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LEGISLATIVE & POLICY UPDATE

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This document will inform the WFLC membership on key legislative and policy issue. It is published as needed and can be found on-line at www.wflcweb.org/infomaterials/issue_briefs.php. For more information on the following items, please contact Caitlyn Peel.

1. Fire Suppression Funding Fix

The Federal Land Assistance, Management and Enhancement (FLAME) Act [H.R. 5541], introduced by Congressman Nick Rahall (D-WV) with 56 bipartisan cosponsors, was passed in an amended version by the House on July 9th. Unfortunately, the version of the bill approved by the House no longer includes the 'emergency designation' of the FLAME Fund and now includes language legislating the 10-year average requirement for fire suppression (emergency and initial attack) within the Forest Service budget.

Senator Boxer (D-CA) introduced the house-passed version of the FLAME Act in the Senate [S. 3256] (July 11th) and is working to ensure passage of the bill before Congress adjourns. S. 3256 has been referred to the Senate Energy and Natural Resources Committee but the bill has not been added to the hearing calendar for the committee, and most likely will not before congressional adjournment. The Senate Budget, Energy and Natural Resources and Budget Committee staff are meeting to discuss the bill in hopes of reaching a solution to this budgeting problem without creating any jurisdictional issues or tying anyone's hands during the budget process.

The FLAME Act is not expected to move forward in the Senate due to the timing of introduction, the possible early congressional adjournment in September and the upcoming election. That being said, if large-scale wildland fire events continue to occur and the fire 'transferring' continues during the August congressional recess there may be a push when Congress is back in session to pull the bill up to the floor, bypassing the Senate Energy and Natural Resources Committee.

The NASF and the CWSF are working with congressional staffers to ensure that if the FLAME Act is brought to the floor it is an amended version and not the bill as introduced in the Senate. NASF and the CWSF are advocating for the FLAME Act to be amended to mirror the bill as marked-up by the House Natural Resources Committee in July 2008. If the bill is brought up as currently drafted, NASF and the CWSF will oppose the bill's passage.

2. FY09 Appropriations

The House Interior Appropriations Subcommittee has marked-up the Interior and Environment appropriations bill and provided higher funding levels than the Administration's proposal. The House Appropriations Committee was scheduled to mark-up the Interior and Environment spending bill when the Chairman cancelled the mark-up. This cancellation occurred due to concerns with possible GOP amendments related to oil and gas.

The Senate Appropriations Committee had scheduled the Interior Subcommittee and full Committee mark-up on the Interior and Environment spending bill but it was also cancelled due to oil-drilling to increase domestic energy production. These mark-ups are not expected to be re-scheduled before Congress adjourns. An FY09 Interior and Environment appropriations bill reaching the House or Senate floor is highly unlikely. A continuing resolution for several months is expected. The House has made progress on two other

appropriations bills, the Defense spending bill and the Military Construction-VA bill and it is expected that one of these bills would carry the CR to fund the government for part of fiscal year 2009.

3. Supplemental Spending Bill / Fire Transfer Strategy

The Iraq Supplemental Spending Bill, signed by the President last month, did not include any domestic spending provisions of significance to forestry-related issues. However, Congress is now discussing a 'second' supplemental spending bill that may include the domestic spending items that were removed during the debate of the Iraq Supplemental.

This second supplemental spending bill may include up to \$910 million in funds for fire suppression and restoration activities, as well as hazardous fuels. The Senate intended to mark-up their version of the bill but their mark-up has been postponed and they do not plan to address the issue until mid-September. The House may take action on their version of the emergency spending bill before the Senate moves forward, although no information on a possible timeframe has been announced by House leadership.

When Congress left for August recess without approving any supplemental funds for fire suppression, the USDA Forest Service (USFS) put in place the 'fire transferring' strategy. The transfers, currently at \$400 million but expected to reach upwards of \$700 million before ending, are impacting National Forest Lands, Research and State & Private Forestry programs. As part of a national effort, the CWSF is pulling together information on the west-wide impacts of the phased 'transferring' strategy and will be providing examples of the decimation of important programs these transfers have caused.

4. Good Neighbor Authority

Senator Barrasso (R-WY) has recently introduced the 'Good Neighbor Forestry Act' [S. 3302] (GNA) with five bipartisan cosponsors from western states. The GNA allows the USDA Forest Service (USFS) and the Department of the Interior (DOI) to enter into cooperative agreements with western State Forestry Agencies to complete forest, rangeland and watershed restoration and protection projects on Federal land that abuts state and private lands where similar treatments will be occurring. The authorization is specific to those states with National Forest System land or Bureau of Land Management land west of the 100th meridian.

Currently Colorado and Utah have successful pilot GNA agreements/programs. Utah's authorization for GNA expires this year and Colorado's expires in 2009. The CWSF has raised this as a high priority issue and will be sending a letter in support of this legislation (please check upcoming WFLC Weekly publication and www.wflcweb.org). The WFLC is currently drafting an issue brief on cross-boundary opportunities including GNA, the Wyden Amendment and stewardship contracting.

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