastrophic, these fires are responsible for more than 90% of the total acreage burned. The National Commission on Wildfire Disasters reports, "The size, intensity, destructiveness and cost of the wildfires of the 1980s and 1990s is no accident. It is an outcome of our attitudes and priorities."

Nationwide, the year 2000* was one of the most destructive forest fire seasons in U.S. history, costing $1.3 billion and burning an area double the ten-year average. Nearly 8.5 million acres, or 13,000 square miles of forest burned. This is equivalent to a two-mile wide strip of forest stretching from Seattle to Rome.

**2002 followed just behind the year 2000 as one of the worst fire seasons in 50 years, burning 7.2 million acres and costing $1.6 billion.*

Active Forest Management

Science supports the use of prescribed fire for reducing fuels in areas with low to moderate fuel buildup. In areas with an over-accumulation of fuels, thinning small trees and clearing brush followed by controlled burning are the most effective methods of reducing the risk of catastrophic wildfire. Removing these excess fuels lowers fire intensity to a manageable level and reduces smoke emissions during burning.

Research shows that actively managing forests can restore ecosystem health and improve habitat quality by using management tools, such as prescribed fire, selective harvesting and thinning treatments.

We cannot turn our backs and let our forests go up in smoke. Catastrophic fire is predictable and preventable. We must take an active role in reducing the risk before it's too late.

Source: **WASHINGTON FOREST PROTECTION ASSOCIATION**, 724 Columbia St. NW, Suite 250, Olympia, WA 98501

Geographic Area

Nationwide.

Social and Economic Implications

Wildfires encompass environment, properties, economic loss, and most unfortunately many lives. Public lands use, private lands, animals, tourism, merchants, schools and health institutions are just a few that experience losses. To assess an exact dollar amount may never be touchable. After the wildfires burn there are years of recovery in all of these areas. Economic damages from such fires can be significantly reduced through better management or tailoring of the wildland or forest/urban interface. There are many forest/urban interface areas faced with a declining traditional timber industry resulting in a loss of jobs, high unemployment, declining community vitality and experience long term economic distress. This is a critical management issue throughout the country.

Using other natural disasters as benchmarks, the affected economy typically experiences an acceleration in employment growth in the months following the disaster as homes and damaged property are rebuilt and repaired. Several U.S. wildfire disasters this decade have topped the $1 billion mark for damages and costs, according to Commerce Department estimates. One example is the large hit on Southern California in the fall of 2003, burning more than 743,000 acres, destroying 3,700 homes and leading to more than $2.5 billion in damages and costs.

The 'Institute'

Introduction

The National Institute for the Elimination of Catastrophic Wildfire (Institute) is a safe and neutral meeting place for diverging ideas and collaborative processes. It is a non-political organization that is open to all viewpoints. The Institute is fact and science based and encourages those in the field of forest and watershed health, hazardous fuels reduction, and woody biomass utilization to participate and educate its Board of Directors, participants and communities.

The Institute promotes higher education in the field of environmental resources and fire science as well as developing relationships with various groups, engaged is the wise use of our natural resources.

One of the visions we have for the Institute is to become an information hub that is reliable, trustworthy, knowledgeable, productive and responsive. Through vigorous collaboration the Institute will be able to achieve this vision.

Board of Directors

Larry Alexander, Executive Director
Bruce Courtright, Board Chair
John Marker, Northwest Director, National Association of Forest Service Retirees (NAFSR)
Dan Bailey, Natural Resource Director, International Code Council
Randall Lawrence, President, College of the Siskiyous

Additional Board members are being sought to represent various geographic regions and interests.

Fiscal Responsibility

The Northern California Resource Center (NCRC), a non-profit organization, is the fiscal sponsor for the National Institute for the Elimination of Catastrophic Wildfire.

The NCRC is located in Scott Valley, Siskiyou County, California. The organization provides natural resource services to private landowners, public land management organizations and other natural resource based companies. NCRC provides the expertise for a wide range of natural resource restoration including design, permitting, implementation, management, monitoring and evaluation.

Location

The administrative office for the Institute is located within the Northern California Resource Center at 11236 N. Highway 3, Fort Jones, Siskiyou County, California. The Center is in a growing process and will house the following: 1) A state of the art video and recording studio, 2) excellent meeting rooms for teaching, symposiums, etc., 3) housing for off-site students, and 4) retail store for natural resource products.

Siskiyou County is located in the middle of far northern California, just next to the Oregon border. The Interstate 5 freeway runs through the center of the area, and Mount Shasta, the second highest volcano on the west coast, is the best known attraction.

Mission Statement

The mission of the National Institute for the Elimination of Catastrophic Wildfire is to educate, collaborate and motivate decision makers at all levels to take the necessary steps to eliminate catastrophic wildfire.

Organizational Goals

- Increase funding for hazardous fuels reduction through outreach and education.
- Generate symposiums.
- Initiate research and share results.
- Develop and distribute an informational newsletter.
- Host events targeted at a wide variety of audiences.
- Share emerging issues and solutions.
- Share success stories with information about the process used.

Approach

It is the belief of the Institute's Board of Directors that collaboration is essential for a successful outcome. An ongoing collaborative process will have endless possibilities. As the Institute is developed more collaboration will occur. Presently, the Institute has partnered with local, regional and national entities for the purpose of widening our potential to make change happen.

Collaborators

College of the Siskiyous

College of the Siskiyous (COS) offers a Environmental Resources program that provides students with education, hands-on training, and exploration of the relationships between people and natural systems for sustainable jobs, careers, and communities. The program is a unique collaboration of three distinct yet closely interrelated programs. Associate of Science Degrees and certificates are available in Resource Technology, Power Generation Technology, and Sustainable Communities.

Environmental Resources Faculty and Staff

Additionally, COS provides a Fire/Emergency Response Technology Program and is approved as an Accredited Regional Academy by the California State Board of Fire Services. The accredited status (accredited since 1993) allows COS to operate as an arm of the State Fire Training Office and to test and issue certificates locally.

US Forest Service

The Klamath National Forest, Scott/Salmon Ranger District has created a successful collaboration model through participating agreements and collective project planning with local organizations. The Forest and District level management and planning personnel have supported and participated in the strategic planning of hazardous fuel reduction projects within various areas of Siskiyou County, California and have championed the acquisition of third party grant funding. Likewise, local organizations have supported and participated in the planning of forest management projects on public lands which has helped to gain public support. This ongoing collaboration has also lead to a liaison concept whereby local organizations provides critical landscape information to fire management teams that may come into the area.

Five Siskiyou County fire safe councils received U.S. Forest Service community protection grants totaling $295,000 at an awards ceremony at the Klamath National Forest Supervisor's Office.

Bureau of Land Management

The BLM is responsible for carrying out a variety of programs for the management and conservation, of resources on about 245 million surface acres, as well as 700 million acres of subsurface mineral estate, These public lands make up about 13 percent of the total land surface of the United States and more than 40 percent of all land managed by the Federal government.

Recently, the Bureau negotiated a Stewardship Agreement with the Northern California Resource Center for lands in Siskiyou County, specifically within the Scott River and Upper Mid-Klamath River watersheds.

Siskiyou Biomass Utilization Group

The Siskiyou Biomass Utilization Group (SBUG) came together in June 2009 as a result of several groups working on common issues. This group will provide any and all interested parties a forum for expressing interests and reservations associated with any and all biomass utilization efforts in the county.

Siskiyou County Fire Safe Councils

A Fire Safe Council is a coalition of public and private sector organizations that share a common, vested interest in wildfire prevention and loss mitigation. Councils are dedicated to saving lives and reducing fire losses by making their communities fire safe. Towns, regional areas and counties all have formed Fire Safe Councils. In Siskiyou County there are a total of 20 separate Fire Safe Councils (FSC) with half under the non-profit sponsorship of the Northern

California Resource Center (NCRC). NCRC coordinates the Scott River Watershed Coalition of Fire Safe Councils which includes representatives from six different FSC's located in the Scott River Watershed, Siskiyou County, California. This coalition helps to bring a large geographic region into cooperative projects and promotes consistency in protocol and results. The mission of the coalition is "to provide increased collaboration in the Scott River Watershed with the intention of increasing the communities' likelihood of survival in the event of a catastrophic wildland fire".

Promoting the Institute

This concept paper is the first document to promote the Institute. It is our intent to create a transparent process while further developing the Institute, its purpose and desired results. The following materials are to be designed for the purpose of providing Board members, participants, and other interested parties with the most current and accurate information:

- Concept paper
- Website
- Brochures
- Newsletters
- Press Releases

Outcomes and Results

Outcomes and desired results are:

1. Better communications on new fire hazard reduction techniques, funding breakthroughs, ground breaking new projects, research applications, and emerging issues.
2. Education opportunities, and meetings that tap into the best science that our members can use on the ground.
3. Information is provided that allows members to advocate for Congress to act on issues of critical importance to reducing wildfires.
4. Symposiums are held by the Institute to highlight the most promising research and develop strategies to use it effectively on resource issues.

Conclusion

While local decision makers and community volunteers continue to pursue opportunities for improving forest health and public safety in their communities, the single most critical need is funding. Implementing environmentally conscience projects takes a tremendous amount of planning and funding to ensure a successful outcome for everyone. The Institute can become a vehicle for smaller communities to seek assistance in locating funds for what it believes is socially, economically and environmentally necessary using a holistic approach.

Contacts

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Phone: (530)468-2802

ATTACHMENT 4

The National Institute for the
Elimination of Catastrophic Wildfire

11236 N. Highway 3 / P.O. Box 342
Fort Jones, CA 96032
Phone: (530)468-2888
Fax: (530)468-4426

March 21, 2012

To: _____
_____
_____

Dear _____;

A colleague or friend suggested that you may be able to assist our Institute in encouraging Congress to initiate actions to revitalize the National Forest System which we believe is in severe decline. The enclosed material presents an overview of the key factors responsible for the current serious condition of the National Forest System based on our assessment.

We have collaborated with a group of former Forest Service subject matter experts and individuals from affected local and state governments in the preparation of the enclosed material which includes recommendations for solutions to today's challenges facing the Forest Service in the management of the National Forests.

In our view the solution lies with the Congress's ability to initiate a comprehensive review of the National Forest System to ensure that this valuable national resource is protected and managed consistent with Congress's intent when it established these lands. The continued delivery of the valuable goods and services they provide to the American public and the Nation are at stake.

We are asking for your help in sharing the enclosed information with your local legislative contacts and other people who can influence Congress to act. Our expectation is that Congress will request a new public land law review commission, or the Government Accounting Office to conduct a comprehensive review of the National Forest System, relying in part on the issues we have raised in the enclosed material. Our elected leaders need our unified strength to take action now in restoring the environmental health and economic productivity of one of our Country's greatest treasures, the National Forests.

Our appreciation for whatever assistance you may be able to provide in this important endeavor.

Sincerely,

Larry Alexander, Executive Director

Bruce A. Courtright, Board Chair

12 Enclosures

The enclosed position paper is a living document, subject to revision based on changing conditions, from
The National Institute for the Elimination of Catastrophic Wildfire

"The mission of the National Institute for the Elimination of Catastrophic Wildfire is to educate, collaborate and motivate decision makers at all levels to take the necessary steps to eliminate catastrophic wildfire."

SUBMITTED QUESTIONS

Response from Tom Tidwell, Chief, U.S. Forest Service, U.S. Department of Agriculture

Questions Submitted By Hon. Glenn Thompson, a Representative in Congress from Pennsylvania

Question 1. I'm very concerned that the Forest Service's attempts to revise the viability section of the new rule will lead to endless legal wrangling, not more responsible forest management. Do you agree that the Nation Forest Management Act requires wildlife diversity as an objective within the overall multiple use framework? If so, why don't you change the viability section to, at the very least, reflect that?

Answer. Section 219.9 of the final rule fulfills the diversity requirement of the National Forest Management Act (NFMA), which directs the Forest Service to "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet multiple-use objectives . . ." (16 U.S.C. 1604(g)(3)(B)). NFMA explicitly recognizes plant communities as well as animal communities. The final rule provides protections for all native plant and animal communities, including protections to fish, invertebrate, and plant species. By including both vertebrates and invertebrates, the final rule is more consistent with NFMA. The final rule will focus on the ecological conditions needed to support diversity, instead of taking a species-by-species approach. Maintaining or restoring ecological conditions offers the best assurance against losses of biological diversity, maintains habitats for the vast majority of species in an area, and avoids the need to list species under the Endangered Species Act. The new approaches under the final rule for addressing species viability and diversity, along with the recognition of local land and unit capabilities and limits, will increase the flexibility and feasibility of responding to species and ecosystem sustainability and recovery needs.

The Forest Service has had a long standing policy to provide habitat to support the viability of both common species including game species, and rare species in order to avoid their listing under the Endangered Species Act. The requirements for viability are habitat based, not species' population based, which makes this manageable within our capability. Under the 1982 planning rule, the concept of viability was focused on existing native and desired non-native vertebrate species, as well as viable populations, at potentially both the plan and project level, which was very difficult to meet. The final rule establishes a viability requirement that is within our capacity to implement. The final rule acknowledges both the limits of our ability to control or influence species' viability and the inherent limited capability of the land area to sustain a species, while considering the ecological capacity to produce the desired ecological conditions. The final rule also removes the 1982 requirement that viable populations must be maintained on the planning unit. Rather, under the final rule, units would ensure that ecological conditions help support viable populations across the range.

Question 2. Congress, and only Congress, has the authority to designate wilderness areas. Why, then, does the new rule provide the protection and maintenance of the "ecological and social characteristics that provide the basis for their suitability for wilderness designation"? Isn't the Forest Service, by doing so, creating *de facto* wilderness areas?

Answer. It can often take years between the time an area has been recommended for wilderness and the time Congress makes a final decision on whether to designate an area or not. The Agency believes that it is important to preserve Congress's options to designate or not. The new rule does not change the current management requirements for recommended wilderness. The Department believes the requirement in the final rule meets the Agency's intent to ensure the types and levels of use allowed would maintain wilderness character and would not preclude future designation as wilderness if Congress so chooses to designate it. The rule requirements are consistent with many State wilderness acts which require that any areas recommended for wilderness designation are to be managed for the purpose of protecting the area's suitability for wilderness. The Utah Wilderness Act of 1984 is one example (Pub. Law No. 98–428. § 201(b)(4); 98 Stat 1660).

Question 3. Are you at all concerned that the new rule includes mandatory requirements for the use of the "best science?" Isn't science itself is always undergoing revision? Isn't this just setting up plans and subsequent projects for litigation by those who are not interested in seeing the agency achieve its goals, particularly the goal of multiple use?

Answer. The Agency believes that using the best available science to inform the planning process leads to more durable plans and more credible, legally supportable decisions. The Agency is currently required to take relevant scientific information

into account in decision-making and already has a fundamental legal requirement, grounded in the Administrative Procedure Act, to consider relevant factors, including relevant scientific information, and explains the basis for its decisions. *Citizens to Preserve Overton Park* v. *Volpe,* 401 U.S. 402, 416 (1971). The rule is not intended to impose a higher standard for judicial review than the existing "arbitrary and capricious" standard of the APA, 5 U.S.C. Section 706(2)(A). The rule also sets specific stages in the planning framework when consideration of the best available scientific information must be documented. The rule includes such documentation requirements in recognition that lack of documentation has sometimes been a basis for courts to overturn agency decisions. The Department believes that defining its accountability for use of best available science in the planning process is preferable to leaving it open to interpretation and will lead to fewer litigation losses.

Question 4. These new regulations add more process, prescriptive requirements, highly subjective criteria for "species viability" and "best available science", and require the most expensive and time-consuming NEPA process (an EIS) for all forest plan revisions. How does this comply with Executive Orders and other policies providing that regulations should be more cost effective and less burdensome?

Answer. The new planning rule will create a more efficient and effective process through an adaptive framework for land management assessment, planning and monitoring. This framework should help the Forest Service use resources more effectively; keep plans more current through frequent amendments. The rule's focus on achieving desired conditions and objectives should mean less time in planning and more time implementing plans through projects and activities.

The new planning rule incorporates many of the best practices already widely used by the Forest Service across the National Forest System. It supports restoration, and provides a platform for collaboration that has proven effective in allowing stakeholders to move beyond conflicts of the past to find agreement for accomplishing work on the ground.

Question 5. How long will the Forest Planning process take under the new rules? Given how little impact forest plans have had on subsequent management, do you think it's fair to the American taxpayer to ask them to take that amount of time to participate in the planning process?

Answer. The Forest Service estimates plan revisions will take, on average, 3 to 4 years as compared to 5 to 7 years under the 1982 planning rule. The agency believes that the shorter timeframe for revisions will help the public stay engaged throughout the entire planning process and will be a more effective use of their time than longer, more drawn out revision processes which have occurred under the previous rule. The most common request from the public, state, local governments and Tribes during the collaborative rule making process has been that they want to be involved early and throughout the planning process. The final planning rule will provide greater opportunities for people to engage early and throughout, and to interact directly with the decision maker, and to be able to stay engaged than under current procedures.

Question 6. Where in statute does the Forest Service derive the authority to manage wildlife for "viable populations"? Are wildlife not managed by the states, and in some cases the Fish and Wildlife Service?

Answer. The National Forest Management Act (NFMA) requires that plans provide for diversity of plant and animal communities (16 U.S.C. 1604(g)(3)(B)). The Department's ability to maintain the diversity of plant and animal communities is dependent on managing for effective habitat for plant and animal species within the communities. The Organic Administration Act and the Multiple-Use Sustained-Yield Act, provide authority to manage for wildlife purposes and provide the agency the discretion to manage habitat to maintain wildlife viability. The new planning rule does not authorize the Agency to manage wildlife. It requires that plans provide for the "ecological conditions" (habitat) that species require to persist on NFS lands. While the intent of the rule is that ecological conditions on a unit provide for the persistence of all species, the specific requirement for maintaining habitat for viable populations is limited to species of conservation concern (SCC). The rule also recognizes circumstances where ensuring a viable population of a SCC on a unit is beyond the authority of the agency or not within the authority of the land. In those cases, the rule allows the responsible official to document this conclusion and instead, include plan direction to contribute to viability across the species range.

The agency believes that this rule is an appropriate approach to meeting the NFMA requirement for providing for diversity of plant and animal communities. This approach allows the agency to focus management direction on species for which there is a documented concern about the species' capability to persist over the long-term in the plan area. By focusing management direction on those vulnerable spe-

cies, the agency can work to reduce the risk these species will be listed as endangered or threatened. Once a species is listed under ESA, it is very difficult to recover the species and there are very few options for management to meet other objectives of the plan such as restoration, timber production or recreation.

While the new rule focuses on providing the habitat necessary to support the diversity and persistence of native plant and animal species, it also requires that NFS units work collaboratively with State fish and wildlife agencies, State and local governments, other Federal agencies, and others, to conserve fish, wildlife, and plant habitats and populations on NFS lands and to contribute to shared goals, such as those provided in state wildlife action plans or in threatened or endangered species recovery plans. Requirements in Sec. 219.4, 219.6, 219.10, and 219.12 of the final rule complement and support interagency collaboration on habitat and species conservation.

Question 7. In your written testimony you stated "The Forest Service also recognizes the need for a strong forest industry to help accomplish restoration work." I encourage you to also emphasize that timber production is an end goal of the National Forest System. One of the multiple uses the forests serve is to help supply the forest product needs of the United States.

Answer. The Forest Service recognizes the role of a strong forest products industry in accomplishing restoration. The willingness of industry to pay for forest products and biomass resulting from restoration treatments increases our ability to achieve restoration goals, protect communities and provide healthy forests. The combination of treatments and product removal is often the least-cost alternative. In addition to restoring the forest, this combination provides employment and helps sustain the social and economic well-being of the communities we serve. The agency sets goals for both acres restored and forest products produced. Our commitment to accelerating our restoration includes both an increase in acres and forest products.

Question 8. How do you expect timber and biomass production to shift over the next several years under the new planning rule? How many board feet of timber? How many tons of non-timber biomass?

Answer. The Forest Service is continuing to increase the pace of forest restoration on National Forest System lands. The new planning rule will enable us to work more collaboratively with our partners. As a result, we expect the volume of timber production to increase over the next few years from 2.6 billion board feet to 3.0 billion board feet. We also expect the green tons of non-timber biomass to increase from 2.7 million green tons to an amount commensurate with the increase of timber extracted.

Question 9. You noted that the market for forest products is critical for forest restoration efforts. Forest Service policies have arguably contributed to the "struggling markets" your reference, as dramatic reductions in timber sales in some parts of the country decimated market 'ecology' of the local timber industry. I'd appreciate your thoughts on ways the Forest Service can partner with industry to facilitate the development of consistent and sustainable markets for forest products across the different regions of the National Forest System.

Answer. The Forest Service has been increasing the volume of timber sold for the last several years even though the nation is struggling with one of the worst downturns in housing starts and lumber production. Every possible contract and legal authority has been employed to help struggling timber purchasers through this downturn. In addition, the use of stewardship contracting has steadily increased enabling longer-term contracts and expanding the job opportunities for communities. Stewardship contracting has also enabled the agency to continue restoration treatments and hazardous fuels reduction by offsetting some of the cost with appropriations to compensate for the decline in timber values. As you are aware, the authority to use stewardship contracting expires on September 30, 2013.

Additionally, the agency is using the Collaborative Forest Landscape Restoration Act (CFLRA). This legislation has helped to provide collaborative ways and means for all stakeholders to come together to facilitate landscape scale restoration and development of a consistent and sustainable market for forest products. The agency is also implementing the pilot authority for the Integrated Resource Restoration line item, which will enable the agency and communities to focus on the right treatments in the right place, including the needed removal of forest products.

Question 10. The most recent timber sale reports from the Forest Service seem to suggest that the agency is somewhat behind on its goals for timber sales for the year. I'd appreciate your comments on this.

Answer. The timber sale volume accomplishment for the first half of fiscal year 2012 is about 9 percent less than the accomplishment in the first half of fiscal year 2011. Five regions are ahead of or similar to last year.

Question 11. You noted at several points in your testimony recommendations to restore the "ecological role of fire" in our forests. How will the forest service balance the use of fire as a management tool with the risks posed by fire to other multiple use objectives, as well as the risks posed to property in and near the forest?

Answer. The Forest Service manages all wildfires with a singular approach where we first establish a protection strategy for those values at risk. Incident objectives, strategies, and tactics can change as the fire spreads across the landscape, due to changes in environmental conditions (weather, vegetation, topography), human influence, land ownership/jurisdiction, planning unit objectives, perceived threats to human safety, predicted threats to property, infrastructure, and natural resources, opportunities to achieve resource benefits, and availability of firefighting resources to accomplish the work. Responses to wildfire are also coordinated across levels of government, regardless of the jurisdiction at the ignition.

The agency puts firefighter and public safety as the first priority in every fire management activity. No natural or cultural resource, home, or item of property is worth a human life. All strategies and tactics seek to mitigate the risk to firefighters and the public. We do however; recognize that a policy of full suppression of all wildfires does not eliminate risk. Over time, exclusion of wildland fire can result in fuels accumulation and deterioration of forest conditions which can contribute to even greater long-term risk.

We also recognize that after all strategies, tactics and objectives are established and risks have been identified and mitigated, undesirable outcomes sometimes still occur when managing wildfires, as it is still not possible to predict every possible weather scenario that could play out over weeks or months that a fire may be managed. The agency is committed to completing reviews after wildfire incidents to learn from our successes and our failures in the spirit of continuous improvement.

Question 12. Chief Tidwell, the 3rd Circuit Court of Appeals has recently upheld a District Court ruling that no Federal permit is required for access and development of the private mineral estate on the Allegheny National Forest. Why and under what delegated regulatory authority does the Forest Service continue to require oil, gas, and mineral owners to pay a set $400 fee for a Forest Service road use permit just for the privilege to use Forest Service roads in accessing their private mineral estates when the deeds expressly reserve the rights of access over these roads at no cost and without preconditions.

Answer. All commercial use of Forest Service infrastructure (in this case, roads) is subject to a use fee. The $400 charge for use of Forest Service System roads is for use of the infrastructure, not for access to any private mineral estate.

Question 13. In March 2008, then Allegheny National Forest Supervisor Leanne Marten issued a directive to all oil and gas operators stating that District Rangers will not allow development of the "mineral materials" on private mineral estates and based this edict on authority of 36 CFR 228 Subpart C. As I understand it, 36 CFR 228 Subpart C applies only to FEDERALLY-OWNED mineral estate—not unacquired PRIVATE mineral estates. In light of the recent Third Circuit decision holding that the Forest Service has extremely limited regulatory authority over private mineral estates, this strikes me as an unlawful directive that is intended to impede and prevent oil, gas, and mineral development.

Is this a national policy? When will this directive be canceled?

Answer. The Forest Service position on mineral materials (sand, gravel, stone, pumice, clay, *etc.*) is that such materials are part of the surface estate, not the private mineral estate, unless explicitly and clearly reserved in a mineral severance deed. Because these materials are part of the federal surface estate, their development is subject to regulatory provisions at 36 CFR 228 Subpart C—Disposal of Mineral Materials.

Questions Submitted By Hon. Bob Goodlatte, a Representative in Congress from Virginia

Question 1. Last year, I had the pleasure of attending an announcement by Sec. Vilsack concerning USDA's green building policy. Based on his comments at that announcement, I think we agree that restoration of both public and private forest lands requires resources. Strong markets for forest products can help fund restoration and reinvestment in our forests. The USDA Green building policy changes that were announced that night could go a long way towards increasing demand for forest products in building construction markets. What steps have you taken internally to implement this policy? Have you increased wood use in Forest Service buildings?

Answer. The Forest Service updated its policy to require all new buildings over 10,000 square feet be designed to meet a third-party "green building" certification systems, *e.g.,* U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system (minimum Silver certification); Green Globes

(minimum Two Green Globes certification); or other equivalent third-party certification system. Additionally, all other buildings, whether new or major renovation projects larger than 2,500 square feet, must be designed to incorporate sustainable principles into the systems and components appropriate to the building type and project scope.

In a March, 2011 letter to Forest Service leaders, Chief Tidwell affirmed our commitment to increase our ability to support the use of sustainably grown, domestically produced wood products, including wood from the National Forests as the preferred green building material for all USDA facilities and buildings. Our Forest Products Laboratory is facilitating research and development of environmental product declarations (EPD's) for wood products based on Life Cycle Assessments (LCA). LCA identifies the flow of materials and energy through various stages, from the point of extracting raw materials from the environment, through manufacture, construction, use and final disposal. The life cycle information in EPDs can be used to compare the environmentally preferable benefits of wood products *versus* non-wood products for alternative designs of building components (such as walls, floors, and roofs).

Question 2. In testimony before the Senate Energy and Natural Resources Committee on March 6th, you stated that you plan on decommissioning over 2000 miles of roads in FY 2013. How is the Forest Service supposed to affordably manage National Forests when it is removing access making it more difficult for management interests to get to areas in desperate need of management? Additionally, why is the FS making it more difficult for recreational interests to access FS lands?

Answer. Appropriate access is very important in the management of National Forest System lands. The agency utilizes a process called Travel Analysis to inform the size of our road system and to inform the creation of motor vehicle use maps, which guide the use of our road system. This analysis includes National Forest System roads, as well as unauthorized roads. If this analysis identifies a road as not needed for safe and efficient travel and for administration, utilization and administration of National Forest System lands, the road is identified for decommissioning following appropriate NEPA. This process helps to ensure the agency has the road system necessary for the management and public enjoyment of National Forest System lands, while reducing the ecologic impacts of unneeded roads, and also reducing the costs associated with the roads system.

Question Submitted By Hon. Reid J. Ribble, a Representative in Congress from Wisconsin

Question. Chief Tidwell, invasive species management represents a significant challenge to the U.S. Forest Service as well as to other Federal, local and private entities that are concerned with land management. Furthermore, due to the current fiscal climate, the Forest Service and others have been forced to continue the invasive species fight with less funding. A September 2010 Office of Inspector General report made numerous recommendations on how invasive species programs may be improved in light of the current budget issues, and the Forest Service largely agreed with those recommendations. Please provide a status update on implementation of those recommendations as well as any other additional thoughts you may have regarding how invasive species management can continue to be improved regardless of the ultimate budget.

Answer. The Forest Service (FS) is committed to responding to the threat of invasive species by addressing the significant challenges associated with invasive species management identified in the OIG Audit Report (08601–7–AT). To date the FS has carried out OIG Recommendations 1–5, and 7–11. OIG Recommendation 6 is in the review stage and expected to be completed in December 2012.

OIG Recommendations 1–4 are being carried out by developing and issuing the final invasive species directive (Forest Service Manual 2900—Invasive Species Management) to compile the internal policies specifically on "Early Detection and Rapid Response" (EDRR) within the Forest Service, and to develop an adequate, cohesive, internal control environment for managing the invasive species program. The final directive was issued on December 5, 2011. For OIG Recommendation 4, the National Forest System revised the national NFS budgeting database known as "Workplan" to allow the field to track all the programmatic expenditures and costs associated with Invasive Species Management on the National Forest System. Direction has been provided to the field to implement the revised "Workplan" work activity coding system to track their invasive species management expenditures on National Forests and Grasslands.

OIG Recommendation 5 is being implemented through the development of an "Invasive Species Systems Approach" (ISSA) which is being built to address concerns raised under OIG Recommendation 5 and to help improve program effective-

ness, increase accountability, and standardize operational procedures to ensure consistency across the agency. The draft ISSA identifies 12 specific actions for an improved comprehensive and integrated approach, which will provide a foundation for the FS Invasive Species Management Program.

OIG Recommendation 7 called for the development of an inventory plan for inventorying all invasive species, the risk each species poses, and the efficacy of available treatments. Progress has been made on the development of guidance, criteria, protocols, and other direction for quantifying the extent and impacts of invasive species infestation across the National Forest System, within Chapter 40 (Invasive Species Detection, Surveys, and Inventories), of the draft Forest Service Handbook 2909.11. A draft of FSH 2909.11 is expected to be ready to being the review process in 2013. Once finalized, the direction provided in Chapter 40 will help National areas. Forest System personnel quantify populations of invasive species in all aquatic and terrestrial

OIG Recommendation 9 (establishing national standards for reporting performance results) has already been established for all NFS invasive species program activities, record keeping, and reporting. Direction is provided on-lie and in the annual budget and performance program direction. OIG Recommendation 9 was accomplished soon after the OIG Report was released. In the intervening time period, NFS national program performance measures have undergone many modifications, including those for Invasive Species Management. Corrective actions are underway to meet the national Performance and Accountability System for the FY 2013 field season. OIG Recommendation 10 is completed annually during end-of-year performance data validation processes conducted for all NFS invasive species program performance records. OIG Recommendation 11 has been initiated, beginning with informal reviews, conducted in FY 2012, and formal reviews planned for FY 2014. The ISSA (noted above) give the FS the opportunity to establish and conduct a formal review system to verify the accuracy of invasive species accomplishment data by comparing reported information to actual work accomplished during projects on the ground.

OIG Recommendation 6 called for the revision of the 2004 National Strategy and Implementation Plan for Invasive Species Management and for establishing control for revising the strategy every 5 years. The draft National Strategy has been released draft for a Forest Service-wide review. The revised National Strategy will be completed by December 2012, and a revision schedule will be established on a 5 year basis, completing the FS obligations under OIG Recommendation 6.

As invasive species populations continue to invade our aquatic and terrestrial ecosystems and prevent us from reaching our landscape-scale restoration goals, we will continue our work against aquatic and terrestrial invasive species by implementing the efforts and program improvements I have described. In light of increasing economic constraints, our approaches and policies call for increasing our cooperation and collaboration with partners and other external stakeholders, to share knowledge, share information, and share the resources necessary to address invasive species across the landscape. By utilizing our new policy (FSM 2900) and integrating our invasive species management activities under the ISSA to increase our collective capacity across the agency, we are hopeful that we will be able to keep up the pace against the spread of invasive species. In addition, with the expected issuance of the final Forest Service Handbook (FSH 2909.11) in FY 2014, we hope to improve our efficiencies and effectiveness against invasive species, even in times of budget volatility.

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