

LEGISLATIVE HEARING ON S. _____, THE WILDFIRE PREVENTION AND
MITIGATION ACT OF 2017

Wednesday, October 25, 2017

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 11:00 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Boozman, Whitehouse, Merkley, and Harris.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Now that the markup is completed, I call this hearing to order.

Today we are having a hearing on Wildfire Prevention and Mitigation, the Act of 2017. It is a discussion draft. The discussion draft we consider today focuses specifically on issues that have been referred to this Committee. It combines tools for habitat conservation for mule deer, sage grouse, and other wildlife, and streamline processes for addressing specific areas that need immediate attention.

The three titles include bipartisan initiatives from six different members and represent many months, if not years, of work to give land managers the tools that they need to prevent catastrophic wildfires.

It does not include a budget fix for the simple reason the budget issues are outside the jurisdiction of this Committee. Ultimately, a budget fix should be paired with tools to reduce forest density for improved wildlife habitat and healthier forests, and the ability to react quickly to mitigate environmental harms after a fire.

On September 27, this Committee held its first hearing on the catastrophic damage caused by wildfires across the Country.

We heard testimony of homes burned, children unable to attend schools because of poor air quality, damaged city water supplies, and historic forest destruction.

Since that hearing, fires have continued to burn in California and across the West, with devastating effect. According to the latest numbers from the USDEA, "Year-to-year, there have been 52,277 fires, covering 8.82 million acres across all jurisdictions, 2.3 million of which are on national forests." To put this into perspective, that is nearly 7 times the State of Delaware, 12 times the State of Rhode Island.

The cost of these fires is real: lives are lost and family history and livelihoods are destroyed in an instant. The communities and ecosystems will be needing rebuilding for years. We must ask ourselves what kind of future are we leaving for the next generation when we fail to conserve Federal forests that overwhelm the sky with thick smoke and ash when they burn?

As a physician, I see many parallels between human health and forest health. These catastrophic fires are a symptom, not the underlying problem. I believe we have to take a holistic approach. On the one hand, we must take preventive action so that, when fires occur, they don't burn so hot, so long, and so fast and destroy everything in their path. Additionally, we must also enable restoration to ensure that, when fires do occur, agencies have the tools they need to restore and improve

wildlife habitat, access for recreation and whole forest ecosystems. Both of these things must be paired with a comprehensive budget fix.

Before hearing from our witnesses today, I would like to turn to Ranking Member Carper for his remarks.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Thank you, Mr. Chairman.

To our witnesses, I had a chance to welcome you all personally, but in public I want to say, welcome. We are glad you are here.

Since the last time we met to discuss wildfires, just about a month ago right here, 21 major wildfires have ravaged the State of California. These fires have destroyed over 8,000 homes and buildings, scorched more than 245,000 acres, and tragically taken some 42 lives. More than 11,000 firefighters from I think about 18 States and Australia are still working to contain these fires.

My wife and I were out in California about a week and a half ago, and from San Francisco down to San Jose we were struck by the haze, the smoke that was still in the air, especially in the northern part of the Bay area. A lot of people were wearing masks almost 100 miles from where the fires were taking place.

Challenging fire conditions persist throughout California, but now that the October fires are waning, cleanup begins. Chemicals present in burned out homes and buildings may cause new health and human safety concerns. We need to act to address wildlife risk now more than ever. We also need to be thoughtful

and strategic as we do that.

During our September hearing, our colleagues and witnesses seemed to agree on several issues, ranging from the urgent need for Federal funds to address fire to the possibility that narrowly tailored policy solutions should also be considered.

Unfortunately, that bipartisan consensus is not well reflected in the draft legislation that we are considering today. The Wildlife Prevention and Mitigation Act does incorporate two bipartisan bills, but it also includes broad changes to the National Environmental Policy Act. I am concerned about the negative implications of these proposed reforms which would be layered on top of existing underutilized forest management authorities.

This management reform-only approach is not going to solve our Nation's wildfire problem. The draft bill does not acknowledge or address root causes for increasingly severe wildfire seasons, such as climate change or increased development near forestlands. It also fails to provide adequate funding resources to the Forest Service.

I have mentioned the Forest Service's funding challenges before, but the facts are worth reiterating. In 1995, only 16 percent, 16 percent of the Fire Service's budget was dedicated to fire suppression. Since 2015, the Forest Service has been spending more than half of its annual budget fighting fires.

More than half. In order to meet fire suppression needs, the Forest Service borrows money from other important programs, including those focused on forest management and restoration. This practice, known as fire borrowing, is not sustainable. We have to get ahead of this problem. It is not getting better; it is getting worse, and it prevents the agency from taking necessary action to prevent fire.

According to Secretary Perdue, firefighting activities will likely consume two-thirds, two-thirds of the Forest Service budget by 2021. Two-thirds by 2021. When Secretary Perdue announced these projections at a bipartisan press event last month with our Senate colleagues, he asked Congress to focus on a permanent funding fix. He also reported that the Forest Service is cooperating well with local communities and does not necessarily need legislative management reforms.

I look forward to hearing from our witnesses. We look forward to hearing from each of you this morning who have traveled, in some cases long ways, to share your expertise, your counsel with us today.

Mr. Chairman, I do hope we will also be able to refocus our efforts and develop a truly bipartisan approach to better prevent and address wildfires across our Nation. Thank you so much.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper.

We have today with us three individuals who will be testifying. We will hear from our witnesses. Today we have Mr. Bill Crapser, who is the State Forester for the State of Wyoming; Mr. Miles Moretti, who is the President and CEO of the Mule Deer Foundation; and Mr. Dylan Kruse, who is the Policy Director for Sustainable Northwest.

I want to first introduce Mr. Crapser, who serves as Wyoming's State Forester and recently served as the President of the National Association of State Foresters.

I am very pleased, Bill, that you join us today. You have served as the Wyoming State Forester since 2003. As part of your leadership of the Wyoming State Forestry Division, you know that collaborative work across the many private, State, and Federal boundaries is the key to healthy forests across Wyoming.

As a key member of Governor Mead's Task Force on Forests, Bill helped to develop a series of recommendations to reduce the threat of destructive wildfire through vegetation management, to enhance forest health and wildlife habitat across migration corridors, and to expand outdoor recreation opportunities in healthy forests.

Bill provides critical expertise and is a valuable resource when addressing challenging issues like those we will discuss

today.

So I appreciate you making the trip, Bill, to be with us. And before asking you to testify, I would like to recognize Senator Merkley to introduce his constituent who is here as well.

Senator Merkley. Thank you, Mr. Chairman. It is a pleasure to be able to welcome Dylan Kruse, who has made the trip from Oregon to testify. He serves as the Policy Director for Sustainable Northwest, an organization focused on resolving conflict by developing solutions that improve community and economic well-being, while preserving healthy forests.

Mr. Kruse also serves as a member of the Real Voices for Conservation Coalition, where he works with people across the western United States in a collaborative manner to develop solutions to challenges facing our public lands and our natural resources.

I know that Mr. Kruse has been a great resource for my staff. His work on natural resources and public land issues will provide insight to this Committee as we discuss the Wildfire Prevention and Mitigation Act.

Thank you, Mr. Kruse, for making the trip out here and for your work to bring people together from across a broad array of perspectives.

Senator Barrasso. Thank you very much, Senator Merkley.

I also note that Mr. Moretti, who is here, you were born in Evanston, Wyoming, I understand, and grew up in the Bridger Valley. So we welcome you as well.

With that, I would like to remind the witnesses that your full written testimony will be made part of the official hearing record, so please try to keep your statements to five minutes so we may have time for questions.

Mr. Crapser, please begin.

STATEMENT OF BILL CRAPSER, STATE FORESTER, WYOMING STATE
FORESTRY DIVISION

Mr. Crapser. Thank you, Chairman Barrasso, Ranking Member Carper, members of the Committee. My name is Bill Crapser. I serve as the Wyoming State Forester. I am also the immediate past President of the National Association of State Foresters.

Through the 2008 Farm Bill, State foresters were tasked with developing State forest assessments and action plans for all ownerships, including Federal. In 2013, our governor, Governor Mead, commissioned the Task Force on Forests. This was a diverse group of Wyomingites who worked collaboratively for over a year to create a vision for our forests. The Task Force's number one recommendation was to endorse and implement the strategies and direction laid out by our State Forest Action Plan.

In Wyoming, our State Forest Action Plan identifies the areas of greatest risk for catastrophic wildfire, as well as insects and disease. Much of these at-risk forest areas are on Federal land managed by the USDEA Forest Service. For a variety of reasons, the Forest Service has not treated the majority of at-risk forested areas as identified in our plan. Much of the challenge for Federal managers is due to overly burdensome environmental regulations that are, in many cases, doing more

harm than good to Wyoming's forests. Frankly, we are quite frustrated.

It is not just Federal lands that are impacted by this lack of active management. Wildfires and insects and disease know no boundaries, and virtually all catastrophic wildfires in Wyoming burn through multiple ownerships.

The Wildfire Prevention and Mitigation Act of 2017 addresses many of the regulatory challenges our Federal partners face. Arbitration to resolve disputes would be helpful. The use of categorical exclusions for forests at risk, or wildfire and forest needing habitat improvement would also be helpful. The ability to use CEs, or categorical exclusions, for making decisions on salvaging burned and beetle-killed timber so that the wood will still have value when sold would be most helpful. Expansion of the Good Neighbor Authority that has been a huge success so far would really be helpful. There is increasing opportunity through this Authority for States to implement federally approved projects, NEPA-completed, with State personnel. We applaud the bill's sponsors for this thoughtful piece of legislation.

NASF has a policy platform with specific and detailed Federal forest reform -- a copy is attached to my written testimony -- as well as a Forest Resource Committee and Fire Management Committee comprised of State foresters from around

the Nation, and could offer assistance to these important issues. We believe we can help the Committee in fine-tuning the details of this bill. In addition, we would ask that the Committee consider language which would encourage Federal managers to consult their State Forest Action Plans and work closely with State foresters to ensure Federal resources are focused on the highest priorities.

While regulatory reform is a significant part of today's challenge in addressing our overgrown and insect- and disease-prone forests, there are other factors that would help as well. We need a solution to the way Federal wildfire suppression is funded. This fire season has been one of the most devastating in history. The Forest Service's budget for fire suppression has grown from less than 20 percent to more than 50 percent of the agency's total budget. This will have repercussions not only on Federal land, but for the funding of State and private forestry programs across the Country. These programs include State Fire Assistance and Volunteer Fire Assistance, which fund much of the Nation's initial attack on Federal lands.

In Wyoming and across the Nation, a private forest landowner who works with our staff and with the forest stewardship program is almost three times as likely to manage his forest as a landowner without a management plan. Helped by State Fire Assistance and Volunteer Fire Assistance, every

county in Wyoming now has a Community Wildfire Protection plan. Also, much of our wildland fire equipment and training which we use to respond to both private and Federal fires comes from this program. In addition, through the support of community forestry programs, half of Wyoming's communities are designated as "Tree City USAs." This has a huge impact on the quality of life, stormwater control, air quality, and carbon capture in these communities.

Again, we applaud the Chairman and the Environment and Public Works Committee for making the health of our Federal forests a top priority. I know the Nation's State foresters stand ready to work with you to address these most important challenges.

Thank you.

[The prepared statement of Mr. Crapser follows:]

Senator Barrasso. Thank you, Mr. Crapser.

Mr. Moretti.

STATEMENT OF MILES MORETTI, PRESIDENT/CEO, MULE DEER FOUNDATION

Mr. Moretti. Thank you, Chairman Barrasso and Ranking Member Carper and members of the Committee. My name is Miles Moretti. I am the President and CEO of the Mule Deer Foundation. We are the premier wildlife conservation group working on mule deer, black-tailed deer and their habitat. I also am a proud professional member of the Boone and Crockett Club, and have served as a past Chair and current Board Member of the Intermountain West Joint Venture.

I appreciate the opportunity to testify today in support of the draft Wildfire Prevention and Mitigation Act of 2017. The draft legislation is an important step towards the enactment of bipartisan solutions to address a national forest health crisis which addresses the threat of catastrophic wildland fires in a manner that yields significant benefits for wildlife populations and their habitat.

In particular, the Foundation appreciates the inclusion of the Sage Grouse and Mule Deer Habitat Conservation and Restoration Bill, which was coauthored by the senior Senator from the State of Utah, Senator Hatch, and Senator Heinrich, in cooperation with sportsmen's conservation organizations, the private sector, and other stakeholders.

And I would like to say that when we put this bill together

with Senator Hatch and Senator Heinrich, and we had groups like Boone and Crockett, National Wildlife Federation, and the American Petroleum Institute all give quotes in a press release, I had people call me and say, I don't know what is in your bill, but if you can get all those people to help sponsor this bill and support this bill, I am for it.

So, with that, in order to achieve our mission, the Foundation works with a diverse cross-section of Federal and State government partners, nonprofit conservation organizations, and the private sector, particularly the oil and gas industry, to undertake projects to create, restore, and protect sage habitat.

While the motivation for engaging in these projects may differ across these partnerships, the model of working together to achieve our shared goal of reversing declining trends in the populations of sage-dependent species has proven successful time and again.

A primary impediment to replicating the successful collaborative model is the onerous and unnecessary and duplicative requirements of a full National Environmental Policy Act review of projects that would be better allowed to proceed under a categorical exclusion.

While we have moved forward on many projects in the West, we have three projects that are being held up by the lack of

NEPA being conducted by BLM. In my experience, time delays resulting from current NEPA requirements stem not only from a lack of human and financial resources, but from the fact that a full NEPA review, when applied to projects for which NEPA was intended to apply, are inherently time-consuming. We are not asking to pass this bill to circumvent the process, but to expedite the process on projects using proven practices that we know will have net conservation benefits.

My ask of you today is that you help us restore our forests and rangelands to a healthy condition by giving us the tools and flexibility to accomplish that tool, and we believe that whatever form that takes, we need action now. There is just so many wildfires in the West and they are becoming such catastrophic events that we need to get proactive. The hands-off approach has not worked. We need a hands-on approach to working with our partners in restoring healthy forests and rangelands.

Thank you for your time and allowing me to testify before you today. I look forward to answering any questions you may have.

[The prepared statement of Mr. Moretti follows:]

Senator Barrasso. Thank you very much for your testimony,
Mr. Moretti.

Mr. Kruse.

STATEMENT OF DYLAN KRUSE, POLICY DIRECTOR, SUSTAINABLE NORTHWEST

Mr. Kruse. Chairman Barrasso, Ranking Member Carper, members of the Committee, thank you for the opportunity to testify. My name is Dylan Kruse, and I am the Policy Director at Sustainable Northwest. We are a regional nonprofit located in Portland, Oregon, developing solutions to natural resource challenges that maintain working lands and promote environmental stewardship. I appreciate the chance to speak with you all today, as the subject matter could not be more urgent.

Sustainable Northwest is a strong supporter of active forest management that sustains ecosystem resiliency, supports natural resource livelihoods, and protects life and property. Unfortunately, the Wildfire Prevention and Mitigation Act will do little to address the underlying challenges affecting the health of our Federal forests, and omits critical opportunities to address the rising costs and threats of wildfire.

We are troubled by proposals that shortcut environmental laws, create bureaucracy, and introduce unnecessary authorities likely to cause increased tension in land management planning and decision-making.

Regarding Title I of the bill, we recognize the need for a legislative fix to conflicting court decisions about consultation with the Fish and Wildlife Service. We commend the

Committee for swift resolution on this matter, but urge you to work with interested parties to improve the legislation based on two principles: that forest restoration projects should be permitted to proceed in a timely fashion, and that we should not diminish the integrity of the Endangered Species Act.

We are particularly troubled by Title III of the bill. Section 311, on Environmental Assessments: Discretion and timely decision-making are imperative in the production of any environmental review, and we expect agencies to exercise prudence to satisfy sufficiency. However, the Forest Service should retain independent decision-making authority that relies on its technical and scientific expertise when selecting the appropriate criteria and level of detail to be incorporated into analysis.

In Section 314, on an Alternative Dispute Process, introducing a binding arbitration process with agencies and restricting the ability of the public to file legal challenges undermines essential tenets of our democratic process. We appreciate the intent to reduce litigation and expedite legal resolution, but have not seen evidence proving that arbitration will result in a different outcome than judicial review. It also prohibits case law for future precedent and is vague on expectations and qualifications for arbitrators.

And Section 332 to 336 on Categorical Exclusions, we agree

that there is a pressing need to increase the pace and scale of restoration, but the Forest Service already has at least 25 internal categorical exclusions, as well as 5 additional authorities in statute. CEs and streamlined options already exist for insect and disease treatments, hazardous fuels reduction, protection of water sources, and salvage logging. This is not to say that review of NEPA is not warranted. We are pleased to note that the Forest Service experts are already reviewing environmental authorities and opportunities for efficiency. We urge the Committee to let the agency complete this process and propose new approaches based on data-driven analysis.

So, as far as alternatives for success, in contrast to the broad reforms in the proposed legislation, we suggest a more targeted approach that addresses the causes of extreme wildfire, reforms budgets, and utilizes existing authorities.

First of all, we must fix fire funding. Unlike other natural disasters, the Forest Service and Department of Interior are required to pay for wildfire response out of their annual budgets and transfer funds when they exceed their allocation. More than 50 percent of the Forest Service budget is consumed by wildfire suppression. By 2021, it will be 67 percent. We must address this now.

We need to seek a comprehensive solution. Alternative

bipartisan proposals such as the Wildland Fires Act of 2017 more effectively address the causes of wildfire and provide resources to prepare for and prevent future wildfires. This includes funding to at-risk communities, investment in forest products infrastructure and workforce, and incentives for cost savings to complete restoration.

We need to use the tools we already have. The 2014 Farm Bill authorized stewardship contracting, Good Neighbor Authority, insect and disease designations, and designation by prescription and description in timber sales. These tools have been embraced by partners, as you have heard, but have just recently been adopted.

We need to support collaboration. Oregon and Washington are home to 33 forest collaboratives. A recent academic review of the Collaborative Forest Landscape Restoration Program showed that 75 percent of respondents said the program resulted in decreased conflict and 61 percent had seen decreased litigation. Federal agencies should adopt collaborative recommendations to the maximum extent possible.

We need to get ahead of the problem. We continue to take a reactive approach to wildfire, instead of proactively addressing its causes. In Oregon and Washington alone, there are over 2 million acres of forests that have already completed NEPA but have yet to be carried out due to funding. These projects will

reduce fuel loads, improve forest health, and allow fire to return in a controlled and beneficial way. But Congress must be willing to pay for them.

And, thus, we must invest accordingly. Landscape restoration will only be implemented with appropriate investment from Congress. This includes funding for collaborative initiatives and programs that cut across ownership boundaries, leverage resources, and achieve integrated outcomes. However, funding levels in President Trump's fiscal year 2018 budget propose a dire and austere vision for our Federal lands and rural communities. Instead, we should sustain land management agency funding levels as included in the fiscal year 2017 appropriations bill.

In closing, with these conditions in place, significant gains could be made to improve the health of our landscapes, create natural resource jobs, and secure the safety of rural and urban communities. Thank you.

[The prepared statement of Mr. Kruse follows:]

Senator Barrasso. Thank you very much, Mr. Kruse.

I thank all of you for your testimony. We will now turn to some questions.

Mr. Crapser, how would this legislation before us today lead to increased programmatic efficiency and effectiveness in what you do?

Mr. Crapser. Mr. Chairman, I think any tools in the Forest Service's toolbox potentially help with their efficiency. If you look at the CE language, there has been some hesitancy on the agency's part to utilize some of the CEs under the current Farm Bill. I think the big thing that it does, it gives them more tools, it gives them more options when they look at any management concerns.

Senator Barrasso. When we talk about tools, the Good Neighbor Authority can be an important tool that allows the Forest Service to work with States so they can perform watershed restoration, forest management services. Congress enacted two different Good Neighbor Authorities under the Department of Interior a couple of years ago. Do you see benefits in a single national Good Neighbor Authority as provided by this Wildfire Prevention and Mitigation Act?

Mr. Crapser. Mr. Chairman, yes, I do. I think any time we have conflicting authorities, even though they are relatively the same, it causes confusion. As I understand it, the current

Authorities, one that was in the Appropriations Bill, will actually expire a year from now. I believe the other one is long-term, the one that was in the Farm Bill. There are some issues with road construction and road reconstruction in the two. Having one that is consistent would be helpful for both States and for the Federal agencies.

Senator Barrasso. Mr. Moretti, kind of a two-part question about NEPA. Do you believe that the existing NEPA structure is sufficiently effective and flexible in terms of promoting effective forest management? And then the second part is why do you think it is necessary to have categorical exclusions, which we outline in this Wildlife Prevention and Mitigation Act of 2017, to help expedite the forest management projects?

Mr. Moretti. Well, overall, the NEPA process as the law is good, but it has been interpreted so many different ways and it is holding up our projects and has become so cumbersome. And what we are also finding is the agencies no longer have the budget and the manpower to deal with NEPA on these projects that we are working on that are projects that are probably going back into an area that had NEPA done on them over 20 years ago, 30 years ago. We are doing maintenance in a lot of these areas. We are trying to reduce this invasion of pinyon-juniper that is coming in and invading sage habitat and mule deer habitat. So we believe that the categorical exclusions can help us expedite

this process, get this going as you see what is going on in the West, whether it is on BLM land. People forget that over 2 million acres of sage grouse habitat burned up this year, and a lot of that was pinyon-juniper country that just burned into the sage habitat. So it is more that we need expedited, to have the flexibility to get out there and get these projects done.

Senator Barrasso. It seems that environmental laws and regulations affecting forest management projects do play an important role in protecting wildlife and habitat, but projects are often halted; not over compliance issues, but by litigation and appeals of the litigation. This Wildfire Prevention and Mitigation Act would establish a pilot arbitration process to conduct alternative dispute resolutions over forest management activities.

Do you see value in this legislation's arbitration provision in terms of solving some of the disputes that basically have an impact on the work that is trying to be done?

Mr. Moretti. Well, I think anything that brings the parties to the table to work it out, and hopefully they would be able to work it out before there is a decision, so there isn't a winner and a loser. But believing that getting people face-to-face around a table and working things out, and finding those touchpoints that are causing the conflict. I think when reasonable people get together, they can make reasonable

decisions.

Senator Barrasso. And, Mr. Crapser, the Wildlife Prevention Act makes several references to collaboration. Can you provide the Committee with maybe a couple of examples of collaboration in our State that have benefited Wyoming's natural resources? And, as a State forester, how do you think of the term collaboration?

Mr. Crapser. Mr. Chairman, I think we have had some great successes on both recreation collaboratives and on forest management vegetative collaboratives across the State, in the Big Horns. In the western part of the State, on the Bridger-Teton we have an active collaborative working right now that I think will come up with some good solutions, some community-based solutions.

I think collaboration, like a lot of buzz words, we love to throw the term collaboration around and collaboratives around, and I think a lot of times it requires us to just old-fashion work together and roll up our sleeves and talk to one another to see what is the best for our forests.

Senator Barrasso. Thank you.

Thank you all.

Senator Carper.

Senator Carper. Let me just ask my Democratic colleagues, anybody on a tight timeline? If so, I will yield to you.

Anybody? I see none. Okay, good. In that case, I will take 15 minutes. Not really. All right, here we go.

My colleagues know one of the things I always search for when we have a hearing on an issue about which there is not unanimity is that I like to use a panel like you to help us find the common ground where it is missing.

Let me just ask this multi-part question, but first, ask each of you to briefly mention three things we talked about here today where you think there is agreement among the three of you. Three things. Important points.

Mr. Crapser?

Mr. Crapser. Listening to my colleagues on the panel, I would think we would be in agreement that collaboration and folks working together is a good thing; you can make better decisions. I think utilizing the Good Neighbor Authority and the Federal agencies working closer with the State, with the State Forest Action Plans, with the State Wildlife Plans, I think we would probably all be in agreement that that is a positive thing. And I think at the end of the day the other thing we all would find in agreement, we probably all want what is best for the forests, for the wildlife, and for the folks that recreate and live around our forests.

Senator Carper. All right. Thank you.

How do you pronounce your name, Miles?

Mr. Moretti. Moretti.

Senator Carper. Moretti. Thank you so much. Mr. Moretti.

Mr. Moretti. Ranking Member Carper, I appreciate that question because I think we all agree that what we have done in the past has not worked, and that we are facing some extreme conditions that we have never faced before, and we need to be proactive and we need to be aggressive; and that is everything in funding, fixing those administrative barriers to getting the job done. And I think as my friend from Wyoming says, I think we can all agree that, bottom line, we want to see a healthy forest and healthy rangelands.

We may disagree on how we get there, but I think our end goals are all the same.

Senator Carper. All right. Thanks.

Mr. Kruse. Senator Carper, I definitely agree with my colleagues on the panel. We certainly want to see active management for improved forest, watershed, and community conditions. I think we all agree on the need for a comprehensive wildfire funding fix; I think we all see a clear and defined role for collaboration to help get us to those outcomes; and I think we all agree on the need to invest in our Federal land management agencies to get the work done.

Senator Carper. That is quite a bit of agreement.

Let me just ask you a follow-up question. Where is the

most significant disagreement, the most significant disagreement that we face, from your perspective, and how would you recommend that we address that disagreement to reach our differences?

Very briefly, Mr. Crapser.

Mr. Crapser. Senator, I think the devil being in the details, as the old saying goes, is probably --

Senator Carper. I have never heard that before.

Mr. Crapser. -- where most of the disagreement would come. I think on how we get there, I think there is, for whatever reason, lack of trust between different communities involved in natural resources on trusting that other parts of the community are really out for the same thing that they are and are trying to do the right thing. So I think the biggest area of disagreement is understanding or misunderstanding of the trail we want to follow to get to where we need to go.

That is kind of -- I didn't really answer your question, I feel, but that is, I think, the biggest issue we face.

Senator Carper. Okay. And, again, there is a second part to the question. That is the biggest. How do we bridge that.

But go ahead, Mr. Moretti. What I am really interested is in how do we go about bridging the major difference that you see. The 800-pound gorilla in the room, if you will; how do we bridge that.

Mr. Moretti. Well, I have always found that the way you

bridge and get together with disagreements is you sit around the table and look each other in the eye. And everybody is going to come to the table with their agenda, and I think that the trust has to be there, and if you don't have the trust that people are there trying to do the right thing, and everybody thinks that you have some hidden agenda, I think if we can put that on the table and sit down and hammer it out, again, I go back to reasonable people can come up with a reasonable solution; and we need that out there. I mean, we are literally dying out there. Our forests are dying; we are having catastrophic fires that are taking human toll, and we need help. So we have to get serious people to the table to figure out how to fix this.

Senator Carper. Good.

Same question, Mr. Kruse.

Mr. Kruse. Senator Carper, trust is certainly the operative word there. I think for certain members of the natural resources community this distrust is fostered by the notion that we are changing the rules of the game, when we begin to look at certain reforms especially to bedrock environmental policy like NEPA. Our recommendation as far as overcoming that distrust is, again, to focus on all of the authorities that we have. What can we do with stewardship contracting? What can we do with Good Neighbor Authority? What can we do with our categorical exclusions, with the Healthy Forest Restoration Act?

We already have lots of tools to do action, no action, alternatives, to expedite judicial review, and those have been passed by Congress in a bipartisan fashion. This is a question of leadership and it is a question of investment and funding.

And if we are creating the conditions for success, and we have already enabled a playing field where we can succeed, it is about direction from this Congress to those agencies and to the general public about what we are trying to accomplish. But we certainly have the tools and the resources available to us as far as the mechanisms to meet the rule of the law, to meet environmental stewardship and get work done, but we have to invest in it and we have to foster that bipartisan spirit, rather than change and move the goal posts.

Senator Carper. Excellent. Thank you so much.

Senator Barrasso. Thank you, Senator Carper.

Senator Boozman.

Senator Boozman. Thank you, Mr. Chairman, and thank you all for being here. I think Senator Carper's question about what we can agree on was really very, very good, and that is what we try and do, and those are the things that we ought to be able to get done. I think everybody in this room, listening to you all, listening to your testimony, agrees that we can't continue to spend 50 percent of the dollars that we spend on fire suppression. It just makes no sense at all.

So I would like for you to talk, whoever wants to jump out and then we will go down the panel, tell me about when you are spending that many dollars on that and you don't have any money to really do the job on managing things, tell me the impact of that. Tell me why that is such a huge problem.

Mr. Moretti. Well, Senator, I can tell you from our standpoint what happens a lot of times, we are out on the forests, around the BLM, we are doing projects, doing active management, and a lot of times we will get shut down come the fire season because everybody is gone and then they are having to pull their budget back. So, you know, projects that we have, we have contractors on the ground and we are ready to go, and we just can't move forward; we have to shut down, and then we may not get started until the next year, it may be delayed. So those are the kinds of things that affect us, and the agency gets shut down and basically they do nothing but fight fires during that fire season; and there needs to be a better way of conducting business.

Senator Boozman. And in not managing the ecosystem, doing the management because of what you describe, you are pulling this off all over the Country, what is the effect of that?

Mr. Moretti. Well, we don't get the projects done that can help alleviate the problem we are talking about. So with some active management and being proactive in these areas, we can go

in and we can make sure that the forest is in a good, healthy condition. We have actually had projects in Arizona where some large wildfires have happened, and when they have gotten to one of these projects that we have done, mostly for wildlife, the fire has slowed down; it has not gone out, but it has slowed down. And a lot of times these projects that we are doing serve as kind of a fire break and are really helpful.

Senator Boozman. Mr. Kruse, before you do, it is sad, we have heard testimony here about people in fire-prone areas, people who have had devastating fires and talking about the managed areas, many of them private areas that are managed well, and then you have the areas that we are managing, and they are raging infernos compared to the other and really part of the problem.

Mr. Kruse?

Mr. Kruse. Senator Boozman, I agree with Mr. Moretti, certainly. The challenge associated with the funding budget situation is that we are unable to do the work on the ground because it is consumed by fire funding. The Forest Service has become the Fire Service. And a comprehensive wildfire funding fix includes access to disaster funding; it minimizes the need to do those transfers so the agency doesn't halt its work during fire season; and it freezes or minimizes the cannibalization of the agency's budget because of the rising cost of the 10-year

average. The result of that is potentially hundreds of millions of additional dollars that are freed up to do this management work on the ground; to do that thinning, to do that fuels reduction, to do those prescribed burns to protect communities.

I mentioned 2 million acres of forestland in Oregon and Washington that have already been approved for NEPA to go through that management process. With money we could save from a fire funding fix, we could get that work done.

Senator Boozman. Very good.

Yes, sir.

Mr. Crapser. Senator, kind of as my colleagues have already talked about, it is almost a self-fulfilling prophecy that we are in right now. We have high fuel-loadings, poor forest conditions, large fires. The Fire Service uses all their money to fight fires, so they don't do their hazardous fuels work and we just keep going down the road. It impacts the Forest Service's ability to do Federal land management. It also impacts, where we are at with wildland fires now, the State's ability to help private landowners. As you know, large parts of State Forestry's budgets come from the Forest Service for State and private projects. Those funds are somewhat up for grabs during fire borrowing. Also, our folks are helping the Forest Service on fires, so we have the same issues during the summer. So it ends up being a self-fulfilling prophecy again, just that

we keep moving into a worse and worse situation.

Senator Boozman. Good. Thank you. And we do appreciate all of your all's hard work very much.

Senator Barrasso. Thank you, Senator Boozman.

The order I have based on arrival of the Democratic members is Senator Merkley next, then Senator Harris, and then Senator Whitehouse, if that is agreeable to you in the order in which you have arrived.

Senator Merkley.

Senator Merkley. Thank you, Mr. Chairman.

I appreciate your testimony.

Mr. Moretti, I believe you were speaking to the fact that when thinning and hazardous fuels are reduced, the forest can become much more naturally resistant to fires. Did I understand that correctly?

Mr. Moretti. Yes.

Senator Merkley. And, Mr. Crapser, would you agree with that?

Mr. Crapser. Yes, Senator, I think I would.

Senator Merkley. And, Mr. Kruse?

Mr. Kruse. Yes, Senator.

Senator Merkley. So I was very struck. I was visiting eastern Oregon this last weekend, and central Oregon, and I went up to a forest outside of Sisters, where the fires had raged and

they were coming towards the town and they stopped. And why did they stop? Well, because this forest had been thinned; it had had its hazardous fuels removed, some many years ago; and it had a 15-year or so prescription burn done that had reduced the grass and brush that had grown up over those years. And it really helped the Forest Service get in and fight the fire, also, because it was much easier to move about in this forest that had been thinned.

So it seems like we have several things that I think everyone agrees with, and I will just say them out loud. We need to fix fire funding so that we are not continuously draining all the other programs in the Forest Service; that thinning and hazardous fuels reduction has a positive outcome both for forests as timber stands, as healthier ecosystems that supply saw logs to the mill, and it makes the forest more resistant.

Are there any of those points that any of you would disagree with?

[All witnesses shook their head in the negative.]

Senator Merkley. So we have, just in Oregon and Washington, as you pointed out, Mr. Kruse, 2 million acres. I know we have 1.6 million acres in Oregon, so I guess a smaller number in Washington State, that have already gone through the environmental process. The only thing that stops us from

adopting this strategy which produces saw logs, makes the forest healthier, makes it fire-resistant is funding. So why not concentrate on getting the funding to do these things and the fire borrowing, and get the funding to do the work up front?

My concern about some of the proposals is when there is that easily available and very effective solution, as soon as many of us hear, well, let's authorize no environmental review and clear cuts, it is just the timber wars of the past, instead of actually a strategy to make the forests healthier, supply saw logs. Why go back to the timber wars of the past if we have the solution sitting right in front of us?

Mr. Kruse?

Mr. Kruse. Senator Merkley, I agree strongly with what you are suggesting. I think part of the challenge that we have here is a series of categorical exclusions that have expanded beyond what the intent of a categorical exclusion should, by definition, be, which is having no direct impact, no indirect impact, or no cumulative impacts. So we are taking a tool that can and appropriately be used in certain situations and being expanded to something that it should not be. More importantly, as you mentioned, we should be focusing on those existing authorities to actually address these challenges at a landscape scale. We should be investing in programs like the Collaborative Forest Landscape Restoration Program. We should

be doing programmatic environmental impact statements. We want to have an impact on the land, as you noted. That is not accomplished with the category of exclusion that has no impact. We shouldn't be treating one or three or 6,000 acres at a time; we should be treating hundreds of thousands of acres. And with adequate funding and authorization of those programs and utilization of all of our existing authorities, we can and should be able to do that without returning to the rhetoric and the conflict of the timber wars.

Senator Merkley. I do think many of you or maybe all of you have spoken to the cycle we are trapped in of we are just depleting the funding on the front end to do the hazardous fuels and the thinning, and then we are spending it on the back end. And breaking that cycle is something I think Democrats, Republicans, and everyone on every side of this could agree with.

We have a mill up in John Day, Oregon that was going to go out of business, and I met with the millworkers and said I would do everything I could to help keep that mill open. But you couldn't do it through a timber sale because that didn't give the at least 10-year horizon that the owner needed to be able to invest in equipment for the mill. So we were able to do it through a stewardship agreement. And that meant that the forest was healthier, they got a steady supply of saw logs, so they

employed more people at the mill. In a small town, that is a really big deal.

And I am out of time, but you are welcome to respond if the Chair will allow it. Why not focus on these tools that are right before us that everyone on this panel agrees with?

Mr. Crapser. Senator, I think there is a lot of good tools out there that we can already use; however, not all the west, not all the Forest Service is as far ahead on NEPA documents as I think Washington and Oregon obviously are. One advantage that I see in categorical exclusions, or one of the advantages I see in categorical exclusion is, first, to clarify, a CE is an environmental document, it is part of NEPA, it is covered under NEPA. And it takes about seven months to put together the analysis for a CE; it takes about two and a half years for an EA or an environmental assessment.

While I think a lot of our tools are very good that we have, I think we have had a tendency, because of fire borrowing, because of lots of other reasons that you have talked to that we do have to address, to not have a sense of urgency. On some of the mountain pine beetle areas, some of the fire salvage areas, I think in those areas, in particular, there is a need of urgency to try to get things done in a fairly rapid form.

Mr. Kruse. Senator Merkley, I don't want to belabor the point because I certainly and strongly agree with your comments.

I do just want to thank you. To the point we have had a lot of great successes in Oregon and Washington, and that is a testament to the leadership that we have had in our region, so thank you for your continued advocacy to identify and pacify our funding fix. Thank you for your advocacy to fight for surge funding in this Congress to get additional investments to help our communities recover from the devastating fires we have seen this year, including the Chetco Bar and the Eagle Creek fire in Oregon. We are reeling from that. We need to help rebuild our communities and we need to get additional investments to start to get ahead of the problem. So thank you for your leadership on that.

Senator Merkley. Thank you.

Senator Barrasso. Thank you very much, Senator Merkley.

I am going to introduce letters and testimony in support of the Wildfire Prevention and Mitigation Act of 2017. There are 78 testimonies and letters received from a diverse group of stakeholders representing conservation and sportsmen's group, farmers, ranchers, counties, water and irrigation organizations, forestry job creators, all in support for the staff draft bill into the record. Without objection.

[The referenced information follows:]

Senator Barrasso. Senator Harris.

Senator Harris. Thank you, Mr. Chairman.

As has been mentioned and I think is widely known, the recent wildfires in my home State have been devastating to California. I was there last week. For hundreds of miles surrounding the wildfire devastation and disaster, you could see and smell the smoke. It has presented health issues to surrounding communities that will linger. When I went there, I actually flew over in a Black Hawk with the governor and others to survey the scene from the air and see the path of the wildfire. I then walked the neighborhoods that had been devastated, and I will tell you seeing those neighborhoods, all of the houses had been destroyed. They were gone. Ash. The only thing standing were the chimneys. And I will tell you when I looked at it, what I saw, it looked like a graveyard and the chimneys looked like tombstones.

I met with the residents of those communities in the evacuation centers. They are devastated. And the impact, the trauma, the emotional, the physical; we lost 42 lives. I met firefighters who lost their own homes and were battling the fire knowing they had nothing to return to. I met one firefighter who was at one of the centers. He was wearing sweatshirt and sweatpants that someone loaned him because he had been fighting

the fires but he had nothing to change into because his home had been destroyed.

So the devastation is very real, and I think this Committee understands in a very bipartisan way that we need to address the issue, and we need to address the issue, as my colleagues have discussed. It includes understanding that, for example, in California we have over 245,000 acres that have been destroyed. That is about five times the size of D.C. Eighty-four hundred homes and buildings have been destroyed. So it is true devastation.

So, Mr. Kruse, I have a question for you. After speaking with California Fire Chief Ken Pimlott, I have become very aware and it has become clear to me that Congress needs to reform our outdated budgetary practices, and, in particular, those that do not treat wildfires like other disasters.

Do you agree that wildfires are in fact disasters and should be treated as such?

Mr. Kruse. Senator Harris, thank you for the question. Wildfires are certainly a natural part of the ecosystem and part of our forested landscapes, but, unfortunately, because of the effects of climate change, longer, hotter, drier fire seasons, extensive fuel buildup in 100 years of fire suppression, we are seeing increasing numbers of these wildfires becoming extreme disasters, and they should absolutely be categorized as such.

Senator Harris. Thank you. Currently, more than 50 percent of the Forest Service's budget is dedicated to fire suppression, leaving little money for forest management, which has been the discussion here. Do you believe we have dedicated enough Federal funding to the Forest Service to help prevent and mitigate the likelihood of a wildfire before it happens?

Mr. Kruse. Senator Harris, we certainly have not, and we have shovel-ready projects to invest in both planning and implementation right now. We desperately need additional investment.

Senator Harris. My colleagues and I have cosponsored a bipartisan bill that is known as the Wildfire Disaster Funding Act. This bill would allow for wildfires to be treated like other disasters and allow States to access emergency funding through FEMA. Do you think that this bill would help mitigate the harm and the damage caused by wildfires?

Mr. Kruse. Senator Harris, absolutely. In fact, when the Wildfire Disaster Funding Act was introduced in the last Congress, it was the most bipartisan bill of the Congress. Over 150 bipartisan, bicameral cosponsors and over 200 organizations from environmental communities, industry, counties, and recreation and wildlife groups all support that legislation. It is imperative that we pass it. We should be able to do it immediately.

Senator Harris. I appreciate your expertise on this panel.

Mr. Crapser, the Forest Service estimated last year that there are nearly 102 million dead trees in California forests. This is especially concerning right now because it contributes, obviously, to wildfires. Are you familiar with tree mortality issues?

Mr. Crapser. Yes.

Senator Harris. And California fire officials have told me that our State uses its own resources to remove dead trees on Federal lands like national forests, which should be, I believe, an obligation of the United States Forest Service. Are you aware of other States that have had to use their own resources to remove dead trees from Federal land?

Mr. Crapser. Senator, in Wyoming, which we are a small State, we have about 4.5 million acres of mountain pine beetle-impacted areas. In the last six years, the legislature has actually appropriated probably a total of about \$7 million for us to use for bark beetle projects on private, State, and on Federal lands. So we have used State money on Federal land and I know other States have done the same.

Senator Harris. And then my final question, I know my time has expired, but would you agree that Federal funds managed by the U.S. Forest Service should be used to remove dead trees from Federal lands?

Mr. Crapser. Senator, I think Federal funds with the managed Forest Service should be used for managing our Federal lands. There are some places where dead trees are probably appropriate to leave. They should be used for the effective management of our lands.

Senator Harris. And would removal of dead trees be included in that?

Mr. Crapser. Yes.

Senator Harris. Thank you.

Thank you. I have nothing else.

Senator Barrasso. Thank you very much, Senator Harris.

Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman. Let me first ask unanimous consent to enter into the record a number of letters from concerned stakeholders, including Center for Justice and Democracy, Public Citizen, and the Wilderness Society.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Whitehouse. Thank you very much, Chairman.

Gentlemen, what is the connection between carbon emissions, climate change, and the wildfire season?

Mr. Kruse. Thank you.

Senator Whitehouse. For the record, two Republican witnesses gestured to the Democratic witness to have him answer the question.

Mr. Kruse. Happy to inherit the question, Senator Whitehouse. Thank you very much.

Senator Whitehouse. You are not going to get off that easy; I will turn to you guys in a minute. And I know what the Boone and Crockett Club has said about this, too, Mr. Moretti.

Mr. Kruse. There is clear and overwhelming consensus from both objective scientists inside and outside of the agency that climate change is absolutely having an effect on our forested landscapes. The wildfire season is two months longer than it used to be.

Senator Whitehouse. One month earlier and one month later, right?

Mr. Kruse. Correct. We are fighting fire from April to October right now.

Senator Whitehouse. When had that happened before?

Mr. Kruse. It has not; it has only been in the last 10 to

15 years that we have seen this. This is a recent phenomenon. And as a result of that fuel buildup, it is hotter, it is drier, and it is continuing to dry out and build up year after year after year. And as the temperature has continued to rise, when we do have those fire conflagration events, they are extreme. So there is a clear connection between carbon emissions, climate change, and what we are now experiencing with wildfire in our forests.

Senator Whitehouse. Factor bugs into that equation, like the bark beetle. Does that have any effect on the susceptibility of forests to wildfire, and is that connected to climate change and carbon pollution?

Mr. Kruse. Senator Whitehouse, bark beetles, again, are a natural part of forest ecosystems; however, as we do see the habitat changing for bark beetle, and extending the season by which they can migrate and mate, we are seeing increased infestations --

Senator Whitehouse. Meaning they can survive in northern latitudes and northern altitudes they couldn't get to before because winters were killing them off; but milder winters because of climate change are allowing them to move in those directions?

Mr. Kruse. That is correct, Senator.

Senator Whitehouse. Okay. And then how does that roll

into wildfires?

Mr. Kruse. As we continue to see increased die-off of those forests, they are less resilient. When wildfires move through, we do have additional buildup of fuels. And when fires do occur, they are burning more of that fuel and they are more extreme.

Senator Whitehouse. A dead tree burns faster than a living one, ordinarily, correct?

Mr. Kruse. It certainly can in this case.

Senator Whitehouse. Mr. Moretti, agree or disagree?

Mr. Moretti. Well, I believe that whether it is climate change or whether it is a lack of management, our forests are in need of -- they are in bad shape. They are in bad health.

Senator Whitehouse. That wasn't the question that you were asked, though.

Mr. Moretti. But the question I am saying is whether it is climate change or whether it is lack of management --

Senator Whitehouse. And that is the question. What do you have to say about whether it is or isn't climate change? Does climate change have any role in this?

Mr. Moretti. Well, we believe that we have gone through a much drier cycle in a lot of areas in the West. In this last winter, in western Wyoming, we had one of the hardest winters we ever had on record, so we believe that these forests are under a

huge amount of stress, again, whether it is through climate change, lack of management, or whatever.

Senator Whitehouse. Do you have another explanation for why the forest fire season or the wildfire season would have expanded a month out in either direction? Could that in any rational way ascribed to management issues?

Mr. Moretti. Well, I think it can be. I think that when we go through these periods of dry conditions and we have these forest fuels build up and these dead trees that we haven't been able to get out and harvest, that anything from manmade to natural cause can start a forest fire; and once it starts, you see how they are all-consuming. And, as we have heard, there have been millions of acres consumed this year.

Senator Whitehouse. So it sounds like what you are saying is that the expansion of the wildfire season could be helped by management practices that could reduce some of the fuel load and so forth.

Mr. Moretti. We could reduce the fuel load.

Senator Whitehouse. But it is not management practices that are actually expanding the wildfire season, is it?

Mr. Moretti. Well, it all depends. It depends on what is causing those fires. If it is a manmade fire --

Senator Whitehouse. Now we get back to my original question.

Mr. Moretti. I know. But if it is a manmade fire, it is the --

Senator Whitehouse. Well, let me start by this. Do you agree that the wildfire season has expanded by two months, as Mr. Kruse has said?

Mr. Moretti. I will agree to that.

Senator Whitehouse. Okay. And do you have an explanation as to why that is happening on a consistent basis? It is not just a one-off, that it happened in one year.

Mr. Moretti. No.

Senator Whitehouse. It is persistent and it is at trend now, is it not?

Mr. Moretti. That is not my area of expertise.

Senator Whitehouse. Okay.

Mr. Crapser, anything to add? You only have about a second.

Mr. Crapser. Mr. Chairman and Senator, I think if we look at the wildfire season over the last 50 years, we have seen an increase in the fire season. If we look historically, in the early 1900s, we had a period of years with very long fire seasons.

I am not an expert in carbon; I am not an expert in climate change. I do know that investing in forest management means healthier forests, less fires, less carbon emissions. I do know

that.

Senator Whitehouse. Thank you, Chairman.

Thank you to the witnesses.

Senator Barrasso. Thank you very much, Senator Whitehouse.

For Mr. Crapser or Mr. Moretti, there was a question earlier about funding, if we had enough funding. Is funding alone enough, or do we need some regulatory changes as well?

Mr. Crapser. Mr. Chairman, I believe it is hand-in-hand. Funding is a huge issue on the fire funding, I believe on overall support of our Federal lands, Federal land management. But I also think tools that can help industry, can help maybe alleviate some of the funding issues are also important, as the CE for salvage and fire, both insect disease and fire salvage would be.

Senator Barrasso. It is interesting, this discussion of climate. I am just going to point out to my colleague that there was an article in the Economist this past weekend that just came out on Friday called "Paleoclimatology: A Stormy Past." It has to do with hurricanes, and the subheadline is "Geological Traces of Ancient Hurricanes Show How Hard Climate Science Is." This is the Economist that is currently on the market. You can pick it up on a newsstand. And they talked about what is happening in Florida, and it says, "Geological survey suggests that the hurricanes which struck Florida during

a cool period 12,000 years ago were more powerful than those during a subsequent time of war." Just the difficulty of trying to get all the information together from a scientific standpoint.

Well, I appreciate each of you being here today to testify. I thank you very much for your comments. There are other members of the Committee who may have written questions. I would ask that you respond promptly to those. The hearing record will be open for the next two weeks. Thank you again for being here and sharing your knowledge and your insight.

The hearing is adjourned.

[Whereupon, at 12:02 p.m. the committee was adjourned.]