

House Resources Committee Testimony
September 5, 2002

From:

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Hearing on House Forest Bills and President Bush's "Healthy Forest Initiative

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My name is Todd Schulke. I'm the forest policy director for the Center for Biological Diversity. I sit on Arizona Governor Jane Hull's Fire and Forest Health Advisory Committee, Senator Bingaman's Collaborative Forest Restoration Program Advisory Committee and the Southern New Mexico National Fire Plan Implementation Team. I also live with my wife and 2 young sons in a fire prone ponderosa pine forest on the Gila National Forest in southwestern New Mexico.

Based on my experience and the Center's research on community protection and forest restoration, we believe that the bills being considered by this committee will not contribute to fire risk reduction or the protection of communities. These proposals may actually make fires worse in some cases and will certainly increase public controversy.

I will discuss the following points:

1. Timber sale challenges do not get in the way of legitimate fuels reduction;
2. The reasons timber sales are appealed;
3. How the appeals process has helped improve some fire projects;
4. Community Protection and Forest Restoration Science
5. Recommendations for an ecologically sound fire policy.

Timber Sale Challenges

Much has been made about fuels reduction projects being blocked by conservation challenges. The truth of the matter has been shown by the various reports including the GAO report, Mark Rey's report, and the Southwest Fuels Reduction report that I provided.

When one sifts through the rhetoric about who challenged what projects it becomes obvious that the vast majority of all fuels reduction, such as wildland urban interface work and prescribed burning have gone

unchallenged even though virtually all of these projects are eligible for litigation. The large numbers of projects approved under categorical exclusions get through this NEPA shortcut (and other efficient analyses) precisely because generally all parties agree these fuels reduction efforts are not controversial. The trend here is obvious, timber sales that log large trees get challenged – legitimate fuels reduction projects do not.

Eleven timber sales that were challenged in Region 3 showed up on Mark Rey's list that claimed 48% (155) of all mechanical fuel treatments were challenged nationwide. The Center for Biological Diversity was the appellant on seven of these 11 projects. The projects challenged by the Center all include destructive salvage logging, logging of mature and old growth trees, and/or drastic overstory removal.

An analysis of current projects on the NEPA docket in Region 3 showed a total of 244 thinning, burning, and logging projects. Of these 244 projects, 10 (less than 3%) are currently either being challenged or under consideration for challenge (pending alternative chosen in decision). Again, each of these 10 projects includes destructive salvage logging, logging of mature and old growth trees, and/or drastic overstory removal.

This site-specific analysis corroborates the GAO report showing a vast majority of fuels projects are not challenged. It also casts doubt on the percentages shown in the Rey report that neglected to consider non-controversial thinning and burning, as did the other 2 reports.

Projects Appealed by Conservation Groups

There are obviously deep disagreements concerning logging of mature and old growth trees, particularly in the backcountry far away from homes. Some of these conflicts are outlined in 2 reports that you have (Southwest Logging report, American Lands Alliance Fuels Reduction report). To further illustrate the issues I'll discuss a few projects in more detail.

On the Gila National Forest the Sheep Basin "Restoration" Project illustrates the basic disagreement that keeps us from moving beyond debate and to focusing our efforts into action. The Sheep Basin project emerged from an early collaborative watershed planning process that was initiated by local conservationists and supported by Senator Bingaman. The watershed chosen is in Catron County, N.M. – a nationally known hotbed of environmental conflict. The idea was to move beyond this conflict to watershed restoration that benefited all stakeholders.

After years of dialogue an agreement was reached. A several thousand-acre project was identified for thinning and other restoration activities. Conservation groups and the Catron County Citizen's Group (interested in utilization of restoration by-products) agreed that the project should proceed with a diameter cap limiting logging of large trees.

However the Gila National Forest disregarded the agreement by choosing an alternative that will log large trees, though over 90% of the trees in the area are below 12" and all other parties agreed there were alternatives to logging big trees that would meet both ecological and economic objectives.

The decision to log large trees (in this case healthy trees up to 35" more than 20 miles from the nearest community) resulted in an appeal. By ignoring this unusual agreement the Forest Service chose controversy over cooperation.

The Regional Forester upheld the appeal because essentially no cumulative effects analysis had been done.

This decision is typical of appeals – in every positive appeal decision, the Forest Service finds itself in violation of the law and sends the project back to the individual forest for further analysis.

Conservation groups had been warning the Gila for several years that they needed to address cumulative effects, as the Forest Service plans to log approximately 90 million board feet off 60 million contiguous acres in a single watershed. This successful appeal, that caused the logging plan to be sent back to the forest so cumulative effects could be analyzed, illustrates the value of citizen involvement in oversight of environmental analysis processes.

Another relevant example of a project that was challenged is the Baca Timber Sale, on the edge of the recent Rodeo fire in N. Arizona. This sale was proposed in an area where 95% of all trees were below 12". But the Forest Service wanted to log over 25% of the volume from trees over 16". This same area has also recently been logged under the Jersey Horse Timber sale. Further, the Sitgreaves National Forest is the most heavily logged forest in the Southwest. The Rodeo fire burn area alone contains over 2100 miles of logging roads. (See Baca Timber Sale Fact Sheet)

The Rodeo Fire began on the heavily logged White Mt. Apache Reservation with reservation land accounting for over 50% of the total fire area. The Baca Timber Sale covered only 2% of the Rodeo fire area and burned toward the end of the fire. It's impossible to say that the challenge to the Baca sale played a significant role in the Rodeo Fire saga. The bottom line is logging proved to be ineffective in stopping the Rodeo fire, especially during the 100-year drought conditions.

The Center's challenge of this timber sale has received a tremendous amount of criticism (it was highlighted in President Bush's Healthy Forest initiative as an example of analysis paralysis). But the truth of the matter is that twice the Forest Service and the community of Forest Lakes requested release of areas for community protection treatments. We readily agreed both times to fuels reduction on over 1300 acres. Though the second release of 1000 acres was agreed to in November of 2000, the Forest Service had not implemented the thinning project even though there were no legal constraints to doing so.

In the case of the Rodeo fire it would have made much more sense to implement aggressive home protection treatments near communities rather than last ditch efforts in the face of a drought driven fire. The residents that lost their homes and those that lived in fear that it would happen to them, would have been much better served if the Forest Service had focused on protecting their homes proactively rather than trying to push through another timber sale.

The Ashland Watershed Protection Project is an example of public involvement improving agency decision-making. Initially, the Ashland Watershed Protection Project was named the HazRed Timber Sale Project, a four-million-board-foot timber sale that would have logged trees as large as three feet in diameter.

The community of Ashland was concerned about the proposed logging, and several groups and individuals appealed the project. As a result, a diverse group of residents formed the "Ashland Watershed Stewardship Alliance," which met twice a week for six months. The Alliance included representatives from the mayor's office, small-business owners, forest workers, members of the Society for American Foresters, environmental groups, and other concerned citizens.

During the public comment period the Alliance produced a proposal that became the basis for the development of a new alternative that was included in the Final Environmental Impact Statement. A

modified version of this alternative was approved by the agency as the Ashland Watershed Protection Project.

Implementation of the project began in 2001 and will continue for several years. Treatments include the following:

- Treatment of 10 percent of Ashland's municipal watershed. It reduces fuels on national forest lands using manual treatments (e.g. brush cutting, pile and swamper burning) directly within the Wildland Urban Interface (WUI) zone and in areas within the interior proposed for prescribed understory burning.
- Prescribed under burning in area-wide treatments in suitable and manually pre-treated areas and fuel break maintenance are also taking place.
- The project does allow for some overstory tree removal, but a 17-inch diameter cap has been imposed on trees marked for removal. Trees 17 inches or greater in diameter in southern Oregon are typically considered late successional and have developed resistance to fire.

These projects illustrate various aspects of the issues surrounding timber sale challenges. These examples show that following appeals projects are often improved, often get implemented in a timely manner (with community support), and ensure that forest protection laws are being implemented.

Community Protection and Forest Restoration Science

The scientific basis supporting the actions mentioned above is the clear understanding that focusing fuels reduction on areas near communities is the most effective and efficient method to saving homes and lives. The best available science shows treatment of an area of up to one-quarter mile is justifiable for home protection, fire fighter safety, and other community values. (CBD WUI paper). The area beyond one-quarter mile should be considered wildland forest and subject to restoration oriented treatments such as prescribed burning.

There is broad agreement that prescribed burning is an effective method for reduction of forest fire intensity. Reintroduction of fire is also critical to the long-term enhancement of ecological integrity in fire dependent forests. An extensive prescribed burning program should be implemented when it will be safe and where it will be effective.

There is also growing agreement on the benefits of fuels reduction focused on small diameter trees, brush and ground fuels to lessen the severity of forest fires and to facilitate reintroduction of beneficial fires where appropriate. Consider quotes by prominent fire ecologists from universities around the West:

"...fuel treatments" that reduce basal area or density from above (i.e. removal of the largest stems) will be ineffective within the context of wildfire management. – from "Effect of Fuels Treatment on Wildfire Severity" (Omi and Martinson 2002), Western Forest Fire Research Center at Colorado State;

"...clearing underbrush and dense thickets of smaller-diameter trees through prescribed burns is more effective at preventing catastrophic fires than cutting down more fire-resistant large trees. "It's clearly the small-diameter trees that are the problem," Swetnam said, citing trees 8 to 10 inches in diameter."- Dr. Tom Swetnam, director of the Tree Ring Lab at U of AZ (Arizona Daily Star, June 25, 2002);

"The small trees and surface fuels contribute most to fire risk, as they provide "ladders" for the fires to climb from the surface into the tree crowns. Forests where "ladder fuels" are limited and tree crowns (or

the crowns of groups of trees) are separated won't support a crown fire. Thus, "thinning from below" to remove the smaller trees, e.g. those 8-10 inches in diameter or less, greatly reduces the intensity with which fires will burn through a forest." –Dr. Penny Morgan – University of Idaho, House Resources Committee Hearing, July 11, 2002.

The Center for Biological Diversity recently completed a report using Forest Service information that showed more than 90% of all trees in the West are 12 inches in diameter or smaller. This shows that any overstocking problems in our forests are clearly in the small tree size classes. (See Forest Structure in the West Report)

In restoration efforts it is critical that differences in forest types be recognized. In a recent USA Today oped, Secretary's Norton and Veneman asserted that forests in the West historically had 25 trees per acre. This gross generalization is simply not true for most of the West. Certainly there were forests with lower stand densities historically but to erroneously claim that western forests universally had 25 trees per acre would lead us to apply restoration based on faulty historical information and ecological theory. This would certainly lead to more damage to ecosystems.

Unfortunately there is a dearth of empirical research concerning the effects of thinning on fire behavior. Omi and Martinson found 6 relevant papers – 2 of those studies from New Jersey and 1 from Florida. Clearly, more work needs to be done in this area before considering large-scale forest restoration that involves thinning.

It will take several years to complete effective, focused fuels reductions in areas near communities. During this time it will be important to implement pilot forest restoration projects to develop the knowledge base necessary to avoid causing widespread ecological harm.

Recommendations for Community Protection

Recently a coalition of grassroots and national conservation groups developed a proposal for a comprehensive community protection program. The elements of a focused and effective program would include:

1. Community protection as the Forest Service's top wildfire management priority.
2. [Focus of resources on priority work that protects homes and communities by:](#)
 - [Providing funds and expertise to fireproof buildings; and](#)
 - [Thinning trees and removing other vegetation within the Community Zone \(up to a maximum of 500 meters from a community's buildings\).](#)
3. Outside the Community Zone: avoid controversy, delay, and harm by preparing dry forest sites to burn cooler and more controllably by clearing brush, thinning only small trees, and using prescribed fire through best value and/or service contracts.
4. Prohibiting road construction and major reconstruction in national forests, activities, which double the chances that a fire will occur and, when fires do occur, can increase severity.

FUNDING

1. Providing \$2 billion per year for five years for community protection.
2. Of new funding, 75% to state/tribal fire assistance through Block Grants for community protection, including public education and outreach on making homes “firewise,” homeowner cost share grants, seed money for community protection, and treatment of non-federal lands in the Community Protection Zone.
3. Direction that 90% of all hazardous fuels treatment funding (planned FY03 appropriations and added funds) be spent within the Community Protection Zone on lands adjacent to projects funded by block grants.
4. Reallocation of Forest Service and BLM personnel so that the number of FTEs working within the Community Protection Zone is proportionate to amount of funding spent within the Community Protection Zone, assisting communities in public education and planning for fire safety and fuel reduction work.

PROCESS

Promotion of community involvement, timeliness, accountability and local employment by:

- Using an open process that incorporates local priorities for structural safeguards and fuels reduction in the Community Protection Zone;
- Excluding work that requires new roads or major road reconstruction;
- Using existing legal authorities that agencies have successfully used to accomplish work promptly and without controversy;
- Requiring an efficient multiparty monitoring program, including planned timelines for all funded hazardous fuels reduction projects on federal lands with a monthly report-back mechanism to advise Congress of unplanned delays of greater than 60 days.
- Awarding best value and service contracts (including monitoring contracts) to local cooperatives, small and micro-businesses, and other entities that train and use local employees.

This outline provides an effective and efficient framework for protecting communities from forest fires that can be the basis for developing widespread agreement need to facilitate rapid protection of homes and lives from the risk of forest fires.

In closing I'd like to say it is a waste of time to continue the argument over ecologically destructive and scientifically unsupportable timber sales that log large trees. There is a tremendous amount of work to be done in the areas where there is strong scientific and social support. All parties involved in these complex and challenging issues need to begin working together in this emerging “zone of agreement” and get on with the job of protecting communities from the risk of fire.

Thank you.

Appendix

- A. Southwest Fuels Reduction Report
- B. Southwest Logging Report
- C. American Lands Fuels Reduction Report

- D. Baca Timber Sale Fact Sheet
- E. CBD Wildland Urban Interface Paper
- F. Small Tree Quote Report
- G. Forest Structure In the West Report