

**STATEMENT OF  
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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE  
UNITED STATES SENATE  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
COMMITTEE ON ENERGY AND NATURAL RESOURCES**

**May 10, 2006**

**CONCERNING**

**S. 906—Wildland Firefighter Safety Act of 2005  
S. 2003—Watershed Restoration and Enhancement Agreements Act of 2005  
H.R. 585—Gateway Communities Cooperation Act  
H.R. 3981—Tahoe National Forest Land Exchanges**

**Mr. Chairman and members of the Subcommittee:**

Thank you for the opportunity to appear before you today to provide the Department's views on S. 906—Wildland Firefighter Safety Act of 2005, S. 2003—Watershed Restoration and Enhancement Agreements Act of 2005, H.R. 585—Gateway Communities Cooperation Act, and H.R. 3981—involving Tahoe National Forest land exchanges. I am Joel Holtrop, Deputy Chief for the National Forest System, USDA Forest Service.

**S. 906 Wildland Firefighter Safety Act**

Since the Department of the Interior and the Department of Agriculture work closely together in fire management, the two Departments are providing a joint statement on S. 906, the Wildland Firefighter Safety Act. The bill would require the Secretary of Agriculture and the Secretary of the Interior to track funds expended for firefighter safety and training programs and activities and to include a line item for such expenditures in annual budget requests. This bill would also require the Secretaries to jointly submit a report on the implementation and efficacy of wildland firefighter safety and training programs and activities to Congress each year. In addition, the bill would direct the Secretaries to ensure that any Federal contract or agreement with private entities for firefighting services requires the entity to provide firefighting training consistent with qualification standards set by the National Wildfire Coordinating Group. The Secretaries would be further directed to develop a program to monitor and enforce compliance with this contracting requirement.

The Departments are concerned that a budget line item may not achieve the desired oversight of safety efforts and would carry unnecessary administrative complexities. The Departments do not consider training costs an effective means of determining a firefighter's ability to perform safely.

Furthermore, section 2(a)(1) of bill applies only to the Secretary of the Interior with respect to public land managed by the Bureau of Land Management. It's important to recognize that wildland fire occurs not only on public lands but also on the other Federal lands administered by the Secretary of the Interior through the various other agency heads.

Required training, recurrent training, required experience, and job performance cross multiple budget activities and are extremely difficult to track at the budget line item level. Federal and state agencies provide funding for national and advanced training academies as well as training at more local levels.

Virtually every firefighting training course includes some element of fire safety. For these reasons, the Departments do not support S. 906 in its present form.

Rather than focus upon budget structure, the Departments suggest that an annual report, which would focus on measurable firefighter performance and the efficacy of our safety and training practices and activities, would better assist the Departments' continual improvement of safety and performance and would provide information to Congress in its oversight capacity. Indeed, actions are already underway to report to Congress. For fiscal year 2007, the Forest Service will report to Congress (as part of the national performance measures) the accident frequency rate for firefighter injuries during the suppression of fires under Forest Service jurisdiction. The Department of the Interior tracks and reports the number of firefighter injuries and the amount of time lost from firefighter injuries as a proportion of all time spent firefighting. This information is reported as part of the 10-Year Comprehensive Strategy Implementation Plan for Reducing Wildland Fire Risks.

We are taking additional action to improve tracking of firefighter safety and training measures.

As this Subcommittee is aware, after the investigations of fatal fires in the last 10 years, we re-examined our safety and training policies, practices, and performance and implemented numerous significant changes. These changes have been developed in cooperation with the Occupational Safety and Health Administration, the Department of the Interior and other interagency partners through the National Wildfire Coordinating Group. In addition, an audit by the USDA Office of Inspector General (OIG) in 2004 of the Forest Service firefighter safety program and in 2006 of firefighting contract crews provided recommendations that assisted the Forest Service and the Department of the Interior agencies in identifying areas for improvement. We have made significant progress in improving safety, training, certification, accountability, and reporting.

The National Wildfire Coordinating Group (NWCG), made up of representatives from the Forest Service, Department of the Interior agencies, Tribes, and State forestry agencies, establishes minimum requirements for training, experience, physical fitness level, and currency standards for wildland fire positions. All participating agencies must meet these requirements for national mobilization. All firefighters—federal, tribal, state, local, or contract—carry a position qualifications document (known as a Red Card) that shows the firefighter has met all the training, experience, and physical fitness requirements to perform a specific job under NWCG standards. The Forest Service has augmented these standards to meet specific safety requirements for the Forest Service.

Certification of each firefighter is the responsibility of the employing agency. Firefighters must successfully complete coursework and multiple training assignments before they are certified for positions. Individual firefighters are trained to meet unit, regional and national needs. Performance based qualification standards, training courses, annual training to maintain currency, drills, and demonstrated successful performance prepare firefighters for conditions they may encounter.

I would like to give you an update of items we have improved in safety, training, certification, accountability, and reporting for firefighters and contract firefighting crews.

The Incident Qualifications Certification System (IQCS), now fully operational, responds to the need for accurate tracking of qualifications and centralized records as recommended in the 2004 USDA OIG report on firefighter safety. Training, on-the-job experience, and certification of each firefighter are documented and then added to the IQCS. Every federal firefighter must be qualified and in the system before they can be assigned by fire managers. State, local, and contract firefighters use different tracking systems.

The 2006 OIG review of crew contract firefighting programs reported the need for program oversight and gave several recommendations for improvements. As a result, experience requirements have been included in the 2006 crew contracts and qualification records were reviewed prior to contract awards. The Forest Service is working with the Pacific Northwest Coordinating Group to establish a process to ensure

contract associations' training meet the National Wildfire Coordinating Group standards. Also included in the 2006 crew contracts is a provision for standardized language assessment to ensure that there are no communication barriers that would contribute to unsafe conditions. The Forest Service is coordinating with other Federal agencies to identify counterfeit documents used to obtain employment on contract crews. In addition, temporary workers – that is, workers hired on a short-term basis during an emergency- must also meet agency certification requirements.

The interagency Wildland Fire Leadership Development Program trains firefighters and managers in leadership values through a curriculum of courses designed to span the career of wildland firefighters from entry level through management and leadership levels. Individual firefighters and managers improve their leadership skills through self-directed continuing education efforts using the on-line resource ([www.fireleadership.gov](http://www.fireleadership.gov)) to prepare themselves for the decision-making demands of firefighting.

The Federal Interagency Firefighter Medical Qualifications and Standards program was developed by the Interagency Medical Standards Team under the direction of the National Fire and Aviation Executive Board. This program established medical qualifications, standards, and procedures to ensure that firefighters have an appropriate level of health and not be at unnecessary risk, or put other at risk, in performing arduous firefighter duties. The program is intended to ensure that sufficient information is available to make a medically sound judgment of whether an individual could safely perform the firefighter duties.

Mr. Chairman and members of the Subcommittee, we believe that examining firefighter performance and safety as a whole, rather than simply tracking training costs, helps us to better assess overall quality and effectiveness of our programs. We welcome continuing oversight from Congress to help us make further progress in this area, and we believe that providing Congress an annual report on the performance and efficacy of our overall firefighting program would produce the desired outcome.

### **S. 2003 “Watershed Restoration and Enhancement Agreements Act of 2005”**

This bill would amend Section 323 of the Department of the Interior and Related Agencies Appropriations Act of 1999 (commonly referred to as the “Wyden amendment”), to permanently authorize the Secretary of Agriculture to use Forest Service appropriations to enter into cooperative watershed restoration and enhancement agreements with governments or private nonprofit entities and landowners to carry out activities on NFS lands or on non-Federal lands within the same watersheds. Agreements are authorized for the protection, restoration, and enhancement of fish and wildlife habitat and other resources and/or the reduction of risk from natural disaster on public or private land to benefit resources in the watershed. The current authorization includes provisions on terms and conditions regarding technical assistance, sharing of costs, ensuring that expenditures are in the public interest, and that the public investment on non-Federal lands is protected.

The Department supports enactment of S. 2003, and would like to work with the Subcommittee on a short amendment to provide additional authority to more fully implement its provisions.

The Forest Service has successfully used the Wyden amendment since its original enactment and subsequent reauthorizations. Benefits include improved, maintained and protected ecosystem conditions through collaborative administration and implementation of projects as well as increased operational effectiveness and efficiency through coordination of efforts, services, and products to accomplish the highest priority work.

Of the many possible examples, work on the Siuslaw National Forest in Oregon illustrates the benefits of working across landscapes using this authority. Since 1998, the forest has implemented 26 projects, leveraging \$321,000 in Federal investments with \$387,000 in partner contributions to restore floodplains, riparian areas, and estuaries; install in-stream structures; monitor activities; and share information.

Strategic use of this tool has brought a tremendous benefit to watersheds affecting National Forest System lands.

Two bills have been introduced in the 109th Congress that contain similar language to this provision. Last September, the Department testified in strong support of H.R. 3818, which includes authority for watershed restoration and enhancement agreements as part of a comprehensive Forest Service partnership bill. H.R. 3818, entitled the "Forest Service Partnership Enhancement Act", was based on the Administration's draft legislation transmitted to Congress under the same title. A similar bill, also with the same title, S. 2676, has recently been introduced by Senators Crapo and Lincoln.

These bills contain authority—not included in S. 2003—that would be important to the Forest Service's future success to cooperatively carry out watershed restoration and enhancement agreements. That authority clarifies that watershed restoration and enhancement agreements are mutual benefit agreements. While the Department supports enactment of S. 2003, we would like the Subcommittee to consider the benefits of providing express authority for mutual benefit agreements as proposed by the Administration.

### **H.R. 585—Gateway Communities Cooperation Act**

This bill directs the Secretary of the Interior or the Secretary of Agriculture to: 1) solicit the involvement of gateway community leaders in the development of land use plans, programs, regulations, or other decisions that are likely to have a significant impact on gateway communities; 2) provide summary materials and, on request, offer training sessions to officials of gateway communities on meaningful participation in development of plans, decisions, and policies; 3) on request, make available personnel to assist gateway communities in development of mutually compatible land use or management plans; 4) enter into cooperative agreements with gateway communities to coordinate the management of land use inventory, planning, and management activities; 5) coordinate plans and activities with other Federal agencies, when practicable; and 6) allow any affected gateway community the opportunity to be recognized as cooperating agencies under the National Environmental Policy Act of 1969.

While the Department agrees with the principles embodied by the legislation--namely increased cooperation and collaboration with local communities in national forest management--we can accomplish these goals under current authorities. In the past several years, we have made substantial progress in our ability to collaborate with communities, and we think that progress should be taken into account as the Subcommittee considers H.R. 585. The Administration could support H.R. 585, but only if amended. We will submit a letter with recommended amendments shortly.

This Administration strongly supports cooperative efforts, as reflected in Executive Order 13352, Facilitation of Cooperative Conservation, which calls for collaborative activity among federal, state, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals. Last summer, the White House Conference on Cooperative Conservation convened stakeholders from around the nation and from all walks of life to discuss ways of facilitating collaborative work. At that conference, Secretary of Agriculture Mike Johanns affirmed that, "Conservation today is no longer about conflict. Instead, it's about cooperation, about partnerships, about collaborative solutions from the bottom up."

The Department is committed to building and maintaining strong, mutually beneficial relationships with communities, including full participation of communities in land management planning decisions. The National Forest Management Act, the National Environmental Policy Act, the Federal Advisory Committee Act, the Healthy Forests Restoration Act, among other statutes, provide a framework for including communities in agency planning. Resource Advisory Committees (RACs), established under the Secure Rural Schools and Community Self-Determination Act of 2000 have successfully brought together community members to use collaborative approaches to resource management. RACs are also being established to implement provisions of the Federal Lands Recreation Enhancement Act.

In addition, the Forest Service implementation the 2005 Planning Rule is improving the way it conducts land management planning. The 2005 Planning Rule emphasizes public participation and collaboration. In places where the new process is being used, communities have responded enthusiastically by joining collaborative work groups, participating in field trips and engaging at open houses.

For example, the Kootenai National Forest in western Montana and the Idaho Panhandle National Forest in northern Idaho are expected to release their proposed land management plans under the 2005 Planning Rule today. In developing this strategic vision for future land management, they convened over two hundred community-based workgroup meetings and many additional open houses and field trips. Forest Service personnel consulted with state and federal agencies as well as forty-two county commissioners, some of whom participated in the work groups. Throughout the process, government-to-government consultation occurred with seven Indian tribes. There will always be diverse opinions about the future of public lands, but we have already seen the benefits of facilitating interaction of stakeholders at the same table, working through issues together.

We currently have authority to take actions covered by this bill. Section 2(d)(7), for example, would allow any affected gateway community the opportunity to be recognized as a “cooperating agency” under the National Environmental Policy Act. The Departments currently have authority to designate cooperating agencies, under Council on Environmental Quality regulations (at 40 CFR 1501.6). These regulations specify that the cooperating agency must have jurisdiction by law or special expertise. A cooperating agency has specific responsibilities for contributing to the environmental analysis process.

The Department welcomes the opportunity to better coordinate our planning efforts with those of gateway communities. Better coordination would complement the goals of public land management to maintain healthy and sustainable ecosystems for current and future generations. We have made progress in actively pursuing collaboration with all communities of interest and place under our current authorities. Some of the provisions of the bill may have the unintended consequence of diminishing our ability to collaborate with a wide array of stakeholders. For example, providing special status to one community and not another could result in the appearance of differential treatment for affected communities.

Forest Service Chief Dale Bosworth has made it his goal to reduce what he has termed “process predicament”. We are concerned that H.R. 585 could create additional process, and we would like to work with the Subcommittee to avoid this outcome.

The Departments would like to work with the Subcommittee to continue to improve our service to gateway communities and assure that any legislation contributes to that goal.

### **H.R. 3981 – Land Exchange Tahoe National Forest**

The Department is not opposed to H.R. 3981.

H.R. 3981 would allow for the exchange of National Forest System lands (NFS) on the Tahoe National Forest with lands of the Christensen and McCreary families. The proposed exchanges are not authorized under the Small Tracts Act because, in one case the family’s tract does not meet the law’s requirements of innocent encroachment and in the other case the family’s tract does not qualify as a mineral survey fraction.

The Christensen exchange would involve seven acres of non-federal lands being exchanged for seven acres of federal lands. Both parcels are located within the North Yuba River Corridor.

The McCreary exchange would involve less than one acre of non-federal land being exchanged for less than one-acre of federal land. Both parcels are located adjacent to the town of Downieville, California. The non-federal parcel would provide valuable public trail access along the North Yuba River, if acquired by the Forest Service.

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