



## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

January 8, 2018

The Honorable Sonny Perdue  
Secretary of Agriculture  
United States Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Dear Secretary Perdue:

I write to follow up on my attached June 1, 2017 letter as well as regarding several issues related to California's growing tree mortality crisis. In light of California's recent catastrophic wildfires, additional steps that can be taken by your Department are necessary now more than ever.

This year's wildfire season is already one of the worst in California history, and the ongoing Thomas wildfire in Southern California is now the largest ever. Thousands of homes, businesses, and farms have burned down, and 45 civilians and 1 firefighter have died this year. I toured the Northern California areas of Sonoma County and Napa County in November, and it was the worst fire disaster I have ever seen.

Despite heavy rains last winter, California is still recovering from a historic and prolonged drought that killed 129 million trees across 8.9 million acres of the state. That number will continue to rise, particularly in National Forests under the jurisdiction of your department, and contribute to increased wildfire risks, especially in or around local communities, power lines, and commercial structures.

While I continue to work with my Senate colleagues to provide a long-term fix to the Forest Service budget, I respectfully request the following (detailed in Attachment 1):

- Use existing Forest Service authorities to increase the pace and scale of hazardous dead tree removal, including existing agency authority to **lift the export ban** on "surplus species" or trees not commercially viable in the US

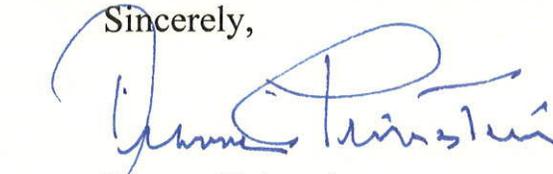
- Redirect \$156 million in additional funds for removal of dead trees in California
- Provide transportation subsidies to help remove dead/dying trees from forests and send them to mills or biomass facilities
- Incentivize biomass in rural areas to better utilize dead/dying timber

Thank you for the recently announced Regional Conservation Partnership Program projects in California, especially the \$10 million to address tree mortality in the Sierra Nevada. However, much more work and funding needs to be prioritized, given the scale of the tree mortality crisis.

Forest Service Chief Tooke recently stated in an interview with E&E News on November 30<sup>th</sup>, 2017, that “We want to do more”, noting that additional funding is essential to increasing the pace of treatment: “The more resources we have, the more we’ll be able to do.” I agree with Chief Tooke, and I hope we can continue to work together to tackle these critical issues.

Please let me know your availability to discuss these matters. I look forward to meeting with you and working together to find solutions to the challenges facing California and the nation.

Sincerely,



Dianne Feinstein  
United States Senator

DF/as/jp

Enclosures (2)

## Attachment 1

### Tree Mortality

According to Forest Service estimates, there are 1.7 million acres of dead and dying trees that need treatment in 10 high priority counties, or high hazard zones, where California's Governor has declared disasters due to the high rate of tree mortality. Of those 1.7 million acres:

- 42,000 acres have all or some NEPA review completed.
  - 3,000 acres have completed NEPA awaiting treatment. Cost: **\$6 million**
  - 39,000 acres have some NEPA review completed but need additional work to receive final NEPA clearance. Cost: **\$117 million**
- 168,000 acres are roadside hazard trees needing mitigation. Cost: **\$33 million**

### Surplus Species Determination to Lift Export Ban

While increasing the pace and scale of treating California's 19 National Forests for hazardous fuels, it is imperative to utilize all available tools to help expand the marketplace and infrastructure for these materials to be processed and used in the most efficient and productive way.

I request that you determine whether there are surplus species, pursuant to the *Forest Resources Conservation and Shortage Relief Act of 1990* (16 USC 620, et seq), in California's high hazard forestlands in the 10 counties most affected by tree mortality. If a positive determination is made, I ask that you move quickly to allow for the export of unprocessed timber from federal land.

### Transportation Subsidies

One of the major impediments to moving timber off federal and state lands is the cost of transportation. I ask that you consider options for providing subsidies to companies that seek to remove high-hazard trees for shipment to a mill, biomass power plant, or other location. This assistance could be structured in a way to incentivize removal from the Tier 1 zone first, and could incentivize location of mills and biomass facilities close to the area of supply.

## **Infrastructure**

I ask that you establish a program to assist rural communities to develop biomass facilities based on the successful Biofuel Infrastructure Partnership grant program. By incentivizing the production of biomass energy in rural areas, not only would the risk of catastrophic wildfire be reduced and the health of our forests improved, but economic opportunity would be created in rural areas across the west. The Biofuel Infrastructure Partnership is just one model that could be followed, but if another successful public-private or federal-state program that the Department of Agriculture has carried out over the years is more appropriate, or if the Department has other ideas, I welcome that expert input.

Lastly, I request that you exercise your administrative authority to establish better market dynamics for high hazard timber. For example, reprogram sufficient funding and exercise the authority contained in Section 5 and Section 11 of the Commodity Credit Corporation Charter Act to increase the marketability of these high hazard trees, provide transportation funds, and reduce fire risk. Subsidizing transportation costs would go a very long way to helping move material from national forests in California to existing mills and increase the pace and scale of hazardous tree removal.



**United States Senate**  
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June 1, 2017

The Honorable Sonny Perdue  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Dear Secretary Perdue:

I enjoyed meeting with you in March, prior to your confirmation, to highlight several pressing issues facing California. During our meeting, you offered to follow up on the issues we discussed, and I would appreciate the opportunity to meet with you to further discuss the following topics:

**1. Tree mortality**

California is facing a staggering die-off of more than 102 million trees across our National Forests, as well as state and private land. This massive die-off is due to prolonged drought, climate change, and beetle infestations. The tree mortality crisis threatens the health and survival of our forests and provides fuel for increasingly catastrophic forest fires. I understand from Forest Service Region 5 that there are 90,000 NEPA-ready acres on National Forest System lands in high-hazard zones that are ready to move forward with dead tree removal and would cost approximately \$90 million to complete. Now that Congress has enacted full-year appropriations for the Forest Service and provided an additional \$407 million in emergency wildfire funding, there should be no need for fire-borrowing this year, and I ask that you ensure Region 5 receives the funding necessary to expedite these and other urgent dead tree removal projects as soon as possible.

**2. Wildfire**

Given the 102 million dead trees littering California's forests, I am particularly concerned about the potential for a catastrophic wildfire season this year. The

Forest Service spends an ever-increasing percentage of its budget on wildfire suppression, to the detriment of other forest health programs. Quite simply, the current budget trajectory is unsustainable, and we need to find a solution to how we fund wildfire suppression activities. I was encouraged to hear that you will continue pursuing a long-term budgetary fix, and I would like to discuss the specifics of what you may be considering, as it is my view that any fix must address both the rising ten-year average and the harmful practice of fire transfers. The President's budget proposal calls for cuts to the Forest Service's budget of nearly a billion dollars. Wildfires will continue to get worse the longer we put off finding a comprehensive solution to funding wildfire and forest health programs. As the Forest Service's own analysis shows, for every \$1 decrease in preparedness, suppression costs rise by \$1.70 on average.

### **3. Overuse of antibiotics on farms**

I have long been concerned that the overuse of antibiotics on farms for animal growth rather than therapeutic purposes is a major source of worrisome trends in antibiotic resistance that have placed in significant jeopardy our ability to treat a wide range of diseases affecting humans. I was pleased that the recently enacted Omnibus appropriations bill included additional funds for on-farm surveillance, data collection, sampling, and testing to enhance our understanding of antibiotic use by farmers and its impact on antimicrobial resistance. I look forward to hearing how your Department, in coordination with other federal agencies like the Food and Drug Administration, plans to continue the important progress made during the previous Administration to reduce the use of antibiotics in agriculture. In particular, I encourage you to continue your Department's efforts on finalizing pathogen standards for beef and pork.

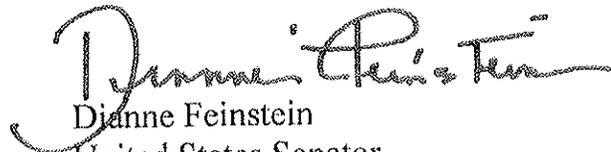
### **4. Agricultural workers**

In California and many other states, foreign agricultural workers provide the only viable means of harvesting many specialty crops in a timely manner and are critical to countless other agricultural products, including dairy. I have been working on trying to find a long-term legal solution to the immigration uncertainty facing foreign agricultural workers and their employers for many years. Last week, I and four other Senators introduced a bill to create a new "blue card" system to create a path to earned legal status and eventually citizenship for foreign agricultural workers. I would very much appreciate the opportunity to discuss this bill with you and address the recent increase in immigrant apprehensions and raids by the

Trump Administration that has created significant legal and economic uncertainty for farmers and their employees.

Please let me know your availability to discuss these pressing issues. I look forward to meeting with you and working together to find solutions on the items I have outlined here as well as other challenges facing California and the nation.

Sincerely,



Dianne Feinstein  
United States Senator

DF/jp/as