

INTRODUCTION OF COLORADO  
FOREST MANAGEMENT IMPROVEMENT ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 17, 2007*

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the Colorado Forest Management Improvement Act of 2007, legislation intended to facilitate a coordinated response to beetle infestation in Colorado's forest lands. In shaping it, we have also attempted to develop a model that could be useful as a response to similar problems in other States.

This bill is cosponsored all my Colorado colleagues here in the House, and Senator SALAZAR is introducing an identical bill that is cosponsored by Senator ALLARD. So this is legislation supported by our entire delegation in Congress.

As we are daily reminded, in Colorado and other Rocky Mountain States the risk of severe wildfires is very real. Partly, this is because of drought. But there are other contributing factors.

One is that for many years, the Federal Government's policy emphasized fire suppression, even though fire is an inescapable part of the ecology of western forests like those in Colorado. Today, in many parts of the forests there is an accumulation of underbrush and thick stand of small diameter trees that is greater than would be the case if there had been more, smaller fires over the years. They provide the extra fuel that can turn a small fire into an intense inferno. The problem has been made worse by our growing population and increasing development in the places where communities meet the forests—the so-called "wildland-urban interface." And when you add the effects of widespread infestations of insects, you have a recipe for even worse to come.

I have put a priority on reducing the wildfire risks to our communities since I was elected to Congress. In 2000, with our then colleague, Representative Hefley, I introduced legislation to facilitate reducing the buildup of fuel in the parts of Colorado that the Forest Service, working with State and local partners, identified at greatest risk of fire—the so-called "red zones." Concepts from that legislation were included in the National Fire Plan developed by the Clinton administration and were also incorporated into the Healthy Forests Restoration Act of 2003. As a member of the Resources Committee, I had worked to develop the version of that legislation that the committee approved in 2002, and while I could not support the different version initially passed by the House in 2003, I voted for the revised version developed in conference with the Senate later that year—the version that President Bush signed into law.

Since then, in Colorado there has been very welcome progress in developing community wildfire protection plans and focusing fuel-reduction projects in the priority "red zone" areas, two important aspects of the new law. But at the same time nature has continued to add to the build up of fuel in the form of both new growth and dead and dying mature trees. And now there is an additional factor—increasingly widespread infestations of bark beetles.

Many species of bark beetles, such as the mountain pine beetle, are native to our forests. They place stress on trees by burrowing through the bark. If a tree is healthy, it can defend itself by producing sap to repel and expel the invaders. But if the defense fails, the insects lay their eggs in the woody material below the bark. Once the eggs hatch, they feed on the tree's fiber and disrupt the flow of water and nutrients from the tree's roots to its needles and branches. In addition, the invading insects bring in fungi and other invaders that further damage the tree. If enough insects are able to penetrate the tree and lay eggs, the tree dies. The offspring then mature and fly to another tree and the cycle begins anew.

These insects are a natural component of forest ecosystems. They help to balance tree densities and set the stage for fires and thereby the generation of new tree growth. And when forests are healthy and there are adequate supplies of water, the insects' effects are relatively low-scale and isolated. But under the right conditions—such as during drought conditions or when there are dense stands of even aged trees—the insects can cause large-scale tree mortality, turning whole mountainsides and valleys rust red.

That is what has been happening in many mountainous areas in Colorado. And more and more our mountain communities find themselves in uncomfortable proximity to acres of dead trees, turned rust red by the insects and adding to their concerns about the danger of catastrophic wildfires.

Last year, I worked to develop a response, starting with a meeting in Winter Park that was attended by local elected officials, homeowners, timber industry representatives, Forest Service officials, ski area employees, and other Coloradans. They offered observations on the extent of this problem and proffered suggestions on ways to better respond to it. Based on information gathered at that meeting, consultations with experts, and other conversations, draft legislation was developed that Representative SALAZAR and I circulated widely so we could obtain further comments and suggestions. And in March 2006, we introduced the Rocky Mountain Forest Insects Response Enhancement and Support Act, also called the Rocky Mountain FIRES Act.

After that, other Members of Colorado's delegation in Congress, in both chambers, also proposed legislation. Senator SALAZAR introduced a measure similar to the Rocky Mountain FIRES Act, and other legislation was proposed by other delegation members.

Then, recognizing that this is an issue affecting the entire State and best addressed by a unified approach, we all agreed to work together to attempt to develop a single bill that all of us could support.

After very lengthy discussions, that consensus has now been achieved and the result is the bill being introduced today.

Its goal is not to eradicate insects in our forests—nor should it be, because insects are a natural part of forest ecosystems. Instead, it is intended, first, to facilitate more rapid responses to the insect epidemic where that is needed to reduce the wildfire threats to our communities; and second, to promote research on ways to improve the health of our forest lands.

The bill includes a variety of provisions intended to further facilitate both the development and implementation of community wild-

fire protection plans and to enable the Forest Service and Interior Department, in cooperation with State and local authorities and other partners, to do more to reduce the threat of very severe wildfires. It also includes provisions to support research aimed at improving the long-term health of our forests as well as provisions to make it easier for Coloradans—including both small businesses and individual property owners—to assist the Federal, State, and local agencies in working toward the reduction of fire risks and improvement of forest health.

Madam Speaker, I want to express my personal appreciation for the cooperative and collaborative approach of my Colorado colleagues—in the Senate as well as here in the House of Representatives—as we have worked together to develop this legislation.

The result is not perfect. Not every provision is equally desirable to each of us, and the bill does not include all that it might if anyone of us had been the sole author. For example, I strongly supported requiring that in Colorado the federal agencies must continue to give at least the same priority to funding fuel-reduction projects in the wildland-urban interface as they are doing now. However, that was not acceptable to all, so I reluctantly agreed to its omission in order to reach a delegation consensus.

But this is a good, strong bill that I think deserves enactment, and I will do all I can to achieve that result.

Madam Speaker, for the information of our colleagues, here is a more detailed description of the bill:

DETAILED DESCRIPTION

TITLE I—AMENDMENTS TO THE HEALTHY FORESTS RESTORATION ACT

The Healthy Forests Restoration Act, enacted in 2003, includes provisions to expedite fuel-reduction—that is, removal of vegetation (including trees) that provide fuel for severe wildfires—from Federal lands, Title I of the new Colorado bill includes these changes to that law:

Sec 101. Community Wildfire Protection Plan Assistance—This section, based on a provision of the Udall-Salazar "Rocky Mountain FIRES" bill of 2006, would authorize grants to at-risk communities in Colorado for preparing, revising, or implementing community wildfire protection plans. Grant funding is provided through part of the Federal share of the receipts from leases of federal minerals. Funding under this section is set at \$5,000,000 per year for fiscal year 2008 through fiscal year 2012.

Section 102. Central Collection Points—This section, based on a provision of the Udall-Salazar Rocky Mountain FIRES bill of 2006, would amend the establishment of collection points for vegetative material from hazardous fuels treatment projects. Material placed at one of these points can be sold, donated, or otherwise made available to anyone who will remove it. If any of the material is sold, the money will go to help pay for thinning work to reduce fire risks.

Section 103. Biomass Commercial Utilization Grant Program—This section, based on a provision of the Udall-Salazar Rocky Mountain FIRES bill of 2006, would reauthorize and broaden a program of grants for owners and operators of facilities that use biomass for energy production, or other commercial purposes. The authorization level is \$5,000,000 per year for fiscal years 2008 through 2012.

Section 104. Healthy Forest Partnerships—This section is based on a recent Administration legislative proposal. It would authorize

the Forest Service or the Department of the Interior to designate Healthy Partnership Zones in Colorado at the request of the State or local governments. These zones would include both Federal land and adjacent non-federal land at risk of uncharacteristically severe damage from wildfire or an outbreak of insects or diseases that requires multiple activities to reduce the threat. Designation of a partnership would be done with public participation and would last for no more than 5 years.

Within Partnership Zones the relevant Federal agency could partner with the State, a local government, or an Indian Tribe to prepare and implement eligible projects. Projects covered include hazardous fuel reduction projects; treatment of insect-infested trees; and the restoration of forest lands, rangelands, or watersheds.

Contracts under this section could be implemented under streamlined procedures. Priority would be given to projects that have been developed with collaborative community input and that are consistent with community wildfire protection plan. A Federal agency could not act on private land without the owner's consent.

#### TITLE II—COLORADO FOREST HEALTH MEASURES

Section 201. Research and other Activities—This section is based on provisions of Senator Allard's and Rep. Musgrave's "Headwaters Protection and Restoration Act" of 2006. It provides for grants to support research regarding—(1) marketing of forest products; (2) treatments for high elevation forests, and (3) steps to increase utilization of science and consideration of community needs in development of treatment strategies. The section also provides incentives for building infrastructure capacity such as; length of stewardship contracts, identifying markets for non-traditional forest products, grants and low-cost loans for small business that utilize wood from forests in Colorado. Directs the Secretary to examine the possible utilization of biomass as a renewable fuel source and how this could affect the Clean Air Act.

Section 202. Colorado Forest Health Fund—This section is also based on the Allard-Musgrave 2006 "Headwaters Protection and Restoration Act." It would establish a Colorado Forest Health Fund to which would be credited part of federal receipts from federal timber sales in Colorado—\$2 million or half of all such receipts, whichever is greater—as well as any funds specifically appropriated for the fund. The funds would be deposited in an interest bearing account and up to \$2 million per year would be available to pay for measures to improve forest health and to reduce hazardous fuels in Colorado. The section authorizes appropriation of up to \$2,000,000 per year.

Section 203. Grants for Colorado Fuels for Schools Program—This is also based on the Allard-Musgrave bill. It would authorize grants to the State of Colorado for feasibility studies regarding the use of biomass boilers to heat schools and other public buildings in Colorado and to assist with the installation and operation of these boilers. This section authorizes appropriations of up to \$5 million per year for fiscal years 2008 through 2012.

Section 204. Stewardship Contracts in Colorado—This is a new section. It would authorize longer-term Stewardship Contracts—up to 20 years in duration—for fuel-reduction projects in Colorado. It also includes technical provisions requested by the Forest Service regarding the implementation of requirements related to potential cancellation liability.

Section 205. Good Neighbor Agreements in Colorado—This is also based on the Allard-

Musgrave bill. It would make permanent existing authority for "good neighbor" agreements between Federal agencies and private land owners in Colorado and Utah.

Section 206. Preparation of Fire-Danger Maps—This is a new section. It would direct the Forest Service to work with the State Forest Service to map fire threatened areas in Colorado using geospatial technologies.

Section 207. Truck Weights—This is a new section. It would allow the State of Colorado to permit vehicles with a gross weight in excess of 80,000 pounds (but not more than the state's overall maximum gross weight limit) to haul dead or diseased timber and other forest materials removed from Colorado forests in order to reduce fire hazards.

#### TITLE III—TAX PROVISIONS

Section 301. Extension of Tax Credit for Electricity Produced From Biomass—This section is based on legislation introduced by Rep. Beauprez and is also similar but not identical to a provision of the 2006 Udall-Salazar "Rocky Mountain FIRES Act." It would extend an existing biomass electricity production tax credit (now scheduled to expire on January 1, 2009) until January 1, 2030.

Section 302. Partial Exclusion from Gross Income Payments Received for Certain Hazardous Fuel Reduction Projects—This section is similar to a provision of the 2006 Udall-Salazar "Rocky Mountain FIRES Act." It would allow a taxpayer to exclude from taxable income money received from the Federal Government as compensation for hazardous fuel reduction work. The exclusion would be for up to \$10,000 for a single return, \$20,000 for a joint return.

Section 303. Deduction of Certain Expenditures in Connection with Implementation of Community Wildfire Protection Plans—This is a new section. It would allow individuals to deduct funds they expend for hazardous fuel reductions that are done as part of a wildfire protection plan from their income taxes. It allows for the exclusion of up to \$10,000 for a single return or \$20,000 for a joint return.

#### TRIBUTE TO U.S. ARMY PRIVATE FIRST CLASS JOSHUA S. MODGLING

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 17, 2007*

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, U.S. Army Private First Class Joshua Stephen Modgling. Today I ask that the House of Representatives honor and remember this incredible young man who died in service to his country.

Joshua, born January 3, 1985 in Rapid City, South Dakota, was the son of Air Force parents. Joshua grew up all around the country, including my congressional district. His mother, Julie Montano, resides in Mira Lorna, California where Joshua attended high school. Joshua was assigned to the 1st Battalion, 30th Infantry Regiment, 2nd Brigade Combat Team of the 3rd Infantry Division at Fort Stewart, Georgia. His unit conducts missions out of Forward Operating Base Falcon to find improvised explosive devices. Joshua was driving an armored Buffalo mine sweeper on June 19, 2007, when he was killed by a bomb. On July 6, 2007, he was laid to rest next to his brother, Ryan, at Riverside National Cemetery.

In reading about Joshua's life, I was impressed by his devotion to family and love of

sports. Joshua's father, Keith, describes a young man who developed an early interest in explosives; an interest that found a home as a combat engineer in the Army. He is survived by his parents; his sisters Kellilynn, Courtney and Michelle; brothers, Christopher and Kenneth; stepfather, Serefino; and grandmother, Virginia.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Joshua, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Modgling family had to lay Joshua to rest was probably the hardest moment the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice goes out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Private First Class Modgling's mother, father, sisters, brothers and all his relatives have given a part of themselves in the loss of their loved one and I hope they know that their son, brother, and grandson, the goodness he brought to this world and the sacrifice he has made, will be remembered.

#### RECOGNIZING THE ACCOMPLISHMENTS OF JOHN H. CHRISTENSEN

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 17, 2007*

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Mr. John H. Christensen of Reston, VA, for his service to the Defense Logistics Agency, DLA, as Chief of Logistics Research and Development at DLA Headquarters. He has served one of this Nation's most important agencies admirably, administering virtually all of the DLA's Research and Development initiatives and Industrial Base programs that have supported our soldiers in combat.

A graduate of the University of Florida, Mr. Christensen received his bachelor's degree in environmental engineering in 1979. Additionally, he has obtained two master's degrees, one from Virginia Tech in systems engineering and the other from the Industrial College of the Armed Forces in national resource strategy.

Prior to his current assignment, Mr. Christensen served as the first Program Manager of the Department of Defense, DOD, Electronic Mall, a single point acquisition center for off-the-shelf goods found in the commercial marketplace. His leadership helped bring a set of competing prototypes into a single operating system to provide for easy access, multiple searches, and cross-store shopping and ordering among millions of items from over hundreds of sources, all of which can accept credit card orders. The DOD Electronic Mall now generates millions of dollars each month in support of agency missions.

As chief of the Logistics Research and Development at Headquarters, Mr. Christensen is responsible for two major program elements; Manufacturing Technology Research and Development, and also Logistics Research and Development. The Manufacturing Technology