

## Questions for the Record by Democrat Members

House Committee on Natural Resources  
Subcommittee on National Parks, Forests, and Public Lands  
April 10, 2019 Hearing

### Questions from Representative Horsford

1. Ms. Christiansen, how would the cuts suggested in the President's budget impact your ability to get work done in Nevada?

**Answer:** The FY 2020 President's Budget represents difficult tradeoffs in a constrained budget environment. The Budget request emphasizes reducing wildland fire risk, improving forest and grassland conditions, and generating economic benefits for rural communities. In the spirit of shared stewardship and collaborative decision making, the Forest Service will emphasize work across boundaries to optimize use of appropriated funds and use all existing authorities to strengthen state and local partnerships.

2. Ms. Christiansen, I am sure you are aware that excessive numbers of wild horse and burros pose a host of threats to Nevada's rangelands. What is the Forest Service doing to manage their impact on Nevada's national forests?

**Answer:** The Forest Service is using gathers, removals, and, in some places, contraceptives, to reduce and maintain herds at the appropriate management level on National Forest System lands. The agency closely coordinates with the Bureau of Land Management to identify management tools for horse and burro territories and to develop long-term management plans for these animals like the Hickison Wild Burro Territory Plan of 2018. This Plan sets an appropriate management level for the territory and allows the Forest Service to work with the Bureau of Land Management to implement a suite of population management actions to achieve and maintain the appropriate management level. The Forest Service is also working with the Bureau of Land Management to find a more effective, longer-term contraceptive for wild mares.

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### Questions from Representative Huffman

1. How did the shutdown impact preparation for the upcoming fire season?

**Answer:** Despite the shutdown, the Forest Service was able to continue the hiring process for seasonal firefighters. Trainings impacted by the shutdown will not affect the basic qualifications wildland fire employees need to participate in the 2019 fire year. Our firefighter refresher and preparedness trainings are proceeding as planned. The Forest Service is moving forward with our fire preparedness efforts for the upcoming season, and we anticipate having the necessary resources available to protect life, property, and resource values for the 2019 wildfire year.

2. Has the Forest Service prepared any assessments or internal reports of shutdown impacts?

**Answer:** The Forest Service has not prepared a comprehensive report of impacts from the government shutdown.

3. What steps are you taking to make up for shutdown impacts and prepare for the upcoming fire season?

**Answer:** The agency's shutdown plan included plans to prepare for the 2019 wildfire year. For example, despite the lapse in federal funding, the Forest Service was able to continue the hiring process for seasonal firefighters. We anticipate staffing will reach full capacity in time for wildfire activity this year. Since the shutdown concluded, Forest Service regions are carrying out hazardous fuels plans, targeting landscapes at highest risk. The Forest Service also continues to work with our federal, state, tribal and local partners to respond to suppression needs.

## Questions for the Record by Democrat Members

### Questions from Representative Gallego

1. Why were the staff working on the Alaska roadless rulemaking deemed essential and considered a higher priority for funding during the 35-day shutdown over other priorities like hazardous fuels work, firefighter training, recreation and campground maintenance?

**Answer:** The Forest Service Alaska Region moved forward with Alaska Roadless Rulemaking during the government shutdown to meet commitments to stakeholders in a timely manner. Since the furlough occurred during the coldest part of winter when the ability to accomplish outdoor work is limited, the Alaska region was able to reasonably postpone work for hazardous fuels, firefighting, and recreation and campground maintenance.

2. Why is the Forest Service in such a hurry to finalize an Alaska roadless rule?

**Answer:** There has been disagreement about management of Tongass National Forest under the national 2001 Roadless Area Conservation Rule since it was promulgated. In response to the State of Alaska's petition for rulemaking, the Department, Forest Service, and State of Alaska agreed that the controversy surrounding the management of roadless areas on the Tongass National Forest warranted state-specific rulemaking. USDA is committed to conduct this rulemaking as expeditiously as possible.

3. Is the Forest Service aware of the concerns that have been raised by tribal stakeholders in Alaska regarding the pace of the rulemaking and their inability to meaningfully participate? What steps has the Forest Service taken to respond to tribal concerns?

**Answer:** The Forest Service is aware of the concerns raised by tribal stakeholders in Alaska and continues to make every effort for meaningful engagement through staff-to-staff cooperation and leader-to-leader consultation. The agency has responded to several letters from tribal entities and conducted nine consultations since the notice of intent was published in the Federal Register in August 2018. In addition, the Forest Service invited all tribes in southeast Alaska to participate in the project as cooperating agencies; six tribes have signed memorandums of understanding with the Forest Service to participate as cooperating agencies in developing the draft environmental impact statement.

4. Will the Forest Service commit to fully consulting with tribes and listen to their concerns as you consider what actions to take regarding the creation of new state roadless rule which have the potential to negatively impact sacred and ancestral lands?

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**Answer:** Yes, the Forest Service will continue to conduct meaningful consultation with tribes while developing the Alaska Roadless Rule. We initiated consultation prior to publishing the notice of intent in the Federal Register in August 2018. We are also committed to consulting with the tribes prior to public release of the draft environmental impact statement.

5. Based on the analysis completed thus far, does the Forest Service believe that the Alaska roadless rulemaking will be considered a significant regulatory action because it will be economically significant or for other reasons?

**Answer:** The Office of Management and Budget's determination of the Alaska Roadless rule to be "other significant" per Section 3(f) of Executive Order 12866 will be published in the upcoming spring agenda 2019.

6. How can the Forest Service justify building more roads, which is an almost certain result from state-specific roadless rulemakings, when it already estimates a road maintenance backlog of more than \$3 billion?

**Answer:** The 2001 Roadless Rule establishes prohibitions on road construction, road reconstruction, and timber harvesting. While those prohibitions may change in a state-specific roadless rule, it does not necessarily mean that new roads would be constructed. Any proposed new road construction project would be subject to NEPA analysis, which would establish a project specific justification for the new road and evaluate the environmental effects of the proposed project and any alternatives.

7. This year's budget should have been an opportunity to reinvest in work that needs to be done for science-based forest restoration, community resilience, clean water, recreation, and wildlife. Instead, the only accounts that seem to have benefited are those focused on timber production. For example, the difference between the rolling 10-year suppression average in FYI 7 (the most recent year with data available) and the suppression funding request (based on the FYI5 suppression average as required under the FYI8 Omnibus) is \$165 million. Part of the intent of the fire funding fix was to limit the growing cost of fire suppression to make more funding available elsewhere in your budget, but in the FY20 proposal that does not seem to be the case.
  - a. Why has the Forest Service decided to propose deep cuts in their budget rather than reinvesting in programs that benefit the millions of Americans who rely on our national forests for clean water and recreation?

**Answer:** The fire funding fix will create greater stability and predictability in the Forest Service budget and greatly reduce the likelihood of fire transfer. This will allow greater flexibility in managing our non-fire programs in high activity fire years. While the freezing of the suppression request may appear to be a cost savings, the Administration's guidance for formulating the fiscal year 2020 Budget was to reduce the total funding level by 5

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percent over the fiscal year 2019 request. This required difficult choices and tradeoffs. The agency will use any funds appropriated by Congress, along with tools and authorities in place, to improve the condition of the national forests and grasslands.

- b. Will the Forest Service commit to using fire suppression savings from the fire funding fix to reinvest in science-based fire prevention activities that have been underfunded in recent years due to the redirection of resources to fire suppression?

**Answer:** The agency will put any funds appropriated by Congress, along with tools and authorities in place, to good use in order to improve the condition of the national forests and grasslands and reduce the risk of fire to communities. Together with partners, the Forest Service uses science-based tools to prioritize the placement of fuels treatments and other fire prevention activities.

## **Questions from Representative Grijalva**

1. According to the last data available from the Forest Service in 2016, one quarter of grazing permits appear to have never had modern NEPA analysis. In 2016, the entire Forest Service only processed 52 grazing permits under NEPA. In Region 4, NEPA was completed on 16 grazing permits between 2014 and 2016 despite having 246 permits scheduled to undergo NEPA review. It seems that the Forest Service is using authority granted under the Grazing Improvement Act to avoid doing almost any analysis on grazing permit renewals.

- a. What steps has the Forest Service taken to reduce the grazing permit backlog and comply with its published NEPA schedule?

**Answer:** The priority for rangeland management funds, in order to comply with the Forest Service mandate of regulating occupancy and use (16 U.S.C. 551), is the administration of grazing permits; the majority of rangeland management funding goes to meet this purpose. The remaining available rangeland funding is used for making progress on the agency's 15-year NEPA schedule, originally authorized under the Rescissions Act of 1995. Analyses for allotments that were the least complex and least controversial were completed first. The remaining allotments, which require more complex analyses, have required a longer-term commitment by the agency to build collaboration through community and permittee support.

- b. What percentage of grazing permits are operating under NEPA analysis that is more than 10 years old?

**Answer:** The NEPA analysis is completed on the grazing allotment and not an individual grazing permit, meaning that a portion of the permitted area (an allotment) may have NEPA analysis completed, while another portion may not. In total, 67 percent of our active permits have not had a NEPA decision made in the last 10 years on at least a portion of the permitted area. NEPA that is 10 years old can still be current if there are no changed conditions.

- c. What percentage of Forest Service grazing permits are not meeting applicable Forest Plan objectives and how many of those permits are not authorized under current NEPA analysis?

**Answer:** Forest Service grazing permit administration procedures are intended to implement permit terms and conditions for 100 percent of authorized grazing on National Forest System lands, meeting Forest Plan objectives. Forest Plan decisions generally include a schedule for incorporating standards and guidelines into associated grazing permits through modification of the permit. National forests with recently updated Forest Plans may still have permits that have not been modified under the new Forest Plan Standards and Guidelines.

2. Chief Christiansen, on March 13<sup>th</sup> Secretary Perdue issued a memo requiring written approval from the Under Secretary for the renewal, extensions or establishment of new cooperative, cost reimbursable, and interagency agreements. How this sudden new policy will be deployed lacks transparency and has raised concerns with stakeholders that cooperative agreements will be delayed or subject to political determinations. The Forest Service must have thousands of agreements that will now require an additional level of bureaucratic approval.
  - a. Has the Forest Service received any guidance or assurance from the Under Secretary that the important work accomplished under many cooperative agreements will not be needlessly delayed by this new policy?

**Answer:** The Secretary issued a new memorandum on May 2 that superseded and cancelled the previous memorandum. The new memorandum allows for the use of previously established procedures for reviewing and approving agreements.

3. The Forest Service budget shows that in 2018 there were 11 Equal Access to Justice payments totally about \$817,000 in fees, which includes Freedom of Information Act lawsuits. The largest EAJA payment provided was \$530,000 to the Pennsylvania Independent Oil and Gas Association in 2014. This administration has made it a policy to blame environmental litigation for forest management woes and withhold information from the public.
  - a. Could you explain how less than \$1 million of reported litigation fees and declining payouts is evidence of litigation as a barrier to restoration?

**Answer:** Because lawsuits typically take multiple years to resolve, it is important to look at the trend in litigation and the multiplying effects of lawsuits filed over time. In the period between fiscal years 2009 and 2018, the Forest Service recorded 134 lawsuits filed against projects with a primary activity of vegetation management, including timber production and salvage treatments. Forty-six of those lawsuits were filed between FY 2015 and FY 2016. In addition to delays in project implementation due to litigation, there is considerable work associated with supporting the defense of those project decisions. This diverts Forest Service staff from their primary resource management responsibilities and delays work on current activities and planning for future projects.

For additional context, litigation trends vary across the country. For example, in the Forest Service's Northern Region (Montana, Northern Idaho, North Dakota), 12 lawsuits were filed over project decisions with active forest management activities between fiscal year 2015 and fiscal year 2018. In the same time period in the Rocky Mountain Region

(Colorado, Wyoming, South Dakota, Nebraska, Kansas), one lawsuit was filed on an active forest management decision. Consequently, the effects of litigation on active forest management decisions are more concentrated and acutely felt on national forests in certain regions.

4. In a January 2016 research paper "Aligning policies to support forest restoration and promote" (Schultz et al. 2016) the authors conducted a staff survey which found that staff said the "volume of timber sold" was the least useful performance measure for prioritizing the most important restoration work. Forest Service staff and stakeholders have said projects designed to meet timber targets were often not in high-priority areas for restoration or community safety.
  - a. How is your agency ensuring it's focus on timber targets isn't coming at the expense of other priorities including science-based restoration, community safety, clean water, recreation, and wildlife?

**Answer:** The Forest Service administers National Forest System lands with the agency's multiple use mission in mind. The fiscal year 2020 President's Budget focuses on three priorities: risk-based wildland fire management, improving forest condition, and supporting rural economies. The priority for hazardous fuels projects continues to be in those locations where wildfire risk can be most effectively mitigated. In the interest of efficiency and effectiveness, our forest management and fuels staffs work closely to identify acres where we can achieve multiple goals with a single action such as reducing wildfire risk, while also providing opportunities for timber production. In many cases, the economic value of forest products generates revenue that aids our ability to address wildfire risk, water, recreation, and wildlife concerns.

5. For years, Congress has used the 10-year rolling fire suppression average to measure the growing cost of wildfire. Could the Forest Service please provide the committee with the 10-year average, which will continue to be a helpful indicator for budget oversight?

**Answer:** The 10-year average for 2020 is \$1,314,037,000.

6. The Forest Service proposes simplification and bundling of budget line items, targets and performance measures, while prioritizing timber targets.
  - a. Chief Christiansen, how will the Forest Service demonstrate continued commitment to other stakeholder/environmental values?

**Answer:** The integration of budget line items will allow for improved prioritization of activities at a landscape scale and streamlining of administrative costs. The proposed budget structure will also facilitate improved collaboration across program areas to focus on outcomes across all program areas at a landscape scale rather than simply the outputs of any one program. With reduced administrative costs, agency experts will be able to focus on land management priorities and accomplishing work for the broad range of stakeholders we



support. The Forest Service intends to deliver on all existing performance expectations regardless of the agency's budget structure.

- b. How will simplified performance measures demonstrate to Congress ecologically based restoration, the use of prescribed fire, reductions in wildfire risk for communities?

**Answer:** The objective of the budget reform is to simplify the overall Forest Service budget structure, increase integration of programs, and provide for greater accountability of agency funds. The Forest Service will continue to use a suite of performance measures that align with major program activities. Prescribed fire is a crucial component of hazardous fuels reduction and reducing the risk of fire. The 2020 President's Budget requests \$450 million for hazardous fuels reduction, which will include prescribed fire where appropriate to achieve the desired fuel conditions to reduce risk. The Forest Service tracks the total number of acres of hazardous fuels work accomplished and the subset of that total where we have achieved the "final desired condition" as described in each project decision. The Forest Service maintains high levels of accomplishment for key integrated restoration and management activities to sustain national forests and grasslands and reduce wildfire risk to communities.

- c. How can the Forest Service report only 53% percent of watersheds in a functioning condition class yet maintain the expected performance measure at the same level for FY2020 and actually remove it as a target altogether?

**Answer:** The Forest Service has not removed the performance measure for watershed condition. It remains in the broader suite of internal measures, which are in addition to the Department-level Key Performance Indicators.

The Forest Service has made substantial progress in improving watershed condition. The Forest Service manages land in over 15,000 sub-watersheds. Since 2012, the agency has restored 3,600 miles of streams per year and treated approximately 2.7 million acres a year in order to sustain or restore watershed function. The agency has prioritized its work based on watershed size and the length of time needed to result in improved conditions; this approach has not resulted in a changed target goal for fiscal year 2020. The Forest Service is currently implementing section 8405 of the 2018 Farm Bill, which directs the agency to review the Watershed Condition Framework and more systematically account for watershed improvements across the nation.

- d. What are the Forest Service's targets that will be used to ensure you are addressing climate change in a meaningful way?

**Answer:** The Forest Service remains committed to addressing the impacts of a changing climate on the Nation's forests. Many of the Forest Service internal performance measures track progress towards

improving forest condition, which in turn helps address the impacts of a changing climate. The Forest Service is continuously improving its understanding of the impacts of a changing climate on national forests and grasslands. Forest Service research improves understanding of these impacts, identifies areas that may be particularly vulnerable to climate change, and disseminates strategies to improve forest and grassland conditions under a changing environment.

7. Chief Christiansen, until enactment of the fire funding fix nearly all national forest stakeholders agreed that funding challenges, including "fire borrowing," were the biggest impediment to active forest management. Yet, before the Forest Service has even had an opportunity to deploy the fire fix or new management authorities, BLM and the Forest Service are jointly proposing new legislation solely focused on less environmental review and fewer opportunities for community input.
  - a. Chief Christiansen, can you provide the committee with a state-by-state breakdown of the number of project acres that have cleared the NEPA process?

**Answer:** We would welcome a conversation to define the scope of the question in order to provide the specific information that the Congressman seeks.

- b. What are the estimated costs required to execute these projects?

**Answer:** We would welcome a conversation to define the scope of the question in order to provide the specific information that the Congressman seeks.

- c. Why does the Forest Service think we need less NEPA when funding can't even keep up with the projects that have already cleared environmental reviews?

**Answer:** The Forest Service is committed to meeting NEPA's requirements while delivering on our mission of public service and environmental stewardship. The agency is in the process of revising its NEPA procedures at 36 CFR Part 220 through the rulemaking process, which includes extensive public engagement and inter-governmental coordination. The proposed rule is part of a larger effort to increase the agency's efficiency and reduce the cost of environmental analysis and decision-making processes while fully complying with environmental laws.

The joint Department of Interior and Department of Agriculture legislative proposals are intended as a starting point for discussions with Congress about possible solutions to improve processes and outcomes on our public lands.

8. The Forest Service budget estimates that the national maintenance backlog on roads alone is over \$3 billion.

- a. Chief Christiansen, can you provide the committee with a state-by-state breakdown of those costs including condition class and primary purpose of those roads (e.g. passenger versus high clearance)?

**Answer:** We do not have the resources to fully collect and accurately report the condition of our roads by state. Nor do we collect information about deferred maintenance or condition on our roads maintained for high clearance vehicles. Deferred maintenance estimates for passenger car roads by state is tabulated in the attached estimate, and represents only passenger car roads.

9. The Forest Service budget admits a \$5.5 billion maintenance backlog. In the budget justification for facilities the Forest Service points out the nearly 4,700 water and wastewater systems covered by the Capital Improvements and Maintenance account.

- a. What is the condition of the water systems under the management of the Forest Service?

**Answer:** The Forest Service manages 4,710 drinking water systems and 4,736 wastewater systems. Surveys are performed every five years on each system to determine the condition. Approximately 33 percent of drinking water systems and 33 percent of wastewater systems are in poor or fair condition. About 36 percent of all drinking water systems and 46 percent of wastewater systems are more than 50 years old, accelerating their repair costs. The deferred maintenance estimates for the Forest Service's drinking water systems and wastewater systems are \$93 million and \$31 million, respectively.

- b. How will the comprehensive capital improvement plan account for needed upgrades and maintenance of water and waste water systems on public lands?

**Answer:** In the Comprehensive Capital Improvement Plan, water and wastewater systems will be categorized under Health & Safety, Recreation, Administration, and Research & Development. They will be reviewed for economic viability of repair versus replacement and decommissioning. The systems will then be compared to all other assets and ranked accordingly.

## Questions for the Record by Republican Members

### Questions from Representative Fulcher

1. The fire seasons continue to get worse and we must prioritize ALL of our resources and use ALL available tools. While we need to increase active forest management and reduce our fuel load we can also use cost-effective fuels management tools like opening up vacant allotments to cattle grazing. I understand we need a NEPA consistency determination to open up these allotments and we are not currently taking the necessary steps to start this process. Chief Christiansen, will you commit to prioritizing your resources to begin the process to open up those allotments?

**Answer:** Yes. Grazing can play an important role in reducing fuel loads. Under current law, completion of NEPA analysis is necessary prior to authorization of grazing on vacant grazing allotments. We intend to work with local operators to prioritize grazing allotments for NEPA analysis.

2. I met with Mary Neumayr who is the Chairwoman of the Council on Environmental Quality who is tasked on improving and implementing NEPA for the President. She talked about steps the President has taken to work to make the NEPA process more reliable and accountable to the people of Idaho that will increase economic development and investment-especially in rural areas.

I cannot express how needed it is, especially in rural counties with large amounts of federal land to increase development and high paying jobs that are also environmentally sound. In my district, millions of dollars have been invested in MIDAS Gold's Stibnite Mine.

The mine not only will provide new opportunities and jobs to rural Idaho but will also clean up reclaimed mines that helped us provide necessary critical minerals to win World War II. But the process continues to be delayed-and I acknowledge the government shutdown was partially to blame-but so was the forest service. I ask that you do everything you can to prioritize the permitting and fulfill the President's vision of producing environmentally and legally sound NEPA documents that will allow us to provide jobs on our multiple use federal lands.

**Answer:** We are working to complete an expeditious review of this proposed project. Midas Gold Idaho (Midas) submitted a proposed Plan of Operations in September 2016. Since then, the Payette National Forest has been preparing an environmental impact statement (EIS) to evaluate and disclose the potential impacts of the proposed Stibnite Plan of Operations. The Forest and other cooperating agencies are currently reviewing information Midas has provided. Midas will be providing additional information in the next 3-4 months, due to their decision to modify components of their Plan of Operations. We

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estimate publishing the draft EIS in December 2019 and the Final EIS and Record of Decision is estimated to be published in December 2020.

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### Questions from Representative Curtis

1. Chief Christiansen, I would like to ask you about the Forest Service's ongoing efforts to boost the efficiency of National Environmental Policy Act (NEPA) reviews. We know there's a lot of opportunity under the NEPA umbrella to support the active management of our forests, which I know is a big priority for you and the Secretary. But there's also meaningful work to be done to support the agency's outdoor recreation mission. There's tremendous public support for ski areas and other outdoor recreation partners that are a big part of rural economies in Utah and nationwide.
  - a. What opportunities do you see for outdoor recreation in the agency's efforts to improve NEPA efficiencies?

**Answer:** The agency is in the process of revising its NEPA procedures at 36 CFR Part 220 through the rulemaking process, which includes extensive public engagement and inter-governmental coordination. The Forest Service received considerable input from outdoor recreation advocates and industry groups as part of the process to improve NEPA procedures.

The proposed rule is part of a larger effort to increase the agency's efficiency and reduce the cost of environmental analysis and decision-making processes while fully complying with environmental laws. Combined with our ongoing internal efforts to modernize recreation special use directives, we believe that improved NEPA procedures will enhance recreation opportunities, help the agency address deferred maintenance of recreation facilities, and create a more predictable business environment for our stakeholders.

- b. Is there an opportunity to include outdoor recreation efficiencies in the forthcoming rulemaking associated with this effort?

**Answer:** Yes. As part of the rulemaking process to revise the agency's NEPA procedures at 36 CFR Part 220, the Forest Service will seek public comment on the proposed rule. We anticipate interest from outdoor recreation advocates and industry groups on the forthcoming proposed rule and welcome their comments and insights, which will improve our efforts.