



Legislative & Policy Update – February 2017

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The [Council of Western State Foresters \(CWSF\) Legislative & Policy Update](#) provides information on issues of importance to the CWSF. Policy and Legislative Updates are found on the CWSF webpage [here](#). Please note that the items highlighted in these updates are only a selection of the issues the CWSF and Western Forestry Leadership Coalition (WFLC) are monitoring. Keep an eye out for our monthly newsletter that will provide summaries on other key legislative and programmatic issues. If you have not yet subscribed, you can do so at bit.ly/CWSFnewsletter.

This month's policy update continues to build on the January newsletter regarding the beginning of the 115th Congress. Additional briefs are provided on the Waters of the United States (WOTUS) Rule and the Secure Rural Schools and Community Self-Determination Act.

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115th Congress

Building on the January 2017 CWSF Policy Update of the 115th Congress, additional Committee and Subcommittee assignments continue to become available as the Congress settles. In late January, House Committee on Natural Resources Chairman Rob Bishop (R-UT) announced majority Subcommittee assignments and chairman. The press release can be found [here](#).

Republican Representatives Tom McClintock (CA-04) and Paul Gosar (AZ-04) maintain their Chairman roles of the Subcommittee on Federal Lands and the Subcommittee on Energy and Mineral Resources respectively. New Chairman members include Representative Raul Labrador (ID-01) for the Subcommittee on Oversight and Investigations, Representative Doug Lamborn (CO-03) for the Water, Power and Oceans Subcommittee, and Representative Doug LaMalfa (CA-01) for the Indian, Insular and Alaska Native Affairs Subcommittee.

As mentioned in the CWSF January newsletter, Representative Colleen Hanabusa (D-01) has elected by Democratic members of the House Committee on Natural Resources to be the ranking member to the Federal Lands Subcommittee. Additionally, Western Representative Norman Torres (CA-35) was elected as Ranking Member to the Subcommittee on Indian, Insular, and Alaska Native Affairs. See the House Natural Resource Democrats press release [here](#) for more information. Democratic Natural Resources Subcommittee assignments can be found on the minority webpage [here](#).

In early February, House Committee on Appropriations Ranking Member, Nita Lowey (NY-17), released the Democratic Subcommittee membership. No changes were made to the minority party representation on the Interior, Environment, and Related Agency Subcommittee. The press release can be found [here](#).

Also in early February, House Committee on Agriculture Chairman, K. Michael Conaway (TX-11) announced all Subcommittee assignments. That press release can be found [here](#). The Conservation and Forestry Subcommittee welcomes Western Republican Representatives Jeff Denham (CA-10), Doug LaMalfa (CA-01), and Democratic Representative Tom O'Halleran (AZ-01).

Secure Rural Schools Program

The Secure Rural Schools and Community Self-Determination Act (Secure Rural Schools Act) (Public Law 106-393) provided its last payments in March 2016. The Act expired in September 2015 and absent reauthorization by Congress, the USDA Forest Service will revert back to making payments under a 1908 law (16 U.S.C. 500) that required 25 percent of timber revenues from national forests be paid to local governments to support education, infrastructure and other services.

The Secure Rural Schools Act was first enacted in 2000 in response to steep declines in timber sales off federal lands and with the intent to stabilize funding in rural communities. Over 700 counties in 41 states received funding under this program. Without reauthorization to the Act many local governments in these states will see significant reductions in payments. A group of 29 Senators last year [urged the reauthorization](#) of the Secure Rural Schools Act but those efforts ultimately failed. In late December, Senators Ron Wyden (D-OR) and Jeff Merkley (D-OR) issued a [press release](#) indicating that they are continuing to work towards reauthorization of the Program.

Waters of the United States (WOTUS)

In January, the Supreme Court agreed to hear and reconsider an appellate court decision on jurisdiction over WOTUS litigation. Before considering the merits of litigation brought against the Environmental Protection Agency and Army Corps of Engineers' WOTUS Rule by the National Association of Manufacturers and 31 states, the courts have been working to determine jurisdictional issues on who should hear the cases. The sixth circuit appellate court has ruled that appellate courts have the jurisdiction to hear challenges to the Rule, while plaintiffs continue to contend that litigation on the rule should reside the local district courts and appealed the sixth circuit decision to the Supreme Court.

The Supreme Court will reconsider the sixth circuit's decision and is expected to provide final resolution on this jurisdictional question. Questions also remain about how the President Trump Administration will move to address the Rule, and if Congress will act to repeal it. The final WOTUS rule has been stayed by the courts nationwide since shortly after its release in 2015. For more information on the final WOTUS rule link here: <https://www.epa.gov/cleanwaterrule>.