



## **Sen. John Thune's Phase V Farm Bill Rollout: Forestry Title Improvements**

### **Background Information**

South Dakota's Black Hills National Forest and other national forests around the country require significant maintenance to preserve and improve forest health. More than 86 million acres of National Forest System lands are at higher-than-normal risk for wildfires, insect outbreaks, or disease. Improving the existing and proven authorities of the Healthy Forest Restoration Act on additional national forest acres would help reduce the threat of wildfires and allow the U.S. Forest Service (USFS) to proactively treat stands before they begin to die and/or deteriorate.

Forest management includes land stewardship goals like habitat management, recreational improvements, road maintenance, forest health, and wildfire protection – all accomplished through the sale of timber on national forests. The sale of forest products is a means to accomplish multiple objectives and it generates revenue and supports jobs.

The Government Accountability Office has found that USFS does more National Environmental Policy Act (NEPA) compliance, produces more Environmental Impact Statements (EIS) and takes longer to do so than most other federal agencies whose projects have inherently longer lasting impacts on the landscape, for example, through the creation of permanent infrastructure like bridges and highways.

Sen. Thune's latest farm bill forestry title legislation, "The Forest Management Improvement Act of 2017," enhances the effectiveness of the Healthy Forest Restoration Act and improves the NEPA process.

The following areas are addressed under Sen. Thune's bill:

#### **Categorical Exclusions:**

- Allows USFS to take steps to rapidly salvage dead and dying trees after wildfires, ice storms, or wind events.
- Increases categorical exclusions from 3,000 to 10,000 acres.

#### **Expedited Environmental Review:**

- Expedites environmental review by:
  - Clarifying that an EIS only require an agency to analyze the proposed action and a no action alternative and that consideration of additional alternatives is solely at the discretion of USFS.
  - Clarifying that environmental assessments conducted by USFS do not require analysis of a no-action alternative.
  - Providing four categorical exclusions for wildlife habitat, thinning and salvage of dead and dying trees, plus expand Insect and Disease Treatment Areas, all subject to compliance with the forest plans.

### **Good Neighbor Authority:**

- Creates single good neighbor authority by eliminating duplicative Department of Interior good neighbor authority:
  - Due to a rapidly unfolding series of events, Congress enacted two different Good Neighbor Authorities in 2014. Unfortunately, both of these authorities contain language that, as explained in USFS guidance, limits the ability of USFS to use these authorities.
  - An effective, single national good neighbor authority is needed to strengthen USFS relationships with the states, create program efficiencies, and maximize program effectiveness.

### **Clarifies Congressional Intent on Stewardship Contracting:**

- Makes retention of existing wood products infrastructure a co-equal objective with other goals of stewardship contracts and agreements.
- Provides clearer criteria to help USFS determine when to use stewardship contracts, stewardship agreements, or other contracting mechanisms.
- Clarifies USFS and Bureau of Land Management ability to use “best value” or “lowest cost, technically acceptable” criteria when making contract awards.
- Directs that 25 percent of gross receipts from stewardship contracts or agreements should be directed to the county where the project is located.

### **Provides Greater Certainty for Project Level Decisions Through Litigation Relief:**

- Expands Healthy Forest Restoration Act judicial review provisions to all USFS vegetation management projects, except on acres where timber management is prohibited by law or the forest plan.
- Provides for alternative dispute resolution mechanisms for some projects on a pilot basis.
- Restricts Equal Access to Justice Act payments to reasonable limits for hourly reimbursement and provides stricter controls to ensure that payments do not go to losing plaintiffs or organizations that have substantial financial resources.