

Statement of

Mark Rey

**Under Secretary for Natural Resources and the Environment
United States Department of Agriculture**

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Committee on Government Reform**

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs

Concerning

**The Administration's Regulatory Response to Wildland Fires in the
West**

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INTRODUCTION

Mr. Chairman, thank you for the opportunity to provide testimony to you concerning the Administration's regulatory response to wildland fires in the West and how increased cooperation with our partners can reduce the overall threat of wildland fire in the future. The 2004 fire season is shaping up to be a challenging undertaking. While much of the nation is anticipated to be near normal in terms of acres burned and numbers of fires, portions of some states within the interior West and southwest Alaska are expected to have an above normal fire season. In my testimony today, I will touch on the current situation, the National Fire Plan, and the recent authorities that we are using to reduce the wildland fire threat.

For much of the twentieth century, wildland fires were generally thought to be bad for the environment, for timber resources, and for communities that were impacted. As a consequence, fires were suppressed as soon as possible. The resulting lack of fire had an unintended consequence across large areas of the landscape where fire had been a frequent phenomenon. Over time, the amount and structure of shrubs and trees increased. This build up of fuel, coupled with other factors such as long term drought, has led to increasing concerns about the overall wildland condition and particularly the health of our forest and rangelands.

The effects of recent catastrophic wildfires and the efforts to reduce hazardous fuels on forests and grasslands across this country have been at the forefront of local and national interest. In 2000 and 2002, the United States suffered two of our worst wildland fire seasons. The 2002 fire season burned roughly 7 million acres, including 2.5 million acres

on state and private lands, and destroyed more than 800 structures, while taking the lives of 23 firefighters.

In 2003, while the number of acres burned nationally was below the ten-year average, California suffered its worst wildland fire season in recorded history. California fires burned nearly 740,000 acres, over 3,600 homes were lost, and 24 individuals died, including one firefighter. The State and Federal agencies spent \$157 million to contain the fires. A large portion of the damage to resources and improved property occurred on state or private lands. Sixteen people died in the floods and debris flows that followed as a result of the fires.

Following the devastating wildfires in California last fall, the Governor's Office in the State of California appointed a wildfire commission to examine the causes and make recommendations to avoid these losses in the future. The commission's report lists many recommendations on how the partner agencies can improve the response to wildland fires. The findings and recommendations are timely, important and will likely benefit all fire organizations in the future.

The Forest Service is committed to addressing the wildland fire and forest health issues through a long-term strategy that fosters a proactive, collaborative, and community-based approach to reducing wildland fires that complements with effective traditional approaches to fire suppression and fire-fighting readiness. The cooperative working relationship that we have with fire and fuels management organizations at the federal, state and local level is a model of agencies working effectively together towards achieving a common goal. With new authorities, including the Healthy Forest Restoration Act provisions, we are confident that we can make significant positive changes to restore the health of our National Forests and Grasslands. Restoring and rehabilitating our fire adapted ecosystems may be among the most important task that the Forest Service undertakes.

NATIONAL FIRE PLAN

Almost 4 years ago, we set out as a Nation to maintain and restore our fire-adapted ecosystems through the National Fire Plan. Since the 2000 wildland fire season, federal agencies have worked through the National Fire Plan to develop a long-term program to reduce fire risk and restore healthy fire-adapted ecosystems in the Nation's forests and rangelands. The National Fire Plan's goals are to ensure sufficient firefighting resources for the future; to rehabilitate and restore fire adapted ecosystems; to reduce fuels (combustible forest materials) in forests and rangelands at risk, especially near communities; and to work with local residents to reduce fire risk and improve fire protection.

To better coordinate interagency efforts in implementing the National Fire Plan and Federal Wildland Fire Management Policy, The Secretaries of Agriculture and Interior established the Wildland Fire Leadership Council. The Council is a cooperative

organization that includes state and local representatives, and is dedicated to achieving consistent implementation of the goals, actions, and policies of the National Fire Plan and the Federal Wildland Fire Management Policy. The Wildland Fire Leadership Council provides leadership and oversight to ensure policy coordination, accountability, and effective implementation.

COMPREHENSIVE STRATEGY

In May of 2002, the Secretary of the Interior, Secretary of Agriculture, the Chairperson of the Council on Environmental Quality, and the Governors of Montana, Arizona, Oregon, and Idaho met to approve the implementation plan for the *10-Year Comprehensive Strategy, A Collaborative Approach for Reducing Wildland Fire Risks to Communities and Environment*. The Strategy and the Implementation Plan provide a road map for helping communities to protect themselves from the risk of wildland fire.

The purpose of a long-term strategy for reducing wildland fire risks to communities and the environment is to correct problems associated with the long-term disruption in natural fire cycles. At the same time, communities have developed near the forests and range lands, increasing the wildland-urban interface, and increasing the risk to people, their homes, and water supplies. The States have identified many communities at risk from wildland fire, including approximately 11,000 communities adjacent to Federal lands.

We recognize the importance of suppressing fires, especially those near homes and communities; however, there needs to be a more proactive approach to fire suppression that addresses underlying causes. This approach recognizes fire as part of the ecosystem; focuses on hazardous fuels reduction, integrated vegetation management, and firefighting strategies that include the expanded utilization of wildland fire use, when appropriate; and allocates and utilizes resources in a cost-effective manner on a long-term basis. A community-based approach relies on local knowledge and develops objectives to manage long-term activities in communities and environments.

The results of this approach are starting to materialize. In 2003, the Forest Service treated 1.43 million acres of hazardous fuels including 1.1 million acres within the wildland urban interface. For 2004, the Forest Service anticipates treating hazardous fuels on 1.6 million acres. At least 60% of the hazardous fuel treatment acres will be in the wildland urban interface. This work is being accomplished with the close cooperation of our partners. In January of 2003, we, along with the Department of the Interior, the National Association of State Foresters, and the National Association of Counties signed an agreement to collaborate on the annual selection of the program of work for hazardous fuel treatment.

Through the State and Private Forestry program the Forest Service is providing technical and financial assistance to State Foresters and local governments to enhance protection of non-federal lands. In FY2004 Congress appropriated \$109 million for State Fire Assistance programs including \$25 million of emergency funding for California. These

funds are being used to strengthen States' fire protection capability and a significant portion is targeted specifically at treating hazardous fuels in communities at risk from wildfire. An additional \$13 million is going to help fund rural volunteer fire departments for training and equipment through the cooperation of State Foresters.

In FY 2004, the State of California is receiving \$61.4 million in hazardous fuel reduction funding and \$28 million for state and local communities to reduce wildfire hazards.

We will focus our resources to optimally mitigate fire risk by effectively reducing fuels and maintaining healthy forests and grasslands on priority projects. Well planned treatments in key areas can successfully influence fire behavior. It is neither realistic nor appropriate to anticipate that we will treat every acre of wildland forest or grassland that has a high fuel hazard. Neither the Forest Service nor other federal, state or local fire agencies can absolutely protect the growing number of homes and businesses adjacent to wildland areas. Given severe fire conditions and high home ignitability, exposure to flames and particularly firebrands can result in residential destruction. It is critical that private landowners also take steps on their own to protect their property.

As community leaders, citizens, land managers, and institutions, such as the insurance industry, are involved in wildfire incidents, it is important that they have the latest and best scientific information. Our Forest Service research and development organization is studying the science of fire recovery of ecosystems, fire resistant housing construction, and techniques that homeowners can use to reduce their risk within the wildland urban interface.

In reviewing last year's Southern California wildfires, the California wildfire commission found considerable differences in how communities handled hazard abatement. The outcome on how those communities fared in terms of loss of structures was striking. Fewer homes were lost in communities where local government actively supported and enforced hazard abatement programs. However even with effective landscape fuel reduction, homes and structures can still be at risk when severe fire conditions occur. A wildland fire will spread to homes when the fuel and heat requirements sufficient for ignition and continued combustion exist. Knowing how to reduce the risk of fire spread is a key to protecting communities. Through programs such as Firewise and Fire Safe Councils, communities and individuals can gain the education and knowledge needed to better protect their homes and communities.

RECENT AUTHORITIES

The President's Healthy Forests Initiative (HFI) helped us tackle our gridlock of process that was impeding our restoration of fire adapted ecosystems, including treatment of hazardous fuels. HFI resulted in the development of a number of administrative tools and included a request for congressional help to further reduce procedural barriers. On December 3, 2003, the President signed into law the Healthy Forests Restoration Act of 2003 (HFRA), giving federal agencies additional tools needed to implement the 10-Year Comprehensive Strategy and Implementation Plan. Its passage sent a strong message of bipartisan support for reducing fuels and restoring forest health, especially in the wildland-urban interface.

The Act encourages the Forest Service and other federal agencies to work collaboratively with local communities and interested parties in developing community wildfire protection plans. NEPA documents for hazardous fuels reduction projects authorized under HFRA, including those that fit within the framework of these community protection plans, may consider fewer alternatives than would otherwise be the case. The Secretaries of Agriculture and the Interior will consider the recommendations within these community plans when developing an annual program of work. HFRA requires allocating not less than 50% of the funds allocated to authorized hazardous fuels reduction projects in the wildland-urban interface. The idea is to maximize investments in hazardous fuel reduction on the landscape and reduce risk to communities by developing together ways to abate the risk of fire in and near communities. The changes described in the Act should reduce the time span for planning projects that occurs prior to management actions taking place.

Successful integration of the Healthy Forests Restoration Act in the implementation of the Comprehensive Strategy will result in landscape-scale changes that significantly reduce the potential for large, damaging fires. I, along with Forest Service Chief Bosworth and Regional Foresters, made a commitment to move forward aggressively in accelerating vegetative treatments that improve condition class in fire-adapted ecosystems on National Forest System lands. Chief Bosworth is conducting monthly conference calls directly with Regional Foresters to review target accomplishments under the National Fire Plan and to identify any barriers encountered by field units.

In February of this year the Forest Service and the Department of the Interior published the Healthy Forests Initiative and Healthy Forests Restoration Act – Interim Field Guide. This Field Guide is helping resource managers understand the changes in procedures and processes under the HFI and HFRA.

We are also actively using authorities under the President's Healthy Forests Initiative that offer additional categorical exclusions to accomplish hazardous fuel reduction before and rehabilitation work after a fire. These two categorical exclusions will facilitate scientifically sound, efficient, and timely planning and decision making for the treatment of hazardous fuels and rehabilitation of areas so as to reduce risks to communities and the environment caused by severe fires. These new procedures to comply with the National Environmental Policy Act allow high-priority fuels reduction and forest restoration projects identified through collaboration with state, local and tribal governments and

interested parties to move forward more quickly. The Forest Service has implemented at least 294 high-priority projects using the new procedures.

In March of this year the Forest Service under the provisions of the counterpart regulation entered into an Alternative Consultation Agreement with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to expedite the evaluation of effects on threatened and endangered species as required under Section 7 of the Endangered Species Act (ESA) for qualifying projects under the National Fire Plan. The purpose of the counterpart regulations is to enhance the efficiency and effectiveness of the Section 7 consultation process by providing an optional alternative to the procedures when the Forest Service determines a project is “not likely to adversely affect” any listed species or designated critical habitat. After analysis by qualified and trained biologists, Forest Service line officers will be able to certify that projects meet the ESA regulations and requirements without an additional concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

Another useful tool is the Stewardship Contracting authority. These contracts allow private companies, communities and others to offset the purchase price of forest and rangeland products with the cost of the services of hazardous fuels treatments including thinning trees and brush and removing dead wood. Long-term contracts foster a public/private partnership to restore forest and rangeland health by giving those who undertake the contract the ability to invest in equipment and infrastructure. The Forest Service and the Bureau of Land Management have approved stewardship contracts using the new authority requested by the President and provided by Congress. In 2003, the Forest Service awarded more than 30 stewardship contracts and has already awarded approximately 20 contracts in fiscal 2004. The Forest Service plans to award up to 60 contracts this year.

CONCLUSION

Mr. Chairman, I am confident that we will make significant improvements to the health of this country’s National Forest and Grasslands with the new authorities that we have been given and the dedication and talent of the employees of the U.S. Forest Service and our partners. We will continue to work with our federal, state, tribal and local partners to accomplish this. We appreciate your support. I would be happy to answer any questions the committee may have.