

Testimony

Statement

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Before the

U.S. House of Representatives
Committee on Resources
The Task Force on Improving NEPA

Concerning

The Role of NEPA in the States of Washington, Oregon, Idaho, Montana and Alaska

April 23, 2005, Spokane Washington

Madam Chairperson and Members of the Task Force;

My name is Gail Kimbell. I am Regional Forester for the USDA Forest Service Northern Region, which comprises 25 million acres on 13 National Forests and Grasslands, in Idaho, Montana and North Dakota. I am based in Missoula, Montana. Previously, I served as Associate Deputy Chief for the National Forest System in Washington, D.C. I am here today to address you about the concerns regarding the ability of the Forest Service to respond to restoration and forest health needs in a timely manner. During the past two decades, Forests and Grasslands in the Northern Region have experienced protracted drought accompanied by associated wildfires and forest health issues such as invasive species and stress induced insect epidemics.

To assess forest health of the National Forests and Grasslands in the Northern Region, one need only drive Interstate-90. From Billings you can view the Custer National Forest in the distance and then the Gallatin National Forest up close. As you climb out of Livingston, you start noting all the dead pine in amongst the very cool rocks on the pass. As you drive into Butte, you can look south into the city's Basin Creek watershed on the Beaverhead-Deerlodge National Forest and fervently hope a lightning bolt doesn't strike anywhere near. Going further west, you drive through parts of the Helena National Forest and onto the Lolo National Forest, intermixed with private lands of many ownerships. You'll note acres and acres of burned forest. You will also see abundant understories of purple and yellow characterizing the presence of spotted knapweed, leafy spurge and yellow toadflax, all invasive pest species. Keep driving I-90 down the Clark Fork River through Missoula and then on to Superior. There you will see pockets or hillsides of dead trees or trees exhibiting stress as you continue on up the pass. Perhaps the toughest sight is the big sign "Welcome to Idaho" as you cross onto the Idaho Panhandle National Forests with the spectacular backdrop of extensive stands of dead trees. I can understand why Governor Kempthorne is not thrilled with that view. My point here is that the forest health issue is real and the impacts are extensive. We are working in cooperation with Forest Service Research, the State of Idaho and State of Montana using the Forest Inventory and Analysis (FIA) process to develop

quantitative data that will help determine the magnitude of various forest health problems. This, along with the application of other science based evaluation provides a foundation for the collaborative processes that are used to spend taxpayer dollars in the highest priority places.

Yes, we are being challenged on our decisions in the Northern Region. Many go on to court. In fact, we have 44 projects in some stage of litigation right now. These projects represent an array of forest and rangeland management needs including 16 green timber sales, 5 salvage timber sales, 2 fuels reduction projects, 4 grazing allotments and combinations of these activities. The balance of the projects in litigation cover a wide range of management activities such as easements, access, travel management, threatened and endangered species, and mining. Adequately responding to these challenges continues to require more extensive environmental analysis and more documentation. It is also important to note that each time we go through the appeal process or the courts, much of our limited resources are employed to defend the decisions we feel are crucial to restoring ecosystems and addressing forest health concerns. There is no special budget for litigation, no special team of resource specialists. The same resource teams that are charged with completing required analysis on current and future projects must delay that work to prepare extensive administrative records for legal challenges.

Please refer to Exhibit (1). This photo demonstrates judicial review requirements for documentation of the administrative record for the Clancy-Unionville project on the Helena National Forest in Montana. The original Environmental Impact Statement was a sizeable 592 pages with the appendices, but this seems paltry compared to over 15,000 pages now in the administrative record. Judicial review also requires this record be submitted in electronic format in addition to this mountain of paperwork. These electronic records are extensive with hundreds of hyperlinks that must be carefully inspected to ensure all the supporting documents are appropriately referenced. As the required analysis and documentation increases, these limited resources must also be committed to re-assessing projects that have previously been initiated thus adding another level of delay.

Delays in restoration and forest health treatments compound the problem as more acres move into conditions that promote invasions of exotics, leave forests susceptible to insect and disease and predispose ecosystems to unwanted wildfire. An example of how process delays can negate the advantages of appropriate treatment is the Jimtown project on the Helena National Forest in Montana. This project proposed to thin and underburn about 900 acres and underburn 220 acres to make ponderosa pine stands less prone to stand replacing wildfires and protect private property in the wildland-urban fire interface.

The project involved extensive public involvement. Letters were sent to the 22 property owners in the immediate area of the project and the District Ranger met with 12 of the landowners individually on the ground. The public participation was conducted in cooperation with the rural fire district. Public meetings and field trips to the area were held and were attended by County officials, landowners and other interested parties. The project also received letters of support from Lewis and Clark County Disaster and Emergency Services and the Tri-County Fire Working Group (A coalition of federal, state and local fire officials from Lewis and Clark, Jefferson and Broadwater counties).

An Environmental Impact Statement and Decision Notice were released in May of 2001. The project was subsequently appealed. At the appeals resolution meeting, eight individual landowners requested the appellants withdraw their appeal, which they did not. The project decision was upheld in August of 2001. The appellant filed a complaint with Federal District Court to permanently enjoin the project which was granted. A hearing date was set for October of 2003; however in July of 2003 approximately 45% of the project area burned in a running crown wildfire. The chronology (Exhibit 2) of this project shows how process and procedural delays hamper the ability to get on top of forest health restoration needs especially when treatment needs are time sensitive. Often delay is the objective of individuals or groups that do not want to see any trees harvested. This is particularly true with fire and insect salvage. Usually the value of any forest product is greatly reduced before the final disposition of the appeals and litigation.

Still, The Forest Service is starting to see a change in the way communities are working together with land managers to address the most important priorities that must be addressed if we are to sustain healthy forest and range lands. People want something better for Idaho and Montana and I am sensing there is an evolution underway in the manner in which interest groups are willing to come together and talk. This week, the Northern Region released the Draft Environmental Impact Statement for our first project developed under HFRA. This project was developed in a collaborative manner with the community of Sula, Montana and it responds to the needs outlined in the Community Fire Protection Plan.

The Forest Service and other federal agencies are working hard to address these ecosystem health issues. These are huge problems and many factors such as weather and other natural processes are out of our control. However, we are making progress using new tools we have been given by Congress and the Administration. We are doing lots of community collaboration and environmental analysis. We've completed over 100 projects using Categorical Exclusions (CEs) from the Healthy Forests Initiative (HFI). We have several project proposals ongoing using the authorities under Title I from the Healthy Forests Restoration Act (HFRA) and have initiated another based on the Council on Environmental Quality's Guidance for Environmental Assessment of Healthy Forest Projects on the Butte Ranger District of the Beaverhead-Deerlodge National Forest.(<http://www.fs.fed.us/r1/bdnf/>)

The Northern Region leads the nation in application of Forest Stewardship Contracting. Projects such as the Clearwater Stewardship Pilot project on the Lolo National Forest are producing tangible results in forest health restoration while helping local economies. This project included 640 acres of selective timber harvest, much of which was in the wildland-urban fire interface around the town of Seeley Lake, Montana. We are making good use of all these new authorities where it is appropriate. We also recognize the tools have size and other legal limitations, so there are still places where treatments need to be applied on a landscape level.

The Northern Region will continue to do what we can, working with all the interested parties, using the tools we have been given. Undoubtedly, everyone is interested in healthy, diverse and vibrant ecosystems that are managed in a sustainable manner. We need to focus our efforts and resources on what we collectively agree are good for the land and not continue to expend an inordinate amount of time mired in process. We believe the President's Healthy Forests Initiative

and the new authorities provided under HRFA put us on a strong path toward addressing these problems and focusing on solutions that ultimately improve the health of the land.

This concludes my statement. I will be glad to answer any questions you may have.