OVERSIGHT ON CHAIRMAN'S DRAFT, "FEDERAL FORESTS EMERGENCY ACT OF 1999"

HEARING

BEFORE THE

SUBCOMMITTEE ON FOREST AND FOREST HEALTH

OF THE

COMMITTEE ON RESOURCES

HOUSE OF REPRESENTATIVES

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OVERSIGHT ON CHAIRMAN'S DRAFT, "FEDERAL FORESTS EMERGENCY ACT OF 1999"

TUESDAY, MARCH 23, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
SUBCOMMITTEE ON FORESTS AND FOREST HEALTH,
Washington, DC.

The Subcommittee met, pursuant to call, at 2 p.m., in Room 1334, Longworth House Office Building, Hon. Helen Chenoweth [Chairman of the Subcommittee] presiding.

Mrs. CHENOWETH. The Subcommittee on Forests and Forest Health will come to order, please.

The Committee is meeting today to hear testimony on the Federal Forests Emergency Act of 1999. Under Rule 4(g) of the Committee Rules, any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member.

This will allow us to keep our witnesses on schedule and allow us to hear from them sooner, and help Members also keep on their schedules.

Therefore, if other Members have statements, they can be included in the hearing record under unanimous consent.

STATEMENT OF HON. HELEN CHENOWETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mrs. CHENOWETH. The purpose of this hearing is to discuss the general need for expediting management activities on Federal forests in cases of environmental emergencies. Catastrophic events such as windstorms and wildfires or severe insect and disease epidemics often require the swift implementation of management activities to avert further environmental degradation.

Unfortunately, however, legal and regulatory requirements or bureaucratic red tape often prevent those activities from taking place in a timely manner or even at all. Provisions exist in law, but are rarely used, that allow for expedited processes to occur—in particular, alternative arrangements under NEPA.

Last year, immediately following a severe windstorm, the National Forests in Texas applied for and received permission from the Administration to use alternative arrangements for the removal of blown down trees in order to reduce the impacts of future insect infestations and wildfires. The purpose of this hearing is also to discuss draft legislation requiring other forests that have suffered catastrophic events to be considered for alternative arrangements.

My draft legislation lists a number of forests that have experienced catastrophic events of a similar magnitude as the East Texas blowdown, recommending that they also be granted expedited processes under NEPA. On the Idaho Panhandle National Forest, for example, 150,000 acres are experiencing a disastrous outbreak of the Douglas fir bark beetle. To contain this infestation on Federal lands before it spreads to state and private forests, and to prevent future catastrophic fires, the Forest Service must expedite its actions. Not to do so would be an irresponsible and unacceptable breach of the pubic trust.

Although the CEQ has granted alternative arrangements only 30 times since 1980, many of these were in response to situations of similar or even lower severity than the ones listed in my draft legislation.

For example, one alternative arrangement was given for the BLM and Forest Service to implement erosion control efforts after the Eighth Street Fire in the hills above Boise, Idaho. Another alternative arrangement was for the aerial spraying of pesticides in Idaho to combat migratory grasshoppers. We know and agree that these were legitimate circumstances for using expedited NEPA processes.

We also know that forest conditions in specific areas—and right now I am going to ask counsel to hold up a map showing the severity of forest conditions across the Nation. The red dots will show you the areas that are affected with damaged forests either through fire, windstorm blowdown, disease, or insect infestation. And you see the biggest blob up there in the Northwest.

The big, red blob covers most of the northern portion of my state and most of my congressional district. It also extends over into Montana. It has been characterized in previous testimony as "forests that are in near collapse." I have never heard that kind of testimony given in this Committee since I have been in Congress, nor have I read about it. And these are the Forest Service's own maps, and they are a blowup of satellite maps that detect from imagery the heat of the forest. So, you can see we have areas, vast areas, in this Nation that are truly in a state of near collapse. Thank you very much.

We also know that forest conditions in specific areas across the country are in need of accelerated management as the red dots clear across the country on this map indicate, and in order to prevent costly and preventable environmental and economic catastrophes, we must do something now. In some areas, this may mean the removal of dead or dying trees.

Unfortunately, it has become politically incorrect to harvest trees on Federal lands for any reason, even when it is scientifically the most appropriate means for protecting wildlife habitat, soils, watershed stability, and private property. Hopefully, we can get beyond the political aspects of this issue and have a serious dialogue on the merits of using expedited processes in critical forest areas.

[The prepared statement of Mrs. Chenoweth follows:]

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strophic events such as windstorms and wildfires or severe insect and disease epidemics often require the swift implementation of management activities to avert further environmental degradation. Unfortunately, however, legal and regulatory requirements or bureaucratic red-tape often prevent those activities from taking place in a timely manner or even at all. Provisions exist in law, but are rarely used, that allow for expedited processes to occur—in particular, "alternative arrangements" under NEPA. Last year, immediately following a severe windstorm, the national forests in Texas applied for and received permission from the Administration to use "alternative arrangements" for the removal of blown down trees in order to reduce the impacts of future insect infestations and wildfires. The purpose of this hearing is also to discuss draft legislation requiring other forests that have suffered catastrophic events to be considered for "alternative arrangements."

My draft legislation lists a number of forests that have experienced catastrophic events of a similar magnitude as the East Texas blowdown, recommending that they also be granted expedited processes under NEPA. On the Idaho Panhandle National Forests, for example, 150,000 acres are experiencing a disastrous outbreak of the Douglas-fir bark beetle. To contain this infestation on Federal lands before it spreads to State and private forests—and to prevent future catastrophic fires—the Forest Service must expedite its actions. Not to do so would be an irresponsible and unacceptable breach of the public trust.

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Mrs. CHENOWETH. As soon as the Ranking Minority Member comes in, I would be happy to recognize him for his statement, but I would, at this time, like to welcome my colleague, Mr. Bob Aderholt, from Alabama, who is joining us today.

Mr. Aderholt, do you have a statement that you would like to make at this time?

STATEMENT OF HON. ROBERT ADERHOLT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Mr. ADERHOLT. Yes. Thank you, Chairman Chenoweth, I certainly am glad to be here today. I wanted to take the opportunity to introduce the Chairman of the Winston County Commission, Roger Hayes, who is with us today. He is a long-time friend of my family, and he and his family have resided in Winston County for generations, knows the area quite well, elected in 1992 to the Commission, re-elected in 1996.

A significant portion of Winston County, approximately 35 percent, is within the boundaries of Bankhead National Forest. The National Forest was named after William Bankhead, who represented the county and the district that I now represent back in the 1920s and 1930s, and also served as Speaker of the House during the second term of Franklin Roosevelt.

As Chairman Hayes will discuss in his testimony, the Bankhead National Forest is a vital component of the local economy in Winston County and the surrounding area. Timber harvesting and

recreation has served as mainstays for years, but both are being seriously threatened by the actions largely taking place far away from Bankhead National Forest.

Chairman Hayes will be able to spell out in greater detail the impact on Winston County and the surrounding counties, and the legislation your Subcommittee is considering presents a modest, balanced approach to this problem, and I am hopeful that a bipartisan consensus can be forged as we move along in this process today.

Thank you very much.

Mrs. CHENOWETH. Thank you, Mr. Aderholt. The Chair does recognize Mr. Adam Smith, if he has an opening statement.

Mr. SMITH. I have no opening statement. Actually, I will wait for the witnesses and ask questions at that time.

Mrs. CHENOWETH. Thank you, Mr. Smith.

Now, it is my privilege to invite to the witness table Mr. Roger Hayes, properly introduced by Congressman Aderholt. And joining him will be my witness from Boise, Idaho, the Director of the Idaho State Department of Land, a gentleman I am very, very proud to work with, Mr. Stanley Hamilton. I would also like to introduce Mr. Jack Phelps, who is the Executive Director of the Alaska Forests Association in Ketchikan, Alaska, who I am equally pleased can be with us today. This is a fine and distinguished group of witnesses.

Before you begin your testimony, I wonder if you might stand and raise your hand to the square.[Witnesses sworn.]

We will open our testimony with Mr. Hamilton.

STATEMENT OF STANLEY HAMILTON, DIRECTOR, IDAHO STATE DEPARTMENT OF LAND, BOISE, IDAHO

Mr. HAMILTON. Madam Chairman and Members of the Committee, good afternoon. My name is Stan Hamilton. I am the Director of the Idaho Department of Lands, and in this capacity I also serve as the Idaho State Forester. I am a Past President of the National Association of State Foresters, and currently serve that organization as Chair of the Forest Health Committee.

A little bit of background about the Idaho Department of Lands is in order. We are responsible for the management, protection, control and disposition of about 2.5 million acres of endowment trust land and associated resources. We have about 750,000 acres of commercial timberland, and also a very viable and thriving cooperative forestry program in which we help small, industrial, private landowners deal with forestry issues on their lands.

Idaho is blessed with some of the most productive forests in the Nation. We now support about 170 primary wood processing plants, and of course provide habitat for game/nongame wildlife, clean water for fish, recreational opportunities, and scenic qualities for which Idaho is famous.

We have nearly 22 million acres of forest land, of which 74 percent is managed by the National Forest, 10 percent by the State of Idaho, the Bureau of Land Management and the Bureau of Indian Affairs, 11 percent by nonindustrial private landowners, and about 5 percent by industrial private landowners.

We have a new bug problem, one that began about three years ago in 1996, after a very large, major ice storm which struck the

Idaho Panhandle. It is shown on both of these maps here before you. This map perhaps shows it the best. It basically attacked the Kootenai County area around Coeur d'Alene, Idaho, but the problem has very quickly moved off of private lands and onto the Federal forest lands. There is a map with my testimony which shows the results of the current situation that we have.

Currently, entomologists call this the most severe Douglas-fir beetle infestation in northern Idaho since the 1950s. We believe that the Forest Service must consider immediate action to reduce the potential risk of high intensity wildfire and bark beetle infestation onto adjacent private lands. In this situation, a need exists to consider alternative arrangements for compliance with the National Environmental Policy Act, or NEPA.

The bill that you have under consideration, the Federal Forest Emergency Act of 1999, will authorize the Council on Environmental Quality to expedite the NEPA process during emergency insect and disease infestation situations.

As I indicated, climatic conditions set the stage for our Douglas-fir bark beetle outbreak. An ice storm in November 1996, followed by near record snowfall during the winter of 1996-97, caused extensive damage to the forests of northern Idaho. Thousands of damaged and downed trees provided ideal conditions for various bark beetles, including the Douglas-fir beetle, to breed and build up populations.

An unusually hot, dry summer in 1998 only contributed to an inevitable outbreak. Under these conditions, Douglas-fir beetle populations exploded from normal, endemic levels to epidemic levels.

Our attention now focuses on the Douglas-fir beetle. However, the same climatic conditions also damaged or downed other conifer species as well. As a result, we have seen increases in various bark beetles that attack these species. In particular, the pine engraver beetle is attacking ponderosa and lodgepole pine. This map shows the area of infestation.

I think that the ponderosa pine beetle, the attacks on ponderosa pine, showed up first in the areas on the map that are shown in purple or lavender. These areas are actually as significant as the Douglas-fir beetle. Most of them, however, occurred on private lands and have been dealt with very quickly.

Could anything have been done to prevent this insect outbreak? Yes. Prompt salvage and clean-up of downed and damaged trees would have eliminated the food source for bark beetles. It may not have totally prevented an outbreak, but it would have greatly reduced the magnitude of what we are now experiencing.

Many nonindustrial private landowners responded quickly in cleaning up following the winter storms. Extensive educational efforts encouraged landowners to protect undamaged trees by removing the down material that provides the breeding site for bark beetles. In some cases, this was also a necessity in order to regain access to rural homesites and restore downed electrical power. We had roads closed and power out everywhere, and in many cases the only way to get anywhere was to saw their way out.

As a response to the need to clean up stands, the private timber harvest in Kootenai County, the area surrounding Coeur d'Alene

that sustained the heaviest ice storm damage, jumped from 51 million board feet in 1996 to 85 million board feet in 1997.

Certainly not every one of those landowners intended to harvest timber that year, but they needed to do so in order to deal with the beetles. Industrial private lands and state lands were harvested because we have an obligation, we feel, to salvage, and we do so whenever it is economically feasible.

The National Forests, particularly the Idaho Panhandle National Forest, sustained heavy damage also. Aerial surveys conducted that summer and the Fall of 1998 detected an epidemic level of Douglas-fir bark beetle activity. Moreover, field surveys indicated that for every attacked tree detected from the air, there was an average of about eight additional trees that had been attacked but were not yet visible. In other words, the trees were gone but did not know it yet.

In mid-January 1999, the Forest Service released a Douglas-fir Beetle Project Draft Environmental Impact Statement that addressed the situation on the Idaho Panhandle and Colville National Forests.

I applaud the Forest Service for putting together a document of this magnitude, about 900 pages, in such a short period.

I am also pleased to let you know about the extensive cooperation between the Forest Service and the Department of Lands in dealing with this situation. We have co-hosted meetings with some 500 people—one of those meetings had about 300 people at it. All of the meetings went very well, with a good exchange of information. The Idaho State Land Board, consisting of the Governor and four other statewide elected officials, asked to be briefed on this problem after the meeting.

The Draft Environmental Impact Statement estimates 150,000 acres of timber under attack by the Douglas-fir beetle with a potential of growing up to about 250,000 acres.

The Forest Service wants to do restoration treatment on about 25,000 acres. Revenues from the estimated 150 million board feet will help fund watershed resoration projects such as road closure and obliteration and improve substandard roads that pose a risk to water quality.

Since only a fraction of the total acres of bark beetle attack will receive some degree of treatment, projects are proposed primarily in areas where national forest lands lie in proximity of private lands. This map over here shows that frontage. The real problem that we have here is that many of the private landowners along the boundary have already cleaned up their lands as far as the beetle are concerned, and now they face a situation where the beetle is coming back off the Federal lands onto their private lands. Needless to say, they are concerned.

We expect in some of those areas that we will have some potential wildfire problems and, as the agency that deals with wildfire suppression, we want to make sure that we have as little a problem on the state and private lands as we can.

In conclusion, just a year ago, the CEQ granted alternative arrangements for NEPA requirements for a similar situation in Texas. As a result, downed and damaged timber was salvaged before it lost value, the threat of high intensity wildfires was reduced,

and a potential bark beetle infestation was averted. This was the first time ever for the CEQ to grant alternative arrangements for the removal of timber.

The big difference between the Texas and Idaho situations is that in Idaho the bark beetle outbreak has already killed trees on 125,000 acres. We think that the Forest Service needs to take quick action to reduce the spread of these insects and, most importantly, reduce the risk of catastrophic wildfires.

Your bill, Madam Chairman, will go far towards allowing the Forest Service to proceed rapidly in the current situation and provide timely action. Thank you.

[The prepared statement of Mr. Hamilton may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you, Mr. Hamilton, and I notice that you greatly summarized your testimony.

Under unanimous consent, your full testimony will appear in the record. Thank you. And I want to remind the witnesses about our lights up here. They are sort of like traffic lights. Green, proceed; and like in traffic lights, when the yellow light goes on, step on the gas, and when the red light hits you, it means stop.

So, with that, I am very pleased to call on Mr. Phelps, from Alaska.

STATEMENT OF JACK E. PHELPS, EXECUTIVE DIRECTOR, ALASKA FORESTS ASSOCIATION, KETCHIKAN, ALASKA

Mr. PHELPS. Thank you, Madam Chairman and Members of the Committee, for the opportunity to address you today. My name is Jack Phelps, and I am the Executive Director of the Alaska Forest Association, which is the statewide forest products industry trade association for Alaska. We represent about 300 companies doing business in Alaska. I am also a member of the Society of American Foresters.

The mission of the Alaska Forest Association is to advance the restoration, promotion and maintenance of a healthy, viable forest products industry, contributing to economic and ecological health in Alaska's forests and communities.

Alaska contains about 248 million acres of Federal land, including the two largest forests in the 191 million-acre National Forest System, The Tongass at 17 million acres, and the Chugach at 5.5 million acres, or a little bit more than that.

Because of the high amount of annual rainfall in southeast Alaska, fire is not a major problem in the Tongass National Forest as it is in many national forests. On the contrary, the problem is windthrow. Windthrow events of up to several hundred acres are not uncommon, and if the event occurs in areas designated for timber management, the Forest Service commonly includes salvage opportunities in its timber sale program. However, as you, I am sure, are well aware, the majority of the Tongass is not in areas managed for timber management, therefore, large areas of windthrow go untended.

From a forest health and diversity standpoint, we have a forest health problem in the Tongass that is yet being investigated, and has to do with about 279,000 acres that are affected by yellow-cedar decline. This is an ongoing problem and one that seems to

be accelerating, and one that we, together with the Forest Sciences Laboratory at Madison, Wisconsin and the University of Oregon are investigating. But we do have, in the Chugach and areas of southcentral Alaska, what genuinely is a forest health crisis.

This is the unprecedented epidemic of spruce bark beetle infestation in the Kenai Peninsula, the Anchorage and Matanuska-Susitna areas and up into the Copper River Valley. This epidemic has resulted in heavy mortality of white, Sitka and Lutz spruce on more than 3 million acres.

I have a copy that I will leave with your staff, of a very recent forest health report from Alaska, and on this page—you probably cannot see it very well from there—but it shows a stand of trees near the tip of the Kenai Peninsula with 100-percent mortality.

Throughout the Kenai, the mortality rates tend to be in excess of 85 percent on the white spruce stands and, as I said earlier, bleeding over into the Lutz and Sitka spruce along the eastern coast of that peninsula.

Impacts of this epidemic include the loss of the merchantable value of trees, the loss of wildlife and fish habitat, the loss of scenic qualities, and the prospect of long-term stand conversion and fire hazards. The stand conversion problem is exacerbated on the Kenai by the prevalence of invasive grasses which will impede, and in many cases prevent, natural reforestation.

Forestry responses to the heavy mortality have been mixed. The Alaska Native corporation landowners have been harvesting their trees, salvaging value and creating economic activity in both the western Kenai and in the Copper River area.

The state, though initially slow to act, has been aggressive in recent years in selling dead and dying timber from beetle-infested stands. Nearly 1.5 million seedlings have been planted on state lands in the past five years, all paid for by the timber sale program which harvested primarily beetle-killed and beetle-damaged trees. This was on state land. This mechanical reforestation will ensure that the harvested state lands will in the future host a healthy spruce forest once again, a situation that would be unlikely had the state chosen to leave the dead trees untended.

Federal land managers, on the other hand, have been paralyzed, and have taken virtually no action to address the massive loss of spruce forests either on the Kenai or in the Copper River area.

In 1996, under the provisions of the salvage law passed by Congress in 1995, the Forest Service prepared NEPA documents for the salvage of 116.6 million board feet of timber on 18,500 acres. The cost of the NEPA documentation ran to $7 million. The sales were challenged in court, and after spending approximately $35,000 in litigation, the Forest Service simply decided to drop the salvage program. That it did this at a time when a very high timber market was developing makes the decision all the more indefensible.

The agency thus chose to throw away the taxpayers' money already spent on NEPA and to forego activities that would have been beneficial both to the local economy and to the forest. Had the Federal agency followed the lead of the State of Alaska, the Chugach National Forest could have used the salvage sale program to en-

sure the reforestation of such ecologically important and tourism sensitive areas as Kenai Lake and Moose Pass.

I do want to point out that not all of the, or even the majority of, beetle-damaged Federal lands in southcentral Alaska are under the control of the Forest Service. Much of that heavily infested land in the Copper River area is controlled by the National Park Service. About one-third of the beetle-affected lands on the Kenai are under Federal ownership. The largest part of that is the 1.9 million acre Kenai National Wildlife Refuge, managed by the Fish and Wildlife Service.

Last year, the Refuge alone suffered active beetle infestation on more than 233,000 acres. On the other hand, total affected acreage on the Chugach National Forest, including both active infestations and mortality from prior years, is just over 30,000 acres. Both the Forest Service and the United States Fish and Wildlife Service could, and should, allow for the harvest of some of this timber to provide for mechanical reforestation to replace those spruce forests which will all be dead within a matter of a few years.

I simply think that the legislation that you have proposed makes good sense. Rapid action on the part of the landowner to harvest these beetle-damaged trees is very important because our spruce loses value for sawlogs after about three years. It loses value even for chips after about seven years. The actions the state has taken came late in the game, in time to get most of the value out of a lot of these stands, but they are losing—they are down to many stands which will not provide the value that would provide for reforestation.

I encourage you to include in your proposed legislation a section that identifies the 30,000 acres on the Chugach National Forest that could also be addressed in the same manner as other sections in your bill.

I think that also—one final, parting shot here—please do not let the Forest Service eliminate the timber salvage fund or the KV Fund, which I understand has been considered by the Chief, and which would further impede the kind of efforts that you are attempting to make with this piece of legislation. With that, I conclude my comments and will be available for questions.

[The prepared statement of Mr. Phelps may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you very much, Mr. Phelps.

The Chair now recognizes Mr. Hayes for your testimony.

STATEMENT OF ROGER HAYES, CHAIRMAN, WINSTON COUNTY COMMISSION, DOUBLE SPRINGS, ALABAMA

Mr. HAYES. Good afternoon, Madam Chairman, Members of the Subcommittee. I would like to thank you for this opportunity to express my concerns of negative impact that natural disasters are having on my county.

In 1998, a severe ice storm struck Winston County, causing major damage to timber located within the county.

Winston is a rural county located in northwest Alabama, population of approximately 23,000. Located within the boundaries is 89,000 acres of the 180,000 acre Bankhead National Forest. Of this 89,000 acres, 51,710 acres are not accessible or have limited access

for timber harvesting due to the Wild and Scenic River Act, the Wilderness Area, Semi-primitive Area, and Native American Values.

Winston County has 50-57 industries that incorporate some form of use of the timber. Timber harvested from property in the county is usually pulp wood grade, whereas the National Forest timber is usually a high grade of saw timber. However, when timber is damaged and not harvested within an appropriate time, it detracts from the appearance and use of the forest and limits the benefits to the county.

When natural disasters strike, such as fires, tornadoes, ice storms, insects and disease epidemics, timber harvesting must be expedited in order to prevent further damage. In the period of 1993 to 1998, there were six to eight natural disasters within the Bankhead National Forest.

In order to harvest damaged timber, there can be as much as a 200-day delay due to environmental assessments. Within this time period, insects and disease will cause further deterioration of usable timber.

Revenues are continuing to decrease due to delays in harvesting damaged timber, logging being prohibited in a wider area next to stream beds, management research with fish and wildlife and intense study of endangered species such as fresh mussel, flat musk turtle and bats. Endangered species must and can be protected without allowing valuable timber to rot and decay. All contributing factors must be assessed in a timely fashion to allow for the most beneficial outcome.

Our county receives 25 percent of the proceeds from timber harvesting and recreation in the National Forest. Of this 25 percent, 4 percent is from recreation and 96 percent is from timber harvesting.

Revenues from the National Forest are divided, 50 percent for education and 50 percent for roads and bridges. The road and bridge portion is spent on road repairs, resurfacing, preparing site access for new industries and developing plots for wildlife. Also, the Forest Service receives money to keep up their roads, their parks that they work. Also, they have game plots for the wildlife.

In your package, you can see from 1986 to 1997, you have figures there showing what was brought in each year, and half of that goes to roads and half to the bridges, and that is an average of $168,559, and this year it is down to $68,000. That is $34,000 to roads and $34,000 to bridges.

Not only does managed timber harvesting offer financial assistance to the county, it also serves to protect our forest from disease and erosion. It helps to keep the forest well manicured and in the most suitable condition for recreational use. Even though some people only see our national forest as places of recreation, which is important to our county, recreation can never replace the timber industry.

Timber harvesting and recreation in our national forests play an important role in the lives of the people of Winston County. I have been a life-long resident of the county. As a child and a young man, I spent many hours in the forest, mostly for recreational purposes. When I finished high school, I was 17, I could not get a job any-

where else, so I worked there at the sawmill. And you folks that know about that, it did not take me long to figure out I did not want to do that for the rest of my life. My dad had five log trucks. My granddad and great-granddad lived in the forest.

There is a church over there, it still stands, where my dad went to school. I have a lot of relatives buried there. I have classmates that live in this area. There's two main roads that come to and from, and there are two communities over there, Moreland and Grayson, and I will give you some further information on that. So, what I want you to know is I do have family ties, I do have interest, history interest and background in this forest. However, as an adult, I see the important role the forest plays in our economy. As a private citizen, I observe the impact forest timber has on the lives of family and friends who have been involved in the timber industry for generations.

As Chairman of the County Commission, I must continually travel through the forest to observe road conditions. This gives me ample opportunity to observe the condition of our forest and determine the impact it will have on our county. The residents of our county believe the National Forest should be a benefit to the people of the county. It is a great place for recreational purposes, but its resources must be managed to reach the highest potential.

I believe that alternative arrangements for the harvesting of damaged timber must be enacted in order to preserve our forest and the opportunities it presents.

I have talked to other counties. I am an Officer for the County Commission of the State of Alabama. I have talked to other commissioners that are in our county. There is politics on both sides, both parties were all in agreement.

Something has got to be done. We have all tried to do something about this in the past, and the people before us have, so we wish that you would consider doing something about that because it is not getting any better, it is getting worse on that, and our people sacrificed a lot for this forest, and we would just like to make it up to them.

Thank you for this opportunity.

[The prepared statement of Mr. Hayes may be found at the end of the hearing.]

Mrs. CHENOWETH. Mr. Hayes, I want to thank you for your testimony, and I want to thank all three of the witnesses for making the effort to come so far to be here to offer your testimony.

Without objection, I would like to ask unanimous consent to have Mr. Phelps' report be made a part of the record, if it has not been a part of your testimony.

[The information may be found at the end of the hearing.

Mrs. CHENOWETH. With that, we will now open this section up for questions from the Members, and we will begin with Mr. Aderholt.

Mr. ADERHOLT. Thank you, Chairman Chenoweth. I have just got a few questions I want to direct toward Chairman Hayes, and some of these things I think you may have alluded to in your initial testimony, but just recap maybe exactly how would a decrease in the forest revenues affect the county as a whole.

Mr. HAYES. The county and the Forest Service have a co-op agreement to maintain roads in the forest, and with this agreement, if we do not have this money, we cannot maintain the roads that it takes that go in and out of the forest.

We have got to amend this law. We have got to have some type of balance on this, and this money that comes in from the timber sales is part of our budget, and it gives the people of our county some type of service. And, also, again, the Forest Service depends on this for game plots for wildlife and roads, and they keep up their parks that they already have in the Bankhead Forest.

Mr. ADERHOLT. As far as economic development, what role does the National Forest Service play in that regard?

Mr. HAYES. A study was done by Governor Guy Hunt in 1989 and 1990 of the counties in the State of Alabama that have national forests, and in our area tourism was the number one priority, and they said that would be the best way to improve our forests on this. We would have two new recreation areas, and we have two that have been upgraded. These facilities attract tourists that come into our county. They spend money, and that helps other businesses that make money off of them also.

In our packet, you have two pictures, and this is one of the main roads. And of these two roads that go through the forest, if we cannot keep those things up and keep them in good working order for these manufacturers, we have got to have some way to deliver the supplies to this manufacturer. Also, there is a $3-$4 million timber mill that is in that area. It has got to have some way to have the people come in and out to it. We also have approximately 125 miles of trail, and tourists do not want to come in there—if they cannot get to the camp sites and they cannot get to the trails, they are not going to come into our area, and we have got to have every advantage that we can.

Mr. ADERHOLT. I think that really was my next question, talking about how timber harvesting is compatible with tourism and roadways and wildlife, and I think you have addressed that as far as the access in and out of the Bankhead Forest because of the major road that runs through there, which the photos are an example of that. What about as regard to wildlife?

Mr. HAYES. Well, this helps maintain, the money that the Forest Service gets, helps maintain the food plots that are planted for the wildlife. And when you have trees down and when you have beetle-infested, if you do not get them up, when a forest fire comes in all the beetle spread. It is a lot easier to control the loggers that come in than it is to control a fire and the beetles. And when you are looking at these folks that log in there, you are looking at the possibility not of huge companies coming in and just wiping everything out and tearing up more than they are getting out, you are looking at mom-and-pop operations. These folks have been in Winston County for years. You are talking about single-axle, ton-and-a-half trucks and not 18-wheelers. So, with that and with both of them, we think that this would be sufficient.

Mr. ADERHOLT. Lastly, what effect does timber harvesting have on endangered species?

Mr. HAYES. Again, if we do not manage our forests in a more productive manner, there will be no habitat for endangered species be-

cause it has been destroyed by rotting or decaying or infested by insects, pine beetles and so forth. Again, I have just completed 18 loads of logs where my home is from this ice storm. Since I have been—and I have lived on both sides of the county—we have had three ice storms since 1970, not counting tornadoes. They have logged out 18 loads of logs, and I live on seven and a half acres and I have about six acres of wood. The reason I had to, because so much damage, because I did not want to come back here in the summer and let the beetles—because I did not cut any tree that I did not have to on this.

Again, we have families in—and I am summing up—we have families in the National Forest that is on—not on this road on your map or the pictures that you have here, but another road—we do not just have 89,000 acres, we have people in communities that live in there. We are trying to get water to these folks now, and we are just trying to speed up—I can be working on water projects right now, but I appreciate the fact that you all let me come and testify. And, Robert, I want to thank you for your interest and your concern and helping us in this matter. And I think we need to put common sense back in it, and common sense has got to prevail in this matter.

Mr. ADERHOLT. Thank you. Thank you, Madam Chairman.

Mrs. CHENOWETH. Thank you, Mr. Aderholt.

The Chair will recognize Mr. Smith.

Mr. SMITH. Thank you, Madam Chair. I certainly recognize the benefits of timber harvesting public lands, and you have mentioned just a few of them. The counties are dependent upon the money, and I concur with most of the analyses of the benefits of that.

The question I have is the NEPA process itself, does it have any legitimacy? Do you support it in general? Do you think that that plan that has been developed for managing and regulating and considering environmental concerns has any legitimacy—putting aside for the moment the issue of emergencies—do you think that process in and of itself works? I understand the benefits of timber harvesting and all that goes into it, but that is not what we are talking about in this bill. We are talking about whether or not that, as regulated by NEPA, can still function. So, that gets right to the heart of does NEPA work, forgetting about emergencies for the moment.

Mr. PHELPS. Was the question addressed to all of us, sir?

Mr. SMITH. I do not know, whichever one of you wants to step up. I think you were all equally convincing in your opening argument, so whichever one of you wants to answer it is fine.

Mr. PHELPS. I will take a shot at it, sir. I think the answer is complex. NEPA certainly serves an important function in that it requires that a process be followed by the agency that allows for public input and for broad agency input.

The problem with NEPA is that it is an open process that never—it very often is very difficult to bring it to finality and bring it to conclusion.

I mentioned in my comments, for instance, the extreme cost of putting together NEPA documents for a harvest that ultimately then did not take place. And we may believe in public process, sometimes public process can take too long to allow the agency to

respond quickly when it needs to. And, as I mentioned, if you are going to get the full value out of some of these trees to pay for the reforestation effort, you cannot allow it to drag out for two or three years, which it easily could do.

Mr. SMITH. So, the threshold question, you think, independent of the emergency situation we are talking about here today, you think NEPA itself needs serious reform?

Mr. PHELPS. I really do. In fact, I testified before this very Committee a couple of years ago to that effect.

Mr. SMITH. I just wanted to get that out. The second question I have is, when does a problem become an emergency, basically, because there is no question there are consistently problems in the public forests. I mean, you can fairly clearly define a problem, and there is no question that a problem is a problem, but is it an emergency, and how would you draw the line between those two things because, theoretically, that is the purpose here. You are not supposed to go outside of existing laws just because there is a problem. There is always problems. When does it cross over the line and become an emergency, and what are some of the factors that you would think would be most important in that? Mr. Hamilton, you have not had a chance to answer a question yet.

Mr. HAMILTON. Mr. Chairman, I do not know whether there is any right answer to that. I mean, you cannot always——

Mr. SMITH. It is important to get to the crux of the matter, though.

Mr. HAMILTON. I think it becomes an emergency when the people in the community that is around the area feels that it has become an item of concern. In this problem in Coeur d'Alene, the people in the community recognize that for an emergency, for a serious problem, long before the Forest Service did and began to deal with it. This is part of the problem. There are 900 pages here in this Draft EIS. It spawned a 55-page response from a consortium of environmental groups who were opposed to the project, most of them from out of the area. I do not know whether anybody reads 900 pages worth of material like this in order to try to reach a decision.

Mr. SMITH. I am sure it has got a great summary. I am sorry.

Mr. HAMILTON. The people that work for me are trained in the same schools and they are just as good as the Forest Service hires, and we recognized this for a problem and an emergency a long time ago. And I think that the Forest Service folks did, too, and I think that this became more than an analysis to them, it became an impediment to any kind of an action.

Mr. SMITH. But, factually, can you help me out with in terms of forest—I hear you in terms of local control and so forth; on the other hand, I am not sure that the person most closely and personally directly affected by a problem is the best person to say that that is an emergency because all of my problems are emergencies. All of your problems are, well, we will see. So, I am worried about that answer. I am looking for more like what are the specific how many bugs, how many trees down, what is contemplated to cross over into an emergency. Mr. Hayes?

Mr. HAYES. Well, an emergency to us is an emergency when it costs us education money, when it costs us road money, when it costs people jobs in our county, when we cannot go through our

roads, when we cannot clean up our roads, where we have places where fires are burning and people cannot get in to use our recreation. It may be on a small scale, it could be on a large scale, to me it is when the local folks——

Mr. SMITH. That kind of says just about everything is an emergency then, and that is an argument, but that is kind the answer you are giving me.

Mr. HAYES. Well, when it costs money and people start coming at us local folks.

Mr. SMITH. Thank you. Mr. Phelps.

Mr. PHELPS. Thank you. I guess I would suggest at least three criteria. One, if the situation—and I will limit these comments to the forest situation since that is the subject today—when the situation poses a threat to human life, significant threat to human life, such as on the Kenai, because of the increased fire hazard; when it poses a significant threat to private property that needs to be addressed right away; and then, thirdly, I would say you have an emergency situation when you have a significant threat to the ecological well being of that forest or that area of that forest. I would say under any one of those three criteria, if the need to act quickly is part of the solution, then you have an emergency situation.

Mr. SMITH. I am sorry, Madam Chair, is it possible if I could go—I did not use my opening statement, I will use a little extra time now.

Mrs. CHENOWETH. Certainly.

Mr. SMITH. So, I gather then that it is your opinion that the Forest Service just is not getting the job done because the current method for doing it basically is for the Forest Service to listen to the locals. I mean, they have their criteria laid out here similar to the criteria you just mentioned, as a matter of fact, to evaluate and decide whether or not to ask for the emergency, so in overriding the Forest Service, the presumption has to be here that you feel the Forest Service is not adequately doing the job. Is that a correct assumption and, if so, spin that out for me, why?

Mr. HAMILTON. I guess, Madam Chairman, I would take a shot at that. First of all, I think that the Forest Service is doing a fairly reasonable job on the Panhandle. They recognized the problem early on. I do not believe that they have responded as quickly as they should have, but a lot of that has to do with the process that they go through.

I spent 18 months with a group of folks from our state, going around the state talking to Forest Service people, talking to BLM people, about forest management. And one of the things that became very clear in that 18-month discussion was that the Forest Service folks go to the same schools as everybody else. They want to do the same kind of good job that everybody else does. But they have a set of laws and a set of regulations and so forth which are sometimes mutually exclusive and take them in different directions. And it is very, very difficult to arrive at any kind of a decision when you have conflicting——

Mr. SMITH. I am sorry to interrupt, but the point is, they could declare an emergency, that is what I am talking about. They have that process which they would bypass the laws in the same manner that this bill is asking CEQ to bypass those laws. So, the process

is there, but what I am asking is if the process is so cumbersome and it is an emergency and the Forest Service has the tool to say it is an emergency, ask the CEQ to step in, and they are apparently not doing that.

Mr. HAMILTON. I think, Mr. Chairman, sir, that if the Panhandle Forest supervisor had felt that that was an option, that he would have undertaken that because I do not think that he would have wanted to go through the process as fully as they have had to go through it, if he could have found a substitute for that action or process.

Mr. SMITH. Mr. Hayes.

Mr. HAYES. In our county, the Forest Service wants to work with us, but they have to go—like the NEPA program. We had a water project going to Moreland-Grayson for the grace is they had an old permit that went back into the 1950s. We could not lay a water line, and we are getting ready to submit an application for water to those folks. Those folks have to bring in their own drinking water. There are about 170 families. The Forest Service, again, the NEPA program is so big, and by the time they get through doing all this, it is so time-consuming—and in our area, the Forest Service wants to work with us, or seem to, but they have to go through all this long process to get there.

Mr. SMITH. Maybe I need a point of clarification here, but as I understand the law, what we are trying to do here is we feel like the CEQ needs to get involved more quickly, so we are directing the White House to directly say to the CEQ, "These ten areas, we want something done on them." I mean, if the Forest Service thought that had been done, could they not forward that same sort of request directly to the CEQ right now and ask for an emergency? I mean, maybe that form is long, but it seems to me like it would be pretty quick.

Mr. HAYES. I was not aware that they could come in and do this. My understanding is that it is just so much time involved that——

Mr. SMITH. Yes. But, see, the bill that we are working on here—yes, that is the problem. There is an emergency process out there right now that the Forest Service can directly request CEQ. What this bill is saying is that that process is not working. We need to specifically direct—we need, in essence, to forward that request that the CEQ go over the Forest Service's head and direct them to make those requests. So, that is what the bill does. The Forest Service is coming up next, and we can ask about it, but if the Forest Service is doing their job, then we do not have a need for this piece of legislation. It is only if they are not that we do.

The last question I have, and I appreciate the Chair's indulgence, is, the CEQ has done like 30 of these over the course of 20 years, and the question is, if we get in the habit of going at them with an emergency—because once an emergency request is made to them, they do have to go through a process, and this bill, in fact, directs them to go through a process and say yea or nay on the emergency, and give us an explanation.

Is the CEQ equipped to take this many emergency requests and deal with that? And the other thing is, if the Forest Service is doing their job—and from what you gentlemen say out there in the local—I mean, you see to have fairly good relations with the Forest

Service—the way this is supposed to work is it is a local component. The locals get together and say, "Hey, we have got an emergency." They go to the Forest Service, they then have that local input, they kick it up to the CEQ and go from there. We are kind of not only going over the head of the Forest Service in doing this, but we are going over the head of the locals as well, directly to the CEQ. We, in Congress, are making that decision. And I am just wondering is the CEQ in a position to field that many requests, and what does it do to that local component? Mr. Hayes, and then Mr. Phelps.

Mr. HAYES. Is there a difference in our local Forest Service than up in DC? Are they abiding by different laws, or they have different procedures that they have to go through?

Mr. SMITH. The local Forest Service versus the DC Forest Service? I do not think so, not in this area. I mean, I am sure there are differences, but it seems to me like they are connected.

Mr. HAYES. The CEQ process is still such a long—of course, what you are asking us, I really do not know the Forest Service may, when you are getting into the technical—they may have to answer that part there.

Mr. SMITH. Mr. Phelps?

Mr. PHELPS. Yes. It is kind of an interesting question because you ask would this legislation be going over the head of the Forest Service, but also over the head of the local folks, and my perception is that with respect to some of these kinds of situations that we are talking about here, there is a significant amount of the local public that would like to see some action. And in the case, for instance, the one I mentioned earlier, where they did all the NEPA work and then dropped the thing at the last minute, it was because of the objections of some very small special interest groups.

So, I see this legislation as being the representation, as it should be in this country, of our representatives saying the people are speaking and they want something done about these particular areas, and trying to, as you say, leap-frog over an agency that is caught in its own web of gridlock.

I agree a little bit with what you said about us having, at least in our region, a good relation with the Forest Service on one level but, on the other hand, we are very frustrated by their unwillingness to act in ways that they clearly should act, given the mandates that they have to protect the forests and maintain them in a healthy condition.

Mr. SMITH. I understand. Just two closing comments. One, we are going over the head of the Forest Service to the White House. Those are the people we are now giving the power. The second thing is, I guess within any local community you have your interests and then you have the special interests on the other side of it, and that is kind of what we have to do in our job, is balance a lot of competing interests and try to come up with the right situation. I appreciate you gentlemen's answers, they have been very helpful. Thank you.

Mrs. CHENOWETH. I thank the gentleman. I think that Mr. Smith's comments were very thoughtful, and I think it provoked some good dialogue. In Section 1611, subsection (b), I would like to read for the record that it states: "Nothing in the above section

shall prohibit the Secretary from salvage or sanitation harvesting of timber stands"—and here comes the definition—"that are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The law specifically states the Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the planned volume." Now, that language has never been altered, it is still good law.

And so what we are trying to do here with this legislation is exactly what Mr. Smith said. We need, apparently——

Mr. SMITH. I am sorry, I want to ask a question about that.

Mrs. CHENOWETH. If you will let me finish my statement—apparently we do need to go directly to the Secretary and the White House because the Forest Service has not moved under the authority that Congress has given them, for various reasons. And I look forward to hearing their testimony, and I will yield to Mr. Smith.

Mr. SMITH. As I read the section you just read, that is not the section that says if this is present we can override existing laws. That is the section that describes when a salvage sale is permittable. It is supposed to be done within the context of existing laws. I mean, that is different from what we have been talking about today, which is an emergency situation where you can override existing NEPA laws. This section does not say that you override NEPA in those circumstances.

Mrs. CHENOWETH. And that is precisely why we are adding the NEPA language. It gives a good, strong definition of what a salvage situation would be, which is what you predicated your first question on.

Mr. SMITH. Right, a good, strong definition of what a salvage situation would be, not a good, strong definition of what an emergency situation would be. They are really kind of apples and oranges. But, anyway, I have made my point.

Mrs. CHENOWETH. There is another section which does provide for emergency, and I would be happy to share that with the gentleman. With that, I would like to call on Mr. Don Sherwood.

Mr. SHERWOOD. Thank you, Madam Chairman. I think it is obvious from the testimony I have been listening to, that if salvage situations were always expeditiously handled by the Forest Service, we would not need an emergency bill. But from what I am hearing from all you folks, we do not necessarily get around to do that.

Someone testified—and I apologize for not being clear—about the time that we have for sawtimber we have so long, and for pulp we have so long—was that you, Mr. Phelps?

Mr. PHELPS. It was.

Mr. SHERWOOD. Would you get back into that for me because I think that is something we need to know.

Mr. PHELPS. Obviously, it would vary with the situation. It might be different with fire, but in the particular case of the bark beetle damage in the Kenai Peninsula, you have about three years to get decent sawlog value out of it. You have up to about seven years to get chip value. And after the eighth year, it is not worth much in terms of market value.

Mr. SHERWOOD. And my experience in the east would be that we have less time than that. When we are talking about quality hardwood lumber, it stains—if it is the white woods, it stains, and you just do not get the grade that you would if it is salvaged very quickly.

Mr. PHELPS. That is absolutely true, sir, and the only reason that you have an extended value timeline for this particular forest is because of the white spruce long-fiber value for newsprint. Quite frankly, a whole lot of it is being sold to three major producers of newsprint as chips. It is being chipped in a state-of-the-art chip facility at Homer, and shipped mostly to Japan. But in most situations, you would not have seven years to get value out of it.

Mr. SHERWOOD. And when you are talking about emergency or not emergency, to me, when you have—and I would like someone to agree or disagree—when you have the potential for major infestation because the species is living on the down timber, that sort of denotes an emergency to me because when we have a naturally occurring situation like growth or old growth or a decline, maybe that is not an emergency, but when you have something like an ice storm or a huge blowdown like we just had a tornado in northeastern Pennsylvania that put all this hundred-year timber on the ground and it is of very little value if you do not get right at it.

Mr. Hayes, the forest that you are referring to in Winston County, what is the general age of that forest?

Mr. HAYES. The general age, sir, I cannot answer the general age of it, I do not really know that, but I know that within 200 days—a lot is pine, and it is huge pine, but the Forest Service told me that it was prime timber, and I would say it is probably close to 40 years old, in that neighborhood.

Mr. SHERWOOD. And that is what I wanted to bring out. We think so often when we talk about the Western forests and the Northern forests, that it takes so long to grow a forest, and in your part of the country you get to merchantable sawtimber in 40 to 50 years very readily.

Mr. HAYES. Yes, sir. In 200 days, where he is taking three to seven years—200 days and our timber is ruined due to the warm weather and the rain and so on and so forth.

Mr. SHERWOOD. I wanted that brought out, too, because the window of opportunity is much shorter in the south than it is in the colder regions, and it is much shorter in the east where we are dealing with high quality hardwood. But I also wanted you to say—I hoped that you would—about the age of the forest because if we merchandize those trees that are down and get that cleaned up, we will soon have a new, healthy forest in the southeast, it does not take forever, and I think that is good management.

Mr. HAYES. Yes, sir.

Mr. SHERWOOD. Thank you very much, gentlemen. This was very interesting to me, and I think we are on the right track here.

Mrs. CHENOWETH. The Chair recognizes Mr. Peterson.

Mr. PETERSON. Good afternoon. As I have been listening to the discussion here, we have had some discussion about the title of this Act, the Emergency Act, but I guess living in the heart of the Allegheny National Forest, or living right near it in America's finest hardwood right next to Representative Sherwood, Pennsylvania has

the finest hardwood forests in the world, we think—in America, anyway—and being very familiar with the forest, it seems like we ought to be trying to prevent emergencies because when you are really in a state of an emergency with a forest, it is over. What can you do? I mean, when the insects have taken over, when you have had an extensive blowdown and there is a heavy fuel load on the floor, when you have a drought and there is heavy fuel load, you are already there, and it is a matter of trying to get it out before it burns or the insects move in and destroy even a greater area of the forest.

Is it your view that the NEPA Act, as it currently is written, does not give the Forest Service the ability to prevent emergencies? I mean, when there is a blowdown, immediately it is not an emergency unless the roads are blocked. It is not an immediate emergency. But it is going to be an emergency if it is not dealt with, whether the insects are going to come in or whether it is going to be fire which could totally destroy the forest floor, which it has in many places in this country. Does NEPA give them flexibility to prevent emergencies? That is what I think we ought to be talking about. Could we have your viewpoint?

Mr. PHELPS. Mr. Peterson, NEPA is a process piece of legislation, it is not a product piece of legislation. So, to the degree that the process results in forest plans that prevent the Forest Service from actively managing large tracts of its land, then I would say, yes, it prevents it. But as was really suggested earlier, the real problem here is an agency that seems to have completely lost track of its mission. And what Congress, I think, needs to do is give the Administration the appropriate tools to appropriately manage, but then, bottom line, it is going to take some commitment on the part of the Administration that happens to be in power at any given time, to really take those tools and run with them. And I think that is the frustrating thing for you folks, it would be if I were in your shoes, you can give them all the tools in the world, but the question is, how do you make them use them.

Mr. PETERSON. I am going to be candid here. My perception is that some members of the Administration might prevent our scientists from doing what they know is right today. Is that a fair assumption?

Mr. PHELPS. I see it all the time, sir.

Mr. PETERSON. Whenever we veer from sound science, sooner or later we are in deep trouble. And we can have political agendas. We can have people developing their own philosophy of totally no cut, totally no use. Just look at it but keep people out, a set-aside for the critters, whatever, but when we do that, it is just a matter of time before we are going to be in serious trouble because when you veer away from the sound science that we know, and so many people know, we are not going to end up with something that we like down the road. Do you agree with the concept of the legislation? Do you think this will help?

Mr. PHELPS. I do. I think that it is good legislation but, again, the problem is, it is very difficult for you folks to force people to do what is right. And this legislation would give them additional tools.

Mr. PETERSON. But if the problem is above the department to begin with, are we hitting our heads on the wall? I guess I am concerned with the undue influence of people who do not know sound science and do not know the issue, I know that is the problem we have dealt with on the A&F, people who do not really know and do not care about the science of the issue, but they have their own political agendas which are quite lucrative, and so they are preventing us from proper management of the resource.

Mr. HAMILTON. Mr. Peterson, if I could just comment on that, I think this legislation is good legislation. I think it is a situation where folks who live on the ground are saying "these are areas that are a significant concern to us because of the impact it will have on private landowners, on the citizens of the community." I think for the Congress to tell the Administration, CEQ, whoever, these are important to us and they need to be looked at, I think it shows the Forest Service that there is a route that can be used in order to deal with some of these problems and that they should take advantage of that opportunity to use it. So, I think the legislation is very good.

Mr. PETERSON. Should we change the title to Prevent Emergencies, because I think when you get to the emergency stage, it is ready to burn down. I just think maybe we ought to be trying to prevent, because when you have natural happenings that immediately good scientists know what is going to happen, but they seem to be unable to adjust their plan because of this very complicated process Congress has hung around their neck, maybe we ought to be looking at making that whole plan more user-friendly.

Mr. HAMILTON. Mr. Chairman, Mr. Peterson, I guess I would answer that by saying that I would like nothing better than to be able to prevent emergencies. Somehow they continue to keep happening. So, maybe if we deal with the emergencies and if the Forest Service or anybody else can sort out ways through watershed restoration or whatever other process—and there are lots of ways to do it—then we may reduce the number of emergencies we have. We are always going to have them. Ice storms happen overnight. They are a catastrophe, whether it is a tornado, whether it is a hurricane, ice storm, the "Route Blowdown" which was some kind of a mixing of major storms over the Continental Divide, we are always going to have those. We need to be able to deal with them quickly.

Mr. PETERSON. Thank you.

Mrs. CHENOWETH. Thank you, Mr. Peterson. The Chair will ask some questions, too. I will try to keep it under the five minutes. I do want to again respond to my colleague, Mr. Smith, who suggested that perhaps the bill we are considering somehow overrides NEPA. That is not the case at all. And I do not believe it was ever the intent of the White House to override NEPA on the Texas blowdown decision. Rather, what we are simply trying to do is what the White House did, and that was to institute an effective use of the emergency provisions of NEPA to address a very severe forest condition.

And the process that Mr. Smith referred to in the second part of his question—the first being what is an emergency; the second is are we overriding NEPA—the process is allowed in 40 CFR Section 1506.11, to which Ms. McGinty also refers in her letter to us re-

garding this very situation. So this bill does no more than what the White House did in intervening in the blowdown situation. And I would be happy to work with any of the Members to make sure that the bill does achieve those ends.

My questions are for Stan Hamilton. Mr. Hamilton, how will this proposed legislation make a difference in the Douglas-fir bark beetle problem in Idaho, as you see it?

Mr. HAMILTON. Madam Chairman, I think the answer to that is it will expedite the treatment of the material that is already down, dead and dying, and it will help to stop the spread of the insect infestation. The most important thing I think it will do is prevent insects from coming off of the Forest Service onto private land ownership through the use of treatments, and that will have a substantial impact on the community.

Mrs. CHENOWETH. Are there other agencies and organizations that are cooperating in this effort in Idaho?

Mr. HAMILTON. Several. First of all, I think that between the Department of Lands, who does deal with some of the Forest Service programs and works with industrial private landowners, we have had a very good cooperation in this process. The University of Idaho Extension Service has been very effective in helping to spread the word on what the problems are and how to deal with the problems. Everybody knows what the problem is, it is how do you deal with it. How can we, as private landowners, how can we salvage, how can we prevent the infestation from getting worse and taking out trees that we would like to leave there. The local community of Coeur d'Alene, Kootenai County, have been involved in this, and we have had a lot of good cooperation and good participation.

Mrs. CHENOWETH. Mr. Hamilton, in your view, what has the Forest Service done, if anything, to help adjacent private landowners to reduce the threat of the bark beetle infestation into their private property?

Mr. HAMILTON. There are several things. They are, again, working with other agencies to provide technical assistance and information on how to deal with the infestation. They are conducting mass trapping along the National Forest boundary, and that National Forest boundary here is several miles long, so it is a major situation. They have gone to EPA and asked them for an experimental system for—an experimental opportunity to use bark beetle pheromones. They are using those pheromones in two ways. One, to tell the beetle that lunch is being served in these trap trees. The second with a pheromone that says lunch is over, go away, do not fly here. And that seems to be helping. There are about 1,700 acres of private land immediately adjacent, and I think the Forest Service has tried to be a good neighbor there.

The other thing that they are going to have to do, though, is, they are going to have to try to deal with the dead and down material that is there now. The pheromones cannot really help with that because once it is down it will burn, and it is just a case of when and how bad the fire is. But we have been very pleased with the way they have tried to work with the local folks.

Mrs. CHENOWETH. Thank you, Mr. Hamilton. I wanted to ask Mr. Phelps, in these conditions that you have described in Alaska,

how appropriate is prescribed fire for resolving some of the problems?

Mr. PHELPS. That is an excellent question because it has been suggested, particularly, as I mentioned, on the Moose Range, by Fish and Wildlife Service, to use prescribed fire to deal with this. When you have as massive amount of acreage as we have with 85-100 percent mortality in the spruce there, prescribed fire is literally playing with fire. It does not make good sense because the ability to control it is too easy to lose. And if, for instance, you began a fire on the Kenai and it got out of your control, it would sweep the entire peninsula and would almost certainly destroy several communities and God knows how many people's homes, and lives could be lost as a result of that.

When you have, to summarize, the kind of acreages with the kind of mortality rates that we are talking about, it would just be catastrophic to suggest to set fire to it. I do not think that without some very extensive efforts, you would be able to contain those within the areas that you wanted them to stay in. And, furthermore, with the live tree fire, with a live forest fire, in a spruce situation, or most conifers, you have this flaring that takes place that fires quickly, and it moves through and it runs up the tree because of the resin content. When you have a massive dead situation, particularly with a lot of fuel loading on the forest floor like we have in the Kenai, you could very well, if you had a fire, end up with a situation similar to the Umatilla where I logged 20 years ago before I went to Alaska, and their recent fires burned so hot and so close to the ground, it literally sterilized the ground on many, many acres. That is the kind of thing you could have in the Kenai if you had a major fire.

Mrs. CHENOWETH. I see. Well, gentlemen, I want to thank you very much for your time and, again, I want to thank you. I know my colleague, Mr. Smith, joins me in thanking you for traveling so far to add your valuable comments to the record. The record will remain open for ten working days should you wish to add to or amend your testimony, and you are welcome to do so within that time frame.

So, again, thank you very much, and this panel is excused.

The Chair now calls Sandra Key, who is the Associate Deputy Chief, Programs and Legislation, with the United States Forest Service here in Washington, DC.

Ms. Key will be accompanied by Mr. Ron Raum, Forest Supervisor, National Forests and Grasslands in Texas, and Mr. Chris Holmes, Liaison to the EPA in the U.S. Forest Service. I welcome you and would ask all three of you to please stand and raise your right hand to the square.

[Witnesses sworn.]

STATEMENT OF SANDRA KEY, ASSOCIATE DEPUTY CHIEF, PROGRAMS AND LEGISLATION, U.S. FOREST SERVICE; ACCOMPANIED BY RON RAUM, FOREST SUPERVISOR, NATIONAL FORESTS AND GRASSLANDS IN TEXAS, AND MR. CHRIS HOLMES, LIAISON TO THE EPA, U.S. FOREST SERVICE

Ms. KEY. Good afternoon, Madam Chairman and Members of the Subcommittee. Thank you for the opportunity to be here and hear

this fruitful discussion and to discuss with you your draft legislation for alternative arrangements for environmental analysis and the National Environmental Policy Act, NEPA, compliance in emergency situations in the National Forest System.

As you mentioned, I am the Associate Deputy Chief for Programs and Legislation. I have also served as a Forest Supervisor and am familiar with many of the situations that face us in this field.

As you probably remember, last year the Forest Service testified before this Subcommittee on a very similar piece of legislation, and I am going to preface my remarks by saying that we have not had sufficient time to fully analyze this bill, and we recognize that it is a draft, and so my testimony is our initial reaction.

The National Environmental Policy Act is our basic national charter for protection of the environment. It establishes policy, sets goals, and provides the means for implementing the policy. The regulations issued by the Council on Environmental Quality in 1978 which implement NEPA provide for alternative arrangements to the normal procedures in emergency situations.

The CEQ regulations state, and I quote: "Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review."

In addition, the Forest Service NEPA procedures supplement this guidance by instructing forests to consult with the Washington Office on all nonfire emergencies when they think it may require consultation with CEQ about an alternative arrangement.

As you said, Madam Chairman, an emergency designation does not eliminate NEPA. It does not eliminate the public involvement or the environmental analysis. It does shorten the time frame, which is why you have the interest in it, I believe.

Let me discuss the three emergencies that we, the Forest Service, have sought and gotten approval since 1978 as emergencies. In 1992, in Portland, in September, the city was running out of water. They petitioned us for an emergency designation to pump 1.7 billion gallons from Bull Run Lake, hence, lowering it between what we had said was the threshold for lowering it. We and they understood that that was going to alter the ecology, affect the sediment in their water supply, and kill many of the fish population, but still, because of the threat to human health and well being, that exemption was granted, and they did pump a half-billion gallons before it finally rained. The good Lord intervened, if you would.

In 1996, the Forest Service and BLM experienced the Eighth Street Fire in your own home state. The Cascade Resource Area and the Boise National Forest underwent a devastating fire that impacted the watershed for the community of Boise. Again, we sought and got the emergency designation so that we could begin the rehab immediately because we knew that those were key watersheds not just for groundwater supply, but also for groundwater recharge. And we also knew from experience that in the 1950s downtown Boise had flooded very badly in a similar situation.

The third example, and one that I will not spend a great deal of time with because I have the Forest Supervisor from the Texas National Forest here with me today to answer your questions, is what took place in Texas last year, and it is a fine example. I spent the morning hearing about it. Last year, 103,000 acres were damaged in the Texas National Forest. Because of the threat to the endangered red-cockaded woodpecker and the fire threat to private property, we sought, and he sought, emergency designation, and it was granted.

Now, that term "emergency," I was delighted to hear you all do some discussing about what it means and what the definition of emergency is because it turns out, as you weave your way through our processes, we actually have two definitions.

The definition under the CEQ regulations is not written down. It is one that has evolved over time. So, let me share with you what we believe it is. That definition says that an emergency is such that these components must exist:

> First, if you do not take action, there will be an immediate threat to life, property, or violation of law.
>
> Secondly, there will still be the opportunity for public comment and notification.
>
> Thirdly, the environmental analysis process will be documented and available to the public.
>
> Fourth, that a monitoring plan and adjustments will be made throughout the project. Again, it does not put NEPA aside, as you said, but it can shorten the time frame.

A second process, and one that struck me today that may be more applicable, is what we call an emergency under our regulations, and what we use often with salvage, when we ask for an exemption from implementation on a salvage bill like many of the processes discussed here today. It, again, does not set aside public input or appeals or litigation, but what it does do is allow us to move forward with implementing the decision while the appeals take place, thus allowing us valuable time to save the timber values that were discussed by the other folks appearing before your Committee.

I would like to conclude by saying, indeed, most of the situations in your bill are serious. They are particularly serious if, like Mr. Hayes, it is in your back yard. What I would say to you is that under the emergency definition for our CEQ process, I do not believe they qualify as an emergency. We think that the NEPA process has worked, and that the current emergency designation is available, and when we have sought it we have been able to get it.

We appreciate your interest in this issue and are looking forward to working with you on it. I will take questions when you feel it is appropriate.

[The prepared statement of Ms. Key may be found at the end of the hearing.]

Mrs. CHENOWETH. Thank you, Ms. Key. I appreciate your testimony and the information you have brought to the Committee. I would like to, with your permission, ask Mr. Raum to respond to a question.

Mr. Raum, I am interested in the procedures you followed after the windstorm last year. Could you explain the events that occurred beginning in February with the storm, how you determined that emergency measures were needed, how you requested the alternative arrangements from CEQ, and what steps you took to complete actions under the alternative arrangements?

Mr. RAUM. Yes, ma'am. Thank you very much, Madam Chairman, I appreciate the opportunity to be here and share our Texas experience with the Committee.

In February of 1998, we experienced a hurricane-strength windstorm that started north of Houston, worked its way approximately 150 miles to the northeast, and miraculously died out before it went into Louisiana. But in its wake, it did leave 103,000 acres of damage on three National Forests. The damage varied from a few scattered trees per acre to 12,000 acres that were very reminiscent of what you saw in the aftermath of Hurricane Hugo—total devastation, no live trees left standing.

Even the second day as we began to do our damage assessment, it was apparent that we had to act very quickly, and we established three objectives to guide our actions early on. First, we felt like we had to take immediate action to try and prevent catastrophic wildfires from occurring in this area of very mixed public/private ownership. Within our proclamation boundary, about half of the land base is in private ownership, and only half is in National Forest administration. So, we had the fire problem that we were looking at.

Secondly, we had an endangered species, the red-cockaded woodpecker, that requires live standing pine trees for its home and for its habitat. And we had some very significant damage that occurred in what we call our "habitat management" area.

The third objective that we established was to try and reduce any further damage either to private property, the Federal timber resource, or threaten an endangered species habitat from further attack by bark beetle later on in the summer.

From the very beginning, we had Forest Service research biologists and biologists from the Fish and Wildlife Service who were explaining to me the experiences they had learned from the aftermath of Hurricane Hugo in South Carolina. There quite a bit of the down material was removed from the forest, but quite a bit they simply did not have the resources to go in and remove that material.

What they found happened was that over time the material that was left laying in the woods got very doughty and began to rot. They could no longer use a prescribed fire program there in South Carolina to maintain the red-cockaded woodpecker habitat. Subsequently, we find ourselves today with a very deep drop in the population of that endangered species in South Carolina.

So, from the very beginning, the scientists were telling me that we needed to move quickly in order to avert that type of damage to the population of an endangered specie. I sought guidance from our Regional Office, who subsequently helped me come to DC to present our case to our Washington Office staff and to the Chief himself. Subsequently went over and visited with the Council on Environmental Quality in an informal setting, to explain what had

happened to us in Texas, and also to lay out some plans that we had for trying to move quickly but, at the same time, embody the essential elements of NEPA.

If memory serves me correct, it was March 4 of last year that we formally requested alternative arrangements from CEQ, and then on March 10 the Chairman of CEQ granted alternative arrangements to us. So, in a matter of one month we were able to move from damage assessment to plan of attack and, subsequently, to alternative arrangements.

Mrs. CHENOWETH. Mr. Raum, you said in the period of one month?

Mr. RAUM. Yes, ma'am. The alternative arrangements that were granted were actually worked out in concert between the Council and ourselves. We did not go in and just ask for carte blanche permission to ignore NEPA, but rather we went in with what we thought was a well balanced approach to complying with NEPA but having relief from some of the normal time frames. And what we ended up with, ma'am, was one for the 70-80,000 acres where we thought bark beetle attack would have a significant impact on us. We elected to ask for, and subsequently received, approval to use an environmental assessment in lieu of an environmental impact statement. We did that analysis over about a four-month period, and came out with a decision. And in the final analysis, it was good that we went through that because, as I made my final decision, of the 70-80,000 acres we elected and felt it was prudent to take action only on about 9,500 of those acres. So, it was good that we did go through the analysis.

Mrs. CHENOWETH. So, from beginning to end, how long did the process take?

Mr. RAUM. The actual NEPA process itself, we issued a draft EA in mid-March of last year and, ma'am, if memory serves me correct, it was late June when I actually signed the decision notice.

Mrs. CHENOWETH. And the blowdown occurred in December, did you say?

Mr. RAUM. No, ma'am, in February.

Mrs. CHENOWETH. In February.

Mr. RAUM. Yes, ma'am, but we were allowed, under the alternative arrangements, to take action on approximately 25,000 acres, without the benefit of the environmental assessment.

Mrs. CHENOWETH. And the 25,000 acres contained a bark beetle infestation?

Mr. RAUM. Yes, ma'am.

Mrs. CHENOWETH. Now, how does this compare to the normal NEPA process?

Mr. RAUM. If I were starting from scratch on that project, number one, I would have elected to do an environmental impact statement because there were significant—although there were positive, there were significant effects to threaten an endangered species habitat, and that would have taken, at a bare minimum, eight months to a year probably for a well done environmental impact statement. So, using the environmental assessment that we were allowed to use significantly cut down on that time.

Mrs. CHENOWETH. Very interesting. Very interesting. Thank you very much. The Chair now recognizes Mr. Smith for questions.

Mr. SMITH. Thank you. As I was actually discussing with the Chair off-mike there, the way the process works is, within NEPA there is an exception in certain emergencies to do an expedited process, in essence. So, the exception is part of NEPA, but the question is, do you have to follow the details of NEPA before you move forward, or can you do it in an expedited process. And the crux of this whole thing is what constitutes an emergency, and the premise of what is being put before us is that you folks quite simply, in the Forest Service, are not recognizing the emergencies as quickly or as frequently as you should.

Now, there are a lot of situations out there, certainly, where salvage logging is appropriate, and if salvage logging goes through the normal as opposed to the expedited NEPA process, you can do that. What this bill is saying is now there's a lot of situations out there where you have got to go to the expedited process, and you are not doing it.

So, I guess the question that I would have is, how do you respond to that, first of all. Second of all, how would you specifically differentiate? Look, in Texas, here is what was going on versus in Idaho or in any one of these other areas where an emergency has not been declared, it is different for this reason.

Ms. KEY. I would like to discuss that because it goes to that issue of the definition of an emergency. And under the CEQ regulations, the definition of emergency that has evolved is one where there will be an immediate threat to life or property, or a violation of law if this action is not taken.

In the Texas situation, we had a threat to personal property and life, therefore, because of the interspersed private property and the very likelihood of fire. And we had the second issue of a violation of the Endangered Species Act because of the red-cockaded woodpecker. So those were the two circumstances driving that decision.

When you look at some of the other situations that are identified in the bill and you make that test, we do not believe they are there in terms of the CEQ definition of emergency, but if you look at the definition of emergency under our appeal regulations and the things that we can do to expedite the process under those regulations, many of those situations do, particularly when we ask for permission to go ahead with the implementation of the actions before the appeals have been fully heard and vetted.

Mr. SMITH. One of the things I wanted to touch upon, there has been a presumption sort of running through all the prior testimony that, by definition, in an emergency situation, you log. And I am wonder if that is—that could be true, I do not know. I do not know the situation that much. But it seems to me that it is at least possible that an emergency may give rise to other actions other than going in and clearing out timber, and I am just wondering if you could comment on that.

Ms. KEY. You are absolutely correct. I think most instances would involve some amount of logging when we have an emergency, however, the example I gave the first time we ever used this emergency exemption, it was simply to draw water down for the city of Portland and involved no logging.

Mr. SMITH. And to even do something like that, you would ordinarily have to go through a very complex environmental process, but this gives you the right to do that in an expedited fashion.

Ms. KEY. That is correct.

Mr. SMITH. Thank you very much.

Mrs. CHENOWETH. I have one more question I would like to ask Mr. Raum. In follow-up to Mr. Smith's question, specifically what techniques did you utilize in Texas. Did you utilize logging, in part?

Mr. RAUM. Yes, ma'am, we did. Over the period April through October, we were able to remove down material from approximately 29,000 acres that were damaged by the windstorm. We used a variety of logging techniques, including helicopter logging in sensitive soil areas. But logs were taken out over 29,000 acres, and certainly helped us meet our three objectives for responding to the emergency.

Mrs. CHENOWETH. I see. I wanted to ask Ms. Key, what is the process a Forest Supervisor would use to apply for an alternative arrangement. What would you require?

Ms. KEY. May I give you two answers on that. First, the formal process in which the Forest Supervisor would send through the Regional Forester to the Washington Office a letter requesting it. The Washington Office forwards to the Department and then to CEQ. CEQ would write a letter back approving or not approving. The reality is, as you can well imagine, in an agency where we work together as closely as we do in the Forest Service, you have a serious situation, a crisis, a catastrophe, and immediately when that happens, you as the Supervisor pick up the phone and call the Regional Forester, who immediately picks up the phone and even calls the Chief at home, and it passes on up. So, this is informal discussion, and I think Mr. Raum can attest that is the way it happened in his situation also. So, by the time the formal process is followed with a written request, there has been an ongoing dialogue around it.

Mrs. CHENOWETH. Well, I thank you very much, Ms. Key, Mr. Raum, and Mr. Holmes. Mr. Holmes, I did not mean to ignore you, but sometimes people feel good about that on this Committee.

Ms. KEY. Madam Chairman, may I offer you two things that may be helpful to you. When we looked at the situation and worked with your staff, two things came to mind that we may be able to do that might be helpful, and I think you would be interested in.

First of all, in our training of our Forest Supervisors, they go through, as you can well imagine, extensive NEPA training. We agreed that it might be useful to emphasize that these processes are available so that our line officers know this and have them in their mind.

The second thing is, as we look at the map that you use using our data, it does indicate to us that we ought to be thinking on a larger scale about situations like they are experiencing in Idaho and that we heard about in Alaska. So, what I would offer to you is that we will evaluate some of these situations that we have had over the last three or four years, see what has worked, what has not worked, and evaluate the possibility perhaps of a team of experts that could be offered to a Forest to help expedite some of these situations.

Mrs. CHENOWETH. Ms. Key, I appreciate your comments, and I know that when you say that, you will do it. I have followed your career and respect the work that you have done in the Forest. I do want to continue to work with you on the legislation, while you are evaluating other situations.

For instance, in the Idaho Panhandle National Forest, I believe that we clearly meet all the criteria that has been laid out. We do have endangered species, the grizzly bear. The lynx and salmon will be listed. We have got them coming out our ears. I would be happy to give other states some of our endangered species. Imminent threat to human life or property, we do have those criteria. And as we put the bill together, we did think of those criteria. And so I would very much appreciate your looking at it from those points of view, and if you need specifics with regard to how critical are the criteria that we can present for each one of these Forests, and it is just a limited number of Forests that we do have in the NEPA parity bill, I would love to be able to work with you on it because I think we do meet those definitions. But also I am pleased that you are going out under the regular process, too, and appreciate your work there.

I do want to ask any one of the three of you—Ms. Key, Mr. Raum, or Mr. Holmes—if you have anything else you would like to add for the record.

[No response.]

If not, I do want to say that I appreciate your being here. I appreciate your valuable testimony, you have added a lot to the record. And this hearing record will remain open for ten working days. Should you wish to add or amend your statement, you are welcome to do so. My staff and I have additional questions. Time will not permit us asking them right now, but they are additional questions, and we will be submitting them to you and would appreciate your responding at your very earliest convenience.

With that, this hearing is adjourned.

[Whereupon, at 3:50 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF JACK E. PHELPS, EXECUTIVE DIRECTOR, ALASKA FOREST ASSOCIATION, KETCHIKAN, ALASKA

Madam Chairman and Members of the Subcommittee:

My name is Jack Phelps and I am the Executive Director of the Alaska Forest Association, the statewide forest products industry trade association for Alaska. The AFA represents approximately 100 member companies, mostly small businesses, doing business in the forest products industry in Alaska. In addition, the AFA represents approximately 200 Associate member companies who provide goods and services to Alaska's statewide timber industry. The mission of the Alaska Forest Association is to advance the restoration, promotion and maintenance of a healthy, viable forest products industry, contributing to economic and ecological health in Alaska's forests and communities.

The state of Alaska contains within its borders 248,000,000 acres of Federal land, including the two largest forests in the 191,000 acre National Forest System. These two forests are the Tongass and the Chugach National Forests encompassing nearly 17 million acres and more than 5.5 million acres, respectively.

Because of the high amount of annual rainfall in Southeast Alaska, fire is not a major problem in the Tongass National Forest. The principal disturbance event in the Tongass is windthrow. Large windthrow events of up to several hundred acres are not uncommon, and if the event occurs in areas designated for timber management, the Forest Service commonly includes salvage opportunities in its timber sale program.

From a forest health and stand diversity standpoint, the creeping mortality of Alaska cedar (commonly referred to as yellow-cedar) is of greater concern. Approximately 479,000 acres of yellow-cedar decline has been mapped on the Tongass. The decline has been developing over many years, but it appeared to have accelerated in 1996 and 1997. Researchers are divided over the exact cause of this Alaska cedar decline, but many believe it to be related to soil conditions. Whatever the cause, it presents strong potential for economic salvage opportunities. Region 10, together with researchers from Oregon State University and the Forest Products Laboratory at Madison, Wisconsin are investigating the properties of dead and standing Alaska cedar. AFA member companies are cooperating in these studies.

A much larger forest health crisis is facing Alaska in the Southcentral region of the state, affecting the Chugach National Forest as well as state, private and other Federal ownerships in the area. This is the unprecedented epidemic of spruce bark beetle infestation on the Kenai Peninsula, in the Anchorage and Matanuska-Susitna areas and in the Copper River valley. The epidemic has resulted in heavy mortality of white, Sitka and Lutz spruce on more than 3 million acres. In many areas, mortality associated with the beetle infestation exceeds 85 percent and in some parts of the Kenai is 100 percent. Impacts include loss of the merchantable value of trees, wildlife and fish habitat, scenic qualities and the prospect of long term stand conversion and fire hazards. The stand conversion problem is exacerbated by the prevalence of invasive grasses which will impede and, in some cases, prevent natural reforestation.

Forestry responses to this heavy mortality have been mixed. Alaska Native corporation landowners have been harvesting their trees, salvaging value and creating economic activity in both the western Kenai and in the Copper River area. The state, though initially slow to act, has been aggressive in recent years in selling dead and dying timber from beetle infested stands. Nearly 1.5 million seedlings have been planted on state lands in the past 5 years, all paid for by the timber sale program which harvested primarily beetle killed and beetle damaged trees. This mechanical reforestation will ensure that the harvested state lands will in the future host a healthy spruce forest once again—a situation that would be unlikely had the state chosen to leave the dead trees untended.

Federal land managers, on the other hand, have been paralyzed, and have taken virtually no action to address the massive loss of spruce forests, either on the Kenai or in the Copper River area. In 1996, under the provisions of the salvage law passed by Congress in 1995, the Forest Service prepared NEPA documents for the salvage of 116.6 million board feet of timber from 18,520 acres. The cost of the NEPA documentation ran to more than $7 million. The sales were challenged in court, and after spending approximately $35,000 on litigation, the Forest Service simply decided to drop the salvage program. That it did this at a time when a very high timber market was developing, makes the decision all the more indefensible. The agency thus chose to throw away the taxpayers' money already spent on NEPA and to forgo activities that would have been beneficial to both the local economy and the forest. Had the Federal agency followed the lead of the state, the Chugach National

Forest could have used the salvage sale program to ensure the reforestation of such ecologically important and tourism sensitive areas as Kenai Lake and Moose Pass.

It is important to note that not all, or even the majority, of beetle-damaged Federal lands in Southcentral Alaska are under the control of the USDA Forest Service. Much of the heavily infested land in the Copper River area is controlled by the National Park Service. About one third of the beetle affected lands on the Kenai peninsula are under Federal ownership. The largest part of that is on the 1.9 million acre Kenai National Wildlife Refuge. Last year alone, the Refuge suffered active beetle infestation on more than 23,000 acres. On the other hand, total affected acreage on the Chugach National Forest (including both active infestations and mortality from prior years) is just over 30,000 acres. Both the Forest Service and the U.S. Fish and Wildlife Service could, and should, allow for the harvest of some of this timber to provide for mechanical reforestation. Long term forest health and wildlife would both benefit from such activity.

Rapid action on the part of the landowner is critical to making the relationship between timber harvest and forest restoration effective. When the beetle infested trees die, they begin to lose value as sawlogs within the first 3 years. This is the period during which the greatest economic return is available to provide for the costs of reforestation. From 4 to 7 years after mortality, the spruce retain value for chips and, to some extent, house logs and some other uses. By the 8th year, most of the economic value is lost, and the opportunity for timber harvest to pay the costs of forest regeneration is lost. For this reason, it is appropriate for Congress to provide for an expedited process to allow the government to manage its lands in a responsible manner, taking advantage of the marketplace to fund that management.

STATEMENT OF SANDRA KEY, ASSOCIATE DEPUTY CHIEF, PROGRAMS AND LEGISLATION, USDA FOREST SERVICE

MADAM CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to discuss your draft legislation for alternative arrangements for environmental analysis and National Environmental Policy Act (NEPA) compliance in emergency situations in the National Forest System. I am Sandra Key, Associate Deputy Chief for Programs and Legislation. I am accompanied today by Chris Holmes, the Forest Service's liaison with the Environmental Protection Agency (EPA) and the Council on Environmental Quality (CEQ) and Ronnie Raum, Forest Supervisor of the National Forests in Texas.

The Forest Service testified last year on a similar piece of legislation, H.R. 4345, at a hearing before this Subcommittee on July 28, 1998. I preface my remarks by saying the Administration has not had sufficient time to analyze fully the most recent draft of your proposed legislation, thus my testimony reflects our initial reaction. While we notice some changes to the proposal submitted last year, we still feel existing authority is appropriate and adequate to administer our nation's 192 million acres of national forests and grasslands.

Background

The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals, and provides the means for implementing the policy. The regulations issued by the Council on Environmental Quality (CEQ) in 1978 that implement NEPA provide for alternative arrangements to the normal NEPA procedure in emergencies:

> *Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency taking the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review. (40 C.F.R. 1506. 11)*

The Forest Service NEPA procedures supplement this guidance by instructing forests to consult with the Washington Office on emergencies, other than fire, that may require consultation with CEQ about an alternative arrangement.

Examples of Emergencies

The Forest Service and CEQ have used the emergency provision in the CEQ regulations on only three occasions since 1978.

Due to severe drought in the summer of 1992, the City of Portland, Oregon requested permission from the Mt. Hood National Forest to pump 1.7 billion gallons of water from Bull Run Lake to meet the emergency needs of the city for domestic water supplies. While the Forest Service believed that such action would increase

sediments within the drinking water supply and kill fish and alter significantly the ecology of the lake, it also understood the emergency situation that Portland was facing.

CEQ concurred with the Forest Service that an emergency situation existed, and agreed that the Forest Service could drawdown the lake prior to NEPA documentation. In this case, the alternative to normal NEPA procedures permitted the Forest Service to prepare an Environmental Assessment (EA) after the emergency action was taken.

The city pumped approximately 500 million gallons from Bull Run Lake between September 12, and September 28, 1992. Much needed rain fell during late September through early October, ending the need for further emergency withdrawals as by mid-October the lake returned to pre-emergency levels.

In 1996, the Forest Service and Bureau of Land Management (BLM) found it necessary to take immediate action in the Cascade Resource Area and the Boise National Forest in Idaho. These areas included multiple watersheds adjacent to the City of Boise. Over fifteen thousand acres of Federal, state, and private lands were burned in the human-caused Eighth Street Fire which started on August 26, 1996. After the fire was extinguished, immediate rehabilitation was needed to minimize the threats to human life and property, deterioration of water quality, and loss of soil productivity that could have resulted from flooding, mud slides, and debris torrents from the burned area. The area was critical because of its location in a key watershed, that functions as the primary ground water recharge area for the Boise Front aquifer, the source of groundwater wells for the City of Boise and other municipalities. In addition, increased runoff potential threatened buildings and homes immediately below the burned area.

Several urgent circumstances called for applying the emergency NEPA provisions to the Eighth Street Fire. First, recent events showed the potential for damage. A moderate rainstorm following fires in the same general area in the 1950's caused flooding of a large portion of Boise, including the downtown corridor. Second, local and state governments were consulted and supported the proposed actions. Third, the project received extensive public review and support. Fourth, as would have been required under NEPA, the Forest Service discussed alternative treatments and reviewed their effects on wilderness and threatened or endangered species.

Last year, the Forest Service again requested alternative arrangements with CEQ for emergency actions to restore immediately portions of approximately 103,000 acres of forested lands on the National Forests and Grasslands in Texas damaged by the February 10, 1998, windstorm. The agency believed it would have taken up to six months using normal NEPA procedures before it could start restoring the damaged ecosystem, that including critical habitat for red-cockaded woodpecker and bald eagle. Such a delay could have resulted in further habitat loss for these threatened and endangered species from fires and bark beetle attack reversing the success rates with the red-cockaded woodpecker and bald eagle nesting habitat. We were also concerned that the delay would cause undue risk to adjacent private property from potential fire and insect damage.

Bark beetle risk reduction was one of the reasons for requesting alternative arrangements initially. As the entire incident unfolded and we did additional effects analysis, we found that the science did not support the notion that blowdown material would increase the risk of bark beetle attack. The two most prominent reasons for our alternative arrangements rested on avoiding further damage to an endangered species (the red-cockaded woodpecker) and fuel loading reduction to avoid catastrophic fires.

Where emergency circumstances make it necessary to take action without observing the provisions of the NEPA regulations, the Federal agency consults with CEQ about alternative arrangements. Often, actions proposed to be taken in emergency situations do not rise to the environmental significance level, and therefore, do not require alternative arrangements. For these situations, the Forest Service follows its normal NEPA procedures.

Generally, there are four components that proposals must have before an alternative arrangement is considered an emergency. First, without taking the proposed action, there must be immediate threats to life and property or both, or possible violation of law, such as the Endangered Species Act (ESA). Second, the public must be provided an opportunity to comment on the project. Third, the agency must still document the environmental analysis that goes into the decision. Fourth, there are provisions for monitoring and adjustments as we proceed with the project, including an evaluation of the project once it is completed.

In each of the three cases I described, a catastrophe had created an emergency situation requiring immediate and significant action. Each case clearly demonstrated interagency coordination and agreement regarding the urgency for imme-

diate action and clear disclosure to the public of that need. There was also strong support from involved State and Federal agencies for the proposed activities.

Numerous catastrophic events occur each year affecting the National Forest System. Rarely, however, do these events constitute an emergency that justifies altering our normal NEPA review processes. The fact that only three referrals for alternative arrangements have been made by the Forest Service to CEQ since 1978 is evidence that such referrals are only done in unusual circumstances.

Discussion of Legislation

While the Forest Service recognizes the catastrophic nature of some of the events described in the bill, they do not rise to the level of emergency status. NEPA has been valuable in integrating environmental considerations into agency planning for the past 30 years. The Forest Service has only used the alternative arrangements three times in the last 20 years, demonstrating that this provision is not necessary for the vast majority of projects.

In conclusion, we believe that the procedure we use for requesting alternative arrangements to NEPA compliance for emergencies works. The existing authority is appropriate and adequate to administer our national forest and grasslands.

We appreciate the Committee's interest in the alternative arrangements provision of NEPA, and we understand the Committee's desire to use this extraordinary process more broadly. However, we believe the current process is working well. I welcome any questions the Subcommittee may have.

106TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mrs. CHENOWETH introduced the following bill; which was referred to the Committee on _____

A BILL

To authorize the continued use on National Forest System lands and other public lands of the expedited processes successfully used for windstorm-damaged national forests and grasslands in Texas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Forests Emergency Act of 1999".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Natural catastrophic events in February 1998 created potentially dangerous fire and insect infestation conditions in areas of national forests and national grasslands in Texas, and the removal of "dead, down, and severely root-sprung trees where mortality is expected" in these areas was expedited by the approval of alternative arrangements for that removal.

(2) The Administration should be commended for approving those alternative arrangements, which helped prevent the wildfires and insect and disease infestations often associated with dead and dying trees.

(3) Numerous catastrophic forest conditions similar to, equal to, or worse than the conditions in Texas described in paragraph (1) exist on National Forest System lands and public domain lands throughout the United States, and treatment equivalent to that expedited under the alternative arrangements is warranted and needed on these other lands.

SEC. 3. REQUEST FOR EXPEDITED TREATMENT OF DEAD, DOWNED, AND SEVERELY ROOT-SPRUNG TREES.

(a) IN GENERAL.—The Secretary of Agriculture or the Secretary of the Interior, as the case may be, shall

request from the appropriate officials in the executive branch the authority to remove dead, downed, or severely root-sprung trees in the areas described in subsection (b) in a manner similar to the alternative arrangements approved for national forests and national grasslands in Texas in March 1998.

(b) AREAS DESCRIBED.—The areas referred to in subsection (a) are the following:

(1) Approximately 30,000 acres of southern pine beetle infested lands in the Homochitto, Desoto, Tombigbee, and Bienville National Forests in the State of Mississippi.

(2) Approximately 100,000 acres of wind damaged and southern pine beetle infested lands in the Conecuh Ranger District, the Oakmulgee Ranger District, and the Bankhead National Forest in the State of Alabama.

(3) Approximately 100,000 acres of ice storm damaged and Douglas Fir bark beetle infested lands in the Colville National Forest in the State of Washington and the Idaho-Panhandle National Forests in the State of Idaho.

(4) Approximately 10,000 acres of hurricane damaged and southern pine beetle infested National Forest System lands in Florida.

(5) Approximately 50,000 acres of fire damaged and spruce budworm infested lands in the Malheur National Forest in the State of Oregon.

(6) Approximately 10,000 acres of gypsy moth infested lands in the Allegheny National Forest in the State of Pennsylvania.

(7) Approximately 1,000 acres of southern pine beetle infested lands in the Kisatchie National Forest in the State of Louisiana.

(8) Approximately 20,000 acres of mountain pine beetle infested lands in the Black Hills National Forest in the State of South Dakota.

(9) Approximately 2,000 acres of southern pine beetle infested lands in the Croatan National Forest in the State of North Carolina.

(10) Approximately 20,000 acres of National Forest System lands in the Tahoe Basin of California with insect infestation and fuel-loading conditions.

(c) CONSIDERATION OF REQUESTS.—Upon receipt of a request under subsection (a), the official in the executive branch responsible for considering the request shall promptly consider and either approve or disapprove the request. Not later than 90 days after receiving each request, the responsible official shall submit to Congress a

report describing the specific reasons for approving or disapproving the request.

Statement of Stanley F. Hamilton
Director, Idaho Department of Lands
and the Idaho State Forester
before the
U. S. House of Representatives
Committee on Resources
Subcommittee on Forests and Forest Health

Washington, D.C.
March 23, 1999

A DISCUSSION OF FOREST HEALTH ISSUES AND THE DOUGLAS-FIR BARK BEETLE INFESTATION NEAR COEUR D'ALENE, IDAHO

Background – The Department of Lands

My name is Stanley F. Hamilton. I am Director of the Idaho Department of Lands, and in this capacity, I also serve as the Idaho State Forester. I am a Past President of the National Association of State Foresters, and currently serve that organization as Chair of the Forest Health Committee.

The Department of Lands is responsible for the management, protection, control, and disposition of Idaho's 2.4 million acres of endowment trust land and associated resources. These lands were granted to Idaho at statehood by the United States Congress as a sacred trust to support selected public institutions, primarily public schools.

The Department's primary mission is to maximize long-term revenues to the endowment funds for the beneficiary institutions consistent with sound long-term management practices and land capabilities. In addition, the department provides wildfire protection on about six million acres of state, private, and federal lands, and exercises regulatory responsibilities relating to forest practices and water quality.

Maintaining and enhancing forest health and productivity are principle goals of all department activities.

Background – Idaho Forests

Idaho is blessed with some of the most productive forests in the nation. These forests support raw material for Idaho's 170 primary wood processing plants, habitat for a multitude of game and non-game wildlife, clean water for fish habitat and domestic and agricultural uses, recreational opportunities, and the scenic qualities for which Idaho is famous.

Idaho has nearly 22 million acres of forest land.

74%	National Forest (16.3 million acres)
10%	Other public agencies including the State of Idaho, Bureau of Land Management, and Bureau of Indian Affairs (2.2 million acres)
11%	Small, non-industrial tracts owned by over 60,000 individual owners (2.3 million acres)
5%	About a dozen timber companies own the remaining (1.2 million acres)

Management of these forests varies greatly depending on ownership and individual objectives.

Federally owned lands are generally managed under the "multiple use" concept.

State endowment lands are managed on a "primary use" basis in accordance with the management mandate stated above. For the 750,000 acres of commercial forest land, the primary use is timber production, currently sales of 165 million board feet annually.

Industrial private forest lands are managed almost entirely for timber production.

It is difficult to characterize the management of non- industrial private forest lands in Idaho due to varied management philosophies. These ownerships are typically smaller acreages which are, depending on ownership objectives, managed for timber production, grazing, wildlife, aesthetics, rural residential homesites, or some combination thereof.

Although they represent only 16 per cent of the total forest land ownership, private forest lands deliver a disproportionate share of timber products to supply Idaho's forest industry. Between 1980 and 1990, these lands accounted for an average annual harvest of 664 million board feet, about 46 per cent of Idaho's total timber harvest.

In Calendar Year 1997, the situation was even more disproportionate – the private sector forest lands yielded some 879 million board feet, some 65.6 per cent of the total Idaho harvest.

CY-97
IDAHO TIMBER HARVEST

879 MMBF	65.6 %	Total Private Sector Harvest
254 MMBF	19.0 %	Forest Service Harvest
206 MMBF	15.4 %	State (181 MMBF), BIA (17 MMBF), BLM (8 MMBF) Harvest
1,339 MMBF	100.0 %	TOTAL CY-97 IDAHO HARVEST

Forest health Issues -- Generally

With that brief background about Idaho and the Idaho Department of Lands, I would like to review some of the forest health issues we face in Idaho, and the factors that caused them.

Overall there are many forest stands in Idaho that are healthy and productive.

Many forest health "problems" are perceptions of natural processes that have been made more apparent by the drought conditions of the 1980s and early 1990s, well publicized large fires, and the increasing daily contact of the public with the forest environment.

There are however, large tracts of Idaho forest that currently suffer pest problems of an unprecedented scale, and are clearly in decline. This is due to a variety of reasons, some natural, and some caused by human activity.

Historically, wildfires have shaped the character of the forest more than any other single factor -- with the possible exception of precipitation. Wildfires, however, conflicted with the objectives of the early white settlers, and the control and suppression of such fires became a priority.

The great fires of 1910, which burned over 1,000,000 acres in Idaho, and killed 87 firefighters, focused national attention on the problem, and gave impetus to modern wildfire control efforts under the leadership of the newly formed U. S. Forest Service. The aggressive, effective wildfire control efforts of the 20th century have safeguarded the forest resource for human use -- but policy and practice have had unanticipated side effects.

The virtual elimination of fire as a regularly occurring event in Idaho forests has resulted in shift to climax, shade tolerant species.

Fire serves as a natural control for many insects and diseases by eliminating the most vulnerable trees.

Without periodic fires to maintain and thin the more resistant seral species forests become overstocked with more insect and disease susceptible climax species. Competition for moisture and nutrients increases. The resulting stress makes trees more vulnerable to attack by insects and disease. This leads to major insect epidemics, and the return of catastrophic fires throughout the west in recent years.

Most of the seral, fire resistant species such as pine and larch are also the most valuable trees for timber. In the past these species were typically harvested first. Now many Idaho forests contain a high percentage of shade tolerant species which are more susceptible to the Douglas-fir tussock moth, western spruce budworm, root diseases, mistletoes, and other destructive agents.

While human activities have in some cases contributed to forest health problems, forest management activities can often help keep forest pests in balance and enhance overall health.

Historically, bark beetles attacked mature and over-mature trees, killing them and playing a major role in the life cycle and structure of forests. Their activity contributed to nutrient recycling, provided fuels for fire, and helped set the stage for the establishment of new stands and forests.

Periodic fires, some of devastating proportions, clear the forest of accumulated debris and prepared the site for growth of the new forest habitat. Wildfires, however, often destroy valuable timber resources that represent jobs and security to woodsworkers and the 60,000 non-industrial private forest land owners in Idaho,

Dead and dying timber is a valuable resource that, left unharvested, will go to waste, contribute to the spread of insects and disease, and increase the risk of catastrophic fires.

Idaho is one of only a dozen states with a comprehensive forest practices act. We are a recognized leader in the area of forest practices program effectiveness.

Our mandatory Forest Practices Act rules are designed to maintain water quality, soil productivity and aquatic and wildlife habitat through the application of Best Management Practices (BMPs).

Our law also requires the prompt salvage dead or dying timber caused by insects, disease, fire or other natural causes, within economic and resource protection constraints. Section 38-1304(1)(f), Idaho Code, is primarily directed at federal lands as salvage routinely occurs on state and private lands.

The threat of continuing or accelerated bark beetle outbreaks can be reduced by thinning of overstocked stands, and the prompt salvage of infested trees or logs. Removing stressed and infested material from the forest, reduces beetle populations the associated stress on remaining trees.

The prompt removal of trees that are windthrown or seriously weakened by some other agent is equally important. When left in the forest these weakened trees serve as the focus for new bark beetle outbreaks. Identification of threatened areas through surveys, and subsequent salvage is a principle tool for maintaining forest health.

Each year extensive surveys identify trees killed by insects, disease, or windthrow. As groups of dead and dying trees are found, sales are prepared and sold before the wood deteriorates. When the mortality is caused by bark beetles, we can often remove the insects from the woods through the salvage effort and thus prevent further attacks.

Salvaging distressed timber is critical if the Department is to meet its mission of maximizing revenues to the endowment funds.

Salvage efforts also improve overall forest health.

These efforts, coupled with our active timber management program, are establishing endowment forests that are healthy and resistant to attack by insects and diseases.

North Idaho's Newest Bug Problem

North Idaho has a new bug problem. We have a situation in Idaho's northern panhandle where Douglas-fir trees -- on an estimated 150,000 acres on the Idaho Panhandle National Forests -- are under attack by the Douglas-fir bark beetle. Currently, the problem is mostly confined to national forest lands, but it poses direct threats to adjacent private lands.

This current insect outbreak constitutes an emergency situation far exceeding normal levels. Forest entomologists call this the most severe Douglas-fir beetle infestation in northern Idaho since the 1950's.

The Forest Service must consider immediate action to reduce the potential risk of high intensity wildfire and bark beetle infestation onto adjacent private lands. In this situation, a need exists to consider alternative arrangements for compliance with the National Environmental Policy Act (NEPA).

The bill before you -- the Federal Forests Emergency Act of 1999 -- will authorize the Council for Environmental Quality to expedite the NEPA process during emergency insect and disease infestation situations.

Setting the Stage

Climatic conditions set the stage for this Douglas-fir bark beetle outbreak. An ice storm in November 1996, followed by near record snowfall during the winter of 1996-1997, caused extensive damage to the forests of northern Idaho.

Thousands of damaged and downed trees provided ideal conditions for various bark beetles, including the Douglas-fir beetle, to breed and build up populations.

An unusually hot, dry summer in 1998 only contributed to an inevitable outbreak. Under these conditions, Douglas-fir beetle populations exploded from normal, endemic levels to epidemic levels.

Our attention now focuses on the Douglas-fir beetle. However, the same climatic conditions also damaged or downed other conifer species as well. As a result, we have seen increases in various bark beetles that attack these species. In particular, the pine engraver beetle is attacking ponderosa and lodgepole pine.

Could anything have been done to prevent this insect outbreak? Yes, prompt salvage and clean up of downed and damaged trees would have eliminated the food source for bark beetles. It may not have totally prevented an outbreak, but it would have greatly reduced the magnitude of what we are now experiencing.

What Has Been Done About the Douglas-fir Bark Beetle Epidemic?

NIPF Lands.

Many non-industrial private forest owners responded quickly in cleaning up following the winter storms. Extensive educational efforts encouraged landowners to protect undamaged trees by removing the down material that provides the breeding site for bark beetles. In some cases, this was also a necessity in order to regain access to rural homesites and restore downed electrical power.

Fortunately, educational efforts combined with favorable timber prices prompted quick salvage for many landowners.

As a response to the need to clean up stands, the private timber harvest in Kootenai County, the area surrounding Coeur d'Alene that sustained the heaviest ice storm damage, jumped from 51 million board feet in 1996 to 85 million board feet in 1997.

Certainly not every one of these landowners intended to harvest timber that year. However, this additional volume of timber brought them a conservatively estimated financial return seven million dollars. That income sent kids to college, paid mortgages, and maybe included a vacation.

Consequently, very limited Douglas-fir bark beetle activity was observed on non-industrial private lands during 1998 surveys. Keep in mind, also, these lands typically have a lesser component of Douglas-fir in highly susceptible age and size classes.

Industrial Private Lands.

Timber companies have the ability to respond very quickly in situations like this. In most cases, industry sent out logging crews right away to salvage down, damaged timber and beetle infested trees. As a result, losses due to catastrophic events including bark beetles are usually minimized on industry lands.

State Endowment Lands.

Because of our mission to maximize revenues over the long-term from state endowment lands, the Department of Lands also responds quickly to salvage distressed timber. We commenced salvage timber sales beginning in 1997 to remove damaged tree and are continuing today to harvest beetle killed trees.

National Forest Lands.

The National Forests, particularly the Idaho Panhandle National Forests, sustained heavy damage during the storms of 1996-97. Although the Forest Service clearly recognized the need to conduct salvage and dean-up activities, their plans were threatened and eventually stopped by appeals and lawsuits. Forest entomologists warned of the potential consequences of not following through with clean-up efforts.

Aerial surveys conducted during the summer and fall of 1998 detected an epidemic level of Douglas-fir bark beetle activity. Moreover, field surveys indicated that for every attacked tree detected from the air, there was an average of eight (8) additional attacked trees not yet visible from the airplane.

Therefore, the combination of climatic events and the lack of adequate clean up of storm damaged timber set the stage for the Douglas-fir bark beetle outbreak that we are now experiencing in Idaho's panhandle.

Douglas-fir Beetle Activity as Determined by Aerial Detection Surveys on US Forest Service National Forest Lands and Adjacent State and Private Lands

Flown July and September 1998

NATIONAL FOREST	JULY FLIGHT		SEPTEMBER FLIGHT*	
	Trees killed	Acreage	Trees killed	Acreage
Kaniksu	1,025	471	3,425	2,171
Coeur d'Alene	2,351	3,104	34,454	13,611
St. Joe	3,600	1,979		
Clearwater	25,121	26,734		
Nez Perce	36,783	16,333		
Bitterroot (Idaho Portion)	6,072	4,297		
TOTALS	74,952	52,918		

* The entire forest was not resurveyed. Only that portion where a concentration of beetle mortality was evident was flown. If the entire area had been resurveyed, the difference between the surveys would be even greater.

What Does the Forest Service Propose to do?

In mid-January 1999, the Forest Service released a Douglas-fir Beetle Project Draft Environmental Impact Statement that addressed the situation on the Idaho Panhandle and Colville National Forests.

I applaud the Forest Service for putting together a document of this magnitude, over 900 pages of environmental analysis, in such a short period.

I am also pleased to let you know about the extensive cooperation between the Forest Service and the Idaho Department of Lands in dealing with this situation.

In the spirit of partnership and cooperation, the Idaho Department of Lands has taken the lead in contacting private forest land owners about the problem. We are explaining the problem and providing technical assistance to them. Along with on-the-ground assistance, a series of public meetings hosted by our two agencies attracted over 500 participants to discuss this problem.

The Draft Environmental Impact Statement for the Idaho Panhandle National Forests estimates 150,000 acres of timber under attack by the Douglas-fir beetle with a potential of growing to 250,000 acres.

The Forest Service proposes treatment activities, including timber salvage, watershed restoration, vegetative restoration and fuels reduction on approximately 25,000 acres.

Revenues from the harvest of an estimated 150 million board feet will help fund watershed restoration projects such as road closure and obliteration and improve substandard roads that pose a risk to water quality.

Fuels treatment will reduce the risk of catastrophic wildfires that may start in the accumulation of fuels created by beetle-killed trees.

Since only a fraction of the total acres of bark beetle attack will receive some degree of treatment, projects are proposed primarily in areas where national forest lands lie in proximity of private lands.

The Forest Service recognizes a responsibility to protect adjacent private lands from beetles leaving national forest lands. Therefore, through an Experimental Use Permit from EPA, the Forest Service is providing a pheromone treatment on 1,700 acres of neighboring lands that will protect high risk Douglas-fir stands.

As stated earlier, most of the storm damaged timber on state and private forestlands was salvaged immediately following the severe winter of 1996-97.

Many of the private landowners who acted quickly to reduce the threat of bark beetles on their lands are now being attacked by beetles coming from adjoining national forest lands. Private landowners are justifiably concerned about these new attacks as they stand to lose additional timber if the Forest Service fails to implement their treatment plans in a timely manner.

Perhaps the most important concern from private forest owners arises from the threat of wildfire that would start on national forest lands and burn toward the private land. Since many of these people have residences on their forested tracts, the threat of life and property loss is of paramount concern to them.

As director of the state agency with primary wildfire suppression responsibility for these lands, I am concerned about sending firefighters into these situations where fire behavior will likely be more intense and unpredictable due to excessive fuels.

Conclusion.

Just one year ago, the Council of Environmental Quality granted alternative arrangements for NEPA requirements for a similar emergency situation when a windstorm swept through eastern Texas.

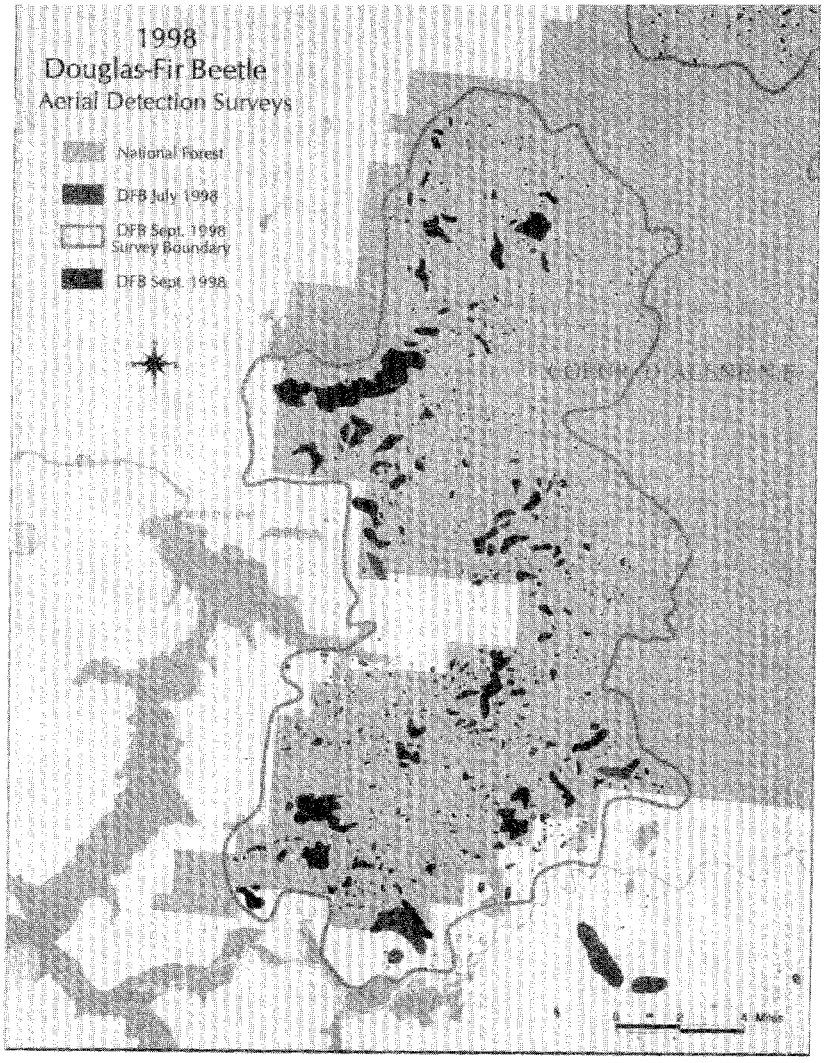
As a result, downed and damaged timber was salvaged before it lost value, the threat of high intensity wildfires was reduced, and a potential bark beetle infestation was averted. This was the first time ever for the Council of Environmental Quality to grant alternative arrangements under NEPA for the removal of timber.

The big difference between the Texas and Idaho situations is that, in Idaho, the bark beetle outbreak has already killed trees on 125,000 acres. The Forest Service needs to take quick action to reduce the spread of these insects and, most importantly, reduce the risk of catastrophic wildfires.

The Federal Forests Emergency Act of 1999 will go far toward allowing the Forest Service to proceed rapidly in the current situation and provide for timely action for future emergencies.

Thank you.

Statement of Stanley F. Hamilton
U. S. House of Representatives
Committee on Resources
Subcommittee on Forests and Forest Health
March 23, 1999


1998
Douglas-Fir Beetle
Aerial Detection Surveys
National Forest
DFB July 1998
DFB Sept. 1998
Survey Boundary
DFB Sept. 1998
0 1 2 4 Miles

IDAHO DEPARTMENT OF LANDS

State Forester Forum

DOUGLAS - FIR BEETLE IN IDAHO

Life, History, Habits and Management Recommendations

The most important bark beetle enemy of Douglas-fir (red fir) is the Douglas-fir beetle, *Dendroctonus pseudotsugae* Hopkins. It is found throughout the host range of this tree in North America. At low population levels the beetle maintains itself in windthrown or injured trees, or in those infected by root disease. Under these conditions attacked trees may be scattered throughout a stand or watershed. When epidemics occur, tree mortality can be wide spread killing thousands of apparently healthy trees. When this happens, beetle killed trees are usually found in groups ranging from just a few trees upwards to one hundred or more.

In Idaho, Douglas-fir beetle outbreaks are usually initiated by catastrophic events, such as blowdown, or winter breakage. Trees weakened by fire also contribute to increasing beetle populations. The downed or weakened trees caused by these events are very attractive to this beetle, which attacks and builds up large populations. The following year, new generations emerge and attack susceptible standing trees in nearby stands. Once an outbreak has started, it normally lasts two to three years in that area, with the peak number of attacks occurring the year the beetles first emerge from the down material. If other factors such as defoliation caused by the feeding activity of larvae of the western spruce budworm or Douglas-fir tussock moth, drought, fire, or root disease have weakened additional trees, the beetle outbreak may be prolonged several years.

Damage in standing trees is greatest in dense stands of large, mature Douglas-fir, and where the percent of Douglas-fir is high.

INDICATORS OF ATTACK

Reddish brown boring dust (frass) caught in bark crevices or accumulating in small piles on down logs, is the first evidence of attack by the Douglas-fir beetle. Wind and rain tend to remove the frass, especially from standing trees. For this reason great care needs to be taken when examining standing trees for evidence of attacks. When one infested tree is located it is very likely that there will be others in the area.

The foliage of attacked trees turns color, fading to yellow, then sorrel and finally reddish brown. Discoloration may become evident by fall but more commonly does not show up until winter or spring of the following year.

Resin sometimes exudes from attacks high up in the tree. This pitch will be seen streaming down the trunk for a few feet. The position of the pitching marks the upper limits of the successful attacks. Care needs to be taken to not confuse this pitch with that from broken branches or other wounds, or with the small globules of pitch that are very common on Douglas-fir bark.

DESCRIPTION

The Douglas-fir beetle has four stages in its life cycle: egg, larva, pupa and adult. The eggs are oval, pearly white, and the size of a pinhead. The larva is a yel-

Stanley F. Hamilton
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Idaho Department of Lands
Statehouse, Boise, ID 83720

Insect & Disease No. 18
January 1999

lowish-white, legless grub with a brown head. It grows to approximately 1/4 inch. The pupa is shiny white and resembles the adult, but its wing covers are folded around its abdomen. A new (callow) adult is pale yellow, but turns dark reddish-brown before flying. The adults are cylindrical and approximately 3/16 inch long.

LIFE HISTORY AND HABITS

The Douglas-fir beetle has one generation per year. Depending on area and weather the overwintering adults emerge from April through June. They fly to new host trees where they initiate attacks by boring through the bark to the surface of the wood. As they tunnel into the tree the beetles produce a chemical scent (pheromone) that attracts more beetles, overcoming any resistance the tree may have. There they excavate tunnels or galleries approximately 8 to 12 inches long (Figure 1). These galleries run parallel with the grain of the wood and are packed with boring frass. The eggs are laid in groups of 10 to 36 in grooves that alternate from side to side along the gallery. The eggs hatch in 1 to 3 weeks depending on temperature. The newly hatched larvae feed outward from egg gallery through the inner bark (phloem). When fully grown the larvae chew out pupal cells where the change to the adult stage takes place. Broods remain in the tree overwintering mainly as adults. The feeding activity of the beetle larvae gridles the tree leading to its eventual death.

MANAGEMENT OPTIONS

1. CLEANING UP WINDTHROW

Since Douglas-fir beetle outbreaks are normally initiated by catastrophic events that cause a lot of downed trees, timely salvage of down or severely weakened Douglas-fir is a primary tool in preventing Douglas-fir beetle outbreaks. Salvage needs to be accomplished either before the beetles attack or before they can emerge the following spring. If trees are hauled out of the woods with beetles in them, they should be processed prior to beetle flight.

2. REMOVING INFESTED TREES

When attacks have already occurred, searching out and removing standing green or fadded infested trees will also help reduce or prevent further damage in that area. Care needs to be taken to identify all infested trees as they can be difficult to find. Look for the reddish boring dust in the bark crevises and/or the pitch streaming high in the tree as aids in identifying attacked trees.

3. SILVICULTURAL MANIPULATION OF STANDS

Generally, Douglas-fir stands grow for a long time without suffering losses to bark beetles. A few trees may be lost, especially where the trees are attacked by root disease, but overall damages are not usually great. Damage can become significant in mature stands where the trees are large, old, dense, and pure to Douglas-fir. Stands with these conditions are always at high risk of being attacked by the Douglas-fir beetle. Catastrophic events in these sites are usually the trigger that starts an outbreak. When this happens, the beetles build up populations in the downed trees and subsequently attack highly susceptible stands. Therefore, **reducing the susceptibility factors prior to a catastrophe is the best loss prevention tool.**

Stand susceptibility is based on average stand conditions. Those factors that contribute to susceptibility include:

Average age: equal to or greater than 120 years; high susceptibility (mature or over mature trees)

Average size: equal to or greater than 18" dbh; high susceptibility

Stand density: stocking 80 - 120% of normal (200-280 ft^2/acre); high susceptibility

Percent host in stand; equal to or greater than 50% DF; high susceptibility

Reducing the risk of attack by the Douglas-fir beetle is best accomplished by reducing the high risk associated with these stand conditions through harvest cuts. These can often be as a commercial thinning, leaving vigorous, phenotypically superior trees. The thinned stands have less moisture stress and less shade on the stems, two

factors that are involved in the susceptibility of dense Douglas-fir stands.

4. TRAP TREES

The use of trap trees is a practice that can be used any time we suspect that there might be Douglas-fir beetles in the area. Trap trees can be either cut or left standing and baited with synthetic attractant pheromones. Either of these techniques will contain beetles at or near the site. This work needs to be done in the very early spring before beetle flight. The beetles would then attack these baited or felled trees . For this technique to be effective, the trap trees have to be removed within a year's time before the beetles are ready to emerge and attack standing green trees the next spring.

If felled trees are used, they should be cut in groups of 3 to 5 trees and should be a minimum of 15 inches in diameter, preferably larger. These trees should be felled into the shade as much as possible, as when they are felled into the sun, they do not serve nearly as well as an attractant to the beetles. If possible, it is good to leave them until the middle of July; then they should be hauled away for processing. They can be left on the site longer if necessary but definitely should be removed from the woods before snow in the fall.

5. TIMING OF HARVEST

Another technique that has proven useful in managing beetle populations is to conduct the harvest activities, specifically the felling of trees, in the spring of the year before beetle flight (usually early to mid May). This, in effect, provides a large supply of trap trees that attract and hold the beetles, keeping them from dispersing to other sites. Again, the removal of these trees has to be accomplished before beetles would fly the following spring.

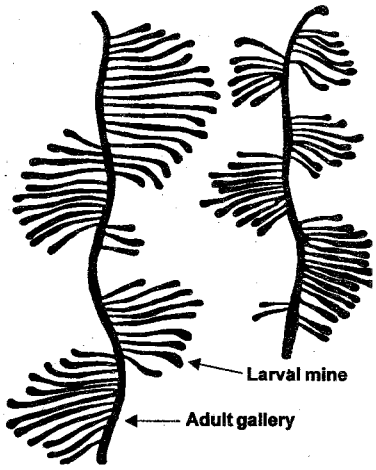
6. INSECT MANIPULATION BY PHEROMONE BAITING

When harvesting is contemplated in Douglas-fir stands, pheromone baits can be used to stimulate attacks of trees in a specific area that will then be cut and the logs hauled to mills for processing. This removes the beetles from the area and has been shown to be an effective tool in helping to maintain beetle populations at low levels. These attractant baits can be used in small clearcuts, right-of-way cuts, or in any other situation where the forester can be assured that the attacked trees will be removed before flight the following spring. Since the beetles that are attracted to these baited trees almost always spill over and make attacks in adjacent unbaited trees, great care has to be taken in using the baits so that the beetles do not attack trees designated to be left on the site.

7. PREVENTING ATTACK WITH MCH ANTIAGGREGATIVE PHEROMONE

A short time after the Douglas-fir beetle attacks a tree it produces an antiaggregative pheromone (MCH) to regulate the number of attacks in host tree. Synthetic formulations of MCH have proven very effective in preventing attack of the Douglas-fir beetle in windthrown trees. A 1984 Idaho Department of Lands/USDA Forest Service pilot project reduced attacks in windthrow by ap-

Figure 1. Douglass-Fir Beetle Galleries



proximately 96 percent. When windthrow cannot be salvaged, the application of MCH will prevent build up of beetle populations in the down material and protect live, standing trees.

Recent work has also shown that MCH can be used to protect standing green trees. The MCH is contained in small plastic dispensers deployed at regular intervals throughout the stand to be protected.

At this time the USDA Forest Service is in the process of registering MCH with the Environmental Protection Agency to make it available for operational use.

For More Information Contact Any
Idaho Department of Lands
Forest Practices Advisor

Priest Lake	(208)443-2516	Craigmont	(208)924-5571
Sandpoint	(208)263-5104	Idaho Falls	(208)525-7167
St Maries	(208)245-4551	Gooding	(208)934-5606
Deary	(208)877-1121	Coeur d'Alene	(208)769-1577
Orofino	(208)476-4587	Kamiah	(208)935-2141
Kingston	(208)682-4611	McCall	(208)634-7125
Bonners Ferry	(208)267-5577	Boise	(208)334-3488

Idaho Department of Lands
701 River Avenue - Box 670
Coeur d'Alene, Idaho 83816
(208)769-1525

R. Ladd Livingston - Supervisor, Insect & Disease Section

IDAHO DEPARTMENT OF LANDS

State Forester Forum

FOREST PROTECTION ACTION NEEDED
CLEANING UP YOUR FORESTS AFTER ICE AND SNOW DAMAGE

The winter storms of November 1996 caused extensive damage by breaking or tipping over many trees. These down trees and broken tops have created a potential problem for the remaining, undamaged trees, providing a breeding site for many bark beetles. These small beetles, smaller than a match head, are known for their ability to attack and kill standing green trees, sometimes killing hundreds of trees in a localized area. The beetles of concern are the pine engraver (also known as "Ips beetles"), and the Douglas-fir beetle. The pine engraver primarily attacks ponderosa pine and to a lesser degree, lodgepole pine. The Douglas-fir beetle attacks Douglas-fir, and windthrown western larch.

When windthrown trees, broken tops, or slash are present, the beetles attack the down wood and build up very large populations. When the new generations of beetles emerge, they will seek out more down material if it is available, but if it is not, they will search for susceptible standing green trees to attack. Many bark beetle epidemics are started in this manner, and, once started, they can kill hundreds, even thousands of trees before coming to an end.

With this potential threat it is important that landowners act quickly to salvage their down and broken timber.

Most important is the salvage of the ponderosa pine. All windthrown trees and broken tops larger than 3 inches in diameter should be removed from the woods. If the trees and tops cannot be sold, they should be piled and burned or trampled with logging equipment so as to dislodge the bark. This should be done by late March or early April to prevent beetle attack. If the work cannot be done by then, beetles will attack but can still be dealt with by the same actions finished by early June.

Standing broken ponderosa pine are not usually a threat. Trees with up to twenty feet of the top broken out will continue to grow, sometimes developing new tops. However, these trees often have poor form and do not make good lumber trees, so cutting and salvage while equipment is on site may be the best option. Broken trees lacking branches are not a threat from the pine engraver either. They are typically attacked by other beetles that are not tree killers. These broken trees can be left for wildlife if desired.

The Douglas-fir beetle populations typically build up in windthrown and broken Douglas-fir. Attacks are made in late April to early and mid May. Since these beetles are good flyers, they can disperse several miles to make their attacks. The next generation emerges the following year. This provides more time for dealing with this problem. It is best to remove the down trees and broken tops in the spring, but if this can not be accomplished, the work can be done anytime during the summer or fall.

As with the pines, the standing portion of Douglas-fir trees broken and left without limbs do not pose a threat

Forest Insect & Disease No. 15
December, 1996

Stanley F. Hamilton
Director and State Forester
Idaho Department of Lands
Statehouse, Boise, ID 83720

from bark beetles. These could be left for wildlife habitat. However, standing broken trees left with some branches may be attacked and should be removed.

Bark beetles do not recognize property boundaries. Landowners should inform their neighbors of the risk of bark beetle problems that can result from untreated, down trees. This reduces the hazard to their trees and neighbors properties. Working together with neighbors may also provide enough logs to make a salvage sale economically feasible or profitable where it might not otherwise be so.

For more information concerning salvage of windthrown and broken trees, the threat from bark beetles, other forest health/forest management concerns, or for a list of consulting foresters who can also help, contact a forest practices advisor with the Idaho Department of Lands or the University of Idaho Cooperative Extension System.

R. Ladd Livingston, Forest Entomologist
Idaho Department of Lands, Coeur d'Alene
Chris Schnepf, Area Extension Educator - Forestry
UI Kootenai Co. Extension Office, Coeur d'Alene

For More Information Contact Any Idaho Department of Lands Forest Practices Advisor

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Bill Love, Chief - Bureau of Private Forestry
Ladd Livingston - Forest Entomologist

Roger Hayes

Chairman

Winston County Commission

In 1998 a severe ice storm struck Winston County, Alabama causing major damage to timber located within the county.

Winston is a rural county located in northwest Alabama with a population of approximately 23,000. Located within its boundaries is 89,000 acres of the 180,000 acre Bankhead National Forest. Of this 89,000 acres, 51,710 acres are not accessible or have limited access for timber harvesting due to the Wild & Scenic River Act, the Wilderness Area, Semi-primitive Area, and Native American Values.

Winston County has 50-57 industries that incorporate some form of timber into their finished product or supply timber for others use. Timber harvested from property in the county is usually pulp wood grade, whereas National Forest Timber is usually high grade saw timber. However, when timber is damaged and not harvested within an appropriate time it detracts from the appearance and use of the forest and limits the benefits to the county.

When natural disasters strike such as: fires, tornadoes, ice storms, insects & disease epidemics, timber harvesting must be expedited in order to prevent further damage. In the period of 1993 to 1998 there were 6 to 8 disasters within the Bankhead National Forest.

In order to harvest damaged timber there can be as much as a 200 day delay due to environmental assessments. Within this time period insects and disease will cause further deterioration of useable timber.

Revenues are continuing to decrease due to delays in harvesting damaged timber, logging being prohibited in a wider area next to stream beds, management research with fish and wildlife and intense study of endangered species such as fresh mussel, flat musk turtle and bats. Endangered species must and can be protected without allowing valuable timber to rot and decay. All contributing factors must be assessed in a timely fashion to allow for the most beneficial outcome.

Our county receives 25% of the proceeds from timber harvesting and recreation in the National Forest. Of this 25% only 4% is from recreation and 96% is from timber harvesting.

Revenues from the National Forest are divided, 50% for education and 50% for roads & bridges. The road & bridge portion is spent on road repairs, resurfacing, preparing site access for new industries and developing plots for wildlife.

Revenues

1986	$175,000	1992	$334,741
1987	187,000	1993	174,000
1988	140,000	1994	128,556
1989	165,004	1995	96,416
1990	195,000	1996	164,000
1991	175,000	1997	98,000

Not only does managed timber harvesting offer financial assistance to the county it also serves to protect our forest from disease and erosion. It helps to keep the forest well manicured and in the most suitable condition for recreational use. Even though some people only see our National Forest as places of recreation, which is important to our county, recreation can never replace the timber industry.

Timber harvesting and recreation in our National Forest play an important role in the lives of the people of Winston County. I have been a life long resident of the county. As a child and young man I spent many hours in the forest mostly for recreational purposes. However, as an adult I see the important role the forst plays in our economy. As a private citizen I observe the impact forest timber has on the lives of family and friends who have been involved in the timber industry for generations. As Chairman of the County Commission, I must continually travel through the forest to observe road conditions. This gives me ample opportunity to observe the condition of our forest and determine the impact it will have on our County. The residents of our county believe the National Forest should be a benefit to the people of the county. It is a great place for recreational purposes, but its resources must be managed to reach the highest potential.

I believe that alternative arrangements for the harvesting of damaged timber must be enacted in order to preserve our forest and the opportunities it presents.

Questions

1. How does a decrease in forest revenue affect Winston County?
2. What role does the National Forest play in economic improvement?
3. How is timber harvesting compatible with tourism, roadways and wildlife?
4. What effect does timber harvesting have on endangered species?

Disclosure

Roger Dexter Hayes

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Double Springs, Alabama 35553

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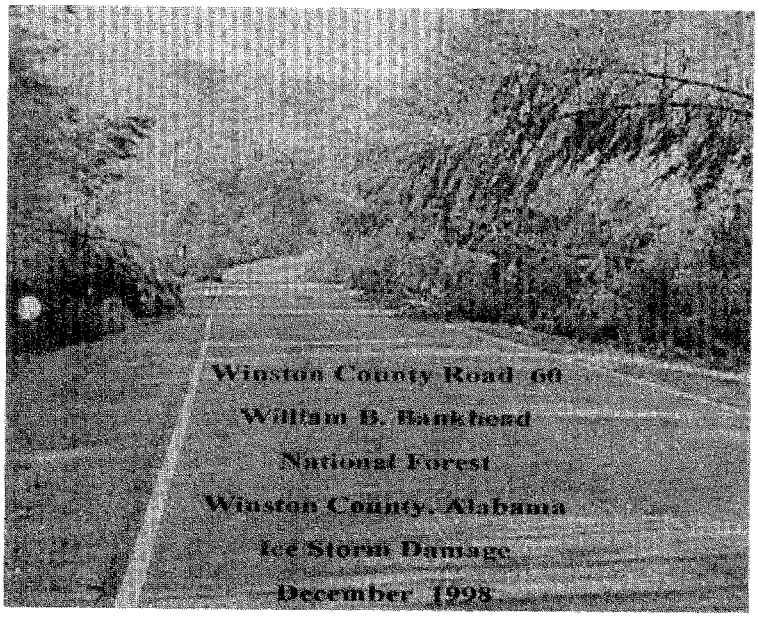
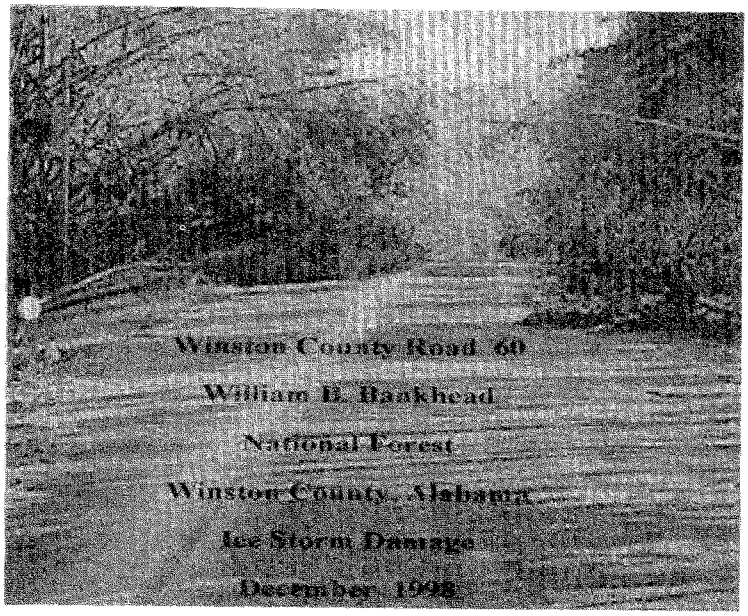
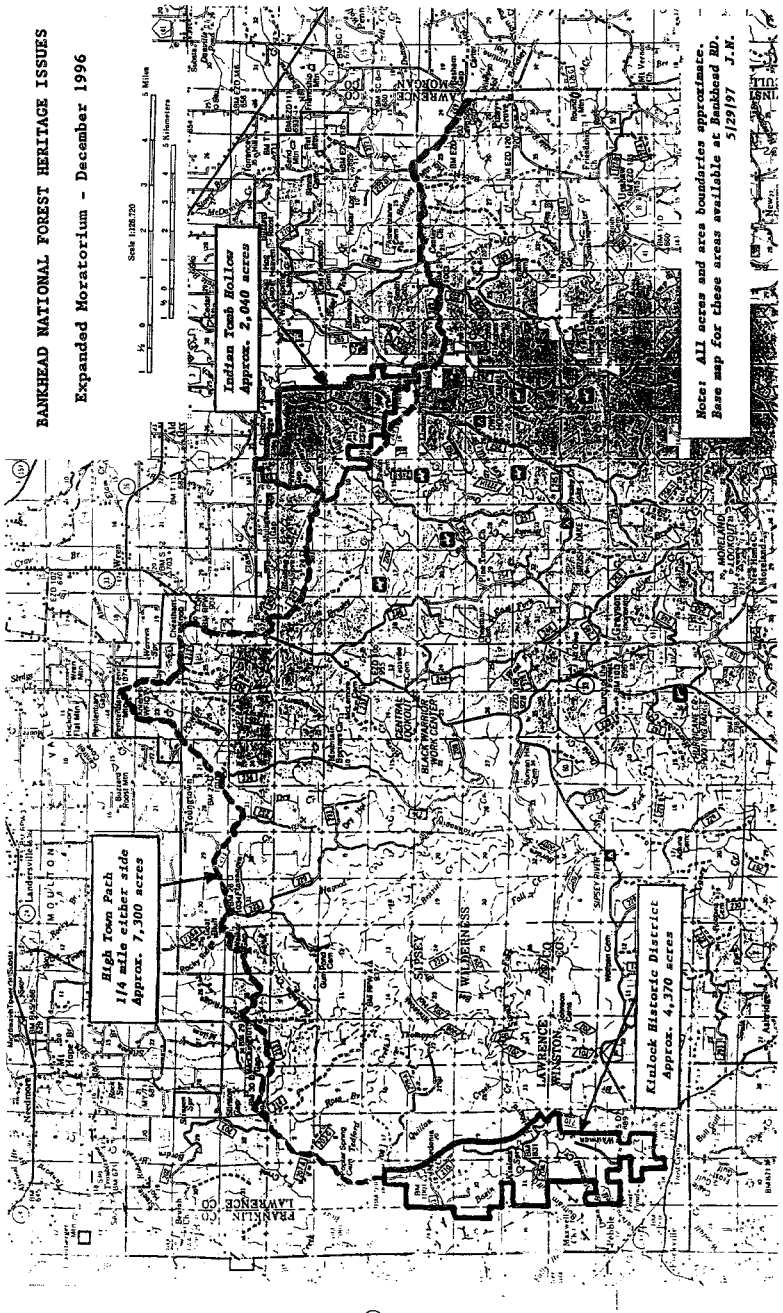
Winston County Commission

Chairman Winston County Commission


Winston County Road 66
William B. Bankhead
National Forest
Winston County, Alabama
Ice Storm Damage
December 1998


Winston County Road 60
William B. Bankhead
National Forest
Winston County, Alabama
Ice Storm Damage
December 1998


BANKHEAD NATIONAL FOREST HERITAGE ISSUES
Expanded Moratorium - December 1996
High Town Path
1/4 mile either side
Approx. 7,300 acres
Indian Tomb Hollow
Approx. 2,040 acres
Kialook Historic District
Approx. 4,370 acres
Note: All acres and area boundaries approximate.
Base map for these areas available at Bankhead RD.
5/29/97
J.N.