

**TESTIMONY of  
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**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE  
SUBCOMMITTEE ON FEDERAL LANDS**

**JULY 14, 2015**

**LAKE TAHOE RESTORATION ACT OF 2015**

Mr. Chairman and Members of the Committee, thank you for the opportunity to present the views of the U.S. Forest Service regarding the Lake Tahoe Restoration Act of 2015. This discussion draft would amend the Lake Tahoe Restoration Act to enhance recreational opportunities, environmental restoration activities, and forest management activities in the Lake Tahoe Basin, and for other purposes. The Forest Service does not develop positions on discussion drafts, but based on our preliminary analysis, we have concerns with a number of provisions.

In February of 2010 of the 111<sup>th</sup> Congress, USDA Undersecretary Harris Sherman testified on a generally similar bill, S. 2724. At that time, the Undersecretary stated, *“The Administration supports the goals of S. 2724, a bill that aligns with Secretary Vilsack’s national vision for America’s forests. We note that the bill addresses activities that can be addressed by existing authorities but underscores the unique status of Lake Tahoe. Secretary Vilsack’s vision acknowledges the need for a complete commitment to forest restoration through an all-lands approach.”*

The Forest Service is encouraged by many of the objectives that the draft seeks to accomplish. We have included concerns with the draft that we would like to work with the Committee and your staffs to address. As a general matter, the Forest Service welcomes legislation that incentivizes collaboration and expands the toolset we can use to complete critical work on our nation’s forests, without overriding environmental laws. Lake Tahoe is a natural resource of special significance in the United States and this bill raises awareness of the pressing restoration needs and works to improve access to its world class recreational opportunities.

The Administration believes capacity constraints due to the present approach to budgeting for wildfire is the greatest impediment to further improving the health and resiliency of the nation’s forests. In fiscal year 1995, the Forest Service spent 16 percent of its budget on wildland firefighting. Today the agency spends nearly half of its budget in fire management activities and has seen a corresponding decline in non-fire staffing of 39 percent since 1998. This has enormous implications for how the agency carries out its mission, including taking funding from the very programs that help reduce catastrophic wildfire in the first place. Notwithstanding these challenges, through an emphasis on collaboration, the Forest Service has consistently increased the number of acres treated annually to improve watershed resilience, forest health and hazardous fuels reduction, and timber production.

The frequency and intensity of wildfire, the rising cost of assets needed to deploy against the spread of wildfire, and the way that fire suppression is paid for constrain the agency's capacity to realize additional gains through efficiencies and partnerships alone. The most important action Congress can make now in advancing the pace and scale of forest restoration is to fix the wildfire funding problem. The Bipartisan Wildfire Disaster Funding Act, mirrored by a proposal in the President's FY 2016 Budget, would immediately increase restoration objectives and increase the Forest Service's capacity to plan and execute restoration projects—including work in the Lake Tahoe Basin.

In 2014, we exceeded our targets by producing 2.9 billion board feet of timber. Our timber harvest has increased 18 percent since 2008. The agency is achieving these results despite the fact that since 1998, National Forest System staffing was reduced by well over a third. We have achieved much of this increase by investing in collaborative approaches to forest restoration across the country as a way to develop better projects, work across larger landscapes, build public support for forest restoration and management, and reduce the risk of litigation. Dozens of collaborating groups across the country are enabling the Forest Service and our partners to get more work done. These collaborating groups, locally-led groups with representatives from local communities, environmental groups, forest industry, and others, are devising projects that address forest restoration, supply wood to local mills, conserve watersheds and provide a range of other benefits.

The health of the national forests and the communities we serve, including the Lake Tahoe Management Basin, are our shared priority. The Forest Service is accelerating restoration and management of the national forests through innovative approaches and increased collaboration, though it is clear that more work needs to be done. We welcome practical legislation that provides for expedient and responsible efficiencies in the execution of that work.

### ***Forest Management***

Forests provide a broad range of values and benefits, including biodiversity, recreation, clean air and water, forest products, erosion control, soil renewal and more. Covering a third of the country's landmass, they store and filter more than half of the nation's water supply and absorb approximately 12 percent of the country's carbon emissions. Our mission of sustaining the health, resilience and productivity of our nation's forests is critically important to maintaining these values and benefits.

Restoring the health and resilience of our forests generates important values as well as economic benefits. Forests are an economic driver. In FY 2011, for example, the various activities on the National Forest System (NFS) contributed over \$36 billion to America's gross domestic product and supported nearly 450,000 jobs. Over 68 percent of this \$36 billion contribution to the economy was associated with direct use of NFS lands and resources, including land use fees from privately provided recreation services – ski areas, outfitting and guiding, campground concessions; expenditures related to skiing, hiking, hunting, fishing, and other forms of outdoor recreation; the generation of energy, minerals, and traditional forest products; and livestock grazing.

### ***Threats to Forest Health and Forests at Risk***

Our forest and grassland resources are at risk due to uncharacteristically severe wildfires, severe outbreaks of insects and disease, drought and invasive species, all exacerbated by a changing climate.

Many states have recently experienced the largest and/or most destructive fires in their history. Two primary factors are contributing to larger and more destructive wildfires: climate and forest condition. Researchers have shown a 78-day increase in the western fire season since 1970, possibly due to a gradual rising of average spring and summer temperatures. Timing of snowmelt also may be a factor. If these patterns persist, scientists predict the western States will get hotter and drier by the end of the century. In such conditions, fire seasons will grow longer and fires will likely increase in number and intensity.

Forest condition also matters to fire activity. Decades of fire suppression and other factors have led to increases of fuels in many forest types across the country. Treating these acres through commercial thinning, hazardous fuels removal, re-introduction of low-intensity fires and other means can reduce fuel loads, provide forest products to local mills, provide jobs to local communities, and improve the ecological health of our forests.

Insects and disease have exacerbated the challenge. The area affected by an epidemic of mountain pine beetle in the West has reached 32 million acres on the national forests alone. In addition, invasive weeds such as kudzu, cheatgrass, leafy spurge, and spotted knapweed have infested about 6 million acres on the national forests and grasslands, an area the size of Massachusetts.

Fifty-eight million acres of national forests are at high or very high risk of severe wildfire. Out of the 58 million “high or very high” risk acres, we have identified approximately 11.3 million acres for highest priority treatment. These acres are in proximity to the wildland-urban interface or in priority watersheds or water sources, are in frequent fire return regimes, and not in roadless or wilderness area.

### ***Efficiencies***

In recent years, the Forest Service has made great strides in the pursuit of efficiencies, and we are generally supportive of provisions that will help us pursue treatment at the landscape scale quickly, efficiently, and in a reasonable time to address problems before they can worsen. We look forward to continuing to work with you on the language of this bill to find efficiencies within the scope of important existing environmental laws.

An important way to increase the pace and scale of forest restoration and management is to improve the efficiency of planning timber sales and stewardship contracts. We are working to identify and implement process improvements and efficiencies that help with increasing the pace and scale of restoration, while also engaging the public and developing well-planned projects.

For example, the Forest Service is developing new approaches to NEPA in the wake of catastrophic fires. On the Rim Fire, which burned 257,000 acres in the summer of 2013, the

Stanislaus National Forest finalized both an Environmental Assessment for hazard tree removal and an Environmental Impact Statement for restoration and salvage in one year. The EIS projects will lessen the potential for future catastrophic fire by reducing the fuel loading and, in addition, capture some of the perishable economic commodity value of the fire-killed trees through timber salvage. The agency coordinated with the Council on Environmental Quality, which approved Alternative Arrangements to expedite the NEPA process. Overall, our partners and stakeholders appreciated the transparency while also enabling contracts to get awarded and work done on the ground.

The Forest Service is planning and implementing projects across larger areas, which increases NEPA efficiency, spreads costs across more acres, and provides a longer term and more certain timber supply for local mills. For example, the Mountain Pine Beetle Response Project on the Black Hills National Forest is implementing a landscape-scale approach across 200,000 acres for treating current and future pine beetle outbreaks.

The Agency has established additional categorical exclusions for restoration work, has expanded the use of focused environmental assessments, is using adaptive management to allow our decisions to last longer, and is better training employees to take advantage of new efficiencies. The Forest Service is also developing efficiencies in NEPA through technology. For example, the Forest Service's investments in using electronic applications provide considerable cost and time savings, contributing to an efficient NEPA process by reducing the administrative workload in reporting, records management, electronic document filing, and managing public mailing lists, while making it easier for the public to comment on Forest Service projects.

All of these efforts are aimed at becoming more proactive and efficient in protecting and restoring the nation's natural resources, and supporting jobs and economic vitality for American communities. We are supportive of the provisions in this bill that streamline and enhance our ability to respond rapidly to restoration needs.

### ***Promoting Collaboration***

The Forest Service generally supports legislation that incentivizes collaboration. Our emphasis on collaboration over the last decade has served us well. Simply put, collaboration works, and we have a number of collaborative projects and programs underway across the National Forest System that exemplify the success that can be achieved when diverse groups come together with a common cause of a healthy landscape.

### ***Collaborative Forest Landscape Restoration Program***

One way the Agency has supported local collaboration has been through the Collaborative Forest Landscape Restoration Program (CFLRP), and we appreciate the ongoing support from Congress for this innovative program. The CFLRP encourages collaborative, science-based ecosystem restoration of priority landscapes. The program currently supports 23 large-scale projects with 10-year funding to implement priority restoration work on National Forest System lands while engaging local communities and leveraging partner resources through collaboration, implementation, and monitoring.

The CFLR program is on track to meeting its goals over its ten year timeframe, making substantial strides in the first five years to promote forest health and resilience and reduce the risk of catastrophic wildfire. In the five years since initial program implementation, the 23 projects collectively have treated over 1.45 million acres to reduce the risk of catastrophic fire, over 84,570 acres to improve forest health, over 1.33 million acres to improve wildlife habitat, and over 73,600 acres to eradicate noxious weeds and invasive plants. In addition, these projects have exceeded their timber output goals, producing nearly 1.3 billion board feet.

These collaborative projects help rural communities by creating and maintaining jobs. Between 2011 and 2014 these projects generated \$661 million in local labor income and an average of 4,360 jobs per year. The FY 2016 President's Budget for the Forest Service includes a proposal to increase funding authority for the program from \$40 million to eventually \$80 million, with funding in FY 2016 requested at \$60 million. The funding increase will allow us to pursue up to 10 additional projects. Accordingly, the budget proposes extending authority for the program through 2024 to allow for full completion of new projects.

These collaboratives, and dozens of similar efforts (such as the Two Chiefs' Joint Landscape Restoration Partnership that is described below), help maintain a robust forest industry with benefits flowing not only to local communities, but also to the Forest Service itself as the agency relies on local forest contractors and mills to provide the workforce to undertake a variety of restoration activities. A 2011 Forest Service study found that through work on National Forest System lands, the forest products industry supports about 42,000 jobs and contributes around \$2.7 billion to America's gross domestic product each year.

#### *Two Chiefs' Joint Landscape Restoration Partnership*

Our restoration efforts are not just confined to public lands. Recognizing that fire, insects, disease, wildlife and watersheds do not respect property lines, the Forest Service and USDA's Natural Resources Conservation Service are combining resources to expand our efforts across both public and private land. In FY 2014, Secretary Vilsack announced a multi-year partnership between the U.S. Forest Service and the Natural Resources Conservation Service (NRCS) to improve the health and resiliency of forest ecosystems where public and private lands meet across the nation. The Forest Service and NRCS Chiefs' Joint Landscape Restoration Partnership program aims to reduce wildfire threats to communities and landowners, protect water quality and supply, and improve wildlife habitat for at-risk species. By leveraging technical and financial resources and coordinating activities on adjacent public and private lands, conservation work by NRCS and the Forest Service will be more efficient and effective in these watersheds.

In FY 2014, the Joint Landscape Restoration Partnership invested \$30 million in 13 projects in 12 states across the country. The priority projects selected for FY 2014 are continuing in FY 2015. \$27 million will be provided to continue work on these projects in 2015. Fifteen additional projects were selected in FY 2015 totaling \$10 million. The 2015 projects are located where private and public lands meet, and where restoration objectives cross ownership boundaries.

## **Lake Tahoe Restoration Act of 2015**

We are encouraged to see the emphasis in the discussion draft on forest management practices across property boundaries, including hazardous fuels treatments and invasive species monitoring. However, and importantly, USDA has serious concerns with a number of provisions.

In Section 4 of the draft it is not clear what purpose would be served by adding the new subsection addressing “coordination” in forest management activities to the Lake Tahoe Restoration Act. It is not clear whether and how this provision would change the agency’s existing obligations and/or practices. The USDA already solicits and considers input from a broad range of federal agencies, state and local entities, and the public, to the extent that is warranted in connection with a particular environmental review.

As a further example, Section 4 provides that the traditional multiple-use paradigm need not be followed if the USDA determines that such management “would excessively increase the cost of a program in relation to the additional benefits.” We are concerned that the standards in the statute are vague and will be difficult to implement. We are also concerned that the required analysis may be inconsistent with obligations under the National Environmental Policy Act (NEPA) and other statutes. The ambiguities may lead to more challenges to important agency projects, reducing, rather than increasing, overall efficiency.

While we appreciate the intent to increase agency flexibility by expanding the scope of available categorical exclusions in Section 4, we are concerned that the scope is too broad. The draft, which would apply to all forest management activities conducted for the purpose of managing hazardous fuels, no matter the scope of the work, is overbroad and negates the important environmental review (informed by public input as appropriate) that is necessary for extraordinary circumstances.

Likewise, we have concerns about Section 4’s mandatory arbitration provision, which would apply to all forest management activities conducted for the purpose of managing hazardous fuels. For example, while the provision authorizes challenge and intervention by individuals who sought administrative review or who submitted comments during the NEPA process, we would not necessarily solicit public comment before completing review under a categorical exclusion or provide for administrative review. Also, it is not clear to us how it would serve the public interest to require an arbitrator to select either the agency’s proposal or one offered by an objector or intervenor, depending upon which proposal best meets the purpose and need. The Department is open to pilot arbitration on a trial basis, but we are concerned with arbitration that is mandatory and so broad.

We would like to work with the Committee on this draft to address our concerns, including those related to the arbitration provision and the mandatory use of an environmental review process. Compliance with the National Environmental Policy Act of 1969 (NEPA) is important to our agency planning and decision-making given the ecological values of the area and the extensive work invested in collaboratively addressing the high public interest in maintaining them. We are supportive of the work that the Lake Tahoe Basin Management Unit recently completed under their land management plan, and recommend that the management strategies outlined by that extensive collaborative effort are prioritized.

We also want to emphasize the foundational role the National Forest System serves in providing high-quality outdoor recreational opportunities for all Americans. The 193 million acres of land the Forest Service manages in the public trust are now and always have been where people across the country go to enjoy mountain biking, skiing, world-class hunting, fishing, and recreational shooting, as well as nearly every other variety of healthy outdoor activity. Spending by visitors engaging in recreation activities supports more jobs and economic output than any other activity on the National Forest System. In 2012, outdoor recreation on the national forests and grasslands supported approximately 190,000 jobs and contributed about \$13 billion to the Nation's gross domestic product.

The Lake Tahoe Restoration Act of 2015 draft appears intended to improve access to some of these world class recreation opportunities, enhance iconic recreation settings and scenic character, and showcase one of a kind experiences that strengthen the Tahoe Basin's connections to communities and generate millions of dollars to local and state GDP, as well as thousands of jobs for the Lake Tahoe Basin economy. Contemporary strategies that assure adequate funding for maintenance and enrichment of the Basin's special places are essential for promoting a sustainable recreation economy, achieving high-quality examples of sustainable recreation management that include:

- Collaborative strategies to develop an integrated system of sustainable trails and spectrum of trail experiences;
- Increased access for youth, young adults and veterans to do meaningful work on public lands by expanding the 21<sup>st</sup> Century Conservation Service Corps (21 CSC);
- Expanded field ranger staffing and training initiatives to restore and adapt recreation settings, e.g., scenic character enhancement through selective landscape treatments, and improving mitigation of resource impacts from issues such as unmanaged recreation, development, urban sprawl, fire and climate change.

The draft provides land acquisition authority that would streamline the processes for our Agency and partnering land owners. We are encouraged by the discretion for conveyance of urban lots, which has the potential to enhance our efficiency. We are also supportive of provisions that provide for the retention of special use fees, which enhance our ability to provide recreational opportunities. The provisions for exchange of lands between the Secretary and the State of California have potential to improve management capabilities for both entities; we appreciate the discretion provided in the draft language. In addition, the provisions for conveyance of certain lands to the State of Nevada also have the potential to improve our efficiency. However, generally the Forest Service does not support conveyance of public resources without consideration.

The draft would require local government approvals prior to any land acquisition. As a matter of practice, the Forest Service engages local governments in landownership adjustment activities, both acquisitions and disposals, so this provision would create a layer of redundancy.

### ***Conclusion***

I am proud of the work that the Forest Service and its employees have been able to accomplish—particularly in a time of reduced resources and staff for non-fire programs—and of the

partnerships we have developed that have made that work possible. But, more work needs to be done to address a range of threats facing our National Forests.

The Forest Service will continue to work with States, local government, Tribes, industry and our many other partners to improve our forest management program through increased collaboration and new efficiencies. We stand ready to work with Congress to address fire funding and the need for accelerated forest restoration.

As it is eloquently stated in the draft, “Lake Tahoe is one of the largest, deepest, and clearest fresh-water lakes in the world; has a distinctive cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and is recognized as a natural resource of special significance, so that even world-traveler Mark Twain called Lake Tahoe the ‘fairest picture the whole earth affords’.”

I want to thank the committee for its interest, leadership, and commitment to our national forests and their surrounding communities. I would be pleased to answer any questions you may have.