



Legislative & Policy Update – November 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.

Two more western states have entered into shared stewardship agreements with the USDA Forest Service (Forest Service) with the goal of working more collaboratively across landscapes for greater impact in managing our nation's forests. The fiscal year (FY) 2020 appropriations process continues with the Senate passing a minibus including four appropriations bills and a new Continuing Resolution (CR) keeping the government open under FY 2019 funding levels through December 20. In addition to working on negotiating spending bills, representatives have introduced the Aerial Incursion Repercussions Safety Act of 2019 aimed at highlighting the issues caused in firefighting operations by civilian drones.

Shared Stewardship Agreements

New Mexico Shared Stewardship Agreement

On November 14, the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division (Forestry Division) and the Forest Service entered into an Agreement for Shared Stewardship. The Agreement establishes a framework, building on the Forestry Division and Forest Service's already strong partnership, for the agencies to co-manage wildfire risk, protection of water, and other forest and watershed management needs. Further, the agencies commit to working with tribes and pueblos, traditional Hispanic communities, land grants, and acequias as key partners and participants in Shared Stewardship. For more information on the Agreement, please see the [text](#) and [press release](#).

Nevada Shared Stewardship Agreement

Nevada became the tenth state to enter into a shared stewardship agreement on November 15. The State of Nevada, the Forest Service, the Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS) finalized the Agreement, the first to include the BLM and the USFWS. It establishes a framework for interagency work to achieve landscapes that are more resistant and resilient to wildfire and other disturbances. A [press release](#) by the Office of Nevada Governor Sisolak shares the following two specific goals of the Agreement:

1. State and federal agencies will identify a list of initial projects to reduce fire risk and target completing two landscape-scale, multijurisdictional projects by the end of 2021; and
2. By 2025, the parties will work to increase the annual number of acres treated by 50 percent, through active management on all-lands.

For a full list of states that have entered into shared stewardship agreements following the release of the strategy by the Forest Service in August 2018, please see the National Association of State Foresters' ['Shared Stewardship' page](#).

FY 2020 Appropriations Update

Following our last newsletter, the [Senate passed](#) their substitute to [H.R. 3055](#) by a vote of 84-9. This FY 2020 appropriations package included four spending bills:

- Commerce, Justice, Science, and Related Agencies;
- Agriculture, Rural Development, Food and Drug Administration, and Related Agencies;
- Transportation, Housing and Urban Development, and Related Agencies; and
- Interior, Environment, and Related Agencies (Interior bill).

Among the amendments approved was one requiring the Forest Service to submit a report to Congress on the status of the [Four Forest Restoration Initiative](#) in the southwestern region, submitted by Senators Martha McSally (R-AZ) and Kyrsten Sinema (D-AZ). [Highlights](#) of the Interior bill include a \$19 million increase for hazardous fuels, \$1.394 billion in base wildland fire suppression funding, and an additional \$2.25 billion for the wildfire cap adjustment, divided \$1.95 billion to the Forest Service and \$300 million to the Department of the Interior.

To examine a full budget table comparison, please see the ['Resources' page](#) to access the [WFLC Summary of the USDA Forest Service Budget for FY 2020](#). Please note that both the House and Senate versions of the Interior bill reflect budget restructure proposals to eliminate cost pools in the Forest Service budget. Both bill versions adopted this aspect of the Administration's budget restructure proposal but declined to adopt the consolidation of line items. The Senate took the additional step of showing a separate line item within each treasury account for the program-level salaries and expenses. Funds that previously covered the indirect costs for the Agency through a process of pooling money from each treasury account are now directly allocated to the 'Forest Service Operations Account' as a separate line item. Because cost pools are eliminated and those amounts no longer appear within the allocation for those treasury accounts, the proposed FY 2020 funding levels in both the House and the Senate appear to decrease. Once adjusted for the amounts now allocated to the operations account, outlined within the [House Appropriations Committee Report](#) (starting on page 102) and the [Senate Appropriations Committee Report](#) (starting on page 99), funding levels for each account increase over FY 2019 levels. In the current bills passed in each chamber, the programmatic increases over FY 2019 levels are:

- Forest and Rangeland Research increasing \$16.01 million in the House and \$6.13 million in the Senate;
- State and Private Forestry increasing \$68.24 million in the House and \$2.09 million in the Senate;
- National Forest System increasing \$101.66 million in the House and \$323.58 million in the Senate; and
- Wildland Fire Management an increase of \$1,295.64 million in the House and \$1,248.27 in the Senate (increase includes the \$1,950 million wildfire cap adjustment).

On November 19, the [House passed](#) a CR to continue FY 2019 funding levels through December 20. The [Senate passed](#) the CR the next day, and the President signed the stopgap resolution into law ahead of the expiration of the previous CR on November 21. Following this passage, a deal was reached between Senate and House appropriators on top-line spending levels for each bill, known as 302(b)s. Lawmakers returned from their Thanksgiving holiday break and began to tackle FY 2020 spending bills with only a few weeks until

expiration of this CR. Because the House version of the Interior bill passed prior to the [Bipartisan Budget Act of 2019](#), we are likely to see some changes as representatives work to bring down overall non-defense spending by approximately \$15 million. Both Chambers are set to leave town December 13, but with the ongoing impeachment proceedings and disagreement over funding for the border wall, members are likely to continue working until late December.

Aerial Incursion Repercussions Safety Act of 2019 (AIR Safety Act)

The AIR Safety Act was introduced this month by Representatives John Curtis (R-UT) and Jared Huffman (D-CA) as [H.R. 5040](#). The AIR Safety Act aims to study the effects of drones interfering on wildfire suppression operations, including the impacts drones have on suppression time, effectiveness of aerial responses, and the cost of these incursions. It also calls for evaluation on the effectiveness of preventative measures such as disabling or seizing the drone and distribution of educational materials on drones hindering wildfire suppression.

Within the [press release](#), western State Foresters provided the following statements of support for this legislation:

Greg Josten, National Association of State Foresters President; South Dakota State Forester: “We already know that flying personal drones where wildland firefighters are actively suppressing wildfires puts the civilian operator, their neighbors, and wildland firefighting personnel in danger. The slogan is true, and state forestry agencies know it all too well: If you fly, we can’t. Now, it’s time to quantify all the deleterious effects of drone incursions on wildfire fighting airspace. With hard numbers to support needed change, we’ll be better positioned to prevent costly delays and shutdowns and protect both property and lives.”

Brian Cottam, Utah State Forester: “In Utah, we have seen drone incursions continue to endanger firefighter and public safety. Congressman Curtis’s AIR Safety Act is a step in the right direction to reveal the extent of drone disruption in wildfire suppression and help put a stop to this dangerous behavior.”