

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

June 13, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff — Brent Blevins
Subcommittee on Federal Lands (x6-7736)

Mark-Up: H.R. 2316 (Rep. Raul Labrador), To generate dependable economic activity for counties and local governments containing National Forest System land by establishing a demonstration program for local, sustainable forest management, and for other purposes.
June 14 & 15, 2016, 1324 Longworth HOB

H.R. 2316 (Rep. Raul Labrador), “*Self-Sufficient Community Lands Act*”

Summary of the Bill

H.R. 2316, introduced by Rep. Raul Labrador (R-ID), directs the Department of Agriculture to establish the community forest demonstration area in a state, consisting of national forest system (NFS) land, at the request of an Advisory Committee appointed by the governor to manage such land in that state.

In order to establish a demonstration area, three conditions must be met. The area must include at least 200,000 acres of NFS land within the state. The state must have a forest practices law applicable to state or privately owned forest land, or established state silvicultural best forest management practices related to clean water, soil quality, wildlife, or forest health. Also, an agreement must be in place between the governor and the county in which the land is located that requires the county, in using area revenues, to continue to meet specified obligations under applicable state law pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000.

Several types of land are excluded from inclusion in the demonstration areas, including land that is a component of the National Wilderness Preservation System, from which the removal of vegetation is specifically prohibited by federal statute, land that has been designated a National Monument, or over which administrative jurisdiction was first assumed by the Forest Service under Title III of the bill.

Rep. Labrador introduced similar bills in the 112th Congress¹ and the 113th Congress.² The legislation in the 113th Congress was included in H.R. 1526, which passed the House but was never considered by the Senate.

Cosponsors

Rep. Cynthia Lummis (R-WY)
Rep. Don Young (R-AK)
Rep. Paul Gosar (R-AZ)
Rep. Mark Amodei (R-NV)
Rep. Steve Pearce (R-NM)
Rep. Dan Newhouse (R-WA)

Background

The four federal land management agencies (Forest Service, Bureau of Land Management, National Park Service, and Fish and Wildlife Service) manage over 600 million acres of land, or nearly *one-third* of the total area of the United States. The Forest Service alone manages 193 million acres, covering eight percent of the land area of the United States. The United States is covered by 766.2 million acres of forestland. Of that total, 321.2 million acres (42%) are managed by a federal, state, or local governments, and the remaining 445.1 million acres (58%) are managed by private landowners, including Indian tribes.³ These forests are responsible for a variety of natural resources, including timber, energy, wildlife habitat, watershed health, and Recreation.

Wildfire/Insect and Disease

Many states, particularly in the West, have land ownership intermingled between federal, state, tribal, and private ownership. Failure to properly manage land under federal management can result in the quick spread of insect and disease as well as the spread of fire onto adjoining non-federal lands. Over the past 10 years, there has been an average of 73,277 fires burning an **average of 6,991,668 acres** per year.⁴ More than 60% of fires begin on state, private, and tribal lands, but these fires tend to be more contained in nature and consume fewer acres than the fires which begin on federal land.

Secure Rural Schools and Community Self-Determination Act

The Secure Rural Schools and Self-Determination Act was passed by Congress in 2000 as a means of helping rural communities with a large presence of NFS land after timber harvests (see below) declined precipitously. The program was authorized for six years to give the Forest Service opportunity to increase the timber harvesting levels which provide revenue to localities. However, the timber program has increased only incrementally in the last 15 years resulting in

¹ <http://lis.gov/cgi-lis/bdquery/D?d114.d113.d112:13:/temp/~bd5esz:dbs=y:/billsumm/billsumm.php?id=2>

² <http://lis.gov/cgi-lis/bdquery/D?d114.d113.d112:5:/temp/~bd5esz:dbs=y:/billsumm/billsumm.php?id=2>

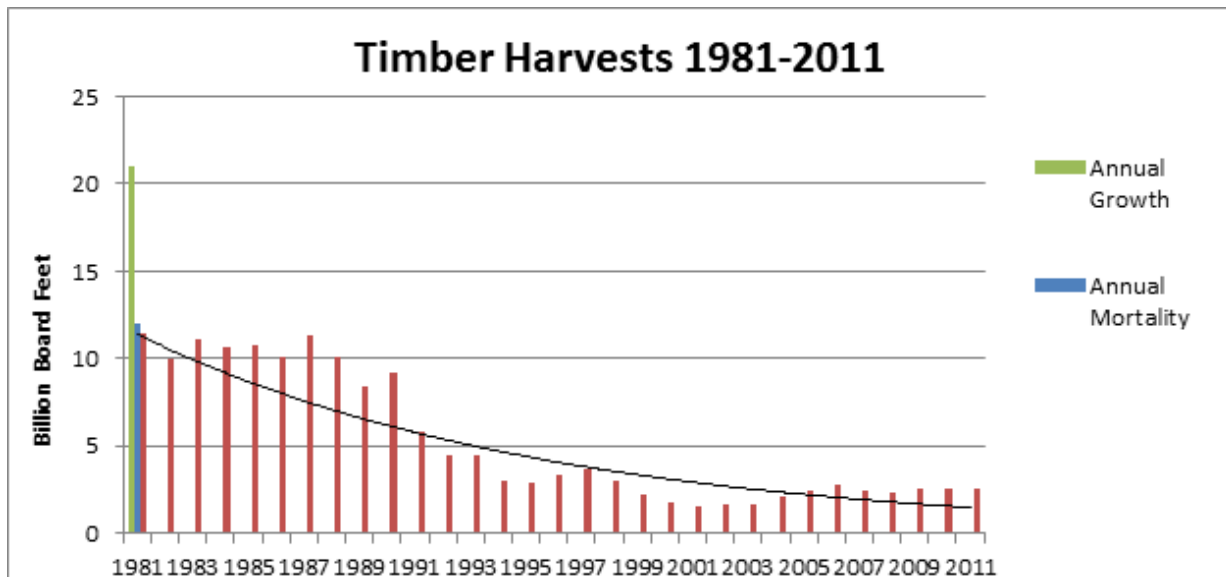
³ http://www.srs.fs.usda.gov/pubs/gtr/gtr_wo091.pdf

⁴ <https://www.nifc.gov/fireInfo/nfn.htm>

five extensions of the program.⁵ The final payments go out to localities in 2016 and Congress must decide how to address the program moving forward. H.R. 2316 attempts to address this quandary by allowing states and localities by having a greater hand in revenue-producing activities on forests in their borders.

Economic Impacts

The subcommittee has heard testimony⁶ about the effects of declining timber production on rural communities. Despite the fact that National Forests are currently adding volume at a net rate of 33% annually, timber harvests have **declined over 80%** over the last thirty years (See Figure 2). Current harvest levels only remove about 10% of annual growth, and 16% of annual mortality. In 2011, total standing timber volume across the NFS was **1.4 trillion** board feet – 700 times the actual federal harvest levels.⁷



Many sawmills have closed in western states due to a lack of timber production off of NFS land and constant fear of litigation. Beginning in the early 1990's, administrative appeals and litigation slowed Forest Service decision-making, increased timber program unit costs and reduced contract outputs (smaller, less economically viable contracts). Since 1990, more than 400 timber mills have closed and more than 35,000 workers have lost their jobs nationwide.⁸

⁵ <http://www.crs.gov/Reports/R41303?source=search&guid=43716449b50246b48d6af1b0bf5e62a8&index=0>

⁶ http://naturalresources.house.gov/uploadedfiles/bennett_testimony_9_29_15.pdf

⁷ Forest Service, FY1905-2011 National Summary Cut and Sold Data: http://www.fs.fed.us/forestmanagement/documents/sold-harvest/documents/1905-2011_Natl_Summary_Graph.pdf

⁸ Steve Brink and Tom Troxel, *Is Federal Timber Still In Demand*, Federal Forest Resources Coalition, <http://www.foresthealth.org/pdf/Federal%20Timber%20Demand%20Feb%202011.pdf> (February 19, 2011)

Major Provisions/Analysis of H.R. 2316

Section 1 – Short Title

Section 2 – Purpose and Definitions

Section 3 – Establishes the Community Forest Demonstration Areas

- An advisory Committee appointed by the Governor shall select land for inclusion in the demonstration area. These lands shall not include: National Wilderness Preservation System, from which the removal of vegetation is specifically prohibited by federal statute, land that has been designated a National Monument, or over which administrative jurisdiction was first assumed by the Forest Service under Title III of the bill.
- Demonstration areas must be at least 200,000 acres unless the state has at least 5,000,000 acres of NFS land, in which case the advisory committee may select up to 900,000 acres.
- No more than 4,000,000 acres of NFS land may be placed in demonstration projects.

Section 4 – Creation of advisory committee

- All members appointed by Governor of the state. Terms last for three years and are staggered.
- Committee must include a representative from a local government, from the timber industry, a grazing permit holder, and a representative from the recreation industry.

Section 5 – Management of Community Forest Demonstration Areas

- Clean Water Act, Clean Air Act, and Endangered Species Act apply only in so far as they apply under state law.
- The advisory committee must consult with Indian tribes as well as any collaboratives in existence at the enactment of the act.
- The Forest Service is still responsible for fire suppression.

Section 6 – Distribution of Funds from a Community Forest Demonstration Area

- The Advisory Committee may retain such receipts generated by management projects necessary to carry out the demonstration. Any additional funds shall be distributed to counties consistent with Title 1 of the Secure Rural Schools Act.

Section 7 – Initial Funding Authority

- Counties are authorized to utilize Title 1 from the Secure Rural Schools program to initially fund the demonstration areas.

Section 8 – Payments to US Treasury

- The Advisory Committee must make a payment within a fiscal year to the U.S. Treasury based on a formula taking into account the receipts on the land over the prior 10 years and the amount of acreage of the demonstration area.

Section 9 – Termination of Community Forest Demonstration Areas

- Demonstration areas may be terminated by a unanimous vote of the advisory committee and with approval of the Governor and return to management by the Forest Service. Any remaining funds are returned to the U.S. Treasury.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration testified at a Federal Lands Subcommittee hearing about H.R. 2316 on February 25, 2016⁹. The Administration stated its opposition to the bill.

Anticipated Amendments

- Rep. Labrador – Addresses a USDA concern about the lack of public input in selecting management projects. Also would alter the formula for the allocation of receipts from management projects.

Effect on Current Law (Ramseyer)

No effect on current law.

⁹ http://naturalresources.house.gov/uploadedfiles/testimony_casamassa.pdf