

Analysis of HR 1904: "Healthy Forests Restoration Act of 2003"

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H.R. 1904, the "Healthy Forests Restoration Act of 2003" introduced by Reps. McInnis (R-CO) and Walden (R-OR), was approved by the House Resources Committee on April 30 without public hearing, testimony, or amendment. The full House of Representatives passed the bill less than a month later with only a modicum of debate over fervent objections. H.R. 1904 contains six major titles: Hazardous Fuels Reduction on Federal Lands, Biomass, Watershed Forestry Assistance, Insect Infestations, Healthy Forests Reserve Program, and Miscellaneous Provisions. This analysis mainly focuses on Title I that addresses wildfire risk to communities.

The Bill Fails to Focus Limited Resources Where They Promise the Most Benefit

The focus of Title I - Hazardous Fuel Reduction on Federal Lands, and indeed much of the bill, is to expedite fuel reduction strategies on FEDERAL lands. Yet GIS analysis shows that 85% of the wildland-urban interface is on non-federal lands; the bill thus fails to direct resources where they are most needed.

The geographic scope of the bill is extraordinarily broad, applying to virtually all non Wilderness or Wilderness Study Area National Forest and BLM lands. Rather than defining specific distance criteria from communities, the bill allows for expedited projects anywhere in the "proximity" of wildland-urban interface and intermix areas [Sec. 102(a)(2)]. Consequently, federal agencies could "treat" fuels many miles away from any community or home, as long as the public lands management agency claims a "significant risk" that a fire could spread and threaten human life and property. Although the bill seeks to define such elements as condition classes, federal lands, and even "day," [Sec. 101] it remarkably fails to elaborate on the meaning or intent of the term "proximity." There is little assurance that projects even on federal lands immediately adjacent to communities-at-risk will receive any prioritization for treatment.

Project Review Emphasized at Expense of Community Prioritization

The bill expedites projects by revising existing laws, reducing public participation and environmental analysis and protection requirements. Doing so makes sense only immediately adjacent to homes. Large federal lands projects designed for forest restoration and reduction in fire intensity and spread demand careful analysis as logging and fire suppression, coupled with drought, are widely acknowledged as the culprits for current fire intensity in the first place. While six pages of the bill's Title I discuss environmental analysis [Sec. 104], special Forest Service administrative review processes [Sec. 105], special requirements regarding judicial review [Sec. 106], and standards for injunctive relief for agency actions [Sec. 107], only four lines of the Title discuss community prioritization [103].

No Resources Directed to Communities

Significantly, the bill does not provide communities-at-risk with any federal assistance in addressing wildfire risk mitigation on private, state, or Tribal lands. Rather than provide any new funding authorization or mechanisms for fuels reduction on public or private lands, the bill relies on the dangerous and misguided supposition that scaling back environmental safeguards will reduce fire risk. Among other things, the McInnis/Walden bill would also:

- ? allow the Forest Service to conduct large-scale, environmentally damaging logging projects without considering any alternatives or their relative environmental impacts;
- ? take away the statutory right of citizens to appeal Forest Service logging projects;
- ? impose unprecedented limitations on judicial review, impinge upon the judiciary's impartiality, and give lawsuits challenging such projects priority over all other civil and criminal litigation.