

**Statement of Laura McCarthy
The Forest Guild**

**Regarding the Implementation of the Healthy Forests Restoration Act and
Community Wildfire Protection Plans
Submitted to the
Subcommittee on Forestry, Conservation, and Rural Revitalization
Senate Committee on Agriculture, Nutrition and Forestry
June 28, 2004**

Mr. Chairman and members of the Committee, thank you for the opportunity to provide written testimony for the record of this first oversight hearing on the Healthy Forests Restoration Act (HFRA). I am the Policy Program Director at the Forest Guild, an organization of foresters and natural resource professionals based in Santa Fe, New Mexico. The Guild has a membership of 300 active land managers across the county, as well as 350 affiliate members who support the Guild's vision of ecologically responsible forestry with active management to sustain the entire forest across the landscape.

The Forest Guild started tracking the impacts of the National Fire Plan on the ground when the policy was first created in 2000. We published a "State of the National Fire Plan" report in the spring of 2004 that provides a "snapshot" of how the Fire Plan has affected forests and rural communities. Using the same framework, the Forest Guild is now also tracking implementation of the Healthy Forests Restoration Act.

We have selected three issues as the focus of this testimony. These are: Community Wildfire Protection Plans (CWPP); collaborative processes to plan, prioritize and implement hazardous fuel reduction projects; and multi-party monitoring. This testimony is based on the experiences, research and observations of the Forest Guild staff, members, and local communities where we practice forestry.

Community Wildfire Protection Plans

Community Wildfire Protection Plans are a key concept in HFRA. The law establishes that communities choosing to undertake the plans receive several advantages. For example, communities with Wildfire Protection Plans can submit their projects to federal agencies for their consideration in the development of annual programs of work; obtain financial assistance for projects on non-federal lands; have their plan included as an alternative in NEPA analysis; and be considered a priority for federal funding allocations.

Several non-governmental organizations, including the National Association of State Foresters, Society of American Foresters, National Association of Counties, Communities Committee of the Seventh American Forest Congress, and Western Governors Association have proactively created a handbook for wildland-urban interface communities. This handbook, called "Preparing a Community Wildfire Protection Plan," was prepared for national use. State and local agencies in New Mexico, organized as the New Mexico Fire Planning Task Force, required some changes before they would distribute it to municipalities and stakeholders. Specifically, the Task Force thought the

handbook understated the importance of engaging interested parties and overstated the need to involve federal agencies. The Task Force modified the steps listed in the handbook to elevate the importance of active involvement from a broad range of interested organizations, and to include engagement of the federal agencies at the same time as other stakeholders. The Forest Guild offers this example to the Subcommittee as an illustration of future changes that may be needed in the handbook.

In Josephine County, Oregon, an integrated, countywide fire plan was started last year, right after the 2002 Biscuit Fire and at the direction of the County Commissioners. The plan predates HFRA, but meets its intent and requirements, and illustrates why plans are important. Josephine County is 70% public, forested land, has 50% of the residents living in small, unincorporated towns, and has a very high level of poverty. The planning process brought together the Fire Districts and community-based organizations to determine wildfire risk, identify community action, and coordinate with state and federal agencies on fuels reduction and public education and outreach. Most importantly, the plan created agreement in the communities and among stakeholders about where fuels treatment can and should occur to reduce fire risk.

The Forest Guild's data about the National Fire Plan shows that the greatest number of community fire protection plans were prepared in FY 2001, when the Interior Appropriation Bill provided \$10 million for cost-share grants to communities for fire protection plans. This seed money motivated many communities to organize sufficiently to prepare a grant application. In New Mexico, communities with widely-differing capacity applied – from bustling resort towns to isolated and struggling towns – and the distribution of grants provided both minority and non-minority communities with the incentive to start a planning process and an opportunity to leverage federal and local resources.

We have not observed the same level of community planning activity after the passage of HFRA that we saw in the first year of the National Fire Plan. We attribute the difference to the availability of grant money that can help communities get started. The advantages of a CWPP afforded by HFRA may be too abstract to motivate small communities in rural forested areas. Short of actual wildfires that threaten a town, cost-share grant programs are the best way to jump start community planning and to leverage federal funding. As the authorizing Committee for the HFRA, we urge you to work with the appropriators to assure adequate funding for CWPP. The \$5 million in the House Interior Appropriations Bill is simply not enough given the number of at risk communities, and we urge you to work seek at least twice that amount.

Collaborative Processes

The first purpose of HFRA is “to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects” [Title I, Section 2(1)]. Section 103 provides guidance on prioritization and collaboration, stating that “in accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction

projects that provide for protection of at-risk communities or that implement community wildfire protection plans.”

We have observed the priority setting process from the Forest Guild’s home base in New Mexico, attending the work-planning meetings of federal agencies and participating in the state-led process to establish at-risk communities using the Implementation Plan. The priority setting we have observed has room for significant improvement, and we hope that with continued oversight from Congress, the process will get better and better each year. For example, the work planning and project selection process we observed did not provide adequate collaboration among the federal agencies, and excluded local and community officials. Further, we believe that improvements in the work planning and project selection processes will take several years. The completion of CWPPs may help to solve these problems, as will advocacy for funding priority on the part of communities that have written plans.

Multiparty Monitoring

Section 102(g)(5) of HFRA directs the Forest Service and BLM to “establish a collaborative multi-party monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of authorized hazardous fuel reduction projects...” The section creates one requirement for the use of multiparty monitoring: It is only to be used “in an area where significant interest is expressed...” Section 102(g)(5)(C) elaborates that funding for multiparty monitoring may be derived from operational funds. However, it is important for the Committee to note that the Forest Service and BLM have added requirements to the use of multiparty monitoring that go beyond what Congress expressed in HFRA. I provide two examples.

The first example is in the Forest Service and BLM Interim Field Guide on the Healthy Forests Initiative and Healthy Forests Restoration Act, released in February 2004. The interim field guide states, on page 38, that “multiparty monitoring will be subject to available funding and the ability of stakeholders to contribute funds or in-kind services.” The requirement that stakeholders be able to contribute to funding is a different and additional criterion from the one expressed in the law, which is only that multiparty monitoring be used in areas where there are “interested stakeholders.”

The second example is the Wildland Fire Leadership Council’s proposed monitoring protocol, prepared this spring, which goes even further. This protocol describes three criteria that should be met before using a multiparty monitoring process. The criteria are that non-federal parties be interested in working with the federal agencies to gather and analyze data, that they be willing to share costs, and that they have, in the judgement of the federal agencies, the appropriate skills and knowledge for monitoring. The last two criteria go beyond the language in Section 102(g)(5) and could be used by the agencies to curtail multiparty monitoring and discourage stakeholder involvement. We urge the Committee to reiterate to the agencies the intent of the multiparty monitoring provisions in HFRA.

Summary

The Forest Guild offers three observations and recommendations about the Healthy Forests Restoration Act after its first six months of implementation. First, since communities are no longer rushing to prepare Community Wildfire Protection Plans, the Congress will need to appropriate funds for cost-share grants to speed up the process. Second, the federal agencies have had a difficult time collaborating, both with each other and with local and community officials, in 2004 to set priorities for their joint program of work. Congressional oversight of the priority setting process is critical for the process to improve in coming years. We would expect that the completion of CWPP will create community-level advocates for a stronger priority setting process. Finally, the Forest Service and BLM have gone beyond the intent of Congress in creating guidance for multiparty monitoring, adding requirements that could discourage stakeholder involvement and compromise implementation of this section of HFRA.