



Legislative & Policy Update – October 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 [here](#).

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This policy update addresses recent activities relating to wildfire funding, disaster relief, and the proposed Resilient Federal Forests Act of 2017. Additionally, short summaries are provided on Congressional hearings of interest to CWSF members.

Wildfire Funding

Congressional Conference on Wildfire and Forest Management - Congressman Bruce Westerman (R-AR), along with western members of Congress, hosted a [press conference](#) on October 5 to address the ongoing wildfire crisis and call for the passage of the bipartisan Resilient Federal Forests Act of 2017. Mr. Westerman pointed to this year's record-breaking fire season as a call to action, noting "we have set a new record this year in fire suppression costs that broke the old record in 2015 that broke the previous record in 2012 that broke the previous record set in 2006. There is a pattern here, yet we fail to act."

According to its authors, the [Resilient Federal Forests Act](#) (H.R.2936) addresses the growing economic and environmental threats of catastrophic wildfire and solves the problem of "fire-borrowing" by allowing the President to declare major wildfires a natural disaster under the Stafford Act. This would make emergency funding available for suppression and prevent the "borrowing" of funds from non-suppression accounts. The bill does not address the erosion of the Forest Service's budget over time due to the increasing cost of wildfire suppression (i.e. the 10-year rolling average). The bill would also add a number of categorical exclusions (CEs) to land managers' toolkits, and introduces a pilot alternative dispute resolution program intended to cut down on costly and time-consuming litigation.

Westerman was joined by a number of colleagues from western states, including House Natural Resources Committee Chair Rob Bishop (UT-01), House Republican Conference Chair Cathy McMorris Rodgers (WA-05), House Energy and Commerce Committee Chairman Greg Walden (OR-02), Congressional Western Caucus Chair Paul Gosar (AZ-04), Congressmen Greg Gianforte (MT-At-Large), Raúl Labrador (ID-01), Doug LaMalfa (CA-04), Tom McClintock (CA-04), and Dan Newhouse (WA-04).

Administration Requests Wildfire Disaster Relief - In a [letter to Congress](#), Office of Management and Budget Director Mick Mulvaney called on legislators to develop a long-term, sustainable solution to wildfire suppression funding challenges. He also emphasized the importance of forest management as a means of avoiding future catastrophes. The request comes as part of a broader push to pass a disaster relief bill. Mulvaney singled out wildfire “borrowing” as an area of particular concern, noting that the issue must be addressed in a “structured, long-term manner.” He further stressed that increasing funding alone is not the answer: “Active forest management and other reforms must be part of the solution to curb the cost and destruction of wildfires.”

The House recently passed a [bill](#) to supply emergency funding for hurricane and wildfire relief and recovery. It would fully fund the Administration’s wildfire funding recommendations, but stopped short of instituting a long-term fix. The bill provides \$184.5 million to the USDA Forest Service for Wildland Fire Management, and \$342 million to the FLAME Wildfire Suppression fund. An additional \$50 million was allocated to the Bureau of Land Management to fund the agency’s wildfire suppression costs. The emergency funding measure was then sent to the Senate where it was approved, sending it to the President’s desk for his signature.

Congressional Hearings/Business Meetings

House Committee on Agriculture Consideration of the Resilient Federal Forests Act of 2017 - The House Committee on Agriculture held a [full committee business meeting](#) on October 4 to consider the Resilient Federal Forests Act of 2017. While all members recognized the need to address the Forest Service’s wildfire suppression funding challenges, opinions differed on how to best accomplish this. Congressman Jim Costa (D-CA) emphasized the importance of active forest management and expressed that funding allocated to support forest management is often being used to put out fires. Mr. Costa also expressed support for addressing the wildfire suppression funding challenges impacting the Forest Service’s budget.

Vice-Chairman Glenn Thompson (R-PA) encouraged the Committee to adopt amendments added by the House Committee on Natural Resources to clarify the scope of CEs and establish an arbitration pilot program. Congresswoman Marcia Fudge (D-OH) expressed reservations about some of the CEs contained in the amendment, saying they run afoul of the National Environmental Policy Act and the Endangered Species Act. The Committee concluded its meeting by voting to report the bill favorably to the House, recommending it for passage.

Senate Committee on Environment and Public Works Hearing on Forest Management to Mitigate Wildfires: Legislative Solutions - The Senate Committee on Environment and Public Works held a [hearing](#) on September 27 to discuss possible legislative solutions to mitigate wildfires. Committee members recognized that better and more active forest management is a crucial piece to solving this puzzle. The hearing included two panel discussions. The first included four western Senators—Steve Daines (R-MT), Orrin Hatch (R-UT), Jon Tester (D-MT), and John Thune (R-SD)—each of whom detailed the effects of catastrophic wildfires in their home states.

Much discussion revolved around the [Litigation Relief for Forest Management and Projects Act](#), which would address the decision by the 9th Circuit Court of Appeals in *Cottonwood Environmental Law Center v. US Forest Service*. The decision mandated an extra layer of plan level consultation with the U.S. Fish and Wildlife Service; panel members argue that this additional consultation requirement has stalled a wide range of hazardous fuels reduction projects.

House Committee on Energy and Commerce Hearing on Air Quality Impacts of Wildfires - The House Committee on Energy and Commerce held a [hearing](#) on October 4 to discuss the air quality impacts of wildfires. Florida State Forester Jim Karels testified on behalf of the National Association of State Foresters. Karels spoke about the public health effects of prolonged smoke inhalation and exposure and highlighted some of the cooperative work taking place between state, federal, and private forestry professionals. He pointed to Forest Service State Fire Assistance (SFA) and Volunteer Fire Assistance (VFA) programs as examples of collaborative tools for combating wildland fire. He also highlighted Oregon’s successful efforts to balance prescribed burns with smoke management.