



## WESTERN GOVERNORS' ASSOCIATION

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June 18, 2003

The Honorable Thad Cochran  
Chairman  
Senate Agriculture, Nutrition  
& Forestry Committee  
328A RSOB  
Washington, DC 20510

The Honorable Pete Domenici  
Chairman  
Senate Energy & Natural  
Resources Committee  
364 SDOB  
Washington, DC 20510

The Honorable Tom Harkin  
Ranking  
Senate Agriculture, Nutrition  
& Forestry Committee  
328A RSOB  
Washington, DC 20510

The Honorable Jeff Bingaman  
Ranking  
Senate Energy & Natural  
Resources Committee  
364 SDOB  
Washington, DC 20510

Dear Senators Cochran, Domenici, Harkin and Bingaman:

We understand that your committees will soon be considering forest health-related legislation. Western Governors applaud your commitment to tackle this difficult, but vital issue. In light of the overstocked and dangerous conditions of many of our forests and rangelands and the resulting catastrophic wildfire seasons the West has experienced the last several years, it is clearly a much needed and timely debate. Thank you for your leadership on this issue.

We watched with great interest the House debate on H.R. 1904 the Healthy Forests Restoration Act of 2003. We were encouraged by the bill drafters' inclusion of the Western Governors' Association supported Implementation Plan and some key elements of the 10-Year Comprehensive Strategy (together the "Strategy") in the bill, however there are some elements that require further consideration by the Senate. As you know, the WGA helped to create the Strategy after determining that opportunities exist to address fire risks by focusing on areas of agreement rather than perpetuating longstanding conflicts. The Strategy aims to guide agencies in addressing the current condition of our forests in a collaborative and locally driven manner across all landscapes. The Strategy has been endorsed by the Secretary of Agriculture, and the Secretary of the Interior, as well as the Southern Governors' Association, the Intertribal Timber Council, the National Association of Counties, and the National Association of State Foresters.

While we are convinced that the collaborative processes established in the Strategy should be used both to select, on a local level, most individual hazardous fuel reduction projects, and to set regional and national priorities for fuel treatments, there are some areas where people living in the wildland-urban interface are at high risk. Therefore, the Senate should review existing

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law and recent changes to administrative processes regarding high-risk communities to determine if changes in the law are necessary to expedite the protection of these areas. As administrative and statutory reforms are discussed, we urge you to recognize that effective use of the collaborative process can help expedite necessary fuel treatments across the millions of acres of lands at risk in the West and nationwide.

Western Governors are anxious to see legislation that facilitates achieving the goals and processes agreed to in the Strategy. Federal land managers, in conjunction with State Foresters, tribes, local officials and stakeholders should have authority and flexibility to identify areas needing treatment while bringing together the widest range of landowners to accomplish forest restoration on the needed scale. The Senate should promote fuel reduction projects identified by government organizations and stakeholders through the collaborative process. Consistent with the Strategy, priority in project selection should be given to projects that reduce fire risk in communities at risk and the watersheds that supply them.

One means of enhancing local decision-making is to make full use of the stewardship contracting authorization that Congress recently provided. We commend Congress for providing this authority in the FY 2003 Omnibus Appropriations Act. Assuming appropriate analysis of the pilot projects underway is provided and proves supportive of this approach, the Senate should now authorize the Secretaries of Agriculture and the Interior to enter into agreements with interested Governors for the state to work in partnership with federal officials to implement stewardship projects in appropriate locations throughout the state and across multiple ownerships. The state's role in each project would be negotiated, but could range from project planning and environmental assessment to community outreach and contracting for treatment. Federal personnel would retain the final decision-making authority on federal lands as required by law. Such a partnership between state and federal governments could accomplish vital proactive fuel treatment projects. Monitoring and adaptive management should continue to be a part of the stewardship program to ensure accountability and public trust in the program.

Regarding judicial action, meaningful participation should be required early in the planning process in order to establish standing to appeal. The collaborative approach set forth in the Strategy can eliminate or substantially reduce litigation. Should the Senate consider deadlines for judicial action, they must not preclude the opportunity for meaningful public participation. Lastly, we would all benefit if courts would utilize sound-science to consider the long-term effects of critical forest projects versus the effects of inaction while awaiting judicial rulings regarding injunctions.

In addition, Section 7 consultation under the Endangered Species Act needs to be accomplished more quickly and more efficiently. Consulting on similar projects as a group (rather than individually) or developing joint implementing regulations for consultation under the ESA

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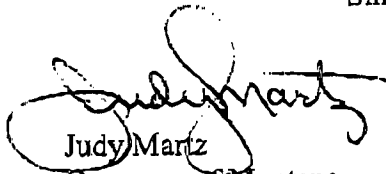
(programmatic consultation) could be used for quick and efficient project planning. The Senate should direct the federal agencies to use these tools. As to the National Environmental Policy Act, we have outlined in WGA policy resolution number 02-08 numerous administrative steps that can be taken to improve this process that should be encouraged by this Congress.

Finally, Western Governors have consistently advocated increased funding, through the National Fire Plan, to implement all of the actions called for in the Strategy. If the Strategy is fully funded, suppression costs will diminish over time as communities restore forests to their natural conditions, in part, by affording them the necessary tools to accomplish this work.

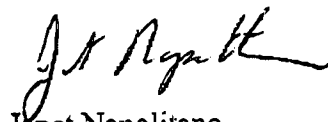
The WGA Forest Health Summit will provide us with additional views from our constituents on this topic. If appropriate, we may, therefore, submit additional WGA views to you.

Thank you again for your leadership on this vital issue. We stand ready to work with you to speed up the process of returning our forests to a natural and sustainable condition while protecting the West's communities, air, water, and wildlife.


Sincerely,



Judy Martz  
Governor of Montana  
Chair



Janet Napolitano  
Governor of Arizona  
Lead Governor for Forest Health



Bill Richardson  
Governor of New Mexico  
Vice Chair



Dirk Kempthorne  
Governor of Idaho  
Lead Governor for Forest Health