

**Oversight Hearing
Healthy Forests Restoration Act Implementation**

**Council of Western State Foresters
July 19, 2006**

Mr. Chairman, members of the Subcommittee, my name is Jay Jensen and I am the Executive Director of the Council of Western State Foresters. I welcome the opportunity to testify before you today. The Council of Western State Foresters is comprised of the seventeen directors of the State and six Territorial Island forestry agencies of the West. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests.

The Council has been keenly interested in the development and implementation of the Healthy Forests Restoration Act of 2003, and continues to strongly support many provisions in that policy. In particular, State Foresters recognize the importance of managing forestland across ownership boundaries, and HFRA provides critical tools for accomplishing this work. Additionally, and the primary subject of my testimony today, HFRA formalized the role of communities in fire management. Community Wildfire Protection Planning charges communities with becoming active partners in their own protection from wildfire, and presents an unprecedented opportunity for engagement at the local level.

CWPP Summary & Background

Title I of HFRA focuses primarily on fuels reduction on federal lands, and provides for the development of Community Wildfire Protection Plans (CWPP) for communities at risk of wildfire. Drafting CWPPs in collaboration with state, local fire and local government officials, communities identify prominent sources of fire risk, summarize structural ignitability concerns, and prioritize areas for fuels reduction treatment. The main purpose of CWPPs is for localities to improve their wildfire mitigation capacity while working with government agencies to coordinate efforts to identify high fire risk

areas and prioritize areas for mitigation, suppression, and emergency preparedness management on both federal and non-federal lands. States have a legislatively-mandated and key role to play in the formulation of CWPPs, acting as long-term, landscape-scale coordinators and outside experts.

To assist communities in the development of their CWPPs, an official CWPP handbook was developed in March, 2004 by a collaborative work group consisting of the National Association of State Foresters, the Society of American Foresters, the Western Governors' Association, the National Association of Counties and the Communities Committee of the 7th American Forest Congress. This handbook helps to highlight the common ingredients necessary for successful CWPPs. Related, the National Association of State Foresters (NASF) issued a Field Guidance on Communities at Risk (June 2003), establishing a common definition for communities at risk and a process model for the prioritization of communities. These two guiding documents provide communities with powerful, easy-to-understand information that empowers them to take wildfire protection into their own hands.

It is also worth noting that CWPPs derive their collaborative direction from the nationally agreed upon blueprint for dealing with wildfire, the 10-year Strategy (2001), [*A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: A 10-Year Comprehensive Strategy*], and its companion document, the *Implementation Plan* (2002). Under direction from Congress, the Western Governors' Association in consultation with numerous stakeholders established a collaborative framework under the 10-year Strategy and Implementation Plan for decision-making and priority setting. It is clear that Congress has played a central role in empowering communities, and continued Congressional support for CWPP development and implementation is essential.

Goal number four in the 10-Year Strategy is to “promote community assistance”, with an emphasis on building community capacity and developing stronger incentives for community-level fire mitigation work. Current efforts to update the 10-year

Implementation Plan are underway, and through this process stakeholders have clearly voiced support for CWPPs as an effective tool for empowering communities to function as partners in their own protection from fire. Further, we have found that when solutions are developed collaboratively and close to the local level, controversy and conflict are reduced. By identifying priority acres in need of treatment through this process, many believe that CWPPs contribute to a reduction in appeals and litigation of land management projects, thus expediting the reduction of fuel loadings, one of the main tenants of the HFRA and HFI.

CWPP Implementation: Successes

As of the spring of 2006, more than 300 CWPPs that meet HFRA standards were completed in the West, providing community protection for more than 2,000 communities at risk. Nationally, an estimated 650 CWPPs have been completed and approved with an additional 600 currently in progress. Several states have also completed community fire plans that don't yet meet HFRA requirements, thereby offering additional protection that is not reflected in the data. A state-by-state breakdown of the western CWPP efforts has been catalogued in a March 2006 report by the CWSF, included in the appendix as a reference.

States have used a diversity of CWPP methods and community-at-risk definitions, adapting the tools to fit their individual state laws and wildfire situations. Because states have undertaken differing methodologies by necessity, numerical comparisons between states do not tell an accurate tale of CWPP development. Likewise, when looking at the CWSF report, the number of CWPPs completed in each state should not be calculated as a percentage of the total number of communities at risk in the state to indicate a level of protection. Many CWPPs cover more than one community, and many states have utilized such different definitions of "communities" that calculating percentages would be uninformative and potentially misleading.

The West is clearly moving toward increased community protection through the CWPP process. Identifying local concerns and prioritizing protection activities not only serves to

attract agency attention to fire management needs, but the very process of CWPP development tends to increase community capacity and foster a heightened awareness of local fire risk and responsibility. Furthermore, as federal, local, and emergency personnel collaborate on a CWPP, they form lasting relationships that extend beyond the immediate task.

With continued progress in local collaborative efforts, we expect to see reductions in conflict, appeals and litigation. We strongly encourage all decision-makers to maintain their long-term commitment to CWPP development and implementation as we believe local level decision-making will go a long way toward solving our catastrophic wildfire problem.

CWPP Implementation: Challenges and Recommendations

CWPP Project Translation

We do not know of any definitive data available on how many federal land projects identified under a CWPP have been translated into HFRA or other wildfire mitigation projects. We suspect that the actual numbers are low for reasons discussed in this testimony. However, we do know that the federal agencies are planning and in some instances have provided direction to the field to prioritize CWPP identified projects in fuels work. This will guarantee more CWPP projects getting translated into projects, and ensure that our limited funding is going to the highest priority treatments. We suspect that one reason why CWPP projects are not reaching the ground in meaningful numbers is because federal line officers already have a number of NEPA-ready projects on the books, ready to be implemented. Because of the lengthy process and resource commitment needed to develop NEPA projects (2-4 years at times), line officers are understandably reluctant to adjust their priorities until their investment in the NEPA-ready projects get off the ground. We believe that as these NEPA-ready projects begin to be implemented, we will see the emergence of new CWPP-driven HFRA projects.

Guidance

This transition to CWPP-driven HFRA projects would be greatly enhanced by national level clarification of existing agency direction around integration of CWPP projects with HFRA authorities. Emphasis should be placed on the involvement of multi-agency groups working together to implement these projects. In many places, stakeholders have long requested guidance on collaboration, and “characteristics of successful collaboration” are forthcoming in the revised 10-Year Comprehensive Strategy Implementation Plan. This information should be distributed to field offices with detailed instructions for implementation.

Expectations

Virtually all states report a common expectation in their communities: a completed CWPP will automatically lead to a stream of federal funding. This expectation is troubling for several reasons. First, it is inaccurate; HFRA and associated policy language urges federal agency planners to prioritize work recommended in CWPPs, but does *not* require them to conduct all of the projects suggested by communities. Second, when communities expect funding to follow their plans, they tend to write plans that cannot be implemented without outside support. Communities may invest in the analysis and process, but are too often unable to implement their ideas without federal agency involvement. Third, as agencies seek to build lasting trust with local entities through the collaborative process, they may be undermined when communities realize their expectations for federal funding will likely not be met. Finally, the rationale for a CWPP is meant to enhance individual responsibility, and not create a dependency on government.

Investment

While there is no dedicated line item in the federal budget to support the development of CWPPs, some communities and state forestry agencies have found other funding sources to bolster their efforts. Most prominently, the State Fire Assistance (SFA) program, part of the USDA Forest Service’s State and Private Forestry budget, directs federal funds to State agencies for work on community assistance and fire mitigation. These competitive cost-share funds are leveraged by communities for CWPP creation and implementation.

In the West, it is now a requirement under the SFA that proposed projects be tied to a CWPP in order to be competitive. Without reliable federal funding to support communities' CWPP planning and implementation, there is a very real risk that the most vulnerable, low capacity communities will also become the least protected from fire. The Council believes the demand for State Fire Assistance greatly outstrips current availability of SFA funding for CWPP development and implementation and that increases in SFA or other dedicated funding can be put to demonstrated good use.

Funding for collaborative fuels reduction work in some parts of the west also comes through the Secure Rural Schools Act. In particular, Titles II and III offer a funding stream for both collaborative processes and hazardous fuels reduction work on federal and private lands. Reauthorization and funding of the Act with continued flexibility for counties to undertake resource stewardship projects is a significant complement to HFRA authorities.

Once a CWPP has been created, funding needs intensify. Hazardous fuel work is very expensive, easily on the scale of \$1000/acre, and sometimes topping \$2000/acre when mechanical means are utilized. Funding shortages can push land managers to use prescribed burning and/or look toward more remote areas as cheaper alternatives that enable them to report higher acreage accomplishments. Many states report a chronic shortage of crews and equipment to implement projects that are ready. Other states suggest that the scale of the problem is so large that multi-agency, inter-disciplinary teams should be assembled to craft landscape scale projects across ownership boundaries. The simple story is that if we want more fuels reduction work in high-priority areas, additional investments will be necessary.

Performance Measures

Another way to increase the number of CWPP-consistent projects being implemented is to establish performance measures that reward the agencies for linking project planning with CWPP recommendations when those ideas are consistent with existing land management plans. The Council encourages the development of CWPP-relevant

performance measures. Currently, such efforts are underway in the update to the 10-year Implementation Plan and will go a long way toward fostering CWPPs in prioritization decisions.

Appeals and Litigation

We strongly support the HFRA objection process as a replacement for the lengthy appeals process that remains applicable to many non-HFRA projects. This issue is particularly important for the USFS, which is the only federal agency that deals with wildfire to have their appeals process codified in law. This rigidity reduces the agency's flexibility and lengthens their response time, thus delaying projects. Modification or outright repeal of the Appeals Reform Act is one option for dramatically reducing the impact of litigation on project timeliness.

A number of our state members and their federal partners continue to report time delays due to project-level appeals and litigation. In one instructive example, the Middle East Fork Hazardous Fuels Reduction Project in the Bitterroot National Forest in Montana was developed through a collaborative CWPP process. Project implementation was delayed because two local environmental groups decided to seek alternatives after agreement had been reached on a CWPP project. This example underscores how important it is to achieve appeal and litigation reform, particularly in relation to wildfire mitigation projects. Systemic reform might prevent this story from replaying in other communities.

In many instances, litigation is also the result of a lack of definitive science on controversial fire management problems. In particular, research that demonstrates the necessity and effectiveness of fuels reduction work to reduce fire risk broadly across the landscape is needed. Too often we hear that creating a small buffer around a home is all that is needed to protect life and property. The values associated with a functioning watershed, the critical habitat for an endangered species, and critical power and energy lines needed to keep hospitals, schools and our economy churning, do not stop 100 feet from homes and critical infrastructure. Scientific evidence about reducing landscape scale fire risk would greatly enhance our ability to succeed in many of these lawsuits. We

therefore recommend continued support for research programs, such as the Joint Fire Science Program, that directly address these ongoing fire management controversies.

Concluding Remarks

All states have at least begun the process of creating CWPPs, although rates of completion vary considerably. Across the West, as of March 2006, 334 CWPPs have been completed and approved in accordance with HFRA guidelines. These, and countless other community-based wildfire planning documents, when implemented, will serve to protect our communities at-risk. That is why it is vital that CWPP-identified projects get translated into agency priorities. As communities and states begin to share success stories and lessons learned, progress will strengthen and accelerate. Already, templates and field guidance have been developed by a number of non-profit, government, and research entities to facilitate the process of community input into wildfire mitigation projects. Although it has been two full field seasons since the passage of the HFRA, we believe that we will soon see a faster ramp up of HFRA projects, more reflective of HFRA expectations.

As this process begins to gather momentum, it will be vital to keep a focus on developing and revising CWPPs, and getting those projects translated onto the ground. Many who have been involved in CWPP development are quick to note that in many cases the process is itself a success. Collaboration around wildfire mitigation among local landowners, local governments, federal land management agencies and the states is creating lasting relationships that are invaluable for information sharing and community capacity building. Throughout the West, there is enthusiasm for improving collaborative efforts, protecting communities, and developing strong wildfire mitigation planning processes. These are the necessary ingredients to get the desired results of more acres treated on the ground.

Last, although our testimony has focused on CWPPs and their relation to Title I of the HFRA, it is also worth noting that the HFRA includes several important titles in addition to Title I. The biomass provisions of Title II, the Watershed Forestry Assistance Program

in Title III (for both private and tribal lands), and Title IV addressing insect infestations and disease provide key program elements designed to improve research, increase wood utilization, and address forest management concerns on a landscape scale in order to sustain and restore the health of forested watersheds. State Foresters from the CWSF and across the country have worked with the USDA Forest Service to develop implementation guidelines for the Watershed Forestry Assistance Program in Title III, and we hope to see this program receive funding for full implementation on both private and tribal lands. Among other goals, its purposes are closely tied to those of Title I, by improving landowner and public understanding of the connection between forest management and watershed health, it enables application of landscape scale approaches to forest rehabilitation and restoration.

Thank you very much for having me today, and I welcome your questions.