

This Week in Washington

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Fact and Fiction on the House-Passed Healthy Forests Restoration Act (HFRA)

For the full text of the House and Senate passed bill, visit thomas.loc.gov and enter bill number H.R. 1904.

FICTION: "The HFRA does not focus on protecting communities."

FACT: This assertion is particularly outrageous and misleading. The bill codifies the bipartisan Western Governors Association's (WGA) prioritization scheme, thereby placing express priority on protecting communities in the Wildland Urban Interface and sources of municipal water. Again, the WGA Strategy was endorsed by the Wilderness Society and other environmental groups. The HFRA gives that plan - and its "communities first" priority -- the force of federal law. Accordingly, protecting communities is HFRA's job one.

FICTION: "The HFRA's authors and the Bush Administration have done little to provide additional financial resources on the ground to implement forest health projects."

FACT: If enacted, the HFRA would free-up considerable sums of federal funding now being spent by land managers on planning, process and other forms of bureaucratic paper shuffling. The National Association of Public Administration found that the Forest Service spends 40% of its manpower and 20% of its financial resources (over \$250 million a year!!!) on planning and process activities. By streamlining these excessive bureaucratic requirements, more money will be available to spend getting work done on the ground.

Beyond these savings, Congress has shown a significant financial commitment to reducing the threat and impacts of catastrophic wildfire with the establishment of the National Fire Plan. The House-passed Interior spending bill includes in excess of \$400 million for hazardous fuels reduction projects to implement thinning and fuels reduction programs prescribed under HFRA.

Further, the HFRA authorizes tens of millions of dollars for state and private forest managers to thin and reduce forest fuels build-up, particularly in order to protect high-risk watersheds.

FICTION: "The Healthy Forests Restoration Act (HFRA) scales back public participation."

FACT: The bill goes to unprecedented lengths to ensure that the public has a full and thorough opportunity to participate in the decision-making process. The bill codifies the bipartisan Western Governor Association 10-Year Strategy's robust public input and participation requirements, ensuring that interested persons will have numerous opportunities to engage decision makers during all phases of a project's development and implementation. The WGA strategy was endorsed by numerous government and non-government organizations, including leading environmental groups like the Wilderness Society. The bill also requires an additional public meeting for these projects - a public meeting over-and-beyond what is currently required. Finally, the bill locks in place the public notice and comment requirements currently required during the environmental analysis phase for a wildfire mitigation project.

Environmentalists confuse bureaucracy and red-tape with public participation. The HFRA will streamline regulations and increase opportunities for public participation.

FICTION: "Thinning only within a ¼ or ½ mile (Wildland-Urban Interface) of a community is sufficient to protect homes and other structures from FICTION: catastrophic wildfire."

FACT: Limiting treatments to a ½ mile of homes only creates false comfort and a false sense of protection. When a miles-high crown fire is racing headlong towards a home at 30-70 MPH, there is a need for more than a small buffer to protect homes and

Forest Fire Information and up-to-date statistics

- 1) Visit the National Interagency Fire Center website at www.nifc.gov
- 2) Visit cnn.com
- 3) Do a internet search on 'Southern California fires'
- 4) Call 1-800 Help Now

Tax Relief, Fiscal Discipline and Strong National Security Brings Forth Sharp Rise in GDP

WASHINGTON - Congressman Richard Pombo (11th-CA) today commented on the Commerce Department's announcement of 7.2 percent growth in the United States' Gross Domestic Product for the third quarter of 2003.

"Today's extraordinary surge in GDP shows we are in the middle of a job-creating economic recovery. The Tax relief package, fiscal discipline and strong national security bills Congress passed are taking affect. More money is in the hands of hard working individuals, and they are getting our economy moving in the right direction."

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(HFRA Fact and Fiction Cont.)

human life. Consider: embers from large-scale fires can create secondary spot fires 2 and 3 miles away. One massive fire in Colorado jumped a river, a railroad track and an interstate highway in one giant leap. Under these catastrophic circumstances, which are increasingly commonplace in dry western forests, ¼ mile buffers simply won't suffice.

According to the National Association of Forest Service Retirees : *"When fires emerge on massive fronts such as seen in western forests in the last several years, there will simply never be sufficient fire forces to protect the threatened structures [when only those lands in immediate proximity of homes are treated]. The Jones Valley Fire in 1999, near Redding, California, started in the interior forests near Shasta Lake and ran through a rural community for about 20 miles, destroying 250 homes. Nearby Happy Valley lost 85 homes under the same circumstances. The big fires of 2002 . . . came roaring out of interior forests and nothing but a change in the weather stopped them. The consequences of [only thinning around communities] will be to give residents a false sense of security that may put property and their very lives in danger."*

FICTION: "The HFRA would do little to thin the chaparral and other biomass build-ups now burning in California."

FACT: The HFRA would establish streamlined procedures to treat all forms of flammable forest and rangeland vegetation, from chaparral to ponderosa pine, based on the scientific determinations of professional foresters. Moreover, the bill would establish two grant programs to encourage energy-related utilization of the otherwise valueless wood, chips, brush, thinning and slash removed in conjunction with projects on federal forests and rangelands focused on reducing the threat of catastrophic wildfire and insect infestation and disease. This provision will actually save the federal government money in the long run by creating market incentives for non-governmental entities to remove the otherwise valueless forest materials that feed catastrophic wildfire.

FICTION: "The HFRA's expedited procedures potentially apply to most Forest Service and BLM lands."

FACT: The HFRA proposes to treat only 20 million of the 190 million acres classified by federal land managers as being at unnaturally high risk to catastrophic wildfire. Too much? Consider this: nearly 25 million acres have been burned-up by catastrophic wildfire in just the last 4 summers. Moreover, the bill clearly delineates that projects implemented under the bill's expedited authorities cannot be used in Wilderness Areas, Wilderness Study Areas, National Monuments, or other landscapes with special Congressional or Executive protections.

FICTION: "The HFRA takes away a citizens ability to file administrative appeals."

FACT: The Forest Service is the only federal land management agency with an administrative appeals process memorialized in statute - a 1993 Appropriation Rider called the Appeals Reform Act. The Healthy Forests bill would direct the Secretary of Agriculture to establish a new administrative challenge process, akin to the more collaborative administrative objections process currently used by the Bureau of Land Management, putting the Forest Service on par with other agencies. Administrative challenges could still be levied against wildfire mitigation projects then, but the review process would be more collaborative and less confrontational than the current appeals process, which again is an anomaly to the Forest Service.

FICTION: "The HFRA denies citizens access to the federal courts."

FACT: Again, this allegation is preposterous and wrong. The bill would require preliminary injunctions granted by a federal court against a project implemented under this Act be reevaluated every 45 days. In cases where a plaintiff seeks to extend a preliminary injunction beyond the 45 day threshold, the bill requires the agency to provide an update to the court on the status of the conditions of the forest lands at issue, including the extent to which disease or bug infestation and/or wildfire risks have grown since the temporary restraining order or preliminary injunction were granted. The court could reinstitute preliminary injunctions an unlimited number of times at the end of each 45 day interval.

Currently, preliminary stays on fuels reduction projects can remain in effect for months before the court finally reaches a decision on the overarching merits of the legal challenge. In these cases, "judicial delay" is just as lethal as "judicial defeat" for the government. Without curbing anyone's ability to pursue a full range of judicial procedures, this provision would ensure that the court stays engaged on the status of a project, including the extent to which management inaction is exacerbating wildfire and forest health risks.

FICTION: "The HFRA would 'rollback' environmental laws."

FACT: The bill would give the Forest Service and the Bureau of Land Management (BLM) discretionary authority to limit analysis during the environmental analysis phase to the proposed action only, meaning the agencies would not be required to analyze and describe a number of different alternatives. This provision would substantially speed-up the analysis process, while simultaneously ensuring that all of the environmental effects of a project have been thoroughly analyzed and vetted with the concerned public.

FICTION: "The HFRA is just about corporate logging interests."

FACT: The HFRA is about managing our forests to reduce the threat of catastrophic wildfire and large scale insect and disease outbreaks. It's doubtful that a "logging" bill would have 140 cosponsors from all parts of the country and pass the House of Representatives with more bi-partisan support than the Campaign Finance Reform Act in the last Congress.