



CWSF
COUNCIL OF WESTERN
STATE FORESTERS

Legislative & Policy Update – February 2018

Published February 28, 2018

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 [here](#).

For more information, please contact Kelsey Delaney, Policy Director, 303.893.0327, kdelaney@westernforesters.org.

Federal appropriations once again took center stage this month as Congress worked to pass the fifth continuing resolution (CR) of fiscal year (FY) 2018 and the Administration released its FY 2019 Budget. This policy update details both, provides a status update on a wildfire funding solution and federal forest management reforms agreement, shares a recently introduced bill addressing the USDA Forest Service Landscape Scale Restoration Program, and gives an update on the Department of the Interior (DOI) reorganization proposal.

Appropriations

FY 2018 - The fourth short-term CR of FY 2018 expired on February 8, 2018 and Congress passed new spending legislation to keep the federal government open. A [bipartisan deal](#) emerged just before the deadline in the Senate that, among other items, increased topline budget levels for discretionary programs for FY 2018 and FY 2019, provided [a short-term CR](#), and supplied [\\$89.3 billion in emergency disaster assistance](#). While the budget deal met delays that surpassed the midnight CR deadline, both the Senate and the House had voted to approve the deal and President Trump signed it by the morning of February 9. With topline funding determined, appropriators are now working to craft and assemble the twelve individual appropriations bills into a FY 2018 omnibus spending package before the new CR's March 23 deadline. If passed, an omnibus would supply funding for the remainder of this fiscal year. Text of the Bipartisan Budget Act of 2018 can be found [here](#).

President's FY 2019 Budget Request - President Trump released his FY 2019 Budget on February 12. The Budget outlines the Administration's FY 2019 funding requests for federal programs. It received a cool response from Congress, which may or may not use this budget proposal as a reference when crafting FY 2019 appropriations bills.

Of particular interest to CWSF members, is the [USDA Forest Service Budget Justification](#) (Forest Service). For FY 2019 the Administration proposes \$4.77 billion in funding for the Agency. Among the program areas, Forest & Rangeland Research (Research) would receive \$260.80 million, State & Private Forestry (S&PF)

would be funded at \$182.30 million, National Forest System (NFS) at \$1.72 billion, Capital Improvement and Maintenance at \$94.71 million, and Wildland Fire Management (WFM) at \$2.50 billion. Without FY 2018 spending finalized, the Budget Justification guesses at this year's funding levels in the the "2018 Annualized CR" column.

The Administration once again proposes to eliminate funding for the Landscape Scale Restoration Program, the Forest Legacy Program, Community Forest and Open Space Conservation, Urban and Community Forestry, and International Forestry within S&PF. The budget justification also proposes renaming the Forest Stewardship Program to *Working Forest Lands*, the State Fire Assistance (SFA) Program to *National Fire Capacity*, and the Volunteer Fire Assistance (VFA) Program to *Rural Fire Capacity*. Finally, the proposed budget assumes that Congress will shift the SFA and VFA programs from WFM to S&PF in final FY 2018 spending legislation.

In NFS, the Collaborative Forest Landscape Restoration Program would not receive funding. The Forest Products budget line item (BLI) is proposed for \$341.17 million. In the Research budget, Forest Inventory and Analysis would receive \$75 million. In the WFM program area, suppression is proposed for funding at the full 10-year rolling average (\$1.17 billion). The Administration also proposes a single pronged approach to federal wildfire funding by fully funding the 10-year average for suppression within the Forest Service and DOI budgets and then establishing a budget cap adjustment for emergency firefighting needs above that amount. The Administration does not request funding for the FLAME Wildfire Suppression Reserve Fund.

Up next, Congress will begin holding hearings to receive testimony from federal agency officials on the Administration's FY 2019 budget request. [Senate Appropriations Committee Chairman Thad Cochran \(R-MS\) shared](#), "Our immediate focus is to work with the House and administration to complete the appropriations process for the 2018 fiscal year. I hope that with the enactment of a budget deal last week, the appropriations committee will soon meet that goal and then embark on a schedule to draft and approve all 12 of the annual spending bills for FY 2019." House Appropriations Committee Chairman Rodney Frelinghuysen's remarks on the Administration's budget can be found [here](#).

The National Association of State Foresters (NASF) [expressed disappointment](#) in the President's FY 2019 Budget. NASF President and Oklahoma State Forester George Geissler shared that, "Strong investments in state and private forests are needed more than ever to protect and enhance the many public benefits they provide for many years to come. The nation's 59 state and territorial forests are afraid this budget doesn't just fall short -- it's short-sighted."

Wildfire Funding and Forest Management

A package that would have provided a solution for federal wildfire funding and address federal forest management reforms once again came close to being enacted, this time as part of the bipartisan budget deal (see FY 2018 appropriations above). However, negotiations faltered and time ran out before Republicans and Democrats could come to agreement.

Separate Republican and Democrat proposals were offered during negotiations. Both parties offered a comprehensive solution to wildfire funding that would freeze base level suppression funding within Forest Service and DOI budgets at the 2015 10-year rolling average and then allow for access to additional emergency funds via a budget cap adjustment. However, the Republican offered solution was four-years long while Democrats sought a 10-year fix.

There was also variance in the approaches to federal forest management reforms by both parties. In the Republican proposal reforms such as limitation of consideration for project alternatives to action / no-action, expansion of certain categorical exclusions (CEs), addressing cancellation ceilings for stewardship contracting and extending contracts to 20 years, addressing the Good Neighbor Authority (GNA) road reconstruction limitation, a pilot arbitration program, and an extension of Secure Rural Schools was included. Democrats alternatively offered language similar to the sage-grouse and mule deer section of the Senate Environmental and Public Works Committee [Wildfire Prevention and Mitigation Act of 2017](#), addressed cancellation ceilings for stewardship contracts, added GNA road reconstruction language similar to Senator Tammy Baldwin's (D-WI) [bill](#), included the [Wildland Fires Act of 2017](#), and extended Secure Rural Schools.

NASF and CWSF along with the other State Forester associations continue to emphasize the importance of a wildfire funding solution and the importance of active federal forest management to Congress. During the recent NASF Executive Committee meeting, State Foresters participated in meetings on Capitol Hill to urge a solution.

Empowering State Forestry to Improve Forest Health Act of 2018

In February, Representatives Peter Welch (D-VT) and Glenn Thompson (R-PA) introduced the [Empowering State Forestry to Improve Forest Health Act of 2018](#) (H.R. 4976). This is a companion bill to [S. 962](#) that was introduced by Senators Amy Klobuchar (D-MN) and Steve Daines (R-MT). Like the Senate version, this bill would codify the Forest Service Landscape Scale Restoration Program, direct the Forest Service and DOI to spend a portion of Hazardous Fuels Program dollars on cross-boundary projects, and bolster the use of GNA. NASF supports the bill. "This legislation represents a positive change in the tide when it comes to national forest management," said George Geissler, president of NASF and Oklahoma State Forester, "With it, statewide Forest Action Plans - the nation's roadmap for prioritizing and targeting limited resources for the greatest benefit - would guide more regional and country-wide forest management decisions." The NASF press release on the bill can be found [here](#).

DOI Proposed Reorganization

As shared in the CWSF January 2018 Policy Update, DOI is exploring a major agency reorganization that would, in part, establish new unified regional boundaries for all DOI bureaus. In the [FY 2019 DOI Budget Justification for Department-wide Programs](#) the Administration proposes \$17.5 million in bureau budgets to begin this reorganization effort. In the [FY 2019 Bureau of Land Management Budget Justification](#) it shares that DOI intends to establish the common regional boundaries in FY 2018 and to further develop the approach in FY 2019.

DOI initially proposed 13 unified regions using watersheds and ecosystems to delineate the regional boundary lines. In early February, the [Western Governors' Association \(WGA\) submitted a letter](#) to DOI Secretary Ryan Zinke expressing regret that DOI did not seek to engage Western Governors' in meaningful consultation on the reorganization proposal. Sent with the letter was a list of initial questions that WGA had with a request for written responses. WGA urged DOI to delay the implementation of the proposed regional boundary changes and to engage with Governors' to find a workable solution.

Most recently, DOI issued a revised proposal that maintains 13 common regions but with boundaries that more closely follow state lines. DOI officials shared that these modifications were made using the feedback received by Governors, states, local leaders and stakeholders. A copy of the revised DOI unified regional boundaries can be found [here](#). An FAQ about the DOI reorganization can be found [here](#).