



CWSF
COUNCIL OF WESTERN
STATE FORESTERS

Legislative & Policy Update – September 2019

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The [Council of Western State Foresters \(CWSF\) Legislative & Policy Update](#) provides information on issues of importance to 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 CWSF and the 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 Danielle Okst, Associate Policy and Grants Director at dokst@westernforesters.org.

This month, Congress returned to continue working on fiscal year (FY) 2020 appropriations bills and a Continuing Resolution (CR). The CR passed by the House and under consideration by the Senate would avoid a government shutdown through November 21 while members continue to work towards agreements on funding levels for all 12 appropriations bills. Companion bills for the Climate Stewardship Act of 2019 (Climate Stewardship Act) were formally introduced in both the House and the Senate this month. In regulatory news, the Administration repealed the 2015 rule expanding the definition of the “Waters of the United States” (WOTUS).

FY 2020 Appropriations Update

Congress is back in session and back to work on the appropriations process this month. The Senate Committee on Appropriations began by [determining top-line spending figures](#) for FY 2020 appropriations bills, known as 302(b) allocations. A spending limit of \$35.8 billion was approved by the Senate Committee for the FY 2020 Interior, Environment, and Related Agencies (Interior) bill. This figure is a \$200 million increase over the FY 2019 enacted levels (\$35.6 billion) and a \$1.4 billion decrease from the FY 2020 Interior bill passed in the House (\$37.27 billion).

The Senate Appropriations Committee approved its FY 2020 [Department of Defense, Energy and Water Development and Related Agencies, Transportation, Housing and Urban Development, and Related Agencies, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and Financial Services and General Government](#) Appropriations Acts this month. The Senate Interior and Environment Appropriations Subcommittee marked up the FY 2020 Interior bill on [September 24](#). The [Senate Subcommittee approved](#) \$7.47 billion for the USDA Forest Service (Forest Service), including a \$19 million increase for hazardous fuels reduction and increases to State and volunteer firefighting capacity. In this bill, wildland firefighting saw an increase of \$1.22 billion from FY 2019 enacted levels (totaling \$5.17 billion), including \$1.39 billion in base wildland fire suppression funding and an additional \$1.95 billion from the wildfire cap adjustment, commonly referred to as the fire funding fix. The full Senate Appropriations Committee is scheduled to consider the bill on [Thursday](#).

By a bipartisan vote of 301 to 123 on September 19, the House passed a CR, [H.R. 4378](#), which would keep the government operating at fiscal year (FY) 2019 levels through November 21. The Senate is expected to vote on the CR this week to avoid a government shutdown before leaving for a two-week recess. This stopgap bill would provide approximately seven additional weeks for Congress to negotiate FY 2020 appropriations bills before Thanksgiving.

Climate Stewardship Act

After introducing the proposal last month, [Senator Cory Booker \(D-NJ\)](#) and [Representative Debra Haaland \(D-NM\)](#) formally introduced [S. 2452](#) and [H.R. 4269](#) in each of their respective Chambers. Forests are covered in Title II of the Climate Stewardship Act, which outlines funding for a plan to plant 4.1 billion trees by 2030 and 16 billion trees by 2050. These tree planting goals would be met through a mix of funds provided to the Forest Service and the Department of the Interior for use on federal land and the provision of cost share grants to states, tribes, local governments, and non-profits. The Act also provides grants, technical support, and research to support job creation and retention of sequestered carbon through reuse of lumber from abandoned buildings. It also establishes a new civilian conservation corps for the purpose of reforestation and wetlands restoration on federal forests and wetlands. A section-by-section summary of the identical House and Senate bills can be viewed [here](#).

WOTUS

The [U.S. Environmental Protection Agency \(EPA\) announced](#) the repeal of the 2015 rule that expanded the definition of the WOTUS under the Clean Water Act. This action is in line with [President Trump's Executive Order 13778, "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."](#) Two federal district courts previously reviewed the merits of the 2015 rule and found the rule legally deficient and issued orders remanding the rule back to the agencies. These court decisions, combined with others, blocked the 2015 rule from taking effect, leading to a patchwork of applicability across the country.

The next step in this process is for the EPA to determine a replacement rule, expected later this year. The House Transportation and Infrastructure Subcommittee on Water Resources and the Environment held a hearing on September 18 entitled ["The Administration's Priorities and Policy Initiatives Under the Clean Water Act."](#) David Ross, Assistant Administrator for the EPA's Office of Water, testified regarding the [proposed rule change](#). The proposed change was released in December 2018, and EPA is currently reviewing more than 600,000 comments received during the public comment period. The proposed replacement may remove some categories of waterways from federal jurisdiction in addition to dividing the water the government can regulate into six categories: traditional navigable waters, tributaries to those navigable waters, certain ditches — including those used for navigation or affected by the tide, certain lakes and ponds, impoundments and wetlands that are adjacent to water covered by the rule.