

**THE IMPACT OF CATASTROPHIC
FOREST FIRES AND LITIGATION
ON PEOPLE AND ENDANGERED
SPECIES: TIME FOR
RATIONAL MANAGEMENT OF
OUR NATION'S FORESTS**

OVERSIGHT HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

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**OVERSIGHT HEARING ON “THE IMPACT OF
CATASTROPHIC FOREST FIRES AND LITIGATION
ON PEOPLE AND ENDANGERED
SPECIES: TIME FOR RATIONAL MANAGE-
MENT OF OUR NATION’S FORESTS.”**

**Tuesday, July 24, 2012
U.S. House of Representatives
Committee on Natural Resources
Washington, D.C.**

The Committee met, pursuant to notice, at 10:07 a.m., in Room 1324, Longworth House Office Building, Hon. Doc Hastings [Chairman of the Committee] presiding.

Present: Representatives Hastings, Duncan of Tennessee, Lamborn, McClintock, Thompson, Benishek, Duncan of South Carolina, Tipton, Gosar, Noem, Runyan; Markey, DeFazio, Napolitano, Holt, Grijalva, Heinrich, Luján, and Tonko.

The CHAIRMAN. The Committee will come to order. The Chairman notes the presence of a quorum, which, under Rule 3(e), is 2 Members. The Committee on Natural Resources is meeting today to hear testimony on an oversight hearing on “The Impact of Catastrophic Forest Fires and Litigation on People and Endangered Species: Time for Rational Management of Our Nation’s Forests.”

Under Rule 4(f), opening statements are limited to the Chairman and Ranking Member of the Committee. However, if any Member wishes to have a statement inserted into the record, have it to the clerk before the end of business today. And, without objection, that will be so ordered.

I will now recognize myself for 5 minutes for the opening statement.

**STATEMENT OF THE HON. DOC HASTINGS, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WASHINGTON**

The CHAIRMAN. This hearing focuses on the devastating impacts of catastrophic wildfires on people and species, and how Endangered Species Act litigation blocks activities to help prevent or fight forest fires. Each year wildfires damage or destroy an average of 3.7 million acres across the United States, mostly on Federal forest and other public lands, including millions of acres of land that the Federal Government has mandated as critical for endangered species.

As we hold this hearing, 28 major fires are burning in 12 States, adding to 3.9 million acres that have already burned this year. These fires destroy lives, homes, farms, and families' economic security. And they destroy old growth habitat and endangered species. The soaring annual costs of managing wildfires runs over \$3 billion. As a result, fewer resources are available for forest management to improve forest health, create jobs, and provide funding for rural schools and protect species habitat. Decades of poor management of millions of acres of Federal forest and rangelands have made the situation worse.

Last week, the Associated Chief of the Forest Service testified that 65 million acres of Forest Service lands are at high risk of wildfire. That is 65 million acres. Yet last year, the Service treated just 4 million acres. That is only 2 percent. The lack of proper Federal land management imperils neighboring State, local, Tribal, or private lands that are often better managed through thinning, timber sales, and other activities.

Why won't the Federal Government more responsibly manage for us? In large part, the answer is in the Endangered Species Act, and the way it is interpreted and the way it and other laws are being abused by environmental groups through endless lawsuits to block local, State, and Federal timber fuels reduction and thinning projects.

Information provided by the Justice Department to this Committee reveals that at least 59 environmental lawsuits against the Forest Service and BLM have been filed or were open during just the past 4 years. These suits have stopped most human or economic activity connected with forests, including eliminating thousands of jobs. They have also obstructed projects to improve species habitat on thousands of acres decimated by fires, by removing dead or diseased trees, maintaining access roads to fire areas, and removing ash and sediment.

Ironically, some of these lawsuits aimed at "saving" forests, rather than having their actual destruction, where once old growth, critical habitat forests now resemble the moon's surface after fires.

More troubling is that these lawsuits, and the threat of even more, have led to instances where Federal agencies and private firefighting contractors sometimes are unclear how to implement ESA rules amidst fighting forest fires. Over-cautious behavior ensues and fighting out-of-control wildfires, already a dangerous occupation, is made even more difficult.

Some believe the real cause of catastrophic wildfires is global warming, that megafires are natural and should run their course, and that fires and drought won't ease unless carbon emissions in the earth's atmosphere are reduced. I note these are usually the same individuals who oppose any efforts to reduce the immense carbon building up in our forests through management, and who often support ESA lawsuits to block efforts to mitigate environmental damage caused by these fires.

Our communities and endangered species deserve practical solutions now to address and reduce the risks of megafires. We owe it to them to improve Federal forest health and species habitat and ensure that the Endangered Species Act works to protect species and people before and after these devastating fires occur.

That's what this hearing is about today, and I look forward to hearing from the witnesses.

[The prepared statement of Mr. Hastings follows:]

**Statement of The Honorable Doc Hastings, Chairman,
Committee on Natural Resources**

This hearing focuses on the devastating impacts of catastrophic wildfires—on people and species and how Endangered Species Act litigation blocks activities to help prevent or fight fires.

Each year, wildfires damage or destroy an average of 3.7 million acres across the United States, mostly on federal forests and other public lands, including millions of acres of land that the federal government has mandated as critical for endangered species. As we hold this hearing, 28 major fires are burning in twelve states, adding to 3.9 million acres that have already burned this year.

These fires destroy lives, homes, farms, and families' economic security—and they destroy old growth habitat and endangered species. The soaring annual cost of managing wildfires runs over \$3 billion. As a result, fewer resources are available for forest management to improve forest health, create jobs, provide funding for rural schools, and protect species habitat.

Decades of poor management of millions of acres of federal forest and range lands has made the situation worse. Last week, the Associate Chief of the Forest Service testified that 65 million acres of Forest Service lands are at "high risk of wildfire," yet, last year, the Service treated just 4 million acres—that's only 6 percent. The lack of proper federal land management imperils neighboring state, local, tribal or private lands that are often better managed through thinning, timber sales and other activities.

Why won't the federal government more responsibly manage forests? In large part, the answer is the Endangered Species Act (ESA), the way it is interpreted, and the way it and other laws are being abused by environmental groups through endless lawsuits to block local, state and federal timber fuels reduction and thinning projects.

Information provided by the Justice Department to this Committee reveals that at least 59 environmental lawsuits against the Forest Service and BLM have been filed or are open during just the past four years. These suits have stopped most human or economic activity connected with forests, including eliminating thousands of jobs. They have also obstructed projects to improve species habitat on thousands of acres decimated by fires, by removing dead or diseased trees, maintaining access roads to fire areas, and removing ash and sediment. Ironically, some of these lawsuits aimed at "saving" forests have resulted in their actual destruction, where once old-growth, critical habitat forests now resemble the moon's surface after fires.

More troubling is that these lawsuits, and the threat of even more, have led to instances where federal agencies and private firefighting contractors sometimes are unclear how to implement ESA rules amidst fighting wildfires. Overcautious behavior ensues and fighting out-of-control wildfires, already a dangerous occupation, is made even more difficult.

Some believe the *real* cause of catastrophic wildfires is global warming, that megafires are natural and should run their course, and that fires and drought won't ease unless carbon emissions in the Earth's atmosphere are reduced. I note these are usually the same individuals who oppose any efforts to reduce the immense carbon building up in our forests through management and who often support ESA lawsuits to block efforts to mitigate environmental damage caused by these fires.

Our communities and endangered species deserve practical solutions now to address and reduce the risks of megafires. We owe it to them to improve federal forest health and species habitat and ensure that the Endangered Species Act works to protect species and people before and after these devastating fires occur. That's what this hearing is about today.

I look forward to hearing from the witnesses here today.

The CHAIRMAN. But before I do that, I will recognize the distinguished Ranking Member, Mr. Markey, for 5 minutes.

STATEMENT OF THE HON. EDWARD J. MARKEY, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. MARKEY. Thank you, Mr. Chairman. This summer, tens of thousands of people have had to evacuate because of wildfires. Hundreds of homes have been destroyed. Lives have been lost. As this fire season has heated up, so has the rhetoric from the Majority. Environmental laws, land management agencies, litigation, endangered species, and even immigrants share the Republicans' blame for this year's devastating wildfires.

An analysis of the Forest Service and the Bureau of Land Management projects to reduce the risk of fires reveals that these Republican accusations are just not—are just a smoke screen.

Today I am releasing a report that torches the myth that citizens engaging in democracy are turning our forests into tinder boxes. Using the same approach taken by the Government Accountability Office in 2010, the Democratic staff looked at the over 8,000 projects identified by the Forest Service and Bureau of Land Management for hazardous fuel reduction from 2009 through 2011. The report finds that 95 percent of all projects subject to review move forward without pause. In total, only 27 projects, or .3 percent— $\frac{3}{10}$ of 1 percent—were canceled because of concerns raised during the appeals process.

There is an even smaller impact of appeals related to endangered species concerns. Of the 27 projects that were canceled in the last 2 years, only 3 were due to concerns over imperiled wildlife. In comparison, target shooters in Utah alone have already caused 21 fires this summer in the United States.

So, if endangered species aren't the reason for catastrophic wildfires, what is? One immediate answer is that funding to reduce the risk of fire is at the lowest level since 2000. But no amount of money will be sufficient, unless we acknowledge the link between climate change and wildfires. The Under Secretary of Agriculture, Harris Sherman, has admitted this link exists. The Chief of the Forest Service has admitted this link exists. Scientists around the world have proven this link exists.

We are approaching dustbowl-like drought conditions. Fires are becoming larger and more severe. And the root cause of this push to the extremes is climate change. Last week, a massive chunk of ice, twice the size of Manhattan, broke off of the Peterman Glacier in Greenland. And scientists point to warming ocean temperatures as the culprit, in addition to a 4.7 degree increase in temperature in the air up in that area, as well, since 1987.

I have suggested that we rename it Denier Island, where those who question the science behind global warming can spend the summer cooling off and escaping the heat waves, the drought, and the wildfires here, in the United States.

Today we will hear a lot of talk about the need for action on wildfires. When given the opportunity in June to provide State and Federal agencies more tools to thin forests, all but two Republicans voted against an amendment on the House Floor that resulted in more thinning. I voted for that measure. I have also put forward legislation with my colleagues, Representative Grijalva,

Napolitano, Luján, and Polis, that recognizes that we have a problem in our forests.

Our bill allows the Forest Service and the Bureau of Land Management the flexibility to do thinning in areas impacted by insects and disease, without waiving environmental laws and forcing Federal agencies to make decisions on projects in unrealistic time frames.

Our bill also recognizes our constrained fiscal environment. It gives the Federal agencies additional authorities they desire to stretch the Federal dollars further, and allow them to partner with States to reduce the cost of projects involving Federal and State lands.

It is time for rational management of our Nation's forests. We need to provide the resources to reduce the risk of fire. We need to give agencies the authorities, as our legislation does, to work smarter and not harder.

And finally, we need to reduce the impact of climate change on our forests.

Thank you, and I yield back the balance of my time.

[The prepared statement of Mr. Markey follows:]

**Statement of The Honorable Edward J. Markey, Ranking Member,
Committee on Natural Resources**

Thank you, Chairman Hastings.

This summer tens of thousands of people have had to evacuate because of wildfires. Hundreds of homes have been destroyed. Lives have been lost.

As this fire season has heated up so has the rhetoric from the Majority. Environmental laws, land management agencies, litigation, endangered species, and even immigrants share the Republican's blame for this year's devastating wildfires.

An analysis of the Forest Service and Bureau of Land Management projects to reduce the risk of fires reveals that these Republican accusations are just a smoke-screen.

Today, I am releasing a report that torches the myth that citizens engaging in democracy are turning our forests into tinder boxes.

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But no amount of money will be sufficient, unless we acknowledge the link between climate change and wildfires.

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It is time for rational management of our nation's forest. We need to provide the resources to reduce the risk of fire. We need to give agencies the authorities, as our legislation does, to work smarter, not harder. Finally, we need to reduce the impact of climate change on our forests.

Thank you. I yield back my time.

The CHAIRMAN. I thank the gentleman for his statement. And I am pleased to welcome our panel here. We have Mr. Rick Dice, who is the President of the National Wildlife Suppression Association, from Redmond, Oregon. We have Ms. Alison Berry, Energy and Economics Specialist, the Sonoran Institute, from Bozeman, Montana. And we have Mr. Bill Crapser, who is Chairman-Elect of the Council of Western State Foresters, from Cheyenne, Wyoming. And I recognize the gentleman from New Mexico for an introduction of somebody from his State. The gentleman from New Mexico is recognized.

Mr. LUJÁN. Mr. Chairman, thank you so very much. And it is my pleasure to introduce José J. Varela López, a local cattle producer from my congressional district. Mr. Varela López is a native New Mexican from the historic village of La Cieneguilla near Santa Fe. He is currently serving as the President-Elect of the New Mexico Cattle Growers Association, where he is also a member of the Board of Directors, and Chairman of the Association's legislative committee, and has previously served as the Northwest Region Vice President of the New Mexico Cattle Grower's Association.

In addition to serving on the Association, José is active in several other natural resource-based entities in New Mexico. On the governmental level, he serves on the local soil and water conservation district, where he is currently serving as Chairman. He is also a member of the Northern New Mexico Stockman's Association Board of Directors, and the New Mexico Federal Lands Council Board of Directors. José also served on the Santa Fe County Commission back home.

Mr. Chairman, it is an honor to have friends from New Mexico here with us, as well. José, we welcome you and thank you for being here to testify.

And with that, Mr. Chairman, I yield back.

The CHAIRMAN. I thank the gentleman for his introduction. And for—if you are not familiar with how the hearing goes, your statement that you were asked to submit will appear in the record in its entirety. But you have 5 minutes. And I would like you to confine your oral statements to 5 minutes.

The lights in front of you—obviously, the timer there is 5 minutes. And when the green light is on you are doing very well. When the yellow light comes on it means there is 1 minute left. And when the red light comes on it means that the 5 minutes have expired. I would ask you certainly to wrap it up.

So, Mr. López, we will begin with you. And you are recognized for 5 minutes.

**STATEMENT OF JOSÉ VARELA LÓPEZ, PRESIDENT-ELECT,
NEW MEXICO CATTLE GROWERS' ASSOCIATION,
ALBUQUERQUE, NEW MEXICO**

Mr. LÓPEZ. Thank you, Mr. Chairman, Ranking Member Markey, and members of the Committee. Thank you for allowing me to be here today. I appear as President-Elect of the New Mexico Cattle Grower's Association, with members in all 33 counties and 14 other States. Our association, almost as old as the State of New Mexico, has been dedicated since its inception to maintain a favorable economic climate by working toward solutions that advance and protect our industry and our investments within the free enterprise system, which is one of the great hallmarks of our Nation.

During my lifetime and those of my forefathers, we in the West have learned to live and work with Mother Nature, which includes managing our lands, forests, and animals through the cyclical droughts that have been part of the earth's evolution since the beginning of time. The most recent drought appears to have hastened the megafires that continue to alter the landscape with increasing frequency across the Western United States, and thus the need to confront the reality that each year of tepid, court-driven forest management that passes is another year that we destroy millions of acres of forest, grass lands, homes, livelihoods, animals, both domestic and wild, as well as invaluable watersheds that communities, urban and rural alike, depend on.

We all know—or should know—that the expense incurred to mitigate the immediate damage caused by wildfires that decimate our fuel-laden forests is many times more expensive than prudent, diligent, forest management ever could be. Additionally, proper and proactive forest management also provides jobs to rural communities, produces timber for homes and businesses, biomass for renewable energy, protect homes and other infrastructure, improves habitat for endangered species and other wildlife, increase forage production for livestock, and most importantly, maintains or improves intact watersheds to deliver much-needed water to our irrigated fields, municipalities, and waterways.

In New Mexico, all of the negative impacts related to catastrophic wildfires are coming to pass, and just in the last 2 years. The culmination of a century of inappropriate fire suppression, decreasing timber harvest, and decades of environmental litigation have rendered forest management to be both costly and complex, exacerbating the unhealthy conditions of our forest. The fact of the matter is that you can't preserve a forest. You have to manage it. To do otherwise is to risk the loss of the multiple benefits that it provides.

Couple the Whitewater/Baldy fire with last year's 500,000-plus acre Wallow fire in New Mexico and Arizona, and much of the

Mexican Wolf, Mexican Spotted Owl, Spikedace, and Loach Minnow habitat have been destroyed. It is impossible to ever know how much wildlife was lost.

At the inception of the United States Forest Service, and as outlined in the 1897 Organic Act passed by Congress, 3 management goals were listed for the newly created Forest Reserves: to improve and protect the public forests, to secure favorable water flows, and to provide a continued supply of timber under regulation. I think it would be fair to say that, instead of reaching those goals, we are moving ever further away from achieving any of the three, mainly due to court and self-imposed constraints.

With over 25,000 fire starts this year alone in the West, destroying millions of acres, thousands of animals, including threatened and endangered species, hundreds of homes, businesses, and even human lives, it is imperative that we remove the shackles of often conflicting policies, rules, and regulations born of incessant litigation over time, and to resolve to streamline the required National Environmental Policy Act analyses that prevent the proactive management of our forests.

We need to improve access for the removal of the fuels that are choking our forests and depleting our water supplies. We need to increase the number of landscape projects of a million acres or more to accelerate treatments, creating efficiencies of scale, and decreased costs. We need to allow management flexibility in the Wildland/Urban Interface communities to quickly reduce the threat of catastrophic fire. We need to provide incentives to create the economic engine that will utilize the small diameter fuels we need to remove from the forest for renewable energy purposes and other large-scale utilization. We need to accomplish these goals, we need to train the workforce that would be required to make our unhealthy forests resilient again.

Instead, our government is funding the destruction of our landscape, our economies, and our families through litigation. There is no doubt that the Endangered Species Act and the citizen lawsuit provision were well intended. However, I doubt the framers of the Act 40 years ago could have contemplated what was to come.

While funding will always be an issue in adequately addressing the enormous amount of deferred maintenance in our forest, utilizing the full funding of the land and water conservation fund to fully manage our Nation's forests, as opposed to using the fund to purchase more lands that will add to the management backlog would certainly be a step in the proper direction.

In closing, I want to reiterate that we cannot preserve our forests; they must be managed. The trees and grasses produced in our forests are renewable resources, if they are managed. Otherwise, they just burn.

Thank you for your time.

[The prepared statement of Mr. López follows:]

**Statement of José J. Varela López, President-Elect,
New Mexico Cattle Growers' Association**

Chairman Hastings, ranking member Markey and members of the Committee, thank you for allowing me to come before you today. My name is José J. Varela López and I am from the historic village of La Cieneguilla, near Santa Fe, New Mexico where my family settled nearly 400 years ago and began cattle ranching. I

appear before you as President-Elect of the New Mexico Cattle Growers' Association (NMCGA) with members in all of the state's 33 counties and 14 other states. Our association, almost as old as the state, has been dedicated since its inception to maintain a favorable economic climate by working towards solutions that advance and protect our industry and our investments within the free enterprise system that is one of the hallmarks of our great nation. Over the last 15 years we have been forced to defend our rights by entering into the arena of litigation.

In addition to my work with the NMCGA, I am active in several other natural resource based entities in New Mexico. On the governmental level, I am an elected official with my local Soil and Water Conservation District and serve as Chairman of the New Mexico Soil and Water Conservation Commission. I am the Executive Director of the New Mexico Forest Industry Association and hold a bachelor's degree in business administration from the University of New Mexico.

During my lifetime and those of my forefathers, we in the West have learned to live and work with Mother Nature, which includes managing our lands, forests and animals through the cyclical droughts that have been a part of the Earth's evolution since the beginning of time.

The most recent drought appears to have hastened the mega-fires that continue to alter the landscape with increasing frequency across the western United States, and thus the need to confront the reality that each year of tepid, court driven forest management that passes, is another year that we destroy millions of acres of forests, grasslands, homes, livelihoods, animals, both domestic and wild, as well as the invaluable watersheds that communities, urban and rural alike, depend upon.

In the fires aftermath we have highly eroding watersheds, streams that run black, lakes choked with soil, rocks, downed trees and other debris, and decimated wildlife habitat that will take many decades of effort and uncalculated millions of dollars just to stabilize. It could take a century or more to restore.

We all know, or should know, that the expense incurred to mitigate the immediate damage caused by the wildfires that decimate our fuel laden forests is many times more expensive than prudent, diligent forest management ever could be. Additionally, proper and proactive forest management also provides jobs to rural communities, produces timber for homes and business, biomass for renewable energy, protects homes and other infrastructure, improves habitat for endangered species and other wildlife, increases forage production for livestock, and most importantly maintains or improves intact watersheds to deliver much needed water to our irrigated fields, municipalities and waterways.

It may be easy to place blame on the U.S. Forest Service (USFS) for the devastation that New Mexico and other states in the West are facing even as we speak, but the agency is not the culprit. There are many valiant men and women, from those fighting the fires to the top levels of management, who are doing their best to save our resources in the face of litigation driven management, or lack thereof.

In New Mexico, all of the negative impacts related to catastrophic wildfires are coming to pass, and all in the last two years. The culmination of a century of inappropriate fire suppression, decreasing timber harvests and decades of environmental litigation have rendered forest management to be both costly and complex, exacerbating the unhealthy conditions of our forests. The fact of the matter is that you can't preserve a forest, you have to manage it. To do otherwise, is to risk the loss of the multiple benefits that it provides.

To be clear, fire is a tool that must be used in the management of forests, however, to let a fire burn in Wilderness or anywhere else, in the spring and summer, when temperatures and winds are high and humidity is low is not just irresponsible, but is nearly criminal. On May 9, a NMCGA member called in the Baldy Fire when he saw one tree burning as a result of lightning. On that day it would have taken one man on horseback to put the fire out.

Instead, the fire was allowed to burn, eventually merging with the Whitewater Fire that started on May 16 in the same manner. Combined, these fires are now the largest fire ever in New Mexico, at 300,000 acres. The fire grew by 70,000 acres in just one day due to sustained winds, according to the USFS.

Not only were structures lost, but now agencies at all levels are scrambling to save communities from the runoff due to annual summer rains. Couple the Whitewater/Baldy Fire with last year's 500,000 plus acre Wallow Fire in Arizona and New Mexico, and much of the Mexican wolf, Mexican Spotted Owl, Spikedace and Loach Minnow habitat has been destroyed. It is impossible to ever know how much wildlife was lost.

The Little Bear Fire near Ruidoso in May and June had a similar start. It was first seen on a Tuesday, again in Wilderness, and let burn. On Friday night it blew out of control, eventually destroying over 250 homes and businesses and charring

over 30,000 acres. Little Bear has been dubbed the most destructive fire in New Mexico history.

In reality, we cannot yet know the total magnitude of the destruction. The aftermath of last year's Las Conchas Fire, then the largest in the state's history, and in excess of 150,000 acres, continues to ravage the landscape and decimate the Santa Clara Pueblo northwest of Santa Fe. Runoff from this year's summer rains have taken out all of the erosion protection that was put in immediately after the fire as well as heavy equipment and work currently being done.

At the inception of the United States Forest Service, and outlined in the 1897 Organic Act as passed by Congress, three management goals were listed for the newly created forest reserves:

- To improve and protect the public forests
- Secure favorable water flows, and
- Provide a continuous supply of timber, under regulation.

I think it would be fair to say that instead of reaching those goals, we are moving ever further away from achieving any of the three, mainly due to court and self-imposed constraints.

We can learn much from the management of tribal lands in New Mexico and Arizona. The Wallow Fire did little damage on the White River Apache Reservation due to the ongoing management by the tribe of their forested lands. The same holds true for fires that have burned near the Mescalero Reservation in south central New Mexico.

We continually hear in the media that these mega-fires are in part due to over-grazing. A century ago that may have been true. Today, however, the lack of grazing as part of a comprehensive management plan contributes to the volume of these fires.

With over 25,000 fire starts occurring this year alone in the West, destroying millions of acres, thousands of animals, including threatened and endangered species, hundreds of homes and businesses, and even human lives, it is imperative that we remove the shackles of often conflicting policies, rules and regulations borne of incessant litigation over time and resolve to streamline the required National Environmental Policy Act analyses that prevent the proactive management of our forests. We need to:

- Improve access for the removal of the fuels that are choking our forests and depleting our water supplies.
- Increase the number of landscape scale projects of a million acres or more, to accelerate treatments, creating efficiencies of scale and decreased costs.
- Allow land management flexibility in Wildland/Urban Interface communities to quickly reduce the threat of catastrophic fire.
- Provide incentives to create the economic engine that will utilize the small diameter fuels we need to remove from the forests for renewable energy purposes and other large-scale utilization.
- Manage the fine fuels load in the forests through proper grazing management.
- Sustain a steady and increasing flow of timber from our forests to maintain the viability of our remaining wood utilization infrastructure and their employees.

To accomplish these goals, we need to train the workforce that will be required to make our unhealthy forests resilient again.

Instead, our government is funding the destruction of our landscape, our economies and our families through litigation. There is no doubt that the Endangered Species Act (ESA) and its citizen lawsuit provision were well intended. However, I doubt that the framers of the Act, 40 years ago, could have contemplated what was to come.

So, instead of saving and rebuilding populations of dwindling species, because of litigation, the exact opposite is occurring. One of the key components of the ESA is the designation of "critical habitat" in which species are supposed to be protected and allow for an increase in their populations. Yet critical habitat designation provides a fertile feeding ground for the lucrative litigation of radical environmental groups, and prevents proactive forest management.

Comparing the 990 returns for two groups from 2000 to 2010, the WildEarth Guardians net worth increased by 1,019.90 percent just as the Center for Biological Diversity's net worth increased by 466.98 percent during that period. The WildEarth Guardians recently topped \$1 million in revenue derived from their litigation in New Mexico alone, according to research by Wyoming attorney Karen Budd-Falen. Add to that the more than \$1 billion the USFS alone is spending annually on fire suppression and the American taxpayer is really being harmed.

While funding will always be an issue in adequately addressing the enormous amount of deferred maintenance in our forests, utilizing the full funding of the Land and Water Conservation Fund to proactively manage our nation's forests, as opposed to using the fund to purchase more lands that will add to the management backlog, would certainly be a step in the proper direction. And obviously, reducing environmental litigation by requiring the litigant to prove that the risks associated with no management is a better long-term method for protecting endangered species than proper forest management would be.

In closing, I wanted to reiterate that we cannot "preserve" our forests. They must be managed. The trees and grasses produced in our forests are renewable resources, if they are managed. Otherwise, they just burn.

Thank you for your time.

The CHAIRMAN. Thank you very much, Mr. López, for your testimony.

I now recognize Mr. Bill Crapser, who is the Chairman-elect of the Council of Western State Foresters, from Cheyenne, Wyoming.

Mr. Crapser, you are recognized for 5 minutes.

STATEMENT OF BILL CRAPSER, CHAIRMAN-ELECT, COUNCIL OF WESTERN STATE FORESTERS, CHEYENNE, WYOMING

Mr. CRAPSER. Thank you, Chairman Hastings. My name is Bill Crapser. I am the Wyoming State Forester. I am here today on behalf of the Council of Western State Foresters and the National Association of State Foresters.

State foresters manage and protect State and private lands across the United States that make up two-thirds of our Nation's forest. We also work very closely with our Federal and local partners to deliver forestry and wildfire protection programs. It is no secret that all of our forests face significant threats. These threats come in many forms, such as forest insects and disease, changes in management, long-term droughts, and wildfires that seemingly grow in size and intensity each year.

We believe that it is important to work together for the long-term health and sustainability of our forests. We simply have too much at stake to do anything but work actively to sustain and manage all of our forests.

Perhaps the biggest threat on our minds this summer is the threat of wildfire. We are essentially experiencing a perfect storm stemming from the combined impacts of long-term drought, unhealthy landscapes, and more people living within fire-prone landscapes. According to the National Interagency Fire Center, last year 74,000 fires burned more than 8.7 million acres across the country. All these factors have caused our job of protecting our forest and communities from the negative impacts of fire to become increasingly expensive and complex.

But acres alone don't capture the full impact. In my home State of Wyoming, where our fire season is off and running, but far from over, we have already burned more than 350,000 acres and lost more than 30 homes. In neighboring Colorado, the damage is even worse. Large fires have destroyed more than 700 homes and taken several lives. While we work with communities nearly every day to prepare community wildfire protection plans, we need to do more to treat the fuel loads in all of our forests to protect both communities and the forests from the fires that seem to be burning with increased and unnatural intensity and severity.

The Western Forestry Leadership Coalition's report on the true cost of wildfire revealed that the range of total cost of wildfires, including suppression, rehabilitation, and indirect cost, can be as much as 30 times greater than the suppression cost alone. While no amount of active management will eliminate fire from our ecosystems, active management can effectively reduce fire hazard and improve the overall health and resiliency of the forest.

Additionally, active management provides sustainable timber and other forest products that means jobs for local communities and economies. We need to break the current cycle with continued forest accumulation and larger, more destructive wildfires.

State foresters continue to support the efforts to provide Federal land management agencies with the tools they need to succeed in increasing active management on all forest lands, such as extending the stewardship contracting authority, expanding the good neighbor authority, and fully utilizing authorities made possible through the Healthy Forest Restoration Act.

The Federal Land Assistance Management Act and Enhancement, or FLAME, passed in 2009, included direction to collaboratively develop a national cohesive wildfire strategy. As part of this cohesive strategy, work is underway to address not only the suppression of wildfires, but also increasingly active management, while considering social and economic implications.

Already this year, the National Interagency Fire Center reports 33,000 wildland fires have burned more than 3.7 million acres, nationwide. The Nation's forest and range lands will continue to be at risk of wildfire until barriers to active management are removed. More importantly, the lack of forest management has left life and property vulnerable to catastrophic fire.

I appreciate the opportunity to appear before the Committee today. And, in closing, I would like to say we talk a lot about the natural resources. That is what this Committee is focused on. But to me, the true cost of wildfire is safety, firefighter and public safety. And that is one thing we need to focus on, as we move forward in these conversations.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Crapser follows:]

Statement of Bill Crapser, Wyoming State Forester, Chair-Elect of the Council of Western State Foresters and Member of the National Association of State Foresters

On behalf of the Council of Western State Foresters and the National Association of State Foresters, I thank Chairman Hastings and Ranking Member Markey for the opportunity to appear before the Committee today. The Council of Western State Foresters (CWSF) represents the directors of the state forestry agencies of seventeen western states and six Territorial Islands. The National Association of State Foresters (NASF) represents the directors of the state forestry agencies of all fifty states, eight territories, and the District of Columbia. State Foresters manage and protect state and private forests across the U.S., which make up two-thirds of the nation's forests, and work closely with our federal partners to deliver forestry programs and wildfire protection.

It is no secret that our forests, regardless of ownership, face significant threats to their overall health.¹ These threats come in many forms including land-use change, native and invasive insects and diseases, long-term drought, and wildland

¹See *Threats to Western Private Forests: A Framework for Conservation and Enhancing the Benefits from Private Working Forests in the Western U.S.* Last accessed July 19, 2012 at http://www.wflicenter.org/news_pdf/359_pdf.pdf.

fires that continue to grow in size and intensity. One commonality among these threats is that they cross forest boundaries and ownerships. For those of us in the West, forests span across federal, tribal, state and private ownerships which makes responding to wildland fire and insect and disease infestations especially complex. In order to protect all of our forests from these threats and to sustainably manage forested landscapes to maximize the goods and services that they provide—including clean air and water, recreational opportunities, and forest products and jobs—it is crucial that we work together to find ways to actively manage all of our forests to provide for their long-term health and sustainability.

Wildland Fire Impacts

Wildland fire protection and management has become an increasingly expensive endeavor and is expected to continue to grow in complexity and cost. More people in fire-prone landscapes, larger and more frequent wildland fires, long-term drought, and unhealthy landscapes have created a wildland fire situation that can easily overwhelm fire management efforts, frustrate fire management entities, and result in billions of dollars in suppression costs each year. The Western Governors' Association summed up the situation in a recent policy resolution stating that “[t]he health of the national forests and range lands has deteriorated due to a reduction in management. . . . The wildfire season is longer, more extreme, and wildfires are larger.”² The scope of the wildland fire problem is immediately evident in the Forest Action Plans³ completed by all state forestry agencies, wherein wildland fire was uniformly identified as a significant priority issue.

We can all talk about the problem in general terms, but it is important to recognize the enormous impact that these fires have on everyday Americans who make their home in fire prone landscapes. In 2011, more than 74,000 wildland fires burned over 8.7 million acres across all forest ownerships.⁴ These large fires leave a wake of damage and destruction not only in our forests but also in our communities. In my home state of Wyoming our fire season has just begun, yet we have already burned more than 350,000 acres and lost more than 30 homes. The damage is even greater in the Front Range of Colorado where large wildfires have taken several lives and destroyed more than 700 homes.⁵ There are an estimated 66,700 communities across the country currently at risk of wildland fire.⁶ State Foresters and our partners continue working with communities every day to prepare Community Wildfire Protection Plans, but we are faced with the reality of continually declining forest health and increasing wildland fire threat making our work to protect communities all the more difficult.

As discussed above, the damage that results when high fuel loads, long-term drought and severe weather conditions all come together can be devastating to communities, economies and ecosystems. Already this year the intermountain West has experienced historic fires in terms of size, severity and destruction. But the immediate suppression and rehabilitation costs and destruction amount to only a fraction of the true impact.

In a report completed by the Western Forestry Leadership Coalition examining *“The True Cost of Wildfire in the Western U.S.”* the range of total costs stemming from wildland fires, including costs of suppression, rehabilitation and indirect costs, was found to be 2 to 30 times greater than the reported suppression costs.⁷ Given the enormous true costs of wildfire, which are often incurred for many years after the last ember has gone cold, the report calls attention to “insufficient emphasis on active management before fire” and recommends that investments in forest management be targeted to improve forest health and treat forests overstocked with hazardous fuels before they burn.⁸ While no amount of active management will eliminate fire from forest ecosystems, active management can effectively reduce fire hazard, improve the overall health and resiliency of the forest and provide a sustain-

² Western Governors' Association Policy Resolution 12-10: Wildland Fire Management and Resilient Landscapes. Last accessed July 19, 2012 at <http://www.westgov.org/policies>.

³ See Forest Action Plans website. Last accessed July 19, 2012 at www.forestactionplans.org.

⁴ National Interagency Fire Center, Historical Wildland Fire Summaries, pg. 9. Last accessed July 19, 2012 at http://www.predictiveservices.nifc.gov/intelligence/2011_statsum/intro_summary.pdf.

⁵ *Long, hot summer: Wildfires thrive on drought, heat and wind*, Los Angeles Times. Last accessed July 19, 2012 at <http://articles.latimes.com/2012/jul/02/nation/la-na-fires-ahead-20120702>.

⁶ National Association of State Foresters, Communities at Risk Report FY2011. Last accessed July 19, 2012 at <http://stateforesters.org/files/2011-NASF-finalCAR-report-FY11.pdf>.

⁷ True Cost of Wildfire in the Western U.S. at pg. 2. Last accessed July 19, 2012 at http://www.wfccc.org/news_pdf/324_pdf.pdf.

⁸ *Id.* at 13.

able supply of timber other forest products and associated jobs. In order to break the current cycle of continued forest fuel accumulation and larger, more destructive wildland fires, we need to refocus our efforts to actively and sustainably manage all forests.

National Cohesive Wildland Fire Management Strategy

When Congress approved the Federal Land Assistance, Management, and Enhancement (FLAME) Act in 2009 it signaled that business as usual in terms of fire suppression and management was no longer working. A major piece of the FLAME Act is the National Cohesive Wildland Fire Management Strategy (Cohesive Strategy), which is a collaborative effort to identify, define, and address wildland fire management problems and opportunities for success across the country. Recently, the three regions (West, Northeast and South) completed unified regional strategies focused not solely on wildland fire suppression, but also exploring issues of natural resource management and the social and economic implications of landscape-scale management and wildland fire management. These efforts were guided by the three goals of the Cohesive Strategy, which relate directly to addressing the impact of wildland fire on people and ecosystems—the focus of today’s hearing:

1. Restore and Maintain Landscapes: Landscapes across all jurisdictions are resilient to fire-related disturbances in accordance with management objectives.
2. Fire-adapted Communities: Human populations and infrastructure can withstand a wildfire without loss of life and property.
3. Wildfire Response: All jurisdictions participate in making and implementing safe, effective, efficient risk-based wildfire management decisions.⁹

In the recently released Phase II Report of the Cohesive Strategy there is an upfront recognition that fire is a natural disturbance mechanism across forest ecosystems and that an unintended consequence of wildland fire suppression in the 20th century are the millions of acres of overstocked forests.¹⁰ Aggressive and effective fire suppression coupled with a lack of active management—i.e. timber harvest, thinning and prescribed fire—has resulted in large fuel accumulations across the West exceeding the historic range of variability and leaving forests, communities and the people who live in them vulnerable uncharacteristic and catastrophic wildland fire.

The FLAME Act, which called for the development of the Cohesive Strategy, was built, in part, to protect the ability of the federal agencies to accomplish other resource benefits by establishing wildland fire reserve accounts. However, as the fire season in the West continues, we face a very real threat of fire transfers from key U.S. Forest Service programs that support active management because these reserve accounts have been targeted for transfers in this time of budgetary constraints. In order for the FLAME Act to function as intended and retain the ability of the U.S. Forest Service to implement active management and accomplish non-suppression objectives, the FLAME Funds must be supported by Congress and protected from future transfers.

Barriers to success

While we have a growing consensus that active management is needed to break the current cycle of fuel accumulations and increasingly destructive wildland fires, we have not yet turned the corner to fully implementing active management at a landscape scale. Addressing policy barriers identified by the regions that could interfere with the goals of the Cohesive Strategy, the Phase II report states that “[l]andscape scale restoration is often difficult to achieve due to complex process requirements of Federal laws, rules, and policies.”¹¹ State Foresters continue to support efforts to provide federal land management agencies with the tools they need to succeed in implementing appropriate active management on all forest lands—such as extending the stewardship contracting authority, expanding the good neighbor authority and fully utilizing authorities made possible through the Healthy Forests Restoration Act.¹²

⁹A National Cohesive Wildland Fire Management Strategy: Phase II National Report, pg 2. Last accessed July 19, 2012 at http://www.forestsandrangelands.gov/strategy/documents/reports/phase2/CSPHaseIIReport_FINAL20120524.pdf.

¹⁰*Id.* at 3.

¹¹A National Cohesive Wildland Fire Management Strategy: Phase II National Report, pg 39. Last accessed July 19, 2012 at http://www.forestsandrangelands.gov/strategy/documents/reports/phase2/CSPHaseIIReport_FINAL20120524.pdf.

¹²See National Association of State Foresters Resolution No. 2011-12: Landscape-Scale Management in the Vicinity of Federal Lands. Last accessed July 19, 2012 at <http://>

The Phase II Report of the Cohesive Strategy also identifies the fear of litigation as a potential barrier to landscape scale restoration.¹³ Mortimer and Malmshheimer (2011) found that the U.S. Forest Service is the agency most commonly litigated on procedural matters under the National Environmental Policy Act.¹⁴ Because of this, there has been strong interest around the impact of the Equal Access to Justice Act (EAJA) as a fee-shifting statute that may ultimately influence management of National Forest System lands. Their 2011 study established that the number of lawsuits against the U.S. Forest Service is increasing even though litigation against the agency generally has a low probability of success. Their study concluded that the original intent of the EAJA has drifted with its use in national forest management litigation. We would carefully consider any modifications to the EAJA that may be needed reaffirm the original intent of the act and address any current issues with the system.

Finally, by way of an example of how implementation and interpretation of federal laws and regulations can constrain active management, the NASF recently submitted comments to the U.S. Fish and Wildlife Service concerning expansion of incentives under the Endangered Species Act (ESA). The NASF noted that the use of the regulatory hammer causes confrontation with private forest landowners and that positive, voluntary incentives for landowners to manage their lands to provide habitat for threatened and endangered species would be more productive.¹⁵

This same concern unfolds slightly differently on federal lands. Arguably, laws such as the ESA have placed too much focus on single species versus a comprehensive approach to resource management that looks at the full suite of ecological, economic and social issues and opportunities. To be effective, regulations should be able to accommodate both modern science and modern collaborative approaches to addressing the needs of diverse stakeholders.

Conclusion

As of July 16, 2012, the National Interagency Fire Center reports that over 33,000 wildland fires have occurred burning 3.7 million acres nationwide. The nation's forests will continually be subject to an increasing threat of wildland fire until barriers to active management are removed. Most importantly, the lack of forest management has left life and property vulnerable to catastrophic wildfire. I appreciate the opportunity to appear before the Committee today to offer perspectives shared by state foresters regarding the impacts of wildland fire. I would like to thank the Committee for its continued leadership and support of active, sustainable management of all forest lands.

The CHAIRMAN. Thank you very much, Mr. Crapsler, for your testimony.

Next we have Ms. Alison Berry, who is the Energy and Economic Specialist for the Sonoran Institute in Bozeman, Montana. Ms. Berry, you are recognized for five minutes.

STATEMENT OF ALISON BERRY, ENERGY AND ECONOMICS SPECIALIST, THE SONORAN INSTITUTE, BOZEMAN, MONTANA

Ms. BERRY. Thank you, Mr. Chairman and members of the Committee. Thanks for the opportunity to provide my perspective on this important topic of concern to my hometown of Bozeman, Montana, and to communities throughout the West. My name is Alison Berry, I am an energy and economics specialist at the Sonoran Institute, which is a non-profit organization that works collaboratively with local people to promote healthy landscapes, vibrant communities, and resilient economies in western North America.

www.stateforesters.org/sites/default/files/publication-documents/2011-2-NASF-Resolution-Landscape-Management-Federal-Vicinity_0.pdf.

¹³ A National Cohesive Wildland Fire Management Strategy: Phase II National Report, pg 39. Last accessed July 19, 2012 at http://www.forestsandrangelands.gov/strategy/documents/reports/phase2/CSPHaseIIReport_FINAL20120524.pdf.

¹⁴ Mortimer, M.J. and R.W. Malmshheimer. 2011. The Equal Access to Justice Act and US Forest Service Land Management: Incentives to Litigate? *Journal of Forestry* 109(6): 352.

¹⁵ NASF Letter: Comments on USFWS Expanding Incentives. Last accessed July 19, 2012 at <http://www.stateforesters.org/nasf-letter-comments-usfws-expanding-incentives>.

Our organization has headquarters in Tucson, Arizona, and offices throughout the West. I work in our northern Rockies office in Bozeman, and my work focuses on natural resource economics and policy.

Wildfire is a critical issue for landscapes and communities in the West. Fires are a vital part of the cycle of growth, destruction, and renewal that is both natural and beneficial to functioning forest ecosystems. But as housing subdivisions are built in fire-prone areas, there is an increased risk to people and property. This results in higher cost to taxpayers for Federal fire prevention and suppression, and greater property losses and risk to life in the event of catastrophic wildfire.

Without fundamental changes in the way that we manage both growth and fire, we can expect these issues to be exacerbated by the higher temperatures and widespread drought that we are experiencing this summer, and that are predicted to intensify, due to a change in climate.

So, ironically, in many parts of the West, expensive efforts to stamp out fire in the last century have added fuel for future fires by making forests denser, with more flammable vegetation. In essence, wildfire management practices have created a new cycle of fire suppression and fuels accumulation that will make future fires more intense, damaging, and costly.

In addition, successful fire suppression efforts often create a sense of false security in fire-prone areas, effectively encouraging development on the edge of these forests in the Wildland/Urban Interface. Between 1970 and 2000, the developed portion of the Wildland/Urban Interface grew in area by 52 percent. And currently we see more than one-third of new construction in the West is in Wildland/Urban Interface areas.

If this type of development occurs in these high-risk areas, Federal fire suppression expenditures, which currently top \$1 billion for the Forest Service alone, will continue to spiral out of control, and natural fire is unlikely to return to landscape any time soon.

So, it is time to get smarter about how we develop growth in these areas. To date, most Federal efforts to reduce fire risk in Wildland/Urban Interface have focused on reducing fuels, removing small trees and brush, either mechanically or through prescribed burning. Local efforts have generally focused on requiring new subdivisions to incorporate fire-wise principles, things like defensible space and fire-resistant building materials.

And while these local and Federal measures can help reduce the risk of homes burning, they do little to keep firefighters and civilians out of harm's way. So, a better solution might be to focus on prevention by guiding development away from high-risk areas, and encouraging development in safer areas. While Federal policy changes are needed to reduce risk in the Wildland/Urban Interface, guiding development away from high-risk areas is primarily a State and local responsibility. And while Federal reform is needed in its management of wildfire, the role that counties, communities, and local regulations play is significant, and it is often overlooked and under-stated.

Our report, "In the Line of Fire," here and available on the press table, focuses on how local action can reduce the risk of cata-

strophic wildfire. If western communities and counties promoted responsible development patterns, forested areas, it would save millions of taxpayer dollars for suppression, reduced risk to people and property, and restore healthy forest conditions. The reform is needed at the Federal level to provide incentives for local governments to take these actions. Local jurisdictions have little motivation to reduce the risk of wildfire, when wildfire is perceived as a Federal issue.

In particular, past fire suppression programs have amounted effectively to a taxpayer subsidy for development in fire-prone areas, increasing the amount of land that is converted to residential uses in these areas.

Federal Government can help with local mapping efforts to establish where these fire-prone areas are. The insurance industry has a role in also discouraging development in risky locations, by charging higher premiums in those areas.

In essence, Federal guidance, and collaboration with local planning can help save the lives of firefighters and residents, and reduce the cost to taxpayers of protecting homes that were built in places where fire is inevitable.

Thank you for this opportunity.

[The prepared statement of Ms. Berry follows:]

**Statement of Alison Berry, Energy and Economics Specialist,
The Sonoran Institute**

Mr. Chairman and members of the committee:

Thank you for the opportunity to provide my perspective to the House Committee on Natural Resources on this important topic of concern to my hometown of Bozeman, Montana and communities all over the western United States. My name is Alison Berry; I am the Energy and Economics Specialist for the Sonoran Institute, a nonprofit organization that works collaboratively with local people to promote healthy landscapes, vibrant communities and resilient economies in western North America. Our organization has headquarters in Tucson, Arizona and offices throughout the West. I work in our Northern Rockies office in Bozeman and my work focuses on natural resources economics and policy.

Wildfire is a critical issue for landscapes and communities in the West. Fires are part a vital part of the cycle of growth, destruction and renewal that is both natural and beneficial to functioning forest ecosystems.

As housing subdivisions are built in fire-prone areas, however, there is an increasing risk to people and property. This results in higher costs to taxpayers for federal fire prevention and suppression, and greater property losses and risk to life in the event of catastrophic wildfires. Without fundamental changes in the way that we manage both growth and fire, we can expect these issues to be exacerbated by the higher temperatures and widespread droughts that we are experiencing this summer and that are predicted to intensify due to a changing climate. Ironically, in many parts of the West, expensive efforts during the past century to stamp out wildfires have added fuel for future fires by making forests denser, with more flammable vegetation. By interrupting the natural process of fires, wildfire management practices have created a new cycle—fire suppression and fuel accumulation—that will make future fires more intense, damaging, and costly.

In addition, successful fire suppression often creates a false sense of security in fire-prone areas, effectively encouraging development on the edge of these forests, in the so-called “wildland-urban interface,” or WUI. If rapid development in the WUI continues, federal fire suppression expenditures—which currently top \$1 billion each year for the Forest Service alone—will continue to spiral out of control, and natural fire is unlikely to be restored to forests anytime soon. It is time we got smarter about how development takes place in these high-risk areas. Here are some facts:

- Between 1970 and 2000, the developed portion of the wildland urban interface grew in area by 52 percent, according to a study from Colorado State University.

- A 2012 study from the University of Massachusetts found that in recent years, about one-third of new construction in the West has been in wildland urban interface areas.
- Data from the National Interagency Fire Center and the National Oceanographic and Atmospheric Administration show that since 2000, there have been at least 114 wildfire fatalities in the United States, and more than 9,000 structures have been destroyed, with damages totaling more than \$8.5 billion.
- The portion of the Forest Service budget dedicated to wildland fire management has grown from 13 percent in 1991 to more than 30 percent in 2012.
- An early study of fire suppression in the wildland urban interface found that when fighting large fires, between 50 and 95 percent of federal spending goes towards protecting private homes.

Focusing on Prevention

To date, most efforts to reduce risks of fire in the WUI have focused on reducing “fuels”—removing small trees and brush, either mechanically or with prescribed burning. Local land use planning efforts generally consist of requiring new subdivisions to incorporate “firewise” characteristics such as fire-resistant building and landscaping materials, adequate water supplies for firefighting, and road access for emergency vehicles. While these measures can help reduce the risk of homes burning, they do little to keep firefighters and civilians out of harm’s way. A better solution would be to focus on prevention by guiding development away from high risk areas and encouraging development in safer areas. This approach would not only keep people and property out of danger, but it would also reduce the growing taxpayer burden of protecting homes built in hazardous locations.

While much of the research on this issue has focused on the federal policy changes that are needed to reduce risks in the WUI, guiding development away from high risk areas is primarily a state and local responsibility. We agree that it is absolutely essential to reform federal policy driving wildfire management; however, the role and significant impact that counties, communities and local regulations can play in reducing the risks of wildfire is often overlooked or understated. The Sonoran Institute’s report, *In the Line of Fire*, focuses primarily on how local action can reduce the catastrophic effects of wildfire. (Available online: <http://www.sonoraninstitute.org/mediaroom/stories-stories/329-in-the-line-of-fire-managing-growth-at-the-forests-edge.html>)

Managing the Impacts of Wildfires—Locally

If western counties and communities promoted responsible development patterns in forested areas, it would save millions of taxpayer dollars needed for fire suppression, reduce risks to people and property, and restore forests to healthier conditions. The National Floodplain Insurance Program provides a model of one way to steer residential development away from risky locations. A similar program could be applied to control growth in the wildland urban interface.

Reform Needed at All Levels

Reform is also needed at the federal level: local jurisdictions have little motivation to reduce risks of wildfire when state and federal agencies—such as the U.S. Forest Service—cover the majority of the costs for fire suppression in the WUI. This amounts to a taxpayer subsidy for development in fire-prone areas, increasing the amount of land converted to residential uses in these areas.

In addition, the federal government could support local mapping efforts that would more accurately identify fire-prone areas. Most existing WUI maps are notoriously vague, making it difficult to implement local growth management efforts in fire-prone areas. Better mapping would allow more effective growth management in these areas; the investment by the federal government would be recouped by reduced federal fire suppression costs. The insurance industry can also help discourage development in risky locations. As they do in floodplains, insurance companies should require higher premiums in areas of higher fire risk. When people do choose to live in the WUI, higher insurance premiums would oblige them—instead of other insured homeowners—to bear the costs of their decisions. In conclusion, with the stakes to life and property so high, there are very specific actions the federal government can take to help reduce taxpayer costs associated with wildfires, including partnering with local jurisdictions and the private insurance industry to provide resources and incentives for policy reform. With federal leadership, there is every reason for local governments to use well-established, effective growth management tools to limit or prohibit development in the high risk areas for wildfire. Federal guidance and local planning can help save the lives of firefighters and residents and reduce the cost to taxpayers of protecting homes that were built in places where fire is inevitable.

The CHAIRMAN. Thank you very much for your testimony. And last we have Mr. Rick Dice, who is the President of the National Wildfire Suppression Association. And I am sure all your members are busy as we speak right now. So thank you very much for being here, and you are recognized for 5 minutes.

STATEMENT OF RICK DICE, PRESIDENT, NATIONAL WILDFIRE SUPPRESSION ASSOCIATION, REDMOND, OREGON

Mr. DICE. Chairman Hastings, Ranking Member Markey, and Committee members, first I want to thank you for this opportunity to testify before the Committee. My name is Rick Dice, and I am the President of the National Wildfire Suppression Association, as well as the CEO of PatRick Environmental, which provides fire resources to multiple Federal and State agencies for wildland fire suppression and other emergency efforts.

The National Wildfire Suppression Association and WSA represents over 250 private wildland fire service contractors who can rapidly deploy over 10,000 professional emergency service employees. Our employees are hand crews, engine crews, support personnel. NWSA has provided the highest level of training and certification. The training meets or exceeds Federal requirements for all employees and equipment we provide to the Federal agencies. We work cooperatively with the government agencies to provide the best possible fire suppression resources.

During the time we are in discussion today, NWSA firefighters and the employees of my own company are engaged in wildland fire efforts across the United States. This effort is being hindered, and firefighters are exposed to more danger because of the significant and unnatural build-up of forest and range land fuels on our Federal lands. This is in part due to the increasingly cumbersome planning process our Federal land managers must now go through to comply with the Endangered Species Act.

I built my company as a forest fuels management business, treating fuels and helping to reduce the risk of wildfire. In the early 1970s, 90 percent of my business income was derived from fuels management and hazardous fuels reduction work. Now, in 2012, 40 years later, 90 percent of my business income comes from work derived from wildland fire suppression. We once worked in the woods to proactively prevent and reduce damage from wildfires. Now we only react to these larger catastrophic wildland fires after the ignition occurs. These larger fires have increased in intensity, frequency, and are well outside the historic levels, both throughout our forest range land and forest-interfaced areas.

The Endangered Species Act, Federal Land Policy Land Management Act, and the National Environmental Policy Act individually provide important environmental safeguards. Yet, collectively, they intertwine and overlap, in often contradictory ways that make it nearly impossible for the Federal land managers, local elected officials, partnership groups, private companies to navigate through the paperwork related to the laws. The result at times appears to be legal gridlock. These laws need to be updated to address the issues of our time.

Forty years after their original enactment, many interpretations have been made by differing individuals and agencies. Some of

these issues have changed during this time, and we need the legislative tools to address today's environmental issues, and continue to provide protection, but enable our agency managers the ability to accomplish appropriate suppression and pre-suppression activities in our forests and range land. Initial attack of wildland fires is imperative in being able to suppress fires at the smallest possible acreage.

The current Endangered Species Act at times creates obstacles which are counter-productive to these suppression efforts. The following incidences are examples of this. There are situations when the use of heavily mechanized equipment has been denied. The use of aerial retardant delivery is becoming increasingly restrictive on where it can be used. Pumping sites and water holes have become unusable, due to the cost of ESA and NEPA. There have been situations where helicopters were not able to dip water out of the river, because of salmon smolt.

This type of a situation hinders a fire crew's ability to successfully suppress the fires when access to a water source is denied due to concerns with ESA compliance. Roads have been decommissioned, hindering access. We believe that the ESA is an important law, and one deserving of updating in order to actually focus on restoration and not litigation, to provide our Federal land managers the tools to protect our natural resources from continued catastrophic wildfires.

This updating will allow them the ability to reduce unnatural fuels build-up and ensure firefighters the opportunity to protect lives, land, and property when fires occur.

In summary, our NWSA members are in place across the Nation, located in rural areas and ready to take on more projects which will impact our Nation's forests and range land overall health. With your oversight to make sensible changes in the updating of the ESA, our agency land managers can propose and implement projects which reduce fire severity. These individuals have the capability and desire and skill to rapidly help reduce fire risks through fuels management work, reducing the severity of wildfire. Your oversight and sensible updates to ESA can make this happen.

Thank you, Chairman.

[The prepared statement of Mr. Dice follows:]

Statement of Rick Dice, President, National Wildfire Suppression Association and CEO of PatRick Environmental

Chairman Hastings, Ranking Member Markey and Committee Members, first I want to thank you for this opportunity to testify before the committee. My name is Rick Dice, and I am President of the National Wildfire Suppression Association as well as CEO of PatRick Environmental Inc. which provides fire resources to multiple federal and state agencies for wildland fire suppression and other emergency efforts.

The National Wildfire Suppression Association (NWSA) represents over 250 private wildland fire service contractors who can rapidly deploy over 10,000 professional emergency services employees. NWSA fields the large 20 person firefighting crews, airplane/helicopter pilots, hazard tree fallers, support staff, and fire overhead personnel. These people put their lives on the line to assist with wildland fire suppression efforts as well as many other emergency incidents.

Our members and my employees work under hazardous conditions of smoke, heat, the danger of wildland fires, the aftermath of natural disasters, and other emergency incidents with an army of federal, state, and local agency responders. When lives, wildland, and property are on the line government agencies must have confidence in all resources that are a part of the overall wildland fire suppression oper-

ation. Since 1991, NWSA has provided the highest levels of training and certification. This training meets or exceeds all federal requirements for our employees and the equipment we provide to government agencies. This enables us to work cooperatively with government agencies to provide the best possible fire suppression resources, ensuring the lowest possible risk to life and the wildland being protected.

During the time we are engaged in this discussion today, NWSA firefighters and employees of my own company are engaged in wildland fire suppression efforts across the United States. This effort is being hindered and firefighters are exposed to more danger, because of the significant unnatural buildup of the forest and rangeland fuels on federal lands.

This buildup of hazardous fuels is in part due to the incredibly cumbersome planning process our federal land managers must now go through to comply with the Endangered Species Act (ESA) of 1973, the Federal Land Policy and Management Act (FLPMA) of 1976, and the National Environmental Policy Act (NEPA) of 1969. I can tell you this based on my experience gained working in the woods, working on wildland fires, and working in partnership with federal land manager across the country for over forty years since these laws were created.

It is insightful to know that in the 1970's, I built my company as a forest fuels management business. In the initial years we treated fuels to help reduce the risk of wildfire, preventing insect infestations, and conducting restoration activities. In the early 70's, ninety percent of my businesses income was derived from fuels management and hazardous fuels reduction work. Now, in 2012, forty years later, ninety percent of the businesses income is derived from wildland fire suppression work. This is evident when you look at the number of fires we worked on in our first twenty years of business (1971–1991 only 59 fires) compared to the number we worked on in the last twenty years (1992–2012 a whopping 1095 fires). We once worked in the woods to proactively prevent and or reduce damage from wildfires, now we only react to these larger catastrophic wildland fires after the ignition occurs. These larger fires have increased in intensity, frequency and are well outside the historic levels both throughout the forest, rangeland, and forest interface areas.

The Endangered Species Act, Federal Land Policy Management Act, and the National Environmental Policy Act individually provide important environmental safeguards. Collectively they overlap in contradictory ways that make it nearly impossible for the federal land managers, local elected officials, partnership groups, and private companies to navigate through the paperwork related to the laws. The result at times appears to be legal gridlock. These laws need to be updated in order to address the issues of our time. Forty years after their original enactment, many interpretations have been made by differing individuals and agencies. These issues have changed during this time and we need legislative tools to address today's significant environmental issues and continue to provide protection, meanwhile enabling our agency managers the ability to accomplish appropriate presuppression and suppression activities in our forest and rangelands. Initial attack of wildland fires is crucial to being able to suppress fires at the smallest possible acreage. The current Endangered Species Act in many cases affects these actions by creating obstacles which are counterproductive to these suppression efforts. The following incidents cited are examples of this:

- On the Bobby Creek Fire in SW Oregon the use of mechanized heavy equipment was denied. There are probably many reasons for this within their forest management plans which are driven by the ESA.
- Across the nation, Water holes are not useable due to ESA regulations usually involving turtles. Some sites have become unusable because heavy equipment is needed to clean them out and the Forests has elected not to go through the ESA and NEPA process because of time and costs.
- Across the nation, the use of aerial delivered retardant is becoming increasingly restrictive on where it can be used due to agency concerns related to compliance with ESA or the threat of a lawsuit because of wetlands/streams and the occurrence of Threatened and Endangered (T&E) plants and animal species.
- There have been situations where helicopters were not able to dip water out of the river due to salmon. An example of this was on the North Umpqua River in Douglas County during the Apple fire of 2002. The alternate dip site was about a 10 minute flight, while the Umpqua river was in site of the fire. The concern is this type of situation hinders the wildland firefighter's ability to successfully suppress the fire, and due to this costs are greatly increased.

It is commonly known that wildfires, tornadoes, ice storms, insect infestation, and windstorms are frequent occurrences which often leave our national forests dying, prone to additional catastrophic events, and in desperate need of recovery and restoration. When unnatural amounts of dead and dying trees are left to lie and even-

tually rot in our federal forest lands, excessive fuel loading occurs which results in more intense fires with greater rates of spread and more resistance to control. With the current excessive fuel loadings and the intense wildland fires they produce detrimental effect on the health of our forests, the watersheds, and air quality. They also pose a significantly greater danger to our firefighters and the inhabitants of local communities, not to mention the problems posed to people far from the firelines with health issues related to smoke.

We believe that the ESA is an important law and one deserving of updating in order to focus on restoration rather than litigation and to provide our federal land managers the tools to protect our natural resources from continued catastrophic wildfires. This updating will allow them the ability to reduce the unnatural buildup of fuels and ensure that firefighters have the opportunity to protect lives, land, and property when fire occurs.

I am not an ESA legislative expert, but I would like to suggest a few updates to ESA that you may consider as you move forward.

Require the science in ESA decisions to be reviewed. Call it peer-reviewed science. It's my belief that all decisions related to ESA need to be reviewed by another set of competent eyes to ensure the best possible course of action. There are other federal laws in which the science is reviewed before making a decision. The Marine Mammal Protection Act has a review commission for all decisions made under the law and any government action relating to marine mammals. They also conduct stock assessments, review recovery plans and make recommendations regarding marine mammals on the ESA list of endangered species. The Food and Drug Administration has 30 peer-review groups called advisory committees. I believe that the ESA would greatly benefit from peer review groups such as these.

My second suggestion would be to require the secretaries responsible for an ESA decision to get "boots-on-the-ground" data from states and private landowners. This would assist in the making of more informed decisions.

Americans consume vast amounts of wood products so it makes sense, to use our updated environmental laws and updated labor standards, to actively manage and utilize our country's own resources while using the best information we can get our hands on. Let's make sure that when ESA decides to list or delist that the decisions made are as well informed as possible.

In Summary, our NWSA members are in place across the nation, located in rural areas and ready to take on more projects which will impact our Nation's forest and rangelands overall health.

If Congress is frustrated by the current state of our federal lands and wants to see its health improved, and is frustrated by the courts and their interpretation of laws, then it is Congress's responsibility to change the law. No one else can make this happen. With your oversight in making sensible changes and the updating of the ESA so that land managers can propose and implement projects which reduce fire severity. These individuals have the capability, desire and skills to rapidly help reduce the fire risk through fuels management work and if necessary suppression activities. This will help to create a healthy forest landscape and provide community wage jobs which support local economies while reducing the severity of wildfires.

Thank you again Chairman Hastings and committee members for the time allotted for this important presentation. The ESA laws need to be changed in order to combat these fires and the impact that they have on our forest, communities, wildlife, and their habitat. These changes and updates of the law will enable our forest managers to do the restoration efforts needed to protect the wildlife and their habitat. The current law allows litigation or the threat of litigation to stop the needed implementation of restoration projects by our land managers. From someone who has worked in the woods for over forty years, I thank you for the time to have this important discussion and I would be happy to take any questions.

The CHAIRMAN. Thank you very much, Mr. Dice. And thank all of you for your testimony. We will now start the round of questioning, and I will recognize myself first for 5 minutes.

A question for you, Ms. Berry. A few years ago you wrote an article on tribal versus Federal forest management. And you used an example of adjacent tribal and Forest Service lands in Montana. You wrote extensively about how the problems that the Forest Service faces with appeals and litigation impacting timber harvests and the risk of wildfires and insect infestation, and so on.

And one of your recommendations included—and I will quote directly from the article—“Overhaul of the public land laws that are dragging down Federal land management. Reforms should be directed at making national forests less vulnerable to seemingly endless litigation.”

Now, I noted that you did not include any of that in your written testimony. So I guess my question to you, since you wrote that several years ago, do you still feel that that reform is necessary?

Ms. BERRY. Thank you for the question, Mr. Chairman. Yes, to answer your question, I feel that there are many factors affecting the fire issue. That particular report was focused on a comparison of Federal versus tribal lands. And my work today focuses more specifically on Federal lands in general, and the issues of placing people and property at risk on the edge of these forested areas.

There is a need for Federal reform, I do feel, in Federal wildland fire policy management in order to reduce risk to people and property. And I do think that there are lessons to be learned from collaborations and from interaction with tribal, State forests, and local governments.

So, I do think that there—I do still continue to feel that there is a potential need for Federal reform for—

The CHAIRMAN. So you stand by that statement that you wrote in that article?

Ms. BERRY. I do.

The CHAIRMAN. Well, let me just follow up then, again, in that same article. You stated—and I will again quote—“Decreased timber harvests limit the ability to address ecological problems.” And then, further, I quote again, “As a result, these forests are at a higher risk of catastrophic wildfire and insect infestation.”

So, this issue again was not addressed in your written statement, you know, in front of us today. But I just wonder if you still feel the same with that statement that you wrote 3 years ago.

Ms. BERRY. I would note with that particular statement, that it focuses on a particular forested ecosystem in northwestern Montana. And so, throughout our country we can expect to see a range of various ecological situations that necessitated different types of management on those forests with respect to timber harvest.

The CHAIRMAN. Right, so—and that is one of the things we are trying to explore today. There are different ways to do it. But the point is you should have active management. I don’t want to put words in your mouth, but you should have an active management in how you manage your forests. Is that a fair statement?

Ms. BERRY. Yes. I do agree with that.

The CHAIRMAN. Last question, and this will be for Mr. Dice and Mr. Crapser. Last December the Forest Service issued a new policy that restricts dropping of aerial fuel retardant in areas that are mapped avoidance areas for threatened, endangered, proposed candidate, or sensitive species. What would be the impact on fire-fighting efforts? And I will start with you, Mr. Dice.

Mr. DICE. Well, the impact is the fires will get bigger. That is pretty simple. If you remove retardant aircraft and some of the retardant, fires are just going to get bigger, and there is going to be more megafires.

The CHAIRMAN. Mr. Crapser?

Mr. CRAPSER. Mr. Chairman, I concur with Mr. Dice. We also have an issue of young type-4 IC's out there, Incident Commanders, trying to figure out maps, as far as where they can dump retardant, where they can't.

We also have an issue of competing endangered species, if you will. I understand the ruling, I understand the concern about putting retardant in waterways. When you are dealing in sage grouse core areas with waterways in them, sometimes you have to pick which endangered species or which proposed endangered species that you are going to deal with in a certain instance.

The CHAIRMAN. Thank you both for that. And again, this is just one example of why we are having this hearing, and how it interacts with the Endangered Species Act. So thank you very much.

With that, my time has expired, and I recognize the gentleman from Arizona, Mr. Grijalva.

Mr. GRIJALVA. Thank you, sir. I appreciate it, Mr. Chairman.

Ms. Berry, what are some of the contributing circumstances that are leading to the large wildfires that we have been experiencing lately?

Ms. BERRY. Well, as I mentioned in my discussion, fire is a natural part of most forest ecosystems in our country. And we have seen larger fires this year and over the last decade associated with high temperatures and widespread droughts. And we can expect that to increase with warming climates that are predicted as a result of climate change.

Mr. GRIJALVA. And if I may, Ms. Berry, what role does funding at the State and at the Federal level play in wildfire preparation and the mitigation that should follow? Would increased resources for fuel treatments and fuel reduction in the—particularly in the Wildland/Urban Interface reduce the damage that we are seeing right now from wildfires?

Ms. BERRY. I would say yes. And I think it is important to focus that funding for fuels treatments, both mechanical removal of fuels and prescribed burning in those Wildland/Urban Interface areas. Research shows that beyond a very small radius outside of Wildland/Urban Interface, fuels reduction treatments do little to reduce risks of ignition. So those resources should really be funneled to those highest risk areas.

Mr. GRIJALVA. OK, thank you. Mr. Crapser, often the prescribed burns that are not conducted in this Wildland/Urban Interface, due to the fear that the fires will get out of control and they will spread into those communities, is it accurate to say that prescribed burns are not conducted as often or where they should be because of safety concerns, as was stated in the other testimony with this larger population growth and larger population living in that interface area?

Mr. CRAPSER. Congressman, I think the key is active management. In my mind, prescribed fire is appropriate active management. Prescribed fire is active management. And picking the spots where prescribed fire will do good, where you can make a difference, I think, is the important part.

Yes, there is a concern in a lot of urban interface about the prescribed fires. I think having the right window, the right burning window, and combining that prescribed fire with maybe—

Mr. GRIJALVA. There has been a reduction in those prescribed fires, particularly in that interface area.

Mr. CRAPSER. Yes, sir. I think there probably—say maybe a secondary choice, for lack of a better term, because of some safety concerns.

Mr. GRIJALVA. Thank you. Again, sir, if I may, do you agree that the current drought, the insects infestation, the high winds attribute to the unusually high amount of wildfire we are seeing this season?

Mr. CRAPSER. Yes, sir, they do. We have seen record ignitability percentiles and very bizarre fire behavior, because of the dryness of the fuels and the amount of fuels on the ground.

Mr. GRIJALVA. Would you agree that these weather anomalies are related to climate change?

Mr. CRAPSER. You know, sir, you can call it climate change, you can call it long-term drought. I do agree that it is really dry out there, and we have very low fuel moistures.

Mr. GRIJALVA. Let me follow up with—within this report, the document on recommendations and guidance for addressing climate change, that I believe you participated in—and some of the recommendations are included in the Farm bill that is held up right now—that report said that your organization supported robust accounting methodology, legislation, and rulemaking that defines forestry carbon offsets. How has that been working?

Mr. CRAPSER. Congressman, I think—how has it been working? Probably not very well so far, as far as trying to identify carbon offsets. Things have to have value to be able to be traded. And there are some real questions, I think, on the long-term value of carbon offsets.

Mr. GRIJALVA. Thank you. I have some questions for the other witnesses, but I will wait for the next round. Thank you.

The CHAIRMAN. I thank the gentleman. The Chair recognizes the gentleman from Colorado, Mr. Lamborn.

Mr. LAMBORN. Thank you, Mr. Chairman. This is for Mr. López, Mr. Crapser, or Mr. Dice. I realize that there may be multiple factors that contribute to a particular catastrophic wildfire, such as the recent Waldo Canyon fire in my district. But would you agree that lawsuits brought by environmentalists based on the Endangered Species Act have slowed down, or even stopped the clearing of hazardous fuel loads in our national forests?

Mr. LÓPEZ. Mr. Chairman, Congressman, I believe that is the case. We have seen that in New Mexico many times. And you know, if the Forest Service is planning to do something and then they are stopped by lawsuits, you know, obviously that slows the time that they have to go through their process. And after some years they start questioning whether they are actually going to get anything through or not, so they tend to react by planning less. That is what I believe, and basically, that is what I have seen.

Mr. CRAPSER. Congressman, I think I would concur. I think it is the fear of lawsuits that have probably had a larger impact than the actual lawsuits, themselves.

Mr. DICE. And I would concur, also. And it is not just in New Mexico, it is across the United States in almost every State that the same things are happening, which, you know, people—employ-

ees and so forth of the agencies are fearful of the litigation. So a lot of the time those are just stopped.

Mr. LAMBORN. Well, thank you. And for the same three witnesses, based on your expert opinion, what are some suggested ways to reduce the impact of litigation that slows down the removal of hazardous fuel loads?

Mr. LÓPEZ. Mr. Chairman, Congressman, I believe, as I said earlier, that we need to be more proactive in our management. And to do that we need to streamline the process by which we are able to do those things.

You know, the lawsuits that have come over time have made the situation so complex that there is no clear path to move forward. And that is why I think we need to streamline the process, so that we all are on the same page. We need to start over again, and we need to do it so that everybody is able to do something in a reasonable amount of time. Otherwise, we are just going to lose our forests, totally.

Mr. CRAPSER. Congressman, as a State forester that works closely with the Forest Service on a lot of projects, I would say three things: full use of the Healthy Forest Restoration Act authorities; an expansion and extension of stewardship contracting and agreement authorities; and instituting good neighbor authority across the western United States.

Mr. LAMBORN. OK.

Mr. DICE. Congressman, I agree. I couldn't add too much to that. That is pretty good.

Mr. LAMBORN. OK, thank you. And for the same witnesses, does the lack of clearing and reducing the fuel load contribute to a less healthy forest, which in turn leads to beetle infestation? Do you see a connection there?

Mr. LÓPEZ. Mr. Chairman, Congressman, I believe that there is a connection. The fact of the matter is that our forests are too fuel-laden. And obviously, that creates trees that are not normal in size, and therefore, very weak. And that also increases the amount of insect damage that the trees are prone to. And so, yes, I think that that is the case.

Mr. CRAPSER. Congressman, the problem with terms, in my mind, like "healthy forest" is it is kind of like beauty; it is in the eye of the beholder. I think we have overstocked forests out there. There is a myriad of reasons why. I am probably an old-school forester that feels that you can use management that replicates fire on the landscape, and that active management is a good thing.

Mr. DICE. Again, I can't add too much to that. That is pretty good.

Mr. LAMBORN. Well, I will finish with a comment. And my hope is that we can concentrate on proactive measures we can do here and now, as opposed to things that, at best, are going to take decades or centuries, like reducing carbon dioxide in the atmosphere.

I would like to see things that we can do this year and next year to make a big difference. And I also hope to hear from my colleague from Colorado, Representative Tipton, more about his legislation—when we get to his questions—which I am a cosponsor of.

Thank you, Mr. Chairman, and I yield back.

The CHAIRMAN. I thank the gentleman for his questions, and the Chair recognizes the gentleman from New Mexico, Mr. Luján.

Mr. LUJÁN. Mr. Chairman, thank you very much. And I think it is clear that during these times of drought and fire, that we need to make sure that communities and firefighters have the resources they need to combat these natural disasters.

With the West already experiencing a historic fire season, it is critical that we pass common sense legislation to address the issues of fire risk, fire suppression, and rehabilitation, and one that can pass not only this chamber, but the chamber across the way, and get to the President for signature so that we can see benefits short-term. That way we don't get into these political fights about one way or the other.

I think especially it is good to see that we are having more hearings on fire suppression, that we are talking about this, that we understand the importance of mitigating these risks, but that we come together to be able to get something that can pass both chambers and get to the President.

With that being said, Mr. Chairman, does anyone on the panel support the ability of the U.S. Forest Service and the BLM to enter into contracts with public and private partners to complete projects that include restoration work, fire fuels reduction, and clearing of overgrowth on snowpack watersheds?

And I would say we can start with you, Mr. López.

Mr. LÓPEZ. Mr. Chairman, Congressman Luján, yes, I do agree that that is something that we should be doing. I believe that part of that would be expanding the Good Neighbor Authority to all 50 States. And that way, especially in the West, we could be more proactive in managing our watersheds.

Mr. LUJÁN. Mr. Crapser?

Mr. CRAPSER. Mr. Chairman, Congressman, I believe, along with Good Neighbor Authority, having stewardship authority, stewardship contracting, and stewardship agreement authority would allow the agencies to enter those type of agreements and focus some efforts in areas where they may do some good.

Mr. LUJÁN. Ms. Berry?

Ms. BERRY. I would agree. We have seen some good—we have some good examples of success in managing watersheds collaboratively from Santa Fe, New Mexico, as well as in the Denver area. I think that that helps from a forestry standpoint, a community standpoint, local governments, and Federal Governments, as well.

Mr. LUJÁN. Thank you. Mr. Dice?

Mr. DICE. Congressman, I think we should be using every tool in our toolbox to reduce fuels wherever they are across the United States.

Mr. LUJÁN. I mean I think the next question was answered with several of your responses, but I am going to ask it. Stewardship, the end result is contracting promotes sustainable natural resource management that improve land conditions, including fire fuels reduction and forest thinning projects which help protect our forests from wildfires. As an added benefit to local communities, stewardship contracting encourages a closer working relationship between rural communities and Federal agencies by promoting economic development through contract opportunities.

Do you all agree that these types of cooperative relationships between agencies and communities would be beneficial?

Mr. LÓPEZ. Mr. Chairman, Congressman Luján, I certainly do, and there is two other examples. We have the CFLRP, which are the landscape projects, and the CFRPs in New Mexico. And those programs have gone a long way to help to start to be proactive and—

Mr. LUJÁN. I appreciate that.

Mr. CRAPSER. Mr. Congressman, at the risk of not sounding like a bureaucrat, I will just say yes.

Mr. LUJÁN. Thank you. I appreciate that.

Ms. BERRY. And we support stewardship contracting, as well. It is a great collaborative effort between governments and communities.

Mr. LUJÁN. Thank you. Mr. Dice?

Mr. DICE. I will just have to say yes, too.

Mr. LUJÁN. I appreciate that very much. And, Mr. Chairman, we had a hearing here on an amendment offered by myself, which would have extended a program at the end of this calendar year. And there was a lot of conversation that, if I would be willing to withdraw that amendment and work with my colleague from Arizona, Mr. Gosar, and find a 10-year extension, as opposed to a permanent extension—although I still believe we should do this permanently, to give this authority to these Federal agencies to move this forward, that we should get it done.

And I am hoping, Mr. Chairman, that there are two pieces of legislation currently before this body that have that language in there. We have a diverse panel, and I am glad to see the strong support from everyone with this common-sense approach, and see how we can growth with that.

Last, you know, as we talk about the management of our lands—Mr. Valera López, I appreciate you talking about land and water conservation organizations, we need to protect our watersheds. And there may be some disagreement with some folks out there associated with how we can use that funding to better look after our water resources. I know where we come from. If we don't have water, we don't have anything. If we don't have water up in those mountains, our acequias aren't going to run, our cattle aren't going to drink, our forests aren't going to grow. And therein lies another responsibility.

I believe it is in everyone's best interest to manage our public lands. If we don't do so, we don't get adequate snowfall coverage, we don't get adequate recharge to the aquifer. We don't get adequate growth in those grasses that hold the runoff and cause devastation.

And so, Mr. Chairman, I am certainly hopeful that we can get this done together, and that some of these common-sense approaches that have been asked for consideration get their due diligence. So thank you very much, Mr. Chairman. I yield back my time.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Michigan, Mr. Benishek.

Dr. BENISHEK. Thank you, Mr. Chairman.

Thanks for coming in today. I really appreciate your testimony. I represent Michigan's first district, and we recently had a forest fire as well. It is a little bit different than out West. But, you know, there were some challenges that we face, too, simply because we don't have a history of those large fires, and that we had to import a lot of the equipment from all over the place.

According to the Forest Service, some forest areas are now more dense than they were at the turn of the 20th century, leaving them more susceptible to disease and drought, and creating large amounts of fuel for catastrophic wildfires.

Mr. Dice, Mr. Crapser, if we had a blank slate, what kind of a Federal forest management policy do you think would be the best thing to do to minimize this potential for wildfire and to balance the needs for environmental concerns? Mr. Dice?

Mr. DICE. Mr. Chairman, Congressman, rarely is a forester offered a blank slate. I think the first thing we need to do is—I look at a lot of our natural resource management in this country as kind of the five stages of grief: something changes and we deny it, then we get mad about it, then we try to bargain our way out of it, then we are in depression, then we finally accept it.

I think the first thing we need to do as a Nation, as a natural resource group, is accept where we are at, and quit pointing fingers on how we got here, and look at the future, look at the fact we have 300 million people in the country, we are not going to get to pre-settlement conditions, and look at where we are at, how do we move forward.

My belief—as I said earlier, I am an old-school forester. And my belief is active management can replicate fire across many landscapes, that we can put both management and fire back on the landscape, and deal with the people in the interface and make it happen. Maybe I have been—I am still an optimist, even though I have been doing this a long time, and I think that is the way we have to move forward with collaborative projects, where we can actually work together, instead of beating on each other.

Dr. BENISHEK. OK. Let me ask another question. Mr. Crapser, in your written testimony you point out that the Western Governors Association recently issued a policy resolution that, among other things, stated that the health of the national forests and ranger lands has deteriorated due to a reduction in management. What do you mean by reduction in management?

Mr. CRAPSER. Mr. Chairman, Congressman, if you look at active management across Federal landscapes, there has been a reduction over the last 15 years, as far as acres treated.

You know, we talk a lot about the 100 years of fire suppression. We have been doing a good job of suppressing fire. Part of the reason fire suppression started was because we were going to actively manage our forests for goods and products, and replicate fire on the landscape. Over the last 15 or 20 years, there has been a vast reduction of that.

In 1985, the Forest Service harvested, I believe, 11 billion board feet off national forest lands. Last year I believe it was, like, 1.2 or 1.3 billion. So there has been a huge reduction. I am not saying we should go back to 11 billion board feet, but we have to look at

some place that is meaningful management for the type of fuels that are out there.

Dr. BENISHEK. Let me ask another question. Can you estimate the amount of time that the forestry officials spend dealing with and preparing for litigation and other regulatory processes, compared to the amount of time they spend on caring for forests?

Mr. CRAPSER. Mr. Chairman, Congressman, I don't work for the Federal Government, so anything I see is anecdotal. But we spend an awful lot of time working with them on planning meetings, more than we do on operational type meetings any more.

Dr. BENISHEK. Thank you. Mr. Dice, in your testimony you mention that the nature of your business has shifted from management of the forest to now you are working mostly on fighting fires. What do you think the primary reason for the shift in Federal forest management policy is?

Mr. DICE. Well, the shift is because they don't have the money to do the fuels reduction work which we used to support with timber sales. And that is where, for many years, 20 years, that is how we built our business, on clean-up of the forest. And it was paid for by the timber sales, so forth, throughout the United States.

The CHAIRMAN. The time of the gentleman—

Dr. BENISHEK. I think my time is up.

The CHAIRMAN. Yes. The time of the gentleman has expired. The Chair recognizes the gentleman from New York, Mr. Tonko.

Mr. TONKO. Ms. Berry, do communities in the Wildland/Urban Interface have zoning or building codes that reflect a potential risk of fire?

Ms. BERRY. In most cases, no, particularly in the West, which is where I am most familiar with. There are a few—a handful of examples where communities have enacted sort of code regulations. But very few have any type of zoning issues revolving around wild-fire risk.

Mr. TONKO. Is there anything that could encourage a better outcome there?

Ms. BERRY. I think that there is, there is a lot of things. And the first step, really, is identifying the most wildfire-prone areas. There is a highest risk. And that is something I tried to mention in my remarks about mapping. I think we need fine-scale, high-resolution maps that incorporate information on fuels, fire patterns, historic weather patterns, and slope, and these types of things. And that will help local communities know where they need these types of regulations, as far as managing growth in these areas.

Mr. TONKO. Thank you. And, Mr. Crapser, I am looking at estimates that indicate a huge amount of ownership in these Wildland/Urban Interface land areas, as privately held. A national statistic has it very lopsided, but I would think there is still a huge investment of private land that we are looking at. That leaves a lot of private land that needs to be considered in any fire management plan. I know that we were discussing some of the efforts with State and Federal land managers. Can you better develop for me the programs that are in place that would encourage private land owners to work with State and Federal land managers, so that we can avoid what could be a patchwork approach, or is a patchwork approach?

Mr. CRAPSER. Mr. Chairman, Congressman, the States—I think nationally, but I know in the West—have developed community wildfire protection plans with all the communities. In Wyoming, we have one in every county. It covers every community. It talks about fire-wise, defensible space, that sort of thing. We utilize the State fire assistance program to do fuels treatments with land owners. We also utilize assistance. We spend—probably 40 percent of my agency’s time is doing land owner assistance, talking to land owners, working with them as far as how to make their home more defensible, how to make their communities more defensible, and planning for that.

Mr. TONKO. And when we look at the U.S. Forest Service budget, my understanding is that funding has been flat, or in fact, declining in recent years, while the cost of firefighting perhaps has been increasing. Are there any adjustments that you have witnessed from State budgets for these activities? And is there any way that you imagine we can fill the gaps that we have experienced?

Mr. CRAPSER. Mr. Chairman, Congressman, I probably would be a very poor government agency head if I said that I had enough money. You never have enough money. However, we have tried to work with counties—given the budget picture both at Federal and State level, we have tried to work a lot closer with counties and communities to take a lot of the responsibility for their own areas on themselves.

Mr. TONKO. All the statistics—and for anyone who wants to answer this—all the statistics indicate that there has been a lot of housing development in the Wildland/Urban Interface in recent decades. I imagine one of the attractions for people choosing to live in these areas is the proximity to the forest. Is there a reluctance on the part of homeowners to do the type of landscaping and management of forests close to their property that would decrease their risk of losing their home to fire?

Ms. BERRY. Well, I would just say that a lot of homeowners in the Wildland/Urban Interface are not aware of the risk of fire, particularly because it is perceived as a Federal issue, and not so much as a private—issue of a private landowner. So in some sense there is a big educational component that needs to happen.

Mr. CRAPSER. Congressman, even with the education we do, and assistance, I would say it is a mixed bag. A lot of land owners are very willing and active to try to do defensible space, and to work with doing things around their home. Some aren’t, because they moved there so they could have trees hanging over their houses.

I will say this summer, with the fire season we have had, we have been inundated by calls from people wanting us to come out and work with them on looking toward future years.

Mr. TONKO. Thank you. Anyone else?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TONKO. Thank you, Mr. Chair.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN OF SOUTH CAROLINA. Thank you, Mr. Chairman. You know, following best management practices for the timber industry for quite a while, we have the Sumter National Forest in my district, and we constantly have complaints from local citizens

when the United States Forest Service does control burns, prescribed burning which, basically, does away with a lot of that tinder that causes wildfires. And it is the right thing to do for best management practices.

But then, just recently, in 2009, down in Myrtle Beach in South Carolina, the largest forest fire in a generation in South Carolina burned 19,000 acres, \$20 million in damage, 76 homes destroyed, another 96 damaged in some way. And the reason why that fire was so—of such great magnitude was because the residents in that area basically complained about prescribed burning that had been done in the past. And so, for a period of time, no prescribed burning was done. And once the fire started, it spread like crazy, jumping a six-lane highway, because it was raging so much. There was so much tinder available.

I just make that point because I think in our country we have definitely got to get back to best management practices with regard to managing the United States forest lands, but also allowing timber sales that were a ready, available thing for a very, very long time. But we have talked in this Committee many times about what the environmental policies that were put in place during the late—well, mid-1990s forward, that decimated the timber industry in the Northwest. My brother-in-law lives in Northwest Montana, and I saw what the lack of timber sales and the Spotted Owl rush and everything did to the timber industry. And so, because of that, we have seen the lack of timber sales, the lack of what I call best management practices for managing our timber, and we have seen resulting huge wildfires. And so, I just bring that up as a matter of importance to me.

I want to ask, I guess, Mr. Dice. Environmental groups file lawsuit after lawsuit—by some counts, a dozen within the last few years—to block timber sales. For example, the California Forestry Association stated that in one county environmentalists filed more than 50 appeals to block thinning projects planned as part of legislation to protect the Northern Spotted Owl habitat that was destroyed by a major fire.

So, in your opinion, what are thinning and removal of dead trees following a wildfire—why are they important for species and forest health?

Mr. DICE. Well, any time you reduce dead and dying fuels in the forest, it is going to reduce the intensity of fires. And so, that is just a given. Always.

So I did want to speak about the smoke you talked about in fires in, like, South Carolina, and smoke management. You know, if we inform the public how much good that does, and if we did some kind of news broadcast and so forth, and inform the public, I think we would get a lot less resistance to that. The problem is we haven't been doing a very good job of that the last 30 years. We used to do that, you know. Thirty years ago we did let the people know that we were doing prescribed burning, and what that saved, you know, homes and everything else, down the road. So I don't think we have been doing a good job of that, and it would be nice to see that.

Mr. DUNCAN OF SOUTH CAROLINA. Don't you think that in these urban areas, where the forest land bumps up to urban areas, you

know, with a little bit of public awareness campaigns about what that smoke means during prescribed burning would go a long way toward saving the potential forest fires that destroy homes, and destroy, as we saw in Colorado, almost destroyed a very valuable asset as it approached the Air Force Academy? So, I think prescribed burning and best management practices are the right thing.

Mr. Crapser, can you talk about the importance of reducing fuels outside the Wildland/Urban Interface?

Mr. CRAPSER. Mr. Chairman, Congressman, I think we have to look at a holistic—I hate that word, I am sorry—an overall picture of how we manage our forest, and how we do things. Just focusing on the Wildland Interface, while it is important, and it is always the most immediate place to look, really doesn't deal with the watersheds, doesn't deal with the widespread habitat issues, soil movements, landslides, that sort of thing. You have to look at the entire forest. As the old saying goes, you have to see the forest through the trees.

Mr. DUNCAN OF SOUTH CAROLINA. Thank you, Mr. Chairman. I yield—

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from New Jersey, Mr. Holt.

Dr. HOLT. Thank you, Mr. Chairman. Mr. Crapser, something you said in response to Mr. Grijalva's questioning caught my ear. You seem to be avoiding the use of the phrase "climate change." And you said you could call it real drought or prolonged drought. Were you deliberating avoiding the use of the phrase "climate change"? Does this suggest that you either think it is not happening, or that it is not relevant, or that there is nothing we can do about it?

Mr. CRAPSER. Mr. Chairman, Congressman, I believe there is something happening with the climate. We are seeing climate change, we are seeing warming trends. I think there is a lot of debate over the root causes, and what can be done about it. I think it is important that we are talking about climate change. I didn't mean to not use the term. Trying to focus on fire. We are more of an immediate mind set, and we talk about drought. I think it is there. But I—

Dr. HOLT. In 2010, your Council, the Council of Western State Foresters, wrote a report entitled, "Western Forests: Recommendations and Guidance for Addressing Climate Change." It included a key statement. For example, "Forests are already facing impacts associating with the changing climate." Do you endorse this report still?

Mr. CRAPSER. Yes, sir.

Dr. HOLT. OK. Well, thank you. I—you know, as we debate timber management and thinning and fuel reduction and responsible development patterns and bark beetle control and aggressive cutting or clear cutting or permitted or prescribed burns, we are not really getting at the heart of the problem. And, you know, as a scientist, I always like to go to the fundamentals first, and look at principal causes. I think we really have to follow the evidence, and listen to scientists, the propensity of scientific conclusions, not ideological outliers or deliberate obfuscators.

Ms. Berry, are warming temperatures pushing droughts to the extreme, causing snowpacks to melt earlier, preventing pine beetles from being killed off in cold winters?

Ms. BERRY. Yes. The research indicates that warming temperatures are increasingly resulting in widespread droughts. And that does affect the bark beetles—

Dr. HOLT. And do these factors contribute to increasing risk of catastrophic wildfires?

Ms. BERRY. Yes, they do.

Dr. HOLT. You know, I hope this Committee can focus on ways to get communities the resources they need to protect themselves from fires, and that we have—that we establish good policies of timber management. But we mustn't ignore the root causes here. And a bigger cause than fuel buildup, a bigger cause than housing development is what is happening to our very climate. And we can't—it is the elephant in the room that we should not be avoiding and talking around.

Just to make another point that I would like to get in the record, my—some of my colleagues here today seem to be blaming citizens for participating in democracy as the cause of catastrophic wildfires, that somehow people are causing forests to turn into tinder boxes because they want our Federal agencies to protect the air and the water and the wildlife. The Minority staff produced a report called "Dousing the Claims" that shows this is not the case. The report shows that appeals and litigation, including those related to the protection of species on the brink of extinction, have almost no impact on projects to thin forests.

So, I would—there isn't a lot of time to explore this. I hope in subsequent questioning we can get—elicit from the witnesses specifics about whether and in what way these appeals, this litigation, these enforcement of regulations are actually causing the problem. Because this report is pretty clear that they are not. I thank the Chair.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Colorado, Mr. Tipton.

Mr. TIPTON. Thank you, Mr. Chairman. I would like to thank our panel for taking the time to be able to be here. I have a district that butts up right against Mr. Valera López in Colorado. And a lot of the concerns that you have expressed are the same issues that we are facing.

As I toured in the San Juan National Forest not long ago, I was with a forest ranger from the National Forest Service. And he said, "We are actually paying the price for poor management in our forests." He was pointing out overgrowth, species that should not be growing at those elevations that would have typically burned out if we had had better management practice, and allowed even natural fires to be able to go through in the past, impacting water, as well.

Would it be accurate, Mr. Crapser, to be able to say that when we go in and have proper forest management, that we actually increase the water table, create healthier forests, healthier trees, that are not going to be as subject to bark beetle infestation, as we have seen in the West?

Mr. CRAPSER. Mr. Chairman, Congressman, I think we can utilize forest management to improve watersheds, to improve habitat. And again, it gets back to the balance, and trying to strike where your management objectives are, what you are trying to do. But, yes, I think you can do great things for watersheds and habitat with management.

Mr. TIPTON. I appreciate that. And one thing I—listening to the testimony that has gone through here has been a fear of lawsuits to be able to go in and actually do forest management, to be able to protect forests, to, as you just noted, increase water table in order to be able to create actual healthy forests going on. Do you have any estimate, in terms of what this litigation is really costing?

Mr. CRAPSER. Mr. Chairman, Congressman, I really can't answer that question. I am not an expert on the Forest Service's litigation bill. And really, would just be guessing, anything I would have.

Mr. TIPTON. Is it significant?

Mr. CRAPSER. I think it is significant. As I said earlier, I think the fear of litigation sometimes is a bigger impact than litigation itself.

Mr. TIPTON. You know, you and Mr. Dice both pointed to the fear of litigation. And I think many of us are frustrated that we have those who want to make it one side or the other. You know, in Colorado—I bet in New Mexico, Montana, Wyoming, as we go through our States—I see nothing but environmentalists in every State, people that want clean water, want healthy forests, and want common sense, as well.

You know, we just recently had a comment that came out from a lady named Kieran Suckling, Executive Director for the Center for Biological Diversity. And I would just like to read this. And if you can, just quickly respond to that. She stated, "When we stop the same timber sale three or four times running, the timber planters want to tear their hair out. They feel that their careers are being mocked and destroyed. And they are. So they become more willing to play by our rules and at least get something done. Psychological warfare is a very underappreciated aspect of environmental campaigning."

Should we be playing games, or should we be addressing actual causes right now that are burning homes in my fellow congressmen's districts, taking lives? When we look at one of the fires in Colorado, we are seeing ash now going into the river that is hurting endangered species. We are destroying habitat in the De Beque fire when we are talking about the sage grouse. There is no habitat left. And, in fact, the BLM expressed to me they are worried that that land was sterilized because of the heat of that fire.

Should we be playing games with litigation? Or should we be standing up for creating a healthy forest, a healthy environment, for not only those species, but for the people who are relying on that drinking water, as well? Mr. Valera López, do you have a comment?

Mr. LÓPEZ. Mr. Chairman, Congressman Tipton, I believe that we should not be playing games. We got in this situation from the games that we have been playing for a long time, and that is why I talked about streamlining the process, so that we could avoid the

litigation that is happening right now. We need to be proactive. We don't have time to play games.

And, you know, I have seen the impacts of everything that you are talking about in New Mexico. In fact, the Gila Trout, and the other endangered species in the Gila National Forest this year from the Whitewater/Baldy fire have been taken out because they are trying to save them, because the streams are—

Mr. TIPTON. I am running out of time, and I would really encourage you—we have legislation in place right now, the Health Forest Management Act of 2012, to be able to use the HFRA authorities to be able to reduce that litigation that is going on, to be able to get our States involved once again back into the process through our county commissioners, through our Governors, through the people who live there, work there, and love the land, to be able to bring some common sense to that solution.

So, I thank you all for being here, and thank you for your time. I yield back, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentlelady from California, Mrs. Napolitano.

Mrs. NAPOLITANO. Well, thank you, Mr. Chair. And I am listening with great intent on this. Since I am the Ranking Member of the Subcommittee on Water and Power, and before that the Chair, I was able to go to Western Power Administration offices and take a helicopter over much of the land and saw the devastated forest, all the brown forest for miles and miles and miles.

Questions began to arise as, of course, as you have heard, there is drought coming our way. It is continuing to get worse. So how are we preparing for that, number one? And how are we having the agencies work together with the growers, with the cattlemen, with the local entities to be able to ensure that we are able to take some of those dead trees to prevent more of this lightning-struck fire started in many areas, because that is going to happen again and again.

And you are right, it is something that is of great concern, that the pine beetle continues to flourish because there are no harder winters, or at least longer winters that kill.

But there was a question at the time as to whether or not the clearing of the right of way was an issue, because that—if any of those poles were to fall, they would immediately start a fire. And there was a question about allowing that to happen. And I am not sure whether you are involved in that.

But that comes to Mr. Crapser. What, if anything, is the Council of the Western State Foresters done related to thinning to protect the transmission line infrastructures? Are you working with the PMAs?

Mr. CRAPSER. Mr. Chairman, Congresswoman, from the Council perspective, it is an association of the state foresters. I know individually, all the state foresters have been working very closely with power line companies, with power line authorities in their States on that issue, because it continues to be a big issue. We have had that issue in Wyoming, as far as—

Mrs. NAPOLITANO. Well, what is being done, sir?

Mr. CRAPSER. What is being done? We are working with the Forest Service and the power line companies to try to get some agreements, so they can thin their power lines, so they can cut—

Mrs. NAPOLITANO. And the biggest impediment to that would be what?

Mr. CRAPSER. The biggest impediment to that is Forest Service rules, as far as how they can allow things to happen—

Mrs. NAPOLITANO. What about budget? What about budget?

Mr. CRAPSER. I think on that particular note, budget is probably not as big an issue as just getting out there and getting it done. But it all plays part and parcel in the same game.

Mrs. NAPOLITANO. Mr. Chairman, I would like to have any kind of report come to this Committee on regard to what they are doing to be able to ensure the protection of the infrastructure.

The CHAIRMAN. I think that would be good information to have, obviously. So we would look forward to that.

Mrs. NAPOLITANO. Thank you, sir. To me, budget, we have always been reducing the budgets to be able to allow more investigation of the areas that need prioritizing to try to prevent some of this.

And to my colleague on the other side, fires do allow reseeding, because it pops open the seed and eventually it reforests itself. But that takes decades to do, or at least many years.

My concern has been with the cost of the fire suppression over—\$1.4 billion over the 4 years. And after the budget is decreased by \$100,000 over the past 2 years, would you not agree it is in the Nation's best interests to build on the Federal investment, rather than cuts? And could the Federal funds be recouped?

[No response.]

Mrs. NAPOLITANO. Anybody?

Mr. CRAPSER. Congresswoman, I am not exactly sure I understood the entire question. But I think, looking at the \$1.4 billion as the U.S. Forest Service budget, all State—I mean, actually, fire suppression costs are way more than that, because all States, locals have our own budgets.

I think focusing dollars that are available on priority areas to do work ahead of time is a much wiser investment than—

Mrs. NAPOLITANO. Is that happening?

Mr. CRAPSER. To some extent, but not as much as it should be.

Mrs. NAPOLITANO. And the reason, what do you think, personally?

Mr. CRAPSER. I really don't know, ma'am. I wouldn't even hazard a guess. I think it is that when the—when there is smoke in the air and it is an emergency, we do what we have to do. When we are thinking out long periods of time, sometimes we don't.

Mrs. NAPOLITANO. So we are not looking at a futuristic way of being able to deal with some of these fires?

Mr. CRAPSER. I think we haven't come to grips with how we manage our natural resources in this country.

Mrs. NAPOLITANO. Yes?

Ms. BERRY. Yes. If I could just add, I think that also—that part of the reason for this escalating spending on suppression is that there is a disconnect between who is spending that money on suppression, and then who can make a difference in reducing the risk,

whereas the local State governments that manage growth in the Wildland/Urban Interface can make those planning differences, and the spending for suppression comes later from a different agency. And so there is no sort of incentive to manage this growth, which drives these fire suppression costs in an effective way.

Mrs. NAPOLITANO. Thank you, Mr. Chair. I will have some questions for the record.

The CHAIRMAN. The time of the gentlelady has expired. The Chair recognizes the gentlelady from South Dakota, Mrs. Noem.

Mrs. NOEM. Thank you, Mr. Chairman. And I think, Ms. Berry, you just made a very important statement that I hope we all recognize today, is that a lot of times those who are responsible to maintain the land simply aren't doing that. And who is bearing the costs of that are the local and State governments.

And that is the true disconnect that we really do have, is that the true threat and the hurt is felt at home by these local and small governments who are bearing the cost of that. And seeing people who are losing their homes and their livelihoods and their businesses impacted are bearing the cost of that when the Federal Government doesn't step up and maintain the land that they are responsible to maintain because they have jurisdiction over it. If we are going to have Federal land in this country, then the Federal Government needs to maintain it. If they can no longer maintain that land and take care of it, then boy, give us the chance to do it and make decisions so that we can better manage it for the people who live in this country.

Mr. Crapser, in your opinion, who makes better decisions for maintenance of land? Would it be the Federal Government, or would it be local and State and county organizations that are actually there and closer to the problems that we see every day?

Mr. CRAPSER. Mr. Chairman, Congresswoman, I think the closer to the ground you can make decisions, the better decisions you have.

Ms. NOEM. I wholeheartedly agree. You know, Mr. Dice, I have a question for you. In South Dakota, which is the State that I am from, we have the Black Backed Woodpecker, which is being reviewed for potential listing on the Endangered Species Act. And so, opponents to land management techniques have pointed to some of the studies that have shown that dead and dying timber, which the Black Backed Woodpecker depends on for part of its habitat, is no greater wildlife threat risk than a healthy, thriving forest would be, and are building their case on leaving those dead and dying trees there for that habitat, but saying that it doesn't increase the risk to anybody, as far as wildlife potential. In your experience, could you weigh in on that and tell me if you think there is more risk with dead timber than there would be in a health forest?

Mr. DICE. Yes, there is always more, ma'am. There is always more risk in a dead and dying forest than a green, healthy one. I mean it just—a lot of common sense will tell you that, that a dead tree is going to ignite a lot faster than a living one. Pretty simple.

Mrs. NOEM. So can you give me a little bit of insight into what happens when you get into those situations where wind throw would happen, and you would have dead and dying timber that has

been blown over and lying on the ground, as well, how that changes the situation as well?

Mr. DICE. Well, just more intense. They burn hotter, faster, through any kind of wind or—doesn't even take wind, they will create their own wind, that dead tree, dead fuels, create intense heat, and a lot more than actually a living forest would. And that is just pretty simple.

Mrs. NOEM. So, could—do you believe the Endangered Species Act could be improved if more opportunity was given to local and State governments to weigh in on some of the policies and procedures that are implemented in a lot of these areas?

Mr. DICE. Yes. I think that the more eyes that can look at the situation, the better it would be. As Bill said, the local—the people on the ground locally are going to have a very good opinion about that.

Mrs. NOEM. Mr. Crapser, do you have—you say anecdotally you have the chance to talk about this as being a long-standing forester. But in looking at the Endangered Species Act, how it impacts our Federal lands, and how they are treated in dealing with some of the wildlife that is out there, do you believe the Endangered Species Act could be improved if we gave more input to local and State governments on how it is implemented?

Mr. CRAPSER. Mr. Chairman, Congresswoman, yes, definitely. I think if you look at efforts across the country—I will use in my own State of Wyoming the work—even though it is not a listed species, the work our State government has done on sage grouse has gone far and beyond, and it has been a collaborative, cooperative effort that has really moved things forward, much better than a regulatory hammer approach.

I think the other thing with the Endangered Species Act, sometimes we focus on single species and we end up with competing species, instead of really looking at what we really need out of the protection from the Act.

Mrs. NOEM. Thank you. I appreciate that. And that—

The CHAIRMAN. Would the gentlelady yield?

Mrs. NOEM. I will.

The CHAIRMAN. I just want to make an observation. Mrs. Napolitano brought up the issue of budgets. And Mr. Crapser had earlier made the observation of the lack of harvest. Now, keep in mind revenues from harvest go to the Federal Government for forest management. And Mr. Crapser made the observation, I think, that since the mid-1990s to now, that the harvest has been from 11 billion board feet down to roughly 1 billion board feet. The corresponding revenues in that time is from \$2 billion down to about \$180 million. So you have a 90 percent reduction. Therefore, you do have budgetary problems. And one way to resolve that problem is to have more harvesting.

So, I thank the gentlelady for yielding, and recognize the gentleman from Oregon, Mr. DeFazio.

Mr. DEFazio. Thank you, Mr. Chairman. I remember being in this room back in 2002, when we had fires raging 10 years ago in the West. And I expressed at that point some impatience about the pace at which we were dealing with fuel reduction. We went through a couple-year process and ended up with HFRA, which I

supported. In looking through the documentation here, it appears to me that HFRA has worked, that in fact, very few of these proposed thinning, fuel reduction thinning projects, have been litigated, a very small percentage. So, I am having a hard time understanding that the problem is with litigation, as opposed to budgets. Because I would observe that the proposed budget for the Forest Service is \$312 million. Sounds like a lot of money.

But in terms of what it costs per acre, how many acres are out there—I haven't seen the GAO update, but the numbers we had back then at the levels we were spending in 2002, which were a little bit lower than this, but not—about the same for the BLM, a little lower with Forest Service—were that we had about a 100-year backlog, you know, if we dealt with all of our critical areas in the forest, and starting prioritizing in the WUI and then moving further into the forest.

As that changed, I just would ask perhaps for Mr. Crapser. I mean we are basically not even keeping up with the build-up of fuels, right, with the current budgets?

Mr. CRAPSER. Mr. Chairman, Congressman, no, we are not keeping up with the backlog of work that can be done. And I think that is one reason why—and as I said earlier, I would be a very poor agency head if I said that I have enough money. I don't have enough money, I never have enough money. But I think we also have to be innovative and look at non-budget ways that we can get some of this work done, simply because I don't think there is enough money printed to get us to the—completely to catch up with the backlog.

Mr. DEFAZIO. But if we do—and this has been a bone of contention with some of the environmental groups for me—but if we put some value on fuel reduction projects, i.e. allow, where practicable, the removal for biofuel potential and others, to reduce the impacts. But, I mean, these are, with the exception of the burning, which we have had some discussion of, but where we are doing some actual mechanical removal, they are labor intensive, correct? And, what, \$300 an acre, probably?

Mr. CRAPSER. Congressman, that would be—in most WUI areas, that would be very, very reasonable, \$300 an acre.

Mr. DEFAZIO. OK. So probably generally more than that.

Mr. CRAPSER. Yes, sir.

Mr. DEFAZIO. So, really, I mean, we do have here a budgetary problem. We are at \$312 million. You know, and if you look at the backlog of acreage, I think we are talking about 65 million acres that we feel need fuel reduction. Is that correct, on Forest Service—

Mr. CRAPSER. Mr. Chairman, Congressman, I am not sure on the acreage. I think the point is, though, in my mind, if we can utilize stewardship contracting, we can utilize some of these other vehicles and get a value out of some of those materials, it offsets dollars needed.

Mr. DEFAZIO. Absolutely. And I 100 percent agree with you there. There are some who have said to me, well, they fear that if we built some small dispersed plants, either to produce biodiesel, cellulosic ethanol, or to actually—you know, plants actually use the wood for generation of electricity, that we would become addicted

to it, and then we would go back and harvest the healthy trees, which I find an absurd statement.

Just one other point, which also goes back to those days, the gentleman from New Mexico said that these two fires that joined were both initially spotted as one-tree fires. I wonder why, if they were reported as one-tree fires, I thought the Forest Service was doing a lot more active and early suppression these days.

Mr. LÓPEZ. Mr. Chairman, Congressman, the reason that the Forest Service, in my opinion, did not act on it is because both fires started in the wilderness. And so, they were trying to clean out the wilderness, and that is why they allowed them to burn. But once they got large enough, and the winds changed, they blew down toward private property and populated areas, and that is what the basic modus operandi is now, is that if a fire starts in the wilderness, you allow it to try and clear out the brush and—

Mr. DEFAZIO. Well, not in those—I thank you, but not in those conditions. I think that is a question—we don't have a Forest Service witness here today, but we had a couple of fires in Oregon, you know, back in the last decade which started as one-tree fires, which could have been suppressed, and we asked for an investigation, we held hearings, and my understanding was they had changed their policy. And to allow, you know, to pretend or to think that you are somehow going to get a low intensity fuel reduction in the kind of conditions you guys are experiencing down there with the drought is—would be irresponsible, if that is what they did. I would hope the Committee would inquire as to the reasons—

The CHAIRMAN. Maybe—if the gentleman would yield—make the inquiry and we will follow up.

Mr. DEFAZIO. OK.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Pennsylvania, Mr. Thompson.

Mr. THOMPSON. Well, thank you, Chairman. Thanks for holding this hearing. As someone who chairs the Agriculture Subcommittee on Forestry, and also someone who has spent about 30 years as a State-certified firefighter, I have spent my share of days and nights in forest fires. This is a situation that is very important.

And I actually want to zero in on where the conversation stopped, and really want to focus on one area of our national forests, and look at the implications of that, and that is wilderness areas. So the timing was perfect, in terms of what you teed up for a question. I appreciate it.

I want to start with—let's start with Mr. Varela López and then Mr. Crapser. I am curious, both of you. In your opinions, what impact do wilderness areas have on the increasing number of wildfires on Federal lands? And as a follow-up to that, wilderness appears to prevent access and categorically excludes the Forest Service from any kind of major management in the event of a fire catastrophe. Do you believe that this is an inherent problem on wilderness lands?

Mr. LÓPEZ. Mr. Chairman, Congressman, I certainly agree with you that not doing any active management in the wilderness areas is a problem. Because you have the unnatural fuels that are allowed to increase and when you have a fire, obviously, it is a lot

hotter, in my opinion, than what it would be if the acreage was managed properly. So, yes, there is a certain impact.

And I believe also that over the years I think you can probably actively manage it, but the policy has been that there is no active management in the wilderness area, even though under certain circumstances and conditions it is allowed.

But, you know, obviously, all our water starts at the top of the watersheds. And if that is damaged, especially with the amount of trees that we have, and—like in New Mexico, you know, you have a lot of erosion problems, and money that just goes down the hole forever.

Mr. CRAPSER. Mr. Chairman, Congressman, I think wilderness areas give us a unique challenge. Congressman DeFazio mentioned the single tree snags that were burning and then not put out. A lot of that happens in wilderness areas. You can tell it is kind of a—it is a problem for the Forest Service, because they change the name every year from let-it-burn policy to wildland fire use to good fire-bad fire to planned fire, non-fire.

Probably the simplest way how States deal with the Forest Service and the BLM, our Federal partners, on it is fires that they don't actively suppress in the wilderness areas we consider exactly the same as prescribed fire. And our agreement with the Federal agencies is very clear, that if you have a prescribed fire that gets away from you, you pay the entire cost of suppression when it has to be put out, and we deal with those fires the same way.

But it does give unique challenges, having especially small wilderness areas in mixed ownership.

Mr. THOMPSON. Thank you. Mr. Dice, you know, my understanding is the Forest Service has some authority to manage wildfires in a wilderness area, but they are extremely limited in this capacity, and typically do not exercise that authority in the event of a major fire. Would you—based on your knowledge, would you agree with this? And, if so, you know, are you aware of what kinds of powers does the Forest Service have in the event of a wildfire in a wilderness area?

Mr. DICE. Well, I—Congressman, I don't know, exactly. I do know that when we go to wildland fires in the wilderness acres, they are slow to get at, they are usually pretty remote, there are no roads, you can't use those. They are very hard to suppress. And many times we can't get the equipment in there that is needed. And so, they are just expensive.

And so, sometimes activity—or actual suppression on them is hindered greatly because of that, those type of things. So—

Mr. THOMPSON. Well—and for any of the panelists, I want to kind of follow up on the—on your response, Mr. Dice. You know, how does the management of fire risk in wilderness areas differ from the management of fire risk in non-wilderness areas? What are the differences that you observe?

Mr. DICE. Mr. Chairman, Congressman, number one and foremost is they don't do any fuel treatments. There is no opportunity to do any type of fuel treatment in wilderness areas because, by de facto, they have their own management regime. So it does make things more problematic when you do start working on a fire. As Mr. Dice said, the remoteness restrictions on motorized type of

equipment all add factors into the difficulty of dealing with fires in a wilderness area.

Mr. THOMPSON. Thank you. Mr. Chairman, I see my time has expired.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Arizona, Mr. Gosar.

Dr. GOSAR. Mr. Crapser, have you ever cut down a big tree that has been over, let's say, 150 years old?

Mr. CRAPSER. Yes, sir. Hundreds of them.

Dr. GOSAR. Have you counted the rings?

Mr. CRAPSER. Yes, sir.

Dr. GOSAR. Have you looked at the rings?

Mr. CRAPSER. Yes, sir.

Dr. GOSAR. What do the rings tell you?

Mr. CRAPSER. Congressman, the rings tell you the history of the tree, of drought, of moisture, of fire history.

Dr. GOSAR. And in those 150 years have we had changing patterns of our dynamics of climate?

Mr. CRAPSER. Congressman, most—in my observation, most of it is—of tree growth and tree rings has been the micro-climate, if you will, as far as where that tree is growing. I haven't tried to take like trees and look at them.

Dr. GOSAR. Well, they tell a tale. I am a science guy, too, like Mr. Holt was talking about. And it tells you a lot about history, about climates. And climates are dynamic. They change. I mean we are not a perfect universe, no matter what.

Would you—I am also a health care professional. Would you agree that we are in a pandemic right now in our forests?

Mr. CRAPSER. Yes, sir. I think we are in a forest health—

Dr. GOSAR. So it is not just about bark beetles, it is about cankers and blights.

Mr. CRAPSER. Yes, sir.

Dr. GOSAR. Are you familiar with what transpired in the mid-1970s, just south of Wyoming in Vernal, Utah? Flaming Gorge?

Mr. CRAPSER. No, sir.

Dr. GOSAR. Well, let me paint the picture. What ended up happening is we had bark beetle, we had blight, we had canker. And it destroyed everything. In fact, they ended up having to clear cut, because a lot of it was Ponderosa Pine. I really want people to go back there to go see and take a look at it, because it is a management style because of a special genetics of a tree. Ponderosa Pine don't like to be selectively cut, they like to be cleared and having open range to seed. Is that true?

Mr. CRAPSER. Congressman, Lodgepole Pine that is specifically—that is definitely the case. Ponderosa Pine, it depends on the site.

Dr. GOSAR. And if I said Ponderosa Pine, I meant Lodgepole Pine, I am sorry, and Douglas Fir.

Mr. CRAPSER. Lodgepole Pine is a—

Dr. GOSAR. Yes. Ponderosa Pine is a little bit different, because it is more of a—selective aspects.

Ms. Alison, tell me about our mitigation efforts. Are we pretty good at mitigation?

Ms. BERRY. At mitigating fire risk?

Dr. GOSAR. No, no, no. At reclamation.

Ms. BERRY. At reclamation?

Dr. GOSAR. Yes. Are we pretty good at it?

Ms. BERRY. What do you mean by—

Dr. GOSAR. Taking care of a road and rehabilitating it, you know, rehabilitating a marsh land. Are we pretty good at it?

Ms. BERRY. Yes, we are.

Dr. GOSAR. How are we with soil that is sterilized? Are we good at it?

Ms. BERRY. Well—

Dr. GOSAR. The answer is no. I will just be real careful. I don't want it to go anywhere close to that. Because that is what we are doing right now. We are putting these intense loads of fire fuel, and we are burning it at such an intense heat that it is actually sterilizing soil. And that is the make-up that builds a healthy forest and grass lands.

Mr. LÓPEZ, are you familiar with the Forfry Initiative?

Mr. LÓPEZ. Mr. Congressman, yes, I am.

Dr. GOSAR. Is it—it seems to me like it is a collaborative working with environmentalists, the logging industry, cattlemen associations, government. And is there a reason that you see why we haven't been able to get it off the ground?

Mr. LÓPEZ. Mr. Chairman, Congressman, I believe that will come to pass here in the near future. There were a few hiccups along the way in making sure that everybody was on board. And I think that it is such a large initiative, that I believe that not all the pieces were put into place in a timely fashion to be able to start the project. But I believe it will happen. We have the same type of projects in New Mexico that are currently getting ready to start.

Dr. GOSAR. Well, I would like to go back and challenge that part of the process is the Forest Service. And when we are talking—Mr. Dice was talking about the finances here, you know, the Wallow fire in my district last year, the largest fire in Arizona history, we spent almost \$400 million putting that fire out, and we lost 2.5 billion in assets. Those are assets that go back in royalties to our educational system. Boy, we are just a big loser all the way around. Environmentally we lost over half of the Spotted Owl nests and the population, just a disaster, absolute disaster.

So, you know, when budgets—they are limited—I am also a businessman. There is a limited budget that we can work by, and this is a way that you actually have an increased revenue stream to utilize a natural resource properly.

But part of the problem is can you, Mr. Crapser, tell me why the Forest Service took over 6 months to have a contract, when they should have known that they were going to have that a long time ago? Isn't that part of the Forest Service's problem, their ineptness with the bureaucracy?

Mr. CRAPSER. Congressman, I think that is part of the problem. We—a past chief of the Forest Service talked about analysis paralysis. And I think they are still very subject to that.

Dr. GOSAR. And my time has expired.

The CHAIRMAN. I thank the gentleman for his line of questioning. And I particularly appreciate the panelists here for your responses.

As many times happens, a response will elicit another question. So I would ask all of you, if Members submit questions to you, that you respond in a very timely manner to those questions.

So, once again, this issue, from at least my perspective, appears to have at least a commonality that people agree there is a problem. The challenge is always how you address that problem. And that was one of the reasons why we had this hearing specifically on how it relates to past practice of the Endangered Species Act.

So, once again, thank you all very much for your testimony. If there is no further business to come before the Committee, the Committee stands adjourned.

[Whereupon, at 11:55 a.m., the Committee was adjourned.]

