



Legislative & Policy Update – June 2024

Published June 26, 2024

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 [Neil Simpson](#), Director of Policy.

This month's policy update highlights:

- Draft environmental impact statement for the proposed national old-growth plan amendment released by the USDA Forest Service
- Fiscal Year 2025 Interior, Environment, and Related Agencies Appropriations markup scheduled
- Fix Our Forests Act introduced in the House of Representatives
- Modernizing Wildfire Safety and Prevention Act introduced in the House of Representatives
- 2024 Farm Bill progress update and details.

USDA Forest Service Draft Environmental Statement for the Proposed National Old-growth Amendment

The USDA Forest Service (Forest Service) issued a [press release](#) on June 20, 2024, seeking public input on the draft environmental impact statement (DEIS) for the proposed national old-growth forest plan amendment. According to the press release, the purpose of the amendment is “to provide consistent direction for the stewardship, conservation, and recruitment of old-growth across national forests.” View the DEIS, related documents, public comments, and other information on the [project website](#). Also, on June 20, 2024, the White House released a [Fact Sheet](#) referencing the recently completed Mature and Old-growth Threat Analysis. The analysis describes wildfire, insects, and disease as the leading threats to mature and old-growth forests, while logging is a “relatively minor disturbance.”

The ability to manage forests of all ages to be resilient against these disturbances is a critical issue for State Foresters. During previous comment periods, the National Association of State Foresters (NASF) has voiced concern that a national-level amendment could reduce the Forest Service's ability to effectively carry out well-planned, science-based management necessary to meet the wildfire crisis strategy and improve forest resilience to insects, disease, and catastrophic wildfire. In the coming month, CWSF will be engaging with members, NASF, and other partners to review the DEIS.

The DEIS comment period is open until September 20, 2024. Individuals and organizations can submit comments [online](#).

Fiscal Year 2025 Interior, Environment, and Related Agencies Appropriations markup scheduled

House Republicans are expected to release their fiscal year 2025 Interior, Environment, and Related Agencies Appropriations bill ahead of a subcommittee markup scheduled for Friday, June 28, 2024, at 8:00 a.m. EDT.

Watch the markup on the [House Appropriations Committee webpage](#).

Modernizing Wildfire Safety and Prevention Act Introduced in the House of Representatives

Representatives Harder (D-CA), Franklin (R-FL), and Neguse (D-CO) have introduced the [Modernizing Wildfire Safety and Prevention Act](#). The bill cites 16 recommendations from the Wildland Fire Mitigation and Management Commission Report as it seeks to improve workforce development, increase benefits and working conditions for firefighters, improve fire response time, and address wildfire smoke.

- [Read the bill text](#).
- [Read the one-pager](#).

Fix Our Forests Act Introduced in the House of Representatives

House Natural Resources Committee Chair Bruce Westerman (R-AR) and Representative Scott Peters (D-CA) introduced the Fix Our Forests Act, which is described in the [press release](#) as a “comprehensive, bipartisan bill that will restore forest health, protect communities from megafires, and reduce catastrophic wildfires that contribute to pollution and climate change.”

The bill generally seeks to expedite NEPA and improve forest management activities on National Forest System Lands, with some sections aimed at implementing recommendations in the Wildland Fire Management and Mitigation Commission Report.

A few highlights from the 23 specific sections of the 72-page bill include:

- Builds on the USDA Forest Service Wildfire Crisis Strategy by designating high-risk firesheds identified by the Forest Service in January 2022 as Fireshed Management Areas and creates a process for designating additional Fireshed Management Areas.
 - Streamlines NEPA requirements in Fireshed Management Areas.
 - Limits preliminary injunctions on projects within Fireshed Management Areas.
- Creates a “Wildfire Risk Reduction Program” consisting of members from the Office of Wildland Fire of the Department of the Interior, National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, Forest Service, Federal Emergency Management Agency, United States Fire Administration, and the National Institute of Standards and Technology.
- Creates a “Seeds of Success Strategy” to expand the capacity to store and process native seeds and enhance revegetation capabilities.

Find links to the bill text and one-pager in the [press release](#).

The 2024 Farm Bill

Progress continues on the 2024 Farm Bill. Senate Ag, Nutrition, and Forestry Committee Chairwoman Stabenow (D-MI) and House Committee on Agriculture Chairman GT Thompson (R-PA) continue to state that a Farm Bill can be completed this year.

On May 1, 2024, Chairwoman Stabenow released a framework and section-by-section summary for the Rural Prosperity and Food Security Act, and Chairman Thompson released an overview of the Farm, Food, and National Security Act, two separate titles for what is commonly referred to as the Farm Bill. These overviews were followed by the release of bill text and the introduction of H.R. 8467—Farm, Food, and National Security Act of 2024.

Following a lengthy markup on May 23, 2024, H.R. 4867 was passed out of Committee. It will now advance to the House floor for consideration, but it is unknown when that will occur. While the markup lasted nearly 12 hours, the discussion on the Forestry Title was brief, with only Chairman Thompson (R-PA) and Representative Vasquez (D-NM) commenting and no amendments.

- [Text of H.R. 4867, the Farm, Food, and National Security Act.](#)
- [Rural Prosperity and Food Security Act Summary.](#)

In a [press release](#) following the passage, Chairman Thompson “implored” Senate Agriculture Committee Chairwoman Stabenow (D-MI) to invite Senate Republicans to negotiate on a Senate version because “A farm bill is too important to let slip any further, including into next year.” On June 11, 2024, Senator John Boozman (R-AR), ranking member of the Senate Committee on Agriculture, released a [Republican drafted framework](#). Stabenow [stated](#) it “follows the same flawed approach as Chairman Thompson’s proposal in the House and splits the broad Farm Bill Coalition.”

While the bill passed out of committee in the House varies from the Rural Prosperity and Food Security Act Summary, the differences in the Forestry Title are minor compared to the differences in other titles. The differences in these other topics will make passing a Farm Bill by the end of this year difficult.

Below is a list of key items in the Forestry Title of the [H.R. 4867, the Farm, Food, and National Security Act](#), and the [Senate Section-by-Section Summary](#) of the Rural Prosperity and Food Security Act.

- **Flexible Funding for State Forest Action Plan Implementation**
 - H.R. 4867 Section 8101 - would amend the Cooperative Forestry Assistance Act of 1978 to extend the authorization of funding through Fiscal Year (FY) 2029 and to allow funds to be used to develop and implement the State-wide assessments.
 - Senate Summary Section 8231 - extends the authorization of appropriations through FY 2029 for States to conduct projects under the Cooperative Forestry Assistance Act of 1978.
 - Related Legislation:
 - [H.R. 5157](#) would also authorize the development and implementation of state Forest Action Plans. Additionally, it would increase the ability of the Secretary to use other available funds from \$10,000,000 to \$50,000,000 and create a new appropriation authorization of up to \$40,000,000 per FY through 2028 specifically to “support the implementation of State-wide assessments.”

- The [Branch Out Implementation Act](#) would increase the existing authorization of appropriations from \$10,000,000 to \$40,000,000 and allow the Secretary to use up to \$40,000,000 of other available funds per FY.
- **State and Private Forest Landscape Scale Restoration Program**
 - H.R. 4867 Section 8101 - extends the program and authorization of appropriations until 2029.
 - Senate Summary Section 8232 - extends the authorization of appropriations through 2029
- **Definition of at-risk community in the Healthy Forests Restoration Act**
 - H.R. 4867 Section 8201 - amends the definition of at-risk community in the Healthy Forests Restoration Act of 2003 (HFRA) to include “a group of homes or other structures with basic infrastructure and services at risk from wildfire as recognized by local, state, regional, tribal, territorial, or national wildfire risk assessment.
 - Senate Summary – not included
- **Stewardship End Result Contracting**
 - H.R. 4867 Section 8208 - amends HFRA to add “retaining and expanding existing forest products infrastructure” as an eligible land management goal and extends the maximum term of stewardship contracts to 20 years.
 - Senate Summary – not included
- **Authority to lease Forest Service Administrative sites**
 - H.R. 4867 Section 8303 - amends the 2018 Farm Bill to extend until 2029 the authority for the Forest to Lease administrative sites. Additionally, it would expand allowable in-kind contributions to include “services occurring off the administrative site” that benefit the National Forest System and extend the maximum lease term to 100 years.
 - Senate Summary Section 8239 - broadens the services the Forest Service may consider as in-kind contributions and increases the maximum lease term to 100 years.
- **Reforestation, Nurseries, and Genetic Resources (RNGR)**
 - H.R. 4867 Section 8305 - establishes dedicated full-time staff and a budget line item for the Forest Service’s RNGR program, expands technical assistance, and creates opportunities for grants to state, tribal, and private nurseries.
 - Authorizes \$5,000,000 per year for FY 2025-2029
 - Senate Summary section 8247 – establishes dedicated full-time staff and a budget line item for the Forest Service’s RNGR program, expands technical assistance, and creates opportunities for grants to state, tribal, and private nurseries.
 - Authorizes \$25,000,000 per year through FY 2029
 - Section 8248 permits the Secretary to obligate funds from the Reforestation Trust Fund to support seed collection, storage, and nurseries.
 - Related Legislation:
 - [H.R. 5381](#), introduced in September of 2023 by Representative Schrier (D-WA), authorizes the same activities and increases the authorization of appropriations to \$25,000,000 per FY for years 2024 through 2028
 - Senator Hickenlooper (D-CO) and Marshall (R-KS) have introduced a [Senate version of the RNGR Act](#), which authorizes the same activities and appropriations up to \$25,000,000/year while also authorizing the Secretary of Agriculture to obligate up to \$5,000,000 from the Restoration Trust fund.
- **Categorical Exclusions**
 - H.R. 4867 Section 8402 - amends HFRA to increase the size of projects that may be categorically excluded from environmental analysis or impact statements from 3,000 to 10,000 acres and amends the Infrastructure Inflation and Jobs Act to increase the size of

the fuels break categorical exclusion to 10,000 acres. It also creates a new categorical exclusion for hazard tree management.

- Senate Summary Section 8219 - expands forest service authority to categorically exclude certain vegetation management projects that enhance wildlife habitat or improve forest health.
- **Endangered Species Consultation**
 - H.R. 4867 Section 8411 - contains what is commonly referred to as the “Cottonwood fix.” It amends the Forest and Rangeland Renewable Resources Act to state the Secretary shall not be required to initiate consultation under the Endangered Species Act on an approved land management plan when a species is listed as threatened or endangered, critical habitat is designated, or new information becomes available.
 - Senate Summary – not included
- **Good Neighbor Authority**
 - H.R. 4867 Section 8402 - adopts the Treating Tribes and Counties as Good Neighbors Act ([H.R. 1450](#) and [S. 697](#)), which extends the ability to retain revenue from the sale of timber to Tribes and counties. Additionally, it authorizes the use of revenue “to carry out authorized restoration activities under the Good Neighbor Agreement” rather than solely on federal lands.
 - Senate Summary Section 8240 - expands the program to allow counties and Tribes to retain revenue, allows authorized restoration services under a Good Neighbor Agreement to be conducted on non-federal land, and extends the authorization of appropriations through FY 2029.
- **Extends the Joint Chiefs Landscape Restoration Partnership Program**
 - H.R. 4867 Section 8420 - amends the Infrastructure Investment and Jobs Act to extend the current funding authorization of 90,000,000 per FY through 2029.
 - Senate Summary Section 8244 - makes the program permanent, expands eligible activities, and authorizes \$90 million in appropriations through 2029.
- **Wood Innovations Grant Program**
 - H.R. 4867 Section 8432 amends the 2028 Farm Bill to include the “construction of new facilities” and the “hauling of material removed from hazardous fuels projects” in the grant program’s purpose. It also reduces the match requirement from 1:1 to 50%.
 - Senate Summary Section 8251 explains it “expands the reach of the Wood Innovations Grant program by reducing the match requirement,” but the amount of reduction is not stated.
- **Prescribed Fire**
 - H.R. 4867 Section 8418 - authorizes the Secretaries of Agriculture, Interior, and Defense to enter into cooperative agreements with states, Tribes, and local governments to coordinate, plan, or conduct prescribed burns.
 - Senate Summary Section 8217 - requires the Secretary of Agriculture to establish one or more prescribed fire training centers.
- **Urban and Community Forestry**
 - Senate Summary Section 8501 establishes an Urban and Community Forestry Office and a microforest grant program.
 - Increases authorizations of appropriations to \$80,000,000.00 annually for FY 2025 through 2029
 - H.R. 4867 – not included