

**Rep. Doug LaMalfa (CA-01) Member's Day Testimony for the Record**

House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

Tuesday, February 28, 2017

Good afternoon Chairman Calvert, Ranking Member Betty McCollum and members of the subcommittee. I appreciate you allowing me to testify today on a number of important forestry-related issues that have caused my state and others enormous economic hardship, and I urge the committee to act in three key areas: encouraging the use of biomass energy, streamlining post-fire restoration efforts, and addressing the vicious cycle of diverting forest management funding to fire suppression.

The amount US Forest Service land at risk of catastrophic wildfire and disease outbreak is staggering: *over 82 million acres*. The past four years of drought experienced by California exacerbated the die-off of millions of trees within Forest Service lands. According to the Forest Service, the California Region currently has 9.1 million acres available forest land for active management, of approximately 20 million total acres of Forest Service land. Since 2001, forests in California have been burned by wildfires at an average rate of 320,000 acres per year, though this figure nearly tripled to 900,000 in 2015. Bark beetle infestations and other disease problems have impacted a total of four million acres, or nearly 25% of national forests. At the other end of the spectrum, the heavy rainfall California has experienced over the past few months has increased the risk of flash flooding, particularly on forests that have been devastated by fires which have not undergone salvage and reforestation efforts.

With so much land already negatively impacted by wildfires, streamlining the post-fire salvage process should be a key priority. While post-fire reforestation costs can reach \$2,000 per acre ensuring

that rapid salvage efforts preserve timber value can generate revenue to offset those costs. However, as we saw on the Westside fire in my district, environmental extremists abused the environmental review process to delay the project over 18 months. At this point, any remaining lumber value is likely to be completely gone before the dead trees can be removed. To date, there is approximately 2.4 million acres of deforested land and the cost to reforest this land would amount to nearly 5 billion dollars.

To help speed post-fire reforestation efforts, the subcommittee should include report language directing the Forest Service to utilize existing categorical exclusions to the greatest degree possible, particularly when considering post-fire salvage and reforestation efforts.

Bark beetles have the ability to kill a host tree in a matter of a few weeks, and the period in which trees may be processed into useful timber can be as short as a few months. If dead trees are not processed in that period, they may still be useful as fuel for biomass energy production. Biomass power plants can be an effective and efficient way to help rid the forest of salvage and hazardous fuel, yet the remote locations of many impacted forests can create cost challenges.

To help address the build-up of dead trees caused by drought and disease, the subcommittee should prepare report language directing the Forest Service to prioritize use of the \$15 million in biomass support funds for projects that expedite the removal of dead trees from areas designated as high fire hazards.

I also believe, as do many of my Western colleagues, that the subcommittee should consider including language similar to that of Rep. Simpson's HR 167 from the previous Congress, which would make large forest fires eligible for federal disaster funding in the way that hurricanes, earthquakes, and other large disasters are. While the Stafford Act set guidelines for engaging in post disaster emergency

activities, the act fails to recognize fires as “Major Disasters” eligible for federal assistance exempt from the NEPA process. Such changes would provide the Forest Service the means to engage in restoration and reforestation work immediately following an insect or disease outbreak leading to increased post-disaster timber recovery, less hazardous fuel on public land, a decrease in forests at high-risk of catastrophic wildfires, and increases in overall forest health and resiliency.

A common theme contributing to the decline of forest health is frivolous lawsuits filed by extremist groups intended solely in order to delay projects until they no longer become feasible, made possible by a loophole that allows payment of drastically higher attorney fees for ESA lawsuits than for other suits against the federal government. While the Equal Access to Justice Act limits fees in suits against the federal government to \$125 an hour, the loophole allows ESA fees of over \$600 an hour. According to the GAO, the Department of the Interior paid out over \$27 million in attorney fees between 2001 and 2010; \$21 million of those payments were for Endangered Species Act lawsuits. There is simply no reason that this sort of lawsuit should be paid more than suits by veterans attempting to receive VA care, or taxpayers wrongly targeted by the IRS for their political views. Representative Huizenga sponsored a measure addressing this issue which was passed by the Committee on Natural Resources, and he, Rep. Flores and I sponsored an amendment on this issue last session.

To end these frivolous lawsuits, and to end the practice of some groups suing the government as a business plan, the subcommittee should include language aligning attorney fees in ESA lawsuits to the \$125 cap applied to all other suits against the federal government.

Mr. Chairman, with these investments and reforms, we can begin to engage in a more effective forest management plan that favors a more practical approach which will improve forest health, protect rural communities, and generate revenue for the federal and local governments.