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FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT

GOVERNMENT

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HEARINGS BEFORE THE SUBCOMMITTEE ON FORESTS OF THE COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES NINETY-THIRD CONGRESS

FIRST SESSION

ON

H.R. 11320

DECEMBER 11 AND 12, 1973

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FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT

TUESDAY, DECEMBER 11, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:20 a.m., in room 1301, Longworth House Office Building, Hon. John Rarick [chairman] presiding.

Present: Representatives Rarick, Vigorito, Gunter, Goodling, Baker, and Symms.

Also present: Hyde H. Murray, associate counsel; Steve Allen and Steve Pringle, staff consultants; and Perry Shaw, staff assistant.

Mr. RARICK. The subcommittee will come to order.

The legislation before us, H.R. 11230, the Forest and Rangeland Environmental Management Act of 1973, is designed to give the Forest Service of the Department of Agriculture the tools to accomplish the announced goals set forth by the President's panel on timber and the environment.

The subcommittee is aware that this panel made numerous recommendations concerning the management of our forests and rangelands. Among the most notable of these recommendations were a call for increased timber harvests on our Nation's forest lands and a better program of forest management that recognizes "the long-term nature of forestry" and which is based "upon sound economic concepts of intensive forest management."

The legislation before us is directed to that goal and is designed to establish a comprehensive system of long-range planning which will place "the renewable resources of the national forest system in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis."

[The bill H.R. 11320 introduced by Mr. Rarick for himself, Mrs. Hansen of Washington, Mr. Sikes, Mr. Evans of Colorado, Mr. Gunter, Mr. Bergland, Mr. Wyatt, Mr. Baker, Mr. Thone, Mr. Symms, Mr. Sisk, and Mr. Hicks; and the departmental report, follow:]

[H.R. 11320, 93d Cong., 1st sess.]

A BILL To provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forest and Rangeland Environmental Management Act of 1973".

SEC. 2. FINDINGS.—The Congress hereby finds and declares that—

(a) The air, soil, water, plants, and animals are resources that are finite and renewable.

(b) The minerals are not a renewable resource.

(c) The conservation of the environment is essential to achieving an ecologically healthy and economically functioning resource base.

(d) The United States is richly endowed with land bearing, or capable of bearing, forest trees as its principal vegetal cover, land bearing, or capable of bearing forage as its principal vegetal cover and other associated lands, some of which contain both types of cover, which by their very nature produce, or are capable of producing multiple renewable resources and uses.

(e) Maintenance and wise management of these lands and their renewable resources are vital to the Nation's vigor.

(f) The Forest Service, in the Department of Agriculture, is responsible for essential programs and services which must be maintained on an integrated basis, including programs to aid private and State forest land managers through cooperative efforts to achieve resource management goals, programs of research which produce knowledge that can be disseminated to improve achievements, and through the management of the National Forest System which is comprised of national forest lands, national grasslands, and other lands administered by the Forest Service under title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 525), as amended, and other lands administered by the Forest Service.

(g) Comprehensive inventories and planning are needed to secure the greatest net public benefit from Forest Service cooperative programs, research, and National Forest System management.

(h) Proper levels of funding for investment in management the various activities and programs of the Forest Service is essential to achieving optimum potential resource benefits on a balanced and timely basis.

(i) The Forest Service, Department of Agriculture, is national in scope, operating major resource programs that require a high degree of coordination and which, to be effectively delivered to the American people, require a cohesive and integrated agency.

(j) The National Forest System is made up of diverse lands, in different geographic regions, with many ecological associations which vary in their relation to the lands and people in each region.

(k) The National Forest System is established and maintained for the purpose of insuring a continuing yield of benefits and resources for the enjoyment and well-being of the citizens of the United States; that the citizens of the United States expect, and are entitled to receive, the full yield of benefits and resources as set forth in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528-531); and that there will be a continuing demand for the benefits and resources available from the National Forest System.

(l) It is essential that the organization of service to be provided to the people of the United States by the Forest Service, Department of Agriculture, from the ground up shall be designed and maintained to meet local, regional, and national needs.

(m) The Forest Service, Department of Agriculture, plays a central role both in the management of the lands assigned to its jurisdiction, and in conducting research and cooperative programs designed to enhance the values of forest lands, rangelands, and other associated lands and the renewable resources and uses these lands naturally produce.

SEC. 3. RENEWABLE RESOURCE SITUATION ASSESSMENT.—(a) In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking national renewable resource programs, the Secretary of Agriculture, through the Forest Service, shall prepare a National Renewable Resource Situation Assessment (hereinafter called the "Assessment"). The Assessment shall be updated by the Secretary of Agriculture not less than five years or more than every ten years thereafter and shall include but not be limited to—

(1) A detailed discussion of present and anticipated uses, demand for, and supply of these renewable resources, with consideration of the international resource situation, and an analysis of pertinent supply and demand trends.

(2) A general inventory of these present and potential renewable resources and opportunities for improving the yield of tangible and intangible goods and services.

(3) A description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities.

(4) A detailed study of Forest Service personnel requirements as needed to satisfy existing and on-going programs.

(5) A discussion of important policy considerations, laws, regulations, and other factors expected to significantly influence and affect the use and management of these lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the renewable resources of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section."

SEC. 4. RENEWABLE RESOURCE PROGRAM.—In order to provide for consideration and periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private programs, and for conduct of other Forest Service activities in relation to the findings of the assessment, the Secretary of Agriculture shall prepare and keep current a program set forth in appropriate detail, for each of the next five decades, for protection, management, and development of the National Forest System, including forest development roads and trails, for cooperative programs on non-Federal lands, and for research. The program shall be developed in accordance with principles set forth in the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-31), the National Environmental Policy Act of 1969 (86 Stat. 852; 42 U.S.C. 4321-47), and other applicable legislation. The program shall include, but not be limited to—

(1) An inventory of a full range of specific needs and opportunities for program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature.

(2) A discussion of priorities for accomplishment of inventoried program needs.

SEC. 5. NATIONAL FOREST SYSTEM RESOURCE INVENTORIES.—As a part of the Assessment the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

SEC. 6. NATIONAL FOREST SYSTEM RESOURCE PLANNING.—(a) As a part of the program provided for by section 4, the Secretary shall develop, maintain, and, as appropriate, revise land and resource unit plans for units of the National Forest System.

(b) In the development and maintenance of land use plans, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, economic, biological, and social sciences.

SEC. 7. COOPERATION IN RESOURCE PLANNING.—The Secretary may utilize the assessment, resource surveys, and programs prepared pursuant to this Act to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

SEC. 8. NATIONAL PARTICIPATION.—(a) In order that the optimum benefits will be better assured to each generation of citizens the Secretary of Agriculture shall utilize such participation, including public hearings, meetings, and advisory

groups, as he deems appropriate and has provided for by regulation for the development of the Assessment, program, resource inventories, and planning provided for in this Act.

(b) On the date Congress first convenes in 1975 and thereafter at not less than ten-year intervals the President shall transmit to the Congress, when it convenes, the Assessment as set forth in section 3 of this Act and the program set forth in section 4 of this Act with recommendations for each of the five decades ahead.

(c) The Congress shall hold public hearings on said assessment and program, and, within one year after submission to the Congress, the Congress shall by resolution establish a statement of policy which shall be a guide to the President in framing fiscal budgets for Foreign Service and related agencies' activities for the decade ahead.

(d) Within ninety days after convening, each Congress shall publicly review the statement of policy developed pursuant to subsection (c) and determine whether changes in that policy are advisable for the biennium, in which event it shall make such modifications as are deemed desirable.

(e) Commencing with the fiscal budget for the year ending June 30, 1976, requests presented by the President to the Congress covering Forest Service and related agencies' activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under that budget meet the goals and policies established by the Congress in accordance with subsections (c) and (d) of this section. In any case in which such budget so presented recommends a course which fails to meet the goals or policies so established, the President shall specifically set forth the reason or reasons for so recommending and shall state his reason or reasons for requesting the Congress to approve the lesser programs or policies presented: *Provided*, That any amount appropriated by the Congress and signed into law by the President, up to the amount projected by the estimate of the Congress of funds needed to achieve lawfully created program goals shall be expended for such programs and may only be impounded when the President finds a condition subsequent which shows conclusively that such expenditure would fail to assist in achieving such a lawful program goal.

(f) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall present to the Congress an annual report on the evaluation of the programs authorized under this Act. This report shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the second fiscal year after the enactment of this Act.

(g) These annual evaluation reports shall set forth progress in implementing the programs authorized by this legislation together with accomplishments of these programs as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The reports shall contain appropriate measurements of pertinent costs and benefits. Program benefits shall be considered in a broad context and shall include, but not be limited to, environmental quality factors such as esthetics, recreational use, public access, and wildlife habitat, and economic factors such as the value of foregone benefits and the rate of return on renewable resources. The evaluation shall assess the balance between economic factors and environmental quality.

(h) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(i) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. 9. NATIONAL FOREST SYSTEM PROGRAM.—(a) The Secretary shall determine an optimum management level for fish and wildlife, grazing, recreation, soil, timber, water, and other authorized uses of each national forest management unit and shall determine annual or periodic projected harvest or use levels for each of the next five years and for periods into the future consistent with conditions pertinent to each resource.

(b) The Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis. The

annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resource of the United States is adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

(c) The Congress declares that the installation of a proper system of transportation to service the National Forest System in time to meet anticipated needs on an economical and environmentally sound basis will aid the proper attainment of goals, and, further, the choice of methods of financing the construction and maintenance of the transportation system can enhance local, regional, and national benefits. The annual budget of the Forest Service shall contain a request for the amount available under the fourteenth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U.S.C. 501), and the amount authorized for the fiscal year under section 205 of title 23, United States Code, and such additional sums as the Secretary deems necessary to accomplish (A) the construction or reconstruction of roads, trails, and bridges to provide a forest development road and trail system, (B) the regular annual maintenance of the system of roads and trails, and (C) cooperative financing with other public agencies and private agencies or persons to obtain construction or reconstruction of roads and trails which promote development of an environmentally sound transportation system: *Provided*, That if in any budget year the request is for less than the sum of the two laws listed above or the appropriation enacted is apportioned or scheduled for apportionment in any lesser amount than is appropriated, the Secretary shall also reduce by an equivalent sum the utilization of the authority granted to secure the construction of roads in whole or in part by timber purchasers in return for a reduction of the appraised price of timber sold by the estimated cost of roads as provided in the Act of October 13, 1964 (16 U.S.C. 535): *Provided further*, That in applying the authority granted by the Act of October 13, 1964 (16 U.S.C. 532-538), the Secretary shall give due consideration to avoiding actions which may unduly impair revenues received and thus affect adversely payments to counties within the National Forest System made under the sixth paragraph under the heading "Forest Service" of the Act of March 4, 1913 (16 U.S.C. 500), or under section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

SEC. 10. ORGANIZATION.—The on-the-ground field offices, district rangers and forest supervisors, and the field supervisory offices, regional offices, shall be so situated as to provide the optimum level of convenient, useful services to the public, giving first priority to the maintenance and location of facilities in rural areas and towns within and adjacent to the national forest and Forest Service programs being supervised in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., December 10, 1973.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 11320, the "Forest and Rangeland Environmental Management Act of 1973."

The Department of Agriculture agrees with the general objectives of H.R. 11320. Many of the activities addressed by this legislation are presently being undertaken under existing authorities. While the bill would broaden and strengthen existing statutory authorities, it would also limit Presidential flexibility in a number of respects. The Department of Agriculture therefore recommends enactment of the bill only if modified along the lines suggested herein.

H.R. 11320 sets forth various findings relating to the renewable nature of forest and rangeland resources, the role of the Forest Service in administering these resources, the need for comprehensive planning for the renewable resources of America's forests and rangelands, and the need for proper levels of funding and investments in forest and related resource management.

Section 3 of the bill would require the Secretary to prepare a Renewable Resource Assessment which would include a detailed presentation and analysis of (1) current and anticipated use, (2) supply of and demand for renewable resources, (3) an inventory of present and potential renewable resource yields, (4) opportunities for increasing yields of goods and services, and (5) a description of Forest Service programs and responsibilities, as well as a discussion of important policy considerations expected to significantly influence the use and management of the Nation's forests and rangelands. Section 4 would provide for the development of a long-term Renewable Resource Program to be submitted by the President to the Congress for each of the next five decades. Section 5 would direct the Secretary to develop and maintain inventories of all National Forest System lands and resources. The bill would also require land use and resource planning for units of the National Forest System, cooperation with the States in resource planning, and public participation in the development of the Assessment and Program. In addition, H.R. 11320 would require the Secretary to determine optimum management levels for the renewable resources and authorized uses of each National Forest management unit. Section 9 would set the year 2000 as the target year when all backlogs of needed conservation treatment for the National Forest System shall be completed. The bill would declare the importance of a "proper system" of transportation in the National Forest System by requiring that the full amounts appropriated for forest roads, trails, and highways be requested and expended each year by the Forest Service.

H.R. 11320 is an expression of concern over the demands and conflicting pressures being placed on the Nation's forest resources. The legislation is timely, as it follows closely upon the recent release of the "Report of the President's Advisory Panel on Timber and the Environment" and the "Outlook for Timber in the United States," which was prepared by the Forest Service of this Department. Both of these reports conclude that significant improvements in management of the Nation's forest and related resources must occur if future demands for these resources are to be met at reasonable prices.

A better-defined, long-range perspective on national forestry programs is a prerequisite to meeting future demands for forests and related resources. We believe that joint consideration by the Congress and the Administration of the state of the Nation's forest resources, the anticipated supply, demand, and pertinent price trends for these resources, and costs of alternative approaches related to specified program accomplishment will benefit formulation of sound national forestry goals, assist in the establishment of meaningful investment priorities, and help to assure program accomplishment.

We therefore support the basic requirements of H.R. 11320 that the Secretary of Agriculture periodically develop a National Assessment and a long-range Renewable Resource Program to be transmitted to the Congress by the President with his recommendations. The bill would strengthen present Forest Service planning efforts by providing a stronger statutory base for the development of a long-range forest resource plan, supported by adequate analysis and resource inventories.

We have also enclosed a revision of the bill which incorporates a number of proposed changes. Our revision reflects and remedies two major concerns.

First, we are concerned with those aspects of the bill which would restrict Presidential flexibility and discretion in preparing annual operating plans and attendant budget requests. It is essential that the President retain the flexibility to accommodate changing economic and social conditions and to exercise his judgment in the budgetary process on the appropriate balance among all worthy public programs. The regular appropriations process allows ample opportunities and an orderly process for questioning Presidential fiscal priorities and should continue to be relied upon as the appropriate forum for handling budget questions and issues.

Second, we urge that the scope of the Assessment and Resource Program be limited to "forest and related renewable resources." As now phrased, H.R. 11320 would require the Secretary to assess and present programs for all renewable resources. This broad terminology could lead to an overlap and conflict with renewable resource assessment and program planning efforts performed by other agencies of the Federal government. We would prefer to define the scope of a "Forest and Related Renewable Resources Assessment" as including those matters currently within the purview of the National Forest System, State and Private Forestry, and Forestry Research responsibilities and authorities of the Forest Service.

Our detailed comments and suggestions for amendments are included in the enclosed Supplemental Statement.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CARROLL G. BRUNTHAVER,
Acting Secretary.

USDA SUPPLEMENTAL STATEMENT ON H.R. 11320, "THE FOREST AND RANGELANDS ENVIRONMENTAL MANAGEMENT ACT OF 1973"

SECTION 2—FINDINGS

H.R. 11320 sets forth a number of findings which declare the importance of renewable resources, their conservation, and their wise management to the Nation's ecological and economic well-being. The findings also recognize the total mission and role of the Forest Service in managing and protecting renewable resources and specifically describe the National Forest System and its mission. In addition, the findings express the need for comprehensive inventories and planning to secure the greatest net benefit from Forest Service programs and the need for proper levels of funding and investment in the various activities and programs of the agency to assure optimum benefits.

Subsections 2(a)–(c) relate directly to policy set forth in the National Environmental Policy Act and are not unique to the purposes of this legislation. We therefore suggest that these subsections be deleted.

To simplify subsection 2(d), we suggest that this subsection be amended to read as follows:

(d) the United States is richly endowed with land bearing, or capable of bearing, forest trees and associated forage as principal vegetal cover, which lands by their very nature produce, or are capable of producing, multiple renewable resources, products, and benefits.

Subsection 2(f) recognizes the total mission of the Forest Service and defines the National Forest System. Statutory recognition of the National Forests and related lands as an identifiable public lands system would help the public understand the role of the National Forests and the contribution they make collectively to the Nation's economic and social well being. Identifying the National Forest System in this way would parallel acts which have established and recognized the National Park System and the National Wildlife Refuge System. We suggest that this identification be accomplished through affirmative language rather than as a "finding." Section 10 of our proposed revision contains such specific language as a substitute to that found in the latter part of subsection 2(f). We therefore suggest subsection 2(f) end with the phrase "and through the management of the National Forest System" and that the remainder of the subsection be deleted.

Subsection 2(h) of the findings contains an apparent printing error and is vague. To clarify the intent of this finding, we suggest that the provision be reworded as follows:

(h) proper levels of funding for investment in the various activities and programs of the Forest Service are essential to achieving and sustaining an optimum flow of benefits from forest and related resources.

Subsections 2(i) and (m) essentially duplicate each other, as well as subsection 2(f). The purpose of these subsections is to emphasize the integral nature of the three basic program objectives of the Forest Service. Subsection (f) accomplishes this by describing the Forest Service mission. We therefore suggest that subsections (i) and (m) be deleted from the findings. Our suggested revision of subsection (k) of the bill eliminates language which is redundant and does not parallel basic provisions of the Multiple Use-Sustained Yield Act. Our suggested revision of subsection 2(l) emphasizes the full range of factors that bear on Forest Service organizational design.

SECTION 3—RENEWABLE RESOURCE SITUATION ASSESSMENT

As indicated in our cover letter, we believe it is important to clarify the scope of the Assessment and to restrict its content to be consistent with present responsibilities of the Forest Service. Accordingly we suggest that the title of the Assessment be changed to "FOREST AND RELATED RENEWABLE RE-

SOURCE ASSESSMENT." Our proposed revision rewords each reference to "renewable resources" to reflect this change.

Subsection (a) (4) would require that a detailed study of Forest Service personnel requirements needed to "satisfy existing and on-going programs" be included in the Assessment. In our view, such a study would not be consistent with the purposes for which the Assessment would be made. As proposed, the Assessment would focus on the conditions of renewable natural resources, not on agency administrative considerations. Since personnel requirements are an outgrowth of annual programs of work and funding levels, and since the Assessment would cover ten-year intervals, projections of personnel levels in the Assessment would not be very meaningful. We therefore recommend that this provision be deleted from section 3 of the bill.

Our proposed revision would also require that cost, price, and other economic factors be analyzed as a part of the Assessment. These factors must bear on any comprehensive resource evaluation.

Our ability to analyze trends and to formulate effective forestry programs depends upon comprehensive data on forestry and related resources. We therefore support subsection 3(b), which would strengthen the Forest Survey authorized by the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h). Express broadening of the focus of the current Forest Survey from surveys of timber to surveys of all forest and related resources will assure the availability of data necessary to prepare the Assessment, and will greatly assist the formulation of long-range resource plans by the Forest Service, other Federal agencies, States, conservation organizations, industry groups, and others.

SECTION 4—RENEWABLE RESOURCE PROGRAM

We support the concept of a long-range forestry and related resource program which would present a range of alternative objectives and associated programs, related costs, accomplishment targets, schedules, and a discussion of priorities related to the various alternatives. We believe such a program could provide the Administration and the Congress with a reliable and useful perspective on national forestry needs, issues, and opportunities, and would lead to improved agency decisionmaking and program formulation.

We propose that the title of this planning document be amended to read "FOREST AND RELATED RESOURCES PROGRAM."

Section 4 would require development of a specific ten-year program, for each of the next five decades. Under section 8 of the bill the program would be sent to Congress every ten years.

We believe it is unrealistic to seek to prepare detailed program schedules and recommendations spanning a 50-year period. Economic and other considerations fluctuate so often that projections and recommendations beyond a five- or ten-year period generally lose validity and relevance.

We agree that a long-range Forest and Related Resources Program should be submitted to Congress at not less than ten-years. We contemplate that such a program would cover a ten-year projection and program period, with greater detail for the first five years.

The Program should display alternative objectives and associated programs, rather than only one program recommendation. It should include specific identification of program outputs, results and benefits as well as an inventory of program opportunities. Such a display will aid both Congress and the Executive Branch in weighing the impacts of short-term decisions, not only on future yields of forests and related resources, but on other national considerations, including fiscal and economic policy.

Appropriate amendments to provide for our suggested approach are included in sections 4 and 8 in our proposed revision of the bill.

For the framework for long-range planning, we would rely on the Forest and Related Resources Assessment, which, as required by section 3(a) of the bill, would deal with trends in resource use and demand.

SECTION 5—NATIONAL FOREST SYSTEM RESOURCE INVENTORIES

We recognize the need for assembling resource data on individual units of the National Forest System. The effect of section 5 would be to emphasize current on-the-ground inventory efforts under existing authority and to provide an essential base of information for developing the Assessment and Resource Program as

set forth in sections 3 and 4. With a technical amendment included in our proposed revision, we would have no objection to this section.

SECTION 6—NATIONAL FOREST SERVICE PLANNING

This section would require the Secretary to develop, maintain, and revise land and resource use plans for units of the National Forest System and to use a systematic interdisciplinary approach in this planning.

Land use and resource planning are, of course, integral to the management of the National Forest System and have long been a routine component of National Forest System administration. The Forest Service has adequate authority to engage in all such unit planning and has for some time now utilized an interdisciplinary mix of skills and professions in developing our land use plans. The effect of section 6, therefore, would be to give emphasis to agency land use planning efforts rather than to grant new or expanded authority.

We recommend that section 6(a) be amended to provide for coordinating resource plans for units of the National Forest System with land use planning processes of State and local governments and other Federal agencies. Such coordination is now a part of Forest Service land use planning efforts. Inclusion of a coordination provision would give emphasis to current agency land use planning procedure and would also be consistent with the Administration's land use planning proposals now before the Congress. Our proposed revision of H.R. 11320 incorporates this suggested amendment.

SECTION 7—COOPERATION IN RESOURCE PLANNING

This section would assure that the data gathered and presented in the Assessment and Resource Program are made available to the States for use in their land use planning efforts. Our proposed revision includes this section with some clarifying amendments.

SECTION 8—NATIONAL PARTICIPATION

This section provides for public participation in the preparation of the Assessment and Resource Program and review by Congress. It would also require the Secretary to promulgate regulations governing public participation.

In our proposed revision, we have deleted the formal requirement for regulations in subsection (a). Regulations could still be utilized, but other means for outlining procedures for public participation may be more appropriate.

Subsection (b) establishes the schedule by which the Secretary would prepare the Assessment and Program. As covered in our discussion of section 4, we suggest that the Assessment and Resource Program be transmitted to the Congress at not less than ten year intervals.

Subsection (c) would provide that the statement of policy adopted by the Congress would be a "guide" to the President in forming the fiscal budgets. To assure Presidential flexibility our revision would provide that the statement of policy would be "considered" by the President.

Subsection (e) would require the President to qualify and quantify the degree to which each annual budget request meets the forestry policy set by each Congress and to justify any request which would fail to meet such forestry goals or policy set by the Congress. Such requirements imply that the guidelines which Congress would establish pursuant to subsection (c) would, in fact, be restraints upon the President's ability to develop annual budget in a manner to reflect his judgment of the appropriate balance among all worthy public programs. These provisions would reduce Presidential flexibility to accommodate and reflect economic, social, and other trends and fluctuations in the annual budget. We therefore recommend that subsection (e) be deleted. The regular appropriations process allows ample opportunity and an orderly process for questioning of Presidential fiscal priorities. We believe the appropriations process should continue to be relied upon as the appropriate forum for handling budgetary questions and issues.

In our proposed revision we have included technical amendments to subsection (f). As now phrased, this subsection would call for evaluation of programs authorized by the Act. Since no programs are authorized by H.R. 11320, this subsection should be amended to provide for evaluation of the component elements of the Resource Program.

SECTION 9—NATIONAL FOREST SYSTEM PROGRAM

Subsection (a) would require the Secretary to determine optimum management levels for renewable resources and authorized uses of the National Forest System. We believe this provision is duplicative, and unnecessary, since the Resource Program set forth in section 4 would be an expression of various levels of management and would contain projections and analysis of alternative levels of resource management.

Subsection (b) would set the year 2000 as the target year for completing all backlogs of needed conservation measures on National Forest lands. This target may not be realistic and could reduce Presidential flexibility over a long period of time to frame annual budgets as he judges appropriate. The goal of reducing backlogs is one which we are striving to accomplish, but a range of circumstances created by the economy and nature herself mitigate against fixed targets. We therefore recommend that subsection (b) be deleted from the bill or rephrased to give emphasis and direction without specific target dates.

Subsection (e) would declare that a "proper system of transportation to service the National Forest System" will aid "proper attainment of goals . . ." and that methods of financing forest roads and trails can benefit local communities, regions, and the Nation. Under this provision the Forest Service would be required to request each year the full amounts available under 16 U.S.C. 501 and 23 U.S.C. 205. If the Secretary were to request less than that amount, he would have to reduce, by an equivalent sum, the value of roads constructed by timber purchasers in return for reduction of the appraised price of timber. Moreover, in using timber purchaser construction the Secretary would be directed to consider avoiding actions which would unduly impair revenue to counties within the National Forest System.

We recommend that subsection (c) be deleted. Its provisions would further restrain Presidential flexibility in developing the annual budget. The requirement that road construction by timber operators be adjusted downward when budget requests are less than the full amounts available for forest roads and trails would hinder efforts of this Department to operate in the most efficient manner and to assist in reducing Federal spending and cash outlays to help fight inflation. Moreover, it would tend to restrict our ability to use combinations of funding procedures to construct roads and trails as authorized by the Act of October 13, 1964 (78 Stat. 1089).

SECTION 10—ORGANIZATION

This section would require that Forest Service offices be located to provide optimum levels of "convenient, useful services to the public." First priority would be given to locating and maintaining offices in rural areas.

This Department has always given emphasis to the location of USDA facilities and personnel in rural areas. In fact, the very nature of the mission of most USDA agencies necessitates that agency programs be located in rural areas. For example, in the Forest Service organization some 77 percent of agency personnel are located in rural areas in towns with less than 50,000 population, 48 percent being located in towns of less than 5,000 population.

However, we would like to point out that in the process of determining the location of USDA offices, we also consider and give high priority to such additional factors as the mix of employee skills, economy of operation, and program effectiveness. Our proposed revision of H.R. 11320 reflects the importance of these factors as well as the direction relating to the location of USDA offices contained in the Agricultural Act of 1970 (84 Stat. 1383).

USDA PROPOSED REVISION OF H.R. 11320

A BILL To provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Forest and Rangeland Environmental Management Act of 1973."

SEC. 2. FINDINGS.—The Congress hereby finds and declares that—

(a) The United States is richly endowed with land bearing, or capable of bearing, forest trees and associated forage as its principal vegetal cover, which lands

by their very nature produce, or are capable of producing multiple renewable resources, products, and benefits.

(b) Maintenance and wise management of these lands and their renewable resources are vital to the Nation's vigor.

(c) The Forest Service, in the Department of Agriculture, is responsible for essential programs and services which must be maintained on an integrated basis, including programs to aid private and State forest land managers through cooperative efforts to achieve resource management goals, programs of research which produce knowledge that can be disseminated to improve achievements, and through the management of the National Forest System.

(d) Comprehensive inventories and planning are needed to secure the greatest net public benefit from Forest Service cooperative programs, research, and National Forest System management.

(e) Proper levels of funding for investment in the various activities and programs of the Forest Service are essential to achieving and sustaining an optimum flow of benefits from forests and related resources.

(f) The National Forest System is made up of diverse lands, in different geographic regions, with many ecological associations which vary in their relation to the lands and people in each region.

(g) The National Forest System is established and maintained for the purpose of insuring a continuing yield of net benefits and resources for the enjoyment and well-being of the citizens of the United States as set forth in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528-531); and that there will be a continuing demand for the benefits and resources available from the National Forest System.

(h) It is essential that the organization of service to be provided to the people of the United States by the Forest Service, Department of Agriculture, shall be designed and maintained to meet local, regional, and national needs, commensurate with the relative environmental and economic benefits and costs.

SEC. 3. FOREST AND RELATED RENEWABLE RESOURCE ASSESSMENT.—(a) In recognition of the vital importance of America's forest and related renewable resources to the Nation's social and economic well-being, and of the necessity for a long-term perspective in planning and undertaking national forestry and related renewable resource programs, the Secretary of Agriculture, through the Forest Service, shall prepare a National Forest and Related Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be updated by the Secretary of Agriculture not less than five years or more than every ten years thereafter and shall include but not be limited to—

(1) An analysis of present and anticipated uses, demand, supply and pertinent price relationships of the various forest and related renewable resources, with consideration of the international forestry resource situation, and an analysis of pertinent supply, demand and price trends.

(2) A general inventory of present and potential forest and related renewable resources and opportunities for increasing the yield of tangible and intangible goods and services together with estimates of investment costs and direct returns to the Federal government.

(3) A description of Forest Service programs and responsibilities in research, cooperative forestry, and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities.

(4) A discussion of important policy considerations, laws, regulations, and other factors expected to significantly influence and affect the use and management of the Nation's forest and associated range and watershed lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the forest and related renewable resources of the United States, its territories and possessions, and of the supplies of timber and other related renewable resources, including a determination of the present and potential productivity of the forest and associated lands, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of timber and other forest re-

sources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section."

SEC. 4. FOREST AND RELATED RENEWABLE RESOURCE PROGRAM.—In order to provide for consideration and periodic review of programs for management and administration of the National Forest System, for research, for cooperative State and private programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture shall prepare and transmit to the President a long-range program displaying alternative objectives and associated programs for protection, management, and development of the National Forest System, including schedules for construction of forest development roads and trails, for cooperative programs on non-Federal lands, and for research. The President shall submit the alternative long-range programs with his recommendations to the Congress. The program shall be developed in accordance with principles set forth in the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-31), the National Environmental Policy Act of 1969 (86 Stat. 852; 42 U.S.C. 4321-47), and other applicable legislation. The program shall include, but not be limited to—

(1) An inventory of a full range of specific opportunities for program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature.

(2) Specific identification of program outputs, results, and benefits associated with alternative investments, in such a manner that the anticipated costs can be directly compared with the total related benefits and direct returns to the Federal government.

(3) A discussion of priorities for accomplishment of inventoried program opportunities with specified costs, outputs, results and benefits.

SEC. 5. NATIONAL FOREST SYSTEM RESOURCE INVENTORIES.—As a part of the Assessment the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and related renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

SEC. 6. NATIONAL FOREST SYSTEM RESOURCE PLANNING.—(a) As a part of the program provided for by section 4, the Secretary shall develop, maintain, and, as appropriate, revise land and resource use plans for units of the National Forest System, coordinated with the land planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, and economic and other social sciences.

SEC. 7. COOPERATION IN RESOURCE PLANNING.—The Secretary shall make available the Assessment, resource surveys, and programs prepared pursuant to this Act to States and other organizations in planning the protection, use, and management of renewable resources on non-Federal land.

SEC. 8. NATIONAL PARTICIPATION.—(a) In order that the optimum benefits will be better assured to each generation of citizens the Secretary of Agriculture shall utilize such participation as he deems appropriate, including public hearings, meetings, and advisory groups, in the development of the Assessment, program, resource inventories, and planning provided for in this Act.

(b) At the beginning of the Congress which convenes in the second year following enactment of this Act, the President shall transmit to the Congress, the Assessment as set forth in section 3 of this Act and the program set forth in section 4 of this Act. The Assessment and program shall be updated by the Secretary of Agriculture and transmitted to the Congress at not less than ten year intervals thereafter.

(c) The Congress shall hold public hearings on said assessment and program, and, within one year after submission to the Congress, the Congress shall by resolution establish a statement of policy for consideration by the President in framing fiscal budgets for Forest Service and related agencies' activities for the decade ahead.

(d) Within ninety days after convening, each Congress shall publicly review the statement of policy developed pursuant to subsection (c) and determine whether changes in that policy are advisable for the biennium, in which event it shall make such modifications as are deemed desirable.

(e) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall prepare an annual report which evaluates the component elements of the Forest and Related Renewable Resource Program and which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after the enactment of this Act.

(f) These annual evaluation reports shall set forth progress in implementing the components of the Program authorized by this legislation together with accomplishments of these programs. The report shall contain appropriate measurements of pertinent costs and benefits. Program benefits shall be considered in a broad context and shall include, but not be limited to, environmental quality factors such as esthetics, recreational use, public access, and wildlife habitat, and economic factors such as the value of foregone benefits and the rate of return on renewable resources. The evaluation shall assess the balance between economic factors and environmental quality.

(g) The report shall indicate plans for implementing corrective action.

(h) The report shall be structured for Congress in concise summary form with necessary detailed data in appendices.

SEC. 9. ORGANIZATION.—The on-the-ground field offices, supervisory offices and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public. In the location of such offices, the Secretary shall, consistent with the need for efficient and economical operations, give high priority to the maintenance and location of facilities in rural areas and towns near Forest Service program locations, in accordance with the standards set forth in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

SEC. 10. NATIONAL FOREST SYSTEM.—Congress declares that the National Forest System consists of units of forest and related resource lands throughout the United States and its territories, united through inter-related purposes into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The "National Forest System" shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under Title III of the Bankhead Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-12), and other lands, waters, or interests therein which are administered by the Forest Service for forestry purposes or are designated for administration through the Forest Service as part of said system.

Mr. RARICK. Our Nation's forest and rangeland resources are extremely important to our well being, both economically and as a source of recreation and inspiration.

We in the Congress must make every effort to protect and preserve our environment while insuring maximum use of our public lands for timber harvest and outdoor recreation. To do this will require long-range planning and well-developed programs. This is the goal of the legislation before us.

We will be interested in obtaining from our witnesses their comments on the language of the bill as drafted and their suggestions, if any, for improvement.

Our first witness this morning is Mr. Richard Molpus, president of the Molpus Lumber Co. of Philadelphia, Miss., and Mr. James F. White, vice president of Deltic Farm & Timber Co., Ola, Ark. Both Mr. Molpus and Mr. White represent the Southern Forest Products Association. They are accompanied by Mr. John M. Collier of the association.

We are certainly glad to have you gentlemen before us this morning. Before receiving your testimony, I might make this comment that last night when the House adjourned, they adjourned until 10 o'clock this morning. While we are going to do the best we can to conduct these hearings, we are now engaged in the final work on the trade bill. There may be some quorum bells and we may have a shortage of members on the subcommittee; but we do want to go ahead with our proceedings while you men are here.

Mr. Molpus, Mr. Collier, and Mr. White, will you please have a seat at the witness table?

You may proceed.

STATEMENT OF RICHARD H. MOLPUS, PRESIDENT, MOLPUS LUMBER CO., PHILADELPHIA, MISS., ACCOMPANIED BY JOHN M. COLLIER, DIRECTOR, INFORMATION SERVICES DIVISION, SOUTHERN FOREST PRODUCTS ASSOCIATION, NEW ORLEANS, LA.

Mr. MOLPUS. My name is Richard Molpus. I am the owner of an independent lumber company at Philadelphia, Miss. I am appearing on behalf of the Southern Forest Products Association, an organization of lumber manufacturers who supplied nearly 40 percent of the southern pine lumber produced last year.

The members of our organization are very grateful to you, Mr. Chairman, and to members of this committee for taking the lead in legislation that can greatly improve the economic and environmental benefits of the Nation's forests. We wholeheartedly support H.R. 11320.

The most recent survey by the Forest Service of timber trends in the United States tells a revealing story and to me a dismaying one. During the last 30 years, the demand on forests for lumber and other forest products has increased by 30 percent. Another 70-percent increase is expected between now and the end of the century. The Forest Service predicts that timber supply will not be able to keep up with demand unless there is a substantial increase in tree growth on private and public forest lands. Already, to prove the point, in Mississippi we have now reached the point where demand has begun to exceed annual growth. If future shortages in timber supply should occur, and it appears that they will be kind of occurring, and of course, the inevitable result will be an inadequate supply of lumber for future homes and higher costs for these and other products.

This underscores the need for well coordinated long-range planning to improve forest management and tree growth on all categories of forest land ownership. In the South, we are sensitive to this need because of the demand on our region as a supplier of lumber and wood products for the Nation as a whole. Already, the South provides 34 percent of the Nation's lumber, 30 percent of its plywood and 67 percent of its pulpwood production. By the end of the century, our region is expected to provide the majority of the Nation's wood products in volume twice as great as we are producing today. To meet this current demand without completely ruining our forest, we will have to achieve corresponding increases in timber growth.

Forest Service figures show that the inventory of Southern Pine sawtimber increased by nearly 50 percent between 1952 and 1970. The point that should be emphasized here is that this growth was due largely to the high levels of growth achieved by industrial forest lands. Now, the industrial forest lands constitute only 18 percent of the commercial forest land, and I believe nearly three-fourths of the land belongs to nonindustrial private owners, mostly in small individual tracts, with the balance, of course, being in Government land. Timber growth on these lands is less than half of potential.

Manufacturers like myself must depend on these nonindustrial private ownerships for a large portion of our raw material supplies. But because of their limited growth and inventories, we are extremely hard pressed to buy enough timber to meet lumber demand during the housing boom of 1971 and 1972. Even today, with housing starts down, and a very drastic market projected for the first half of 1973, the timber prices are at an all time high. In recognition of this problem, our association has joined other private and public interests in the South's third forest program whose objective is to double timber growth in our region by giving small nonindustrial private owners the assistance they need to practice wise forest management.

All Americans who derive benefits from forests are indebted to you, Mr. Chairman, for your sponsorship of the legislation which last summer gave the Nation a forestry incentives law. The cost sharing arrangements to help small landowners get started with forestry programs should give a tremendous boost to our third forest program.

The program should also advance the cause of forestry in all parts of the United States. In addition to a million small private owners in the South, there are 3 million more in other regions. Collectively, they own three-fifths of the Nation's commercial forest land. The Forest Service says they offer by far the greatest single potential for improving timber supply in the United States.

Of course, that is why it is so important to assure effective implementation and adequate funding of the forestry incentives program and to make sure that the small landowners follow through at the grass roots level. And of course, that is where we come in to help implement that.

The members of our association feel that the bill being considered by this committee today is one of those landmark bills in the history of forestry legislation because it would help assure major increases in the levels of forest management on the largest block of Federal forest lands. Improvement in forest management on all categories of forest land ownership is essential to meet the economic and environmental needs of the public.

From the standpoint of the South, there are three revisions of the bill that we would recommend. The first of these concerns section 9(c) and will be discussed by Mr. White. The second amendment would be along the lines of the current section 9(a) but directed at specific management objectives for national forest timber management. It is wood supply problems that have demanded priority attention from the Congress and the administration repeatedly. The growth and harvest of timber should be specifically considered in the legislation. The third amendment would be one to help assure adequate financing and imple-

mentation of the forestry incentives program through the Department of Agriculture.

Thank you for this opportunity to testify in support of H.R. 11320.

Mr. RARICK. Thank you very much, Mr. Molpus. With the exception of the consideration of the three amendments, you do feel, then, that H.R. 11320 is moving in the right direction to accomplish the goals that we have before us?

Mr. MOLPUS. I feel that way from a personal standpoint, because I am in the middle of the Bienville National Forest with a new mill, so personally, I feel that way, and I feel that way as a member of the Southern Forest Products Association.

Mr. RARICK. Thank you very much.

Mr. Goodling, do you have any questions?

Mr. GOODLING. No questions, Mr. Chairman.

Mr. RARICK. We will then hear from Mr. White.

STATEMENT OF JAMES M. WHITE, VICE PRESIDENT, DELTIC FARM & TIMBER CO.

Mr. WHITE. Thank you, Mr. Chairman.

I am James White of the Deltic Farm & Timber Co., Ola, Ark. I am appearing on behalf of the Southern Forest Products Association, whose members operate in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North and South Carolina, Oklahoma, Tennessee, Texas, and Virginia.

While most of the timber used in forest products manufactured in the South comes from privately owned lands, the national forests are an important source of supply in our region as well as other parts of the Nation. In fact, about one-seventh of the timber used to produce southern pine lumber is harvested from the national forests. My own firm is a substantial user of Forest Service timber.

Events of recent years indicate the urgency of developing the timber resources of the United States to the greatest possible extent on both public and private sectors of ownership. The lumber price-supply crisis that we just went through in 1971 and 1972 pointed to a need for increasing the availability of raw material for lumber and plywood manufacture. Improvement of the Nation's forest resources would stimulate greater investment in lumber and plywood manufacturing facilities. Our industry would then be better prepared to meet the heavy increases in lumber demand that will come with future housing booms.

More intensive forest management and improvement in tree growth are also essential to meet growing public demand for recreation and other environmental values such as scenic quality, wildlife preservation, soil and watershed protection. If we can eventually achieve maximum development of our public and private forest lands, both economic and environmental benefits will be greatly enhanced, we believe. The Federal Government predicts that the number of Americans using forests for outdoor recreation will triple by the year 2000.

Past experience has taught us that the Nation's forest resources can never be developed as they should be without effective long-range planning. That is why the members of our association are supporting H.R. 11320. This legislation would set up a mechanism for long-range plan-

ning by the Forest Service of the U.S. Department of Agriculture in protecting and developing the forest resource.

Federal law requires that the National forests provide multiple benefits such as recreation, wildlife, soil and watershed protection, grazing and timber. But the public has not been getting enough of these benefits because the Forest Service has been somewhat handicapped in meeting these needs by a lack of funds.

The first prerequisite toward realizing the full potential of the national forest system is a comprehensive and coordinated plan of development, specified by statute. H.R. 11320 would accomplish that objective. Since each use of national forest resources affects other uses, a coordinated plan for the development of all uses is needed to avoid unproductive conflicts such as have occurred in the past. Consideration of the needs for development of forest resources and uses other than timber production as provided in the bill is sound and constructive.

It is obvious that this bill could greatly advance the cause of forest management in the United States. In the final drafting of the legislation, there is opportunity to correct current problems that detract from that objective.

One very necessary amendment of H.R. 11320 concerns section 9(c). It is the objective of this section to force the administration and particularly the Office of Management and Budget to request annual appropriations equal to the total amount authorized for national forest roads. We support that objective. However, the section provides that if the administration does not request all of the amount authorized, that there must be an equivalent reduction in the value of roads built by Federal timber purchasers, and consequently in the value of timber sold. While that puts "teeth" into the provisions, it "bites" the wrong parties. Federal timber purchasers and the communities dependent on the conversion of that timber into needed wood products would be seriously affected. As a minimum, the first proviso in section 9(c)—appearing in lines 13 through 22 on page 14—we believe should be deleted.

A potentially dangerous problem has arisen as a result of controversy over harvesting practices in the Monongahela National Forest. Such controversies can best be resolved by the coordination of all values in harvesting practices rather than by restrictions on the practices themselves.

In a recent decision, the Federal district court of West Virginia ruled that strict interpretation of the Organic Act of 1897 should apply in timber sales from the Monongahela National Forest.

This ruling would restrict sales to dead, mature, and large trees, as specified in the act, which also requires that trees be marked before harvest. Under this strict interpretation of a 75-year-old law, severe restrictions would be imposed on the amount of timber that could actually be harvested and sold. Neither the judges nor plaintiffs in this case have attempted to support this interpretation as a logical or advisable timber management procedure. Unless the decision is reversed, congressional action will be required. In fact, this is suggested in the judge's opinion.

The members of our association feel that more intensive management of all categories of forest land ownership is essential. We wholeheartedly endorse the inclusion of cooperative programs on non-Fed-

eral lands. And we are very grateful to you, Mr. Chairman, and to this committee for your previous actions in behalf of forestry incentives which are now Federal law.

Small, private ownerships constitute 60 percent of the Nation's total commercial forest acreage, but provide probably less than half of the total annual harvest for lumber and plywood manufacture because of limited growth and inventory. If these lands can be developed, the timber production responsibilities of the national forest could be eased during the latter part of this century.

In the South, the nonindustrial private ownerships constitute nearly three-fourths of the commercial forest land. Our region is expected to be an increasingly important source of lumber and wood products for the Nation as a whole. Therefore, we are equally concerned with the most intensive development of both the private and public sectors of forest ownership.

Thank you for this opportunity to testify.

Mr. RARICK. Thank you very much, Mr. White.

Mr. Collier, have you anything to say?

Mr. COLLIER. No sir, except that we wholeheartedly support the legislation. Our association is very grateful for this committee's taking the lead in the forest resource development in both the public and private sectors and we think this legislation can go a long way toward that objective.

Mr. RARICK. Thank you very much.

Mr. Goodling, have you any questions of any of the witnesses?

Mr. GOODLING. Mr. White, you speak of the Monongahela National Forest. Where is that located?

Mr. WHITE. This is in the northeast, in West Virginia. I am not personally associated with this forest. Ola is located between two national forests, but the implication, of course, is what we are concerned with here.

Mr. GOODLING. We have the Monongahela River in my State of Pennsylvania, but I do not believe we have a national forest by that name.

How do you and your organization feel about adding more and more to our wilderness system?

Mr. COLLIER. Well, we think there is a legitimate place for wilderness in the spectrum, but to go hog wild on the idea at the expense of economic considerations, we think, will be very dangerous.

Mr. GOODLING. I am inclined to agree with you. I am for the wilderness system, but I think we can go overboard and probably have because of some of our so-called environmentalists today who can only see one side of any coin.

Mr. COLLIER. Yes, sir.

Mr. GOODLING. We have requests all of the time. We are going to have a request right now to increase our wilderness system. I think we have to do this very, very carefully and very deliberately. I personally would like to see us harvest some of the timber when the need is here rather than have it go to waste and I have seen acres and acres go to waste in our wilderness system.

Mr. MOLPUS. If I may add my personal opinion to that, it is simply a matter of degree. There is certainly nothing that is all bad and nothing all good. It is a matter of degree in how you administer the

wilderness program, which I believe is in essence what you are saying and what Mr. Collier is saying.

Mr. COLLIER. I would like to point out one other thing there. You are probably familiar with this de facto wilderness controversy, the 40 million acres of roadless areas of the West. There is some litigation which might have locked up all 40 million acres for about 10 or 15 years. You can imagine what that would do to the allowable cut on the National Forests if that were accomplished. We would cut down about two-thirds, possibly.

Mr. GOODLING. The chairman has heard me say over and over in hearings of various committees in this room that I have been an environmentalist before some of our present-day environmentalists were ever born and I have tried to be one with reason. Unfortunately, some of them today are not. They do not like me for making a statement of that kind, but that is the way I feel about it.

That is all, Mr. Chairman.

Mr. RARICK. Thank you, Mr. Goodling.

Gentlemen, we appreciate your appearance this morning and value your testimony.

Mr. MOLPUS. Yes, sir.

Mr. RARICK. Our next witness is Mr. Paul A. Vander Myde, Deputy Assistant Secretary, Conservation, Research and Education, Department of Agriculture.

Mr. Vander Myde is accompanied by Chief John McGuire, Chief of Forest Service, USDA.

We are glad to have you gentlemen before us today for your statement.

STATEMENT OF PAUL A. VANDER MYDE, DEPUTY ASSISTANT SECRETARY, CONSERVATION, RESEARCH, AND EDUCATION, ACCOMPANIED BY REXFORD A. RESLER, ASSOCIATE CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. VANDER MYDE. Thank you, Mr. Chairman. Instead of Deputy Chief McGuire, I have with me today Deputy Chief Rexford Resler.

Mr. RARICK. We are happy to have you.

Mr. VANDER MYDE. Mr. Chairman, I am pleased to have this opportunity to explain the views of the Department of Agriculture on H.R. 11320, the "Forest and Rangeland Environmental Management Act of 1973."

The Department of Agriculture supports the basic objectives of H.R. 11320. We are in full accord with the central purpose of this legislation—the strengthening of long-range planning and programming for our Nation's forest and related resources. However, the bill also includes some provisions that would limit Presidential flexibility. We therefore recommend enactment of the bill only if it is modified to remedy the basic concerns which I will outline in my statement today.

H.R. 11320 would require the Secretary of Agriculture to periodically prepare a comprehensive assessment of the Nation's renewable resources. The assessment would include such elements as (1) an analysis of demands for and supply of various renewable resources;

(2) an analysis of pertinent supply and demand trends, and (3) a general inventory of present and potential renewable resources and opportunities for increasing the yields of goods and services. To assist in the preparation of the assessment, the forest survey authorized by the McSweeney-McNary Act would be expanded from surveys of timber to include surveys of related renewable resources. In addition to the assessment, the Secretary would also prepare a long-range renewable resource program which would outline a full range of specific needs and opportunities for forestry investments. Both the assessment and renewable resource program would be transmitted to the Congress by the President along with his recommendations.

We fully support the concept of a comprehensive inventory and assessment of renewable resource supplies, demands, trends, and investment opportunities. This type of data gathering and evaluation is a foundation for effective program planning and decisionmaking. As you know, the President's Advisory Panel on Timber and the Environment has called for such an inventory and long-range perspective in its recently released report. And the Forest Service, which conducts numerous inventories within its timber, range, and watershed programs, recognizes the need to better coordinate and expand its current inventory and analysis activities.

We believe that joint consideration of an assessment and a long-range program by the Congress, the executive branch, and the general public will improve the formulation of national forestry goals and investment priorities. The presentation of this data will also improve public understanding of the Nation's forestry situation and of the issues, opportunities, and decisions which face us in the decades ahead.

However, we are seriously concerned with those provisions of the bill which would restrict Presidential flexibility and discretion in formulating annual operating plans and budget requests. For example, section 8 of the bill would require the President and the Secretary of Agriculture to request sufficient funds to meet the forestry objectives specified by Congress and to justify any requests for less than those amounts. Section 9 would require the President and the Secretary to request the full amounts authorized for forest development roads, trails, and highways. The President must retain the flexibility to accommodate changing economic and social conditions, and to exercise his judgment about the appropriate balance between all worthy public programs. The regular appropriations process allows ample opportunity for an orderly questioning of Presidential fiscal priorities. This annual process should continue to be relied upon as the appropriate forum for handling budget questions and issues.

We also suggest that three basic charges be made within those sections of H.R. 11320 which describe the assessment and long-range resource program.

First, we believe it is important to limit the scope of the assessment and program to the forest and related resources which lie within the purview of Forest Service authorities and responsibilities. We have suggested that the assessment program center on "forest and related renewable resources." By this we mean timber, forage, wildlife habitat, and associated watersheds. In preparing the national assessment, we would study the resources and benefits directly associated with forest lands, to the extent that they bear on the responsibilities of the

Forest Service. For example, outdoor recreation and related wilderness opportunities are essential elements of forest land use. But we do not presume to be the only experts in these fields. Similarly, other agencies of Federal and State Government have responsibilities for wildlife management. Where other agencies of Government conduct comprehensive surveys of renewable resources, we would use their data and analysis to the extent possible. We would not duplicate their efforts.

Second, to be of most value and use, the assessment and resource program must include and reflect pertinent price trends for forest resources and the estimated benefits, outputs, and costs of various program alternatives. We recommend that these factors be added to sections 3 and 4 of the bill.

Third, we wish to clarify that we support a long-range resource program which displays a *range* of alternative forestry objectives and associated programs, rather than a single program recommendation. Such a display will aid both the Congress and the executive branch in weighing the impacts of short-term decisions, not only on future yields of forest and related resources, but on other national considerations, including fiscal and economic policy.

The Department of Agriculture appreciates the strong interest in national forestry which has been evidenced by members of this committee and others in this Congress. We believe that the national assessment and long-range resource program called for in H.R. 11320 will provide a logical and useful base from which the executive branch, the Congress and the public can work together to improve our national forestry outlook.

In conclusion, we urge that the committee accept our recommended revisions to the bill. A detailed discussion of all our suggested changes is contained in our legislative report on this bill.

This concludes my prepared statement. With the assistance of Mr. Resler, I will be pleased to answer any questions you may wish to ask at this time.

Mr. RARICK. Thank you very much, Mr. Vander Myde. It is really inspirational to have the Department at least one time be within shooting range of the committee. I think we can certainly work something out.

Mr. Goodling, do you have any questions?

Mr. GOODLING. Well, I have a few questions, a few suggestions, and a few comments.

I get a little unhappy when any time we come up with anything in this committee, the Department always comes here and says, "We have to make a comprehensive study of this." You must have reams and reams of comprehensive studies down there collecting dust. How long do you anticipate it would take to make this comprehensive study that you suggest?

Mr. VANDER MYDE. I am not altogether sure we know what you are talking about with respect to this comprehensive study.

Mr. GOODLING. All through your statement, you talk about making additional surveys. It is pretty hard to follow you and know exactly where—

Mr. VANDER MYDE. I am just talking in reference to what has been proposed in the bill, Congressman.

Mr. GOODLING. What are we going to do in the meantime to provide the timber that we need?

Mr. RESLER. May I respond, Mr. Goodling?

We have a very good basis of information today on the status of forest resources. We will proceed to manage those resources as efficiently as we can while in the process of conducting the kinds of national surveys that are advocated by this piece of legislation.

Mr. GOODLING. I realize we are not discussing the wilderness bill, because this committee never has wilderness, bills; I will never have a chance to ask you this. How do you feel about adding additional wilderness areas in the amounts that are being proposed all the time?

Mr. VANDER MYDE. Well, we feel, certainly, that these areas should be looked at and studied very carefully. We did discuss this about 3 to 4 weeks ago up here on the Hill, and we certainly want to be sure that we look after the areas of timber production as well as recreation and the wilderness system and all factors related to the multiple use concept of the Forest Service.

Mr. GOODLING. You support the multiple use concept, then, do you?

Mr. VANDER MYDE. Yes sir, we do.

Mr. GOODLING. Well, in a strictly wilderness area, as I recall, all timbering is prohibited; is that correct?

Mr. VANDER MYDE. The law which Congress passed does prohibit logging in the wilderness areas. That is my understanding.

Mr. GOODLING. Do you support this concept?

Mr. RESLER. Mr. Goodling, if I might respond again, the wilderness concept is included as an integral part of the Multiple Use Sustained Yield Act of 1960, recognized as one of the uses. I think it can be argued very logically that wilderness has multiple uses within those areas.

I think the real question turns on the point that was raised here earlier, "How much is enough?" This is something that we feel can best be answered as a result of very careful studies of all the resource values, so that the Congress, the administration, and the general public can help make this assessment of how much wilderness is needed now and in the future. But I would hasten to add that we are very firmly of the opinion that multiple use must be the general concept of management on the national forests and on most land, for that matter. This can be effectively done with adequate levels of management in the form of an intensive program with the general recognition of all the outputs that can be generated from wilderness lands.

Mr. GOODLING. You and I realize that there is some segment of the general public you speak of that would have every acre of Federal land put into the wilderness area and leave it there to deteriorate, as it does as you and I well know, if it is not managed.

I think that is all, Mr. Chairman.

Mr. RARICK. Thank you very much, Mr. Goodling.

We have the recommendations that the Department has provided in your report as far as considering amendments and each member of the subcommittee also has the marked up Senate version of the bill so we can see it. If there are any areas where there is a chance for us get together, I think we can work things out.

We are very happy to have you gentlemen with us this morning. I am only sorry that action on the other side of the street has prevented

some of our members from attending this morning, but we will get behind this bill, I am certain.

Thank you very much.

Mr. VANDER MYDE. Thank you.

Mr. RARICK. Our next witness is Mr. John B. Veach, Jr., vice president, Whitewater, Inc., Asheville, N.C.

Welcome to the committee, Mr. Veach. We are happy to receive your testimony at this time.

**STATEMENT OF JOHN B. VEACH, JR., VICE PRESIDENT,
WHITEWATER, INC., ASHEVILLE, N.C.**

Mr. VEACH. Thank you very much, Mr. Chairman. It is an honor to be here.

I am John B. Veach, Jr., vice president, Whitewater, Inc., Asheville, N.C. I am appearing here today as president-elect of Appalachian Hardwood Manufacturers Inc. AHMI is a trade association representing the manufacturers of hardwood lumber throughout the Appalachian region. AHMI believes that H.R. 11320 is constructive legislation which can: (1) Advance the development of the national forests; and (2) stimulate cooperative programs to increase productivity of forest lands in small private ownerships. I recently noticed two quotations that I thought were very interesting:

The U.S. Bureau of Mines estimates that, with the current population growth rates, the world's known supply of petroleum will be depleted within 20 years; natural gas in 22; tin in 15; and coal in 111. Even if quantities of these resources four times larger than we now know about are discovered, the Bureau goes on, we will still run out of petroleum in 50 years; natural gas in 49; tin in 61; and coal in 150.

Wood, on the other hand, is renewable. And with proper management, there can be trees forever on America's more than 750-million acres of forest land!

Alan A. Marra of the University of Michigan suggests that a computer print-out on the ecologically ideal building material might specify the following: produce it from carbon dioxide and water, using solar energy, a minimum of skill and labor, and have it give off oxygen as a by-product. Fortunately, he told members of a housing conference, such a material already is in good supply. It is called wood, and it is older than man. In ecologically-motivated modern societies, he pointed out, timber represents one of the truly basic elements supporting the life systems of the world. Its wide distribution, easy workability, influence in modulating climate and water run-off, habitat for wildlife, recreational values, and particularly its amenability to wide use by man for food, shelter, clothing, and communication, qualifies it as one of the most highly optimized organisms for human welfare on the planet, Marra noted. He observed that while wood has a long history of contributions to natural and man-made environments, further optimization is needed from a technological point of view to reconcile conflicting benefits and to broaden the range of timber qualities that can be utilized.

With these two quotations as background, it seems to me self-evident that better planning for the development of the national forests, industrial forests and other private forests is an absolute necessity. Therefore, we feel that the thrust of this legislation is sound and constructive. Let's hope that the mini-crisis of only a year or two ago in lumber and plywood has not been so obscured by today's interest in energy that we will neglect our forest resources until the point that a major crisis is at hand. I hope, therefore, that the Congress will refrain from any additional withdrawals of defacto commercial forests into single use, nonproductivity until after this legislation has be-

come effective and we have really determined where we are, where we are going, and how we are going to get there. I very much hope that the House will not enact any wilderness type legislation such as S. 316, recently reported by the Senate Interior Committee, unless there is virtually unanimous agreement that the areas are nonproductive. For example, S. 316 includes the Slickrock Creek Drainage which is one of the Appalachians finest timber growing areas. This should definitely be left out. On the other hand, S. 316 also includes the Joyce-Kilmer Memorial Forest which has been set aside for a number of years and there is universal agreement that this area may be included without detriment to the country's requirements for timber.

In the meantime, it is important for Congress to realize that the national forests of the East are vital sources of the raw material upon which our industry is based. In the Appalachian area these forests include the Monongahela, West Virginia; the George Washington of West Virginia and Virginia; the Daniel Boone of Kentucky; the Jefferson which lies in all three of the States just mentioned; the Pisgah and Nantahala of North Carolina; the Cherokee of Tennessee; and the Chattahoochee of Georgia. Hardwood forests extend south from the Appalachians into the Talladega of Alabama and up through the Allegheny of Pennsylvania to the White and Green Mountains of New England. In every State where they are located they yield economic benefits to the people not only from timber and wood products but also from tourism and recreation.

Hardwood is often treated as the little brother in the lumber industry, and the eastern national forests tend to have the same role among all the national forests. National concern over timber supply usually centers on softwood sawtimber, and yet hardwoods are the essential raw material for furniture, flooring, pallets, railroad ties, and a host of other industrial products. Hardwood needs are often dismissed by the misleading comment that total hardwood growth is in excess of the hardwood harvest. While this statement is true, there are, nevertheless, serious problems in maintaining the supply of good quality hardwood. Not least among these is proper management of the eastern national forests.

It is concern over production of hardwood timber of good quality which motivates the interest of Appalachian hardwood manufacturers in the provisions of H.R. 11320. The measures to improve the quality of hardwood timber growth on the national forests are in the main a series of detailed stand improvement, timber cultural steps which are often ignored in sweeping general surveys of the Nation's forest situation.

Consideration of the needs for development of forest resources and uses other than timber production as provided in H.R. 11320 is sound and constructive. Hardwood timber production is entirely compatible with wildlife, recreation and watershed management. The more intensive the consideration of the management needs of these other resources, the more readily can hardwood timber cultural activities be coordinated with them.

There have been some recent unfortunate controversies over hardwood harvesting activities on the Monongahela National Forest which have mistakenly centered on particular cutting methods. If there had

been adequate provision for consideration of coordination of all resources values on the cutting areas in question, a suitable harvesting plan could have readily been developed. This was not done and the differences erupted. These potential controversies can best be resolved through recognition of other resource needs in the locality involved rather than be broad scale restrictions on particular kinds of harvest practices.

The decision of the Federal District Court in West Virginia on November 6 that the basic timber sale statute in the Organic Act of June 4, 1897, (16 U.S.C. 476) must be literally interpreted to restrict trees which may be sold to the dictionary definitions of the words "dead," "mature" and "large" sets back timber management on the national forest by three-quarters of a century. In fact, it virtually forecloses the possibility of meaningful timber production. Neither the judge nor the plaintiffs in this case have attempted to support this interpretation as a logical or advisable timber management procedure. Unless reversed in appellate procedure, corrective congressional action will be required. This course, in fact, is suggested in Judge Maxwell's opinion.

Since this decision directly affects current management in the hardwood region and since, if sustained, it could adversely affect all National forest timber management in the United States, I respectfully ask that Judge Maxwell's decision be inserted in the record at this point so that the committee may study it in relation to the pending legislation.

Mr. RARICK. Without objection, so ordered. It will be inserted in the record.

How long is his decision?

Mr. VEACH. Oh, I would say a dozen or a dozen and a half pages, something like that.

Mr. RARICK. Is it a legal document?

Mr. VEACH. Yes, it is not too long.

Mr. RARICK. Without objection, so ordered.

[The above referred to document follows:]

NATIONAL FOREST PRODUCTS ASSOCIATION,
Washington, D.C., November 16, 1973.

FEDERAL COURT LIMITS FOREST SERVICE TIMBER SALE AUTHORITY

On November 6, Judge Robert E. Maxwell, U.S. District Court for the Northern District of West Virginia, ruled that the Forest Service may sell only the "dead, matured, or large growth of trees" from the National Forests. He also held that all trees to be cut must be individually marked and that all trees cut shall be removed. The ruling came in his decision in the suit against the Forest Service brought by the West Virginia Division of the Izaak Walton League, and by the Sierra Club, and the Natural Resources Defense Council.

The complaint, which sought to block timber sales on the Monongahela National Forest in West Virginia, charged that the Forest Service was violating its basic 1897 timber sale authority by:

(1) selling trees which were not "dead, physiologically mature, or large growth,"

(2) selling trees that had not been individually marked, and

(3) not requiring the removal of all timber cut.

Argument on the case was held in Elkins, West Virginia, August 17, Judge Maxwell's decision was issued last week. It is expected that the government will appeal Judge Maxwell's decision to the U.S. Court of Appeals within the next

60 days. As it now stands, the decision will affect Federal timber management in the Northern Judicial District of West Virginia.

In reaching his decision, Judge Maxwell merely referred to dictionary definitions of the terms of the 1897 Act (see page 11 of the opinion) and found that since the terms were clear in their face that there was no need to look into the legislative history or the intent of the act (page 18).

In an affidavit filed in the pre trial procedures, Frank Price of the Forest Service Division of Timber Management, commented on the effect of such a narrow definition on timber management potential. Referring to the Six Rivers National Forest in California as an example, Mr. Price concluded:

"With the assumed restriction of harvesting only dead, physiologically mature, and large-growth trees, an immediate reduction in the rate of harvesting of up to 50 percent would be indicated. As the decades pass the constraints on harvesting advocated by the plaintiffs would result in harvesting even less of the wood producing capacity of the land because the opportunities for increasing growth through the application of intensive management and the use of improved harvesting technology would be foregone. It appears that limiting the harvest to dead, physiologically mature and large-growth trees would ultimately result in utilizing only about 30 percent of the forest's potential growth capacity."

Judge Maxwell came close to admitting that the narrow interpretation of the act made forest management impossible when he stated on page 17 that:

"If the reasons for the policies and practices of the Forest Service are valid and represent the appropriate state of the science of silviculture, business, forest management and administration, and are needed tools to properly develop uses of and benefits to and from the forest, then such evidence should be presented to the Congress. After studies and hearing from all of the obviously interested parties, Congress can and will make a reasoned judgment in the matter."

Opponents of intensive forest management, both in Congress and in the environmental organizations, can be expected to seek enactment of legislation to prescribe specific forest management guidelines, including limitation on clear-cutting. In addition to providing appropriate assistance in the appeal of this case, NFPA will be exploring feasible legislative solutions which will provide the Forest Service with basic timber sale authority but not result in unnecessarily detailed Congressional timber management directives.

JOHN F. HALL,
Vice President-Forestry Affairs.

IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

West Virginia Division of the Izaak Walton League of America, Inc., Box 404, Parsons, West Virginia 26287, Sierra Club, 1050 Mills Tower, 220 Bush Street, San Francisco, California 94104, Natural Resources Defense Council, Inc., 15 West 44th Street, New York, N.Y. 10036, The West Virginia Highlands Conservancy, Canaan Valley, Davis, West Virginia 26260, and Forrest Armentrout, 202 Fourth Street, Parsons, West Virginia 26287, Plaintiffs, *v.* Earl W. Butz, Secretary of Agriculture of the United States. John R. McGuire, Chief, Forest Service of the Department of Agriculture, Jay H. Cravens, Regional Forester, Region 9 of the Forest Service of the Department of Agriculture, Alfred H. Troutt, Forest Supervisor, Monongahela National Forest, Forest Service of the Department of Agriculture, individually and in their official capacity, Defendants. Civil Action No. 73-68-E.

OPINION

Three proposals to sell timber from the Monongahela National Forest have activated judicial review of the management and harvesting policies and practices of the United States Forest Service. While the timber harvesting practices under attack in this civil action are referred to as clearcutting, and variations thereof, the issues before the Court are much broader.

Plaintiffs ground their civil action upon the provisions of the Organic Act of 1897, 16 U.S.C. § 473-482, 551.(1)

Defendants submit that the management and harvesting policies presently in force on federal land with regard to timber management and harvesting are fully authorized under the Organic Act.

Cross motions for summary judgment, under Federal Rules of Civil Procedure 56, with supporting affidavits, have matured the issues of law in this litigation

for immediate consideration by the Court. The parties also entered into a statement of agreed facts as a further basis for the Court to proceed to the issues.

In essence, there is factual agreement between the parties that the plaintiffs, and their membership, have suffered injury from the timber management practices complained of in the Monongahela National Forest and thereby have the requisite standing to be before the Court; that the three proposed timber sales contracts, the basis of plaintiffs' litigation, are under the authority of the Organic Act and involve the sale and cutting of trees among which trees are, as well as are not, dead, physiologically matured or large; that the three proposed timber sales contracts focused upon in this litigation are in fact representative of other contracts involving the sale of timber in the Monongahela National Forest; that the defendants sell timber under their present management procedures whereby each individual tree is not separately marked for cutting, but the boundaries of the cutting are well marked; and that the proposed timber sales do not require that each tree cut be removed from the forest. (2)

Plaintiffs' allegations of federal question jurisdiction, 28 U.S.C. § 1331(a), and allied sources of relief, 28 U.S.C. § 1361 and 5 U.S.C. § 701-706, the Administrative Procedure Act, are not challenged by the defendants.

Plaintiffs seek declaratory judgment and injunctive relief from the Court to assure, not only as to the three specific proposed sales, but also, as to all future timber harvesting contracts and sales, within the Monongahela National Forest, that the Forest Service will (1) allow only the cutting of dead, physiologically matured, or large growth trees; (2) permit only the cutting of trees which have been individually marked; and (3) require the removal of all timber cut.

The plaintiffs are conservation oriented. The West Virginia Division of the Izaak Walton League of America, Inc.; The Sierra Club; The National Resources Defense Council, Inc.; The West Virginia Highlands Conservancy; and Forrest Armentrout, an individual resident of West Virginia who utilizes the recreational facilities of the Monongahela National Forest, are the plaintiffs. In addition to the utilization and promotion of the various opportunities available in the Monongahela National Forest by their membership, the four corporate plaintiffs allege a dedication incidental to the maintenance, protection and restoration of natural resources of the United States.

The defendants are Earl L. Butz, who, as Secretary of Agriculture, has statutory responsibility for the national forests under an Act of Congress, 16 U.S.C. § 471. John R. McGuire, Chief of the Forest Service of the Department of Agriculture, who is charged with the supervision of the use of the timber resources of national forests, and possesses authority under 36 C.F.R. 221.6(b) to make timber sales in the national forests. Jay H. Cravens, the Regional Forester for Region 9, the area of the Monongahela National Forest, has the authority and responsibility, Forest Service Manual 2410.4, (3) for preparing timber management plans and the authority and responsibility, Forest Service Manual 2404.13, 2430.3 and 2430.41, to consider and approve timber sales in the region of his assignment. Finally, the Forest Supervisor of the Monongahela National Forest, Alfred H. Troutt, is designated as a defendant because of his authority and responsibility, Forest Service Manual 2404.13, 2430.3 and 2430.42, to consider and approve timber sales in the Monongahela National Forest.

The extent of this litigation is reflected in the fact that the Monongahela National Forest encompasses 820,000 acres in the heart of the Allegheny highlands of West Virginia, of which 784,000 acres are classified as commercial forest land. Plaintiffs urge that the Monongahela National Forest is one of the "finest mixed hardwood forests in the United States."

Additionally, the parties by pleadings estimate that from fiscal year 1968 through fiscal year 1972, approximately 754 MBF (thousand board feet) on 39,922 acres, were harvested under contracts of sale in the Monongahela National Forest. Also, that as of July 1, 1972, the total uncut volume under contract in the Monongahela National Forest was approximately 48,376.06 MBF (thousand board feet) of saw timber and 48,697.98 cords of cordwood covering approximately 14,300 acres. (4)

Plaintiffs allege, but defendants deny, that 46.7% of the total acreage cut between 1968 through fiscal year 1972 was harvested by clearcutting; that 0.04% of the total acreage cut was harvested by shelterwood cutting. As to the uncut volume under contract on July 1, 1972, the plaintiffs allege that 56% of this volume is to be harvested by clearcutting over 30% of the acreage involved; 1% of this volume is to be harvested by shelterwood and seedtree cutting on 1% of the acreage. (5)

The four principal methods of timber and harvest which the plaintiffs allege are being employed in a manner so as to be violative of the mandate of Congress are:

(1) Clearcutting is alleged to be the method of designating the outer boundary of an area of trees. The merchantable timber therein is sold without any marking of individual trees to be cut. It is said by plaintiffs that all trees in the group, whether in a patch, strip or stand, are cut at one time regardless of age or condition. The merchantable trees, plaintiffs claim, are removed but many smaller trees are uprooted or cut and left on the ground after logging. Plaintiffs say that under the clear-cutting theory if any trees remain standing they are usually killed by cutting a ring around the trunk of the tree with an axe or by poisoning. *Forest Service Manual* 2471.2, 2442.6, 2451.23a, 2452.23a, 2453.23a, 2454.23-1.

(2) Seed-tree cutting is said by plaintiffs to be a phase of clearcutting. The outer boundary of a group of trees is designated and then several trees per acre are marked as an indication that they are to remain uncut. All other trees are then logged and cut regardless of their age and condition. Plaintiffs allege that after natural regeneration has occurred then the seed trees are removed. *Forest Service Manual* 2471.22-2, 2442.6.

(3) Shelterwood cutting is said by plaintiffs to be a three-phased form of clearcutting. In the first stage, plaintiffs allege that the most mature and defective trees in an area are selectively marked and cut. Many of the trees are never removed, plaintiffs allege. During the second stage seed-tree cutting is practiced. The final stage is when seed trees are removed. *Forest Service Manual* 2471.22-1, 2471-22-3.

(4) Intermediate cutting and improvement cutting are methods whereby a stand of timber is thinned by removing individually marked trees. Plaintiffs allege that under this system a tree marked for removal may be of any age including saplings as well as mature trees. *Forest Service Manual* 2471.3.

Defendants' position in the litigation is that the Organic Act directs that the national forests be managed scientifically, and leaves the choice of specific management practices to the discretion of the Secretary of Agriculture. (6)

In looking to the actual words of the statute, the defendants contend that the Organic Act expressly provides that the establishment of any national forest is to "improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the uses and necessities of the citizens of the United States . . ." 16 U.S.C. § 475. (Emphasis supplied by defendant.)

Defendants argue that in light of the statutory language of sections 475 and 476,

"When read in context, this language emphasizes utilization of the forests and development of the forest for future growth.

"The plain language of the statute does not require that the law be applied on a tree-by-tree basis, as plaintiffs advocate. Instead the phrase 'dead, matured, or large growth of trees' supports the viewpoint that the language was meant to apply *collectively* to the trees on the forests and not to each tree individually. The same logic should be applied to the 'mark and designate' provision. The statute does not speak of individually marking each tree; a reasonable interpretation would be, to apply the statute to groups of trees in the forest as a whole. The same approach can be applied to the 'cut and remove' language—every tree and stick need not be removed."

On April 18 and 20, 1973, the Forest Service advertised three timber sales in the Monongahela National Forest. These offerings trigger this litigation.

The pleadings indicate that the Middle Mountain North Sale was advertised on April 18, 1973. Exhibit C. The sale covers the harvesting of 186 acres of the White Sulphur Ranger District. The proposed timber sale contract including the specific conditions and special provisions are a part of the record as Exhibit D. The standard provisions are in the record as Exhibit E. The Environmental Analysis Report is in the record as Exhibit F. These documents show that 186 acres have been designated as clearcut units from which all merchantable timber 5 inches in diameter measured at breast height will be required to be cut; that none of the trees to be cut will be marked prior to cutting.

Also on April 18, 1973, the Forest Service advertised the Snorting Lick Sale. Exhibit G. This sale covered the harvesting of 446 acres of the Greenbrier Ranger District. The proposed timber sale contract, the standard provisions and the Environmental Analysis Report are a part of the record as Exhibits H, E, and I,

respectively. These documents reflect that 126 acres, in seven areas ranging in size from ten to twenty-five acres, have been designated as clearcut units from which all merchantable timber, defined in this contract as red spruce above 9 inches in diameter, measured at breast height, and hardwoods above 5 inches in diameter, measured at breast height, will be required to be cut as a part of the timber sale contract. None of these trees will be marked prior to sale or cutting. Three hundred twenty acres will be subject to selection and improvement harvesting. These trees will be individually marked. The trees marked will include trees as small as 11, 9 and 5 inches in diameter, as measured at breast height.

The third sale was advertised by the Forest Service on April 20, 1973, as the Music Run Sale. Exhibit J. This sale covers the harvesting of 445 acres of the Gauley Ranger District. The proposed timber sale contract, the standard provisions and Environmental Analysis Report are a part of the record of this case as Exhibits K, E, and L, respectively. These documents reflect that 116 acres have been designated as clearcutting units in size from 5 to 20 acres. All merchantable timber, defined in this contract as timber above 11 inches in diameter, measured at breast height, will be required to be cut. None of the trees will be individually marked prior to cutting. Three hundred and twenty-nine acres will be subject to selection cutting and improvement cutting and here the trees will be individually marked. However, the trees as marked will include trees as small as 11 inches in diameter, measured at breast height.

All three of the proposed contracts of sale require that all trees cut be removed. It is the contention of plaintiffs that the prior practices and procedures of the Forest Service indicate that many cut trees will remain at the site and will not be removed.

The Court on May 14, 1973, granted a temporary restraining order and scheduled a hearing within the ten days life thereof to hear plaintiff's motion for a preliminary injunction. Thereafter by order entered on May 24, 1973, the Court was formally informed by counsel, that counsel for the parties had conferred and "have agreed that the hearing on the Motion for Preliminary Injunction may be merged with the hearing on the plaintiffs' Complaint for Declaratory and Injunctive Relief and have further agreed that the Temporary Restraining Order heretofore granted shall continue in effect until such time as this Court rules on the merits of said Complaint."

A hearing on the merits was scheduled. However, the cross motions for summary judgment were filed and after the completion of a briefing schedule, counsel presented oral argument.

A close review of the language of the Organic Act convinces this Court that at the time of its passage in 1897, Congress affirmatively expressed a serious determination to firmly restrict the invasion of public lands and its timber resources for harvesting purposes.

Congress' apparent distaste and antagonism toward certain exploitative practices (7) which occurred in the lumber industry obviously set in motion a series of legislative efforts to avert, at that time, and to prevent in the future, a national catastrophe with regard to publicly owned forests.

It is this Court's view that the portion of the language of Section 476 which provides "[F]or the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture . . . may cause to be designated . . . so much of the dead, matured, or large growth of trees found upon such national forests . . . and may sell the same . . ." constitutes a clear directive from Congress, to the persons charged with the administration of the national forests, that trees can be sold and cut only if they are "dead, matured or large growth" and then may be sold only when the sale serves the purpose of preserving and promoting the younger growth of timber on the national forests.

If we are to apply the principle that statutes are to be interpreted according to the usual and ordinary meaning of the words employed in the writing of the statute, then the word "*dead*" means "deprived of life;—opposed to *alive* and *living*" (Webster's New International Dictionary (2d ed. 1960)); "*mature*" means "Brought by natural process to completeness of growth and development . . . full grown; ripe" (Webster's New International Dictionary (2d ed. 1960)); and "*large*" means "Exceeding most other things of like kind in bulk, capacity, quantity, superficial dimensions, or number of constituent units; of considerable magnitude; big; great . . ." (Webster's New International Dictionary (2d ed. 1960)).

While it is true that Section 475 of the Organic Act states that national forests are created "for the purpose of securing favorable conditions of the water flows and to furnish a continuous supply of timber for the use and necessities of citizens of the United States . . ." this is not the total commitment of Congress. The above referred to provisions of Section 476 having to do with "... preserving the living and growing timber and promoting the younger growth on national forests" is equally persuasive and is manifestly limiting in its effect.

Accordingly, in order "to furnish a continuous supply of timber" Congress gave the Secretary authority to sell timber in national forests, but not to the extent that the Secretary would have full and total discretion to use any management practices which he deemed reasonable. Rather, Congress, under Section 476, restricted the trees that could be sold to "dead, matured or large growth of trees" explicitly "[f]or the purpose of preserving the living and growing timber and promoting the younger growth on national forests."

It seems obvious to the Court that the general purpose section of the Organic Act of 1897, namely Section 475, was never intended, by its general terms, to take precedence over the clear and specific requirements of Section 476. This construction seems valid, especially when the purpose section and the specific requirements section do not appear to be in conflict with each other. Congress demonstrated an obvious belief that the specific restrictions of Section 476 would best carry out the provisions of the purposes section, being Section 475.

Congress, by specifically designating that "dead, matured, or large growth of trees" was the outside limitation of timber harvesting practices, was protecting the forest reservations against exploitation by timbering interests.

The Court cannot subscribe to an interpretation of the Organic Act of 1897 to the end that *matured* would mean a condition which makes it desirable to cut the tree. If any or every tree of the national forests can be cut whenever the persons in charge of administering the national forests consider it desirable, then the requirements, indeed the very terms, of the Organic Act are eliminated. It is obvious that no trees of the national forests can be cut unless the Forest Service believes it is desirable. However, to rely solely upon the subjective interpretation of the Forest Service as to what is *matured* is merely an argument that the Secretary of Agriculture has total discretion to determine which trees he wishes to have cut, notwithstanding what this Court believes to be the clear expression of congressional intent. If Congress intended *matured* to mean merely the desirability of cutting any tree, there was no reason for Congress to specify, in addition, for the cutting of "dead" and "large growth" trees. Congress obviously intended, by allowing "dead" and "large growth" trees to be cut, to be adding trees to those which can be cut because they are mature.

Congress very clearly and plainly imposed a further control upon the administration of the sale of timber from public lands when, by Section 476, the Secretary was required to mark and designate timber authorized for sale and to require the cutting and removal of timber subject to sale for the resulting purpose and objective "to improve and protect the forest."

The provisions with regard to marking and designating such timber before the same is sold indicated a further safeguard by Congress to prevent the nation's timber resources from being exploited, either by design or by inadvertence.

With regard to that portion of Section 476 which requires the timber, "... before being sold, shall be marked and designated, ..." it appears that Congress intended that marking and designation be considered separate and distinct actions. "Marked" as used in the statute is viewed under the facts here to refer to individual trees, while the statutory word "designated" is viewed as a much broader area of location.

In looking to the totality of the legislative language of the Organic Act, the Court is satisfied that it was never the purpose or intent of Congress to use the terms "marked" and "designated" as interchangeable, synonymous words that had no difference in meaning. If Congress had intended them to mean the same thing, Congress would have used the words without employing the conjunctive word between them.

To give these words their plain, clear and simple meaning, within the context of the litigation, the Court is of opinion that Congress intended the Secretary of Agriculture to *designate* the general area of public land from which timber was to be sold, such as the northern slopes of X Mountain. And thereupon the Secretary was additionally obligated to *mark*, per forest custom and usage, each individual tree statutorily authorized to be sold.

Congress has been wary and since, and while giving careful consideration to many legislative proposals relative to the nation's forests, many of which have

been enacted into law, it has steadfastly avoided, in this Court's judgment, the passage of legislation that would repeal, directly or by implication, the requirements of the Organic Act of 1897 as to the type of trees which may be cut and sold from federally owned lands. (8)

Congress has consistently refused to abdicate its legislative control over the harvesting of timber from the public domain. It has from time to time kept the public forests current to the demands of the nation. It has never retreated, however, from its commitment to the ultimate preservation of the forests by controlling the woodsman's axe, now seen in the form of the remarkable power saw, the awesome tree-log skidders and log loaders of a highly sophisticated logging industry.

From a deflection upon the course of events since 1897—a period of 76 years—it becomes increasingly clear that as new theories in forest management were proclaimed, as new methods of harvesting practices became available from the fertile, inventive mind of man, and as new demands for wood products were pressed upon industry, there developed, in the management of the nation's forests a gradual accommodation to the outside pressures of industrial progress in productivity.

It was an easy step from the development, in major proportions, of outdoor recreational, range, watershed, wildlife and fish uses of the national forests to the determination that a typical sale of an area of trees should be by a boundary designation rather than by individually marking each tree. This afforded a quicker, more efficient, more economical use of owner-management employees. This represented the new fact of industrial management of timber land.

It became more "economically" suitable, in the commercial vein, to market, not only "dead, matured and large growth of trees" but also those smaller, still growing trees that would serve to increase the lumber volume per offered tract of land—or on a per acre basis—thus offering the possibility of attracting larger dollar bids from the more affluent and substantial timber interests. The increased offerings of public timber also very naturally accommodated the hunger for the many acres of annual timber land harvest needed by the industry's massive logging capability.

To leave commercially destitute timber behind, unmoved from its place of having been cut, may be practical in today's world of profit and loss statements, objective business decisions and realistic industrial goals. Such failure to remove, in today's advances upon the science of silviculture, may not be as serious a calamity as earlier thought.

Accordingly, it appears that over a period of years, by what would be almost imperceptible gradations, compromises of expressed legislative goals happened in public forest harvest practices. These, for the purpose of this civil action, ripened into maturity in 1964, with the embrace of clearcutting and its progeny by the Forest Service as an acceptable harvesting practice in the cutting and sale of timber from public lands.

The complained of gravitation from congressional mandate to the policies and practices that now exist are exemplified by the three proposed sales of timber, the subject matter of this litigation. The attempt to lessen legislative control over the sale of timber from public lands by policies and practices of the Forest Service, although understandable and perhaps proper in a business, industrial and even in a scientific sense, cannot be sanctioned under the law as this Court finds the same to exist.

If the reasons for the policies and practices of the Forest Service are valid and represent the appropriate state of the science of silviculture, business, forest management and administration, and are needed tools to properly develop uses of and benefits to and from the forest, then such evidence should be presented to the Congress. After studies and hearing from all of the obviously interested parties, Congress can and will make a reasoned judgment in the matter.

Under the present state of the record before the Court, the policies and practices complained of by the plaintiffs do violence to the legislative language of the Organic Act of 1897.

The words or terms of a statute are to be accorded their plain and ordinary meaning. *Addison v. Holly Hill Fruit Products, Inc.*, 322 U.S. 607 (1944), is one of the leading cases to this principle. There Justice Frankfurter, speaking for the Court, stated at 618:

After all, legislation when not expressed in technical terms is addressed to the common run of men and is therefore to be understood according to the sense of the thing, as the ordinary man has a right to rely on ordinary words addressed to him.

Other cases which appear to be on point and support this principle are:

Banks v. Chicago Grain Trimmers Ass'n, 390 U.S. 459, 465 (1968);

Jones v. Liberty Glass Co., 332 U.S. 524, 531 (1947).

Secondary authority which is also expressive on this question can be found at 50 Am. Jur. *Statutes* § 238 at pages 227-232 (1944), and

82 C.J.S. *Statutes* § 316 at page 550 (1953).

The clear and unmistakable language of the Organic Act of 1897 authorizes the sale only of the "dead, matured, or large growth of trees," and requires that "before being sold, shall be marked and designated." It further requires that the timber sold "shall be cut and removed."

Policies and practices of the United States Forest Service to the contrary are an unwarranted intrusion into an exclusive area of congressional province.

Efforts toward regulatory blighting of congressional controls by administrative siege cannot be permitted. Public lands means public ownership. The most direct control of public forest resources in a republic rests, once asserted as is the case here, with the Congress and until expressly relinquished, that control is reserved.

If present harvesting policies and practices, by whatever name, are to be approved and subsequently used on national forests, such can only be accomplished by congressional enactment.

The clarity of the statutory language of the Organic Act of 1897, as viewed by this Court, is such that further exploration for legislative intent, earlier administrative interpretation and other supportive evidence of the congressional mission is unnecessary.

There is no need to refer to legislative history where the statutory language is clear.

Gemco, Inc. v. Walling, 324 U.S. 244, 260 (1945);

Jopek v. New York Cent. R.R., 353 F. 2d 778, 782 (3rd Cir. 1965).

In *United States v. Missouri Pac. R.R.*, 278 U.S. 269 (1929), it was said:

"... Where doubts exist and construction is permissible, reports of the committees of Congress and statements by those in charge of the measure and other like extraneous matter may be taken into consideration to aid in the ascertainment of the true legislative intent. But where the language of an enactment is clear and construction according to its terms does not lead to absurd or impracticable consequences, the words employed are to be taken as the final expression of the meaning intended. And in such cases legislative history may not be used to support a construction that adds to or takes from the significance of the words employed."

* * * * *

But the reasons for and the significant circumstances leading up to the enactment may be noticed in confirmation of the meaning conveyed by the words used.

(Citations omitted).

However, a review of such collateral areas here serves to underpin the Court's conclusion as to the expressed purpose of Congress in the management of harvests from the nation's public timberlands. It would not serve a useful purpose, however, in the Court's judgment, to review here the extensive legislative history and the evolution of administrative practices.

Accordingly, the plaintiffs' motion for summary judgment is granted, and the defendants' motion for summary judgment is denied. An appropriate order will follow.

Enter: November 6, 1973.

ROBERT E. MAXWELL,
U.S. District Judge.

REFERENCES

(1) The crux of plaintiffs' contentions herein, however, are for all practical purposes limited to the provisions of §§ 475 and 476. The pertinent portions of these two sections, insofar as the issues in this litigation are concerned, are as follows:

Section 475: "... all public lands that may hereafter be set aside and reserved as national forests . . . , shall be as far as practicable controlled and administered in accordance with the following provisions. No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a continuout supply of timber for the use and necessities of citizens

of the United States; but it is not the purpose or intent of these provisions, . . . to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes."

Section 476: "For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, the Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. . . . Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. . . ."

(2) Pursuant to the request of the Court at the oral argument on August 17, 1973, plaintiffs and defendants submit this statement of agreed facts:

"1. Plaintiffs have alleged sufficient facts to show that they or their members have suffered injury in fact from the timber management practices of the Forest Service on the Monongahela National Forest.

"2. The three contracts which are attached to plaintiffs' complaint and which the Forest Service proposes to enter into under the authority of the Organic Act, 16 U.S.C. § 476, involve the sale and cutting of trees, some of which trees are and some of which trees are not dead, physiologically matured or large. These contracts are representative of other contracts for the sale of timber on the Monongahela National Forest.

"3. In the sale of timber on the Monongahela National Forest, under the authority of the Organic Act, 16 U.S.C. § 476, defendants offer for sale and do sell timber, pursuant to procedures under which each tree is not individually marked prior to cutting, but the boundaries of cutting areas are marked.

"4. In the sale of timber on the Monongahela National Forest, under the authority of the Organic Act, 16 U.S.C. § 476, defendants offer for sale and do sell timber without requiring that each tree cut be removed from the forest."

(3) Forest service, U.S. Dep't of Agriculture, *Forest Service Manual* 2410.4 (as amended through Amendment No. 77, July 1973) [hereinafter referred to as *Forest Service Manual*].

(4) "The Monongahela National Forest was established in 1920. . . .

"During the past 50 years (1920-1969), 600,000 MBF of timber have been sold for \$9 million. . . .

"Up to 1964, the Forest was managed under an all-age management system (selection cutting). Beginning in 1964 this system was changed to even-age management that, silviculturally, involves clearcutting of some areas for harvest and regeneration objectives. . . . and intermediate cuts in the succeeding stand to control species and growth.

"In 1969, with preparation of multiple-use plans, the administration of the Forest was broadened to include all-age management of forest areas assigned to travel and water zones. Currently, the multiple-use designations by areas are as follows:

	Acres
Water influence-----	53, 202
Travel influence-----	46, 593
General forest-----	671, 815
Special -----	48, 644
	820, 254

Forest Service, U.S. Dep't of Agriculture, *Even-Age Management on the Monongahela National Forest*, page 2 (1970).

"Annual sales of all timber on the Monongahela reached 35 million board feet by the early 1960's, and since then has increased a third that amount. Short-term contracts of one to three year duration are the general practice."

Forest Service, U.S. Dep't of Agriculture, *50 Year History of the Monongahela National Forest*, page 41 (1970).

(5) "... Selective logging is still being practiced on more acres of land than is clearcutting, about 60% to 40%, and this ratio shall probably continue."

Forest Service, U.S. Dep't of Agriculture, *50 Year History of the Monongahela National Forest*, page 42 (1970).

(6) *Forest Service Manual* 2402—OBJECTIVE. The objective of management of timber on the National Forests is to grow and harvest timber crops to the best public advantage in accordance with the purposes for which National Forests were established and within the principles of multiple use as authorized and directed under the Multiple Use—Sustained Yield Act.

(7) "West Virginia was rich with the natural resources other parts of the country needed to develop their own industries. In what is now the Monongahela National Forest grew some of the greatest stands of hardwood timber to be found in any part of the world, and it was reaped by numerous logging operations. It was there for the taking with few restraints. Exploitation was the order of the day. The consequence was a quarter century or so of severe cropping of the timber resource that saw the slopes of the mountains denuded of these excellent stands of timber, hardwoods as well as valuable spruce. By the turn of the century, most of the good timber wealth had been taken from the mountains, as it had earlier been cleared from the fertile valleys."

Forest Service, U.S. Dep't of Agriculture, *50 Year History of the Monongahela National Forest*, page 3 (1970).

As a part of the Organic Act of 1897, Congress provided for the use of "timber and stone found upon national forests, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such national forests may be located."

Also as a part of the Organic Act of 1897, Congress directed the Secretary of Agriculture to make provisions for protection against destruction by fire and depredations upon the public forests and national forests and in this charge Congress legislated that "... he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of sections 473-482 of this title or such rules and regulations shall be punished. . . ."

A little more than a decade after the passage of the Organic Act of 1897 Congress enacted section 552 of Title 61 U.S.C., which is as follows:

"Consent of the Congress of the United States is given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact."

By virtue of the so-called McSweeney-McNary Act, and amendments thereto, 16 U.S.C. 581, et seq., Congress "authorized and directed" the Secretary of Agriculture "to conduct such investigations, experiments, and tests as he may deem necessary . . . in order to determine, demonstrate and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products. . . ."

Another example of congressional interest is typified by the provisions of 16 U.S.C., § 581 (f).

"For such experiments and investigations as may be necessary to develop improved methods of management, consistent with the growing of timber and the protection of watersheds, of forest ranges and of other ranges adjacent to the national forests, at forest or range experiment stations, or elsewhere, there is authorized to be appropriated annually. . . ."

The latest statutory expression from Congress is contained in the so-called Multiple Use-Sustained Yield Act, 16 U.S.C. sections 528-531.

Section 528 in pertinent part provides: "It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of sections 528-531 of this title are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title."

The important portion of section 529 provides that: "[t]he Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and the sustained yield of the several products and services obtained therefrom. . . ."

Section 531(a) identifies "multiple use": "The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."

Section 531(b): "'Sustained yield of the several products and services' means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the national forests without impairment of the productivity of the land."

Mr. VEACH. The inclusion of cooperative programs on non-Federal lands in H.R. 11320 is highly advisable. Almost 60 percent of the Nation's 500 million acres of commercial forest land is in small ownerships. These small ownerships are predominately east of the Great Plains. Hardwood type area exceeds softwood type. The Nation's timber supply in the early part of the next century is heavily dependent on the productivity of these small ownerships during the balance of this century. Improvement of both volume and quality growth is essential. H.R. 11320 will assure that the details of these needs will be supplied for consideration of the Congress.

Appalachian Hardwood Manufacturers support the position of the National Forest Products Association on section 9 of H.R. 11320. We agree with the objective of an optimum management level for fish and wildlife, grazing, recreation, soil, timber and water as stated in section 9(a). We concur that an objective of eliminating backlogs of needed restoration work by the year 2000 is reasonable and advisable as provided for in section 9(b). We endorse the NFPA proposal for an additional subsection to establish a directive on timber management. The optimum management level objective of section 9(a) can readily suffice for the listed activities other than timber for which the concept of sustained yield and annual or periodic output is relatively new. For timber production, sustained yield allowable cutting rates had been in effect for many years prior to the passage of the Multiple Use-Sustained Yield Act of 1960. Because there is a range of options and concepts on how sustained yield should be applied to timber, there is need for a congressional directive. The directive should be broad and avoid narrow restriction. That is what is provided by the objective of "an optimum contribution (that is, the most desirable output after consideration of costs and impacts) to the forest products needs of the Nation, with due consideration for environmental impacts and requirements of other uses of national forest resources, "as stated in the amendment urged by NFPA. As sustained yield concepts are developed to control outputs for other forest uses, there may be occasion for establishment of directives on the options which shall be followed.

Our association strongly supports construction of the Forest Development Road System with appropriated funds. We recognize, how-

ever, that as a practical matter a reasonable amount of road construction by timber purchasers is unavoidable. We are concerned that requirements for purchaser road construction be efficient and economical. Since forest development roads are specifically included in the situation assessment and development plans which will be submitted to the Congress under the terms of H.R. 11320, the need for section 9(c) of the bill is questionable. Elimination of the first proviso of this subsection is essential. The continuity of the national forest timber sale program is necessary for the survival of many forest enterprises which are the main support for forest communities. This proviso would require curtailment of the planned sale program if forest road appropriations failed to equal appropriation authorizations. This is a purposeless and unnecessary requirement.

While we concur that the Secretary of Agriculture should give due consideration to avoiding actions which may unduly impair revenues in the use of purchaser and cooperative road construction as stated in the second proviso of section 9(c), we are concerned that if enacted into law this language might be misused to obstruct and delay timber offerings through litigation. We support the amendment proposed by NFPA to cut off the possibility of such misuse.

Many frequent critics of the forest products industry complain that it had insufficient regard for recreational values. Interestingly enough the great preponderance of these critics are city dwellers who enjoy a wide range of recreational opportunities. For the most part sawmill operations and plywood plants are located in more rural areas where people must depend to a much greater extent upon the out-of-doors for their recreational activities. As a result, loggers and sawmillers are among our most active users of forest areas for recreational purposes. I think it intemperate to suggest that they are wantonly destroying not only their chief means of livelihood but also their chief recreational opportunities.

Given the constraints of knowledge of the forest and the technology of applying it, as well as the economic conditions that existed at that time, I believe that the foresters and forest products industry have been good stewards. I believe that they will continue to change and adapt to the new requirements of new times and conditions. I hope that H.R. 11320 will be enacted into law to provide them with some of the tools necessary to do this job.

Thank you for the opportunity to express our views on this vital legislation which so directly affects not only our industry but all of our citizens.

Mr. RARICK. Thank you very much, sir.

Mr. Goodling, any questions?

Mr. GOODLING. You mention the Allegheny National Forest. Do you happen to know if there is any timbering in it?

Mr. VEACH. Yes sir, there is very definitely. I happen to have been born and raised in Oil City, Pa., which is right next to the Allegheny National Forest and today, some of the very finest hardwoods in the United States grow on the Allegheny because of the fact that unknowingly, it was partially clearcut back in the days of my great grandfather, who operated in that area. While we would not recommend that it be done all at one time as it was in some areas in those

days, in general, the management at that time resulted in really wonderful stands of hardwood today.

Mr. GOODLING. I have not seen the area for 20 years, but 20 years ago, there was beautiful timber there. It was not timber at that time—I mean not ready to harvest—but I would think that by now it would be.

Mr. VEACH. I was associated with a firm that did operate on Allegheny National Forest timber out at Marble, Pa., from 1965 to 1971, when we sold the mill to the Koppers Co. The timber there that they harvested was of very, very high quality, much in demand all over the United States because of its quality.

Mr. GOODLING. That is all, Mr. Chairman.

Mr. RARICK. Mr. Veach, to your knowledge, and I may be asking the wrong party, has Judge Maxwell's decision against clearcutting in West Virginia been appealed?

Mr. VEACH. No sir. I do not believe that the Forest Service has yet come to a final determination as to exactly what their posture is going to be. I think everybody is waiting for Judge Maxwell to write the order implementing the decision and that has not yet been forthcoming. We have a group from West Virginia and Virginia who are desperately interested in it who are going to be assembling here tomorrow to try to get their heads together and see if there is anything at all we can do to find out what is going to happen.

Mr. RARICK. I certainly hope it is appealed and modified, because if not, it will almost make timbering on national lands or public lands impossible.

Mr. VEACH. That is what we are afraid of, sir, and that is what is happening in Monongahela right now because there are no sales being put up.

Mr. RARICK. One of the subcommittees under the Interior Committee is going to be holding hearings Thursday on legislation which would authorize the leasing of public lands for recreational purposes. There is an interesting two lines at the bottom of the bill indicating that this includes all public lands of the National Forest Service. I am going to appear and at least make some recommendations that we reserve the right to timber in these lands.

The other matter is the question of banning timber harvest under the multiple use sustained yield concept. The Forest Service itself is recommending the removal of 26 million acres from foresting and placing a moratorium on any timber cutting in any area of the National Forests where there are not now roads. This may end up needing a conference before we get the legislation enacted having to do with section 8 and 9. The Department has already referred to this problem. I do sympathize with you and the people who have testified that, somewhere, we need to get a national policy so that we have some goal and direction in all of our programs and do not have the Interior Committee one day moving on the National Forest and the Agriculture Committee the next. We will be splintering all our operation, and we do not know where we will be in the year 2000.

Mr. VEACH. If I may comment on that, one of the things that concerns us in North Carolina is we have 500,000 acres of Great Smoky National Park, which is wonderful and we all love it dearly. But we do think that that is an awful lot of land and there are over 300,000

acres suitable for wilderness in the park. We do not think it is necessary to add something only a mile away from it to a wilderness system.

Mr. RARICK. Mr. Vigorito, do you have any questions?

Mr. VIGORITO. No questions.

Mr. RARICK. Mr. Veach, we are very happy to have had you with us this morning. We appreciate your testimony.

Mr. VEACH. Thank you very much.

Mr. RARICK. Our next witness is Mr. George Craig, executive vice president of Western Timber Association, San Francisco, Calif.

Mr. Craig, we are very happy to have you with us and look forward to receiving your statement.

**STATEMENT OF GEORGE A. CRAIG, EXECUTIVE VICE PRESIDENT,
WESTERN TIMBER ASSOCIATION, SAN FRANCISCO, CALIF.**

Mr. CRAIG. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I am George A. Craig, a professional forester and executive vice president of Western Timber Association, an organization of firms that purchase 85 percent of the timber sold on the National Forests in California.

We favor the enactment of H.R. 11320, the Forest and Rangeland Environmental Management Act of 1973, while respectfully suggesting that one provision should be dropped as counterproductive and that some editing is needed for clarification. To meet the needs described in reports of past congressional hearings and the opportunities described after recent studies, the bill should include more specific direction regarding the management of the commercial forest areas on the National Forests. Further, we should note defects in the arguments of the limited opponents to the bill.

CONGRESSIONAL ACTION OVERDUE

We applaud this effort to get a continuing program of investment and management for all of the resources in the National Forest System. It has much merit and is long overdue. The General Accounting Office, the President's Advisory Panel on Timber and the Environment, and the Forest Service (with its recent comprehensive report "Outlook for Timber in the United States") have all recently reported substantial national needs for products and services from the National Forests and opportunities to meet such needs through proper investment and management.

For more than 15 years we have sought proper funding for the Forest Service. In recent years, we have been pleased to testify with other industry and conservation representatives in a joint effort to get the necessary funds and management direction for the Forest Service from the Congress and the administration. We also testified earlier this year to the Senate Subcommittee on Environment, Soil Conservation and Forestry, the Senate Committee on Banking, Housing and Urban Affairs, and the Public Works Committees of both houses in support of similar efforts to meet national needs through better funding and management of the National Forests. The record and reports of all of these congressional committees provided substantial justification for the enactment of H.R. 11320.

DEPARTMENT DRAFT BETTER IN PART

In our testimony to the Senate committee we noted the need for considerable editing to clarify and reduce the language of the companion bill, S. 2296. We are pleased to note that the Department of Agriculture's subsequent proposed revision (Nov. 21, 1973) has accomplished much of the needed editing and appears desirable up through section 7 of the Department's draft. The Department's sections 9 and 10 appear appropriate.

Bitter past experience, however, requires opposition to two changes proposed by the Department. In subsection 8(c) of H.R. 11320, the words "which shall be a guide to" should not be replaced with "for consideration by" as proposed by the Department. The Congress should guide the President directly in the funding of Forest Service programs. Second, subsection (e) should not be dropped as proposed. The President should be required to explain deviations from budgeting planned programs and should be prevented from impounding appropriated funds except under highly unusual circumstances. Effective management depends on reliable funding.

STANDARDS, GOALS AND ROAD DIRECTION NEEDED

Subsections 9(a) and 9(b) of H.R. 11320 would (1) require the Secretary to determine optimum management levels and periodic harvest or use levels for each of the various national forest resources and would (2) cause backlogs of work to be done by the year 2000. The Department says they are not needed or should not be included because section 4 would provide projections and the backlog target may not be realistic and could reduce Presidential flexibility. Section 4 does not require the development of data specified in subsection 9(a). The information is needed to provide standards. The only real problem with the year 2000 goal is that it is too far away. The job could be and should be done by 1985.

The Department has recommended the deletion of subsection 9(c) dealing with roads. We agree regarding the first proviso. The remainder of the subsection, however, gives appropriate attention to the need to establish a proper system of transportation to service the national forest system. A major current need is the early construction of roads to reach deteriorating stands of timber and to serve other resources and users of the forests on a continuous basis. Less than half of the national forest area is unreserved commercial forest land. The recent Forest Service review of roadless areas disclosed that there is not access to nearly a third of that commercial forest area. The Forest Service needs to construct or reconstruct about 100,000 miles of roads in the next 10 years. It is doing this costly work through timber purchasers by "expensing" 20-year-life roads to the detriment of local government.

The last proviso in section 9(c) is a desirable and needed reminder that road requirements for timber purchasers that go beyond those reasonably needed for removal of timber under a specific contract will have the effect of reducing in-lieu-of-tax payments to the States. This has already become a serious problem in some areas. In California national forests, for example, the average road cost per MBF in the 3

years 1966-68 was near \$5. By last spring the average cost was nearly \$20, largely the result of increased requirements placed on timber purchasers. The annual cut is about 2 billion feet in California. Thus, prior to adjustment for inflation, the effect would be a reduction in receipts of nearly \$30 million per year in California alone. Local government is being denied roughly \$7½ million (less inflation) annually.

In the last 2 fiscal years, California timber purchasers built 3,361 miles of permanent roads while only 99 miles were built with appropriated funds. If these permanent roads, serving all uses, were built with appropriated money, greater charges would be made for timber and Federal and local receipts would be increased.

Mr. GOODLING. Mr. Chairman, could I ask a question at this point?

Mr. RARICK. Surely.

Mr. GOODLING. I believe we had testimony some months ago that they are now using helicopters to take out logs. Is that practical?

Mr. CRAIG. Yes sir, it is, and the originator of the practice is a Californian, a Mr. Erickson. The difficulty is that it is extremely costly and one of the evidences of this is that it takes 500 gallons per hour to operate the bigger machine of jet-type fuel. So you can see at this particular time that that is a, with the energy problem, that is particularly difficult. The helicopters have been used where their access is difficult, soil stability problems, and steep unstable ground would make roads inappropriate, and in those instances where there is high value timber, it is possible to use helicopters and have the cost of the timber bear the cost of this procedure. But the logging costs are three to four times as much as with normal practices.

Mr. GOODLING. And it costs far more than constructing roads. Is that correct?

Mr. CRAIG. Each circumstance varies, but generally speaking, the answer would be yes, it does cost more than the average road construction. But the difficulty is that where the practice is called for, even not only is average construction not suitable, but the ground may not permit the construction of roads because of slide potentials.

Mr. SYMMS. Mr. Chairman, could I ask a question?

Mr. RARICK. Surely.

Mr. SYMMS. Mr. Craig, would you care to enter an opinion about the standards for roads that have been promulgated by the Forest Service in the past 2 or 3 years, in which they have been upgraded so much?

Mr. CRAIG. Yes sir.

We have a very difficult problem in connection with this matter, and again, each case is different. The Forest Service, in recent years particularly, has greatly increased the requirements placed on timber purchasers. As I have indicated, the costs have gone from \$5 to \$20 a thousand on the average. In some instances, they are twice and more than that. Our difficulty is that although the, Public Law 88-657, the act of 1964, which specifies that the road construction in connection with an individual timber sale should be no more than that reasonably necessary for the removal of the timber in that one sale, although that is the law, we do have instances where we feel that the requirements go well beyond that and that the operators are being asked to build roads that serve a multiplicity of uses—public use to a large extent—and

particularly in recent years, in requiring rocking or other surfacing of roads, which perhaps are in the public interest, but still should not be borne by the timber and indirectly by the counties. And this has been a matter of continuing controversy.

Again, each case is different. In some instances, we feel that we can document this type of practice where it is inappropriate. In other cases, it may not be moot as to whether the extra special treatment that is being called for is really needed for an individual timber sale.

Mr. SYMMS. Thank you. I certainly would agree with you on that statement and could show you many instances in Idaho where there seems to be no flexibility of the standards of these roads and where we have actually gone in and rebuilt roads that have cost in excess of, in one instance in the Clearwater National Forest, over \$200,000 to bring out 18 million board feet of timber, where we had already brought 60 million board feet out over the same road. It had to be rebuilt to meet the standards and it is very expensive. As you say, it certainly takes away the funds from local government.

Mr. CRAIG. Our difficulty is, of course, that our prime need is the timber. We cannot afford the luxury of prolonged litigation or other attempts to drive the agency back into what we consider would be in line. We have to get the timber out.

Mr. SYMMS. Well, on the primary roads, of course. You would not object to good standards on a primary, but it is the secondary roads primarily, the feeder roads, that are—

Mr. CRAIG. Yes, sir. It is my understanding that at least the policy statements of the Forest Service recently have been to the effect that they are going to distinguish more between those areas needing low-impact minimum type access and perhaps even control the system to the point of putting those roads out of public use when they are not used for moving resources. We will welcome that development when it is in full bloom.

Mr. SYMMS. Thank you.

Thank you, Mr. Chairman.

Mr. RARICK. Proceed with your statement, Mr. Craig.

Mr. CRAIG. Thank you, sir.

PROVISO COUNTERPRODUCTIVE

The first proviso in section 9(c) of H.R. 11320 appears to be intended to force the availability of all of the funds that are authorized by law for appropriation for road and trail construction and maintenance. Where such funding is not provided, H.R. 11320 would penalize local government, timber purchasers and forest products consumers. By proportionately reducing the road construction by timber purchasers and thereby the timber harvested, the bill would force reductions in the supply of forest products and receipts to be shared with the local governments.

The unused authorization for National Forest roads and trails at the end of fiscal year 1973 was anticipated to approximate \$280 million. The annual authorization is currently \$140 million. This indicates the magnitude of the potential problem. In some recent years, road appropriations have been only about two-thirds of the annual authorization. If timber sales were cut by a third because of congressional or admin-

istration failures to fund the road program, the wrong people would be penalized.

It seems to us that other features of the bill would make the first proviso unnecessary. The assessment in section 3, the requirements for the development of a program under section 4, and the National Forest plans required under section 6 should lead to an outline in detail of the necessary program "including forest development roads and trails." As noted, section 9(c) declares the need for the timely construction of a proper road system. Section 8 requires recommendations from the President based on the assessment and program developed under this bill, guidance to the President's budget drafting by the Congress via a statement of policy, a Presidential report on budget relationship to congressional goals and policy with an explanation of failures to fund programs, and corrective action where warranted. These other features of the bill should provide the desired road program without the first proviso of section 9(c). We respectfully ask that it be dropped.

NEED FOR TIMBER MANAGEMENT DIRECTION

Timber supply problems have caused the Congress to hold a number of hearings which have identified problems needing attention. H.R. 11320 would help to meet them and other resource management needs. However, the technical aspects of timber management are given little attention in H.R. 11320 and deserve specific direction.

Senator Sparkman and Tower introduced S. 1775 after in-depth hearings on the timber supply problem. Sections 5(a)(2) and 6 of S. 1775 have language providing some direction for commercial forest lands on the National Forests. It is timber supply problems that have forced the Congress to examine programs for the National Forests. We believe language similar to the following should be included perhaps as a subsection 9(d):

"The objective of management of the commercial forest lands of the National Forest System which are designated for primary timber production under multiple use plans prepared pursuant to the Act of June 12, 1960, and subject to the act of January 1, 1970, shall be to make an optimum contribution (i.e., the most desirable output after consideration of costs and impacts) to the forest products needs of the Nation, with due consideration of environmental impacts and requirements for other uses of National Forest resources. Timber management policies shall be developed with recognition of these national needs, productivity levels of commercial forest lands in other ownership categories, and needs for maintenance of regional or local economic support: *Provided*, That nothing contained in this subsection shall be interpreted to limit or otherwise affect the determination of environmental or other use impacts from timber management activities or the counter measures required to offset them."

TIMBER PRODUCTION REQUIRED

We were pleased to observe in the Senate hearing that the proposed Forest and Rangeland Environmental Management Act of 1973 had broad support, being opposed only by the traditional obstructionists to resource development. Many supporters of the bill had recommendations for refinements or reservations regarding some practices. For ex-

ample, the American Institute of Architects endorsed the bill but expressed concern about the appearance of a 600+ acre clearcut observed last year. I understand it was in Alaska. The AIA should be pleased to learn that in November of 1972 the Regional Forester of Alaska established a policy of limiting the size of clearcutting units to 160 acres, including those established under existing contracts.

The Sierra Club and Friends of the Earth echoed "wolf" cries of the past, contending the measure "could have the function of requiring large scale over cutting and destruction of other resources." With disjointed logic, it was claimed that the National Forests should not be managed to grow more timber because of alleged heavy cutting on industry lands in the past. They would ignore the requirements of law that a principal purpose of the National Forests is the provision of a continuous supply of timber to the Nation (16 U.S.C. 475, 47b and 16 U.S.C. 528-531). They imply a conspiracy to create "an open season on national forest timber."

We respectfully ask the committee to give consideration to our recommendations for improving H.R. 11320 and to give a favorable report to the bill. Thank you for the opportunity to appear.

Mr. RARICK. Thank you very much, Mr. Craig. The bells announced that we have a vote on.

Do any of the members have any questions?

Mr. Goodling?

Mr. GOODLING. I would like to say, you spoke of Alaska. I recently flew over some clearcutting with some of the foresters up there at very, very low altitude. I was very critical of what I might find so far as erosion is concerned these Friends of the Earth and that type of people talk about. I have been a farmer for more than 50 years and I am happy to say I saw very, very little erosion there. The foresters told us that the new trees come up so thick that they have to go in there and thin them after about 5 or 6 years, I believe he said.

Mr. CRAIG. Yes, sir. One of the things that critics of clearcutting conveniently tend to overlook is that if there is an attempt to provide timber supply needs in an equivalent amount through selective cutting or partial cutting, the road requirements would be substantially greater than they are through the clearcutting approach. And all studies that have been made in any depth indicate that it is road construction which is the principal source of erosion problems rather than clearcutting.

Mr. RARICK. Any of you other gentlemen have questions?

Mr. SYMMS. No questions, Mr. Chairman. I appreciate the gentleman's testimony.

Mr. RARICK. Thank you very much, Mr. Craig, for your very interesting testimony. I am sure most of the other members have asked most of their questions.

We have two other witnesses, and if you will please stay, the committee will be in recess for about 10 minutes while we go vote.

[Recess.]

Mr. RARICK. The committee will come back to order.

We will resume our hearings. Our next witness is an old friend of ours, Mr. William Hagenstein, executive vice president of the Industrial Forestry Association, Portland, Oreg.

Mr. Hagenstein, we are glad to have you back with us.

**STATEMENT OF WILLIAM D. HAGENSTEIN, EXECUTIVE VICE
PRESIDENT, INDUSTRIAL FORESTRY ASSOCIATION, PORTLAND,
OREG.**

Mr. HAGENSTEIN. Thank you, Mr. Chairman. I have a statement of nine pages and two single paged exhibits. I asked my young lady to print this back to back, which she did, in the interest of saving paper and energy. I would just like to remind you that the exhibits are on the very last page, I hope that the committee does not miss them, because I am not going to detail it, but I would like to recommend that you take a look at it.

Mr. Chairman and members of the committee: My name is W. D. Hagenstein and I reside in Portland, Oreg. I am a professional forester. I am a registered professional engineer in the States of Washington and Oregon and a registered professional forester in the State of California, I am executive vice president of the Industrial Forestry Association which has been working for a permanent timber supply for the forest industry of the Douglas fir region in western Washington, western Oregon, and northwestern California for 39 years. Timber supply is our association's only function and everything we do is directed to that end.

Industrial Forestry Association consists of 125 companies and individuals in the business of growing and harvesting timber and manufacturing lumber, pulp and paper, plywood and veneer, shingles and shakes, hard and soft boards, poles and piling, doors, furniture, and other forest products. Our members operate more than 400 wood-processing plants and conduct more than 200 different logging operations in our region. They employ more than 85,000 people. The annual payroll of their employees exceeds \$800 million.

In these times of artificial shortages of energy and some real shortages of other nonrenewable resources, attention should be focused on one of the Nation's best opportunities for assuring future supplies of essential materials and services, and employment, and taxes. I refer to the Nation's major renewable natural resource—trees. They are our only renewable source of building, packaging, and communications materials. They furnish our fourth largest continuous source of basic employment. They yield the multiple bonuses, while they are being grown, of beautifying our country, maintaining our watersheds, providing favorable habitat for wildlife and furnishing the backdrop for every kind of outdoor recreation. The beauty of all this is that we know how to capture all these benefits, over and over, through the practice of my profession.

Now is no time to want to prohibit forestry, or handicap it, or practice it halfheartedly, because of its obvious promise for solution of many of the Nation's problems. This Congress has a greater opportunity than any other in the nearly 200 years of our Nation's history to take a bold step forward now by making the people of the United States realize that their own national forests are the largest, strongest and, if we will it, the most capable body of forest lands in the country to show how forestry can be practiced, should be practiced and must be practiced if our Nation is to survive and prosper.

For nearly 70 years, since the national forests were consolidated under Gifford Pinchot's leadership and following the purposes de-

creed for them by Congress in 1897, the forestry profession has looked forward to the day when this great public forestry enterprise will play its role by providing its share of the wood needs of the American people.

For more than 50 years the Congress has generously appropriated moneys to the Forest Service to learn how to practice forestry and to provide professional leadership to all other forest owners in the country by application of its own knowledge on the national forests and pointing the way by such example.

That is why we are encouraged by the obviously strong support for H.R. 11320 as evidenced by its cosponsorship by many leading Members of the House.

We are here today to support it in principle as a long overdue re-direction and remotivation of the U.S. Forest Service which has the great responsibility for managing the national forest system for its citizen stockholders.

In 1959 I appeared before this subcommittee and vigorously supported the "program for the national forests" sent to the Congress by the Secretary of Agriculture that year. It was a comprehensive long-range plan with projections of work needed to increase the productivity of the national forests to their full potential for all their resources to serve the American people. It detailed the investment needed for roads, reforestation, other forest practices, wildlife habitat improvement, recreational development, range restoration, and improvement and watershed protection. It detailed the annual operating expenditures needed to maintain and protect the investments. The estimated costs were broken down by specific functions and States so that Congress could make the decisions essential for efficient management of this greatest forest land management enterprise on Earth which belongs to the American people.

The program set a goal for placing the timber growing storehouse of the national forests in such excellent shape that by the end of this century they would be able to provide a sustained timber harvest of 20 billion board feet annually forever.

Unfortunately, for the American people, Congress never really endorsed the program by responding legislatively and telling the Secretary, "Go to it—here are your marching orders—here are the funds—now, go do the job you've been preparing to do for 50 years by your research and management experience."

The short-term timber supply crises of 1969 and 1972 raised interest again in doing something more with the national forests, but every time homebuilding slows down and lumber and plywood prices drop the interest flags and finally disappears.

However, two recent reports—the first from the President's Advisory Panel on Timber and the Environment and the Forest Service "Outlook for Timber in the United States"—encourage me to believe the day that action will actually be taken to help the Forest Service fulfill its role in helping provide America with the jobs, commodities, services, and taxes, as well as recreation, wildlife, and scenery it wants and needs, is finally at hand. As I see it, that is the main purpose of H.R. 11320.

While we are interested in all the multiple-use benefits better managed national forests will bestow to our Nation, our principal knowl-

edge is in the kind of forest management which will produce a more abundant timber supply. We have been participating for the last 3 years with the conservation coalition brought together by the American Forestry Association in appearances before the House and Senate Appropriations Committees in behalf of a better-balanced and better-funded program for the national forests. In addition to our industry, many outdoor organizations, like the National Wildlife Federation, Wildlife Management Institute, Trout Unlimited, Wilderness Society, National Association of Conservation Districts and the Sierra Club, participated. During these appearances, each of us, of course, has emphasized the aspect of national forest management of which we are most knowledgeable and in which we are most interested. But, the dominant thrust of the presentation has been strong argument on the need for a better all around job and conclusion that today's funding and funding methods just don't do the job.

For 350 years the private forests of the United States met the needs of the American people for wood. It wasn't until the national forests began to be made accessible by construction of roads into their large stands of old-growth timber as recently as the end of World War II that they began to furnish significant annual timber harvests. Since then their timber harvest has been rising continuously, although there's been a tendency in the last several years, contrary to the needs of the country with its high level of homebuilding, to fall back. If one examines the legislative history of the establishment of the national forests, it is clear that a prime purpose was fulfilling the needs of the American people for timber. Millions of acres of private forests are now growing a second and third crop of timber. Many of the trees are not yet merchantable, but are becoming so on several million acres each year. During this period when more than half of the current softwood timber supply of the United States is in the national forests, such inventory should be harvested at realistic rates while converting the land to vigorous, young forests so that one day the Nation can realize the full potential of the timber productivity of its national forests.

Just to illustrate what the potential of the national forests in our region is, as an example, I'd like to set forth a few data. First, the national forests in western Oregon and western Washington contain a commercial forest land area of 7,151,100 acres.

These lands are largely occupied by old-growth timber more than 160 years old and are not contributing much net annual growth. The gross annual growth is 2,814 million board feet, but the net is only 1,161 million. The difference is a net loss of 1,653 million board feet annually, which is called "mortality."

In an old-growth forest like ours, the allowable annual cut, which is the amount that can be harvested from the forest each year without jeopardizing the long-term timber supply, is determined by a formula which reads:

$$\text{Allowable annual cut} = \frac{\text{Volume of mature timber}}{\text{Rotation}} + \text{Increment}$$

The volume is the total inventory of merchantable timber, in our case trees 12 inches in diameter and upward. The rotation in the case of the national forests is about 100 years and the increment is the net growth occurring in stands from about 40 to 160 years of age. Stands

under 40 years are not generally considered to be adding yet to the board foot increment even though they are accruing wood which will eventually be tallied as board foot growth.

Using a generalized formula like the one above, the current allowable annual cut on the 10 national forests in our region has been calculated by the Forest Service as 3,017,700,000 board feet annually.

Mind you, the formula includes only "net growth" and is thus conservative because it makes no allowance for the potential of "capturing" the mortality which occurs in the old stands by salvage and in the young stands by thinning. To illustrate the potential of the national forests in our region, I would like to outline a few forestry facts to show how such potential would affect the allowable cut of timber from the national forests now if the Forest Service were directed, funded, and held responsible by the Congress for accomplishing the intensive forestry it knows how to practice.

In our region timber productivity is expressed as "site quality" and is indicated mathematically by the height trees attain in 100 years. The site qualities are indicated in descending order of productivity by Roman numerals from I to V. Forest Service data show that the potential yield is on the basis of net growth of unmanaged stands and which data were derived by the measurement of a good many thousands of trees in sample plots carefully inventoried as to age, height, diameter, and volume. Such data are adjusted statistically and graphically to show how much volume of timber can be produced over a given period. The growth data used in allowable cut calculations for the national forests are based upon such research.

The main weakness in these data is that with what we know now about mortality we should be calculating allowable cuts on gross growth and forestalling mortality by salvage and thinning so that as much gross growth as possible can be realized. Rather than being content with the half loaf which comes from using the wasteful net growth, we should delay no longer in getting all the soil is capable of growing. The whole purpose of applied forestry, just as in applied agriculture, is to use each site as fully as possible for the obvious advantages of an abundant supply for society's needs.

Now I'd like to outline what the forestry potential on the national forests in western Washington and western Oregon are and to interpret for you what it means in impacts on employment, business, and receipts to the counties, many of which are heavily dependent on maintenance of schools and roads by the share of national forest receipts which they receive by law. We worked it out two different ways—one by using gross growth and intensive forestry to realize it and the other by net growth and intensive forestry.

In western Oregon and western Washington the 10 national forests contain 7,150,100 acres of land classified by the Forest Service as commercial forest land which it defines as land which is capable of growing at least 20 cubic feet per acre of timber annually. The average site quality of the commercial lands of the national forests in our region is low site III (site index 130). The gross annual growth on such land is 550 board feet per acre. This is in contrast with 393 board feet per acre used by the Forest Service as the average annual gross growth for the westside national forests. With the application of genetics and fertilization, the 550 board feet per acre per year could be

increased by 15 percent to 630 board feet per acre. Multiplying the 630 board feet figure times 7,151,100 acres would yield 4,505,200,000 board feet annually, or 1,487,500,000 more than the present allowable cut of the national forests of 3,017,700,000 board feet. The economic impact of 1,487 billion board feet additional harvest in western Washington and western Oregon from the national forests is very significant. This volume would generate 14,400 basic year-long forest industry jobs. It would generate service and trade jobs in support of the basic forest industry by an additional 28,800. It would generate nearly \$900 million annually for our economy. It would generate nearly \$19 million annually to the counties based upon average national forest timber values of \$51 per thousand in fiscal 1973. [Exhibit A.]

Using the net growth approach and increasing it by thinning on 25 percent of the area increases the annual growth by 178,700,000 board feet and adding 15 percent gain for genetics and fertilization brings the total to 4,317,400,000 board feet or 1,299,700,000 board feet over the current allowable annual cut of the region's national forests of 3,017,700,000 board feet or an increase of 43 percent. The economic impact of the increase is 12,600 basic year-long forest industry jobs. Another 25,000 service and trade jobs are generated and supported by it also. It would generate nearly \$800 million annually for our economy. It would provide \$16½ million annually for county schools and roads. [Exhibit B.]

During the hearings your subcommittee held in May 1969 on the subject of better management of the national forests, Congressman John Dellenback, of Oregon, engaged in a short colloquy with then Forest Service Chief Edward P. Cliff. Because of its importance to the current discussion, I would like to quote briefly from it, as follows:

Mr. DELLENBACK. Then I have two other brief things.

Do you have any estimate of what the present timber production on the national forest is compared to the potential production under intensive management either in terms of growth or in terms of allowable cut?

Mr. CLIFF. Well, our present allowable cut, as I testified, is 11.4 billion board feet of sawtimber. This is below the potential by a considerable amount. The potential of increasing the allowable cut by reforestation, thinning, and releasing all the forest land where opportunities exist, I mentioned 4.8 million acres of that successful completion of this work would increase the growth which could be converted into increased allowable cut by 5.8 billion board feet. There are other things that can be done as getting more improved seed and planting stock for regeneration, getting control of vegetation, and some other things.

Mr. DELLENBACK. On going over your figures I would like to capsule them. You indicate that the present allowable cut of sawtimber, as you pointed out on page 14 of your testimony, in 1969 is estimated to be approximately 1.4 billion board feet. You estimate that in addition to that intensive management of national forest might yield as much as 5.8 billion board feet more?

Mr. CLIFF. Yes, sir.

This shows that the Chief of the Forest Service believed also that an increased allowable cut of nearly 51 percent on the national forests could be justified by the application of intensive forestry.

No doubt about it. With redirection, remotivation, the funds, and congressional oversight, the Forest Service can do a far better job of providing the owners of the national forests with the great variety of valuable and essential goods and services they want and need.

Let's realize the potential of our national forests—let them make their contribution to an abundant supply of homebuilding materials, packaging materials, communication materials—all without sacrific-

ing in any way the multiple use benefits of water, wildlife, recreation, and scenery.

Rehabilitation of idle land; better protection against insects, disease, and fire; salvage of dead and dying timber before it's lost to use; better access; prompt reforestation after harvest; precommercial and commercial thinning; tree improvement through genetics; fertilization; closer utilization are all practices the Forest Service has learned from its 50-year half billion dollar research. Now is the time to apply that research to America's strongest single forest land ownership—the national forests. H.R. 11320 will help do it. We urge that you report it out and get your colleagues in the House to start the new year with a bold new national forest outlook and program for the future. Our national forests can and should provide their owners—all of us—with more jobs, more timber, more grass, more wildlife, more recreation, more water, more support for local government. Give the Forest Service the green light, gentlemen, and it will perform. Keep it red and it won't.

EXHIBIT A

COMPARISON BETWEEN CURRENT AND POTENTIAL ALLOWABLE CUTS OF NATIONAL FORESTS IN WESTERN WASHINGTON AND WESTERN OREGON

Total area of commercial forest land, acres-----	7, 151, 100
Present allowable annual cut, board feet-----	3, 017, 700, 000
Gross annual growth/acre—Low site III (site index 130), board feet-----	550
Additional gross annual growth because of genetics and fertilization (15 percent) board feet-----	80
Potential allowable annual cut $(7,151,100 \times (550+80))$, board feet-----	4, 505, 200, 000
Allowable annual cut increase, board feet or 49 percent-----	1, 487, 500, 000

ANNUAL SOCIAL AND ECONOMIC IMPACT OF INCREASED ALLOWABLE ANNUAL CUT

1. Basic forest industry jobs generated-----	14, 400
2. Service and trade jobs generated and supported-----	28, 800
3. Income generated-----	\$892, 200, 000
4. County receipts generated-----	\$18, 959, 000

Basis: Gross annual growth per acre, site III (site index 140)—100 year rotation=665 fbm.¹

Gross annual growth per acre, site IV (site index 110)—100 year rotation=328 fbm.¹

¹ George R. Staebler, "Gross Yield and Mortality Tables for Fully Stocked Stands of Douglas-fir," Research Paper No. 14, U.S. Forest Service Pacific Northwest Forest and Range Experiment Station, 20 pp., illus., 1955.

EXHIBIT B

COMPARISON BETWEEN CURRENT AND POTENTIAL ANNUAL GROWTH OF NATIONAL FORESTS IN WESTERN WASHINGTON AND WESTERN OREGON

Total area of commercial forest land, acres-----	7, 151, 100
Net annual growth/acre—site III (site index 130), board feet-----	500
Additional net annual growth/acre because of thinning (20 percent), board feet-----	100
Net annual growth without thinning $(7,151,100 \times 500)$, board feet-----	3, 575, 500, 000
Net annual growth with thinning on 25 percent of area $(3,575,500,000 \text{ fbm} + 1,787,700 \text{ acres} \times 100 \text{ fbm/acre})$, board feet-----	3, 754, 300, 000
Additional net annual growth because of genetics and fertilization (15 percent) $(3,754,300,000 \times 0.15)$, board feet-----	563, 100, 000
Total net annual growth because of thinning, genetics, and fertilization, board feet-----	4, 317, 400, 000

Compared with present allowable annual cut of national forests of 3,017,700,000 fbm this is an increase of 1,299,700,000 fbm, or 43 percent.

ANNUAL SOCIAL AND ECONOMIC IMPACT OF INCREASED ALLOWABLE ANNUAL CUT

1. Basic forest industry jobs generated.....	12,600
2. Service and trade jobs generated and supported.....	25,200
3. Income generated.....	\$779,940,000
4. County receipts generated.....	\$16,573,000

Basis: Net annual growth per acre, site III (site index 140)—100-year rotation=628 fbm.¹

Net annual growth per acre, site IV (site index 110)—100-year rotation=314 fbm.¹

¹ Richard E. McArdle and Walter H. Meyer, "The Yield of Douglas Fir in the Pacific Northwest," U.S. Department of Agriculture Technical Bulletin No. 201, 74 pp., illus., rev. 1961.

Mr. RARICK. Mr. Hagenstein, we greatly appreciate your appearance this morning. You have given us your usual expert testimony on the forestry bill. I hear two bells, which means another vote.

Is Mr. Hall here? Yes.

Is Mr. Kirkmire here?

Mr. HALL. Mr. Kirkmire will not be here today.

Mr. RARICK. Well, Mr. Hall, if you will indulge me, we will stand in recess and I will go vote again and come back.

Mr. Hagenstein, we thank you again for your statement.

Mr. HAGENSTEIN. Thank you very much, Mr. Chairman.

Mr. RARICK. Mr. Ball, if you will submit your statement, we will ask that it be placed in the record.

STATEMENT OF JOHN F. HALL, VICE PRESIDENT, FORESTRY AFFAIRS, NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. Chairman and members of the committee: I am John Hall, Vice President for Forestry Affairs for the National Forest Products Association. NFPA is a federation of 26 regional, product and species associations representing the manufacturers and distributors of lumber, plywood and other wood products from coast to coast.

As you are aware, our industry is dependent on the continuing production of timber on all our Nation's forest lands if it is to provide the building and communications products needed by our Nation. We are concerned with forest management on Federal forest lands, industrially owned forest lands, and non-industrial private forest lands.

This Committee was instrumental in developing the forestry incentives program incorporated in the 1973 Farm Bill. That program when financed will provide assistance to non-industrial private forest owners and encourage improved forest management on these important forest lands.

NFPA is glad to join with a number of organizations concerned with wildlife and natural resources management in endorsing H.R. 11320. We feel strongly that two amendments to H.R. 11320 are necessary to make it advisable and effective legislation.

The forest industries and this group of organizations primarily concerned with non-commodity values and uses of forest lands are working together to obtain recognition and provision for the kind of management which will optimize the full potential of all National Forest resources on a coordinated basis.

The National Forest System has a tremendous undeveloped potential to supply substantially greater amount of goods and services than are now forthcoming. The American people need these additional goods and services, which are not now readily available due to neglect in the development of the National Forest System. Funding for coordinated resource development of the National Forests is now and also been grossly inadequate.

Separate consideration of particularly urgent public needs such as expansion of timber harvesting to meet housing material shortages has generated controversy and stress with users of other National Forest resources. Since every class of use of National Forest resources necessarily has impacts on all other classes of use, a coordinated plan for development of all resource uses is needed to avoid unproductive conflicts.

The first requisite towards realizing the full potential of the National Forest System is a comprehensive and coordinated plan of development. In order for such a plan to be effective it should be specified by statute. This should occur after scrutiny by Congress forms the basis for goals and policies for use in the annual budgetary-appropriation process. H.R. 11320 would accomplish this objective.

Overall assessment and program

Sections 3 to 7 of H.R. 11320 provide for an overall assessment of the renewable natural resource situation for the National Forest System and for the other work of the Forest Service in cooperative programs of non-Federal lands and forest research. This assessment would form the basis for development by the Forest Service of a renewable resource development program. With accompanying inventory and resource planning provisions, this portion of H.R. 11320 would provide a comprehensive, systematic, coordinated, continuing program plan for National Forest System management and the related activities of the Forest Service in research and cooperative programs on other lands.

Budgetary procedure

Section 8 of H.R. 11320 gives recognition to both the overall assessment and the resulting development program in the budgetary and appropriation process. There would be thorough coordination all the way from transmittal to the Congress of the overall assessment and program through the annual evaluation reports by the Secretary of Agriculture to the Congress. In essence, by review of the development program, Congress would establish goals and policies. Unless the President's annual budget estimates include provision for attainment of the Congressionally established goals and policies, it will be necessary to furnish an explanation of why lesser goals or policies are proposed in the President's Budget submittal.

Program direction

Section 9 is concerned with direction of Forest Service programs. It is in this area that the National Forest Products Association urges two amendments to H.R. 11320. Subsections (a) and (b) would establish the objective of an optimum management level for the authorized National Forest System uses and a goal of the year 2000 for the elimination of backlogs of needed restoration measures. Annual budgets should contain requests for funds for an orderly program to eliminate such backlogs. These are sound basic directives, which will suffice as statutory guidelines for the conduct of most of the natural resource management activities of the National Forest System. They are not adequate for timber management purposes.

The suggested amendment offered and its justification will reveal clearly the differences between timber management and that applied to other resources and why the present language will not suffice if timber productivity and regeneration are to be sustained.

Timber management directive amendment

The National Forest Products Association urges the amendment of H.R. 11320 by insertion of the following language which should appear as Section 9(b):

"(b) The objectives of management of the commercial forest lands of the National Forests which are designated for intensive timber management under multiple use plans prepared pursuant to the Act of June 12, 1960, and subject to the Act of January 1, 1970, shall be to make an optimum contribution (i.e., the most desirable output after consideration of costs and impacts) to the forest products needs of the Nation, with due consideration for environmental impacts and requirements for other uses of National Forest resources. Timber management policies shall be developed with recognition of these national needs, productivity levels of commercial forest lands in other ownership categories, and needs for maintenance of regional or local economic support: *Provided* That nothing contained in this subsection shall be interpreted to limit or otherwise affect the determination of environmental or other use impacts from timber management activities or the counter measures required to offset them."

A somewhat similar provision has appeared in previous legislative proposals. Because of past criticism, it, unfortunately, is necessary to begin the justification of this proposal by a recital of what it will not do. The proposed amendment has been attacked as a subtle means to gain an advantage or preference for timber use over other forest uses. The proviso in the amendment was developed to make

it clear such an objective was neither intended nor possible. In the land use planning and multiple use planning processes, decisions must be made on the place and priority of various forest uses. Here is where the competition among uses occurs. Such competition is proper and unavoidable. The proposed amendment is worked explicitly to be non-applicable in such areas.

This proposal has also been characterized as a means to unbalance the Multiple Use-Sustained Yield Act of 1960 and to establish the concept of dominant use for National Forest timber. Such misconceptions dissolve when an understanding is established that this proposed directive applies to how timber management is to be performed on areas duly designated for intensive management through the multiple use planning process, including obedience to limitations for environmental and other use impacts.

A management directive is needed for timber because it is a long term crop and there are scheduling options and problems in organizing the wild old growth commercial forest of the western National Forests into regulated age classes. The National Forests were so designated in 1905 and had previously been established as "Forest Reserves." They have progressed from holdings so remote that there were only minor opportunities to market timber products from them to the present situation where they carry 52 per cent of the Nation's softwood saw-timber inventory and constitute the major potential source of domestic supply to meet our lumber and associated wood product needs during the balance of this century.

While the original establishment of what is now the National Forests of the western States was strongly motivated by concern over a timber famine, it was not until 1968-69, except for wartime dislocations, that the Nation experienced a general short supply of lumber and associated wood products. During the several decades when the National Forests were marginal suppliers of stumpage, the Forest Service developed an orientation to use developing timber marketing opportunities as a means to work towards the equal age class distribution of the ideal—"normal" forest. The then current national supply situation was not a prime motivation in the management of timber properties where only marginal marketing opportunities existed.

Forest Service timber management policies have centered on maintaining uniform cutting rates in the interest of long range productivity objectives. They have demonstrated little concern over alternate sustained yield possibilities to reduce losses to mortality and decay, to increase rate of growth, and to obtain a greater stumpage output.

It is difficult to envision a basis for dissent to the establishment of an optimum contribution (i.e., the most desirable output after consideration of costs and impacts) to the forest products needs of the Nation as the objective of National Forest timber management. Such a directive would supplement rather than conflict with the provisions of the Multiple Use-Sustained Yield Act of 1960. The definition of sustained yield in that Act is very broad. This directive would further define the nature of the high level output to be achieved and maintained in perpetuity in respect to timber. The Forest Service is not now either in theory or practice using this "optimum contribution" concept as the objective of its timber management activities. And the Nation's natural resource posture is the poorer for this lack.

Road policies

Section 9(c) is concerned with forest road policies and financing on the National Forests. The National Forest Products Association urges that H.R. 11320 be amended to eliminate this entire subsection.

Forest development roads are adequately covered by provisions of Title 23 of the U.S. Code and by the Act of October 13, 1964 (16 U.S.C. 532-538). Forest development road authorization needs are now considered triennially by the Public Works Committees of the Congress. Adequacy of the Forest Development Road Program is involved in the same problems which are affecting the adequacy of other phases of National Forest development programs and center on the annual budgetary-appropriation process. The central thrust of H.R. 11320 is to attack these problems of adequacy through an overall situation assessment from which development programs are prepared for transmittal and consideration of the Congress for establishment of goals and policies for annual budget submissions. Forest development road programs are explicitly included in this process. There is therefore no need to provide a subsection for special treatment of forest development road needs.

NFPA considers the two provisos in Section 9(c) to be particularly inadvisable. The first proviso would require a reduction in timber purchaser road construction in the same amount as road appropriation requests are less than authorizations. Presumably this proviso has been developed with the belief it will force the Administration to budget the full authorization. There is no precedent or other basis to justify such a belief. If appropriated funds for roads are less than the amounts authorized, the required reduction in purchaser road construction will mean that some planned sales must be postponed. The effects of such a requirement would be to raise uncertainties over the firmness of all Forest Service sale schedule announcements. Such planned offerings would be subject to suspension to meet the requirements of this law which would be triggered by factors beyond the control of either the Forest Service or the concerned parties seeking to bid on National Forest timber offerings. When planned sales are withdrawn, there is an unavoidable inflationary effect on bidding for the remaining sales in the offering schedule. County revenues from the 25 per cent fund would unavoidably be reduced because this requirement would reduce the amount of timber which could be cut. Local economic stability would also be adversely affected. This proviso is an illogical counter productive measure. Its retention in this bill would render the entire measure unacceptable to the forest products industry and, presumably, to the constituencies dependent upon National Forest timber since they will be the principal direct victim of reduced income from Federal timber sales.

The second proviso of the subsection is also inadvisable and unnecessary. The proposition that the Secretary give due consideration to avoiding actions which may unduly impair revenues received in the use of purchaser and cooperative road construction is reasonable. If enacted into law, however, it would provide another basis for court action to upset scheduled timber sale offerings. In order to preclude such undesirable developments, NFPA urges as a minimum that this second proviso be amended by substituting a comma for the period on line 6, page 14 and adding the following language:

"but nothing herein contained shall be construed to obstruct offerings and contract awards of timber sales with provisions for purchaser road construction, the net effect of which will be to increase revenues from which such payments to counties within the National Forest System are made."

Such an amendment would eliminate NFPA's major concern with this second proviso, but we would still consider the better recourse of action to eliminate it completely.

The forest industries have been leading advocates of increased funding for forest development roads. Industry is also working to obtain efficiency and economy in the conduct of construction and maintenance of forest roads.

NFPA specifically has urged adoption of a concept of "Minimum Land Impact Roads". Our objective of that concept is to build the standard of road that will meet all planned uses of the area, but also provide the minimum possible impact on the environment. Specifically, we urge that soil disturbance be held at a minimum.

We would welcome any measure which would increase the proportion of development roads financed from public funds and which would reduce the proportions of road construction performed by timber purchasers, particularly, those where both public and private costs could be reduced as in those proposed under our minimum impact proposals. We are convinced, however, that Section 9(c) of H.R. 11320 instead of accomplishing this purpose would prove to be counter productive. We urge that Section 9(c) be eliminated from the bill.

Since the development of H.R. 11320, an event has occurred which should be brought to your attention. On November 6, Judge Robert Maxwell in the U.S. District Court for the Northern District of West Virginia, ruled that the Forest Service may sell only the "dead, matured, or large growth of trees" from the National Forests. He also held that all trees to be cut must be individually marked and that all trees cut shall be removed. The ruling came in his decision in the suit against the Forest Service brought by the West Virginia Division of the Izaak Walton League, and by the Sierra Club, and the Natural Resources Defense Council.

The complaint, which sought to block timber sales on the Monongahela National Forest in West Virginia, charged that the Forest Service was violating its basic 1897 timber sale authority by:

(1) Selling trees which were not "dead, physiologically mature, or large growth,"

- (2) selling trees that had not been individually marked, and,
- (3) not requiring the removal of all timber cut.

In reaching his decision, Judge Maxwell merely referred to dictionary definitions of the terms of the 1897 Act and found that since the terms were clear in their face that there was no need to look into the legislative history or the intent of the Act.

Judge Maxwell's literal interpretation of the words in the 1897 Act turns forest management back to the turn of the century. It is simply not possible to practice forest management under those restrictive terms. It reduces forest management merely to salvaging the dead and dying timber and makes no provision for the thinning, and stand improvement which are part of modern forest management.

While we do not suggest that S. 2296 be amended to correct the impact of Judge Maxwell's decision, it is important to notify the Congress that a legislative solution may soon be recommended in this issue.

Thank you.

APPENDIX A

PREVIOUS CONGRESSIONAL SUPPORT FOR LEGISLATION

A surge in home construction in 1968 and early 1969 resulted in shortages and runaway prices for lumber and plywood. The Banking and Currency Committees of both the House and Senate held hearings on lumber price increases in the Spring of 1969. A major conclusion from both of these hearings was that, as stated by the Senate Committee:

"The underlying and basic cause of high prices is a shortage of softwood sawtimber on the market; this shortage is, at least in part the result of an inadequate level of management of forest lands, principally by agencies of the Federal government."

On the House side, the Agriculture Committee developed a bill to establish the "National Forest timber conservation and Management Act of 1969 (H.R. 12025). The Committee Report on that bill states:

"There is not a shortage of sawtimber that cannot be met on a short term basis, but there will be a continuing shortage of timber for our construction needs in the years ahead unless the Congress acts promptly to establish and promote the intensified forest management needed to increase the harvest and sustain an augmented yield of timber on the commercial forest lands. Therefore, the first place for the Government to start is on the commercial forest lands in our National Forest—and this is an objective of H.R. 12025."

H.R. 12025 would have established a high timber yield fund from National Forest timber receipts to be used for intensive timber management, and a management directive to develop optimum timber productivity. The proposal was not enacted.

Again in 1972 increased housing activity resulted in lumber and plywood shortages and large price increases. The Senate Banking Committee held hearings on supply and prices for these products in early 1973. In June, the Committee reported out a bill which would establish the "Wood Supply and National Forest Lands Investment Act of 1973" (S. 1775). The Committee report on that bill characterizes the 1973 Committee hearings as "almost a replay of the Subcommittee's hearings of 1969 on the same subject." The Committee report continues:

"Again as was emphasized in the Subcommittee's 1969 recommendations, the long range problem is by far the most serious one. Unless softwood timber production is sharply increased, similar crises are likely to occur again at the next housing boom; and our Nation will again find itself critically short of lumber and plywood."

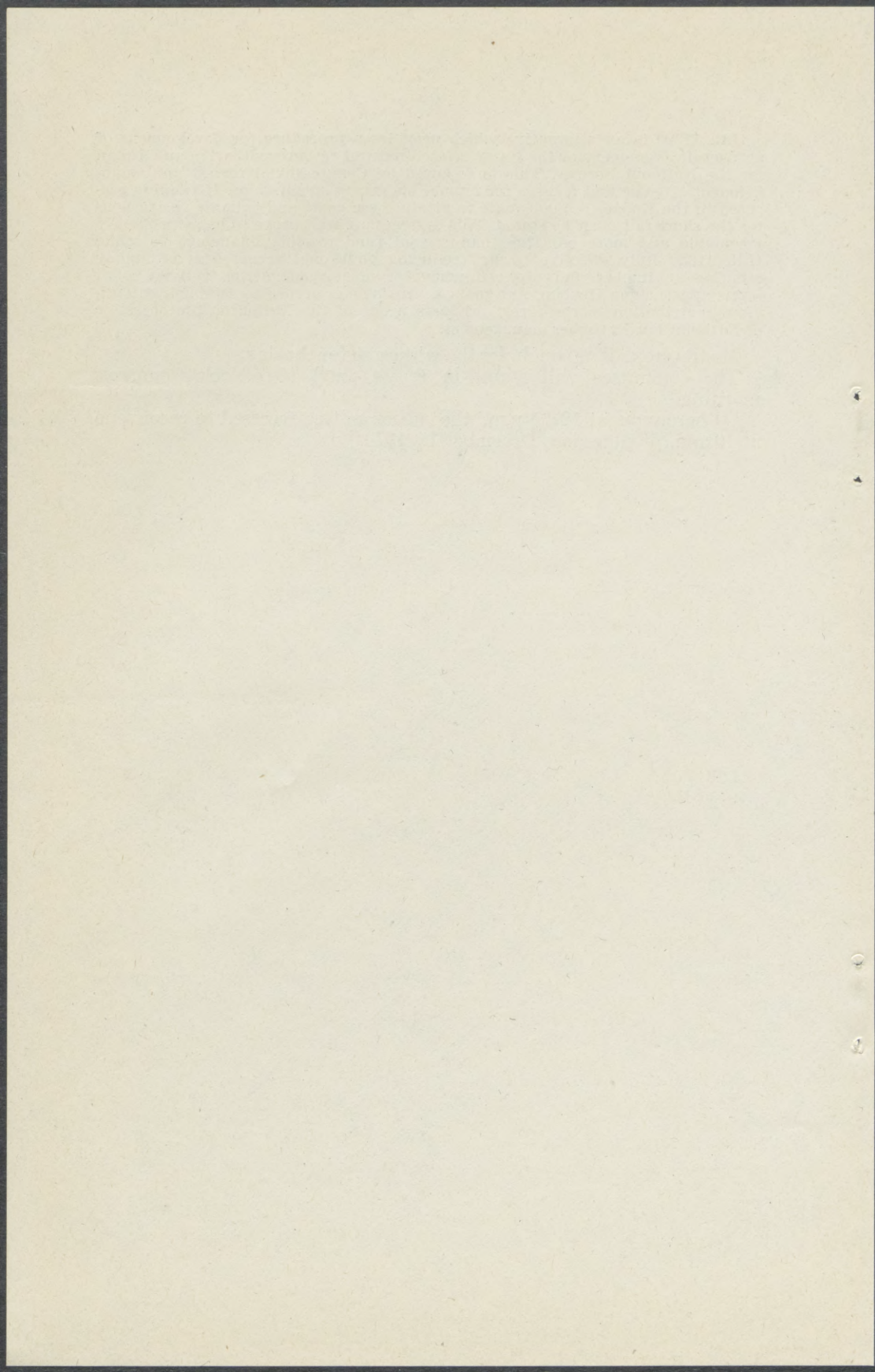
S. 1775 would establish a receipts fund to finance planning and capital investments of all National Forest resources, thus providing a means to cope with the long-range lumber supply problem without impairing use of the Nation's forests to meet conservation, environmental, and recreational needs. It also would establish an objective of optimum contribution to the forest products needs of the Nation for timber management activities on the National Forests. Provision for increased financing for National Forest development and a management directive specifying timber management goals are the two essentials to improve long term timber supply contributions from the National Forest System.

H.R. 11320 is an alternative which provides a procedure for development of an overall assessment of the forest related natural resource situation and a plan for the National Forests. This is followed by Congressional review and establishment of goals and policies for annual budgetary submissions. If funding proposed in the Budget is inadequate to attain these goals and policies, the reasons for the short fall must be stated. This system may well prove to be more readily acceptable and more effective than special fund receipts financing. To make H.R. 11320 fully effective toward reducing additional recurrences of supply crunches in lumber and plywood whenever home construction activity is at levels approaching Housing Act goals, a provision is needed to establish an optimum contribution to the forest products needs of the Nation as the objective of National Forest timber management.

Mr. RARICK. This concludes the witnesses for the day.

The committee will stand in recess until 10 o'clock tomorrow morning.

[Whereupon, at 12:05 p.m., the subcommittee recessed to reconvene at 10 a.m., Wednesday, December 12, 1973.]



FOREST AND RANGELAND ENVIRONMENTAL MANAGEMENT ACT

WEDNESDAY, DECEMBER 12, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON FORESTS
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:20 a.m., in room 1301, Longworth House Office Building, Hon. John Rarick (chairman) presiding.

Present: Representatives Rarick, Vigorito, Gunter, and Goodling.

Also present: Hyde H. Murray, associate counsel; Steve Allen and Steve Pringle, staff consultants; and Anita Brown, staff assistant.

Mr. RARICK. The committee will come to order. We will resume our hearings on the bill H.R. 11320.

The first witness this morning is Mr. Hugh Johnson, chairman of the Regional Development and Natural Resources Committee, American Institute of Architects, Washington, D.C.

Good morning, Mr. Johnson, we are glad to have you with us this morning. The House is taking a quorum call. I regret there are no more Members present, but in the meantime, I suggest you proceed.

STATEMENT OF HUGH JOHNSON, CHAIRMAN, REGIONAL DEVELOPMENT AND NATURAL RESOURCES COMMITTEE, AMERICAN INSTITUTE OF ARCHITECTS, WASHINGTON, D.C., ACCOMPANIED BY JOHN GAILLARD, ASSISTANT DIRECTOR, URBAN PROGRAMS, AIA

Mr. JOHNSON. Thank you, Mr. Chairman.

Mr. Chairman, I am Hugh B. Johnson, AIA, chairman of the Regional Development and Natural Resources Committee of the American Institute of Architects. Accompanying me are John Gaillard, assistant director of urban programs, and Nicole Gara, assistant director of congressional liaison, for the institute.

Today, the American Institute of Architects, the national society for the architectural profession representing 24,000 licensed architects, wishes to express its views on H.R. 11320, the Forest and Rangeland Environmental Management Act of 1973, and on the need for a comprehensive national forest policy.

As architects, we are concerned with the supply of lumber for construction at reasonable prices now and with timber resources for the

future. Likewise, as professionals sensitive to our total environment, we have great interest in the protection and enhancement of forest resources across the country, especially those on Federal lands.

We must qualify our support of H.R. 11320 by stating our belief that this legislation is only a beginning in the development of a comprehensive national forest management program. We strongly believe that a comprehensive forest management program that is truly national in its scope is essential if our country's lumber supply is to be increased without degradation of the natural environment of our forests. To achieve this type of national comprehensive program, we must go beyond the scope of this bill and the incentives program for forestry on private lands authorized by the Congress earlier this year in Public Law 93-86. We must also provide within our program for better management of the acres of federally owned forest land not in the national forests. And we must encourage the efficient utilization of all of the 300 million acres of privately held forest lands.

We favor the provisions of H.R. 11320 for planning and periodic review of resources in national forests and for long-range budgeting for forest management. We wish that the same attention could be given to the 9 million acres of federally owned forest land not in the national forests. For many years, the Forest Service has been operating on a less-than-adequate budget level, and recently this low level has been further reduced. A backlog of approximately 5 million acres of land in need of reforestation has existed for many years. The estimated reforestation cost of \$100 per acre would require an expenditure of \$500 million alone.

Last year the Congress recognized the need for accelerated reforestation on national forest lands by enacting Public Law 92-421, which would make \$65 million available annually through 1987 for tree-planting projects on lands in need of reforestation. We think the Congress should be equally diligent in seeing that these funds are budgeted, appropriated, and utilized efficiently by the Forest Service.

The year 2000 goal for reaching "current" status in this reforestation project seems far off. If a person who owned forest land badly in need of attention said that he would get around to doing something about it in 25 years, we would think he was lax indeed. H.R. 11320 does not mention specific funding levels, but we wish to make the point that, as far as the national forests are concerned, it is imperative that the Forest Service be given specific direction and also sufficient funds to accomplish proper forest management.

OLD GROWTH FORESTS

The term "old growth" as used here includes virgin timber or primeval forest. It also includes timber which has been very lightly cut many years ago for poles, railroad ties, or some other use that has not resulted in any apparent change in the character of the forest. Because of poor growing conditions or other factors, some old growth forests may consist of small trees with many that are dead. The term "prime old growth forest" as used here indicates forests of large trees as distinguished from grazing lands, alpine mountain tops, marsh lands, et cetera, excluding national parks and wilderness areas.

A tabulation of the 500 million acres of commercial forests of the United States is given in table I. These forests contain about 39 million acres of old growth timber. This is being lumbered at the rate of about 1 million acres per year. Approximately 5 million acres of the total is privately owned and at the present rate of cutting will be exhausted within 10 years. The other 30 million acres, 20 million of which are roadless, are in national forests and, at the present rate of cutting, will be exhausted in about 35 years.

We submit that this remaining acreage, representing only 7 percent of the total commercial timber land in the country, cannot and should not be expected to meet the future demands for lumber in the United States.

We fear that passage of H.R. 11320 could possibly result in an accelerated cutting of this old growth timber within the national forests, unless appropriate controls are added. The report of the President's Advisory Panel on Timber and the Environment contains valuable recommendations, but in our opinion it places too much emphasis on rapid liquidation of the last of the old growth timber in the national forests. The Panel report stresses the large proportion of the total standing timber in the United States that is contained in this relatively small acreage and emphasizes the amount of dead wood and rotting timber in the old growth forests, but presents these statistics without comparison with the total growth figures for the same forests. The figure for the number of Americans who die every year is staggering, but there are still a lot of us left alive.

While lumbering of old growth forests must continue to some degree, we believe it would be shortsighted to sacrifice the last of this valuable resource, particularly the "prime old growth forests," to relieve an immediate shortage. It is this old growth timber that is the great remaining heritage of the American people and we recommend that special provisions be made to insure that each acre of old growth timber, either privately owned or federally owned, will be scrutinized before it is lumbered.

In the case of privately owned old growth timber, this evaluation should weigh the possibilities of acquiring the land outright if it is adjacent to State or national parks, or procuring scenic easements to protect land close to highways, streams, or if exposed on mountain slopes where the scenic value is of particular importance. Some examples of privately owned old growth forests of this type may be found in the redwood stands of the West.

In the case of federally owned land, the same precautions should be taken. In addition, attention should be given to each parcel of land before it is lumbered to see whether it should be included in the wilderness system. After subtracting areas of federally owned old growth timber that will not be lumbered, the objective should be to stretch out the lumbering of the remaining timber as long as possible. This is the end of a process that has been continuing for 250 years.

One suggestion for insuring that the remaining heritage of old growth timber in the national forests will not be quickly liquidated is to insert in the proposed legislation a provision that the cutting plans shall, in no case, call for an increase in cutting of more than 10 percent for any 10-year period over the production of the previous 10 years.

SPECIAL PROVISIONS FOR TIMBER CUTTING ON FEDERAL LANDS

We recommend that the following controls for lumbering on Federal land be incorporated in H.R. 11320:

(a) *Multiple use.*—Timber harvesting operations shall, to the fullest extent possible, not impair the multiple-use values relating to water quality, recreation, range and forage, watershed, wildlife and plant-life, including habitat for populations of rare, endangered, disjunct, narrow range, endemic, or unique associations of species, fish, esthetics, and preservation of wilderness.

(b) *Sustained yield.*—Management units for lumbering in the national forests should require the calculation of the amount of timber that can be cut under "sustained yield" limitations be based on local units. This is to avoid cutting an excessive amount of timber in an area where growth is slow, even though the yield may be sustained by growth elsewhere in a larger unit. We suggest that these management units be quite small, no larger than one ranger district.

(c) *Roads.*—We recommend that proposed legislation required that roads must be constructed with appropriated funds, rather than permitting the construction to be accomplished by the contractor who would subtract the cost from the amount which he pays for the timber. No roads should be constructed without having first been approved by the Secretary in accordance with the planning processes set forth in this bill. Road construction is one of the problems listed by the Chief Forester in his June 14, 1972 report, "National Forests in a Quality Environment." We suggest that the Congress, through the provisions of H.R. 11320 and by means of the appropriations procedure, support the Forest Service in solving this problem and others described in that excellent report.

(d) *Clear-cutting.*—We understand that clear-cutting is a necessary and desirable way of harvesting certain kinds of timber in certain locations and that a great deal of very careless clear-cutting has occurred in recent years on both private lands and national forests. The word "careless" is used here without intending to impugn at motive or intention of professional foresters where their advice has produced bad results. Some of the devastation may have been caused by carelessness. Certainly other bad results have come from good intentions but lack of foresight. Both of them are equally disastrous and the resulting destruction has caused a public outcry. Many investigations have been made and reports given detailing information about large areas that have been clear-cut on steep slopes or unstable soils that have resulted in complete destruction of the land very similar to that resulting from strip mining.

There is no doubt that the Forest Service has both the intention and the capability of carrying on clear-cutting, as well as other methods of silviculture, in a way that will protect the environment. Nevertheless, the public outcry about destructive clear-cutting has been so great, and the controversy so far-reaching, that we recommend that regulations regarding clearcutting be included in this legislation.

Guidelines for clear-cutting prepared by the Forest Service and by others generally stipulate that clear-cutting areas be "small" or that they be "strips" or "patches." It is understandably difficult to put precise dimensions on such plots, since the constraints should be partly

based on esthetics and must take into account topography, soil character, and many other variables.

Nevertheless, in spite of all warnings and guidelines, enormous single clear-cuts are still being made in 1973. It appears essential that Congress limit these areas and that such limitations require renegotiation of existing contracts, some of which will run for a number of years.

An example is given of a relatively small clear-cut in a National forest observed in November of last year and continuing at this time, with vistas 2 miles in length and a half mile wide, extending across a valley from ridge to ridge. This results in a landscape of stumps as far as the eye can see and even though only 600 or 700 acres are involved, the cut is far too large.

If and when all of the necessary clearcutting reforms are made in order to abide by the "multiple use" requirements of the law, there will still remain questions as to the type of planting and forest development which will follow clearcutting. Where the original forest is a pure stand of one species, such as Douglas fir or Sitka spruce, it is assumed that the same timber will be planted. Much of the criticism of clearcutting in the Southeastern States centers on the practice of clearcutting fine stands of mixed hardwoods and replacing them with pine plantations. On the other hand, some lumbering operations have cut the best trees and have left the rest. In the Eastern States, this has led to the growth of nothing but shade-tolerant species, such as hemlock and beech. Under this reasoning, it is necessary to clearcut in order to successfully grow mixed hardwoods.

These two sides to the question of even-age growth forests indicate the complexity of the subject and the need for careful attention by professional foresters to each situation. We urge that Federal legislation encourage State forest planning authorities to concern themselves with all aspects of forest management, including both the production of a maximum quantity of timber and the development of desirable forests for the long-range future rather than a quick cash crop.

It may be assumed that the thousands of years of natural selection which occurred before lumbering began in the United States resulted in a forest stand best suited to the land and climate. This indicates that regeneration efforts should be directed toward producing similar stands.

In order to insure that reforms instituted by the Forest Service are permanent and to relieve the minds of the public who are concerned with past mistakes, we recommend that specific guidelines on clearcutting be added to the present legislation. We recommend that these guidelines include those given under "Harvesting guidelines," page 9 of "Clearcutting on Federal timberlands," report of the Senate Interior Subcommittee on Public Lands, March 1972, as follows:

2. *Harvesting limitations.*—Clear-cutting should not be used as cutting method on federal land areas where:

- a. Soil, slope, or other watershed conditions are fragile and subject to major injury.
- b. There is no assurance that the area can be adequately restocked within five years after harvest.
- c. Aesthetic values outweigh other considerations.
- d. The method is preferred only because it will give the greatest dollar return or the greatest unit output.

3. *Clear-cutting should be used only where:*

- a. It is determined to be silviculturally essential to accomplish the relevant forest management objectives.
- b. The size of clear-cut blocks, patches, or strips are kept at the minimum necessary to accomplish silvicultural or other multiple-use forest management objectives.
- c. A multidisciplinary review has first been made of the potential environmental, biological, aesthetic, engineering, and economic impacts on each sale area.
- d. Clear-cut blocks, patches, or strips are, in all cases, shaped and blended as much as possible with the natural terrain."

We recommend that the following be added to the subcommittee report recommendations:

Size of clear-cut areas: Add at the end of paragraph (b) :

and where, in any case, the size of the block or patch does not exceed 50 acres and that the width of strips does not exceed 500 feet.

Multidisciplinary review: Add at the end of paragraph (c) :

with particular regard to areas where, due to winds, high altitudes, lack of rainfall, or soil conditions, future germination and reforestation may be difficult.

FORESTRY INCENTIVES PROGRAM

It is clear that the long-range supply of lumber for the United States is dependent upon improved management of forest lands that have already been lumbered one or more times. It is also clear that most of this production must come from privately owned land, although regeneration and proper management of public forests is also important. A very large proportion of the privately owned land is in small tracts that have been neglected and are in need of good forest management. Sixty percent of the total commercial forest of the United States is privately owned. We believe that better management and production on these 300 million acres should be encouraged by a forestry incentives program.

The Senate Interior and Insular Affairs Subcommittee on Public Lands held extensive hearings in 1971 on both "Management Practices on Public Lands" and "Clearcutting in the National Forests." Literally hundreds of professional foresters, private landowners, and professors testified at these hearings in support of the forestry incentives provisions of the proposed "American Forestry Act" (S. 350, introduced in the first session of the 92d Congress by Senator Mark Hatfield).

A quick comparison of the forestry incentives program proposed in that bill and the one authorized by the Congress this year in Public Law 93-86 indicates that the broad scope and larger objectives of the earlier legislation have been reduced. For example, instead of providing forestry incentives for tracts up to 5,000 acres in size, Public Law 93-86 provides incentives for tracts up to only 500 acres. The President's Advisory Panel Report states that the minimum size forest for efficient management is 1,250 acres within an area of 4 square miles. The report goes on to recommend a Federal program to encourage consolidation of small pieces on a ground rent basis to reach that size.

The 1971 American Forestry Act would have provided for Federal matching grants to States on the basis of a statewide plan submitted to the Secretary of Agriculture. The provisions for incentives pay-

ments in Public Law 93-86, however, may be applied on a selective basis, in a county-by-county program within the State. The latter procedure loses the advantages of a statewide program for better timber production which might be widely advertised and promoted. Much of the testimony on the forestry incentives program presented at those hearings suggested that the Federal payments be increased from 50 percent to as high as 80 percent, because of the fear that the States could not or would not provide much in payments.

We recommend that a national forestry incentives program include the following specific provisions:

(a) *Condition of forest.*—That assistance be limited to initial stocking and continued management of those acreages which are, in the judgment of the Secretary, nonstocked or poorly stocked on the date of enactment of the legislation.

(b) *Size of forest tracts.*—In any one year, the acreage under one ownership eligible for reforestation shall be limited to any one tract or combination of tracts not exceeding 5,000 acres and such other limitations as may be imposed by the State. This acreage shall be State-owned land and nonindustrial private land under the private ownership.

(c) *Forest tree nurseries.*—Where the State determines that present facilities are inadequate for producing tree planting stock to meet reforestation requirements of the legislation, the development or expansion of new or existing State forest tree nurseries should be authorized.

(d) *Forest environment education and technical assistance.*—To complement and support existing programs, the Federal Government should encourage States to develop forestry education and technical assistance plans to:

(1) provide a better public understanding of the forest environment through primary and secondary education programs, and

(2) provide expanded technical assistance on non-Federal forest lands to improve management and the environment.

(e) *Clearcutting on private lands.*—It is recommended that the proposed legislation stipulate that plans submitted by States include objectives regarding the type of forest to be developed under such State and Federal assistance, particularly where clearcutting is involved, and that public participation in these decisions is invited through citizen organizations, hearings, or by other means.

(f) *Licensing of foresters.*—We suggest that each State be encouraged to establish requirements for licensing by the State of all foresters working within the State in accordance with Federal Government criteria. The public reaction against destructive cutting practices has placed foresters in general under suspicion. Licensing will help identify properly qualified foresters and add a greater professionalism where it is needed.

Mr. Chairman, our reason for mentioning this matter at this time is that we feel it is of great importance that a forestry incentives program be instituted that will be successful in stimulating interest in good forest management and timber production in all of the forest States as soon as possible. We are faced with a management problem on 300 million acres of underproductive land at this time. We doubt that it can be solved with less than the best forces we can command.

Thank you for this opportunity to comment on H.R. 11320, the Forest and Rangeland Environmental Management Act of 1973, and to express our concerns about the need for a comprehensive national forest policy.

TABLE I.—*Commercial forests of the United States*

		<i>Millions of acres</i>
A. Federal lands:		
National forests.....		92
Bureau of Land Management.....		5
Miscellaneous		4
Total (20 percent).....		101
B. Lands other than Federal under forest management:		
State and county.....		29
Private industrial forests.....		68
Total (19 percent).....		97
C. Forest land generally in need of management:		
Farm forests.....		131
Indian forests.....		6
Miscellaneous private lands.....		165
Total (61 percent).....		302
Grand total (100 percent).....		500

Mr. RARICK. Thank you very much, Mr. Johnson, for a very comprehensive and fine statement.

If you read the paper this morning, you saw the story about 13 million Americans living in what some bureaucrats say are substandard homes, yet none of the programs that we bring out are fully funded. The forestry incentives program was a pilot plan to prove that we could grow timber—it called for an authorization of \$25 million. We have not gotten a cent. Through some juggling of figures, we understand that it has been funded to the tune of \$10 million. But while Americans go without homes and timber programs go without funding, last night, the House passed a foreign aid bill authorizing \$5.8 billion for our friends overseas, and a new trade bill which says that we are now going to generously supply the world with our agricultural products. Sometime we are going to have to get back to the objective of American people and take care of our own folks first.

But I do appreciate your statement and the suggestions you have given.

Do you have any questions, Mr. Goodling?

Mr. GOODLING. No questions, Mr. Chairman.

Mr. RARICK. Mr. Gunter?

Mr. GUNTER. Mr. Chairman.

I only want to say, Mr. Johnson, that I am very pleased that you and the leadership of the architectural profession have taken the opportunity to address yourself to this issue. I think it is well that you and members of your profession take due note of this situation which we think should be a priority consideration in establishing the policies of our Government. So I commend you, sir, for a fine statement.

Mr. JOHNSON. Thank you very much.

Thank you, Mr. Rarick, for your comments. I hope that we can help in this effort to obtain the proper resources to manage our forests, because, as we said here, we think it would be very shortsighted to simply eliminate the last of the national forests while we need a great effort to improve forests all over the country.

Thank you.

Mr. RARICK. We thank you and I am sure your presence here this morning is an indication of your support.

Mr. JOHNSON. Thank you.

Mr. RARICK. Our next witness this morning is Mr. William E. Towell, executive vice president of the American Forestry Association.

We are glad to have you with us, Mr. Towell, and we look forward to receiving your testimony.

STATEMENT OF WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT, AMERICAN FORESTRY ASSOCIATION, WASHINGTON, D.C.

Mr. TOWELL. Thank you, Mr. Chairman. Good morning.

Mr. Chairman, I am William E. Towell, executive vice president of the American Forestry Association, a national citizen's conservation organization working in behalf of the Nation's forest resources for over 98 years. Currently, we are seeking ways to achieve balanced use and higher funding for all forests of America. H.R. 11320 is one of several bills before the Congress that might help achieve these objectives. We support it in principle, if not in every detail.

There would be no need for this legislation if forestry programs in America were adequately planned and financed. Since they are not, we will support any reasonable effort to achieve better balance in planned use and more money for intensive management. H.R. 11320 seems somewhat lengthy and complicated, but if it will accomplish desired objectives it will be a major step forward.

One highly desirable provision of H.R. 11320 is contained in section 2(f) which declares that the Forest Service has a responsibility for integrated forestry programs on both public and private lands and that national forest management goals, research, and aid to private and State forest lands must be maintained by the agency on an integrated basis. The Forest Service should have an overall responsibility for forestry in America, and I am pleased to see it spelled out so clearly.

Section 3 provides for a renewable resource assessment, apparently an assessment or inventory of all renewable resources on all lands. Perhaps this is too broad. How would it relate to the existing forest survey? I can see problems resulting from the Secretary of Agriculture being given the responsibility for survey and analysis of all renewable resources of the United States, its territories, and possessions. The Department of Interior, for example, has primary responsibility for fish and wildlife, and even the Bureau of Sport Fisheries and Wildlife is having its jurisdictional problems with the States. This assessment authority might further complicate the matter. If air, water, and soil are part of the renewable resource assessment responsibility, the task nationwide becomes awesome in its scope. I would recommend that the renewable resource assessment authority be limited

to national forest lands and to State and private forests in cooperation with the States.

Long-range program planning by decades, as provided in section 4, is good if it is limited to forestry and forest-related resources. It should be clearly understood, however, that program detail may be complete for the first 10-year period but less exact for later decades. Long-range planning represents goals to be achieved but must allow flexibility for changing needs and emphasis.

Sections 5 and 6 relate only to national forest inventory and planning and represent nothing new over what now is being done. Both are essential to good management and should be coordinated with State and local government plans. The interdisciplinary approach is now routine in national forest planning.

Section 7 directs the Secretary to utilize the assessment and other programs to assist the States and other organizations in planning the protection, use, and management of renewable resources on non-Federal lands. Again, it is highly desirable for the U.S. Forest Service to assume some responsibility for all forests, private as well as public.

It is sections 8 and 9 that get to the very heart of the forestry problem—funding and management. The American Forestry Association has been seeking solutions to these needs for a long time. We will support any effort that is honest and does not establish any one use as a priority or as dominant over other uses. It may not be too realistic to expect the administration to adhere to a funding policy established by a congressional committee, but it might work. Public hearings on the assessment and a congressional budget policy are good, but the Office of Management and Budget might be reluctant to ask for the needed funds or to explain why it failed to do so. I see possibilities of further conflicts between the executive and legislative branches of the Government under this procedure. Certainly, the Secretary should report to the Congress progress as related to the assessment.

Section 9 directs the Secretary to determine optimum management levels for all products and uses of the national forests and to set annual or periodic harvest levels for each. Much of this work already has been done in the Forest Service's "Environmental Program for the Future," soon to be released. The big obstacles are manpower and funding. Without both, nothing much is going to happen. Hopefully, this or similar legislation will help. The year 2000 seems realistic enough as a target date for catching up on the backlog. At least, it is something to work toward rather than falling further behind each year as we are now doing.

The transportation system for the national forests is a very complex and controversial subject. Whether roads are built by direct congressional appropriations or by private contract as a part of timber sale performance influences the total cost and the amount paid to counties from timber sales receipts. The Forest Service should have the flexibility and the option to select the best method for financing road construction and maintenance.

The final section 10 is an attempt to provide the Forest Service with a field organization suited to its own needs so as to provide the optimum level of convenient, useful services to the public. Hopefully, this will rule out further attempts to reorganize the field offices of the

Forest Service to fit some standard pattern for all Federal agencies but with little regard for the needs of the agency. This should be an administrative determination in any case and not done by either congressional or executive edict.

Again, Mr. Chairman, we support the objectives of H.R. 11320 and hope these brief comments will be of some small help to you and the committee. Thank you for the opportunity to appear.

Mr. RARICK. Thank you very much, Mr. Towell, for your statement and your recommendations as to improving this legislation. I agree with you that at this time anything we can do would be a move toward progress.

Mr. Goodling?

Mr. GOODLING. No questions, Mr. Chairman.

Mr. RARICK. We appreciate your presence, sir.

Our next witness is Mr. H. R. Glascock, Jr., executive vice president, Society of American Foresters, in Washington.

Mr. Glascock, we are happy to have you with us this morning and look forward to your testimony.

**STATEMENT OF H. R. GLASCOCK, JR., EXECUTIVE VICE PRESIDENT,
SOCIETY OF AMERICAN FORESTERS, WASHINGTON, D.C.**

Mr. GLASCOCK. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, I am H. R. Glascock, Jr., executive vice president of the Society of American Foresters. The forest and intermingled nonforest lands which occupy one-third of our Nation's area are vital to the social, economic, and spiritual well-being of the American people. These lands, together with the natural resources on and in association with them, are the subject matter of the more than 18,000 forestry professionals who make up the Society of American Foresters. The resource professionals who are members are of diverse disciplines and experience, and are half publicly and half privately employed. We are organized nationally into 27 working groups in six subject areas: forest resources measurements, forest resources protection, forest ecology and biology, silviculture, managerial and social sciences, and forest products and utilization. Among the largest and most active of these working groups are those on surveys and inventory, forest ecology and influences, land use planning and design, and forest land organization, management, and administration.

The society is therefore vitally interested in the proposed Forest and Rangeland Environmental Management Act of 1973. The treatment in this legislation of the broad range of renewable forest resources and the people's right to sustainable benefits therefrom is commendable. Forests receive, store, and make available most of the Nation's water. Forest lands produce the Nation's requirements for wood, a major renewable and highly versatile raw material. Forest vegetation stabilizes soil, has a moderating effect on local climate, reduces sound and air pollutants, and helps maintain atmospheric oxygen-carbon dioxide balances. Recreation, covering a wide spectrum of individual and group activities, has become a major use of forest lands. Forests provide the habitat for wildlife and fish, which are also

major, renewable forest resources. Certain forest lands provide the forage to help feed large populations of domestic livestock.

The key question about forest lands, public or private, is: How should their management and use be planned, organized, funded and regulated to achieve the objectives of management? The society believes that accurate inventories of all forest resources are essential to forest land management and should receive high priority. Reliable information on the quantity, quality, condition, and value of forest resources should guide public and private forest managers and the public in planning forest land uses and in the development of forest policies and programs. Surveys and economic assessments of forest land, soil, water, timber, forage, wildlife and recreation resource supplies and prospective consumption should be made sufficiently often to keep data current. The society has been frustrated that comparable surveys have not been conducted of all forest resources. Thus, the society is most favorable to the rightful emphasis in the present legislation on making and keeping current surveys and analyses of the supply and demand for all forest resources.

The society believes that the uses of forest lands should be professionally planned to promote long-term continuity of forest ecosystems, efficient use of forest resources and optimal benefits for all the people. Forest land-use planning, we believe, should consider all potential land uses and benefits, land capabilities to meet different demands on a sustained basis, degrees of compatibility among uses, and costs and benefits of different use combinations over time. Forest land-use planning by Government should involve forestry professionals, public officials and the general public. We are glad to see that the proposed Forest and Rangeland Environmental Act provides for development and maintenance of land use plans through "a systematic, interdisciplinary approach to achieve integrated consideration of physical, economic, biological, and social sciences."

Finally, the society is concerned about sustained funding for high-quality professional resources management in all of its phases, including research and its application, inventory and analysis, planning, and prescription and supervision of practices. While we are not expert in how much sustained funding should be arranged, we believe these functions should be financed in relation to the public values involved in each case. Such funding applied to high-quality professional supervision of forest practices at the action end of forestry should go a long way toward preventing misapplications and abuses of forest practices on Federal lands. The society is pleased to see that this legislation addresses itself to the problem and necessity for sustained funding.

In conclusion, the Society of American Foresters supports in principle the proposed Forest and Rangeland Environmental Management Act and commends to Congress early enactment of legislation along its lines.

We appreciate very much sir the opportunity to make these views known to this policymaking body. Thank you.

Mr. RARICK. We certainly thank you very much, Mr. Glascock.

Mr. Goodling, any questions?

Mr. GOODLING. No questions, Mr. Chairman.

Mr. RARICK. We thank you very much for your appearance this morning.

Our next witness is Mr. Brock Evans, director of the Washington office of the Sierra Club, Washington, D.C.

Mr. Evans, we are happy to have you here this morning and look forward to receiving your statement.

**STATEMENT OF BROCK EVANS, DIRECTOR, WASHINGTON OFFICE,
SIERRA CLUB, WASHINGTON, D.C.**

Mr. EVANS. Thank you very much, Mr. Chairman. We deeply appreciate the opportunity to be here.

Before I begin, I wonder if I might offer for the record the statement of Mr. George Alderson, legislative director of the Friends of the Earth. He, I believe, is the next witness after myself. He is not going to be able to come, and he asked me if I might deliver his statement to you.

Mr. RARICK. Without objection, the statement of Mr. George Alderson of the Friends of the Earth will be placed in the proceedings after your statement.

Mr. EVANS. Thank you very much.

Mr. Chairman, I sincerely appreciate the opportunity to testify today on this legislation. I am authorized to speak on behalf of not only the Sierra Club but also the Federation of Western Outdoor Clubs, a coalition of some 50-member outdoor-oriented organizations located in eight Western States, from Utah to southeast Alaska, with a membership of more than 180,000 persons.

Both organizations for a very long time have been deeply and vitally interested in and concerned with the fate of our national forests. The Sierra Club, in its early days, had a great deal to do with the passage of the Organic Act of 1897, and the establishment of the Forest Service itself in the years 1905-07. And both organizations were closely associated with the effort to pass the Multiple Use-Sustained Yield Act of 1960, and of course the National Environmental Policy Act of 1969. Throughout all these years, Mr. Chairman, we have been intimately involved on a day-to-day basis with the management decisions of the U.S. Forest Service.

Our basic policy is that the Organic Act, the Multiple Use Act, and the other laws under which the Forest Service currently operates provide a sound basis for careful and conservative management policies on the part of the Forest Service. These laws protect all the resources to be found on the national forests. We believe it is the plain intent of these acts, and it is so stated, that no single resource shall be emphasized and developed, utilized or extracted over any other; rather, a careful balancing process shall always take place.

We do feel, unfortunately, however, that, despite the plain mandate of these laws, the overwhelming emphasis of Forest Service management policies, budget requests and authorizations appears to be in favor of timber production—often at the expense of the other equally important uses. Particularly the wilderness, scenic and recreation resources of the public forests have suffered over the past 20 years as a result of this policy.

As an example I was the northwest representative for our organizations for the years 1967 through early this year. I have estimated that in the years 1950-70, in the State of Washington alone, at least 4 million acres of formerly wilderness lands in the national forests were removed from that status by the timber-oriented policies of the Forest Service, very often over the strenuous protest of local environmentalists. This same situation prevails elsewhere throughout the west. While there may have been some changes recently, the overwhelming emphasis is still upon timber first.

Since we see the public forests as the major repository of what scenic esthetic and recreational resources remain, we have consistently advocated that these resources be protected wherever possible. We have pointed out that the major efforts to increase timber production should be directed to private lands, which in general do not provide scenic, esthetic, and recreational resources.

That is why we are here. It is important to consider this background of policy, past legislation, and emphasis of the management agencies, in order to realize why we are here today and what must be done in the future. As we look at the last decade or so, one fundamental fact stands out in direct relation to the future of the national forests. That the private timber industry in the West, particularly in the Northwest, has severely overcut and depleted its own lands. According to "The Douglas-fir Supply Study" of the Forest Service (1969)—

Continuation of current trends of private log production in western Oregon and southwest Washington could lead to a 65-percent reduction in the annual private harvests within 30 years, or a decline of 2.6 billion board feet.

And, to further quote former USFS Chief, Edward Cliff, in that same year:

In the West, where most of the softwood lumber and plywood is produced, the softwood resources in private ownership are being overcut. Log supplies from these lands must decline substantially over the next few decades.¹

And to bring it up to date, we have the following statement from "The Outlook for Timber in the United States," final version (USFS, October 1973):

Roundwood timber harvest on forest industry lands showed a slight downward trend in the 1952-70 period to 10.6 billion board feet. However, substantial changes occurred internally within the Pacific coast area. Most striking was an 85 percent increase in harvests, mainly in young growth forests, on industry lands in western Washington, in contrast to a 25-percent reduction in western Oregon and a 30-percent reduction in California. The sharp drop in timber harvests in these latter areas reflected past heavy cutting on industry lands and resulting depletion of inventory (p. 82).

What does this tell us? Based upon these alarming indications that there has been serious overcutting on private lands, and the more alarming predictions for the future, the director of the USFS Northwest Forest and Range Experiment Station this summer predicted a drop in employment in the wood products industries in the Douglas-fir region of about 45 percent—or nearly 55,000 jobs.

This is the magnitude of the disaster now facing us, and it has a direct implication for the national forests. It explains the enormous

¹ Testimony before U.S. Senate Banking and Currency Committee, March 21, 1969.

pressure now being generated by the private forest industry on the national forests, to make them cut and overcut beyond rates which can be sustained under proper multiple-use management, as required by make up for the mismanagement of the private forests. This explains their efforts to get the Timber Supply Act passed in 1970, and it explains the many actions taken by the current administration to boost the cutting rates of the national forests far beyond anything that can be sustained under proper multiple-use management, as required by law.

This is why we are deeply concerned that neither this proposed legislation, nor any other, become the vehicle for the private timber industry to make the public forests the scapegoat for the mismanagement of their own lands to the west. The public forests were not intended to and can never be simply "tree farms" for the benefit of this industry. They are, again, we feel, the last repositories of all the other resources which are protected by law and which are still possible to manage properly in most of the Nation. We look to the national forests, and not to private lands, to produce high quality water, wildlife habitat, and superlative recreation, scenic, and wilderness resources. We cannot let these resources be devastated by the private industry after they have finished with their own lands.

This legislation: All above is also a part of the background of why we are here, Mr. Chairman. We know it is not your intent nor that of the committee that this legislation become the vehicle for vastly accelerating timber production in the national forests, at the expense of the other values, or for making the national forests pay the price for private industry mismanagement. But, as we read it, the legislation before us could be construed to have this effect. Therefore, in order that it not have this result, we think it is imperative that it be amended in several key respects.

H.R. 11320, in essence, appears to be legislation to establish a process, as opposed to a definitive policy, for the national forests. However, for reasons which we shall address shortly, it could trigger large scale overcutting and severe destruction of other resources, if it were not amended.

The first part of the bill is a Findings section, which defines some resources as renewable and others as nonrenewable; it then states that the Forest Service has an obligation to manage and inventory its lands in such a way that a "full yield of benefits and resources" as set forth in the 1960 Multiple Use Act be achieved. One of the major difficulties with this section is that it defines as "renewable resources" only air, soil, water, plants, and animals—that is, the traditional resources that we have always thought of in an economic sense. Such things as wilderness and scenic beauty which are also recognized as resources in some sense and are recognized in the Multiple Use Act, are not mentioned.

Section 3 requires a "renewable resource situation assessment," whereby the Secretary of Agriculture every 5 to 10 years "discusses" present and anticipated demand and supply for these resources, "with consideration of the international resource situation * * *." He is to inventory all present and potential renewable resources and opportunities for improving their yield, with an emphasis on pertinent sup-

ply and demand trends. This is an important section because everything else is based upon it.

Section 4 directs the Secretary to prepare and keep current a "renewable resource program," in relation to the findings of the assessment, for the protection, management, and development of the National Forest System.

Section 5 requires a continuing comprehensive and detailed inventory of all national forest system lands and renewable resources, and section 6 requires that as a part of this program, the Secretary "shall develop, maintain, and as appropriate, revise land and resource plans for units of the National Forest System."

Section 7 requires cooperation with State and other organizations, "in proposing the planning for the protection, use, and management of renewable resources on non-Federal land. Section 8 sets forth a planning process for public participation, as the Secretary "deems appropriate." And then it provides that the Congress itself shall hold public hearings on the assessment and program and establish a statement of policy which shall be a guide in framing future Forest Service budgets. There is also a provision for a periodic review by Congress of the statement of policy developed. The President then, in formulating his budget, shall generally be required to follow the resolution, or to justify why he is requesting lesser amounts. The Secretary shall also furnish annual evaluation reports.

Section 9 requires the Secretary to develop an "optimum management level" for fish, wildlife, grazing, recreation, soil, timber, water, and "other authorized uses" of each national forest management unit, and to further determine annual or periodic projected harvest or use levels for each 5-year period. And, the year 2000 is set as the target year "when the renewable resources of the national forests shall be in an operating posture whereby . . . the major portion of planned intensive management procedures shall be installed and operating on an environmentally sound basis." There is a provision for road construction in this section as well.

Finally, section 10 requires that the field offices of the Forest Service basically be kept in the rural areas where they are now.

Weaknesses of the legislation: In the above analysis, we have quoted in part some of the phrases which have given us pause and concern. In essence, the legislation first would require an assessment of all the renewable resources, as defined in the act. The program would then be prepared by the Secretary for management of the national forests, based upon the findings of the assessment. After a public participation process, the Congress would establish a policy resolution which would form the basis of future budgets and programs. And, the Secretary would develop an "optimum level" for all the uses of the national forests.

Four of the major weaknesses which we see in the bill are:

- (1) No reference at all to the critical overcut situation on private timberlands, which directly affects the public forests.
- (2) No mention of wilderness and scenic beauty, although it refers specifically to other resources in the national forests.
- (3) No attempt to require interim progress reports on reforestation of stripped national forest lands, between 5-year programs.
- (4) No protection against overcutting the forests.

First of all, the private timberland situation is the most critical we face right now. We have already pointed out the data of the Forest Service which shows that private lands in the West are being severely overcut. That is the reason for the pressure now being brought to bear on the public forests. This tragic situation directly relates to H.R. 11320 because it is obvious that the required assessment would disclose what everyone knows—that private lands are being severely mismanaged and overcut.

If this bill contains any language which could be construed to require the Secretary to develop a program based upon the depletion of private inventories, then it will lead to a sharp boost in the already-too-high annual cut of the forest. And this will destroy the other values of the forests.

We believe it is imperative that this legislation make a finding that private inventories have been severely depleted, and make a further finding or legislative statement that the Secretary shall not base his program upon any need to "take up the slack" due to private overcutting. While we believe that most old growth areas should be allowed to renew themselves naturally, we also maintain that the size of any tree harvest should be determined by sound forest management practices and not by market demand.

As to the second matter, we feel it is equally imperative that wilderness and scenic beauty be specifically mentioned and recognized as resources, whether renewable or not, which must be inventoried and protected by the Secretary. Any such references to these critically important resources are now in the bill only by indirect reference. There is nothing directly requiring the Secretary to recognize or protect them. They do not, as the bill stands now, have a status equal to that of timber or the other identifiable resources. Yet these values are most directly affected by any "increase in output" of timber and are in real danger of being diminished if this legislation passes as is. Thirdly, this bill offers a rare opportunity to oversee and spur on the efforts of the Forest Service to restore the millions of acres of barren former forest land. J. R. McGuire, Chief of the Forest Service, testified on the supplemental appropriations bill of 1974, on November 6, 1973, before the Subcommittee on the Department of the Interior and Related Agencies, of the House Committee on Appropriations. Mr. McGuire stated that 5 million acres have been cut, burned, or infested and constitute the current need for restoration (hearing record, pt. 2, p. 32). He noted (p. 72) that the fiscal year 1974 program calls for the replanting of only 165,099 acres.

Clearly, Congress should require an annual minimum level of replanting, with a biennial status report of acreage in need of restoration. The bill before us today could and should become the vehicle for a more intensified reforestation program.

Finally, we think it is imperative that the public forests be protected against pressures for any drastic and sudden increase in the output of any resources. We think such protection must be written into the law, along the lines of our proposed amendment No. 3, which would state plainly that no program shall call for an increase in the output of resources of more than 10 percent per decade over the previous program. Adoption of this amendment would insure against any overcutting which might be based upon the findings of an assessment.

We urge adoption of our amendments Nos. 6 and 7 to reaffirm the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. 528-531). As presently written, H.R. 11320 would implement the controversial Seaton report recommendations to speed up cutting of old-growth timber. Yet Forest Service Chief McGuire himself testified on November 6, 1973, before the Interior Subcommittee of the House Appropriations Committee (hearing record, pt. 2, p. 36) that, "We think that it would be a mistake, if not illegal, for us to highlight timber production as the dominant use of some 80 or 90 million acres of the national forest system."

Conclusion: We have submitted a list of proposed amendments, incorporated herein by reference as exhibit A. They set forth the essence of the ideas we have recommended here. We strongly urge their adoption, so that if this bill passes, it will then adequately protect all the values of the public forests.

It should be pointed out that we see little in this legislation that provides anything new that the Forest Service or the Secretary does not already have. While we commend the good intentions behind the desire to write a new set of procedures, we only hope that they can be strengthened to make sure that this bill does not become simply one more vehicle for turning our public forest lands over to the private timber industry.

EXHIBIT A

PROPOSED AMENDMENTS TO H.R. 11320

1. Page 1, section 2(a), lines 7 and 8: Strike the wording of the entire section and substitute the following:

The air, soil, water, plants, animals, wilderness and scenic beauty are resources that are finite.

2. Page 2, section 2(c), line 2: After "environment" add the following:

", and the protection of wilderness, aesthetic and recreational resources and uses are" [delete: "is"].

Purpose of amendments 1 and 2.—The Findings section of this legislation is important, because the Assessment and Program sections later on refer back to it, when they require first an inventory or "renewable resources" and then a program based upon the Assessment. Thus, this section becomes a definitions section as well as a findings section. Only resources which are named as "renewable" will be inventoried in the Assessment.

The first purpose of the amendments is to write in other resources, by name, which must be considered fully and on an equal basis with the ones already named therein; that is, wilderness and scenic beauty. These are vital and recognized resources and they are more than uses.

The second purpose of the amendments is to remove a confusion in terms, by striking any reference to the word "renewable". While this is an important word, it clearly cannot apply to air, soil and water—three of the five named "renewable" resources now in section 2(a). These are not renewable resources in any sense of the word. They must be managed carefully and conserved. We cannot really grow or replace—in the same sense as plants and animals—the soil, the water and the air. We think it is desirable for the Secretary to inventory and assess these resources, and one of our subsequent amendments calls for this, but we submit that it is better to do this by specific name rather than to call them what they are not.

3. Page 4, section 3, lines 19-21: Strike the entire phrase after (a) through the word "lands" and substitute the following:

In recognition of the vital importance of America's resources as named in this legislation * * *

Purpose.—It should be stressed that *all* the resources named specifically herein have the same vital importance and that none is to have more consideration than others. Congress is to set National Forest resources policy, not the Secretary.

4. Sections 2, 3, 4, 5. The word "renewable" should be stricken wherever it appears for the same reasons as given above. In order to make it clear that minerals are not to be included in the Assessment or the Program, the phrase "except for minerals" could be added where appropriate.

5. Page 7, section 4, subsection (1), line 17: Strike the word "investments" and substitute "funding".

Purpose.—The word "investments" plainly connotes that a return is expected. This means that if we put so much money into increasing a certain part of the Forestry Program we can expect to increase the allowable cut. This language is not neutral. It would have the effect of converting substantial parts of the forests into a business enterprise.

Perhaps Congress will want to declare this as its own policy, but this should be a decision for Congress and not the Secretary to make. Since the intent of this bill is only to set forth a process, wording should be chosen which permits the Secretary to recognize all the resources and uses and not necessarily to expect a return. The forests provide many valuable goods and services, but they should not be required to give back more than is put into them. The word "investment" is certainly unusual in public agency budgetary planning.

5. Page 11, section 8(g), line 8: After the phrase "wildlife habitat", add the following:

wilderness, and the economic value of these benefits, * * *

Purpose.—As the language now reads, it perhaps unintentionally creates a conflict between aesthetics, recreational use, public access, wildlife habitat (and wilderness) and economic considerations. First, we feel it is necessary to state that wilderness will be considered along with the other resources and uses of the forest; and second, to note that such values often have a favorable economic impact, just as do commodity uses.

6. Page 11, section 9(a), line 19: Strike all of subsection (a) and substitute the following to connect with subsection (b):

The Secretary shall take such action as will assure that the development and administration of the renewable resources of the National Forest System is in full accord with the concepts of multiple use and sustained yield of products and services as set forth in the Multiple Use—Sustained Yield Act of 1960 (16 U.S.C. 528–531). To further these concepts, and

7. Page 12, section 9(b), line 6: Strike "intensive" and substitute "multiple use".

Purpose of amendments 6 and 7.—Many responsible environmentalists, foresters and others read the sections proposed for striking as a policy declaration which would implement that portion of the controversial Seaton Report which calls for rapid liquidation of old growth timber. We believe the substituted phrase "multiple use" is a broad, neutral term which should be acceptable to public interest groups and the private timber industry alike. Unlike "intensive", it does not connote a dominant use, yet it in no way rules out tree harvest as one use the National Forests.

If this is to truly be a process bill and not a policy statement, then reference to timber procedures should be eliminated. Congress will be able to mandate policy at such time as the processes required by the bill have been complied with. Now is not the time to make policy.

Everybody agrees that immediate attention must be given to the "backlogs of needed treatment for restoration" as mentioned in section 9, because this means catching up on reforestation, campground construction, range management, and so forth. But it does not mean accelerated cutting, which is a policy of severe consequences to other values and uses. We therefore think that any such policy should be avoided until there has been full debate and discussion by all the Congress.

[The statement of Mr. George Alderson follows:]

STATEMENT OF GEORGE ALDERSON, LEGISLATIVE DIRECTOR, FRIENDS OF THE EARTH

I am George Alderson, Legislative Director of Friends of the Earth, a national organization of 22,000 members, dedicated to the preservation, restoration and rational use of the earth. Our Washington office is at 620 C Street, S.E. We carry out our objectives not only in this country, but internationally, through cooperation with Friends of the Earth sister groups in several other nations. We appreciate this opportunity to present our views on H.R. 11320.

Friends of the Earth was one of the organizations that actively opposed the Timber Supply Act in the House of Representatives in 1969-70, and the American Forestry Act (S. 350) in 1971-72 in the Senate. We have strongly supported alternative forestry legislation, such as the Dingell-Metcalf bill (S. 1734) in the 92nd Congress, and worked with citizens throughout the country to gain support for that constructive forestry measure. We have also joined with other organizations representing the public as well as the timber industry in the "Areas of Agreement" panel, seeking increased appropriations for the Forest Service.

Before going further, I would like to reiterate four basic objectives that Friends of the Earth believes should be included in our national forest policies:

1. *Private forest lands.*—Most of the wood and pulp produced in the United States comes not from public lands but from private forest lands, including those of giant timber corporations as well as those of small landowners. Their lands contain much of the best land for tree-growing, but in many cases it is being wantonly overcut and inadequately replanted. If these practices are allowed to continue, not only will there be less timber, but the productivity of the land may be permanently impaired through loss of soil and nutrients. Legislation is needed to give these private landowners an incentive to practice more productive, sustained-yield forestry.

2. *Public forest lands.*—The national forests suffer from excessive logging and inadequate replanting. In place of active reforestation, the emphasis under the Nixon Administration has been on speeding up the logging. The reforms needed include a shift away from large-scale clearcutting, an insistence on complete reforestation, and renunciation of logging on lands that, for reasons of climate, slope, soils or conflicting resource values, are not suited to timber cutting.

3. *Log exports.*—In spite of the "lumber supply crisis" cited by the timber industry, the industry has increased the export of logs from one billion board feet in 1969 to 2.8 billion board feet in 1972. Most of it comes from private forest lands. The logs exported have to be replaced in the U.S. marketplace by logs from public forests or by imports from Canada. Friends of the Earth favors a ban on all log exports, through legislation phasing out the practice over a four-year period.

4. *Multiple use.*—The Multiple Use Law of 1960 requires even-handed treatment of several forest uses—timber, water, wildlife, recreation and grazing. But the national forests have been allowed to serve timber production excessively, at the expense of other uses. Instead of protecting the remaining roadless areas for their recreation, watershed and wildlife values, the Forest Service is preparing to log and road most of them. We urge a return to a true multiple-use policy, one that will protect the irreplaceables and provide realistically for all of the multiple uses in perpetuity.

Previous bills, including S. 1775 and S. 2296, which were touted as forest management legislation were in fact forest liquidation bills that would have resulted in rapid destruction of our forest resources on the public lands. The consequence would have been to bequeath a real timber famine to future generations.

Although much of the nation's forest lands have already been logged off far beyond their ability to grow a new forest, it is not too late to reform American forest management. The needed reform must focus not only on the publicly-owned National Forest and BLM lands, but on private forest lands, which include much of the best tree-growing land. In addition, the timber industry must be forced to rely on its own management, and not be allowed to raid the national forests, just because they have overcut their own lands.

It may take a legislative kick in the pants to make the timber industry start practicing sustained-yield forestry. Until then, they will tend to overcut, knowing that the National Forests will take up the slack.

H.R. 11320

Although there are definitely good features in H.R. 11320, it contains major shortcomings that would create a bias against the public interest.

The basic point of the bill is to require comprehensive natural-resource inventories covering all public and private lands, and to direct that a plan be prepared every five to ten years for management of the national forests over the coming decades. Annual evaluation reports would be submitted to Congress on the implementation of the program.

The crucial flaw in this measure is simply that it sets up the National Forests as the chief solution to the natural resource problems of the Nation. Section 3

provides for a national assessment covering all lands, but the rest of the bill focuses entirely on the national forests. We look in vain for provisions that would stop the abuse of private forest lands. There is not even a provision to require disclosure of what the timber inventory is on private lands, and how it is being managed.

Mr. Chairman, the private timber industry includes some of the corporate giants of this Nation. These companies should not be let off the hook by this bill. Instead, legislation should be written that would require the forest industry to make its proper contribution to national resource programs. The industry should be subjected to the same careful inventory process and the same consideration of improved management practices as would be required of the Forest Service.

What is sauce for the goose is sauce for the gander. If the timber industry is so hot to improve the management of the national forests, let us see how they like public scrutiny and national consideration of their own management practices. We believe that, in spite of overcutting and in spite of inadequate reforestation, the national forests are in far better shape than most industrial forest lands. We must take steps now to bring these industrial holdings up to their potential in meeting our national needs.

Unless H.R. 11320 is revised to provide strong measures for better management of private forest lands, we believe it would do more harm than good. Without such a modification, the timber industry will rest assured that its right to log off the private lands is unchallenged. There are many improvements that could be suggested in the details of this bill. Several of its provisions have real merit, but without a major overhaul, this measure would be a serious step toward what the timber industry has always wanted—an open season on national forest timber.

It is a sophisticated step, instead of the blatant one represented in earlier bills. But consider how H.R. 11320, in spite of its good intentions, is biased toward cutting more timber:

1. The findings do not even mention the important resource of Wilderness, which was specifically cited in the Multiple Use Act of 1960. This could be construed to supersede the emphasis given it in the 1960 Act and in the Wilderness Act and subsequent court decisions.
2. The findings again and again single out the Forest Service, and do not even once mention the resources that must be provided by private lands.
3. The Renewable Resource Situation Assessment (Section 3) is required to describe Forest Service programs and responsibilities, but not the programs and responsibilities of private holders, State agencies or other Federal agencies.
4. The Renewable Resource Program (Section 4) would cover only the National Forest System and "cooperative programs on non-Federal lands"—again, nothing directly affecting what the private holders can do to improve their forestry practices unless they voluntarily change their ways.
5. Sections 5 and 6 relate exclusively to the National Forest System, except to state that the plans shall be "coordinated" with State and local planning processes.
6. Section 7 is the only directive to bring about management on non-Federal land, and it is so weak as to be almost worthless.
7. In Section 8, the basic thrust is again to set up policies for the Forest Service.
8. Sections 9 and 10 are entirely directed at management of the national forests.

If this measure is enacted, the first Assessment will undoubtedly conclude that the private timber lands have been grossly overcut. The only effective option open under H.R. 11320 is to get relief from the national forests, because the bill does not authorize any new programs that would help get more timber from private lands. The consequence will be another new push to cut more than from the national forests, but nothing effective directed at the private forests.

CONCLUSION

Friends of the Earth believes that responsible forestry legislation cannot be based on making the national forests into a panacea for our national timber problems. That is the major fallacy in this bill. We have got to improve the management of both the public and private forest lands, and the two have got to move together. Legislation such as this, that affects the national forests without touching the private forests, will surely condemn our descendants to more

difficult timber problems than we have seen yet. Instead, let us write legislation that will bequeath to them forests that are better than we found.

Mr. RARICK. Thank you very much, sir, for your testimony and proposed amendments to the bill.

I notice your comment that you feel that this legislation provides nothing that the Forest Service or the Secretary does not already have. Do you not agree that Congress should have some role in the destiny of our public forest lands?

Mr. EVANS. I certainly agree, sir, and I think this is always the way it should be. We feel the Congress already does have the role through the appropriations process and through the passage of whatever legislation for a specific area it needs.

Mr. RARICK. But what inventory or status does Congress already have available to it?

Mr. EVANS. It is my understanding that the Secretary is going to do the inventory and not the Congress, if I understand your question. If that is the case, they already do the survey. They have the timber outlets and other people.

Mr. RARICK. The major opposition from the department yesterday was that they did not want to let the Congress have any overriding voice or control of the forestry. They wanted all discretionary powers with the folks downtown. This is one of the reasons that some of us here in Congress feel that if we are to have any voice, an equitable role in the development of our forests as well as the protection of them, we should also have the benefits of the records and the inventory, seeing where we have been and where we are going.

It is news to me if this information is readily available to us in Congress or that we can even determine it.

Mr. EVANS. We have certainly thought it was. I can only say I am right with you on your feeling that Congress should have the say and it should not be discretionary.

Mr. RARICK. I notice your very fine comment about private lands and reforestation. I am sure your club supports reforestation?

Mr. EVANS. Yes, sir.

Mr. RARICK. I do not feel we can overplant trees, at least at this point in our history.

Mr. EVANS. I do not think I do, either.

Mr. RARICK. Yet you are aware that as fast as we try to get alternative programs going, including the use of idle private lands, for some reason one of these electronic machines downtown does not feel that our program comes up with high enough priority to compete with some of the foreign aid programs and the disbursement of taxpayer funds all over the world.

Mr. EVANS. We would love to get behind any bill written by this committee which mandated and forbade any impounding of funds for a massive reforestation program. I think this is certainly something much needed and I know you feel that way, too.

Mr. RARICK. Mr. Goodling, do you have any questions?

Mr. GOODLING. Just a few, Mr. Chairman.

Mr. EVANS, let me first commend you in being able to speak for 180,000 people. I think that is a marvelous thing that you are authorized to do. I sometimes wonder if I am able to speak for myself

authoritatively. Just how you get this authorization, I will never know. I do not think you know, either.

Mr. EVANS. I think I do know.

Mr. GOODLING. But it is a marvelous thing when one man is authorized to speak for 180,000 people.

You continue to stress the emphasis still upon timbering. Is not the prime purpose of our forests timber production?

Mr. EVANS. No; it is not. The Organic Act of 1897 clearly states the forests were set up for three purposes—first to protect the forests, second to supply wood, third to provide water. The Multiple Use Act of 1960 says there are multiple uses, too, and none of them is to overbalance the other. So it is certainly not—

Mr. GOODLING. Will you not agree with me that so far as forests are concerned, we can have our cake and eat it, too?

Mr. EVANS. I have maintained that same point many times, but perhaps we should define it more precisely. I feel that we do not need to invade what remains of our wilderness resources, for example, to provide all the timber the Nation needs. If that is what you mean, I think we are on the same wavelength entirely. I think we have a way to do this.

Mr. GOODLING. I think you will agree timber is a renewable resource, but unless we work at it, it is not going to renew itself.

Mr. EVANS. It is a renewable resource if properly managed. The evidence we have had so far is that it is not properly managed. I can take you to many places in the Northwest where the timber has been cut for so-called multiple purposes and the timber is not coming back, for a number of reasons, and other resources are destroyed, too.

Mr. GOODLING. What did your organization do this past season about attempting to control the tussock moth in some 400,000 acres of good Douglas Fir?

Mr. EVANS. I am not sure I understand your question, what did we do?

Mr. GOODLING. Did you support the requests that DDT be used to protect that forest from the tussock moth?

Mr. EVANS. No; we certainly did not. We supported the efforts, we made strong efforts to have biological controls used instead, for all the reasons that I am sure you are familiar with in the case of DDT.

Mr. GOODLING. Are there biological controls available to control the tussock moth?

Mr. EVANS. We have experts who say they are, yes sir.

Mr. GOODLING. Did you use them last year?

Mr. EVANS. We do not have the authority to use them. The Forest Service uses them and other agencies do.

Mr. GOODLING. I believe if you want to be honest with yourself, you know biological controls are not available at the present time to control these pests. I agree they are somewhere down the road, but they are not available today. It is organizations of your kind that are causing us in my State of Pennsylvania to lose millions and millions of good forest trees to the ravages of the gypsy moth and the same thing is true in the Pacific Northwest so far as tussock moth is concerned.

Mr. EVANS. I appreciate your strong feelings on this. I did not come prepared to discuss DDT, but I would be happy to submit something

on it from an expert named Mr. Herman of Olympia, Wash., who has been active in this field for some time.

Mr. GOODLING. I happen to be a fruit grower and have been for 50 years. We have been working on biological controls to control some of our insect pests in fruit and we still have not found the answer. As I say, biological controls are probably somewhere down the road, but they are not here for the immediate solution. What do you propose to do about allowing these insects to destroy all these trees?

Mr. EVANS. When you use the figure 450,000 acres, you must be aware that this means infested acres. It does not mean all the trees are killed. It takes a full defoliation maybe for a season or two to do this. That is far less acres than that. So you have to be very, very careful, first, when we use our numbers in this particular subject.

Beyond that, all I can say is there is a division of expert opinion about the availability of biological controls. I am just not competent to discuss it with you now.

I appreciate your statement. You are obviously experienced in this field, know what you are talking about in your area. It may or may not be different in the Northwest. It has been my experience that it has been.

Mr. GOODLING. You speak a good bit about overcutting. How do you gage overcutting?

Mr. EVANS. What I did was make reference to the Forest Service statements that private lands are being overcut, and Forest Service statistics and documents. That means you are cutting vastly more volume than you are planting, than you are growing.

Mr. GOODLING. You speak of this as the magnitude of the disaster now facing us. Is this not more or less calamity-howling?

Mr. EVANS. I do not think so, sir. I can appreciate your feeling on it. I would urge you sometime to take an airplane flight over western Washington or western Oregon and you can see what we mean. We think it is a disaster as far as the public forests are concerned for this reason, that right now, there is a certain amount of volume in the whole Northwest. You have private lands and public lands together. If the private lands get overcut the way the statistics of the Forest Service say they are and they have a certain number of people employed in the timber industry out there, what is going to happen when the private lands are depleted? The cry will be, we must cut the national forests to keep these people in work, we must cut the national forests to provide these jobs, we must cut these national forests to keep the cut going up.

The problem is the national forests provide all the other resources, too, so we think it is a disaster if overcutting on private lands leads to overcutting on national forest lands. We think this will be the result.

I would like to take you out there and fly you over the forests.

Mr. GOODLING. Do not the forests always reforest themselves?

Mr. EVANS. When you cut a tree 8 feet thick and 200 feet high, I am sure you can plant 20 saplings in that place that are not the same thing. No. 1, they do not always take. There are lots of instances of failure of reproduction. No. 2, the volume is removed and all the employment is based on that high volume and it can only come from public resources and it is done on private lands.

Mr. GOODLING. After all, I happen to be a landowner. Do you think the Federal Government should tell me what I may do on my private land?

Mr. EVANS. I think that as long as the private landowner conducts his activities so it does not damage public values that belong to everybody, I do not think that should be the case. But I think when you have the case of large private landholdings in the Northwest where thousands of acres have been cut over at one time, possibly resulting in floods, which has been documented, resulting in failure of reproduction, resulting in pressure on the public forests, I think the Government and every other public agencies have a right to call a halt to that practice; yes, sir.

Mr. GOODLING. I do not believe in that philosophy. It just puzzles me.

I want to ask you one more question.

You speak of protecting wildlife, and I am for that 100 percent. Prior to the time I came here, I was an avid hunter and now I do not find time to do it. This job is 365 days a year. Certainly you have to agree with me that every time you cut timber, you enhance wildlife habitat. It just cannot be otherwise.

Mr. EVANS. I am afraid I cannot agree with that, sir. There are lots of different kinds of wildlife habitat. I am not just talking about big game. I am talking about the deep forests, too. Roosevelt elk, out where I live. All these things are problems, too, not just big game.

Even on that point, there is ample documentation that out in the West, too much cutting damages elk habitat. You may have some deer for a while, but that is only if you cut in summer range, not in winter range. Most of the areas we are talking about are winter range. So it requires a certain amount of precision, I believe.

Mr. GOODLING. I can see you do not agree on many things. I would like to take you to one of the areas in Pennsylvania where I hunted for years and years and years. It was timbered in the 1920's. I started to hunt in that area in the 1930's and it was definitely the best hunting area in all of Pennsylvania. Today, if a deer wants to take a long walk, he had better take his lunch with him, because there is nothing there to eat.

Following timbering, you always have an increase in wildlife and habitat is always improved for every species of wildlife that I can think of. That includes grouse in my area, it includes turkey, and it includes deer, certainly, and every other type of wildlife. It is always improved after cutting.

Mr. EVANS. There may be differences between your area and the Northeast, which is a vastly different area of the country. I would like to take you up on your invitation and you can take me up on mine and we would see the differences.

Mr. GOODLING. I have been in areas of the Northeast and I have hunted over many of them. I have hunted over areas where probably no sensible person would go. If you have to ride 35 miles on horseback to get into a certain place, you may have to have a weak mind to do it. I agree there is timber in there that will never be harvested, because you cannot harvest it economically. There is no way of getting it out. I am for saving that kind of forest, but where it is avail-

able, I am for cutting timber, because timber right now is one of our main needs in this country. I say we can cut timber and have forests also.

I have no more questions.

Mr. RARICK. We thank you very much, Mr. Evans, for being present this morning and for your testimony and your recommendations.

We have one other witness this morning.

Mr. Smith, if you will please remain, the committee will recess for about 10 minutes to answer the vote and be right back.

The committee will stand in recess.

[Recess.]

Mr. RARICK. The committee will come to order.

The next witness is Mr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources.

We are happy to have you, Mr. Smith, and we look forward to receiving your testimony.

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY, CITIZENS COMMITTEE ON NATURAL RESOURCES, WASHINGTON, D.C.

Dr. SMITH. Thank you, Mr. Chairman. I am Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C.

The Citizens Committee on Natural Resources, from the moment of its organization in December 1954, has been vitally concerned with the management of the national forests system. During our existence we have had as members of our board of directors the former Chief of the Forest Service, Mr. Lyle F. Watts; Associate Chief, Mr. Earle Clapp; and Assistant Chiefs Mr. Raymond E. Marsh and Mr. C. M. Granger. Dr. Edward C. Crafts, former Assistant Chief of the Forest Service and the first Director of the Bureau of Outdoor Recreation; the first regional forester, Mr. Arthur C. Ringland; and Mr. Charles H. Stoddard, the former Director of the Bureau of Land Management and a professional forester, are currently members of our board of directors.

The recitation of this list of distinguished foresters has not been window dressing in any sense—they have participated over the years with great interest and we have reaped the benefit of great expertise. The comments that follow are reflective and representative of the serious and careful considerations of Dr. Crafts and his associate, Mr. Reynolds Florance, the former Solicitor for the Forest Service.

Mr. Chairman, our comments will be brief. We feel that the bill is straightforward and self-explanatory and the record of the section-by-section analysis is clear. What has been somewhat disturbing to a number of us, however, is—what appears to us—a misunderstanding of the basic thrust of the legislation. At the risk of defining a measure by what it does not do, I think it pertinent in view of some of the discussions that this be understood.

This bill is not a management practices proposal. This is not a measure that seeks to determine whether any clearcutting should be allowed or should be outlawed; whether the allowable cut on the national forests should be increased by a certain percent; whether de facto wilderness should be identified immediately; and many other issues with

which the industry and conservationists have been struggling for a number of years. Many of these struggles have been in confrontation one with another, yet there has been an agreement to the effect that whatever use one seeks from the national forests, it cannot be achieved unless adequate financing is available.

The measure the committee has before it is an outgrowth of a whole series of confrontations by the many users of the national forests. It was well put by the distinguished author of the legislation introduced in the Senate, Senator Hubert H. Humphrey, wherein he stated at the time he introduced amendment No. 641 (Congressional Record, p. S20025, Nov. 7, 1973) " * * * the sap is coming to a boil on our forest lands. We are finding that our national needs for timber are exceeding what can reasonably be cut * * * water quality, wildlife habitat, you name them * * * these are problems that need to be addressed and are in this legislation."

Mr. Chairman, we interpret this legislation to be something that would provide a long-range frame of reference for establishing criteria for practices * * * a method of planning and procedure, if you will, rather than dealing with the nuts and bolts of a day-to-day operation. If this measure is enacted into law, it would appear to be most difficult, perhaps impossible, for any administration to direct an increase in the allowable cut on the national forests without consideration for the practices that would be required to maintain sound conservation policies nor to consider the possible adverse effects upon other uses of the national forests.

Without an inordinate amount of elaboration in support of this assertion, I call attention of the committee to the requirement of long-term planning as to specific policies with a budgetary price tag in each instance. Such planning is the only way that a balanced use of the resources in the national forest system can be achieved in the long run. It is the only way that we can put resource perspective in proper focus with other considerations—principally monetary perspective. An excellent case in point is the export of logs to Japan which increased from 522 million board feet in 1962 to 2.8 billion board feet in 1972. The 1972 exports would build about 300,000 average sized American homes. The present decision to continue this practice is made primarily on a monetary basis. The consideration of the balance-of-payments problem, which admittedly is not easily dismissed, has nevertheless overridden any natural resource consideration. This may well be the final result of any serious analysis but unfortunately there has not been such analysis regarding the impact of this decision upon our entire forestry system and, specifically upon the national forest system. May we make ourselves abundantly clear on this point, Mr. Chairman, we are not saying that if the present bill is accepted that such a decision in the future could never result. What we are saying is that if such a policy did prevail, it would be the result of a highly analytical and careful determination wherein monetary fiscal policy and trade balances would be weighed against the concern for sound natural resource development and conservation. The mechanism that exists at the present time is so inadequate so to cause question as to whether it can be identified properly as a procedure.

We have documented our case so many times before so many committees—Appropriations, this committee, Interior Committees, and

others—that we hope that our observations are acceptable without full documentation at this point.

The 5 to 7 millions of acres that are in need of tree planting and refurbishing have remained approximately the same for well over a decade. The upgrading of national forests can only be achieved by affecting an integrated plan and providing for its financing. Many conservationists have felt badly shortchanged because of the inability to obtain financing for recreation, wildlife management, and water conservation. As poorly as the timber operation has been funded, the requests by the Forest Service have been funded at a much higher percentage than have requests for other uses.

What the present measure will do is to cause an inventory of national forest resources; establish a balanced plan for the utilization and conservation of these resources; and, especially for the latter, determine the financial requirements of such plans. There is opportunity for inputs to the Forest Service in fashioning an ambitious program from users as well as geographic entities—local, State, regional, and Federal.

Our criticism of the proposal is relatively minor. On page 3, line 15, of H.R. 11320, we would assume a clerical error omitting the preposition “of” between the words “management” and “the.” We would assume the sentence should read, “Proper levels of funding for investment in management of the various activities * * *”

In section 8, regarding national participation, page 10, lines 3 and 4, which states: “and related agencies’ activities” we interpret this to mean that the Forest Service would be obligated in establishing their plan of assessment to determine other agencies’ plans and incorporate them into their own. While some cooperation is necessary, we would not recommend that the statute direct the Forest Service to be responsible for an assessment which would include all related agencies. It is presumed the related agencies are those with natural resource management responsibilities. Also, in the same section, part (f), occurring on page 10, line 25, and again in part (g) line 5, page 11, is the following: “authorized by this legislation.” We feel a more accurate statement would be made if instead of commenting “programs authorized” the phrase be expanded to state, “programs supported by the activities authorized.”

A major reform which has been advocated for a number of years relates to the methods of financing road construction in the national forests. At present there are two methods of constructing and maintaining these roads. The first is generally understood, that is, funds are appropriated and contracts are let by competitive bid to construct the road as is the case in most roads constructed for Federal agencies. A second method exists, for the Forest Service, however, wherein the appraised price of the timber is reduced by the estimated cost of the needed road to harvest the timber and the timber purchaser assumes the responsibility of construction. Since the counties share in timber receipts they must often share the diminution of these receipts due to the financing of the roads by the timber contractor. Also, the roads, when and if constructed, should serve all the uses of the national forests and not just timber harvesting. This could be especially critical regarding soil erosion and water conservation. Finally, the road budget would be clearly defined and understood as

contrasted to the present method wherein the authorized amounts are not expended because of the use of the second method which reduces timber revenues in order to bear the cost of road construction. We feel that section 9(c) properly addresses itself to this problem and affords an effective solution.

Mr. Chairman, we feel the present bill is a constructive step which provides for an acceptable framework for the planning and funding of the national forest system. We are aware that the measure does not do everything but we hope the committee will concur that, though it does not do everything, it should not automatically be concluded that it can do nothing. With the very minor modifications that we have suggested, we hope the committee will act with favor and dispatch in regard to H.R. 11320, as amended.

Mr. RARICK. Mr. Goodling, do you have any questions?

Mr. GOODLING. Yes, Mr. Chairman.

On page 2 of your statement, you say, "This is not a measure that seeks to determine whether any clearcutting should be allowed or should be outlawed."

Does your organization have a stand on clearcutting?

Dr. SMITH. Well, as far as clearcutting is concerned, these things change. We had a stand about 3 or 4 years ago on clearcutting. We felt that probably, there was too much clearcutting in the hardwoods area, east of the 100th meridian. We would probably recommend that that be phased out for at least a short period, until we got a real opportunity to take a good look.

We are a little doubtful as to whether you ought to go much over 25 acres. This bothers us somewhat, especially in the Douglas-fir area.

But, Mr. Goodling, part of the problem on that is the construction of roads. We are very strong for the section in this bill on roads. The way road building is now, as you know, there are two ways to build roads in national forests. One is to get the authorization and the appropriation in a regular manner and go ahead and build a road. The other is to discount the actual sale of timber by the amount that is generally thought to be the cost of building a road and therefore, the producer that has the bid therefore builds the road. This bill would pretty much outlaw the second procedure and we think that is good.

First, it is good as far as the counties are concerned, because once that timber price is diminished by the cost of the road, individual counties who share in the proceeds find their funds diminished by that amount.

Second, the roads are often constructed just to remove timber, and we think in many instances, they ought to be roads that are adequate for all uses, including recreation, of the forest. So we strongly support that.

I think thirdly, you may get to certain kinds of areas with these kinds of public construction provided for in this bill and you may not have to economically be pressured into cutting in the same kind of fashion that you might in other instances.

So if this bill is fully implemented, I would hope that we could maintain clearcutting to approximately 25 acres. I would not want to be pushed to the wall that this 25 acres is it and no more, but something in this order of magnitude.

Mr. GOODLING. I believe it is an accepted practice among foresters that certain species must be clearcut if they want to reforest themselves.

Dr. SMITH. This is my understanding. What I am talking about primarily, sir, is Douglas-fir in this instance.

Mr. GOODLING. Were you in the room yesterday?

Dr. SMITH. No; I was not in attendance yesterday.

Mr. GOODLING. I pointed out yesterday that I flew over a lot of clear-cutting in Alaska just a few months ago. We were flying at very low altitude so we could see. The foresters told us that in about—I am not at all certain about the number of years, but I believe in about 5 or 6 years, where they clearcut in that particular environment, the forest comes up so fast and thick that they have to thin it out about every 5 or 6 years. I looked very, very carefully to detect erosion. I saw very little. I am a farmer myself and I know what it means to lose soil.

Dr. SMITH. Yes; this is one of the points I tried to make.

Mr. GOODLING. I was very critical as to what I could see as far as erosion is concerned and I could see very little erosion flying 100 feet above the surface. So if it is properly done, I believe in some cases it should be allowed.

Dr. SMITH. We have never taken the position that all species, irrespective of species, that no clearcutting should take place. This is a position that I do not think is supportable. We have never said that. We have tried to do this on a species-by-species basis as best we were able. I am certainly not a skilled forester, so I have to be somewhat dependent on those who have a great deal more expertise than I do. We have a number of these on the committee who are not a bit bashful about telling us.

Mr. GOODLING. I have one other point to bring up and this is not a question. You spoke of our exports to Japan. I realize that is a very controversial issue and you can get arguments on both sides, but after all, is that not what our free enterprise system is about?

Dr. SMITH. If you put a tariff or an embargo on, Mr. Goodling, we probably modify our free enterprise system to some extent.

What I was saying about our exports to Japan, I was not necessarily saying you should not do it, but I was simply saying that when you have—we have done this with many, many minerals from time to time, certain kinds of bauxite which we were not allowed to do. So we have done this. This is not an unprecedented kind of embargo. We did it in rubber at one time, too.

But what concerns me is the way the decision is made. As I point out in my statement, if this bill is passed and fully implemented, I do not contend that such a decision to export the kinds of timber that we have, over 1 billion feet, would not take place. I am simply saying that it is being done at the present time in my humble judgment only on a kind of single or phase operation. This is on the balance of payments under monetary circumstances. I do not deny that these are appropriate guidelines, but they are not the only ones.

I would think that this bill, if implemented, the resource itself would be cranked into this decision and would be carefully considered. Maybe you would put a partial embargo on it, maybe you would put an embargo tax on it. Maybe you would restrict it by a certain amount.

Maybe you would let it go. But there are a lot of options that would be considered and would have to be considered if this bill became law.

Mr. GOODLING. In this same trip to Alaska, I saw miles and miles of 48-inch pipe, all of it made in Japan. At the time that was bought, we were told—at least I think we were told on the floor of the House—all of our U.S. steel mills were operating at full capacity and they simply could not furnish it.

Dr. SMITH. I do not know the circumstances. I am quite sure that at one time, however, we had an electronics problem in this country—this was shortly after the war. I had something to do with that. The Japanese were expanding very rapidly, as were the Scandinavian countries, in the field of electronics. We were pretty much involved with much larger products than the Japanese and Scandinavian countries were. So it was logical we would import that. I thought that was a very good idea, because what we were doing was we were importing small units—dictaphones and typewriters and things of that nature. But what we were actually exporting were enormous giant turbines. We will make that trade any day. In terms of the monetary balance of payments, that was all in our direction. So when people were screaming about how unpatriotic it was to allow Japanese products to come in, I was not upset about that, because I knew what we were shipping them and I was in favor of it.

Mr. GOODLING. That is all.

Mr. RARICK. We concern ourselves over the sale and importation of Japanese goods, but we do not seem to be worried about Russian and Red Chinese imports which are widely advertised in local newspapers.

Mr. Smith, I am intrigued by your comment about our new fourth branch of government. It is my observation that it is not even a co-equal branch.

Dr. SMITH. I must say I concur.

Mr. RARICK. It seems at present to be wholly omnipotent. I was thinking of the panel's report, the President's Panel on Forestry and Environment. When it was received by the President, I read his laudable speech complimenting the committee for their report and he forwarding the panel report to the real ruler of our country, OMB, and telling them to implement what was feasible.

To this day, I am unaware of anything that has been implemented. I think OMB is still feeding it into their computers, and they have not been able to hit the jackpot yet. At least nothing has been done.

Dr. SMITH. I recall I worked in the Office of Price Stabilization during the Korean war. We were having a meeting in the President's office, Mr. Truman's office. And he said—they had just established at that time the Bureau of the Budget. And there was a great deal of frustration. He threw down a bunch of papers and he turned to us and said, why don't you go next door—that is where the Bureau was—to somebody who has some influence in this administration? So the frustration started a long time ago.

I might add as a former bureaucrat and as a lobbyist and I do not know what else, that this has been, I would say the last decade, irrespective of administrations—really, I think it has gotten worse in this one—but irrespective of administrations, it has been a hard nut to crack. I think I have been sensitive to it because we just do not

seem to be able to get resource matters in a high enough priority. I do not care whether we are talking about timber or BLM lands or about the Bureau of Sport Fisheries and Wildlife, endangered species, recreation—you can go down the list. The problem of getting some attention to resource management and good conservation practices—the bureaus are constantly hemmed in and here recently, they do not do the bidding. The bureau chiefs are deposed and we now have people who are bureau chiefs, with the exception of the Forest Service, who, well, they fly in the face of past practices. These people usually come up by professional routes, so we have new ones there. They do whatever the Bureau of the Budget tells them to do. They do not even give any argument. This, I think, makes it much more difficult, certainly for people like ourselves.

I would like to see the Congress take some steps—I understand that because it is of an executive nature that final determination was that the Congress does not even have to confirm the head of the Office of Management and Budget. I guess that still stands. Yet, I would say that the Office of Management and Budget is doing a super cabinet job. It is over the Cabinet, over every other department in the Government.

Mr. RARICK. If they were doing what the people want—balancing the budget—by impounding international funds and cutting some of the waste of international programs, we might be able to give them some complimentary and laudatory praises. The only cuts they seem to be after are the domestic programs. They are only fiscally responsible over the American people.

Just a week ago, Congress increased the debt ceiling again, and there was no opposition by OMB. The OMB, I am sure you are aware, in any report that we receive on legislation, must be consulted. The report on this bill is from Secretary Brunthaver. It concludes the Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

So, now, since the department objects to the bill as having anti-impoundment provisions or allowing the appropriations made by Congress to prevail, then we must assume that their no objection is to the cost of the Department making the report.

I do not want you to leave feeling that everything is bad with OMB. After all, we were able to prevail upon them to release the fire control funds, and they have approved \$10 million for forestry incentive programs, out of a \$25 million authorization.

Dr. SMITH. That was a very poor bill.

Mr. RARICK. The forest incentive funds were released from impounded funds by OMB. But it is unusual to have to go to the fourth branch with thanks and homage for giving the people a percentage approval of what Congress has approved and the people expect.

Dr. SMITH. I could not agree more.

Mr. RARICK. I would like to know who prepares the electronic computer card and who determines the priorities. That is the big question.

Dr. SMITH. It is supposed to come to, in previous—to use names here—it was supposed to all come to Mr. Sawhill, who was deputy, and the various resources—defense, international—were all supposed to be fed into him and apparently, he took the matter to the computer

and God, I suspect in that order. As a result, he came up with these kinds of priorities. Now that he is over as a deputy to the energy crisis—I might add, I do not sleep any better as a result of that. But he is now the deputy energy man, so I do not know who is going to be the man who finally pushes the final button at OMB. But the name we always heard was Mr. Sawhill and he was presumably the one who made the original recommendation as to what priorities are.

I very much more appreciated the way in which Lyndon Johnson operated, because he would tell his Budget Bureau, now, do not go over this budget by one dime. But if you went in to the President and you had a darned good story, he would sit there and say, well, I told the Budget people not to go over that, but he would say, well, I will add this on to my exceptions. He had a little box there for exceptions. But at least if you got your recommendation into that box of exceptions, you had a good chance to get the Budget Bureau overruled. Hopefully, as long as you have somebody to overrule them, I would feel a little better, a little more comfortable, especially if it is an elected official.

I have never been an elected official, but I have always had the feeling that unless the officials elected by the people have some final say in these matters, you get in trouble real quick. I do not think the trouble the Government has been in has involved one elected official.

Mr. RARICK. Do you think the answer would be to have the Director of the Bureau of the Budget an elected official?

Dr. SMITH. I have thought of it; yes. I know this is almost heresy.

Mr. RARICK. We tell our children we live in a democracy, yet the people making the decisions are not elected.

Dr. SMITH. If you did make it an elected official, it seems to me you ought to make it more responsive to the Congress. The Congress cannot call the chief of the OMB up here and set him down and inquire as to why he made this decision.

Mr. RARICK. Are you aware of any time OMB has impounded funds from its salary or operational expenses?

Dr. SMITH. Not to our knowledge. We made a recommendation to the Appropriations Committee that the Appropriations Committee trim down the executive branch of the Government by the amount of moneys being impounded. I think that might well have been a kind of negative incentive if you want to put it that way. But that might have been fun. I would like to see that tried once.

Mr. GOODLING. Mr. Chairman, we have come a long way from the forestry bill, but is it not true that the Bureau of the Budget has made very little impact? It is the Congress of the United States that upsets everything the Bureau of the Budget does.

We had a good example yesterday. We appropriated—the chairman and I did not. We appropriated over \$2.2 billion and not one penny is budgeted. We do that in practically every bill, practically every educational bill we have.

Mr. RARICK. The Office of Management and Budget did not object and we can expect they will take no action to impound one cent of the money.

Mr. GOODLING. That is right. Practically every educational bill we have had in recent years, and the chairman knows this, has been raised a billion dollars right on the floor of the House.

Dr. SMITH. I think what has happened is that once again, the Congress, in those instances, is reasserting itself in terms of priorities. I would feel much more comfortable with the priorities Congress sets than I do with what the Bureau sets.

Mr. GOODLING. I wish I had that much confidence in Congress.

Dr. SMITH. Well, I have the feeling that this body has to report back to its constituents for reelection every 2 years. This seems to me to be a pretty demanding thing. Nothing like that has to happen downtown, or at least it did not used to. I do not know what is going to happen in the future.

Mr. GOODLING. Do not think the members did not have that in mind in yesterday's vote.

Mr. RARICK. We should also be concerned about computerized elections. OMB might impound the election returns.

Mr. Smith, the second bell has sounded. We have to go and vote. We thank you for your attendance and your very far-reaching testimony and the recommendations you have made.

Is there anyone else present this morning who desires to testify on the bill before us? [No response.]

There being none, the committee will stand adjourned subject to the call of the Chair.

Thank you all for your presence.

[Whereupon, at 11:55 a.m., the subcommittee recessed subject to the call of the Chair.]

[The following statements and letters were also submitted to the subcommittee:]

STATEMENT OF HON. JOHN A. BLATNIK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman, and Members of this distinguished Committee, I am most pleased to join my colleagues as sponsor of H.R. 11320, the Forest and Range-land Environment Management Act of 1973.

This is sound legislation, and vital to the survival of our National Forests.

Two of the most significant provisions of this bill are the requirement that the President every year budget sufficient funds to implement long-term programs; and the prohibition against arbitrary impoundment.

The regularly updated Resource Assessments required in this legislation, and the long-range planning and program development provided in this bill are essential for a strong, productive timber industry.

Mr. Chairman, the need for this legislation is glaringly evident in the Superior National Forest in my own Congressional District in Northeastern Minnesota. Lack of funds has forced the Forest Service, against their better wisdom, to operate on a 12-year-old survey.

The President has ordered the Service to increase their timber cut in Superior by 39 million board feet; and has ordered a far more rigid reporting system. But he has not released one extra cent to pay for these increased demands, much less for replanting or even for maintenance of remaining stands.

In cooperation with the Forest Service, I had initiated, and the Forest Service was implementing, a 5-year Work/Study program in the Boundary Waters Canoe Area, a part of the Forest. Under this program, 70 low-income students were, each year, to help rehabilitate and rebuild campsites, portages and hiking trails to accommodate the growing numbers of visitors to the BWCA every year. They would learn good forestry practices, become better environmentalists, and be encouraged to consider the Forest Service as a career, while at the same time providing real help to the undermanned Service.

This program, which could have been a pilot project for the Service nationwide, was stopped dead by impoundment.

The Congress, in 1972, approved \$275,000 for a badly needed Forest Service Center at Cook, Minnesota, where the Forest Service staff now suffer under cold

and cramped conditions that literally frightened off the GAO audit staff who visited the present administration building.

But these funds, too, were impounded by the President, and the Service continues to operate by small plug-in electric heating units, in workspace below the minimum standards prescribed by the GAO.

These are the kinds of projects which, throughout the Forest and Rangeland System, have been denied their appropriated funds by a short-sighted Administration determined to cut short-term costs regardless of the ultimate cost to the American people and loss of our natural resources.

The bill now before you would guarantee that these and countless other Forest Service projects would receive the funds Congress has determined they shall have.

Beyond this, it is imperative that the Forest Service have the resource assessment provided under the bill, so it can base its long range plans on real-world conditions.

This Renewable Resource Situation Assessment, and the Renewable Resource Program, required by the bill, are vital to the survival of our National Forests.

Mr. Chairman, the United States has passed the point where we can depend on nature to take care of its own. Even such vast areas as the 3-million acre Superior National Forest, and the other Forest and Rangeland areas throughout the nation, are threatened by growing, and conflicting demands. Without long-range planning and programs, and the funds to carry them out, we will rapidly deplete their living resources to the point where they cannot reproduce themselves.

This legislation is needed, it is needed now, and I am grateful for your full and careful consideration of its provisions.

Thank you.

STATEMENT OF HON. HAROLD T. (BIZZ) JOHNSON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA

Mr. Chairman: May I take this opportunity to express to you my appreciation for these hearings. A coordinated approach to the problems of forest and rangeland management is badly needed. By conducting these public hearings, I am hopeful that you will be able to gain additional insight into the problems and their possible solution. By conducting these hearings, you show your interest and concern in the situation and your willingness to take affirmative action. It is a pleasure to participate.

The legislation before you today is a bill to provide for the protection and enhancement of the National Forest System—its lands and resources. The language in this bill is the composite effort of representatives of conservation organizations, industry, county governments, and Congressional leaders in the field of forestry. A determined and purposeful effort has been made to reconcile differences and develop the kind of legislation that we must have to provide for a balanced and orderly management of our forest lands.

The April 1973 Report of the President's Advisory Panel on Timber and the Environment and the report of the Forest Service entitled "Outlook for Timber" clearly demonstrate the need for clarification of the future goals and needs of our nation's forests. These reports are typical of the short range view given the present problems. In spite of their being controversial, they cannot be totally dismissed as irrelevant.

This legislation in particular incorporates the recommendations No. 2, 9, and 17 of the President's Advisory Panel. It calls for a comprehensive nationwide program of forest development and timber supply. The bill is much broader, however, because it considers all renewable and potential resources. It encompasses that portion of recommendation No. 9 which calls for an accelerated program of timber growing. Finally, it would accomplish in full the intention of recommendation No. 17, which calls for an improved system of financing forest management programs on all of our forest lands.

Today the public demand for use of forest lands for recreation is increasing at a tremendous rate as is the demand for additional protected wilderness areas. Timber demands are far above the level of timber that can reasonably be expected to be cut. The result is ever higher prices for lumber. Water quality and wildlife habitat are two additional areas deserving of added attention.

Our National Forests consist of over 187 million acres. Neither the Executive nor the Congress has asked for or provided the Forest Service with the resources

to accomplish the task necessary. I believe we can do better to meet the demands on our national forests.

Five million acres of our forests must be reforested and another thirteen million acres need stand improvement. With better management, the above problems could be taken care of and timber yields could be substantially increased. This could easily help to increase recreational and wilderness uses.

Some of the major problems confronting us in the coming decades are the poor condition of privately owned forests that are poorly stocked and lightly managed, the heavier cutting on industry lands that so far exceeds the growth rate, and the low level of management on the National Forests that ranks them last in achieving growth at potential levels.

Even more, our national situation is compounded by the fact that we do not have a national assessment of renewable resources for multiple use and sustained yield management of our National Forests, let alone the basic correlated information for water, range, wildlife, recreation and other vital and important resources and activities.

Unfortunately, we are only compounding the adverse long-time effects of delay and past actions when we should be charting goals for the present and future.

With a National Assessment of forest lands and their resources, all parts of the Federal Government can work with the same information and objectives, thus eliminating duplication and divergent efforts. A common long-range goal will also help to focus Federal efforts on resource balancing and not on short-term budget balancing.

One area of particular interest to me is the building of forest roads. This is closely associated with the twenty-five percent forest receipts that go to local county governments for school and road expenses.

A major current need is the early construction of roads to reach deteriorating stands of timber and to serve other resources and users of the forests on a continuing basis. Less than one-half of the National Forest area is unreserved commercial forest land. The Forest Service needs to construct and improve over 100,000 miles of forest roadway in the next ten years. In the past, and unless changed in the future, this will be done reducing the cost of the timber by the cost of road construction by the logging company. This is greatly to the detriment of local governments, whose receipts are based on the selling price of the timber.

The road costs per thousand board feet have risen 400 percent in the last six years. The reduction in receipts in California alone is now averaging \$30 million per year.

One provision of the bill is designed to force the availability of all funds that are authorized by law for appropriation for road and trail construction and maintenance. Where such funding is not provided, local government, timber purchasers, and forest product consumers would be penalized because road construction by timber purchasers would be reduced by the percentage of unfunded authorizations for road construction, thereby reducing the timber harvested and thus the forest products available to the consumer, and the recipients available to local governments.

One other area to which I direct the committee's attention is the need for additional technical directions in the field of timber management. Broad range objectives will be established through the National Assessment. The Congress would be wise, however, to set forth some of the specific practices which should be employed when recommended by the Secretary.

These two clarifications I feel would improve this outstanding legislation. The bill if enacted would cause the Congress, and the Executive to reform our means of making decisions concerning forest lands. It would provide for an expanded public input. It will make the facts about our forest lands available to all. It will enable us to implement the multiple use-sustained yield principles on a long-range basis, designed to provide lasting benefits through a determined production of renewable resources and a sound use of non-renewable resources.

I reiterate my commendation of this committee and urge you to report legislation of this type for consideration by the House.

STATEMENT OF DANIEL A. POOLE, PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman: I am Daniel A. Poole, president of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute's program has

been dedicated to the restoration and improved management of renewable natural resources in the public interest for more than sixty years.

The Institute endorses and supports the objectives of H.R. 11320 as they pertain to the national forest system. We are pleased that a proposal with this thrust has emerged at a time when there is so much misunderstanding about timber supply and cutting practices on national forests and private lands. In our view, the central issue at this point in time is the urgent necessity to achieve and maintain balance in the national forest management program. Arguments over such issues as clear cutting, log exports, and all the rest are indicative of the current imbalance in the national forest program. But to attempt to react to each of these issues on an individual basis in the absence of a comprehensive game plan for the national forests is to do a disservice to the overall public interest in this immensely valuable estate.

The blending of authority and accountability as is sought in H.R. 11320 is basic to the problem of improving national forest management. We all know only too well the deficiencies of the appropriations process. In the absence of a plan, and in the absence of mutual commitment of the Executive and Legislative Branches to its implementation, the national forest program inevitably gets bent in favor of a limited number of activities. The track record has not been good under the present method of funding, and the current imbalance in the national forest program is freely acknowledged.

For the past few years, I have represented my organization on a committee of conservation organizations and timber trade associations which has appeared regularly before the Appropriations Committees in the hope of obtaining balanced funding for all national forest program activities. While we can point to some minor gains, our efforts have been undistinguished on the whole. There is congressional interest in program balance, but achieving that balance requires substantial new funding. Better balance could be achieved simply by shifting funds among program accounts, but that presents an unacceptable alternative because virtually all national forest programs are underfunded at the current time. Further, the threat and practice of impoundment make program balance even more difficult to attain.

H.R. 11320 would commit the Executive and Legislative Branches to travel toward the same destination using the same road map. None of us, and I include the Executive and Legislative Branches, has a precise charting of the levels of funding required to facilitate an orderly and balanced program of national forest management. Goals are not set forth in a precise manner, and there is no satisfactory way to measure program accomplishment against need over any time frame. All we hear is that the national forests should be producing more benefits and services, but no one seems seriously interested in the basic resources from which those benefits and services arise.

The procedure contemplated in H.R. 11320 would give the public a means of evaluating the national forest program, including the practices and uses permitted thereunder. It also would give all interested individuals and groups a means of scoring the responses of any Administration and any Congress to the game plan set into motion by enactment of this proposal. And only when all parties are equally informed and when we are working from the same game plan can there be assurance that the national forest program has the balance and is moving in the direction desired by most of the people.

It is hoped that H.R. 11320 can be reported from the Committee without delay.

SILVER SPRING, MD., December 8, 1973.

HON. JOHN R. RARICK,
*Chairman, Subcommittee on Forests,
House Committee on Agriculture, Washington, D.C.*

DEAR MR. CHAIRMAN: I offer my support for H.R. 11320 as a private forester, whose professional career spanned more than four decades, about equally divided between private and public service.

Means of implementing a thorough plan for protection, development and enhancement of forest land has been needed for a long time. H.R. 11320 offers a method for preparing such a plan and seeks to provide a means of implementation.

I am particularly pleased to note:

(a) The provision in Sec. 4 "... for consideration and periodic review of ... cooperative State and private programs,"

(b) The offer in Sec. 7 "... to assist States and other organizations in planning for the protection, use, and management of renewable resources on non-Federal lands", and

(c) The provision in Sec. 8(d) that "... each Congress shall publicly review the statement of policy..."

This is a good bill and it should proceed through the Congress without difficulty. I would like to point out, however that the title is somewhat misleading. "Forest and Rangeland Environmental Management Act of 1973" implies all public and private lands, including those under the administration of the Bureau of Land Management. But the bill only pertains to National Forests and other lands in private ownership.

Sincerely yours,

KENNETH B. POMEROY.

AMERICAN PULPWOOD ASSOCIATION,
December 10, 1973.

Hon. JOHN R. RARICK,
Chairman, House Subcommittee on Forests,
Longworth House Office Building, Washington, D.C.

DEAR MR. RARICK: On behalf of the American Pulpwood Association which represents producers, consumers and dealers in pulpwood in all forest regions of the country I want to express our support of the Forest and Rangeland Environmental Management Act of 1973 (H.R. 11320). We feel that it is progressive legislation but would like to suggest several changes, primarily to clarify some portions of the bill.

Certainly the numerous shortages of resources our nation has experienced in recent months, coupled with projected needs for the future, have made us increasingly aware of the need to take a closer look at the supply and use of all our natural resources. It is evident that we will become increasingly dependent on renewable resources. This highlights the need to bring the nation's forests up to full stocking and full production as soon as possible. Federally owned forests should serve as an example and this bill, if enacted into law, will help them set that example.

I am enclosing a copy of H.R. 11320 on which I have indicated a number of proposed changes and numbered them in the right hand margin to correspond to the numbers of the following paragraphs. I will not comment on simple editorial changes.¹

1. This seems to be a logical place to start and for that reason we suggest it may be made paragraph (a) under Section 2.

2. This paragraph appears to be unnecessary because it is self evident and because the bill applies to renewable resources.

3. This point is adequately covered by renumbered Sec. 2 (c).

4. The Forest Service is referred to in a number of places in the bill. In some cases it is called simply the "Forest Service" and in other places it is called "Forest Service in the Department of Agriculture." This change will make wording more consistent and make it unnecessary to specify the Department of Agriculture each time the Forest Service is mentioned.

5. The Forest Service program is divided into three primary categories: (1) State and private, (2) research, (3) the National Forest System. These are referred to in the last paragraph on page 2 (Section 2(d) according to my lettering) and again on page 7 lines 1 and 2 (Section 4). I think it would help to avoid confusion if language referring to the three main categories were consistent.

6. See number 4 above.

7 and 8. Ideas combined to shorten paragraph.

9. See number 4 above.

10. See number 4 above.

11. See number 5 above.

12. The Assessment should include all related resources such as wildlife, water, game, etc.

13. See number 5 above.

14. See number 12 above.

15. According to Section 3(a) the Assessment is to be made and updated "not less than 5 years or more than every ten years thereafter." I feel sure that the intent is to transmit it to Congress at not *more* than ten year intervals.

¹ May be found in the files of the committee.

16 and 17. The year 2000 is a reasonable date for completion of all backlogs of needed treatment but the backlog of forest tree planting should be completed before that time. Every year that an acre needing planting stands idle is a year of lost growth that cannot be recovered. It would take several years to increase the size of nurseries to supply adequate planting stock but I feel sure this could be done if adequate funding for planting were assured through 1990. Some land could be seeded aerially and this would reduce the amount of seedling planting. Completion of other operations, such as timber stand improvement, could be extended to the year 2000 if necessary.

18. It appears that this proviso would be counter productive. If road building is not adequately financed by appropriation, reducing authority for purchasers to construct roads would further impede harvesting and forest management.

19. Section 10 appears to be unnecessary. Procedures for establishing Forest Service Offices are already in effect and it is doubtful that this section would aid this procedure.

It is unfortunate that so many people in this country think only in terms of preserving a forest for beauty or recreation. They do not seem to realize the importance of the products of the forest to the well being of our people or the fact that nature can be far more productive if assisted by man. Good forest management, which passage of this bill should provide, will give us forest products, as well as scenic beauty and areas for recreation.

Adequate funding of management of our National Forests is one of the necessary steps that must be taken to bring our forests up to full production. There is no doubt that we will be needing increasing amount of forest products in the foreseeable future.

I will appreciate your making this letter a part of the hearing record.

Very truly yours,

J. E. MOORE,
Management, Forestry Programs.

MYRTLE POINT CHAMBER OF COMMERCE,
Myrtle Point, Oreg., January 11, 1974.

HON. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR SIR: At the December 17, 1973 meeting of the Myrtle Point Chamber of Commerce, Myrtle Point, Oregon, the members gave an unanimous approval of the long range tree bill, H.R. 11320.

The chamber as an organization and as individuals realize much of our economy is based on the timber industry and are very interested in the best possible management and use of our national forests.

Sincerely,

DR. JOHN RESLOCK, *President.*



It is a pleasure to have you here today. I am sure that you will find the work of the League of Women Voters very interesting and profitable. The League is a national organization of women who are interested in the government and who want to make it more efficient. We are working for the betterment of our country and for the happiness of our people. We are doing this by educating the women of the country and by helping them to take part in the government. We are doing this by holding public hearings and by presenting petitions to Congress. We are doing this by electing women to office and by helping them to do their work. We are doing this by working for the improvement of our schools, our roads, our bridges, and our public buildings. We are doing this by working for the improvement of our laws and our constitution. We are doing this by working for the improvement of our government. We are doing this by working for the improvement of our country. We are doing this by working for the improvement of our people. We are doing this by working for the improvement of our world.

Very truly yours,
Mrs. John H. Frank
President, League of Women Voters
Washington, D.C.
This letter was written by Mrs. John H. Frank, President of the League of Women Voters, on December 15, 1913. It was written to a group of women who were interested in the work of the League. The letter is a very interesting and profitable one. It is a pleasure to have you here today. I am sure that you will find the work of the League of Women Voters very interesting and profitable. The League is a national organization of women who are interested in the government and who want to make it more efficient. We are working for the betterment of our country and for the happiness of our people. We are doing this by educating the women of the country and by helping them to take part in the government. We are doing this by holding public hearings and by presenting petitions to Congress. We are doing this by electing women to office and by helping them to do their work. We are doing this by working for the improvement of our schools, our roads, our bridges, and our public buildings. We are doing this by working for the improvement of our laws and our constitution. We are doing this by working for the improvement of our government. We are doing this by working for the improvement of our country. We are doing this by working for the improvement of our people. We are doing this by working for the improvement of our world.