



Senator John Thune's Phase V Farm Bill Rollout

S. 1731 Forest Management Improvement Act of 2017

Background Information

The Black Hills National Forest and other national forestlands require significant maintenance to maintain and improve forest health. More than 86 million acres of National Forest System lands are at high risk of uncharacteristic wildfire, insect outbreaks, or disease. Providing increased use of the proven authorities of the Healthy Forest Restoration Act on additional acres of National Forests will help reduce the threat of wildfire and allow the Forest Service to proactively treat stands before they begin to die and deteriorate.

Forest management includes land stewardship goals such as 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 the Forest Service 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 more lasting impacts on the landscape, for instance through creation of permanent infrastructure such as bridges and highways.

Senator 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 Forest Service 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 Environmental impact statements 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 the Forest Service; and

- Clarifying that Environmental assessments conducted by the Forest Service 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 during 2014. Unfortunately, both of these authorities contain language that, as explained in Forest Service guidance, limits the ability of the Forest Service to use these authorities.
 - An effective, single National Good Neighbor Authority is needed to strengthen the Forest Service 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 the Forest Service determine when to use Stewardship Contracts, Stewardship Agreements, or other contracting mechanisms.
- Clarifies the Forest Service and BLM ability to use “best value” or “lowest cost, technically acceptable” criteria when making contract awards.
- Directs that 25percent 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 Forest Service 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 which have substantial financial resources.