



FEDERAL FOREST

RESOURCE COALITION

FFRC Weekly Report for Friday, July 27, 2018

Hubbard Sails through Confirmation Hearing. Awaits Committee Vote: On Tuesday, the Senate Agriculture Committee held a hearing to consider the nomination of Jim Hubbard to be USDA Undersecretary for Natural Resources and Environment. Committee Chairman, Pat Roberts said he hoped to advance the nomination, “sooner rather than later.” Hubbard told the committee members “The U.S. has a natural resource asset unique in the world. My pledge is to see that these forests and grasslands have a sustainable future.” You can watch the hearing [here](#), and read Mr. Hubbard’s testimony [here](#).

Hubbard began the hearing by outlining his 3 top priorities if confirmed, “1) Provide a safe, inclusive work environment, 2) Increase sustainable active land management, and 3) Share fire protection across jurisdictions.” Additionally he said, “We should recognize that our Western forests are in a condition that will continue to be a problem. A lot of that forest was created by disturbance and it’s in a point in its lifecycle that it is ready to be regenerated by disturbance – fire, insect, disease. More active management does help and you just have to pick the right places to make an investment... I do believe in cross boundary work and I do believe in sharing that priority decisions base with the states.”

In her opening statement, Ranking Member Debbie Stabenow (D-MI) was appreciative of Hubbard’s experience, “You have had a long and distinguished career working on forestry issues at both the state and federal level.” Nevertheless, Stabenow is looking toward the future, saying “As the forest service faces a challenging wildfire season, we need strong leadership at the department, now, more than ever.”

In addition to forestry related questioning, Stabenow touched on the Forest Service’s sexual harassment track record. In the last two years, the Forest Service has had 183 reports of alleged sexual harassment, resulting in 77 cases of confirmed misconduct. “Those are high numbers for an agency,” Stabenow said, adding that USDA briefed the committee on the findings last week. Hubbard responded, saying “I firmly believe that regardless of the number, even if its just one, harassment has no place.”

Beyond questions about addressing the work environment at the Forest Service, most Senators focused on the need for more management of the National Forests, whether it was to reduce fire danger or improve habitat.

Senator Amy Klobuchar (D-MN) touched on the implementation of forest management plans for early successional habitat, saying “their development requires an active and sustainable timber program.” Asked how he will ensure these habitats are created, Hubbard said there needs to be “more work on the ground.” There is a lot of ground to cover, but “if we work in collaboration with others to achieve our goals, we will be more successful.”

Senator Steve Daines (R-MT) passionately explained the importance of the Forest Service and why “Congress should do and must do much, much more.” Daines said he is fighting for three “buckets of reform,” (1) Reducing red tape, (2) combatting fringe litigation, and (3) increasing the partnership between the Forest Service and state foresters in the national foresters. Moreover, because of “chronic litigation, insects, disease, wildfire and other management issues, the Forest Service has been impeded from fully carrying out its true multiple use mission.”

Daines said he is very concerned with the time it takes for the Forest Service to prepare an Environmental Impact Statement (EIS), saying on average it takes 3-4 years to prepare an EIS and can take up to two years to prepare an Environmental Assessment. “One rough estimate from the Forest Service indicated the agency spends nearly a million dollars every day to carry out the agency’s environmental analysis. Do these time frames seem reasonable to you?” asked Daines.

Hubbard responded that “Public input is critical; the western movement toward more collaboratives and helping to resolve that has proven useful. Those timelines are frustrating. Those timelines, people put that much work and coming to a compromise agreement...It’s just not right. So no, I don’t think those timelines are reasonable. And yes, some streamlining is necessary while still protecting the public involvement.”

Daines also noted that the Congress hasn’t fully addressed the impacts of the *Cottonwood* case. “The ninth circuit had a disastrous *Cottonwood* decision ruling that triggers plan level consultation requirements when ‘new information is made available;’ which occurs constantly. This results in more red tape and makes the Forest Service vulnerable in the courtroom all for a negotiable conservation benefit... Unfortunately, this legislation we passed did nothing to address this component of the Cottonwood problem.” Daines asked Hubbard, that if confirmed, if he would work with him to address the information loophole. To which Hubbard responded, “yes I would work with you, because you have made some progress, but there is still more work to be done.”

Daines concluded by praising Hubbard for being a champion of the Good Neighbor Authority, “you have been a strong supporter facilitating efforts to cross ownership boundaries. States like Montana see it’s important that when you share a fence line, Good Neighbor is very important so our national forests are better managed. I very much look forward to your much needed leadership as we work through all three buckets of reforms. The resiliency of our national forests and the future of the wood products work force in places like Montana are at stake.”

Hubbard was nominated in April with strong support from most National Forest stakeholder. FFRC led a letter supporting the nomination that received over 151 signatures. He is a 30-year veteran of the Colorado Forest Services, and has worked at the Interior Department and served as director of the Office of Wildland Fire Coordination and was deputy chief for state and private forestry at the USDA Forest Service.

While working as the State Forester in Colorado, Hubbard became involved with the National Association of State Foresters, a bi-partisan group representing all 50 states. For 10 years he oversaw the legislative agenda of the Association. In 1990, he served as the President of the Association and helped to craft the first Forestry Title in the Farm Bill.

Interior-Environment Spending Bill Consideration Underway in the Senate: The Senate began work on another “minibus” spending bill including the Interior and Environment spending bill this week. Votes will be pushed to at least until next week. The Senate began consideration of the package Monday night after the House passed its version of the bill last week. Interior Appropriations Subcommittee Chair Lisa Murkowski (R-AK) acknowledged that policy riders in the House’s bill and a tight timeframe make things difficult. “How quickly we can move through conference remains to be seen, but we’ve got to get there first,” said Murkowski. The committee staff reportedly will work through the weekend to complete a manager’s amendment for next week.

The bill largely ignores the President’s budget proposal, coming in an aggregate \$2.4 billion above the President’s request, including over \$900 million higher for land management programs at the Forest Service and various DOI agencies. The White House issued a Statement panning both the House and Senate bills over these higher funding levels.

On Monday, Appropriations Interior Subcommittee Ranking Member Tom Udall (D-NM) said the Senate’s bill rejects most of the Trump Administration’s cuts to programs meant to safeguard public lands and the environment, and instead the Senate version of the bill meets these standards. “It is Congress’ responsibility to safeguard the environment, protect our air and water, fulfill our trust and treaty responsibilities, and conserve public lands the federal government holds on behalf of the American people,” said Udall.

Sen. Cory Gardner (R-CO) and Sen. Steve Daines (R-MT) filed an amendment to expand the Farm Bill insect & disease CE to cover forests in fire regime IV and V, and Daines has submitted an amendment to address the “new information” issue in the Cottonwood decision. No amendments were voted on this week.

The House passed the Forest Service budget bill as part of a “minibus” spending package on Thursday, July 19th.

FFRC Calls for More Reforms in Farm Bill Conference: FFRC wrote to the leaders of the upcoming Farm Bill conference on Friday, saying that “Much more” reform “is needed and is possible,” and urged the conferees to adopt “a meaningful forestry title that is truly responsive to the needs of our federal forests and the desires of the public.”

Last week we reported that the House called for a conference on the Farm Bill with the Senate. The Senate has not yet moved to name their conferees, but staff on the Senate committee are reportedly working feverishly on conference preparation. Senate Chairman Pat Robert (R-KS), Senate Ranking Member Debbie Stabenow (D-MI), House Chairman Mike Conaway (R-TX) and House Ranking Member Collin Peterson (D-MN) did meet this week, issuing [joint statement](#) saying “We look forward to working together to get a Farm Bill finished as quickly as possible, and we’re committed to finding solutions to resolve the differences. We must keep working to provide American farmers and families with the certainty and predictability they need and deserve.”

FFRC’s letter urges Congress to expand the existing Farm Bill Insect & Disease Categorical Exclusion to include reduction of hazardous fuels; removal of invasive plants, and expand its application to Fire Regimes IV and V. It urges Congress to adopt “as broad a restoration Categorical Exclusion as possible,” which should address “wildlife habitat (particularly Early Seral habitat), streamside restoration, hazardous fuels reduction, and invasive species control.”

The letter urges the conferees to both address the Cottonwood case and to make important fixes to allow Good Neighbor Authority to continue to function. “The committee should also incorporate measures to streamline NEPA and litigation for collaborative projects.”

The House has named 47 conference members which include House Natural Resources Committee Chairman Rob Bishop (R-UT) and members Rep. Bruce Westerman (R-AR) and Rep. Raul Grijalva (D-AZ). These non-Agriculture Committee members are selected to oversee negotiations in programs where the House Committees split jurisdiction. The Senate is anticipated to make a vote and announce their conferees next week. It is expected that the Senate will have 9 conferee members, 5 Republicans and 4 Democrats. These conferees will be made up of members from the Senate Agriculture Committee as the Senate does not split jurisdiction like the House.

Upcoming Events: The House has officially begun their “August Recess” meaning they will be back in their districts until September 4th, leaving just 11 working days for the House to enact spending bills keep the government funded.

The Senate will be in session next week; however no hearings of interest have been scheduled at this time. A vote for the mini-bus which includes the Interior Appropriations is expected as well as a Farm Bill vote to go to conference and announcement of conferees.

Majority Leader Mitch McConnell (R-KY) emphasized (again) this week that the Senate would remain in session for most of August; however no official schedule for August has been released. McConnell has said that the unusual August session will focus on confirming nominees for both Executive Branch and Judicial nominees. Hopefully, Jim Hubbard will be among those confirmed.



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