



Issue Brief: **Forest Emergency Recovery and Research Act**

November 29, 2005

Summary:

Representatives Greg Walden (R-OR) and Brian Baird (D-WA) introduced the Forest Emergency Recovery and Research Act (FERRA) in October, 2005. The Act, HR 4200, extends many of the new authorities found in the Healthy Forests Restoration Act to post-disturbance circumstances. Following a natural catastrophe such as wildfire, forest managers would be empowered to complete a swift evaluation of forest conditions and move forward with rehabilitation actions. Research on post-disturbance management would be enhanced by the Act, and supporters say that public participation processes are maintained.

Background:

In the wake of Hurricane Katrina, concern about bureaucratic delays for post-catastrophe forest management has been audible. Prominent examples come from virtually every state, detailing large-scale disturbances that were ultimately left un-treated as a result of extensive analysis requirements and litigation. Authorities in HFRA are widely seen as a solution to the gridlock.

Analysis:

Title I details the response to catastrophic events on public lands.

- Any catastrophic event over 1,000 acres is required to follow guidelines provided in the Act; events between 250 and 1,000 acres are also eligible but not required.
- After a rapid evaluation process, an expedited environmental review, including full public participation, will be conducted. For some forest types, existing research will have already fed into the establishment of “pre-approved management practices” than can be applied without further study. In the absence of such pre-approved guidelines, forest managers will be authorized to implement reforestation and restoration practices, and the results will be tracked by researchers.
- All projects must comply with the National Environmental Policy Act.
- The establishment of a peer-reviewed research process will accompany the implementation of selected management practices. This process requires partnerships with universities, and will result in the creation of new research protocols.
- Administrative appeals and litigation follow the guidelines established in HFRA, including the requirement that pre-decisional administrative review is the sole means for public review. This administrative review must then be exhausted before judicial review can be initiated.

Title II amends the Cooperative Forestry Assistance Act by adding Technical and cost-share assistance for private landowners under Section 10 of the CFAA. The addition allows adjacent non-federal lands to be included in initial post-disturbance evaluation assessments by the Secretary. Local governments, tribal and private landowners can cooperate in the evaluation and implementation of recovery actions. The Secretary may also provide assistance to local entities for the development of a Community Wildfire Protection Plan.

Title III authorizes the inclusion of experimental forests in the application of pre-approved and alternative management practices under the Act.

Title IV includes a description of funding sources. Funding for FERRA will come primarily from existing sources, including the Knutson-Vandenberg account and salvage sale receipts. Additionally, the Federal Emergency Management Agency is authorized to reimburse the Secretary for costs incurred treating non-federal land that has been designated a “disaster area”.

Next Steps:

The House Resources Committee held a hearing on 11/10/05. At this hearing, Dale Bosworth communicated the Administration’s strong support for the bill, with concerns pertaining only to the funding mechanisms established there. North Carolina State Forester Stanford M. Adams also testified, emphasizing his support for FERRA’s management approach that crosses ownership boundaries. The House Agriculture Committee is scheduled to hold a hearing on the bill on 12/7/05.

A companion bill has been introduced in the Senate by Sen. Gordon Smith (R-OR), with four co-sponsors (Allard-CO, Burns-MT, Thomas-WY, Thune SD). The Forests for Future Generations Act (S. 2079) includes many of the same provisions found in FERRA. Differences in the Senate version include:

- The addition of a mediation and binding arbitration process to accelerate the implementation of catastrophic event recovery projects.
- A requirement that revision to Land and Resource Management Plans include plans to address catastrophic events.
- A shortened Title II that does not seek to amend the Cooperative Forestry Assistance Act. Instead, it establishes a general fund for each catastrophic event recovery project, and authorizes the use of these funds for community assistance.
- Funding sources are restricted to appropriated funds as authorized by the Act.

The bill has been referred to the Committee on Energy and Natural Resources, and hearings are anticipated for early 2006.

FERRA seems to be generating both media attention and bipartisan support, so expect there to be some action when Congress reconvenes after the holidays. Differences between the two bills are likely to be the focus of debate.

For More Information:

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