

Help protect communities near the Los Padres National Forest

Benefits of the Healthy Forests Restoration Act of 2003

Background on the Healthy Forests Restoration Act (Much in this section is taken from the documents linked-to below.)

In the summer of 2000, the United States suffered its worst wildfire season in 50 years. Approximately 123,000 fires burned more than 8.4 million acres. The total acres burned represented more than twice the 10-year national average. At times, nearly 30,000 personnel were on the fire lines, including the military and firefighters from other countries. More than \$2 billion of federal funds were spent suppressing wildfires in 2000. That amount did not include State and local firefighting suppression costs, direct and indirect economic losses to communities, loss of property, and damage to ecosystems.

In 2000, then-President Bill Clinton directed the Secretaries of Agriculture and the Interior to develop a response to severe wildland fires, reduce fire impacts on rural communities, and ensure effective firefighting capacity in the future. The result was a report, [*Managing the Impacts of Wildfires on Communities and the Environment: A Report to the President In Response to the Wildfires of 2000*](#), which proposed increasing the Fiscal Year 2001 budget for related activities by \$1.6 billion, to a total of \$2.8 billion.

The report states "**Addressing the brush, small trees, and downed material that have accumulated in many forests because of past management activities, especially a century of suppressing wildland fires, will require significant investments to treat landscapes through thinning and prescribed fire.**"

In December of 2000, the Congressional conference report for the Fiscal Year 2001 Interior and Related Agencies Appropriations Act directed Federal land management agencies to work in partnership with Governors to develop a national, long-term strategy for the restoration of fire-prone ecosystems.

Responding to Congressional direction, in August of 2001, the Western Governors Association, in collaboration with federal land managers and other groups, developed and endorsed a document called [*A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment -- 10-Year Comprehensive Strategy*](#). The document states:

"This strategy reflects the views of a broad cross-section of governmental and nongovernmental stakeholders. It outlines a comprehensive approach to the management of wildland fire, hazardous fuels, and ecosystem restoration and rehabilitation on Federal and adjacent State, tribal, and private forest and range lands in the United States. This strategy emphasizes measures to reduce the risk to communities and the environment and provides an effective framework for collaboration to accomplish this."

Among other things, the document proposes reducing the amount of wildfire fuels that have accumulated in vegetated areas, stating:

"This approach recognizes fire as part of the ecosystem; focuses on hazardous fuels reduction, integrated vegetation management, and firefighting strategies; and allocates and utilizes resources in a cost-effective manner over a long-term basis."

In the summer of 2002, the United States suffered another devastating wildfire season. The 2002 fire season saw 88,458 fires burn roughly 7 million acres, destroy more than 800 structures, and take the lives of 23 firefighters. New Mexico, Oregon, Colorado, and Arizona had their worst wildfires in modern history.

In May 2002, the Western Governors Association, in collaboration with federal land managers and other organizations, developed and endorsed another document, [*A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment -- 10-Year Comprehensive Strategy Implementation Plan*](#), which sets out a plan to implement the 10-Year Comprehensive Strategy referenced above.

In the summer of 2003, southern California suffered its worst wildland fire season in modern history to that time, as wildfires burned over 739,000 acres destroying 3,600 homes claiming 22 civilian lives and the life of a firefighter, costing about \$250 million to contain. You can read about the people who lost their lives during the 2003 Southern California Fire Siege [by clicking here](#).

In December of 2003, Congress passed the Healthy Forests Restoration Act of 2003 (HFRA), which helps implement recommendations in the 10-Year Comprehensive Strategy Implementation Plan, and then-President George Bush signed it into law.

Benefits of the Healthy Forests Restoration Act

The HFRA is remarkable legislation. How many federal laws empower small rural communities to make recommendations to federal agencies, and give federal agencies incentives to follow the recommendations? The HFRA does.

In general, the HFRA enables communities to write plans that recommend how the Forest Service and Bureau of Land Management should treat hazardous wildfire fuels on the land they manage, to help protect the communities from wildfires. The plans can also prioritize areas where federal grants should be made to reduce hazardous wildfire fuel on private land.

More specifically, the HFRA gives an "at-risk community" the ability to write a community wildfire protection plan (CWPP). The HFRA defines the term "at-risk community" broadly, which effectively means that any area meets the definition if it has "a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land" and is threatened by wildfires ([16 USC 6511\(1\)](#)).

This in itself is extraordinary, as it gives otherwise powerless tiny rural communities a federally-acknowledged voice to speak directly to national federal land management agencies.

To qualify as a CWPP, the plan must be written following the collaborative process described in the handbook [Preparing a Community Wildfire Protection Plan](#), and in California, it must be agreed to by the California Department of Forestry and Fire Protection, the local fire chief(s), and the applicable local government (e.g., Monterey County or a city) ([16 USC 6511\(3\)](#)).

Among other things, communities can say in their CWPP where they want Wildland-Urban Interface (WUI) boundaries drawn ([16 USC 6511\(16\)](#)).

A number of life-protecting benefits come from designating areas as being within WUI.

For example, not less than 50 percent of federal funds allocated annually for authorized hazardous fuel reduction projects must be used to reduce hazardous wildfire fuels in WUI ([16 USC 6513\(d\)\(1\)\(A\)](#)).

The HFRA defines "authorized hazardous fuel reduction projects" as the measures and methods described in the definition of "appropriate tools" contained in the glossary of the [10-Year Comprehensive Strategy Implementation Plan](#), on lands administered by the Forest Service or Bureau of Land Management, consistent with certain provisions in the HFRA ([16 USC 6511\(2\)](#)).

Among other methods for reducing levels of hazardous fuels, "appropriate tools" includes the use of mechanical/motorized methods, such as heavy equipment like tractors.

The HFRA gives priority to performance of authorized hazardous fuel reduction projects that would protect at-risk communities or watersheds, or that would implement CWPPs ([16 USC 6513](#) and [6512](#)).

If a CWPP recommends an authorized hazardous fuel reduction project in WUI, the HFRA reduces the amount of environmental review that is required by the National Environmental Policy Act, making it less costly and less time consuming for the Forest Service and Bureau of Land Management to follow the recommendations ([16 USC 6514\(d\)](#)).

The HFRA provides a special administrative review process that makes it more difficult to delay or stop performance of authorized hazardous fuel reduction projects ([16 USC 6515](#)).

The HFRA also provides judicial procedures that make it harder to use a lawsuit to delay or stop performance of authorized hazardous fuel reduction projects ([16 USC 6516](#)).

Even with these incentives for federal agencies to implement the recommendations in a CWPP, the recommendations remain just that, recommendations. The HFRA does not require the Forest Service or Bureau of Land Management to implement the recommendations made in a CWPP.

Rather, the HFRA reduces regulatory and judicial roadblocks that would otherwise reduce the likelihood

that a CWPP's recommendations will be implemented should the Forest Service or Bureau of Land Management decide to implement them. Nevertheless, the mere voicing of recommendations is a powerful tool for protecting communities, given the obvious significance of failure to implement them should disaster strike as a result.

Shortcomings of the Healthy Forests Restoration Act

The HFRA does not apply its benefits to hazardous fuel reduction projects proposed in wilderness ([16 USC 6512\(d\)](#)). It does not take into consideration that wilderness may have been inappropriately expanded into areas where fuel reduction work is needed to protect at-risk communities.

That makes it possible for those who oppose the HFRA, or who oppose maintaining or effectively using firebreaks and fuelbreaks on federal land, to defeat application of the HFRA's provisions by expanding wilderness into locations where an at-risk community may recommend in a CWPP that hazardous fuel reduction projects be performed to protect the community from wildfires. You can read on [the Wildfire page](#) how wilderness has been expanded into such areas in the Los Padres National Forest in Monterey County.

Similarly, the HFRA does not take into consideration wilderness legislation that was passed subsequent to the Wilderness Act of 1964, which may have made exceptions to the 1964 act's prohibitions on use of motorized equipment in wilderness, to allow use of motorized equipment before fires start due to the extreme hazard of wildfires in some of California's national forests.

For example, the HFRA does not allow its benefits to be applied in wilderness areas that were created by The Endangered American Wilderness Act of 1978 or The California Wilderness Act of 1984, which appear to have contained such provisions, though wanting in clarity, and which created wilderness in Monterey County. You can read pertinent portions of these wilderness acts, and others, [by clicking here](#).

How changes to the Big Sur Forest Service Management Unit Act could help protect lives and property

The wilderness-related shortcomings of the HFRA are reason for the Big Sur Forest Service Management Unit Act to be changed to apply benefits of the HFRA in Monterey County wilderness areas that were created after the Ventana Wilderness was created in 1969.

Such changes to the bill would help make it easier and less costly for the Forest Service to perform hazardous fuel reduction projects in areas that were inappropriately designated as wilderness, before wildfires start, by allowing use of motorized equipment, by reducing National Environmental Policy Act requirements for the projects, and by making it less likely the hazardous fuel reduction work would be delayed or stopped with lawsuits.

As a result, it would be more likely that hazardous fuel reduction projects would be completed on the ground in the real world, to help protect communities from wildfires originating in the Los Padres National

Forest.

To see why that is needed, you can view a map showing the history of major wildfires in Monterey County [by clicking here](#).

You can read the wilderness/wildfire changes proposed for the Big Sur Forest Service Management Unit Act at the bottom of [the Wildfire page](#) and on [the All Changes page](#).