

United States House Natural Resources Committee's Subcommittee on Oversight and Investigations

Exploring Solutions to Reduce Risks of Catastrophic Wildfire and Improve Resiliency of National Forests

Testimony of the Honorable Greg Chilcott, Commissioner, Ravalli County, Montana

September 27, 2017

Chairman Westerman and Ranking Member McEachin, thank you for holding this hearing to explore solutions to reduce the risk of catastrophic wildfire and improve the resiliency of our national forests.

My name is Greg Chilcott, and I have been a member of the Ravalli County, Montana Board of Commissioners since 2003. I am a past president of the Montana Association of Counties, and currently serve as the Chairman of the Montana Coalition of Forest Counties and the Vice Chairman of the National Association of Counties' Public Lands Steering Committee. My family roots in Ravalli County date back to the 1860s. Three of my grandchildren currently attend school in Ravalli County. I care deeply about my community, and want to see it thrive with greater access to recreation on public lands, safe and healthy forests, clean and healthy air, and clean water supplies. Unfortunately, as we have seen this year, the threat of wildfires in the West is a ticking time bomb that will negatively affect the economy and environment of places like Ravalli County.

Counties believe that active forest management will reduce the threat of wildfire to our citizens and local communities in the West. By reducing the fuel loads on our national forests we can reestablish a healthy, thriving ecosystem that improves the economy and the environment. Healthy forests are essential to clean water supplies and clean air. Biodiversity increases when we manage our forests with practical, sound, and scientific practices. Local, state and national economies enjoy the benefits of both responsible resource use and recreation. Nobody loses when our forests are healthy and resilient.

We can achieve these goals by increasing commercial timber harvests from our national forests, reducing fuel loads through more mechanical thinning and controlled burns, reducing the red tape to get through the National Environmental Policy Act (NEPA) process, and combating frivolous special interest lawsuits that serve only to delay much needed management of our National Forest System. Counties urge members of Congress to reach across the aisle, and find common ground to reduce the threat catastrophic wildfire to our communities and environment.

About Ravalli County, Montana

Ravalli County is located in Western Montana, bordering Idaho. Ravalli County is a rural county with a population of approximately 41,000, of which 3.9 percent are unemployed. Our poverty rate is higher than the state average at 16.8 percent, while the median income is nearly \$8,000 per year lower than the median income statewide. The county makes up approximately 2,400 square miles, and contains the majority of the Bitterroot National Forest. The Bitterroot National Forest is home to three large wilderness areas: the Anaconda Pintler Wilderness, Selway Bitterroot Wilderness, and the Frank Church

River of No Return Wilderness, which is the second largest wilderness area within the National Wilderness Preservation System.

Ravalli County's government operates under the economic constraint that nearly 75 percent of the land within our jurisdictional boundaries is exempt from local taxation because it is under federal management. We are caught in limbo when it comes to financing essential county government services because the Payments In Lieu of Taxes (PILT) program is subject to the annual discretionary appropriations process. Additionally, the Secure Rural Schools program has not been reauthorized for the past two years, leaving counties shortchanged while we try to provide important emergency services, like search and rescue operations, to visitors to our nation's public lands. We respectfully request that Congress act on both of these vital programs to ensure continuity in county budgets in the long term.

Ravalli County is not only required to provide a broad range of local government services with a limited tax base, we must also deal with the complications presented by the land management decisions made by federal land management agencies. While we work closely with the U.S. Forest Service (USFS) to better manage the resources under their control, we are severely constrained in our ability to influence outcomes.

Ravalli County understands the need to protect our natural resources. Public lands recreation and tourism contributes to our service economy. However, tourism alone will not provide us with the diverse economy that is necessary for the long-term.

Fire Threat and Impacts on Public Health and the Economy

The landscape-scale catastrophic wildfires in the national forests in Montana and other Western states have had a disproportionately large impact on the ecological, social and economic life of the County and our neighbors. Fire seasons last an average of 78 days longer compared to 40 years ago. As the USFS wrote in its 2015 fire budget report, "The agency is at a tipping point." Every year, wildfire suppression eats up a greater share of the USFS budget. This, coupled with the approximately \$350 million a year the USFS spends complying with federal law, ultimately reduces funding for other forest management priorities.

In 1995, 16 percent of the USFS's annual budget went to fire suppression. Today, that number is well north of 50 percent, and by 2025 will likely amount to two-thirds of their annual budget. Nature and poor policy decisions have forced the agency to change its focus. In the past, the USFS spent the bulk of its dollars on forest management, such as commercial timber harvests and mechanical thinning, whereas today, suppression has become its major priority. Today, more staff is devoted to fighting fires than managing the forests.

One major driver of this change in the USFS is abuse of the legal system by special interest groups who sue to stop any sort of management project on public lands. Litigation can halt a forest management project, even if the lawsuit is not successful. Agency employees must know not only the laws and

regulations themselves, but must also understand past judicial precedent that governs the implementation of these laws and regulations. This nightmare of red tape and regulation forces agencies to create long “bullet proof” NEPA analyses that can still be held up by frivolous litigation. Rather than managing resources, the agency is forced to manage paperwork and litigation. This contributes to the unsustainable growth in fuel loads, leading to the explosion in catastrophic fires over the past few decades.

Furthermore, the USFS has to pull money from management accounts to help combat catastrophic fires, a process known as fire borrowing. This further delays much needed timber harvests, mechanical thinning, and controlled burns, leaving the USFS with fewer resources to meet its management objectives. Solving the problem of fire borrowing must also be a component of any action taken by Congress to improve forest resiliency.

Data indicates that in the last century (from 1900 -1999), fires directly impacting Ravalli County, Montana totaled approximately 295,340 acres in comparison to the first 15 years of this century (2000-2015) when we catastrophically burned 897,208 acres. Our once vibrant timber economy has been left in shambles, its infrastructure decimated and our scenic beauty scarred for decades to come. Our citizens live with severely diminished air quality for weeks or months at a time. Both our human and wildlife habitat have been, and will continue to be, negatively impacted unless Congress acts to address the problem.

This year, 8.5 million acres have burned nationwide, costing \$2.5 billion to suppress. Over one million acres burned in the state of Montana alone, with a cost of \$284 million to fight these fires. The vast majority of the acres burned were caused by lightning strikes. Tragically, two firefighters lost their lives in western Montana this fire season.

On July 14, the Meyers fire was started by a lightning strike, and merged with the Whetstone fire, burning through portions of both the Beaverhead-Deer Lodge and the Bitterroot National Forests in Ravalli, Granite, Beaverhead, and Deer Lodge Counties. The fire is currently 90 percent contained after scorching 62,000 acres of federal and private lands.

On July 15, the Lolo Peak fire was ignited by a lightning strike. Now 90 percent contained, the fire burned nearly 54,000 acres of land, primarily within the Bitterroot National Forest. This fire has devastated the landscape—destroying wildlife habitat, emitting smoke into the air, and jeopardizing the safety of residents.

Included with this testimony is a set of photographs from properties adjacent to the Lolo Peak fire. The photographs are an example of how an actively managed forest can stop a catastrophic fire in its tracks. The fire spread to these properties, one parcel owned by a private citizen and another owned by the state of Montana, where it burned out quickly without destroying the strong, healthy trees or spreading to the nearby community of Florence. These properties were logged, mechanically thinned or had

prescribed burns 10-15 years ago. This created a lighter fuel load on the ground, and helped the fire to burn out before it could reach residents.

Fires like the Lolo Peak have had a detrimental effect on local public health. Thick clouds of smoke billow into the air, and citizens breathe it in. This particularly impacts our children, sick people, and the elderly. Air quality is commonly in the “unhealthy” or “hazardous” range during July and August. Warm air in the daytime sometimes helps to lift smoke higher into the atmosphere, but when cooler weather sets in at night, the smoke descends back into our communities. Unfortunately, being indoors does not help the situation, especially when many residents sleep with their windows open in the cool mountain air. Montana’s Constitution guarantees our citizens a right to clean air and clean water—a right taken away by current forest management practices. We must address the impacts of catastrophic wildfire to guarantee the state constitutional right to clean air and clean water.

Opportunities to Address Wildfire Threats

For the 26 percent of counties across the United States that are home to federal forest lands, the health of our national forests has a direct impact on the health and safety of county residents. Healthy forests are less prone to disease, insect infestation, and wildfire. While the causes of catastrophic wildfire are complex, the *status quo* of inaction has exacerbated present forest conditions, which now present a great risk to both communities and the environment. The good news is we can manage our forests in a sound, scientific manner that benefits our economy and environment. This is not a binary choice. There are many recommendations that can help guide more effective federal land management and best practices, including:

- Counties believe that active management of federal lands and forests must be done in a sustainable manner that ensures the health of our federal lands for generations to come. One way to help ensure a balanced approach to address natural resource management challenges is by promoting locally-driven collaborative processes that promote consensus driven decision making.

Counties across the United States have engaged in collaborative efforts to address their natural resources challenges. By bringing a broad cross-section of local stakeholders into collaborative processes, counties, industry, recreation groups, conservationists and federal and state land managers have built consensus on some of the most complex natural resource management challenges. Authorizing limited and reasonable categorical exclusions for projects that improve forest health, and have been developed through consensus-based collaborative processes, will increase the number of acres treated and help to reduce the threat of wildfire.

- NEPA must be reformed as well. Streamlining the process for projects with strong local support, collaborative support and support of local land management professionals should be categorically excluded from litigation. We need to allow our professional land management agencies to get back to managing the land rather than managing litigation.

Congress should require the costs and benefits of a proposed forest project be weighed against the costs and benefits of doing nothing to address wildfire threats, disease and insect infestation, and their impacts on local water supply, air quality and wildlife habitat. The choice not to manage the forest is a management decision that directly impacts public health. Additionally, the USFS should expedite regulatory analyses for timber salvage after major wildfires and other natural disasters. This will provide the USFS with some of the revenue it needs to execute critical and time-sensitive post-fire reforestation work.

- In addition to improving forest health and reducing wildfire risk, increased active management will generate more revenue for the federal treasury and the critical services provided by counties, and promote job creation and economic growth in counties across the nation. The growth in stewardship contracting in recent years has shown that a market-driven approach to forest management projects can work to achieve both forest management goals and increased forest production. Counties support and are active partners in stewardship contracting initiatives across the United States. Forest revenue sharing payments support critical county services such as transportation infrastructure and education. America's counties look forward to working with Congress to further strengthen forest revenue sharing between counties and the federal government.

Partnering with private sector commercial foresters to more efficiently provide vegetation management and commercial thinning is a win/win proposition for taxpayers, as well. Not only do commercial projects fulfill vegetation management objectives and priorities, they generate revenue for federal agencies and local governments, while providing good-paying jobs in predominantly rural parts of the country.

- We must address the chronic litigation that hinders our resource/land management professionals and provides financial incentives to litigate projects. The Equal Access to Justice Act (EAJA) must be reformed to ensure litigants are not able to exploit the law, and avoid legal caps on attorney's fees. EAJA's original intention was to compensate small business and individuals who do not have the financial means to challenge federal actions in court. While individuals with a net worth greater than \$2 million and organizations with a net worth above \$7 million are not eligible for reimbursement of legal fees, non-profit organizations are not subject to these limitations. Additionally, some litigants suing to stop land management projects have successfully argued their expertise is specialized, and therefore not subject to the cap. EAJA should be reformed to prevent this abuse of a system designed to protect the vulnerable.

Conclusion

Chairman Westerman and Ranking Member McEachin, thank you for the invitation to testify. I urge Congress to work together across the aisle and craft viable legislation that can be enacted as soon as possible to help to slow the threat to federal lands, neighboring private lands, and public health.

Thank you again for the opportunity to tell you Ravalli County's story and to share some of our ideas for improving the health of our federal forest lands.



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