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Hearing on Forest Management to Mitigate Wildfires: Legislative Solutions
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I. Welcome & Introduction

Chairman Barrasso, Ranking Member Carper, and Members of the Committee,

Thank you for the opportunity to testify before you today on the important issue of legislative solutions to address the raging forest fires on our public lands. I am here today on behalf of the National Wildlife Federation and our nearly 6 million members and supporters, and our 51 state and territorial affiliates. Our members are hunters, hikers, anglers, gardeners, bird and wildlife watchers, foresters, farmers – everyone who cares about wildlife.

2017 is shaping up to be among the worst wildfire seasons in our nation's history. The impacts on local communities and our wildlife and natural resources have been devastating and widespread. I want to express our deepest sympathies for the firefighters who lost their lives battling one of the many wildfires burning in this record fire season. I also want to express our support for everyone impacted by wildfires. Local communities have lost countless buildings and suffered tens of billions of dollars in damages. Waterways and numerous habitat types have been degraded, imperiling wildlife. Smoke disrupted lives in downtown Portland, outdoor recreation businesses in Missoula, and affected the air children breathe from San Diego to Jackson. Tens of millions of tons of climate-altering carbon dioxide have been released.

Our efforts to overcome the wildlife crisis in America are also impacted. Our vision is to *"Increase America's fish and wildlife populations over the next generation, enhancing their capacity to thrive in a rapidly changing world."* There is already a systemic decline in many fish and wildlife populations in the United States, largely driven by habitat loss and degradation. Nearly one-fifth of native forest animal species are at risk, with many others exhibiting long-term population declines.

Given the changing conditions of our forest landscape, stemming the decline in wildlife populations will increasingly require restoration and climate-informed forest management. The factors leading to wildlife population and habitat declines will likely increase in future years as climate change and other large-scale threats come to bear on U.S. habitats and ecosystems. Both wildlife and people depend on improved forest health for a variety of benefits and services including clean and abundant water. Furthermore, healthy forests are increasingly important to limit the worst consequences of climate change by removing carbon dioxide naturally from the atmosphere.

II. Wildfire Crisis and Opportunity

In much of the West, the trend toward increasingly large-scale disturbances from mega-fires, prolonged droughts, and widespread pest outbreaks makes the wildlife crisis worse by stressing many of our forest habitats and pushing them beyond the bounds of historical conditions.

Wildfires are a natural occurrence and are essential for the long-term health of ecosystems, and in many parts of the country, fire can be a vital tool for healthy forest management. In recent years, however, wildfires have been burning more intensely and frequently than in previous decades, a trend that is linked to less snowpack, warmer springs, an expansion of summer dry periods, and outbreaks of injurious species, like bark beetles.ⁱ In 2017 alone, well over 8.5 million acres of wildfires have burned in the United States. Six western states had the largest or most destructive fires in the past six years. Exacerbating this situation are conditions brought by severe drought, where for example, California has over 100 million dead trees, as well as widespread outbreaks of pests, such as bark beetles, currently affecting approximately 32 million acres of National Forests.

With massive fires continuing to cover the West, experts are starting to observe some frightening trends. The area of forest burned every year in the Pacific Northwest has increased by nearly 5,000 percent since the early 1970s, and the area burned in the Southwest has increased by nearly 1,200 percent^{ii, iii}. The average wildfire season is 78 days longer than it used to be.^{iv}

When wildfires burn so hot and so often, natural landscapes are often unable to rebound like they would under their natural fire regime. As an example, in 2011 the Las Conchas fire in New Mexico burned more than 156,000 acres of forest and scrubland, one of the largest fires in the state's history. The fire burned so intensely that only bare dirt and tree stumps were left in many places, and some burned areas may be permanently affected.^{v,vi}

Federal Budget Problems

In addition to changing natural systems, a significant contributor to the rapid growth of wildfires has been the decimation of the U.S. Forest Service restoration budget that is the primary source of funding for restoration projects that reduce fire risks through removal of, for example, dead and small-diameter trees that act as tinder during wildfires. Unlike other natural disasters, such as hurricanes and tornadoes, communities suffering from catastrophic wildfires are not eligible for federal assistance from the Federal Emergency Management Agency. Instead, the costs of responding to wildfires are entirely born by the U.S. Forest Service and now devour more than half of all USFS resources, depriving the agency of critical resources for restoration and active management that would reduce ongoing fire risks. Annually, the Forest Service spends more than \$1 billion to fight wildfires,^{vii} and in 2015, one of the worst years for wildfires on record, the United States spent more than \$2.6 billion^{viii}—a record that we are poised to match this year.

After four years of unsuccessful efforts, Congress absolutely must first and foremost fix the broken system that funds our response to catastrophic wildfires. We strongly support efforts to fix the wildfire funding crisis, including the bipartisan “Wildfire Disaster Funding Act of 2017,”

led by Senators Crapo, Wyden, Feinstein, Risch, Cantwell, Hatch, Merkley, Gardener, and Bennet, and the House companion version sponsored by Idaho Congressman Mike Simpson.

Innovative Administrative Efforts

Even with scarce resources, federal land managers and local partners have not been standing idle. Through creative collaborations and management focused on restoration, Forest Service timber volume is up by 20% since 2008, and the U.S. Forest Service is restoring just under 5 million acres per year. The Collaborative Forest Landscape Restoration program, for example, has worked with partners to treat more than 1.45 million acres to reduce risk of fires. Additional collaborative efforts have also helped address:

- 84,570 acres to achieve healthier forests and watershed conditions
- 1.33 million acres for improved wildlife habitat
- 73,600 acres to address concerns for noxious weeds and invasive plants

Additionally, in the 2014 Farm Bill, policies such as the Good Neighbor Authority and Stewardship Contracting were codified and extended, supporting more improved forest management even within current budget constraints while providing significant benefits to communities and wildlife. While the U.S. Forest Service estimates that approximately 65-82 million acres of forest service land is in need of some type of restoration, we can look to these models for ways to address the myriad of issues facing our forests.

III. Bills Before the Committee

We support two of the bills before the Environment and Public Works Committee today that both have a targeted and specific approach simplifying common-sense administrative procedures and ensuring conservation priorities are the focus.

S. 1417 (Senators Hatch & Heinrich): Sage Grouse and Mule Deer Habitat Conservation and Restoration Act of 2017

Senators Hatch and Heinrich have done a commendable job working in a bipartisan fashion to craft the Sage Grouse and Mule Deer Habitat Conservation and Restoration Act of 2017. The loss of sagebrush habitat to threats including wildfire and juniper encroachment is a serious problem and affects hundreds of other species. We appreciate the Senators' singular focus on legitimate habitat restoration activities and addition of environmental safeguards such as excluding wilderness areas and the construction of permanent roads. These are exactly the sort of environmentally beneficial activities that warrant an improved and expedited environmental analysis.

We only have one concern to flag for the committee. The creation of temporary roads in sagebrush can be a vector for invasive species and can be hard to restore back into intact sagebrush. While we agree that the focus must be on reducing fire threats and removing juniper, every effort should also be made to ensure that there are no unintended ecological consequence of these actions. Despite this one concern, we strongly support the intent of this bill to get more

resources onto the ground to actively manage juniper and restore habitat, which can have an enormous positive impact on prime sage grouse and mule deer habitat.

Also worth noting is that the Departments of Interior and Agriculture already have the authority to create these expedited processes and this bill may be unnecessary if the Secretaries act administratively. The agencies may be better positioned to do a more thorough job in developing an exclusion from more extensive environmental review.

S. 605 (Senators Daines & Tester): Litigation Relief Act

We would also like to commend Senators Daines and Tester for their bipartisan and collaborative work on the Litigation Relief Act. S. 605 would better integrate two of the most important tools for managing wildlife and habitat on public lands—the Endangered Species Act (ESA) and federal land and resource management plans.

S. 605 is designed to:

- Ensure ESA consultation occurs on *plans* when they are created, amended, or revised.
- Rely on ESA consultation on *projects* to protect endangered and threatened species in between these significant plan decision points.

S. 605 would advance important forest management projects by reducing the threat of being unnecessarily blocked by lawsuits. While we, of course, agree that consultation to avoid management plan impacts on endangered species is important, we believe that the Forest Service can consider the impacts of the management plans during the standard processes to review them. Meanwhile, consultation under the ESA can still take place on specific activities under the plans when a plan is not being created, amended, or revised. This bill maintains the ESA as a conservation tool while maintaining the underlying processes for land management plans. The House version of this language is an example, however, of overreach where the consultation tools of the ESA are curtailed to an unnecessary degree on management plans.

There is some opposition to S. 605, however, within the environmental community, and this Committee could likely make a few minor modifications to the bill to mitigate some concerns. We offer our help to discuss those changes with other groups at the table.

S. 1731 (Senator Thune): Forest Management Improvement Act of 2017

While we share many of the same concerns about the health of our public forests, and commend a comprehensive approach, we respectfully cannot support S.1731 in its current form. Much like efforts in the House of Representatives, the Forest Management Improvement Act stretches too far beyond the scope of forest restoration and improved forest management. Simply put, it goes beyond the intent of minimizing mega-wildfires and improving wildlife habitat through restoration management. While we support many of the intended outcomes of the bill, we encourage the Committee to revisit the following provisions:

- Section 3(a-e): The creation of four new categorical exclusions, while in part aimed at wildlife habitat restoration, are extremely broad in scope beyond just habitat creation.

These new CEs increase harvest cuts to 10,000 acres, do not include environmental safeguards, and may produce unintended negative consequences. Projects this large and broad should contain processes that are transparent and at least include local collaboration. We believe that the similar outcomes for restoration and improved forest management could be achieved through an improved Environmental Assessment process to ensure there are not harmful unintended consequences.

- Section 3(f). The categorical exclusion codified in the 2014 Farm Bill was a good bipartisan deal, yet this section increases the size of a harvest by 7,000 acres and removes environmental safe guards, such as protecting old growth trees and the prerequisite of public collaboration.
- Section 4(a): This section reduces transparency and involvement of the public by limiting options under environmental review for all “forest management activities” to only two alternatives, regardless of whether the projects were developed through a collaborative process or not, or whether the projects focus on restoring forest health or another purpose.
- Sections 5 & 6: We are concerned about the undermining of strong healthy forest management tools codified in the 2014 Farm Bill by allowing permanent road creation under Good Neighbor Authority and lowering the value of services received by Stewardship Contracting.
- Section 7(e): This section limits public access to the courts with broad, potentially unlimited, arbitration for an undetermined amount of objections and appeals.

IV. Bipartisan Path Forward

In a year of near-record wildfires, we are optimistic that there is a pathway for a strong, bipartisan forest management and wildfire funding package of legislation to come together and earn 60+ votes before the end of the year. However, addressing devastating wildfires and restoring wildlife populations and habitat can only happen with bipartisan Congressional leadership. By focusing Congressional efforts on bipartisan measures that improve forest management with the objectives of mitigating fire risks, improving wildlife habitat, increasing carbon sinks, enhancing water supplies, and supporting rural jobs, we will ensure that both our National Forests and local communities benefit. Such a bipartisan package should include:

- *Fix the Wildfire Funding Crisis:* Congress must first and foremost solve the wildfire funding crisis and ensure adequate funding for both restoring forests and appropriately fighting wildfires. We encourage the Senate to take up immediately Senator Crapo and Wyden’s “Wildfire Disaster Funding Act of 2017.”
- *Improve Forest Management and Restoration:* Congress should advance bipartisan forest management proposals that will bolster and complement the wildfire funding fix with tools to provide improved forest management and restoration, such as:
 - *Promoting Landscape-scale Approaches:* Rather than focusing at the project level, the Forest Service should be encouraged to develop regional, landscape-scale plans that recognize the complex nature of the landscape, regional differences to forests and strives to protect, restore, and connect habitats on public and private lands, in terrestrial and aquatic environments, and in areas managed

primarily for conservation purposes as well as those where human uses predominate. We support legislative language, pioneered by The Nature Conservancy, which makes it clear the agency can conduct forest restoration projects across an entire landscape—and making it easier to implement the parts of projects that have minimal environmental impact on the ground.

- *Reducing Redundant Environmental Reviews for Restoration Activities:* If a landscape-scale analysis has been conducted for a specific area, then analyses of the environmental impacts of site-specific forest management projects need not reassess the same issues and can be much more efficient. Unnecessarily lengthy and overly burdensome processes for approving projects that produce ecological benefits strain the resources of the Forest Service.
- *Rewarding Collaboration:* When diverse citizens and groups collaborate on ways to manage forests for the common good they can come up with innovative projects that often deserve to be implemented. We support legislation to let forest projects proposed by collaborative groups be reviewed as is – without the Forest Service also coming up with and analyzing alternative proposals - as long as the collaborative group really is collaborative, and the project’s environmental impacts are still analyzed.
- *Improving and Expanding Good Neighbor and Stewardship Contracting:* As mentioned before, both are relatively new and still under-utilized authorities which alleviate budget and environmental review challenges. Both can be expanded to conduct more restoration and improved forest management.

V. Conclusion

With near-record wildfires raging across the west, now is the time for bipartisan action to solve the wildfire funding crisis and improve forest management. Our federal land managers and local partners desperately need more resources and tools to confront the scale of the wildfire challenges we face. There are clear legislative solutions that both reduce the risks of mega-fires and enable more proactive restoration work that will benefit all of us. By solving the budget crisis and providing additional conservation tools, we can improve forest management to restore wildlife habitat, enhance downstream water quality and quantity, build our carbon sinks, expand recreational access, and provide more opportunities for the forest products industry and rural jobs. Only then, can we rest knowing that we have advanced President Theodore Roosevelt’s “great central task of leaving this land even a better land for our descendants than it is for us.”

ⁱ Westerling A. L. , et al. 2006.

ⁱⁱ Westerling A.L. 2017. Wildfires in West have gotten bigger, more frequent and longer since the 1980. The Conversation US, Inc. <https://theconversation.com/wildfires-in-west-have-gotten-bigger-more-frequent-and-longer-since-the-1980s-42993>

ⁱⁱⁱ Westerling A.L., Hidalgo H.G., Cayan D.R, Swetnam T.W., 2006. Warming and Earlier Spring Increase Western U.S. Forest Wildfire Activity. Science: 313 (5789). <http://science.sciencemag.org/content/313/5789/940>

^{iv} USDA 2015. <https://www.fs.fed.us/sites/default/files/2015-Fire-Budget-Report.pdf>

^v Nijhuis M. 2012. Burnout. Nature Vol. 489, pp. 352–354 <http://www.nature.com/news/forest-fires-burn-out-1.11424>

^{vi} New Mexico In Depth 2014. <http://nminddepth.com/2014/08/30/new-mexicos-forests-are-warming-and-transforming/>

^{vii} National Interagency Fire Center 2016. www.nifc.gov/fireInfo/fireInfo_documents/SuppCosts.pdf.

^{viii} E&E News 2016. <https://www.eenews.net/greenwire/stories/1060030747>