

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4742

To declare a state of emergency on Federal lands within the State of California for the immediate reduction in forest fuels for the prevention of catastrophic wildfire.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1994

Mr. HERGER introduced the following bill; which was referred jointly to the Committees on Natural Resources and Agriculture

---

## A BILL

To declare a state of emergency on Federal lands within the State of California for the immediate reduction in forest fuels for the prevention of catastrophic wildfire.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Forest Fire and Pest Emergency Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Declaration of emergency.

Sec. 5. Strategic fire plan and budget.

1 **SEC. 2. FINDINGS AND PURPOSE:**

2 (a) FINDINGS.—

3 (1) Congress accepts the report and findings of  
4 the National Commission on Wildlife Disasters, cre-  
5 ated through the Wildfire Disaster Recovery Act of  
6 1989 in response to the destructive western fire sea-  
7 son of 1987 and the Yellowstone fires of 1988. The  
8 commission found:

9 (A) Millions of acres of forest, grassland,  
10 and desert in the United States face abnormally  
11 high risks of wildfire due to altered species  
12 composition, excessive fuel buildup, and in-  
13 creased ignition opportunity.

14 (B) The problem is exceptionally severe on  
15 the public lands of the western states, where  
16 dangerous conditions exist over very large areas  
17 and wildfires can attain a size and intensity  
18 that defies control.

19 (C) Preventing disaster in such situations  
20 can no longer be limited to suppression with en-  
21 gines, air tankers (fixed-wing aircraft that drop  
22 chemical retardant), and other firefighting par-  
23 aphernalia.

24 (D) In many forest situations, fuel reduc-  
25 tion by mechanical removal through careful sal-

1 vage logging, thinning, or other means will be  
2 needed before prescribed fire can be safely uti-  
3 lized.

4 (E) The Southern California firestorm of  
5 1993 burned nearly 200,000 acres, destroyed  
6 over 1,100 structures, killed three people and  
7 injured over 160, and cost an estimated \$1 bil-  
8 lion in suppression efforts, damages, and res-  
9 toration. Soil erosion, mud slides, wildlife habi-  
10 tat loss, and other damage will leave an  
11 unforgotten legacy for years to come.

12 (F) In California, 3,500 homes were de-  
13 stroyed by wildlife between 1920–89, but well  
14 over 4,200 were destroyed between 1990–93.

15 (G) In 1992, when 24,500 acres of prime  
16 timber and recreation lands in the Sierra-typi-  
17 cal mixed conifer forest, ladened with heavy  
18 fuels, bone dry from the six-year drought, and  
19 suffering from drought stress and insect and  
20 disease attack, ignited into a raging firestorm,  
21 it turned into the most expensive rural wildfire  
22 in California history in just four days. Total es-  
23 timated value lost was \$245 million dollars,  
24 \$16.5 million in suppression costs, 2 lives and  
25 72 firefighting injuries. After an optimistic sal-

1 vage recovery, estimated value loss is \$5,670  
2 per acre. Cost for prevention fuels treatment  
3 average less than \$200 per acre.

4 (2) Based on recent scientific reports, including  
5 the California Spotted Owl Report (CASPO) and the  
6 Sierra Nevada Ecosystem Project Progress Report  
7 (SNEP), Congress finds:

8 (A) The enormous wildfires awaiting igni-  
9 tion on the public lands of the west can no  
10 longer be seen as an uncontrollable act of na-  
11 ture; they will be the direct result of negligence  
12 in land management, much of which can be  
13 traced to the long-standing aversion to fire in  
14 all forms.

15 (B) Major reductions in wildfire extent,  
16 damage and cost are possible if effective pre-  
17 vention actions are taken in time.

18 (C) Wildfire must be mitigated by preven-  
19 tive land treatments that reduce fuels, break up  
20 large contiguous areas of dangerous conditions,  
21 improve building standards, and create defen-  
22 sible spaces between flammable fuels and sus-  
23 ceptible buildings.

24 (D) Outstanding late-successional forest  
25 areas are often found in the less accessible loca-

1           tions, and the potential for losing them to cata-  
2           strophic wildfire is very high.

3           (E) Stands once kept open by frequent,  
4           low-intensity lightning fires have been, as a con-  
5           sequence of fire suppression, highly altered both  
6           in structure and function by the development of  
7           dense, shade tolerant understories that now  
8           place them at risk of high-intensity stand-  
9           replacing fire.

10          (F) Efforts to reduce catastrophic fire risk  
11          to late-successional forest stands, and to main-  
12          tain key ecosystem processes and biodiversity,  
13          are much more likely to require active manage-  
14          ment in the Sierra Nevada.

15          (G) Activities which reduce forest fuels will  
16          provide interim employment and availability of  
17          men and equipment for forest fire suppression.

18          (b) PURPOSE.—The purpose of this Act is to imme-  
19          diately reduce the risk of wildlife on federal forest lands  
20          in California, immediately reduce the number of dead and  
21          dying trees, provide access to needed funding contained  
22          in the Emergency Firefighting Funds (\$190,222,000 for  
23          Forest Service and \$116,674,000 for Department of Inte-  
24          rior in FY 94), provide access to needed funding contained  
25          in the Forest Service Emergency Pest Suppression Fund

1 (\$15,000,000 in FY 94) and to develop a Strategic fire  
2 protection plan with associated budget for Congressional  
3 consideration.

4 **SEC. 3. DEFINITIONS.**

5 For the purposes of this Act:

6 (1) **NATURAL FUELS.**—Fuels not directly gen-  
7 erated or altered by management activity. This in-  
8 cludes fuels that have accumulated as a result of fire  
9 exclusion.

10 (2) **EXTREME FIRE RISK.**—Areas determined to  
11 be extremely vulnerable to wildfire based on a com-  
12 bination of fire history, weather patterns, topog-  
13 raphy, accessibility, visitor intensity, and fuel loads.

14 (3) **SECRETARIES.**—The term “Secretaries”  
15 means the Secretary of Agriculture and the Sec-  
16 retary of the Interior.

17 **SEC. 4. DECLARATION OF EMERGENCY.**

18 The United States Congress declares the reduction  
19 of natural fuels, on Federal lands within the State of Cali-  
20 fornia identified as extreme fire risk, to constitute an  
21 emergency action to prevent or to reduce risk to public  
22 health or safety or to serious resource loss, for the dura-  
23 tion of the drought as determined by the Secretaries. Not-  
24 withstanding direction in land management plans, Con-  
25 gress directs the Federal agencies to work cooperatively

1 with State agencies to immediately identify areas of ex-  
2 treme fire risk and take immediate action to reduce natu-  
3 ral fuels. Congress authorizes the use of emergency fire  
4 suppression funds to reduce natural fuels in such areas  
5 provided reductions in the Sierra forests are consistent  
6 with the fuels management guidelines of the California  
7 Spotted Owl EA or subsequent EIS. In areas identified  
8 as requiring additional treatments due to drought or pest  
9 infestation on National forest lands, the Forest Service is  
10 directed to prepare a budget request declaring an emer-  
11 gency, pursuant to section 251(b)(2)(D) of the Balanced  
12 Budget and Emergency Deficit Control Act of 1985.

13 **SEC. 5. STRATEGIC FIRE PLAN AND BUDGET.**

14       The Federal agencies are further directed to prepare,  
15 in consultation and coordination with other federal agen-  
16 cies and the State of California, a strategic fire plan and  
17 annual budget. The plan and budget shall be submitted  
18 to Congress by March 1, 1995 for inclusion in the 1996  
19 appropriations request with a supplemental appropriations  
20 request, if needed, for 1995 funding of natural fuels treat-  
21 ment.

○