

Subcommittee on Federal Lands

Tom McClintock, Chairman
Hearing Memorandum

September 25, 2015

To: Subcommittee on Federal Lands Committee Members

From: Brent Blevins, Subcommittee Staff, x 6-7736

Subject: Oversight hearing titled, *“State, Local, and Tribal Approaches to Forest Management: Lessons for Better Management of our Federal Forests.”*

The Subcommittee will hold an oversight hearing titled, *“State, Local, and Tribal Approaches to Forest Management: Lessons for Better Management of our Federal Forests”* **on September 29, 2015 at 10:30 AM in the 1334 hearing room of the Longworth House Office Building.**

Policy Overview

The Subcommittee has focused on management of our nation’s forests during the 114th Congress. In July, the House passed H.R. 2647, the Resilient Federal Forests Act of 2015, to address ongoing concerns with the management of the National Forest System. Building on the policies set forth in this legislation, the Subcommittee will examine additional approaches to improve the health of our nation’s forests that are being carried out under state, local, and tribal laws and regulations.

The U.S. Forest Service is governed by a variety of laws it must follow in carrying out federal forest policy. Included among these are, but not limited to: the National Forest Management Act, the National Environmental Policy Act, and the Endangered Species Act. All told, the United States Department of Agriculture (USDA) reports that more than 90 separate statutes affect management within the Forest Service.¹ Many of these statutes have different or conflicting mandates that often limit the ability of the agency to properly manage land. It also makes the agency a target for litigation.² The result: unhealthy forests that are susceptible to insects, disease and catastrophic wildfire and which significantly harm the economies of rural communities.

An example of the challenges faced by the Forest Service is implementing an environmental analysis under the National Environmental Policy Act (NEPA.) The average Environmental Impact Statement, which is used for large forest management projects, takes 37 months; the average Environmental Assessment, used for medium to large forest management projects, takes 18 months; and the average project categorically excluded from NEPA, generally

¹ <http://www.fs.fed.us/publications/laws/selected-laws.pdf>

² Twenty years of Forest Service Land Management Litigation, Miner, Malmsheimer and Keele, Journal of Forestry, January 2014

projects where the risks and benefits of forest management are well known and on a small scale, takes six months.³

States and localities have different environmental review processes that take less time and have proven to be more efficient. Most states offer Best Management Practices (BMPs) to guide how best to manage forest land and protect water quality⁴. It is important to note that each state has a different regulatory process that includes individual public comment periods.

Indian tribes have unique authorities to carry out forest management on their land. The Tribal Forest Protection Act allows the Secretaries of Agriculture and Interior to enter into agreements with tribes to engage in insect and disease mitigation projects on federal land adjoining tribal trust land. The National Indian Forest Resources Management Act of 1990 provided tribes more federal resources through the Department of the Interior to develop more efficient and economical forestry practices.

During the 113th Congress, the House Natural Resources Subcommittee on Public Lands and Environmental Regulation held a hearing on state management of forests, as well a separate hearing on tribal management of forest lands. These hearings resulted in testimony from a variety of witnesses about the efficacy of state forestry management compared to federal management. For example, the subcommittee heard testimony from Mr. Lee Grose, a County Commissioner from Lewis County in Washington. His testimony highlighted the fact that the State of Washington produced *more than four times* the amount of timber produced by the Forest Service within Washington's borders, despite controlling approximately one-fourth of the land area.⁵ The tribal hearing demonstrated that numerous tribes have been more effective at using their limited resources to better protect forest health, prevent catastrophic wildfires and create jobs.⁶

Invited Witnesses

Mr. Tom Crafford
Associate Director of State-Federal Relations
Office of the Governor of Alaska
Washington, D.C.

Mr. Brett Bennett, Owner
Bennett Lumber Products
Princeton, Idaho

Mr. Dan Gibbs,
County Commissioner
Summitt County, Colorado

³ Question for the Record submitted by Undersecretary Robert Bonnie to Senate Energy and Natural Resources Committee, March 24th, 2015.

⁴ <http://www.stateforesters.org/state-forestry-BMPs-map>

⁵ <http://docs.house.gov/meetings/II/II10/20130226/100302/HMTG-113-II10-Wstate-GroseL-20130226.pdf>

⁶ <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=374814>

Ms. Chelsea Goucher, Executive Director
Greater Ketchikan Chamber of Commerce
Ketchikan, Alaska

Mr. Philip Rigdon, Deputy Director
Department of Natural Resources
Yakama Nation
Toppenish, Washington

Hearing Focus

This hearing will focus on successful state, local, and tribal approaches to forest management and how Congress can apply lessons learned to improving management of federal forest land. The testimony will likely highlight proactive ideas of how to help the Forest Service and other land management agencies better promote forest resilience in the future and to better support rural economic health.

Background

The four federal land management agencies (Forest Service, Bureau of Land Management, National Park Service, and Fish and Wildlife Service) manage over 600 million acres of land, or nearly *one-third* of the total area of the United States. The Forest Service alone manages 193 million acres, covering eight percent of the land area of the United States. The United States is covered by 766.2 million acres of forestland. Of that total, 321.2 million acres (42%) are managed by a federal, state, or local governments, and the remaining 445.1 million acres (58%) are managed by private landowners, including Indian tribes.⁷ These forests are responsible for a variety of natural resources, including timber, energy, wildlife habitat, watershed health, and recreation.

Wildfire/Insect and Disease

Many states, particularly in the West, have land ownership intermingled between federal, state, tribal, and private ownership. Failure to properly manage land under federal management can result in the quick spread of insect and disease as well as the spread of fire onto adjoining non-federal lands. Over the past 10 years, there has been an average of 57,586 fires burning an **average of 6,151,955 acres** per year.⁸ More than 60% of fires begin on state, private, and tribal lands, but these fires tend to be more contained in nature and consume fewer acres than the fires which begin on federal land.

Tribal Forest Management versus Federal Forest Management

While thinning of the national forests is hampered by increasing and lengthy regulatory process and legal challenges, active forest management on the 18.6 million acres of neighboring tribal forests is being efficiently accomplished. Tribally-owned and managed forests must

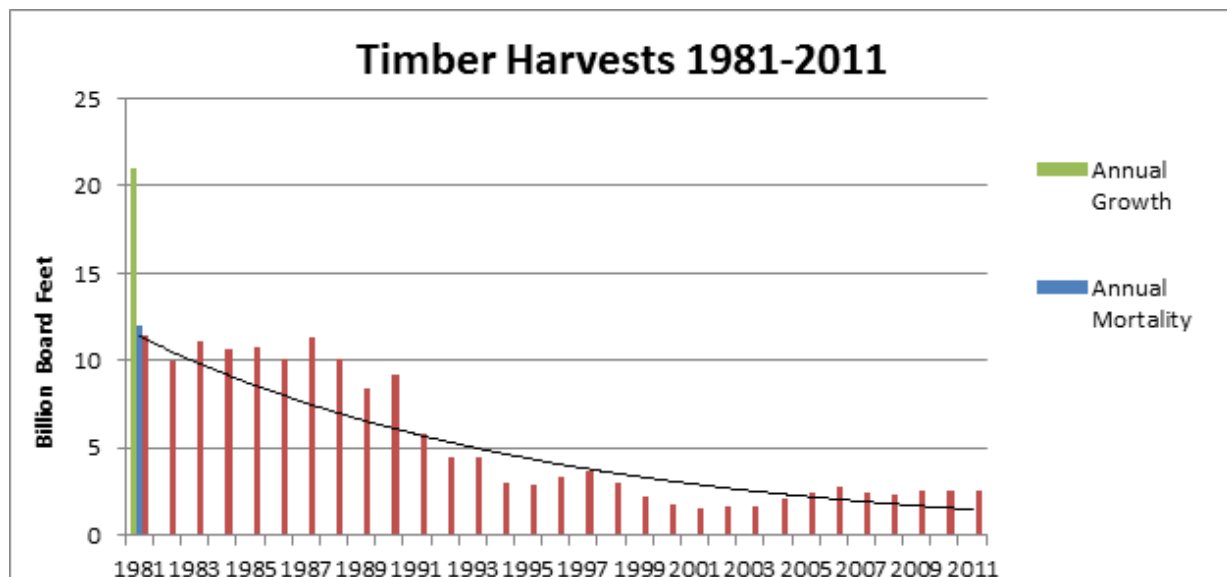
⁷ http://www.srs.fs.usda.gov/pubs/gtr/gtr_wo091.pdf

⁸ <https://www.nifc.gov/fireInfo/nfn.htm>

comply with the same federal laws that national forests are subject to - including NEPA. The 2013 Indian Forest Management Assessment Team Report to Congress noted that tribes are able to accomplish more on their forests with far less funding than other federal managers and their work could serve as a model for others. Tribes are concerned by the lack of management on adjacent national forests and point to examples of where wildfires on federal forests have spread to tribal forests due to forest management project planning delays and ongoing threats of litigation.

Economic Impacts

The subcommittee will also hear testimony about the effects of declining timber production on rural communities. Despite the fact that National Forests are currently adding volume at a net rate of 33% annually, timber harvests have **declined over 80%** over the last thirty years (See Figure 2). Current harvest levels only remove about 10% of annual growth, and 16% of annual mortality. In 2011, total standing timber volume across the National Forest System was **1.4 trillion** board feet – 700 times the actual federal harvest levels.⁹



Many sawmills have closed in western states due to a lack of timber production off of National Forest System land and constant fear of litigation. Beginning in the early 1990's, administrative appeals and litigation slowed Forest Service decision-making, increased timber program unit costs and reduced contract outputs (smaller, less economically viable contracts). Since 1990, more than 400 timber mills have closed and more than 35,000 workers have lost their jobs nationwide.¹⁰

⁹ Forest Service, FY1905-2011 National Summary Cut and Sold Data: http://www.fs.fed.us/forestmanagement/documents/sold-harvest/documents/1905-2011_Natl_Summary_Graph.pdf

¹⁰ Steve Brink and Tom Troxel, *Is Federal Timber Still In Demand*, Federal Forest Resources Coalition, <http://www.foresthealth.org/pdf/Federal%20Timber%20Demand%20Feb%202011.pdf> (February 19, 2011)