

**Statement of
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Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands, Forests & Mining
S. 1479, Catastrophic Wildfire Prevention Act
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Introduction

Thank you for the opportunity to provide the Department of the Interior's views on S. 1479, the Catastrophic Wildfire Prevention Act.

This bill seeks to reduce the risk of catastrophic damages resulting from wildland fire by defining new forest and fuels treatments policies on public lands managed by the Bureau of Land Management (BLM) and on National Forest System lands managed by the U.S. Forest Service. The Department of the Interior supports the goals of enhancing restoration for public forests and rangelands and mitigating the risks of wildland fire by working more effectively with our partners. However, the Department opposes S. 1479, which would limit appropriate environmental review and public involvement in federal actions in its effort to expedite restoration treatments, as well as commercial grazing and timber harvesting.

Background

The BLM is committed to sustaining the health, diversity, and productivity of forests and woodlands, which together comprise 58 million acres of public lands managed by the BLM. The mounting effects of insect infestations, disease outbreaks, prolonged drought, climate change, invasions of harmful non-native species, and the accumulation of fuels generate increased risks of catastrophic losses, including risks to life and property that may result from wildfire. These increasing pressures, coupled with increasing demands for uses of the public lands, may also result in the loss of natural and cultural resources, loss of wildlife habitat, and loss of recreational opportunities on the public lands, and may further accelerate the proliferation of non-native species.

Phases I and II of the National Cohesive Wildland Fire Management Strategy represent an unprecedented collaborative planning and risk analysis that builds on successes of the past while incorporating a new collaborative approach to restoring and maintaining resilient landscapes, creating fire adapted communities, and managing wildfire response in a complex environment. The DOI agencies' approach to hazardous fuels reduction is integrated and coordinated across land ownership and is responsive to challenges that include insect infestations, non-native species invasion, and other complex problems. The BLM has also completed a Programmatic EIS and Environmental Report for Vegetation Treatments in 17 Western States to further the goals of the Cohesive Strategy, providing for overarching National Environmental Policy Act (NEPA) analysis to better enable the implementation of hazardous fuels reduction projects using a range of tools.

The BLM takes seriously its responsibilities for protecting people, property, and resources from wildland fire, and uses a proactive approach to treat hazardous fuels. In FY 2012, the Department of the Interior completed about one million acres of hazardous fuels reduction treatments. Over 468,000 acres of these treatments were conducted by BLM, including thinning, salvage, and prescribed burns. While these accomplishments are substantial, the BLM recognizes that significant challenges remain in achieving our restoration goals.

The BLM approaches these goals within the context of the agency's land use planning and NEPA processes. These open, public processes provide opportunities for stakeholder involvement and agency analysis of a range of alternative actions and their likely impacts on the affected environment. The BLM is committed to using available tools to ensure that this process proceeds efficiently and that analyses consider appropriate data.

Because the factors that cause increasing hazardous fuel loads cross jurisdictional boundaries, the Department has increasingly adopted a landscape approach to resource conservation and hazardous fuels treatments. The BLM routinely works with partner agencies, organizations, and landowners to engage in land and watershed restoration, community preparedness, and hazardous fuels reduction activities on Federal, state, and private lands. DOI agencies employ an integrated approach to wildland fire management, including the prioritization of hazardous fuels treatments to mitigate the potential risk of wildfires, and we look forward to working with the Committee, the States, and at-risk communities to restore public forests and rangelands and mitigate the risks of wildland fire.

S. 1479

While the Administration is very supportive of reducing wildfire risk, the Department does not believe that S. 1479 will reduce wildfire potential or mitigate the risk of severe damages from wildfire, as the bill does not reflect the Department's or BLM's most current methods for conducting assessments and determining management practices. The Department of the Interior is committed to protecting lives, public land resources, and property from wildland fire. The BLM achieves these goals by using science-based tools for assessing conditions, establishing utilization standards, and analyzing alternatives. Additionally, the public input the agency receives on proposed actions for managing particular resources is critical for adequately assessing the efficacy of alternative management solutions. While the BLM supports the use of targeted grazing and other fuels reduction treatments to mitigate the risks associated with wildland fire, we are concerned that the bill would provide for the application of such treatments in inappropriate circumstances and without adequate review.

S. 1479 would limit the effectiveness of the agency's land use planning and NEPA processes by limiting opportunities for public comment and involvement, eliminating the requirement for alternatives analysis, and allowing for projects inconsistent with existing land use plans. The bill imposes strict deadlines for public review and environmental analysis and deems a project NEPA compliant if the agency does not meet the deadlines. The 30- and 60-day deadlines for environmental analysis provided for in the bill would limit the BLM's ability to perform important analyses that inform its decisions and would not permit a thorough response to all substantive comments received on a proposed authorized wildfire prevention project, including those that are relevant to the environmental analysis. The public comment process allows for the

identification of potential issues with the proposed action, and also provides a forum for addressing public concerns and generating greater public buy-in for the proposed action. By involving the public in this manner, and by analyzing a full range of alternatives, the BLM is often able to generate mutually beneficial and lasting partnerships that help the agency to meet the goals set out in its plans. The BLM is also concerned that deeming EAs for grazing and timber harvest to be sufficient for 10 and 20 years, respectively, would not allow the BLM to consider shorter durations where appropriate.

Additionally, S. 1479 would apply to fuels reduction projects, including timber harvest, in Wilderness Study Areas (WSAs). Under the Federal Land Policy and Management Act (FLPMA), the BLM manages WSAs in a manner that does not impair their suitability for potential future designation as wilderness by Congress. The Department is concerned that S. 1479, if enacted, could allow fuels reduction projects in WSAs that are not permitted under FLPMA and are inconsistent with the nonimpairment standard, such as projects requiring motorized and mechanized equipment or the construction of temporary roads.

S. 1479 presents several problems more broadly within the Department of the Interior.

Catastrophic wildfire is a serious threat to threatened and endangered species, as well as to communities and the public; the U.S. Fish and Wildlife Service works very closely and cooperatively with the land management agencies to reduce the risk of catastrophic wildfire. FWS is not aware of any case in which compliance with the Endangered Species Act has been a bar to wildfire response or hazardous fuels reduction. As a general matter, the Department considers Section 7 of S. 1479 to be generally redundant to existing mechanisms of reconciling fuels management and species conservation and unnecessary in consideration of limited resources.

The language included in Section 7 of S. 1479 would be in direct conflict with the language of the ESA and Congressional direction that listing determinations will be based solely upon the best available scientific information informing out consideration of the statutory listing factors relating to the risk of extinction.

Conclusion

The Department of the Interior supports the use of fuels reduction projects to prevent the loss of life and property and damage to public land resources that can result from wildland fire. However, the Department opposes S. 1479 due to provisions that limit our ability to reduce the risk and impacts of wildfire with the best available science, decrease opportunities for public involvement and environmental analysis, shorten timeframes for analysis, and allow timber harvest in WSAs. We appreciate the importance of this issue and look forward to working with the sponsors and the Committee on processes and policies that will result in more effective implementation of hazardous fuels reduction projects and restoration of forest health. Thank you for the opportunity to testify, and I would be glad to answer any questions.