

March 2, 2017

Western Governors Association
1600 Broadway, Suite 1700
Denver, CO 80202

Also submitted via e-mail to: nfrm@westgov.org

RE: Western Landowners Alliance Input to WGA's *National Forest and Rangeland Management Initiative*

Dear Governor Bullock and WGA *Initiative* Staff:

The Western Landowners Alliance is grateful for the opportunity to participate in Governor Bullock's *National Forest and Range Management Initiative*. The management of our national forests and related rangelands is critical both to the future of our natural resources as well as our rural communities, and there are many opportunities to solve problems, unite factions, and improve resource health and community fabric.

This letter summarizes our thoughts and input at this phase of the *Initiative*. Herein, we relay encouragement for concepts that have arisen in the workshops and related webinars, as well as suggest ideas to add to the discussion. We hope these ideas are helpful, and we offer our continued assistance as the *Initiative* progresses. We look forward to further discussion on these concepts and more.

Formalize the *Initiative's* definition of "healthy" forests and rangelands. It is reassuring to hear *Initiative* participants not merely discussing more timber harvest as a means to healthier forests, but the concept of treatments to increase the resiliency of ecosystems and the benefits they provide – clean air and water, wildlife habitat, biodiversity, recreational opportunities and more. Other participants have discussed the need to tailor management to the mimicking of natural processes. We concur with this broader goal and encourage *Initiative* managers to formalize the resiliency definition (or something similar) in the *Initiative* documentation.

Highlight the connection between forest health and watershed health. A lot of mileage could be gained from more clearly communicating the relationship between forest health and watershed health. Just as the concept of urban-wildland interface has brought attention to forest treatment to address the risk of catastrophic wildfire, we must better communicate the relationship between municipal (and other, downstream) water supplies and the forests where that water is generated. There are many examples of that relationship being recognized – the 4FRI project in Arizona, the Rio Grande Water Fund in New Mexico, the Mountain Accord in Utah, and more. The

[2016 Colorado Forest Health Report](#) is an example of doing a good job in highlighting this relationship.

Advance pace, scale, and quality of forest and watershed restoration. The workshops have evidenced some progress in the ability to collaboratively identify, plan, analyze, and conduct multi-objective projects that increase forest resiliency and watershed health. These models need to be expanded and advanced more broadly and the tools broadcast and supported financially. According to the above-referenced report 1 in 14 trees in Colorado are dead, and fires are so intense and to inhibit recovery. Although some long-term change in forest extent may be unavoidable, and human occupancy affects the range of treatment options, the status quo provides multiple recipes for disaster to water supplies and more across the West.

Integrate grazing as a management tool. In both workshops, there has been repeated reference to the utility of livestock as a tool for fuels management and regeneration on private and public lands. We concur there are significant opportunities for careful and strategic integration of livestock in efforts to restore and maintain forest and range health and encourage this concept to also be documented in *Initiative* reports. When properly utilized, prescriptive grazing is our most cost-effective tool and can be applied across watersheds - at landscape scale. The concept of outcome-based grazing management deserves further discussion, but can be challenging due to multiple variables outside of a producer's control. At a minimum, BLM and the Forest Service should adopt adaptive grazing management targeted toward desired outcomes.

We can use livestock to help care for the resource.
- T. Tidwell (*workshop #1*)

Evaluate relative benefits of broadening the focus. The first workshop's focus on forests generated input to "not forget about range". We suggest these are not separate discussions, but should be integrated. In fact, the "resiliency" concept above may be better achieved through a landscape or watershed focus. Whereas creative tools can be invoked for "insect and disease" threats, it would be helpful to be able to prioritize broader threats or opportunities (e.g., invasive species). Doing so, however, may risk reduced momentum. This *Initiative* would be a good venue to discuss the pros and cons of streamlined tools being applied in a more holistic approach, including broadening the use of Integrated Resource Research line items to increase the ability to prioritize and work at the landscape scale. We also suggest that each NRCS state office have a Water Resources/Quality Specialist, to advance stream assessments, watershed health work, and green infrastructure projects. Continue the value of NRCS as a strong voice between landowners, managers, and agencies.

Recognize soil health as integral to range and forest health and water supply security. Recent program and research emphases on soil health should be continued, expanded, and the results better communicated.

Increased flexibility in allotment management. As one participant noted, his long-term allotment for 178 animal units is on land that 38 might be more realistic in some years and 238 in others. Our members concur. There needs to be more flexibility to manage stocking

annually despite a potential mandatory, long-term number. Workshop discussions noted that flexibility is sometimes interpreted by others as a lack of accountability, so stocking rates should be based on desired condition and the utilization rates necessary to achieve that condition. Although desired watershed conditions remain largely unchanged through time, skilled grazing practitioners routinely modify the stocking rate, timing, frequency and intensity of grazing in response to short-term changes in forage availability due to weather or wildfire – but always with the goal of achieving long-term desired watershed condition and function. Both BLM and USFS should be more flexible on how long a permittee is allowed to graze following restoration treatments and/or catastrophic events, including drought, as well as in response to changes on adjacent leases. Local managers should be allowed to work with the permittees on the duration and extent of grazing rest based on the health and condition of the land. This should be coupled with a guarantee the permittee will retain their permit even if they do not graze the allotment, and they should not have to pay lease fees during the rest period. The permittee's cost of moving livestock or leasing other pastures during the rest period should be applied toward match for restoration efforts.

For permittees enrolled in Grasslands CRP, the BLM and USFS should work to align the permit renewal period with the CRP contract period. Both agencies should encourage productive two-way communication between range staff and permittees. Too many times permittees are told how many cattle, how long, with no opportunity to comment or suggest otherwise. The grazer is silent because to change the number in any way may risk the loss of the number allowed. Where multiple agencies manage adjoining lands (e.g., USFS, BLM, FWP in Montana), efforts should be made to harmonize grazing standards to improve grazers' ability to manage and comply.

Fix fire borrowing. This should be a no-brainer. The Forest Service's budget is being raided, and staff availability to work on forest health restoration and other important projects is unpredictable. From workshop discussions, one set of advocates seems to want "forest restoration" to be integrated into a related bill. Another wants a bill to address not only the borrowing but the escalating costs of firefighting. These issues are likely being pursued outside the *Initiative*, but we encourage the *Initiative* to lend weight to the parties to resolve this issue. As raised at the Missoula workshop, we suggest one option be the combining of extended Healthy Forests Restoration Act Insect and Disease EA/EIS authorities (beyond 2018) in a fire borrowing bill, rather than waiting for independent legislative action.

Advance fire as a restoration tool. Both workshops included mention that prescribed fire needed to have a more prominent role in *Initiative* discussions. We concur. There are several arenas whereby this tool could be more effectively used for restoration and protection purposes, including its use across public/private boundaries. To be effective across public/private boundaries, private landowners need to be engaged and empowered to participate, and we need:

- **Compatible prescribed fire standards and protocols, to enable cross-boundary application and management of prescribed fire.** This does not mean unilateral adoption of National Wildland Coordinating Group Guidelines (NWCG), but interagency MOUs and/or guidelines should explicitly address and support burning across boundaries. For

example, NRCS qualifications and training requirements (and templates) are different than the NWCG standards used by the BLM. This can create barriers to burning across adjoining federal and private lands. One suggestion is to develop a mechanism between NRCS and BLM to develop burn plans and conduct prescribed burns involving private lands upon landowner request.

Every fire you have makes the next one easier.

– A. Rowley (*workshop #3*)

- **Pooled interagency funding specifically to facilitate planning and conducting cross-boundary prescribed fire.** There may not be a prohibition on pooling BLM, Forest Service, and state funds, but NRCS funds go to the private landowner and it is challenging for the landowner in turn to contract with the federal agency to implement the burn. We suggest evaluating NRCS/Forest Service/BLM setting aside a collaborative pool of funds that could surmount these jurisdictional issues for cross-boundary burns where the federal agency is the lead. By creating this pool, the agencies would be incentivized to align their prescribed fire plans with those of adjacent private landowners. This would also help with localized issues of burn conditions not materializing during the appropriation period; a national pot would ensure funds could be available for burning somewhere, with rotating opportunities across the nation. We recommend advancing programmatic and integrated NEPA for these projects, or include in Farm Bill NEPA streamlining.
- **Better publication of the availability and need for Rx fire insurance.** Liability is a major concern for landowners when considering the use of prescribed fire. Even when contracting with a qualified federal agency to implement a cross-boundary burn, landowners should consider purchasing prescribed fire liability insurance policy (or being named as additional insured). These types of policies are available in some states, but many landowners don't know about them or the need to obtain them. In others, the availability is limited and should be encouraged.
- **Consistent state-level certified burner legislation, and related liability protection, in all Western states.** There are varying policies and interpretations regarding Rx fire use, training, and liability on private lands. Some states have established prescribed fire training and certification programs that provide for increased public safety as well as liability protection for certified burners. The liability protection creates an incentive for cross-boundary burns. Texas, Alabama, Georgia, Oklahoma, Florida are examples, and language could be directly applied to the Western states. Efforts are underway to develop certified burner legislation in Arizona and New Mexico. Colorado is implementing related new policy. The *Initiative* should recommend the advancement of these state policies across the West.
- **Fire experts retained in federal agencies.** There has been some discussion of, in the “fixing” of fire borrowing, that fire expertise should be centralized as well as funding. We disagree. Fire expertise is a resource management tool and should be retained in the federal land management agencies.

- **Rangeland Fire Protection Associations training level for prescribed fire.** These organizations are already formed and trained. There should be a training certification level for these groups or involved individuals to conduct prescribed fire.
- **Greater flexibility in the use of prescribed fire and managed wildfire.** In Idaho, BLM sage grouse regulations prohibit use of prescribed fire in sage grouse areas. In some areas of Idaho, however, sage grouse would benefit from the use of prescribed fire where grass has lost habitat value and post-fire cheatgrass invasion risk is low. Also, managers need the ability to use the full range of fire-related tools, including management wildfire and the authority to not practice immediate suppression under certain circumstances.

In addition, recent attempts by Congress to require state and county approval of federal prescribed burns should be resisted (e.g., portions of S1100, the Prescribed Fire Approval Act of 2015).

Secure capacity funding for science-supported stakeholder collaboratives that help advance cross-boundary, broad-scale restoration. The *Initiative* has included many

stories and advice for collaboratives' contribution to problem-solving and serving as a constituency for the agency when challenged in litigation. Useful programs mentioned by successful, multi-jurisdictional stakeholder collaboratives include Farm Bill funding, Good Neighbor and Stewardship

Collaboration is democracy.
– C. Moseley (workshop #1)

Agreements, Healthy Forest Restoration Act, single Forest-wide NEPA documents, and (in the case of the Black Hills) designating the collaborative as a National Forest Service Advisory Board. We concur that effective collaboration (with meaningful engagement from decision-makers) can contribute to better decisions, more easily implemented, and long-frame solutions for resources and communities. Effective collaboration requires stakeholder and agency engagement, productive leadership, and sufficient capacity to support the effort. If the first two elements are in place, there must be sufficient capacity to advance the collaborative's work. Project funds can often be obtained much more easily than general operating funds for these groups. The *Initiative* should advocate for a financing structure whereby collaboratives that mobilize the necessary engagement and leadership can move forward with sufficient organizational funds that support needed administrative and analytical needs. Workshop presenters have referenced several promising models, e.g., Community Capacity Land Stewardship (CCLS) funds that go to the National Forest Foundation to issue as competitive grants in certain Forest Service Regions. Regional groups working to foster place-based collaboratives also need capacity support. And states should not be left out – those which provide their own programs to foster collaboratives and collaborative work should be lauded and encouraged. The *Initiative* report should describe these programs (e.g., Colorado, Oregon, Montana, Arizona, Wyoming), and their funding sources, and encourage other states to follow suit.

Reduce disruption from agency staff turnover. Turnover can root out dead wood and bring in fresh talent. However, the frequency of leadership turnover in both the Forest Service and BLM has been cited repeatedly as an issue in the *Initiative* and by our members. Unless this is a short-term manifestation of a generation retiring, the agencies should

provide agency staff with incentives to advance in place, rather than needing to ‘migrate’ to advance their careers. These could include greater opportunity for step increases, local experience preferences in promotions, and using details as merit-based professional development opportunities off-duty-station (but not as ways to regularly fill line staff vacancies). The agencies should also institute transition strategies, as well as a minimum expected stay (e.g., two years) for a District Ranger, Forest Supervisor, Field Office Manager, etc. Federal land managers must remain in a district and interact sufficiently with local grazers and private forest industry practitioners to develop trust, understanding and collaborative solutions. There must also be an effective transitional process to assure collaboratively developed solutions get implemented. There is too much riding on needed decision-making not to fix the revolving door problem at these agencies. We recommend formalizing the practice of transition memos for incoming staff, as well as in-place overlap of the outgoing and incoming staff person.

Private land managers are among federal and state agencies’ most important allies and resources in accomplishing productive management activities (getting things done). When frequent agency personnel turnover repeatedly frustrates the hard-earned progress and groundwork laid by private-public collaboration, private landowners, no matter how conservation-minded they might be, are likely to drop out of this vitally important alliance.

Foster deeper and broader collective understanding of ecosystem benefits of management. Those of us working in this area need to better tell related stories. They also noted that “no touch” is not the ecologically preferable alternative for many forest landscapes. More outreach on these topics would help unite the advocacy community around a common definition of forest health as well as potentially engage those who would seek to litigate forest health projects. WLA has often cited the frequent-fire study in Yosemite as an example of advancing drought resilience as well as reduced fire severity. The *Initiative* Report should include a section on the ecology of forest health, and related needs for management, authored by broadly respected scientists and managers.

Continue technical and financial assistance for conservation projects on private lands. The Conservation Title programs, Partners for Fish & Wildlife program, and others like them, are key to private landowners being able to coordinate resource management with adjacent federal and state lands and more broadly benefit species and ecosystems. These programs must be continued if we are to succeed at proactive resource management and reduce species listings under the Endangered Species Act. Technical and financial assistance are the two critical elements in helping private landowners implement necessary and appropriate conservation measures.

Broaden the Grasslands CRP Program to incentivize species recovery work. This program is one of the few that allows grazing as a management tool, provides long-term commitments to landowners (10-15 years), as well as annual rental payment helpful for income balancing. We believe this program is well suited to assist landowners incurring high operational impacts associated with species conservation and recovery (also relates to WGA’s previous *Species Conservation and ESA Initiative*).

Encourage Congress to allow wild horses and burros to be managed according to existing law. As discussed in an *Initiative* webinar, the fecundity and extent of wild horse herds are outpacing the ability of the Western Range to recover. In the past, Congressional riders have prohibited the Bureau of Land Management from pursuing the management necessary and authorized by law. Although court cases have impeded management as well, it would be helpful to avoid further compounding the problem with Congressional budgetary or procedural roadblocks. Wild horses and burros cannot now be effectively managed by the responsible agency. BLM must be allowed to utilize the full spectrum of tools authorized in the enabling Act (including permanent sterilization and humane euthanasia of unadoptable and older animals) without procedural impediments from Congress.

Reduce resource management inefficiencies associated with excessive litigation. We concur with *Initiative* participants who suggest not eliminating the Equal Access to Justice Act, but seeing if mandatory arbitration might help bring more cost-effective and timely solutions for all parties. The reference to the process in professional baseball was an interesting one, where everyone brings an offer to the arbitration process, as well as potentially better defining “substantive involvement” (already in law) necessary for standing to sue.

Build interagency NEPA, cultural resource, and consultation efficiency to implement larger, more integrated, and longer-term projects. The example from the Payette National Forest where broad-scale NEPA leading to projects on 80,000 acres was completed in a year, thereby generating 4-5 years of stewardship contracts should be a model for replication. Frontloading difficult issues, Good Neighbor Authority, and third-party contracting for NEPA and cultural resource surveys also show promise. The agencies should also work toward more consistent levels of NEPA analyses; some are excruciatingly detailed (and time-consuming), while others for similar projects are significantly simpler. In addition, solutions must be found for issues with cultural resources surveys. State offices often don't have the staff to conduct the surveys, so the federal agencies or private landowners end up funding them. This is inefficient and an undue burden. A solution could be the use of the 19-state MOU whereby potential cultural resources are identified, protected with a project buffer, the project goes forward, and detailed state survey can occur later when the state staff are available. This can protect the resource, without unduly delaying the project.

Facilitate ecological restoration by sustaining the workers necessary to make such work possible. There have been many stories of the need for forest management work in areas that no longer have mills or the workers and equipment that previously could be mobilized for vegetative management projects. Multi-year stewardship contracts, reliable harvest volumes, niche and mainstream markets for harvested materials, and other programs and incentives are necessary to maintain the restoration infrastructure we have and rebuild it where it has disappeared. Without certainty it is difficult to attract investment in big dollar infrastructure such as mills, which in turn, provides the certainty and security necessary for forest workers and businesses to invest in equipment and operations. The assistance/investment to create the certainty is the critical initial piece needed to foster

economically sustainable forest management. We also suggest inviting collaborative input from the forest products industry early in forest restoration planning and stewardship contract development effort, to ensure contracts are implementable and economically feasible for potential bidders. The agencies must also ensure productive two-way conversations between agencies and forest permittees to ensure flexibility and incorporation of local knowledge and innovation in resource management.

Incorporate restoration as a component of rural development. Many rural economic development programs focus on the importance of engineering, construction, and other hard-scale projects. Rural development programs and funding should include landscape restoration, green infrastructure, and broader-benefitting activities essential to land-based economies and communities. Sustaining healthy and productive forests, rangelands, and watersheds can be both economically and ecologically beneficial to rural communities.

Advance effective agency and inter-agency planning and decision processes. The discussions of the advantages of Good Neighbor Authority, Healthy Forests Restoration Act Authority, and more, to streamline NEPA for certain projects is heartening and should be continued. We also suggest more frequent use of lead agency models for projects with overlapping jurisdictions, as well as coordinated species consultation whenever possible.

Compile and advance recommendations specific to Farm Bill renewal negotiations. Include annual renewal of the Healthy Forrest Reserve Program and maintain it as a viable option within the NRCS Regional Conservation Partnership Program (RCPP). Evaluate the opportunity to include reimbursement of prescribed fire expenditures (planning and implementation) under Mutual Assistance Agreements in the Farm Bill (currently Sec. 8304). If not already available, expand these Agreements (or Good Neighbor Authority) to include private landowners who want to fund Rx fire to allow the work to be done by state or federal agencies .

Evaluate “grandfathering” compliant plans in critical habitat designations. As part of this Initiative, participants should assess the administrative ability for the US Fish & Wildlife Service to “grandfather” compliant plans when designating critical habitat. We understand the designation process to be fairly intense, so such plans are likely to be reviewed in some detail in that process. It would seem practical to include in the designation determination a list of plans/actions deemed compliant with the designation. Such “reverse consultation” could increase overall agency and species protection efficiency and potentially avoid the “Cottonwood decision” type of situation in the future.

Thank you for the opportunity to participate in this *Initiative*. As noted above, these are preliminary comments based on conversations and topics at the workshops. As the *Initiative* progresses further, we will add to and refine these concepts to hopefully make them as relevant and helpful to the western Governors as possible. We are including with these comments our post-workshop survey input to the WGA’s *Species Conservation and ESA Initiative*, as well as our Federal Policy Agenda (*Restoring America’s Rural Economies, Land and Wildlife*), in the event they are helpful to this work.

Please contact us with any questions, or if you need more information on any of the above topics, or private landowner perspectives in general.

Sincerely,

A handwritten signature in black ink, appearing to read 'LA', is positioned above the printed name.

Lesli Allison
Executive Director

Enclosures:

WLA WGA *Species Conservation and ESA Initiative* survey response
Draft WLA Federal Policy Agenda - *Restoring America's Rural Economies, Land and Wildlife*

Cc: Troy Timmons, WGA
Bob Harrington, MT DNRC