

Union Calendar No. 228

108TH CONGRESS
1ST SESSION

H. R. 2696

[Report No. 108-397, Part I]

To establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2003

Mr. RENZI (for himself, Mr. HAYWORTH, Mr. McINNIS, Mr. KOLBE, Mr. PEARCE, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 21, 2003

Additional sponsor: Mr. UDALL of Colorado

NOVEMBER 21, 2003

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

NOVEMBER 21, 2003

Referral to the Committee on Agriculture extended for a period ending not later than November 21, 2003

NOVEMBER 21, 2003

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West.

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.**

4 *This Act may be cited as the “Southwest Forest Health*
5 *and Wildfire Prevention Act of 2003”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds that—*

8 *(1) there is an increasing threat of wildfire to*
9 *millions of acres of forest land and rangeland*
10 *throughout the United States;*

11 *(2) forest land and rangeland are degraded as a*
12 *direct consequence of land management practices (in-*
13 *cluding practices to control and prevent wildfires and*
14 *the failure to harvest subdominant trees from over-*
15 *stocked stands that disrupt the occurrence of frequent*
16 *low-intensity fires that have periodically removed*
17 *flammable undergrowth;*

1 (3) *at least 39,000,000 acres of land of the Na-*
2 *tional Forest System in the interior West are at high*
3 *risk of wildfire;*

4 (4) *an average of 95 percent of the expenditures*
5 *by the Forest Service for wildfire suppression during*
6 *fiscal years 1990 through 1994 were made to suppress*
7 *wildfires in the interior West;*

8 (5) *the number, size, and severity of wildfires in*
9 *the interior West are increasing;*

10 (6) *of the timberland in National Forests in the*
11 *States of Arizona and New Mexico, 59 percent of such*
12 *land in Arizona, and 56 percent of such land in New*
13 *Mexico, has an average diameter of 9 to 12 inches di-*
14 *ameter at breast height;*

15 (7) *the population of the interior West grew*
16 *twice as fast as the national average during the*
17 *1990s;*

18 (8) *efforts to prioritize forests and communities*
19 *for wildfire risk reduction have been inconsistent and*
20 *insufficient and have resulted in funding to areas*
21 *that are not prone to severe wildfires;*

22 (9) *catastrophic wildfires—*

23 (A) *endanger homes and communities;*

24 (B) *damage and destroy watersheds and*
25 *soils; and*

1 (C) pose a serious threat to the habitat of
2 threatened and endangered species;

3 (10) a 1994 assessment of forest health in the in-
4 terior West estimated that only a 15- to 30-year win-
5 dow of opportunity exists for effective management
6 intervention before damage from uncontrollable wild-
7 fire becomes widespread, with 8 years having already
8 elapsed since the assessment;

9 (11) following a catastrophic wildfire, degraded
10 forests in the interior West that have lost their resil-
11 ience may not return to their former grandeur;

12 (12) healthy forest and woodland ecosystems—

13 (A) reduce the risk of wildfire to forests and
14 communities;

15 (B) improve wildlife habitat and biodiver-
16 sity;

17 (C) increase tree, grass, forb, and shrub pro-
18 ductivity;

19 (D) enhance watershed values;

20 (E) improve the environment; and

21 (F) provide a basis in some areas for eco-
22 nomically and environmentally sustainable uses;

23 (13) sustaining the long-term ecological and eco-
24 nomic health of interior West forests and woodland,
25 and their associated human communities requires

1 *preventing severe wildfires before the wildfires occur*
2 *and permitting natural, low-intensity ground fires;*

3 *(14) more natural fire regimes cannot be accom-*
4 *plished without the reduction of excess fuels and*
5 *thinning of subdominant trees (which fuels and trees*
6 *may be of commercial value);*

7 *(15) ecologically-based forest and woodland eco-*
8 *system restoration on a landscape scale will—*

9 *(A) improve long-term community protec-*
10 *tion;*

11 *(B) minimize the need for wildfire suppres-*
12 *sion;*

13 *(C) improve resource values;*

14 *(D) improve the ecological integrity and re-*
15 *silience of these systems;*

16 *(E) reduce rehabilitation costs;*

17 *(F) reduce loss of critical habitat; and*

18 *(G) protect forests for future generations;*

19 *(16) although the National Fire Plan, and the*
20 *report entitled “Protecting People and Sustaining Re-*
21 *sources in Fire-Adapted Ecosystems—A Cohesive*
22 *Strategy” (65 Fed. Reg. 67480), advocated a shift in*
23 *wildfire policy from suppression to prevention (in-*
24 *cluding restoration and hazardous fuels reduction),*
25 *Federal land managers are not dedicating sufficient*

1 *attention and financial resources to restoration ac-*
2 *tivities that simultaneously restore forest health and*
3 *reduce the risk of severe wildfire;*

4 *(17) although landscape scale restoration is need-*
5 *ed to effectively reverse degradation, scientific under-*
6 *standing of landscape scale treatments is limited;*

7 *(18) the Federal wildfire research program is*
8 *funded at approximately $\frac{1}{3}$ of the amount that is re-*
9 *quired to address emerging wildfire problems, result-*
10 *ing in the lack of a cohesive strategy to address the*
11 *threat of catastrophic wildfires; and*

12 *(19) rigorous, objective, understandable, and ap-*
13 *plied scientific information is needed for—*

14 *(A) the design, implementation, monitoring*
15 *and adaptation of landscape scale restoration*
16 *treatments and improvement of wildfire manage-*
17 *ment technology;*

18 *(B) the environmental review process; and*

19 *(C) affected entities that collaborate in the*
20 *development and implementation of wildfire*
21 *treatment.*

22 **SEC. 3. PURPOSES.**

23 *The purposes of this Act are—*

24 *(1) to enhance the capacity to develop, transfer,*
25 *apply, and monitor, and regularly update practical*

1 *science-based forest restoration treatments that will*
2 *reduce the risk of severe wildfires, and improve the*
3 *health of dry forest and woodland ecosystems in the*
4 *interior West;*

5 *(2) to synthesize and adapt scientific findings*
6 *from conventional research programs to the imple-*
7 *mentation of forest and woodland restoration on a*
8 *landscape scale;*

9 *(3) to facilitate the transfer of interdisciplinary*
10 *knowledge required to understand the socioeconomic*
11 *and environmental impacts of wildfire on ecosystems*
12 *and landscapes;*

13 *(4) to require the institutes established under*
14 *this Act to collaborate with Federal agencies—*

15 *(A) to use ecological restoration treatments*
16 *to reverse declining forest health and reduce the*
17 *risk of severe wildfires across the forest land-*
18 *scape;*

19 *(B) to ensure that sufficient funds are dedi-*
20 *cated to wildfire prevention activities, especially*
21 *restoration treatments; and*

22 *(C) to design, implement, monitor and reg-*
23 *ularly revise wildfire treatments based on the use*
24 *of adaptive ecosystem management;*

25 *(5) to assist land managers in—*

1 (A) treating acres with restoration-based
2 applications; and

3 (B) using new management technologies
4 (including the transfer of understandable infor-
5 mation, assistance with environmental review,
6 and field and classroom training and collabora-
7 tion) to accomplish the goals identified in—

8 (i) the National Fire Plan;

9 (ii) the report entitled “Protecting Peo-
10 ple and Sustaining Resources in Fire-
11 Adapted Ecosystems—A Cohesive Strategy”
12 (65 Fed. Reg. 67480); and

13 (iii) the report entitled “10-Year Com-
14 prehensive Strategy: A Collaborative Ap-
15 proach for Reducing Wildland Fire Risks to
16 Communities and the Environment” of the
17 Western Governors’ Association;

18 (6) to provide technical assistance to collabo-
19 rative efforts by affected entities to develop, imple-
20 ment, and monitor adaptive ecosystem management
21 restoration treatments that are ecologically sound,
22 economically viable, and socially responsible; and

23 (7) to assist Federal and non-Federal land man-
24 agers in providing information to the public on the

1 *role of fire and fire management in dry forest and*
2 *woodland ecosystems in the interior West.*

3 **SEC. 4. DEFINITIONS.**

4 *In this Act:*

5 (1) *ADAPTIVE ECOSYSTEM MANAGEMENT.*—*The*
6 *term “adaptive ecosystem management” means a nat-*
7 *ural resource management process under which plan-*
8 *ning, implementation, monitoring, research, evalua-*
9 *tion, and incorporation of new knowledge are com-*
10 *bined into a management approach that is—*

11 (A) *based on scientific findings and the*
12 *needs of society;*

13 (B) *treats management actions as experi-*
14 *ments;*

15 (C) *acknowledges the complexity of these*
16 *systems and scientific uncertainty; and*

17 (D) *uses the resulting new knowledge to*
18 *modify future management methods and policy.*

19 (2) *AFFECTED ENTITIES.*—*The term “affected*
20 *entities” includes—*

21 (A) *land managers;*

22 (B) *stakeholders;*

23 (C) *concerned citizens; and*

24 (D) *the States of the interior West, includ-*
25 *ing political subdivisions of the States.*

1 (3) *DRY FOREST AND WOODLAND ECOSYSTEM.*—

2 *The term “dry forest and woodland ecosystem” means*
3 *an ecosystem that is dominated by ponderosa pines*
4 *and associated dry forest and woodland types.*

5 (4) *INSTITUTE.*—*The term “Institute” means an*
6 *Institute established under section 5(a).*

7 (5) *INTERIOR WEST.*—*The term “interior West”*
8 *means the States of Arizona, Colorado, Idaho, Ne-*
9 *vada, New Mexico, and Utah.*

10 (6) *LAND MANAGER.*—

11 (A) *IN GENERAL.*—*The term “land man-*
12 *ager” means a person or entity that practices or*
13 *guides natural resource management.*

14 (B) *INCLUSIONS.*—*The term “land man-*
15 *ager” includes a Federal, State, local, or tribal*
16 *land management agency.*

17 (7) *RESTORATION.*—*The term “restoration”*
18 *means a process undertaken to return an ecosystem or*
19 *habitat toward—*

20 (A) *the original structure of the ecosystem*
21 *or habitat; or*

22 (B) *a condition that supports a natural*
23 *complement of species, natural function, or eco-*
24 *logical process (such as a low intensity fire).*

1 (8) *SECRETARY.*—The term “Secretary” means
2 the Secretary of Agriculture, acting through the Chief
3 of the Forest Service.

4 (9) *SECRETARIES.*—The term “Secretaries”
5 means—

6 (A) the Secretary of Agriculture, acting
7 through the Chief of the Forest Service; and

8 (B) the Secretary of the Interior.

9 (10) *STAKEHOLDER.*—The term “stakeholder”
10 means any person interested in or affected by man-
11 agement of forest or woodland ecosystems.

12 (11) *SUBDOMINANT TREES.*—Are trees that occur
13 underneath the canopy or extend into the canopy but
14 are smaller and less vigorous than dominant trees.

15 (12) *OVERSTOCKED STANDS.*—Where the number
16 of trees per acre exceeds the natural carrying capacity
17 of the site.

18 (13) *RESILIENCE.*—The ability of a system to
19 absorb disturbance without being pushed into a dif-
20 ferent, possibly less desirable stable state.

21 **SEC. 5. ESTABLISHMENT OF INSTITUTES.**

22 (a) *IN GENERAL.*—The Secretary, in consultation with
23 the Secretary of the Interior, shall—

24 (1) not later than 180 days after the date of en-
25 actment of this Act, establish 3 Institutes to promote

1 *the use of adaptive ecosystem management to reduce*
2 *the risk of wildfires, and restore the health of forest*
3 *and woodland ecosystems, in the interior West; and*

4 (2) *provide assistance to the Institutes to pro-*
5 *mote the use of collaborative processes and adaptive*
6 *ecosystem management in accordance with paragraph*
7 *(1).*

8 (b) *LOCATION.—*

9 (1) *EXISTING INSTITUTES.—The Secretary may*
10 *designate an institute in existence on the date of en-*
11 *actment of this Act to serve as an Institute established*
12 *under this Act.*

13 (2) *STATES.—Of the Institutes established under*
14 *this Act, the Secretary shall establish 1 Institute in*
15 *each of—*

16 (A) *the State of Arizona, to be located at*
17 *Northern Arizona University;*

18 (B) *the State of New Mexico; and*

19 (C) *the State of Colorado.*

20 (c) *DUTIES.—Each Institute shall—*

21 (1) *develop, conduct research on, transfer, pro-*
22 *mote, and monitor restoration-based hazardous fuel*
23 *reduction treatments to reduce the risk of severe*
24 *wildfires and improve the health of dry forest and*
25 *woodland ecosystems in the interior West;*

1 (2) *synthesize and adapt scientific findings from*
2 *conventional research to implement restoration-based*
3 *hazardous fuel reduction treatments on a landscape*
4 *scale using an adaptive ecosystem management*
5 *framework;*

6 (3) *translate for and transfer to affected entities*
7 *any scientific and interdisciplinary knowledge about*
8 *restoration-based hazardous fuel reduction treatments;*

9 (4) *assist affected entities with the design of*
10 *adaptive management approaches (including moni-*
11 *toring) for the implementation of restoration-based*
12 *hazardous fuel reduction treatments; and*

13 (5) *provide peer-reviewed annual reports.*

14 (d) *QUALIFICATIONS.—Each Institute shall—*

15 (1) *develop and demonstrate capabilities in the*
16 *natural, physical, social, and policy sciences; and*

17 (2) *explicitly integrate those disciplines in the*
18 *performance of the duties listed in subsection (c).*

19 (e) *COOPERATION.—Each Institute may cooperate*
20 *with—*

21 (1) *researchers and cooperative extension pro-*
22 *grams at colleges, community colleges, and univer-*
23 *sities in the States of Arizona, New Mexico, and Colo-*
24 *rado that have a demonstrated capability to conduct*
25 *research described in subsection (c); and*

1 (B) wildfire risk reduction; and

2 (C) wildfire management technologies;

3 (4) notwithstanding chapter 63 of title 31,
4 United States Code, may—

5 (A) enter into contracts, cooperative agree-
6 ments, interagency personal agreements to carry
7 out this Act; and

8 (B) carry out other transactions under this
9 Act;

10 (5) may accept funds from other Federal agen-
11 cies to supplement or fully fund grants made, and
12 contracts entered into, by the Secretaries;

13 (6) may support a program of internships for
14 qualified individuals at the undergraduate and grad-
15 uate levels to carry out the educational and training
16 objectives of this Act;

17 (7) shall encourage professional education and
18 public information activities relating to the purposes
19 of this Act; and

20 (8) may promulgate such regulations as the Sec-
21 retaries determine are necessary to carry out this Act.

22 **SEC. 7. MONITORING AND EVALUATION.**

23 (a) *IN GENERAL.*—Not later than 5 years after the
24 date of enactment of this Act, and every 5 years thereafter,
25 the Secretary, in consultation with the Secretary of Inte-

1 rior, shall complete and submit to the appropriate commit-
2 tees of Congress a detailed evaluation of the programs and
3 activities of each Institute—

4 (1) to ensure, to the maximum extent prac-
5 ticable, that the research, communication tools, and
6 information transfer activities of each Institute are
7 sufficient to achieve the purposes of this Act, includ-
8 ing—

9 (A) implementing active adaptive ecosystem
10 management practices at the landscape level;

11 (B) reducing unnecessary planning costs;

12 (C) avoiding duplicative and conflicting ef-
13 forts;

14 (D) increasing public acceptance of active
15 adaptive ecosystem management practices; and

16 (E) achieving general satisfaction on the
17 part of affected entities; and

18 (2) to determine the extent to which each Insti-
19 tute has implemented its duties under section 5(c);

20 (3) to determine whether continued provision of
21 Federal assistance to each Institute is warranted.

22 (b) *TERMINATION OF ASSISTANCE.*—If, as a result of
23 an evaluation under subsection (a), the Secretary, in con-
24 sultation with the Secretary of the Interior, determines that
25 an Institute does not qualify for further Federal assistance

1 *under this Act, the Institute shall receive no further Federal*
2 *assistance under this Act until such time as the qualifica-*
3 *tions of the Institute are reestablished to the satisfaction*
4 *of the Secretaries.*

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) *IN GENERAL.*—*There is authorized to be appro-*
7 *priated to carry out this Act \$15,000,000 for each fiscal*
8 *year.*

9 (b) *LIMITATION.*—*No funds made available under sub-*
10 *section (a) shall be used to pay the costs of constructing*
11 *any facilities.*

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