



## Legislative & Policy Update – January 2021

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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](mailto:dokst@westernforesters.org).

After negotiations continued through a series of Continuing Resolution (CR) deadlines, Congress was able to come to agreement and pass appropriations for fiscal year (FY) 2021. The omnibus bill was signed by the President just before the new year. Since the last newsletter policy update, CWSF, as part of the NASF Policy Team, has contributed to the submission of comments for the Landscape Scale Restoration (LSR) proposed directive and the proposed guidance from the Natural Resources Conservation Service (NRCS) defining non-industrial private forestland (NIPF).

### **FY 2021 Appropriations**

After passing three additional CRs after the CR set to expire on December 11, both Chambers were able to conclude their negotiations and [pass an omnibus spending bill](#) on December 21, 2020. The Consolidated Appropriations Act, 2021 ([H.R. 133](#)) includes all 12 FY 2021 appropriations bills, coronavirus relief, and authorizations. Appropriations for the USDA Forest Service (Forest Service) start on page 824 within the Interior, Environment, and Related Agencies section of the bill ([Division G joint explanatory statement](#)).

The enacted levels within this bill reflect implementation of the Forest Service's budget modernization effort. Cost pools are replaced by the Forest Service Operations Account. Salaries and expenses are separate from program dollars within each treasury account. The bill allocated \$267.18 million for State and Private Forestry. Most State and Private Forestry programs remained level with FY 2020 funding levels, with an increase of approximately \$8 million for Urban and Community Forestry and \$1 million increases for both State Fire Assistance and Volunteer Fire Assistance. After the passage of the Great American Outdoors Act (GAOA), the Forest Legacy program (FLP) is no longer part of the State and Private Forestry discretionary budget. The GAOA fully funds the Land and Water Conservation Fund (LWCF) with mandatory funding of over \$900 million. FLP is funded out of the LWCF. As a result, FLP saw an increase from the FY 2020 level of \$64 million to \$94.23 million for FY 2021. Within the COVID-19 relief portion of the bill, \$200 million is allocated to provide relief to timber harvesting and timber hauling businesses experiencing losses as a result of the pandemic. Support for supply chains is a priority for State Foresters and is part of the [NASF COVID-19 Stimulus Platform](#).

The report language did not mandate the creation of a new Deputy Chief for Fire and Aviation, which had been proposed in previous drafts. Instead, the Committee is "interested in data and recommendations

relating to any changes that could be made to improve the representation of Wildland Fire Management leadership under this structure and the potential creation of a new Deputy Chief for Fire and Aviation.” You can view the position of State Foresters on this topic in the [letter](#) prepared by CWSF with the NASF Policy Team.

### **Administrative Comments**

#### **LSR Directive**

The LSR grant program was codified in section 8102 of the Agricultural Improvement Act of 2018 (2018 Farm Bill), and the Forest Service has continued their work towards implementation by publishing a notice for public comment on the proposed manual for the program in the [Federal Register](#). The programmatic changes seen in the 2018 Farm Bill began to be executed through the FY 2020 and FY 2021 National Guidance. This proposed directive will set the direction for this grant program going forward, and it represents the final step in implementing the 2018 Farm Bill. The comment period closed in December. Comments on the LSR directive from State Foresters can be found [here](#).

The Western Forestry Leadership Coalition administers the LSR competitive [grant process for the western states](#), along with the other regional associations for their respective regions. Recommended LSR projects for FY 2021 will be on the [forestrygrants.org](#) web portal in early February.

#### **NIPF Definition for NRCS Conservation Programs**

NRCS published a [notice in the federal register](#), outlining their proposed definition for NIPF in their conservation program manual. This definition would impact eligibility for landowner assistance through NRCS with programs such as the Environmental Quality Incentives Program. The proposed definition states:

“Nonindustrial private landowner means a private individual, group, association, corporation, Indian Tribe, or other private entity. NRCS will identify someone as a nonindustrial private landowner if they: (1)(i) Own fewer than 45,000 acres of forest land in the United States; and (ii) Do not own or operate an industrial mill for the primary processing of raw wood products as determined by NRCS in consultation with the State Technical Committees; or

(2) Meet criteria established for a nonindustrial private landowner by NRCS in a State in consultation the State Technical Committee.”

[Comments submitted by NASF](#) request considering the ramifications for state landowner assistance programs with such a limiting definition of NIPF. State Foresters joined over 60 other organizations in signing on to a [coalition letter](#) led by The Conservation Fund urging withdrawal of this guidance, rather than implementing a definition based on the size of landowners’ holdings. The Alaska Board of Forestry also submitted comments, which can be viewed [here](#).