



Sustainable Forest Action Coalition

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**Participating
Representation from
the following:**

CALIFORNIA

Amador • Butte
Calaveras
Del Norte
El Dorado
Glenn • Humboldt
Inyo
Lassen
Madera • Modoc
Nevada
Placer
Plumas
Sacramento
Shasta • Siskiyou
Sierra
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Trinity
Tuolumne
Yuba

OREGON

Coos • Curry
Douglas • Jackson
Klamath
Josephine • Lake

NEVADA

Nye

WASHINGTON

Skamania

The Honorable Congressman Jim Costa
The Honorable Congressman Jared Huffman
The Honorable Congressman Raul Ruiz

RE: H.R. 2647, The Resilient Federal Forests Act of 2015

Honorable Congressman:

During these challenging social and economic times, the Sustainable Forest Action Coalition (SFAC) has worked hard to provide input on proposed legislation as well as existing legislation that has profound impacts on our counties, their communities, business, education, health and individuals. Many of our counties continue to have high unemployment rates and the only way we feel we can address this is through a recognition of the many regulatory barriers that impact wise use of our natural resources and the creation of jobs that go along with that use. SFAC feels the only way this wise use and job creation can occur is to address regulatory reform to restore our forests and watersheds and other natural resources to a healthy condition to provide an opportunity for rural community economic stability. By meeting this objective, the coalition also recognizes the benefit's that managing to improve watershed and forest health provide and furthering our efforts in protecting our natural resources from large wildfires while also increasing critically needed water yield to our drought stricken West.

The SFAC is hopeful that you will all recognize that we have support from a large geographical area. As such, it is our desire to work with all of you on our common issues and impacts. If you visit our web site at www.sfacoalition.com, you will find the list for our support base.

The SFAC is urging you to take action on legislation to restore the health of our federal forests and rural communities through active, sustainable forest management. The House presently is reviewing and taking swift action on the proposed changes that would have a profound positive effect on our public land forests and watersheds. The SFAC has seen positive actions to deal with the same insect and disease, catastrophic wildfire, wildlife habitat and socio-economic factors on private forest lands without harming or causing excessive resource damage. A recent study that provides a rapid assessment of similar treatments on private land is :

Board of Forestry report: A Rapid Assessment of Sediment Delivery from Clearcut Timber Harvest Activities in the Battle Creek Watershed, Shasta and Tehama Counties, California;

http://bofdata.fire.ca.gov/board_business/other_board_actions/battle_creek_report/final_battlecreek_task-force_report.pdf

We have also seen repeated treatments on public lands and offer the following to illustrate the positive effects of taking action that can reduce the losses due to wildfire:

“Fire Behavior and Effects Relating to Suppression, Fuel Treatments, and Protected Areas on the Antelope Complex Wheeler Fire” (Plumas National Forest), prepared by The Fire Behavior Assessment Team, Jo Ann Fites, Mike Campbell, Alicia Reiner, Todd Decker, August 2007.

USDA R5-TP-031 December 2010, “A Summary of Fuel Treatment Effectiveness in the Herger-Feinstein Quincy Library Group Pilot Project Area”

The SFAC also has seen the cost of wildfire continue to climb and the lack of proper forest and watershed management due to time consuming and costly preparation of environmental documents are stifling the Forest Service’s ability to increase pace and scale necessary to address the millions of acres of our public lands at risk. We offer the following paper that addresses these issues:

“Reduce Wildfire Risks or we’ll continue to pay more for fire disasters” a position statement developed by; Association For Fire Ecology; International Association of Wildland Fire; The Nature Conservancy, April 16, 2015

By not having the ability to rapidly address post fire restoration, the following study provides information on the results and effects of not responding quickly or at all:

Post-fire logging reduces surface woody fuels up to four decades following wildfire by David W. Peterson, Erich K. Dodson and Richey J. Harrod. The paper can be found in Forest Ecology and Management. The research shows how fuels will build up and lead to future fire and other ecological issues.

The lack of active federal forest management has destroyed tens of thousands of jobs. As a result, our rural, forested communities have suffered from higher rates of poverty and unemployment. In addition, it has made our National Forests increasingly susceptible to devastating wildfires and invasive species. In addition to putting thousands of Americans back to work, this solution will provide stable funding for counties to use for schools, roads and emergency services instead of relying on uncertain federal subsidy payments. The legislation will improve local management of our federal forests and help reduce the risk of catastrophic wildfires, while increasing water yield from our public lands.

The Resilient Federal Forests Act of 2015 is a permanent and comprehensive solution that promotes responsible timber management on public commercial timber lands. The legislation protects the environment by requiring projects to comply with environmental review and endangered species protections, while streamlining the process to avoid frivolous and lengthy delays and requiring litigants to finally carry the same burden as the Federal Government when they do not prevail.

H.R. 2647 House provides a long term solution that will provide a stable and sustainable revenue stream for rural schools and counties, create new jobs, strengthen rural economies, promote healthier forests, reduce the risks of forest fires, increase water yield and decrease our reliance on foreign countries for timber and paper goods.

As we all try to find ways to do more with less, it is critical that we review the specific legislation and regulations that have not been reviewed for decades. For all of us to accomplish wise management of our impacted watersheds, forests and overall ecosystem, with fewer appropriations, we must also work together to be more efficient. This will only occur through reasonable change.

The specific items that are essential for our counties and families is the language that you propose to eliminate that would lead to proper management of our public lands and the restoration of jobs and our communities. The specific items SFAC wishes to provide information on are:

Title 1 – Expedited Environmental Analysis and Availability of Categorical Exclusions to Expedite Forest Management Activities:

Forest Service Handbook 1909.15, Chapter 30 provides specific direction on CE's. The Council of Environmental Quality (CEQ) regulations provide for categorical exclusions (CEs) to implement the National Environmental Policy Act (NEPA) for the purpose of reducing delay and paperwork. CEQ regulations allow Federal agencies to exclude from documentation in an environmental assessment (EA) or environmental impact statement (EIS) categories of actions that DO NOT INDIVIDUALLY OR CUMULATIVELY HAVE A SIGNIFICANT EFFECT on the human environment. Based on the agency's experience and knowledge, the responsible official can conclude that if the action fits within an identified category and analysis shows there are no extraordinary circumstances, then the action would not have significant effects.

The proposal of the use of CE's fits well with the NEPA premise that areas and projects that propose repetitive management do not require repeated study and analysis. The current management proposals are almost exclusively designed for the reduction of risk to individual species, improving watershed health and the reduction of the risk and destruction associated with wildfire. There is no strategy, standards or guidance for at-risk species in relation to catastrophic wildfire. Currently wildfire is impacting multiple species by burning their preferred habitat as well as impacting connectivity corridors. The result of these losses is the designation of additional areas outside to the fire area that then takes more general forest acres out of normal timber management (suitable for timber production) and places them into a species specific protection status. These impacts further threaten individual as well as multiple species and thus strengthen the need for these new CE's to reduce this risk as well as reduce the threat from insects related to catastrophic wildfire. There have been numerous studies as well as science that concludes that proper thinning and design of landscape scale projects are reducing the loss and impacts to species, ecosystems and our states valuable watersheds without adverse impacts to our environment. To the contrary, these projects are creating jobs while improving our ecosystem health. One such study on effectiveness is the USDA R5-TP-031, December 2010, A Summary of Fuel Treatment Effectiveness in the Herger-Feinstein Quincy Library Group Pilot Project Area.

To endorse the new CE acre limits would add no additional risk to the environment while reducing the need for unnecessary taxpayer expense associated with the writing of an Environmental Assessment or Environmental Impact Study. This section would also allow for increasing the pace and scale of needed ecosystem restoration to protect our watersheds, species and forests while providing for the social and economic needs of our rural counties.

Title III – Collaborative Project Litigation Requirement

This specific language in H.R. 2647 does not impact any rights associated with the Equal Access To Justice Act, but brings some protection to the general tax paying public against the plethora of lawsuits that have become an every day occurrence against sound public land management. The language as proposed only requires a plaintiff who is challenging these specific projects to post a bond to cover the reasonable estimated costs, expenses and attorneys fees. Recovery allows the Secretary to submit to the Court a motion for payment of all litigation expenses when they prevail. The general tax payer should be provided the same protection and recovery of expenses when projects meet all necessary standards and are routinely litigated by individuals or groups who now use the projects as an opportunity to profit from suing the Forest Service and other Federal Agencies. The effect has been the delay or stoppage of projects that have met all criteria of NEPA. The results of which has been loss of many of the delayed acreage to catastrophic wildfire and the subsequent loss of the species, habitat and ecosystem that most suits were intended to protect.

To provide current examples, the American Fire on the Tahoe NF, the Aspen on the Sierra NF and the Rim Fire on the Stanislaus all had Temporary Restraining Orders filed against them by the same group of environmentalist. The Federal Government and tax payers had to defend each action and were upheld in court. These and other groups are not concerned about our ecosystem as a whole, but know that by filing lawsuits against the Government holds no consequences for them when they lose and large financial gain if they do

find a loop whole in the unmanageable NEPA process. This has nothing to do with collaboration, as these groups never attend meetings with groups on these projects, but only with the Federal Officials. It is these same officials and the Office of General Council who now alter the true needs of the ecosystem to reduce the potential threat of litigation and the time and expense associated with it. Society as a whole is losing its ecosystem, watersheds, species and recreation values and our counties are losing the related jobs and social and economic benefits associated with proper ecosystem restoration.

The SFAC supports all Titles and Sections within H.R. 2647, but wants to highlight the two Titles above as CRITICAL. When one looks at the need to work together to pass H.R. 2647, one just needs to look at the impacts of not passing these important forest and watershed related changes. In California alone, the impacts related to the current historic drought are becoming clear with each dry month. The U.C. Davis Center for Watershed Sciences recently estimated the ongoing drought is costing our state a staggering \$2.2 billion and the loss of over 17,000 jobs. As our elected officials look for solutions, it's critical they look to the forests and reconsider well-intentioned policies that are reducing the quality and quantity of our limited water resources.

Our watersheds are a primary source of our water supplies and the headwaters of these watersheds are located in our rural counties. The current "hands-off" approach to management of our federally-owned forests is resulting in several unintended consequences. Due to a century of fire suppression and restrictions on management, these forests have become overgrown, dense and more vulnerable to wildfire, insects and disease. When coupled with climate change, the increasing intensity of wildfires is destroying the very ecosystems and watersheds our federal laws and regulations were thought to protect and preserve.

Some environmental groups believe that "nature should take its course" when it comes to our forests. They commonly litigate the federal government to prevent implementation of forest restoration projects, including those designed to contain the threat of fires in the future. This constant threat of litigation prevents the federal government from actively managing our forests and watersheds. Over time, these lawsuits come with a cost. Each summer, we are witnessing species, watersheds, forest resources and recreational opportunities destroyed or greatly impacted.

These groups have been extremely successful in decreasing restoration on federal forest lands. Over the past 20 years, we've seen the impact of this policy shift in many of our rural, forested communities that have not economically recovered from over regulation related to the Northern and California Spotted Owl and other species. Now our federal forests are growing more trees than they can naturally sustain, and this has serious implications for our environment.

In California alone there are 8.3 million acres of suitable productive forestland in the California Forest Service region. The annual net growth on these acres is 3.73 billion board feet and of that, 846 million board feet dies each year from overcrowding. This means that 23 percent of forest growth goes to waste and becomes fuel for future wildfires. With watershed restoration and forest thinning consuming only nine percent of annual net growth of our federal forests, it's no wonder that we have seen such a drastic loss of water yield into our watersheds and state water systems.

There is a growing body of research that addresses forestry, water loss and climate change issues. Everyone understands that trees consume a lot of water, but we are beginning to quantify the impacts when forests are overgrown. Northern Arizona University's Ecological Restoration Institute found that thinning thick and unnaturally dense forests could increase runoff for urban water users by up to 12 percent in some years.

A study on the Sierra Nevada Watershed Ecosystem Enhancement Project details the influence of forest vegetation and the need for management activities in addressing an ever decreasing water supply. Jamie Workman, from the Environmental Defense Fund, and Helen Poulos, a fire ecologist at Wesleyan Uni-

iversity, estimated that excess trees in the 7.5 million acres of Sierra Nevada conifer forest are responsible for the loss of more than 15 billion gallons per day, or 17 million acre-feet of water per year. Workman writes this is “more than enough water to meet the needs of every Californian for a year.”

Our rural counties continue to be directly impacted by all of the above issues. It is beyond time to review issues and legislation and agency mandates that are destroying our ecosystems and their related watershed, recreation, species and related social and economic wellbeing of our rural counties. H.R. 2647 contains essential language that will allow our ecosystems to be managed in a reasonable and scientific manner. All of our counties are seeing continued loss of jobs, school and hospital closures and as a result, small businesses having to close and our young families moving away. Our States and rural counties should not be where our population can only survive in or urban areas, but where we can provide an environment and opportunity to properly manage our natural resources and offer young families the opportunity to raise their children in these small rural counties.

SFAC is hopeful that we can work together and coordinate efforts that meet the above changes and concerns. SFAC feels strongly that we can work together on natural resource issues that confront our counties and look forward to striking a productive working relationship. We are hopeful that each of you will work together on these common issues to strengthen our counties social and economic wellbeing as well as provide the changes necessary to reduce the threat and losses due to catastrophic wildfire, insects and disease, impacts to our watersheds and loss of wildlife habitat.

Sincerely,



Bill Wickman and Laurel Brent Bumb
Co-Spokespersons for SFAC

cc:

The Honorable Congressman John Garamendi
The Honorable Congressman Mark Amodei
The Honorable Congressman Greg Walden
The Honorable Congressman Peter DeFazio
The Honorable Congressman Doug LaMalfa
The Honorable Congressman Tom McClintock
The Honorable Congressman Ami Bera
The Honorable Congressman Jeff Denham
The Honorable Congressman Kevin McCarthy
The Honorable Congressman Devin Nunes
The Honorable Senator Diane Feinstein
The Honorable Senator Barbara Boxer
The Honorable Senator Dean Heller
The Honorable Senator Ron Wyden