

TESTIMONY BEFORE THE SENATE ENERGY AND NATURAL RESOURCE COMMITTEE

Hearing on

“Management Reforms to Improve Forest Health and Socioeconomic Opportunities on
the Nation’s Forest System”

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Statement of Mark L. Peck
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My name is Mark Peck. I am a newly-elected County Commissioner from Lincoln County, Montana. On behalf of the citizens of Lincoln County, the City of Libby and my fellow commissioners, I would like to thank you, Madam Chairman, the ranking member, Senator Cantwell, and the Senator from the great state of Montana, Senator Daines, along with the rest of the panel for allowing me the honor of testifying before you today.

Prior to taking office in the county commission, I spent five years as the Libby Unit Manager for the Montana Department of Natural Resources and Conservation, overseeing 32,000 acres of school trust timber lands and 400,000 acres of wildland fire coverage. Before that I served as the Director of Emergency Services for our neighboring county, Flathead, working extensively in forest management and wildland fire issues. I have seven years of experience on the command and general staff of one of just 16 Type 1 National Wildfire Incident Management teams, working on highly complex fire incidents in California, Colorado, Arizona, Oregon, Idaho and my home state of Montana.

I lived an envious childhood, growing up in the shadows of the Cabinet Mountains and the Kootenai National Forest in Lincoln County. The county comprises more than 3,600 square miles of the most remote and beautiful terrain in the lower forty-eight states. Nestled in the northwest corner of Montana, bordering Idaho and Canada, the county is blessed with several rugged and unique mountain ranges, a multitude of alpine lakes, the Cabinet Mountain Wilderness Area and four pristine rivers, with the Kootenai River dissecting the county from Canada to Idaho.

The county seat of Libby, along with neighboring cities of Troy and Eureka, serve as the key population centers for the county’s 19,600 residents.

The 2.2 million acre Kootenai National Forest constitutes 78 percent of the total land within Lincoln County and has not only served as the cornerstone of our rich cultural and economic history, but also holds the key to future prosperity.

The Kootenai enjoys a semi-coastal climate and is the most productive forest in the state, growing an estimated 400 million board feet of timber annually. The Cabinet Mountain Wilderness Area is a 35 mile long, 94,272 acre treasure, with its northern boundary within a few miles of Libby. The Forest and the Wilderness Area provide an abundance of recreational opportunities, hiking, biking, fishing, skiing, hunting and other forms of both motorized and non-motorized recreation.

I left Lincoln County in 1980, when I joined the United States Air Force. After a 20-year career, I worked my way back home to find a community dramatically different from the one of my childhood.

My community is caught in the midst of an artificial and unnecessary war between economic and environmental philosophies. I come before you today to speak on behalf of neither of these groups. As one of our local advocates, Bruce Vincent, so eloquently stated, "Not being part of the industry panel or part of the environmental panel, we represent the impacted other."

This unnecessary conflict between industry and ecology has wreaked havoc on a once-vibrant community and a once-vibrant forest landscape. When I graduated from Libby High School in 1977, we had more than 700 students. We now have a high school with a population of approximately 300 and we have lost over 1000 students from all grades since 1998.

Lincoln County used to be one of the wealthiest counties in the state of Montana. It is now one of the poorest, with the state's highest level of unemployment. There are no longer any major mills in Lincoln County, and the logging industry has dwindled to just a handful of small operators. The timber that is harvested in Lincoln County is shipped elsewhere for processing.

The United States Forest Service presence in the county has shrunk from six ranger districts to four, with a drop in personnel from more than 500 to less than 300.

The harmony and vitality of my community have given way to decades of conflict built upon the false premise that management, conservation, wildlife and sustainable community economics are diametrically opposed to one another.

During the past thirty years, we have taken the lead in trying to overcome unnecessary conflict by building and supporting a plethora of collaborative processes. Over and over a broad and previously dissonant array of stakeholders have been able to find common ground built upon a vision of achieving and maintaining the health of our forest ecosystems. We were the first forest area to convene a series of meetings for the Seventh American Forest Congress. We have a long-standing Forest Stakeholders group that pounds out local resolution

to assist in difficult forest management decisions. We have formed numerous sustainability task forces and were incredibly successful in utilizing the Resource Advisory Committee approach afforded the forest under the SRS mandate. We have embraced the Fire Wise Community concept to assist ourselves in surviving the fires we know are in our future.

Decades in, however, solutions still elude us and the issues remain unchanged. We have severe forest health issues, increased threat of severe and uncharacteristic wildland fire, marginal – if any – progress in recovering threatened and endangered species and a devastated local economy. We have no new wilderness. No one is winning in Lincoln County.

A local teacher and historian, Jeff Gruber, once wrote, "It's time for a new conversation, one that does not allow for and continue the death throes of my hometown, but instead offers solutions and optimism for a community long overdue for change. It is our deep desire that the citizens of Lincoln County, the Kootenai National Forest and the state of Montana be at the forefront of that optimism and change. Locally, statewide and nationally."

We are tired of hearing that if we just sit down and collaborate with each other we will resolve our forest's issues. We have collaborated. Successfully. It is the system of implementation of our hard-sought conclusions that is broken – not our local resolve or ability to find common ground.

The process is fundamentally broken and we must fundamentally change how we look at resource management in this nation and that can only happen with a complete overhaul of our current structure of laws, rules and attitudes. In his book *The Governance of Western Lands*, Martin Nie states, "problematic statutory language is a ubiquitous driver of public land conflict. The ambiguity, contradiction and overextended commitments in some of these laws are the major reasons administrative rule making, planning processes, the courts and other venues have become the dominant ways of dealing with such conflicts". The U.S. Forest Service Manual, *Selected Laws Affecting Forest Service Activities*, contains language for 90 congressional acts on 828 pages...what could possibly go wrong?

Our path forward must be dedicated to a few guiding principles:

- We must recognize that the status quo is unacceptable.
- We must manage the forest for the forest, watershed and habitat, not special interests, and the socioeconomic and conservation needs will be met.
- We must manage for healthy ecosystems that coexist with healthy socioeconomic systems in federal land dominated counties and local communities.

- We must identify and make adjustments in the governmental process to prevent repetition of circumstances which lead to gridlock.
- Legislative efforts must be comprehensive, systemic, and innovative.
- New legislation must take a large-landscape approach that creates jobs and benefits fish and wildlife habitat through active management, scientifically sound forest restoration and upholds conservation priorities.
- Decision processes must be interactive, democratic and ensure increased empowerment of local stakeholders, local elected officials and ensure the implementation capabilities of resource managers.
- We must address practical, broadly supported opportunities to: 1) Solve the ongoing fire-funding problem and the resulting drain on Forest Service budgets; 2) Reduce delays associated with excessive litigation and other forms of conflict; 3) Increase Forest Service and partner capacity; 4) Include language (more sophisticated than simple acreage targets) to ensure Forest Service accountability and implementation; 5) Increase the pace and scale of active management and forest restoration; 6) Prioritize and expedite mechanical treatment in the front country while protecting backcountry roadless areas and restoring, through management, high-quality wildlife habitat and watersheds.
- We must fund and staff local forest service units to meet forest plan identified management objectives.

Specific recommendations for consideration:

- **Immediate Priority:** Full funding of PILT and funding of SRS until harvest levels increase to meet the allowable sale quantity levels within the approved forest plans.
- Establish a professional tiger team to review current laws, rules and administrative structures and develop recommendations for a revolutionary implementation plan for managing federal lands into the next century. There must be a very clear mandate, timeline, budget, authority and accountability to innovate and develop a new approach. Professional facilitation is paramount to success. The group must be represented by wilderness, industry, conservation, recreation, local government, state government, wildlife, sportsmen and federal agencies... a national stakeholders group. Team members must have established records of major project achievement and team leadership dynamics. Membership should lean towards field experienced members who have a record of collaborative successes and philosophy versus long term, administrative staffers. The committee should report to congress with significant input and consultation from the executive agencies.
- Authorize and fund specific restoration projects established and vetted through local agency, local government and established stakeholder collaborative groups.

- Modify the Equal Access to Justice Act (EAJA). This is the most complex issue in the debate but possibly the most important. We must find the balance in the law to protect its intent and yet protect against perceived frivolous or excessive use of the law in federal land management cases. I believe that modernization of current laws and rules that better meet the overall needs of land management needs will solve much of the problem. I believe, as Professor Nie stated, that: "The ambiguity, contradiction and overextended commitments in some of these laws are the major reasons administrative rule making, planning processes, the courts and other venues have become the dominant ways of dealing with such conflicts". Put more simply, if the Forest Service is managing the forest to assure they will win in court, who is managing the forest for the forest?
- Reassess our management and disposition of designated Inventoried Roadless Areas (IRAs) for three simple reasons. One, a large percentage of these designated areas are not roadless and by naming them as such it is confusing and interpreted differently by different constituents. Two, the only disposition of these categorized lands is into wilderness and there is major dissention between focus groups as to whether or not many of these areas meet wilderness criteria. Three, and the bottom line for our forest's health, 36 CFR Part 294 needs significant work to ensure proper management is happening while these lands sit as de-facto wilderness.
- Modify management of threatened and endangered species to manage beyond the single species concept. Failure to adequately assess and mitigate socioeconomic impacts has led to extremely negative public attitudes and has pitted human against bear, unnecessarily contributing to a degraded economic level in Lincoln County. The myopic approach to long term management and failure to recognize human interaction beyond security issues is troubling and ineffective. A more proactive, integrated, and interagency approach to management is required and greater encouragement and involvement of local government and local communities in the process. I'm impressed with the energy and support behind the Rocky Mountain Elk Foundation, Trout Unlimited and many other species driven conservation groups and their success in perpetuating their target animals and the overall habitat. I can't help believing that a similar model in threatened and endangered species recovery would enhance our success rates.

The Kootenai Forest Stakeholder Coalition is our local collaborative group, formed in 2006 and through no lack of blood sweat and tears, achieved tremendous progress. A diverse group of local conservation groups, recreation, industry, elected officials, and wilderness advocates have come together under a "common ground" concept and have become a model for "on the ground" local management.

In conclusion, it is not the will or the ability of those who depend upon a forested landscape that needs addressed in order to achieve long-lasting solutions that ensure healthy ecosystems co-existing with healthy socio-economic systems. Rather, it is the processes confounding the implementation of these solutions that need addressed and we stand ready to work with you in fixing these processes. Thank you once again for the honor and opportunity to share our story.