
Something of Value:
The National Forest System
A Position Paper

The National Institute for the Elimination
of Catastrophic Wildfire

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March 2012

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Congressional Action is Needed for the Revitalization of the National Forest System. March 12, 2012

The Congress of the United States of America began the evolution of today's National Forest System over a hundred years ago, and Congress' attention is needed now to return these treasured lands to healthy and bountiful lands for the welfare of all American citizens.

Currently, as much through designed neglect as benign neglect, the national forests have been allowed to change from productive forests to fire-prone, insect-infested and disease-wracked lands of declining value to the public. This condition is caused, in part, by lack of clear management direction for these lands, lack of human and financial resources to protect and manage these lands, and lack of public understanding of the importance of effectively managed forests.

The first step to national forest recovery is for Congress to charter a comprehensive review of the legislated mission of the forests, the role Congress sees for the forests in meeting the nation's increasing need for natural resources, and the actions needed to protect the forests from natural and anthropogenic damage and destruction. This review would be best led by a new public land law review commission, or Congress's Government Accountability Office (GAO) with input by representatives of state and local governments directly concerned with national forest issues, citizen dependent on the forests, resource management experts, and user group members. This would be a formidable task; however, these lands and their proper management are of vital importance to the nation.

Origin and Value of the National Forest System

Congress authorized presidents of the United States to reserve certain forest lands from the public domain by what is now called the Forest Reserve Act of 1891, and provided for management of these forest reserves by the Organic Act of 1897 "...to improve and protect the forests...securing favorable conditions of water flows, and furnish a continuous supply of timber..." The Forest Service's Organic Act specified the purposes for which forest reserves (national forests) could be created: 1) to insure "a continuous supply of timber for the use and necessities of United States citizens"; and 2) to secure favorable conditions of water flows. (In a later court decision, the court ruled that the Secretary of Agriculture may also consider the economic well-being of the citizens of a state wherein timber is located in administering national forest lands "for the use and necessities of citizens of the United States.") Congress shifted jurisdiction of the forest reserves from the Department of the Interior to the Department of Agriculture by the Transfer Act of 1905—which also established the U.S. Forest Service—and designated the forest reserves as national forests by the Designation Act of 1907. The Weeks Act of 1911 authorized the Secretary of Agriculture to purchase certain lands for addition to the National Forest System. As authorized by still other Acts, additional lands were acquired by

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“The mission of the National Institute for the Elimination of Catastrophic Wildfire is to educate, collaborate and motivate decision makers at all levels to take the necessary steps to eliminate catastrophic wildfire.”

exchange, donation, transfer, and condemnation. As the National Forest System evolved to its current size of almost 193 million acres, the Forest Service managed these lands to provide an increasingly wider range of multiple uses and benefits in terms of commodity and amenity resources for the American people. Congress reaffirmed that administration "...for outdoor recreation, range, timber, watershed, and wildlife and fish purposes..." when it passed the Multiple Use-Sustained Yield Act of 1960. Since its founding, the Forest Service has been designated by Congress to administer these critical natural resources for the citizen-owners of the national forests.

Today, when the United States population has grown from slightly more than 50 million in 1897 to 313 million, the purpose of the National Forest System and the mission of the Forest Service are more important than ever. In the midst of a worldwide economic crisis, the American people and their industries are fighting to survive and thrive in an increasingly challenging global marketplace. The renewable natural resources of the National Forest System, one of the nation's most valuable and competitive assets, are in extreme peril. Active and effective scientific management and stewardship of these lands that provide fresh water for domestic, industrial, and agricultural use; habitat for fish and wildlife; a sustained yield of essential wood products to support local and national economies—and, yes, outdoor recreation to sustain a mentally and physically healthy population—is absolutely essential to national survival.

Adverse Impacts Affecting the National Forest System and the U.S. Forest Service

Myriad impacts are adversely affecting the National Forest System and the Forest Service charged with its administration.

- 1) Rapidly changing environmental conditions caused by changing climate conditions.
- 2) Single-species habitat protection policies which have caused dramatic increases in the frequency, severity, and size of wildfires which annually consume millions of acres of precious natural resources and damage or destroy soils which may take 1,000 years to rebuild.
- 3) Insect infestations exceeding four million acres in the West which, if not treated, will fuel future catastrophic wildfires.
- 4) Invasive vegetative species are taking over huge numbers of acres of potentially productive forest and grasslands.
- 5) Reduction and deterioration of water quality and quantity which causes increasing water shortages for domestic, industrial, and agricultural uses and fisheries.
- 6) Unnatural overstocking of forest vegetation that leads to declining forest health and insect infestations that are direct results of overstocked stands. This is a direct result of the Forest Service not being permitted to actively manage these valuable forested lands by thinning and harvesting because of frivolous court challenges that result in:
 - a) Severely reduced monetary return to the U.S. Treasury,

- b) Severely increased unemployment,
 - c) Unnecessary suppression and restoration costs to taxpayers, and
 - d) Dramatic detrimental changes in stand structure and composition.
- 7) A major and perverse shift in use of the justice system during the past 30 years to block active resource management and use and garner economic windfalls for anti-forest management activists that has:
- a) Drastically reduced sustainable harvesting of the timber resource from about 11 billion board feet 20 years ago to less than two billion today, and
 - b) Significantly increased catastrophic wildfires in which overstocked stands and dense canopies contribute to such disastrous fires as the 2002 Hayman Fire in Colorado, the 2008 fires in Trinity and Siskiyou counties of California, and the 2011 New Mexico and Arizona fires; more than one million acres of valuable national forest resources have been destroyed by these wildfires alone. Overall damage costs of wildfires range from three to 10 times fire suppression costs, not counting associated property losses and personal injuries and deaths.
- 8) The excessive costs of red tape and legal minutia that hinder forest planning and execution of management projects to the point only a small percentage of critical forest health and wildlife habitat projects are accomplished. An example is the death of over four million acres of Colorado and Wyoming forests cause by insect infestations in large part a result of ineffective forest management.
- 9) The shift from professional forest management programs to a passive caretaker mode because the federal government fails to meet the legislated promise to the American people and instead permits special interest groups, through misguided legislation, to curtail sound Forest Service forest management. This has taken a heavy toll not only in terms of deteriorating forest health but also in reduced county and school revenues, increased unemployment, and depressed economies that destroy forest-dependent communities.
- 10) The inability to salvage dying and fallen trees after fires or other catastrophic events that leaves large volumes of hazardous fuel for the next fire and creates life-threatening conditions for firefighters and residents.
- 11) Agency fire strategies that contribute to catastrophic fire occurrences rather than limits them, and closures of roads necessary for forest work, firefighting, law enforcement, public use, and search and rescue operations.
- 12) The Forest Service—the strength and effectiveness of which is critical to sustaining and improving forest resource health, providing services to an expanding population, and meeting growing demands for natural resources—has been and continues to be subjected

to impacts that severely curtail its efficiency and effectiveness. It has gone from being rated one of the most effective federal government organizations in 1984 to one of the least now. These adverse impacts include:

- a) Tight control of Forest Service by the U.S. Department of Agriculture may limit executive decision space and constrains creativity.
- b) Reduced staffing has caused lack of depth in most of the organization.
- c) Loss of credibility with cooperating organizations, local communities, and individuals has resulted from erosion of effective training programs for leaders and managers.
- d) Lack of leadership at various levels of the organization has affected quality decision making.
- e) An administrative and accounting system that does not meet the needs of on-the-ground land, natural resource, and business management. The existing system tends to over-manage in critical areas, does not provide sufficient decision latitude for local program managers, and does not provide a positive program review system. Major centralization of administrative tasks accomplished in the early 1980s to reduce administrative costs resulted in project personnel spending an inordinate percentage of time doing administrative work previously done by an efficient and effective support staff. This has damaged management effectiveness, reduced morale, and drastically reduced customer service throughout the entire organization as evidenced by the latest GAO review of Forest Service business consolidation effectiveness.

Indicators provided for the review of National Forest System.

The proposed Congressional review of the Forest Service efforts to implement legislative direction regarding National Forest administration should have the following indicators of effectiveness. They were developed with extensive input from state and local officials, diverse resource groups and knowledgeable citizens.

- 1) The National Forest System meets the needs of all American people and contributes to the economic well being of local communities. Local governments are actively included in all Forest Service resource plans and decisions that affect them.
- 2) Congress, the administration, and domestic and international cooperators receive quality professional Forest Service advice and technical assistance.
- 3) Forest Service research and development programs expand scientific knowledge required by managers of the nation's and the world's renewable natural resources and at the same time involve local resource managers in identifying emerging issues and challenges.
- 4) Forest Service land management programs are harmonized and integrated with those of other public agencies and private ownerships to ensure greater protection of the health of forests and rangelands from wildfire, insects and disease, and human and other threats.

- 5) The Forest Service has the financial resources to employ the full range of management tools including, but not limited to, planned prescribed fire to establish resilient landscapes able to adapt to changing climate conditions and public needs.
- 6) The true cost of wildfire is recognized and fuel reduction programs are funded to achieve the national goals necessary to establish and maintain healthy, productive forests. Grant funding is available to all critical areas regardless of the ability to provide matching funds.
- 7) The Forest Service planning system is consistent with statutory direction and responsive to public users and local community needs as well as to changing climate conditions. Local cooperators are involved in local forest planning from start to project completion.
- 8) Forest Service resource decisions and plans take into account the need for healthy ecosystems balanced with the social and economic needs of counties, local citizens and groups.
- 9) A reliable “feedstock” supply from the national forests supports investment in various local forest product industries that contribute to forest health, carbon storage, and local economies. Efforts are made to support local citizens in development of new projects such as wind, solar, geothermal, hydropower and use of woody renewables for energy and heat.
- 10) There is adequate long-term funding separate from the timber sales program to support the sale and removal of excess forest fuel materials. There is a method of sharing income from cooperative programs with local communities for schools, local roads and investment in future resource projects.
- 11) There is true government-to-government coordination and cooperation between the Forest Service and state, tribal, local groups and local government entities to ensure harmonization of their respective goals and objectives.
- 12) National forest management goals recognize local public health and safety as well as consider the social and economic well-being of forest-dependent communities. This is evident by the creation of collaborative areas set up by forests to support stewardship projects that are mutually designed to meet Forest Service and local goals. In addition there is a revived and robust timber sale program that is able to use emerging legislation allowing product removal for forest health and safety.
- 13) A viable timber sale program exists to provide feedstock to local mills. With this revitalized sale program struggling mills are able to put more people to work to supply the nation’s needs for timber products. The outlook for meeting the bulk of the nation’s wood supply needs from our own lands is bright.

- 14) Forest recreation plans provide for maximum use of National Forest Service lands to all types of visitor activities. Special efforts are made to include local citizens and groups along with state and local units in recreation development use plans.

A Desired Future State to Meet the Nation's Current and Future Needs

Numerous groups that support restoration of critical natural resources throughout the United States advocate cooperative efforts on both public and private lands to ensure the needs of future generations are met. These groups are achieving results in ensuring sustained abundance of these resources because some of the roadblocks referred to herein have been removed by Congress. Such positive steps are essential to restoration of the National Forest System and resolution of the nation's financial crisis.

Recommended Actions to Attain the Desired Future State of the National Forest System and the U.S. Forest Service

A healthy National Forest System and Forest Service may be attained if and when the nation's leaders take the following actions to save precious natural resources in a way that reduces overall losses and associated costs to the American taxpayer:

- 1) Produce a report that recommends congressional action

Based on the findings and recommendations of a new public land law review commission or GAO report on its proposed study of the National Forest System, Congress should enact legislation affirming the mission of the U.S. Forest Service and provide congressional direction to manage and restore the National Forest System and provide national and international leadership in all aspects of natural resource management.

- 2) Review the Consequences of Legal Challenges

A *primary* roadblock to natural resource management progress is the obstructionism of the few who use the courts to impede or terminate needed resource management work by using (some would say "perverting") the Equal Access to Justice Act of 1980 to force taxpayers to reimburse them for legal expenses for often-frivolous lawsuits. Some of these plaintiffs and the suits they file state they want no commercial use of the public lands, especially timber harvesting. Such litigation has become a huge and harmful industry that costs the federal government millions of dollars per year and many more millions—if not billions—in the costs consequent of not managing public forest lands. Some of these issues could be effectively dealt with through bipartisan support of HR 1485, the Catastrophic Wildfire Community Protection Act, and HR 1996, the Government Litigation Savings Act; the latter bill would limit reimbursements to law firms for expenditures in lawsuits. If passed, both bills would enhance needed resource work and provide needed employment while costing the nation little.

- 3) Reduce the Costs of Catastrophic Wildfires

- a) Catastrophic wildfires in 2011 consumed 1.73 million acres of National Forest System lands at a tremendous cost. Suppression costs are but a fraction of the true costs of these wildfires. True costs include impacts on homes, communities, and invaluable natural resources that include watersheds that yield high-quality fresh water, timberlands, fish and wildlife habitat, and outdoor recreation; impact on lands that provide essential ecosystem processes and services; and release of air pollutants that contribute to global warming.

- b) Allocation by Congress of half these lost dollars to work on National Forest System lands that reduced fuel hazards could not only prevent a large percent of catastrophic wildfires and their myriad expensive consequences, but provide jobs for many citizens who sorely need them. The concept of “Invest to Save” must become an essential element in funding National Forest System management.