

TESTIMONY OF
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STATE FORESTER OF WYOMING
REPRESENTING THE SOCIETY OF AMERICAN FORESTERS
BEFORE THE
NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS
ON HR 5192 The Forest Ecosystem Recovery and Protection Act
JUNE 24, 2010

Good morning. I'm Bill Crapser, the State Forester of Wyoming. Today I'm testifying on behalf of the Society of American Foresters. As the State Forester, I am also here representing the position of the State of Wyoming. I thank the Committee and Rep. Lummis for this opportunity.

The Society of American Foresters (SAF) is the professional society for forestry founded in 1900 by Gifford Pinchot, the first Chief of the Forest Service and close friend of President Theodore Roosevelt. SAF's mission is to advance the education, science and practice of forestry for the benefit of society. SAF publishes several peer-reviewed journals, accredits forestry schools and certifies foresters among other things.

Today foresters in general, and especially in the western United States, are gravely concerned about the future of our forests. This Committee has already heard great deal about the bark beetle epidemic in the West, but I'd like to explain some of the points that are generally missed in this discussion. Most importantly, this is a true emergency—similar to Hurricane Katrina or the recent flooding or forest fires. But unlike those other natural disasters, there is no emergency funding or mechanisms to deal with catastrophic federal forest insect epidemics.

Wyoming recently completed its statewide forest assessment, which was required by the 2008 Farm Bill. Some of the top threats to Wyoming's forests are: 1) the unprecedented (in modern times) forest health problems, 2) the lack of a viable forest products industry in most parts of the state, and 3) in most areas, older forests that are being converted to young forests due to bark beetles. The question of catastrophic wildfire is not if, but when and whether the fires will burn so hot that they kill seedlings that are already replacing the last forest. It is very possible we could see areas that don't return to forests for centuries—and, by the way, we are seeing this type of conversion, from forests to brush or grass lands, in other places in the West.

Right now 17 million acres across the West are dead due to bark beetle, 3.5 million acres in Wyoming alone; this number will grow until the bark beetle has run out of a food source. In other words, the bark beetle will thrive until it runs out of live host trees to infest. The message I'd like to leave with you today is that some of this calamity could have been prevented with active forest management, a viable forest products industry and land managers that have the authorities and budgets they need; these three items are mutually exclusive—without one, the others cannot exist. We see this today as we have millions of miles of roads and trails that need tree removal for public safety, yet we have very little ability to do this work because we have few loggers, few mills, and a cumbersome, expensive process that limits the size and scope of federal land projects—even in an emergency like this. Removing hazard trees is only one part of the problem. To have a healthy, resilient forest that is adaptable to change in the future, we need a mosaic of different species and age-classes of trees across the landscape. This creates biodiversity and usually prevents large scale catastrophes such as severe wildfires and insect outbreaks. Under current Forest Service processes, however, it is virtually impossible to accomplish this goal. We desperately need federal forest reform—clearly the current system is not working. We're seeing millions of acres of dead landscapes and millions of dollars of taxpayer money wasted on things that do nothing to help the forest. As a state forester trying to deal with this problem in a state that has nine million acres of federal forests, this is very frustrating.

This is why I'm here today to support HR 5192. I would also like to thank Congresswoman Lummis for her work on an April 21, 2010 letter asking Secretary Vilsack for a bark beetle strategy, including funding needs. I strongly believe Congress and the Administration need to be working together to develop and fund such a strategy. This bill could be an important part of the response. Now I would like to highlight some of key components of the bill that will help foster proactive action in the forest.

Section 104

This will ensure that any material removed from the national forest is considered “renewable biomass” for the purposes of the renewable fuels standard and a renewable energy standard. Current renewable biomass definitions are problematic and would exclude many types of biomass from national forests. This is unnecessary as forest plan standards and guidelines (required by law) already include direction for retention of snags and, coarse woody debris-- no further restrictions are needed. Section 104 will provide additional opportunities to utilize dead trees. The faster dead trees are utilized, the more opportunities there are to derive economic value and offset the cost of removal (such as milling the trees for lumber). We face a huge problem of what to do with dead trees after they can no longer be utilized for lumber manufacturing. Biomass energy is another way we could utilize this resource.

Section 105

Section 105 would make the stewardship contracting authority permanent. The authority is set to expire in 2013. Given its success at accomplishing numerous goals of the Forest Service with

one contract (such as thinning, road maintenance, habitat improvement and recreation enhancement), the authority should be made permanent. Section 105 also eliminates the requirement for the cancellation liability fund for stewardship contracts. This would be a very helpful technical correction to stewardship contract authority. Currently the Forest Service is required to fund the cancellation liability for the entire duration of a contract up front rather than year to year. This generally means that individual Forests or Regions have to set aside a portion of their budget in lieu of funding work on the ground. Eliminating this requirement will not reduce the federal government's liability nor increase risk to contractors. Instead, it will allow the Forest Service to utilize limited funds more efficiently and effectively. Finally, another section of the bill allows for longer term stewardship contracts. This provides the agency with increased flexibility in supporting local economies.

Section 107

This section authorizes the use of HFRA Pre-decisional Administrative Review (known as an 'objection') Process and Judicial Review. The HFRA Pre-decisional Administrative Review Process is more constructive than the Forest Service's current Administrative Appeals Process because it allows objections to projects before a formal decision is made by the Forest Service. This proactive process provides meaningful input and saves time and resources. The HFRA judicial review provisions limit an injunction to 60 days upon which the court must review and renew the injunction or make a decision on the case. It also requires the court to balance short and long term harm (for example, the short term harm of a thinning project versus the long-term harm of catastrophic wildfire). Utilizing these authorities will allow the Forest Service to streamline their analysis and decisionmaking, and reduce costs. Further, this is a tool that the Forest Service already knows how to use well—it simply needs the authority to use it on additional projects.

Section 203

Section 203 expands the Good Neighbor Authority (GNA), which has worked well in Utah and Colorado, and would be similarly helpful in other western states. This provision would help protect communities, watersheds and wildlife habitat across the nation by facilitating Federal, State and private land projects to reduce hazardous fuels and restore forest health. The original GNA authority allowed the Colorado State Forester to work in cooperation with the Forest Service on watershed restoration and protection on National Forest System lands when similar and complementary watershed restoration and protection projects were being performed on adjacent State or private lands. The Utah State Forester has had similar successes with projects that have been undertaken across traditional boundaries. The types of projects include treatment of insect infected trees, reduction of hazardous fuels, and other activities to restore or improve watersheds or fish and wildlife habitat across ownership boundaries while also increasing cost efficiency. National Forest System lands must comply with all applicable federal laws, management plans and other responsibilities under the National Environmental Policy Act (NEPA) are retained by the Forest Service.

Finally, funding the massive response to the bark beetle epidemics has yet to be adequately addressed. Certainly, individual national forests cannot fund this work out of their routine, ongoing management funding, any more than they can pay suppression costs for large wildfires. This is an emergency and it must be treated as such. HR 5192 authorizes funds in excess of \$30 million from the Reforestation Trust Fund to be used for implementation of projects. It's important to note that this would not impact the Reforestation Trust Fund which is required by law to receive \$30 million each year from the U.S. Treasury. I support using money in excess of reforestation needs for the emergency situation we face.