

WRITTEN STATEMENT FOR THE RECORD

OF

JUDGE JOHN RICH

COMMISSIONER

JACKSON COUNTY, COLORADO

BEFORE THE

SUBCOMMITTEES ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

AND

WATER AND POWER

UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

THE MOUNTAIN PINE BARK BEETLE OUTBREAK

JUNE 16, 2009

Chairman Grijalva and Chairwoman Napolitano and members of the House Sub-Committees on National Parks, Forests and Public Lands and Water and Power, thank you for inviting me to present testimony to you today.

My name is John Rich and I live in unincorporated Jackson County, Colorado. Thank you for inviting me to come to Washington, D.C. to tell you about the impacts facing my family, my neighbors, and my community resulting from the bark beetle epidemic on the Routt National Forest. But, I did not come to talk only about impacts, but to also offer common sense federal actions that can positively address the deplorable situation.

I am here today wearing many hats. First of all, I am a husband, father, and grandfather, working and caring for the same cattle ranch as my Grandfather who came into the valley in 1883. I am a Jackson County Commissioner in my second term of office. I also own a small propane delivery business and drive a school bus when needed. I am an emergency medical technician and serve as the director of the local hospital district. And, I am the municipal judge for Walden, Colorado, the only incorporated municipality in Jackson County. I am here today also representing the Northwest Colorado Council of Governments as a member of the executive board and the Colorado Bark Beetle Cooperative as its county government representative.

In order to give you a glimpse of where I come from, please allow me to tell you a little about the high mountain valley that I call home. Jackson County comprises a large mountain valley in northern Colorado called North Park. In Colorado, mountain valleys are known as parks. North Park is surrounded by high mountain ranges with the Park Range to the west, the Rabbit Ears and the Never Summer Mountains to the south and the Medicine Bow Range to the east. The Colorado - Wyoming state line is the northern boundary of Jackson County. The elevation ranges from 7,800 to 12,953 feet above sea level. North Park is the headwaters of the North Platte River which flows northward into Wyoming making Jackson County the only county in Colorado on the North Slope of the state. The largest land owners in Jackson County are the people of the United States with their lands managed by several federal agencies; the USDA Forest Service, the Bureau of Land Management, and the US Fish and Wildlife Service. Three Congressionally designated Wilderness Areas are located in Jackson County. North Park has a population of 1,476 people spread over 1,621 square miles. Jackson County

is the third least populated county in Colorado, but its people are hard working rural folks who live there because they want to, not because they have to.

Although the mountain pine bark beetle is always present in the Lodgepole pine forests of North Park, the current outbreak that has infected over two million acres of mostly federal forests in northern Colorado began in earnest in 2000. Some areas of the Routt National Forest in Jackson County are experiencing 95% mortality of mature Lodgepole pine. I am not here today to point a finger of blame, but only to say that a combination of federal and state policies, changing social values, economics, and nature itself have all contributed to the dire situation we currently face. Lodgepole pine is a fire dependent, stand replacement species, which simply means that a forest of Lodgepole pine tends to seed, grow, mature and die at relatively the same time. In Colorado, Lodgepole pine matures around 100 years of age and the health of the forest begins to decline around 120 years of age, they are pretty well dead by 140 years of age, and the cycle begins anew. This is precisely the current situation of the Lodgepole pine forests in northern Colorado. Insects, disease and fire are nature's way of renewing a Lodgepole pine forest, while prescriptive thinning, logging, and prescribed fire are the human ways of doing what nature does. Through a combination of decades of aggressive fire prevention and control, disallowing timbering activities in much of the national forests, and the resulting economic collapse of the wood products industry in much of Colorado, we are now reaping what we have sown.

If this were a totally natural cycle with no human presence on the land, then I would not be here today to talk about this because it would not be a problem. But the fact is that humans, beginning with my grandfather and his contemporaries made permanent settlements in North Park. Today, human communities and all of the appurtenances that provide the standard of living that we Americans have come to depend upon are located adjacent to and within the forests that are dying. On a regional basis, in the area covered by Northwest Colorado Council of Governments, here are some of the facts:

1. Nearly 2,000,000 acres of Colorado's high elevation Lodgepole pine forests have been infected by the Mountain Pine Beetle.
2. Over seventy percent of those forests are owned by the federal government and are managed by the USDA Forest Service, the Bureau of Land Management, US Fish and Wildlife Service, and the National Park Service.

3. Twelve incorporated municipalities are located within the dead and dying forest and eleven more are adjacent to the forest.
4. Twenty-eight incorporated municipalities derive their primary source of drinking water from creeks flowing through the dead and dying forests.
5. Seven thousand acres in Summit County and Grand County need treatment to protect Denver Water's supply system.
6. Two thousand miles of roadways, many that would be utilized in evacuation scenarios are in jeopardy due to dead standing trees in the right of way.
7. One thousand five hundred miles of recreational trails on three national forests are in jeopardy of closure due to trees being toppled by the wind in the dead Lodgepole pine forests in which they are located.
8. Twenty-one thousand four hundred fifty-five acres of national forest developed recreation sites, not including ski areas are in jeopardy of closure due to falling tree hazards.
9. More than two thousand miles of national forest grazing fences, which are the responsibility of the rancher permittee, are in jeopardy of damage due to falling trees.
10. Fifty-two emergency communications sites are in jeopardy.
11. Six hundred thirty-three miles of electrical transmission lines are in jeopardy of falling trees and are not survivable in a wildfire.
12. One thousand three hundred fourteen miles of electrical distribution lines are in jeopardy of falling trees and are not survivable in a wildfire.
13. Water is supplied to the major Western metropolitan areas of the Denver Front Range, Las Vegas, Phoenix, and Southern California from the Colorado River which rises and flows through the dead and dying forest.
14. Major electrical transmission lines feeding the Western Grid, serving the entire West run directly through the heart of these same dying and dead forests.
15. These water supply systems and electrical transmission lines are also keys to maintaining the security of millions of Americans in the homeland.

In light of the reality of the statistics, the Colorado Bark Beetle Cooperative, a place based, multi-stakeholder collaborative group in its fourth year of operation has listed its top objectives as:

- Protection of human life.

- Protection of public infrastructure.
- Protection of critical water supplies.
- Development of communities that are resilient and adaptable to disturbance driven ecosystems.

Former Colorado Senator and now Secretary of Interior Ken Salazar has termed the bark beetle outbreak the “Katrina of the West” due to the gravity of the situation and of its potential to severely disrupt the social and economic systems of the West.

Although the magnitude of the bark beetle outbreak can be viewed as overwhelming, especially in light of the serious economic situation facing the nation, I retain a sense of optimism seen through these old cowboy’s eyes. It seems to me and many of my Colorado colleagues that there are some common sense actions that can be taken to positively address the situation. Please allow me to share some of them with you.

1. The intent of the National Environmental Policy Act is to make certain that sufficient analysis and public consideration is given to proposed actions on federal lands before decisions are made. As a locally elected official I am painfully aware of the bane of unintended consequences of making decisions without adequate data or public review, but I am also aware of the harm that can occur through inaction of decision makers whose hands may be tied for lack of funding or expertise. Two things need to be applied in this situation: 1) Federal agencies responsible for the application of NEPA need adequate funding and qualified personnel to do the required analysis, and 2) Provisions in the Healthy Forest Restoration Act requiring the analysis of only the proposed action alternative and the no action alternative in qualified projects needs to be aggressively utilized.
2. The Colorado Good Neighbor Program, re-authorized in the 2005 Interior Appropriations Act, has been successful in creating “boundary-less management” along national forest and private lands boundaries. Since the pine bark beetle does not respect property boundaries, we need to extend and expand the use of this valuable management tool that allows for seamless actions between the US Forest Service, the Bureau of Land Management, and

the Colorado State Forest Service in order to leverage scarce resources. The Good Neighbor Program is scheduled to expire in September of this year.

3. The Federal Land Assistance Management and Enhancement Act, better known as the FLAME Act (HR 1404) needs to become law. Thank you for passing the FLAME Act in the House of Representatives last March and I urge you to work for its passage in the Senate. The FLAME Act is absolutely necessary to protect the budgets of crucial non-fire suppression programs in the US Forest Service. One of the Forest Service programs that is in jeopardy of losing funding due to the increasing costs of fire suppression is State and Private Cooperative Forestry that is responsible for funding significant portions of state forestry agencies, including the Colorado State Forest Service. The efforts of the Colorado State Forest Service are essential in addressing the bark beetle outbreak on private lands adjacent to federal lands.
4. As the American Climate and Energy Security Act (HR 2454) is currently drafted, woody biomass from federal lands is disqualified from incentives designed to increase renewable energy production. Utilizing woody biomass in the form of billions of beetle killed Lodgepole pine on national forests accomplishes three things:
 - a. It provides a valuable source of renewable energy.
 - b. It reduces hazardous fuel loadings on federal lands.
 - c. It creates jobs.

I personally worked with the Rocky Mountain Pellet Company, Inc. to locate a wood pellet mill in North Park. The company produces bagged wood pellets for retail home stove consumption as an alternative fuel source to natural gas, electricity, propane, and fuel oil. The pellet mill is currently utilizing dead Lodgepole pine harvested from private lands, but will need to expand to federal beetle killed pine to meet growing national and international demand for the high quality affordable wood pellet fuel. The mill generated forty-six badly needed jobs in North Park, making them a primary employer in our small rural community. The success of this sustainable mill is crucial to our local economy and the incentives provided in HR 2454 if extended to dead federal timber would go a long ways in securing its future. The best way to support a sustainable

wood products industry in Colorado is for the federal land management agencies to be able to provide a long-term, reliable supply of timber so small business owners can develop realistic business plans.

5. Currently, the operation of Colorado's last large modern sawmill is in jeopardy due to severe restrictions on cash flow. The company purchased federal timber sales before the economic recession and had to secure them with cash. The US Forest Service is currently holding more than \$2,000,000 of the company's cash, creating a severe cash flow shortage to the company in light of the down-turn in housing construction. Allowing the company to secure those timber sales with bonds, freeing up the cash seems to make sense in light of our nation's current growing unemployment situation. We could perhaps learn from those who went before us. During the first part of the Twentieth Century farmers were paid for their costs in producing grain even though markets would not support excess grain. Not only did the federal government pay the farmers to keep producing the grain, they also built government storage facilities to store it until the market could utilize it. It seems to me that a similar program to pay the loggers and saw mills the costs of producing wood products, even though the current market cannot utilize the surplus makes sense. We know that one day the housing markets will recover and there will be a demand for lumber. If we do not assist the wood products industry now, the beetle killed Lodgepole pines will become useless as lumber and we may well lose our last large sawmill in Colorado.
6. Federal contracting is a very complicated process that often dissuades smaller companies from competing in the system, and the terms of the contracts are not long enough for a small business to take the contract to the bank to borrow funds to purchase necessary equipment. There is a type of contract that makes sense and it is called a Stewardship Contract that is multi-year in duration and will exchange goods for services. However, the requirements placed on the US Forest Service to reserve a "cancellation ceiling" to cover contract costs in case of government default is hampering the agency from moving forward with increasing number of Stewardships Contracts due to the fact that the agency does not have excess budget to place cash in a reserve account. By relaxing the requirements for the cancellation ceiling, more Stewardship Contracts could be

awarded to small companies to do work on the national forests while preserving and creating jobs.

7. My part of Colorado is known as the Mother of Rivers. The high Rocky Mountains of Colorado give birth to major rivers including the Colorado, the North and South Platte, the Arkansas, the Rio Grande, the San Juan and the Yampa. The birthplaces of these river systems that nourish so much of the American West are in the beetle killed Lodgepole pine forests. When a watershed burns, the ability of the soil to hold rainfall and snowmelt is severely diminished resulting in floods and mud and the silting up of water reservoirs and clogging water treatment facilities. It is impossible to fire proof watersheds, but if we are diligent and wise we can take actions to control the sedimentation of our built water facilities. I encourage you to:
 - a. Approve the use of Federal Emergency Management Agency pre-disaster mitigation funds to pay for the environmental assessment, NEPA analysis, and pre-engineering of appropriate sediment control structures at strategic locations above water impoundment, transmission and treatment structures. The structures would not be built unless a fire burned the watershed. Then, if the watershed is burned, the structures could be immediately built while the ground was still warm to control the sediment that will eventually flow.

8. Finally, the electrical transmission and distribution system is currently at great risk as the lines run through the heart of the dead and dying forests of Colorado. The US Forest Service has committed \$400,000 to expediting the NEPA analysis in northern Colorado required before work can be done reducing hazardous fuels and falling tree hazards, but time is of the essence as trees have already begun to fall and the wild fire season approaches. The electrical providers have funds available to do the work, but need the NEPA approvals to commence. This would also be a source of needed employment for persons willing to do the hard work.

Once again I want to thank you for inviting me to come to Washington, D.C. to talk with you. I know that federal rules and regulations are very complicated things based on the

consideration of many factors, but one thing is certain – the beetles do not care about our human rules and regulations. As they continue to do what nature designed them to so efficiently do, the inevitable looms on the horizon like a gathering storm. Shame on us if we do not heed the storm clouds and fail to take the actions necessary to adequately prepare.

Sincerely,

John Rich