



H.R. 2647—Resilient Federal Forests Act of 2015 (Rep. Westerman, R-AR)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JULY 9, 2015 SUBJECT TO A [RULE](#)

TOPLINE SUMMARY: [H.R. 2647](#) would implement a series of reforms on how the [Forest Service](#) manages and administers national forests and national grasslands. The bill would reduce project planning times, the cost of implementing forest management projects, and would simplify environmental requirements. The legislation would additionally exempt lawsuits challenging specified forest management activities from the [Equal Access to Justice Act](#) (EAJA) and would require plaintiffs who sue the Forest Service to post a cash bond to cover the agency’s legal expenses if the agency wins the lawsuit.

CONSERVATIVE CONCERNS: There are no major conservative concerns.

- **Expand the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: Title I of H.R. 2647 would require the Secretary of the Interior or the Secretary of Agriculture through the Forest Service to analyze two alternatives when preparing an environmental assessment or an environmental impact statement: (1) an “action alternative” proposed by a collaborative process, Resource Advisory Committee (RAC) or Community Wildfire Protection Plan (CWPP); or (2) a “no-action” alternative which must consider potential future impacts (such as insect and disease threat, or catastrophic wildfires).

Title I would further allow the secretary to exclude certain categorical requirements on National Forest System lands or public lands to develop and carry out a forest management activity related to insect or disease infestation, the reduction of hazardous fuel loads, to protect municipal watersheds, to maintain or enhance critical habitat, and to increase water yield. A forest management activity covered by the categorical exclusion would not contain harvest units exceeding a total of 5,000 acres, or exceeding a total of 15,000 acres if the activity is developed through a collaborative process, proposed by a resource advisory committee, or covered by a community wildfire protection plan. A categorical exclusion would also be available to the to develop and

COST: The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would increase discretionary spending by \$10 million over the 2016-2020 period, assuming appropriation of the necessary amounts. CBO also estimates that some provisions would affect direct spending and pay-as-you-go procedures apply. However, CBO estimates that none of the provisions would have a significant effect on direct spending in any year and that enacting the bill would have a negligible net effect on direct spending over the 2016-2025 period.

carry out a salvage operation as part of the restoration of National Forest System lands or public lands following a catastrophic event

Title II of the bill would require a three-month environmental assessment for reforestation activities or a salvage operation and at least 75 percent of the burned area be reforested within five years. The Secretary of Agriculture would be authorized to use funds established in the [Knutson-Vandenberg Act](#) for reforestation activities authorized by the bill. Title II would also prohibit a restraining order, preliminary injunction, or injunction pending appeal issued by any court of the United States with respect to any decision to prepare or conduct a salvage operation or reforestation activity in response to a large-scale catastrophic event.

Title III would require a bond for would-be litigants challenging projects developed through a collaborative process, RAC, or CWPP. The bill would authorize the Forest Service to recover the costs, expenses and attorney's fees if the Secretary concerned prevails. In the case of a settlement, the Forest Service and the plaintiff would share the expenses, and attorney's fees incurred by the parties.

Title IV would amend the [Secure Rural Schools and Community Self-Determination Act of 2000](#) by striking certain implementation of approved project requirements and by ensuring that at least 50 percent of the project funds reserved by a participating county would be available only for projects that include the sale of timber, other forest products, and other environmental objectives. Title IV would further extend Resource Advisory Committee (RAC) functions, membership through Fiscal Year 2020, and would authorize the Chief of the Forest Service to choose ten RAC's that may retain revenue from projects to fund future projects that accomplish forest management objectives.

Title V would authorize the Chief and the Director of the Forest Service to obligate funds to cover any potential cancellation or termination costs for an agreement or contract in stages that are economically or programmatically viable. Title V would additionally dictate the use of excess funds for offset purposes when the value of forest products exceeds the value of the resource improvement treatments to satisfy any outstanding liabilities for cancelled agreements or other authorized stewardship projects. The title would allow a portion of Stewardship Project Revenues to be classified as monies received from the National Forest System or the public lands in order to allow the Forest Service to use funds that were deposited in these accounts for additional project work.

Title VI would authorize the Forest Service to use up to 25 percent of Stewardship Contracting funds for planning projects. Under current law, the Forest Service prohibits the use of funds for planning. The section would additionally establish a "State-Supported Forest Management Fund" to cover the cost of carrying out, and monitoring forest management activities on National Forest System lands or public lands. The fund would consist of amounts contributed by an eligible entity or generated by forest management activities.

Title VII would require federal land management agencies to respond to tribal request for forest management within 120 days of a request for analysis. The bill would also clarify that treating federal forest land as Indian forest land for purposes of planning and conducting management activities would not be construed to designate federal forest land as Indian forest lands for any other purpose.

Title VIII would require courts considering requests for an injunction that applies to any agency action related to forest management activity to consider the impact to the ecosystem likely affected by the forest management activity of the short- and long-term effects of undertaking the agency action, against the short- and long-term effects of not undertaking the action. Title VIII would also require that if the Forest Service is considering decommissioning a road in a fire-prone area, the agency would be required to consult with the local government and consider alternatives before taking action. The section would also remove certain restrictions on cutting down certain trees with no ecological value prone to spreading catastrophic wildfires.

Title IX would authorize and establish procedures for the Secretary of the Interior or the Secretary of Agriculture to request a presidential declaration regarding a major wildfire disaster on federal lands. In doing so, the president would be authorized to transfer funds to the Secretary of the Interior or the Secretary of Agriculture to conduct wildfire suppression operations on federal lands (and non-federal lands pursuant to a fire protection agreement or cooperative agreement). The section would prohibit funds from being transferred between the federal land management agencies' wildfire suppression operations accounts and any federal land management agency account not used to cover the cost of wildfire suppression operations.

The House Reports (H. Rept. 114-185 Part I (House Agriculture) and II (House Natural Resources)) accompanying H.R. 2647 can be found [here](#) and [here](#). A section-by-section provided to the House Rules Committee can be found [here](#). A one page summary of the bill and a fact sheet provided by the House Natural Resources Committee can be found [here](#) and [here](#). The House Committee on Natural Resources Subcommittee on Federal Lands Markup discussion draft memo can be found [here](#).

OUTSIDE ORGANISATIONS IN SUPPORT:

- [National Rifle Association](#)
- [Congressional Sportsmen's Foundation](#)
- [National Association of Forest Service Retirees](#)
- [Safari Club International](#)
- [Wildlife Mississippi](#)
- [National Wild Turkey Federation](#)
- [Camp Fire Club of America](#)

AMENDMENTS MADE IN ORDER:

- [#4 Bishop \(R-UT\) \(Manager's amendment\)](#): would amend the public input process to require the secretary to allow 30 days for public scoping and comment, 15 days for filing an objection, and 15 days for the agency response to the filing of an objection. The secretary would then be required to implement the project immediately. The amendment would additionally amend the requirements for filling vacancies for Resource Advisory Committees by adding 9 more members. This amendment would also clarify that none of the funds made available to a beneficiary county or other political subdivision of a state would be used to offset state funding sources for local schools, facilities, or educational purposes. The manager's amendment would further change the management jurisdiction of certain public land in Oregon currently managed by the Bureau of Land Management. The Secretary of the Interior would be required to develop and consider an additional alternative with the goal of maximizing the total carbon benefits from forest storage and wood product storage.
- [#1 Polis \(D-CO\)](#): would strike provisions of the bill related to the prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal with respect to any decision to prepare or conduct a salvage operation or reforestation activity in response to a large-scale catastrophic event.
- [#6 Tipton \(R-CO\)](#): would allow a stewardship contract or agreement awarded before February 7, 2014, upon the request of the contractor, to be modified by the Chief or Director to include the fire liability provisions in the [Healthy Forests Restoration Act of 2003](#).
- [#5 Lujan Grisham \(D-MN\)](#): would authorize the Secretary of the Interior and the Secretary of Agriculture to carry out demonstration projects by which federally recognized Indian tribes or tribal organizations may contract to perform administrative, management, and other functions of programs of the [Tribal Forest Protection Act of 2004](#).

- [#7 Kilmer \(D-WA\)](#): would require the Secretary of Agriculture to develop and implement at least one landscape-scale forest restoration project that includes, as a defined purpose of the project, the generation of material that will be used to promote advanced wood products.

COMMITTEE ACTION: This bill was introduced on June 4, 2015 and was referred to the House Committee on Natural Resources which ordered it to be reported (amended) by the yeas and nays: 22 – 15 on June 11, 2015, and the House Committee on Agriculture which ordered it reported (amended) by voice vote on June 17, 2015.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: Article IV, section 3, clause 2.

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