



Legislative & Policy Update

April 29, 2016

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 below highlight only a selection of the issues the CWSF is monitoring. Keep an eye out for our monthly newsletter that will provide summaries of other key legislative and programmatic issues. If you have not yet subscribed, you can do so at bit.ly/CWSFnewsletter.

The CWSF Policy Director participates on a State Foresters Policy Team along with the policy staff from the National Association of State Foresters (NASF), the Northeastern Area Association of State Foresters (NAASF), and the Southern Group of State Foresters (SGSF). In addition, CWSF policy staff and the policy staff of the other state forester associations help to support the NASF Legislative Committee; comprised of three state forester members, representing each of the regional associations.

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Appropriations

Fiscal Year (FY) 2017: With the release of the Administration's final budget request in February, the FY 2017 appropriations process is underway. Congress and the President have until September 30, 2016 to enact 2017 spending legislation. The Administration, in the FY 2017 USDA Forest Service (Forest Service) Budget Justification, is requesting a top line spending level of \$4.9 billion for the Agency. This is a decrease from FY 2016 enacted – approximately \$5.7 billion – in large part due to the boost in funding that the Forest Service received as part of the Consolidated Appropriations Act, 2016 (P.L. 114-113)(omnibus) for wildfire suppression funding.

Among other items, the Forest Service budget request moves away from the Integrated Resource Restoration Budget Line Item (BLI), and once again proposes to combine the Land Management Planning BLI with the Inventory and Monitoring BLI. In addition, the budget request proposes a boost to the State and Private Forestry (S&PF) Landscape Scale Restoration program, an increase to the Wildland Fire Management Hazardous Fuels BLI and again proposes a new budgeting mechanism for wildfire suppression funding. Also of western importance, the FY 2017 President's budget requests a re-authorization to the Secure Rural Schools and Community Self-Determination Act. Please click [here](#) for the FY 2017 Forest Service budget matrix developed by the Western Forestry Leadership Coalition.

State foresters, via the NASF, approved FY 2017 appropriations recommendations for programs of priority; found [here](#). Earlier this year, the NASF Executive Committee (including CWSF representatives) completed Congressional Hill visits to discuss appropriations recommendations for priority S&PF programs and the critical need for a wildfire funding solution. NASF submitted FY 2017 appropriations testimony to the House and Senate Appropriations Subcommittees on the Interior, Environment, and Related Agencies (Interior Subcommittees). The testimony can be found [here](#).

Upon the release of the Administration's budget request, Congress began consideration of a budget resolution to provide the framework for subsequent legislative action on appropriations bills. The Senate has since postponed consideration and action on a budget resolution and leadership has determined that FY 2017 appropriations bills will adhere to the top-line spending level in the Bipartisan Budget Act of 2015 – the agreement that set FY 2016 and FY

2017 spending. Efforts in the House stalled and the April 15 statutory target date to approve a budget resolution has passed. However, House Appropriations leadership is moving forward with Subcommittee and full Committee consideration of individual spending legislation.

Forest Management

Working Forests Caucus: Congressman Bruce Westerman (R-AR) and a bipartisan group of members of Congress launched the Working Forests Caucus in April 2016. Co-chaired by Representative Westerman and charter members Jaime Herrera Beutler (R-WA), Sanford Bishop (D-GA) and Collin Peterson (D-MN), the Caucus was created “to advocate for working forests across the United States.” Among other items this includes, “highlighting the economic, environmental, and social benefits for private working forests, and supporting policies to promote the renewable resource.” There are 45 members of the Caucus, including 12 Western Representatives from AZ, CA, CO, MT, OR, and WA. More information on the Working Forests Caucus can be found [here](#).

CWSF will monitor and engage with this Caucus on Western issues of importance to our membership. Several of our related priority issues are highlighted in the Western Forestry Leadership Coalition publication “Threats to Western Private Forests,” found [here](#).

Wildland Fire

FY 2016 Wildfire Funding: The 2016 Omnibus supplied the Forest Service and the Department of Interior (DOI) boosts in suppressions funds (combined suppression and FLAME BLIs) to minimize the potential for fire transfers during this year’s fire season. The Forest Service received approximately \$508 million above the 10-year rolling average used to calculate fire suppression needs, and DOI received approximately \$85 million above the 10-year fire rolling average for the agency. A bipartisan proposal that sought to achieve compromise by addressing both a wildland fire funding solution and forest management reforms ultimately failed to be included in the final omnibus spending legislation. Following the unsuccessful attempt, Chairwoman of the Senate Energy and Natural Resources (SENR) Committee and of the Interior Appropriations Subcommittee, Lisa Murkowski (R-AK), and Ranking Member of the SENR Committee, Maria Cantwell (D-WA), gave floor speeches highlighting the continued need for a wildfire suppression funding fix whilst explaining why the compromise would have failed to achieve an ideal fix.

Recent Actions: In a late January colloquy, Committee leadership of the SENR, Budget and Agricultural Committees – with overlapping jurisdiction on wildfire funding and forest management – pledged to work together to identify a legislative solution in 2016. Chairwoman Murkowski briefly defined a path forward, explaining that SENR planned to dedicate time to the issue once consideration and passage of the Energy Policy Modernization Act (S.2012) (energy bill) was finalized. The Senate approved passage of the comprehensive energy bill in late April; this clears the way for the SENR to take up consideration of a wildfire funding and forest management reform bill. (More on the energy bill below.)

CWSF continues to prioritize and call for a solution to the broken wildfire suppression funding system. Working with the broader state forester association family (NASF, NAASF and SGSF), state foresters maintain a common message supporting a fire funding solution and forest management reforms, whether separately or in tandem. In addition, CWSF remains engaged with the Partnership Caucus on Fire Suppression Funding Solutions. In early February, the NASF Executive Committee (including CWSF representatives) completed Congressional Hill visits to express our support for, and the urgent need of, a solution this year.

Link to the Senate wildfire funding and forest management colloquy [here](#).

Link to the FY 2017 wildfire appropriations letter [here](#).

Biomass:

Please see the excerpt below on the Senate Energy Policy Modernization Act (S. 2012) for information on the biomass provision. The Environmental Protection Agency (EPA) Science Advisory Board (SAB) recently punted on its scientific guidance to the "Revised Framework for Assessing Biogenic Carbon Dioxide for Stationary Sources." Upon reviewing the SAB Biogenic Carbon Emissions panel's draft guidance, the full SAB voted to send the draft back for further consideration.

In April 2016, the EPA hosted a stakeholder workshop titled, "Fostering Constructive Dialogue on the Role of Biomass in Stationary Source Carbon Strategies." The workshop was initially developed with a focus of how biomass could play a role in state plans to be completed to comply with EPA's final Clean Power Plan (CPP). In response to the national stay on the CPP rule, the workshop focus was broadened beyond the role of biomass in CPP compliance. The workshop offered the platform for "states and stakeholders to share successes, experiences and approaches to deploying biomass in ways that have been, and can be, carbon beneficial." Overall, most speakers supported the growth of biomass energy and remain interested in guidance from EPA. State approaches were well represented, with staff from several states including the Oregon Department of Forestry.

EPA's webpage on biogenic carbon emissions can be found [here](#).

Legislation of Interest

Energy Policy Modernization Act (S.2012): Following several months of stalled negotiations over Flint, Michigan water aid, the Senate voted 85-12 to approve the comprehensive energy bill. The renewed progress came after the decision to separate the Flint, Michigan deliberations from the comprehensive energy package. The bill contains six titles focused on efficiency, infrastructure, supply, accountability, conservation, and resources. The next step will be to reconcile the differences, via conference with the House of Representatives, between S. 2012 and the House passed North American Energy Security and Infrastructure Act (H.R. 8). SENR Chairwoman Murkowski, sponsor of the bill, has indicated that she would like to begin conferencing the two bills quickly in an effort to enact final energy legislation this year.

There are several topical items of interest to CWSF and WFLC members in the Senate bill. Title V, section 5002 permanently reauthorizes the Land and Water Conservation Fund (LWCF), modifies the LWCF funding formula, and requires the Secretaries of the Department of Agriculture (USDA) and DOI to take into account acquisition considerations. During consideration on the floor, the Senate also voted to approve 97-0 the addition of a natural resources package that includes key provisions of the Bipartisan Sportsmen's Act of 2015 (S. 405). Those provisions and several others related to resources are found in Title X National Resources.

Lastly, section 3017 Policies Relating to Biomass Energy supports the key role that U.S. forests play in addressing our nation's energy needs. Co-sponsored by Senators Susan Collins (R-ME) and Amy Klobuchar (D-MN), the section directs the Secretaries of USDA and DOI and the Administrator of the EPA to "jointly ensure that Federal policy relating to forest bioenergy is consistent across all Federal departments and agencies and recognizes the full benefits of the use of forest biomass for energy, conservation, and responsible forest management." The provision also directs the federal agencies leadership to establish policies for forest biomass that reflect the carbon-neutrality of forest bioenergy and that recognize biomass as a renewable resource so long as the use of biomass for energy production does not cause forest conversion to non-forest use.

The House passed H.R. 8 does not include the above provisions. They will be negotiated in the House and Senate conference process.

Text of S. 2012 is found [here](#).

Text of H.R. 8 is found [here](#).