

**Andy Groseta**

**Public Land Rancher & President, Arizona Cattle Growers Association &  
Member of  
Public Lands Council & National Cattlemen's Beef Association**

Written Testimony on

**Legislative Hearing Regarding  
"The Catastrophic Wildfire Prevention Act of 2013" and Other Bills**

Before the

**United States House of Representatives  
Natural Resources Committee Subcommittee on Public Lands and Environmental  
Regulation**

**April 11, 2013**

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Dear Chairman Bishop, Ranking Member Grijalva and Members of the Subcommittee:

The Public Lands Council (PLC), National Cattlemen's Beef Association (NCBA), and Arizona Cattle Growers Association (ACGA) appreciate the opportunity to voice to the Subcommittee on Public Lands and Environmental Regulation our strong support for H.R. 1345, the Catastrophic Wildfire Prevention Act of 2013. PLC is the only national organization dedicated solely to representing the roughly 22,000 ranchers operating on federal lands. PLC has as affiliates sheep and cattle organizations from thirteen western states, as well as three national affiliates: NCBA, the American Sheep Industry Association (ASI) and the Association of National Grasslands (ANG). NCBA is the nation's oldest and largest national trade association for cattlemen and women, representing more than 140,000 cattle producers through direct membership and their state affiliates. NCBA is producer-directed and works to preserve the heritage and strength of the industry by providing a stable business environment for its members. ACGA was founded over 100 years ago when a small group of concerned cattlemen took it upon themselves to help structure the future of the cattle industry in Arizona. Today, ACGA has grown into a vital organization representing more than 1,000 beef cattle producers and industry leaders throughout the state.

H.R. 1345 was introduced by Congressman Gosar (AZ) to address the forest health, public safety, and wildlife habitat threats presented by the risk of catastrophic wildfire on public lands managed by the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM). The legislation would require the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and

economic development. Timber thinning and livestock grazing projects aimed at reducing hazardous fuel loads on our Nation's forests would be expedited, particularly in forests surrounding communities.

### **Dire Situation Facing the Nation's Forests**

Fires are a natural occurrence in forest ecosystems in North America and, when occurring in healthy forests, should be considered beneficial. Fire acts to remove excess debris including dead and dying trees and herbaceous material, providing sunlight and nutrients for subsequent growing seasons. Removing young trees where sufficient canopy cover exists helps to maintain a balance within the forest system. However, while naturally occurring fire is good for healthy forests, catastrophic wildfire—a result of excessive forage and trees—causes great harm to forest ecosystems. Roughly four decades of severe mismanagement of our nation's publically managed forests has resulted in vast areas that have either recently experienced or are at risk of experiencing catastrophic wildfire. According to the Evergreen Foundation, forest density has increased 40 percent in the U.S. over the last 50 years ([http://evergreenmagazine.com/pages/Forest\\_Facts-v2.html](http://evergreenmagazine.com/pages/Forest_Facts-v2.html)). Also on the rise, largely as a result of this overgrowth, is insect infestation. According to the USFS, thinning trees would help put a stop to the growing pine bark beetle epidemic, which in 2011 affected over four million acres across South Dakota, Wyoming and Colorado alone ([http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5337908.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5337908.pdf)). Under current management, however, the infestation is leading to dead trees, endangering the public with the imminent danger of falling trees, catastrophic wildfire, and blackouts due to power line damage.

According the USDA Forest Service Rocky Mountain Research Station in Missoula, Montana, there are vast areas of federally managed land that are not meeting “condition class I” standards. “Condition class I” classification means fuel loads are within their historical range. According to the research station's data released in February 2001 (the most recent data available), only 31 percent or about 52 million acres of forested land managed by the federal government were classified as “condition class I,” leaving more than two thirds of those forests with fuel loads exceeding historical levels. This puts those lands and the surrounding areas at risk of wildfires of such intensity that their impacts would be catastrophic to ecosystems and communities. Specifically, lands designated as “condition class II,” or lands characterized by vegetation that is moderately higher than historic levels, equated to about 66 million acres. Lands classified as “condition class III,” or lands characterized by vegetation that is significantly higher than historic levels, consisted of about 50 million acres ([http://www.firelab.org/ScienceApps\\_Files/downloads/coarsescale/data\\_summary\\_tables.pdf](http://www.firelab.org/ScienceApps_Files/downloads/coarsescale/data_summary_tables.pdf) - Rocky Mountain Research Station report).

What are the effects? According to American Forest Resource Council (AFRC), “Wildfires burned over 9 million acres in 2012 with a suppression price tag of almost \$2 billion dollars” ([http://www.amforest.org/images/pdfs/AFRC\\_Newsletter\\_1-23-13.pdf](http://www.amforest.org/images/pdfs/AFRC_Newsletter_1-23-13.pdf)). This is only a fraction of the true cost. The January/February 2013 National Fire Protection Association Journal stated that “Focusing solely on suppression costs can blind us to a long list of additional direct, indirect, and associated costs, including damages to utilities and other facilities, timber and agricultural losses, evacuation aid to displaced residents, long-term rehabilitation costs to watersheds and other affected areas, post-fire flooding mitigation and damage, business revenue and property tax

losses, public health impacts from smoke, and, in some cases, the tragic loss of human life. Costs such as private property losses are often included in media coverage of fires, but even these figures can hide associated costs that are buried in the details or are difficult to calculate” (<http://www.nfpa.org/publicJournalDetail.asp?categoryID=&itemID=59868&src=NFPAJournal>)

What are the impacts to livestock producers? Southeastern Oregon’s 2012 “Long Draw” fire, the biggest Oregon burn since 1865, spanned over a half-million acres and officially claimed 200 livestock; 400 more cattle were reported missing. Ranchers in this area and across the west will be in dire need of pasture; forage for tens of thousands of cattle was destroyed. At least half a dozen ranching families were left wondering if they will be able to stay in business. Additionally, some 30 percent of priority Greater Sage-Grouse habitat was destroyed by the fire.

The 2012 Barry Point fire in south central Oregon and northern California, which was severe and extreme due to heavy fuel loads combined with extremely dry conditions, burned 93,000 acres. According to AFRC, “In addition to the huge losses of timber, watershed, wildlife, and other values on national forest lands, there were at least six grazing permittees and 38 landowners in Oregon that were directly affected, with property in or adjacent to the fire perimeter. At least 24 had losses or damage in the fire or due to suppression activities. No homes were lost, but several were threatened and required structure protection. Private economic losses included livestock, (including injury, death of animals, and loss of animal body weight), forage, fences and corrals, and timber” ([http://www.amforest.org/images/pdfs/AFRC\\_Newsletter\\_1-23-13.pdf](http://www.amforest.org/images/pdfs/AFRC_Newsletter_1-23-13.pdf)).

According to an Associated Press article authored in July of 2012—only partway through the fire season—livestock losses were already reaching the hundreds in multiple states. Montana’s Ash Creek Fire claimed roughly 400 cows and calves belonging to one ranching family. That family was later forced to shoot in mercy killings additional cattle due to severe burns. Less than half the family’s herd remains. At AP’s print time, 200 cattle had been killed in Wyoming and about 225 in Oregon. In remote southeastern Oregon, one family lost a third of their 300-head cow-calf operation. (<http://www.insurancejournal.com/news/west/2012/07/27/257403.htm>).

This is only a continuation of a trend: according to the National Institute for the Elimination of Catastrophic Wildfire, overstocked tree stands and dense canopies have contributed to “such disastrous fires as the 2002 Hayman Fire in Colorado, the 2008 fires in Trinity and Siskiyou counties of California, and the 2011 New Mexico and Arizona fires; more than one million acres of valuable national forest resources have been destroyed by these wildfires alone.” (<http://www.stopwildfire.org/>). In Arizona in 2011, the Arizona Cattle Growers Association reported that major fires impacted at least 100 ranching families and displaced approximately 10,000 head of cows and 8,000 head of calves.

The impact to rural communities, such as Oregon’s Harney County where cattle outnumber the people nearly 10 to one, can hardly be measured. Across the West, hay is in short supply. Thousands of miles of fence and countless corrals and water improvements must be rebuilt. Thousands of head of displaced livestock have had to be shipped to temporary pastures. Dry conditions are expected to persist, delaying the recovery of burned area. This is expected to force livestock owners to sell their animals or seek more lasting alternatives to the private pastures and public lands on which they have operated for generations.

### **Why does this situation exist?**

It has become all too clear from the millions of charred acres across the west that the planning process currently in use by the federal agencies is woefully broken. Planning, studying, consulting, litigating, appealing then planning and studying more for months and even years on end is not working and must be changed. How long do we have to watch subdivisions go up in smoke on the nightly news before our country wakes up and stops the dangerous mismanagement of public lands?

There are many reasons why the federal government finds itself in a situation where over two-thirds of the land it manages is at risk of catastrophic wildfire due to fuel loads in excess of historical norms. The various reasons for the burgeoning fuel loads have one common theme: overregulation and, as a result, environmental litigation that creates a self-perpetuating cycle. According to the BLM, livestock grazing has been reduced on BLM lands by as much as 50 percent since 1971, while the timber industry has been nearly destroyed over the last 30 years—all almost entirely due to federal laws and regulations and predatory environmental groups.

For far too long we have allowed outside interests and bureaucratic paralysis to dictate the management of our Nation's forests. Our federal government needs to reduce the current bureaucratic planning process and litigious playing field that our forests have been subject to for most of the last 30 to 40 years. Radical environmental groups masquerading as government watchdogs or protectors of the wildlife and forests drive their anti-livestock, anti-logging agenda through endless lawsuits and appeals – oftentimes collecting attorney's fees and court costs in the process.

One of the major impediments to efficient management of National Forest System Lands is the National Environmental Policy Act (NEPA), an act intended to require agencies to analyze alternatives when making major decisions. Unfortunately, the law has been abused to the point that NEPA has become an endless process, creating a state of gridlock. The excessive regulations resulting from NEPA have led to massive paperwork backlogs. On USFS grazing decisions alone, the agency estimates that there are currently approximately 2,600 grazing allotments that (as interpreted by the courts) “need” NEPA analysis. Such backlogs inevitably lead to litigation from extremist environmental groups, who wait in the wings to sue on process-based matters such as missed deadlines. Their lawsuits then suck up more resources, creating the aforementioned self-perpetuating cycle—and keeping agency personnel from doing the job we hire them to do: work with ranchers, the on-the-ground managers, to care for the land. Instead, our members' livelihoods are being jeopardized, as are the land, the environment and wildlife. Such “management” is unacceptable.

In addition to NEPA, the Endangered Species Act (ESA) has been abused to drive the anti-livestock and anti- multiple-use agendas of special interest groups. The irony is that wildfire poses a great threat to many wildlife species, yet the ESA is often used to limit activities such as timber thinning and livestock grazing that reduce fuel loads and diminish the instances of wildfire. Critical habitat designations for the spotted owl have all but wiped out the timber industry in the northwest. Mexican Spotted Owl and Goshawk critical habitat designations have impacted ponderosa pine/conifer forests all over the West, and have resulted in substantial reductions in livestock grazing over the years (of note: over half of the Mexican Spotted Owl

nesting sites were destroyed in the Wallow Fire). Heaven help the sage grouse, should the U.S. Fish and Wildlife Service decide to list it as a “protected” species: the listing has the potential to limit or remove the most important tool to reducing the threat of wildfire on the sage brush sea-grazing. How can we continue to allow species “protection” to be the source of such destruction?

A number of other laws and regulations limit the management of our nation’s forests to little more than preserves devoid of sustainable resource management through multiple-use activities.

### **Grassroots effort to bring commonsense solutions forward**

In 2011, in an effort to respond to the problems and threats faced by the livestock industry and communities across the west and in Arizona particularly, ACGA drafted the “Save Arizona’s Forest Environment” (SAFE) plan. This grassroots effort led directly to ACGA and the national livestock associations working together to pass policy and, ultimately, work with Congress to develop legislation to provide solutions.

More than 25 entities, listed below, endorsed ACGA’s original SAFE plan, including Arizona’s state Senate and House. The plan’s goal was—and remains—to reduce fuel loads and take other appropriate actions so that the risk of catastrophic wildfire is reduced in Arizona’s National Forests by providing for long-term, self-funding mechanisms and infrastructure to eliminate the dangerous accumulation of overgrown trees and forests. More specifically, the plan seeks to achieve forest health, protect adjacent communities from catastrophic fire, achieve other forest management goals, and maintain Arizona’s Forest lands in an ecologically sustainable condition. The ACGA proposes to use proven silvicultural practices, prescribed fire and proper forage management to achieve these goals. The Catastrophic Wildfire Prevention Act of 2013 shares the core principles of the SAFE plan.

#### **Endorsing Organizations of ACGA’s SAFE Plan:**

National Cattlemen’s Beef Association	City of St. Johns
Public Lands Council	Town of Pima
Yavapai County BOS	Catron County, New Mexico
Town of Prescott Valley	City of Safford
Mohave County BOS	Greer Fire District
Town of Chino Valley	Tri City Councils (Kingman, Bullhead City, Lake Havasu)
Sedona-Verde Valley Association of Realtors	Arizona Senate Committee on Water, Land Use and Rural Development
City of Cottonwood	Town of Thatcher
City of Kingman	Arizona House of Representatives Committee on Energy and Natural Resources
Town of Camp Verde	Town of Duncan
Town of Miami	Hidalgo County, New Mexico
Town of Globe	City of Prescott, Arizona
Town of Eagar	
Town of Springerville	
Lake Havasu City	

### **Catastrophic Wildfire Prevention Act of 2013**

In an effort to provide efficiencies to the regulatory process for reducing fuel loads on federal lands, Congressman Gosar has reintroduced the Catastrophic Wildfire Prevention Act of 2013.

The proposed legislation will expedite projects (timber thinning and livestock grazing), encouraging free-enterprise solutions on federal lands to reduce the threat of catastrophic wildfire, ultimately reducing threats to communities, the landscape, and wildlife—including endangered species.

The bill proposes to first and foremost address areas with homes in the wildland/urban interface (where federal lands are adjacent to communities.) This element is important, as an estimated 44 million homes in the United States are currently located in fire-prone wildland/urban interface areas, and the USFS predicts a 40 percent increase in new homes in similar areas by 2030 (<http://www.idahoforests.org/img/pdf/FUSEE.pdf>). The legislation also focuses on the aforementioned “At-Risk Forests,” which include all federal land classified as condition II and III by the Rocky Mountain Research Station report titled “Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management.”

In these at-risk areas and in areas where endangered species are found, the bill expedites projects that focus on surface, ladder, and canopy fuels-reduction activities and that enhance threatened and endangered species habitat. Informal consultation under the ESA would be completed under the emergency provisions of the Act. Prior to the listing of any species under the ESA, research would be conducted to measure the impact a listing will have on fuel loads. Recovery plans and critical habitat designations would have catastrophic fire risk assessment analyses included.

Exemption from utilization standards would be made for livestock grazing for fuels-reduction projects in the at-risk areas. Timber harvesting and thinning would also be authorized projects. Resource management plans, land use plans and forest plans would not have to be amended while implementing authorized projects. The Secretaries would complete an environmental assessment within 60 days (or 90 days for an Environmental Impact Statement) after notice in the federal register for timber harvest and grazing projects. Failure to meet this deadline would deem projects compliant with all requirements under NEPA. Grazing projects would be approved for a minimum of 10 years and timber projects for a minimum of 20 years. In all cases, adequate public review (30 days) would be allowed. In order to prevent litigation, only those who commented on the draft documents would qualify to comment on the final decision.

Adding to last year’s iteration of the bill, the legislation now includes contract stewardship and good neighbor authority measures, which facilitate the completion of forest management projects through public-private partnerships and cooperation with state governments. For example, when in Colorado, between 2000 and 2008, the Good Neighbor Authority program was implemented, thorough engagement of all stakeholders provided a comprehensive analysis of management objectives prior to implementation and helped to ensure the most favorable management outcomes ([http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5269069.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5269069.pdf)). Collaborative efforts increased agency accountability to local communities and facilitated more favorable relationships between state and regional partners. (<http://www.gao.gov/products/GAO-09-277>)

## **Conclusion**

The National Forests are capable of providing the many values and benefits that people expect from our forests, but they need proper management in order to provide these values. The

livestock industry supports prescribed fire, commercial timber harvest, noncommercial treatments and enhanced forage harvests on federally-managed forests. Further, we believe that commercial utilization payments could play a large role in bringing back private investment to help finance the many and extensive treatment needs of the forests.

It will be through the empowerment of private investment, individuals and communities that we set the guidepost for future forest planning. We need to direct and see through the initiative to return people to work in the woods, protect habitats and communities and return to the days of 5,000 to 10,000 acre fires in our forests – not 500,000 acre catastrophes.

We urge the committee to advance the Catastrophic Wildfire Prevention Act of 2013 without delay, to enact commonsense solutions to reduce the threat of wildfire on public lands. H.R. 1345 will provide tools the agencies need to effectively manage the Nation's forests.

Again, we thank you for the opportunity to provide these comments to the Subcommittee. If you have any questions concerning these comments or need further information, you may contact Dustin Van Liew ([dvanliew@beef.org](mailto:dvanliew@beef.org)) at the Public Lands Council and National Cattlemen's Beef Association.

Sincerely,

Andy Groseta

Arizona Cattle Grower's Association  
Public Lands Council  
National Cattlemen's Beef Association