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United States Department of Agriculture

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Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests and Mining

April 25, 2013

Concerning

S.327 the Good Neighbor Forestry Act

Mr. Chairman, Ranking Member Barrasso, and members of the Committee, thank you for inviting me here today to testify regarding S.327, the Good Neighbor Forestry Act.

S.327 would authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements or contracts with State foresters authorizing State foresters to provide certain forest, rangeland and watershed restoration and protection services in states west of the 100th meridian.

Activities that could be undertaken using this authority include: (1) activities to treat insect infected trees; (2) activities to reduce hazardous fuels; and (3) any other activities to restore or improve forest, rangeland and watershed health, including fish and wildlife habitat. The bill would authorize the states to act as agents for the Secretary and would provide that states could subcontract for services authorized under this bill. The bill would require federal retention of decision making under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321et seq.). The authority to enter into contracts or agreements under the bill would expire on September 30, 2019.

We support Good Neighbor Authority (GNA), but would like to work with the Committee to make some minor technical corrections. We know our Nation's forests face forest health challenges, which must be addressed across diverse land ownerships. In these times of limited resources, it is important to leverage workforce and technical capacities and develop partnerships for forest restoration across all lands. To that end, we look forward to continuing our work with the committee and states.

This concludes my testimony and I would be happy to answer any questions that you may have.

Statement of
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Senate Energy & Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
S. 327, Good Neighbor Forestry Act
April 25, 2013

Thank you for inviting the Department of the Interior to testify on S. 327, the Good Neighbor Forestry Act. The bill authorizes the Secretary of the Interior to enter into cooperative agreements or contracts with a state forester to provide forest, rangeland, and watershed restoration and protection services on lands managed by the Bureau of Land Management (BLM). The Administration supports Good Neighbor Authority and we would like to work with the Committee to make some minor technical corrections. We welcome opportunities to enhance our capability to efficiently manage our natural resources through a landscape scale approach that crosses a diverse spectrum of land ownerships.

Background

The BLM is increasingly taking a landscape-scale approach to managing natural resources on the public lands. Recent drought cycles, catastrophic fires, large-scale insect and disease outbreaks, the impacts of global climate change, and invasions of harmful non-native species all threaten the health of the public lands. They also tax a land manager's ability to ensure ecological integrity, while accommodating increased demands for public land uses across the landscape.

The BLM engages in land restoration and hazardous fuels reduction activities with interagency partners and affected landowners to expand and accelerate forest ecosystem restoration. The "Good Neighbor" concept provides a mechanism to facilitate treatments across the landscape, inclusive of all ownerships, and enhances relationships between Federal, state, and private land managers.

In Fiscal Year (FY) 2001, Congress authorized the U.S. Forest Service to allow the Colorado State Forest Service (CSFS) to conduct activities such as hazardous fuels reduction on U.S. Forest Service lands when performing similar activities on adjacent state or private lands. The BLM received similar authority in Colorado in FY 2004, as did the U.S. Forest Service in Utah. The BLM used this "Good Neighbor" authority beginning in 2006 in the agency's Royal Gorge Field Office. Through an assistance agreement with the CSFS, the BLM accomplished a fuels reduction and mitigation project within and adjacent to the Gold Hill Subdivision of Boulder County. The Gold Hill Project treated a total of 372 acres of wildland urban interface consisting of 122 acres of BLM land, 27 acres of U.S. Forest Service land, and 223 acres of private land. All of these acres were identified as priorities within the Gold Hill Community Wildfire Protection Plan. Through the assistance agreement, the CSFS delineated the areas to be treated within the Gold Hill Project, managed the project, administered contracts, monitored firewood removal, and monitored forestry and fuels projects on BLM and U.S. Forest Service lands. No timber was harvested or sold from the BLM lands. The BLM and the U.S. Forest Service conducted the project planning and fulfilled NEPA requirements on their respective lands.

The project area consisted of small parcels of Federal lands interspersed with state and private lands. Since all the landowners used the same State contract, treatments were accomplished concurrently and with consistency in treatment methods, thereby achieving hazardous fuels

reductions across a larger area to reduce the risk of wildfire. Efficiencies were also realized by utilizing a single contractor to treat one large project area. The BLM also realized savings in personnel resources. Although the project area was located nearly 200 miles from the BLM field office, CSFS personnel were in the immediate vicinity and were able to conduct the field work for the BLM. In addition, the CSFS regularly worked with private landowners in the area and easily gained access through the private lands to conduct work on the Federal lands, which allowed the work to begin quickly. Simplified state contracting procedures also expedited the project. The project was completed in 2008.

A February 2009 GAO report examined state service contracting procedures regarding transparency, competitiveness, and oversight, and found that the state requirements generally addressed each of these areas. (GAO-09-277). The GAO issued two recommendations to the BLM: 1) To develop written procedures for Good Neighbor timber sales in collaboration with each state to better ensure accountability for federal timber; and 2) To document how prior experiences with Good Neighbor projects offer ways to enhance the use of the authority in the future and make such information available to current and prospective users of the authority. The BLM completed the final corrective action plan incorporating these suggestions in September of 2010.

S. 327

S. 327 provides for the Secretaries of Agriculture and Interior to enter into cooperative agreements and contracts with state foresters in any state west of the 100th meridian, to provide forest, rangeland, and watershed restoration and protection services on National Forest System land or BLM land. The success that the BLM experienced in using the Good Neighbor authority in Colorado as a cross-boundary management tool would be available under S. 375 to all BLM-managed lands throughout the west. The authority provided by the bill is discretionary; each BLM office could determine on a case-by-case basis whether or not the Good Neighbor authority is a desirable option. All Good Neighbor projects would be undertaken in conformance with land use plans and comply with the National Environmental Policy Act, if applicable.

Section 3(a) of the bill would authorize the Secretary to enter into a cooperative agreement or contract with a state Forester. For clarification, the BLM suggests an amendment to the language to add "notwithstanding the Federal Grants and Cooperative Agreements Act."

The provisions in section 3(b) authorize services to include activities that treat insect-infected trees; reduce hazardous fuels; and any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat. There is no requirement that the BLM-managed lands be adjacent to state or private lands to be eligible for services. This expansion of authority could be beneficial in watershed restoration projects where state and Federal lands might not be immediately adjacent to one another, but are within the same watershed.

Accordingly, this expanded authority could enhance the effectiveness of landscape-scale treatment.

Conclusion

Thank you for the opportunity to testify about Good Neighbor Authority and S. 327. The Department of the Interior and the BLM welcome opportunities to engage in efforts that can advance cooperation of all landowners, improve the effectiveness of restoration and fuels treatments, and provide cost-effective tools for managing natural resources. I would be happy to answer any questions.