

# Calendar No. 652

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2670

To establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West.

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## IN THE SENATE OF THE UNITED STATES

JUNE 24, 2002

Mr. KYL (for himself, Mr. DOMENICI, Mr. BINGAMAN, Mr. ALLARD, Mr. CAMPBELL, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with an amendment

[Omit the part struck through and insert the part printed in italics]

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## A BILL

To establish Institutes to conduct research on the prevention of, and restoration from, wildfires in 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 “Wildfire Prevention  
5 Act of 2002”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) there is an increasing threat of wildfire to  
4 millions of acres of forest land and rangeland  
5 throughout the United States;

6 (2) forest land and rangeland are degraded as  
7 a direct consequence of land management practices  
8 (including practices to control and prevent wildfires  
9 and the failure to harvest subdominant trees from  
10 overstocked stands) that disrupt the occurrence of  
11 frequent low-intensity fires that have periodically re-  
12 moved flammable undergrowth;

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

16 (4) an average of 95 percent of the expendi-  
17 tures by the Forest Service for wildfire suppression  
18 during fiscal years 1990 through 1994 were made to  
19 suppress wildfires in the interior West;

20 (5) the number, size, and severity of wildfires in  
21 the interior West are increasing;

22 (6) of the timberland in National Forests in the  
23 States of Arizona and New Mexico, 59 percent of  
24 such land in Arizona, and 56 percent of such land  
25 in New Mexico, has an average diameter of 9 to 12  
26 inches diameter at breast height;

1           (7) the population of the interior West grew  
2 twice as fast as the national average during the  
3 1990s;

4           (8) efforts to prioritize forests and communities  
5 for wildfire risk reduction have been inconsistent  
6 and insufficient and have resulted in funding to  
7 areas that are not prone to severe wildfires;

8           (9) catastrophic wildfires—

9                 (A) endanger homes and communities;

10                (B) damage and destroy watersheds and  
11 soils; and

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

14           (10) a 1994 assessment of forest health in the  
15 interior West estimated that only a 15- to 30-year  
16 window of opportunity exists for effective manage-  
17 ment intervention before damage from uncontrollable  
18 wildfire becomes widespread, with 8 years having al-  
19 ready elapsed since the assessment;

20           (11) following a catastrophic wildfire, certain  
21 forests in the interior West do not return to their  
22 former grandeur;

23           (12) healthy forest and woodland ecosystems—

24                 (A) reduce the risk of wildfire to forests  
25 and communities;

1 (B) improve wildlife habitat and biodiver-  
2 sity;

3 (C) increase tree, grass, forb, and shrub  
4 productivity;

5 (D) enhance watershed values;

6 (E) improve the environment; and

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

9 (13) sustaining the long-term ecological and  
10 economic health of interior West forests and wood-  
11 land, and their dependent human communities, re-  
12 quires preventing severe wildfires before the wildfires  
13 occur and permitting natural, low-intensity ground  
14 fires;

15 (14) more natural fire regimes cannot be ac-  
16 complished without the reduction of excess fuels and  
17 thinning of subdominant trees (which fuels and  
18 trees may be of commercial value);

19 (15) ecologically-based forest and woodland eco-  
20 system restoration on a landscape scale will—

21 (A) improve long-term community protec-  
22 tion;

23 (B) minimize the need for wildfire suppres-  
24 sion;

25 (C) improve resource values;

1 (D) reduce rehabilitation costs;

2 (E) reduce loss of critical habitat; and

3 (F) protect forests for future generations;

4 (16) although the National Fire Plan, and the  
5 report entitled “Protecting People and Sustaining  
6 Resources in Fire-Adapted Ecosystems—A Cohesive  
7 Strategy” (65 Fed. Reg. 67480), advocate a shift in  
8 wildfire policy from suppression to prevention (in-  
9 cluding restoration and hazardous fuels reduction),  
10 Federal land managers are not dedicating sufficient  
11 attention and financial resources to restoration ac-  
12 tivities that simultaneously restore forest health and  
13 reduce the risk of severe wildfire;

14 (17) although landscape scale restoration is  
15 needed to effectively reverse degradation, scientific  
16 understanding of landscape scale treatments is lim-  
17 ited;

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

23 (19) rigorous, understandable, and applied sci-  
24 entific information is needed for—

1 (A) the design, implementation, and adap-  
2 tation of landscape scale restoration treatments  
3 and improvement of wildfire management tech-  
4 nology;

5 (B) the environmental review process; and

6 (C) affected entities that collaborate in the  
7 development and implementation of wildfire  
8 treatment.

9 **SEC. 3. PURPOSES.**

10 The purposes of this Act are—

11 (1) to enhance the capacity to develop, transfer,  
12 apply, and monitor practical science-based forest res-  
13 toration treatments that will reduce the risk of se-  
14 vere wildfires, and improve forest and woodland  
15 health, in the interior West;

16 (2) to develop the practical scientific knowledge  
17 required to implement forest and woodland restora-  
18 tion on a landscape scale;

19 (3) to develop the interdisciplinary knowledge  
20 required to understand the socioeconomic and envi-  
21 ronmental impacts of wildfire control on ecosystems  
22 and landscapes;

23 (4) to require Federal agencies—

24 (A) to use ecological restoration treatments  
25 to reverse declining forest health and reduce the

1 risk of severe wildfires across the forest land-  
2 scape;

3 (B) to ensure that sufficient funds are  
4 dedicated to wildlife prevention activities, in-  
5 cluding restoration treatments; and

6 (C) to monitor and use wildfire treatments  
7 based on the use of adaptive ecosystem manage-  
8 ment;

9 (5) to develop, transfer, and assist land man-  
10 agers in treating acres with restoration-based treat-  
11 ments and use new management technologies (in-  
12 cluding the transfer of understandable information,  
13 assistance with environmental review, and field and  
14 classroom training and collaboration) to accomplish  
15 the goals identified in—

16 (A) the National Fire Plan;

17 (B) the report entitled “Protecting People  
18 and Sustaining Resources in Fire-Adapted Eco-  
19 systems—A Cohesive Strategy” (65 Fed. Reg.  
20 67480); and

21 (C) the report entitled “10-Year Com-  
22 prehensive Strategy: A Collaborative Approach  
23 for Reducing Wildland Fire Risks to Commu-  
24 nities and the Environment” of the Western  
25 Governors’ Association; and

1           (6) to provide technical assistance to collabo-  
2           rative efforts by affected entities to develop, imple-  
3           ment, and monitor adaptive ecosystem management  
4           restoration treatments that are ecologically sound,  
5           economically viable, and socially responsible.

6 **SEC. 4. DEFINITIONS.**

7           In this Act:

8           (1) ADAPTIVE ECOSYSTEM MANAGEMENT.—The  
9           term “adaptive ecosystem management” means a  
10          natural resource management process under which  
11          planning, implementation, monitoring, research,  
12          evaluation, and incorporation of new knowledge are  
13          combined into a management approach that is—

14                 (A) based on scientific findings and the  
15                 needs of society; and

16                 (B) used to modify future management  
17                 methods and policy.

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

20                 (A) land managers;

21                 (B) stakeholders;

22                 (C) concerned citizens; and

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

1           (3) INSTITUTE.—The term “Institute” means  
2 an Institute established under section 5(a).

3           (4) INTERIOR WEST.—The term “interior  
4 West” means the States of Arizona, Colorado,  
5 Idaho, Nevada, New Mexico, and Utah.

6           (5) LAND MANAGER.—

7           (A) IN GENERAL.—The term “land man-  
8 ager” means a person or entity that practices  
9 or guides natural resource management.

10           (B) INCLUSIONS.—The term “land man-  
11 ager” includes a Federal, State, local, or tribal  
12 land management agency.

13           (6) RESTORATION.—The term “restoration”  
14 means a process undertaken to return an ecosystem  
15 or habitat toward—

16           (A) the original condition of the ecosystem  
17 or habitat; or

18           (B) a condition that supports a related  
19 species, natural function, or ecological process  
20 (including a low intensity fire).

21           (7) SECRETARY.—The term “Secretary” means  
22 the Secretary of Agriculture, acting through the  
23 Chief of the Forest Service.

24           (8) SECRETARIES.—The term “Secretaries”  
25 means—

1 (A) the Secretary of Agriculture, acting  
2 through the Chief of the Forest Service; and

3 (B) the Secretary of the Interior.

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

7 (10) STATES.—The term “States” means—

8 (A) the ~~State of Arizona~~ *State of Arizona*  
9 *at Northern Arizona University*;

10 (B) the State of New Mexico; and

11 (C) the State of Colorado.

12 **SEC. 5. ESTABLISHMENT OF INSTITUTES.**

13 (a) IN GENERAL.—The Secretary, in consultation  
14 with the Secretary of the Interior, shall—

15 (1) not later than 180 days after the date of  
16 enactment of this Act, establish 3 Institutes to pro-  
17 mote the use of adaptive ecosystem management to  
18 reduce the risk of wildfires, and improve the health  
19 of forest and woodland ecosystems, in the interior  
20 West; and

21 (2) provide assistance to the Institutes to pro-  
22 mote the use of adaptive ecosystem management in  
23 accordance with paragraph (1).

24 (b) LOCATION.—

1           (1) EXISTING INSTITUTES.—The Secretary may  
2 designate an institute in existence on the date of en-  
3 actment of this Act to serve as an Institute estab-  
4 lished under this Act.

5           (2) STATES.—Of the Institutes established  
6 under this Act, the Secretary shall establish 1 Insti-  
7 tute in each of the States of Arizona, New Mexico,  
8 and Colorado.

9           (c) DUTIES.—Each Institute shall—

10           (1) plan, conduct, or promote research on the  
11 use of adaptive ecosystem management to reduce the  
12 risk of wildfires, and improve the health of forest  
13 and woodland ecosystems, in the interior West, in-  
14 cluding—

15                   (A) research that assists in providing in-  
16 formation on the use of adaptive ecosystem  
17 management practices to affected entities; and

18                   (B) research that will be useful in the de-  
19 velopment and implementation of practical,  
20 science-based, ecological restoration treatments  
21 for forest and woodland ecosystems affected by  
22 wildfires; and

23           (2) provide the results of research described in  
24 paragraph (1) to affected entities.

1 (d) COOPERATION.—To increase and accelerate ef-  
2 forts to restore forest ecosystem health and abate unnatu-  
3 ral and unwanted wildfires in the interior West, each In-  
4 stitute shall cooperate with—

5 (1) researchers at colleges and universities in  
6 the States that have a demonstrated capability to  
7 conduct research described in subsection (e); and

8 (2) other organizations and entities in the inte-  
9 rior West (such as the Western Governors’ Associa-  
10 tion).

11 (e) ANNUAL WORK PLANS.—As a condition of the  
12 receipt of funds made available under this Act, for each  
13 fiscal year, each Institute shall submit to the Secretary,  
14 for review by the Secretary, in consultation with the Sec-  
15 retary of the Interior, an annual work plan that includes  
16 assurances, satisfactory to the Secretaries, that the pro-  
17 posed work of the Institute will serve the informational  
18 needs of affected entities.

19 **SEC. 6. COOPERATION BETWEEN INSTITUTES AND FED-**  
20 **ERAL AGENCIES.**

21 In carrying out this Act, the Secretary, in consulta-  
22 tion with the Secretary of the Interior—

23 (1) shall ensure that adequate financial and  
24 technical assistance is provided to the Institutes to  
25 enable the Institutes to carry out the purposes of the

1 Institutes under section 5, including prevention ac-  
2 tivities and ecological restoration for wildfires and  
3 affected ecosystems;

4 (2) shall use information and expertise provided  
5 by the Institutes;

6 (3) shall encourage Federal agencies to use, on  
7 a cooperative basis, information and expertise pro-  
8 vided by the Institutes;

9 (4) shall encourage cooperation and coordina-  
10 tion between Federal programs relating to—

11 (A) ecological restoration;

12 (B) wildfire risk reduction; and

13 (C) wildfire management technologies;

14 (5) notwithstanding chapter 63 of title 31,  
15 United States Code, may—

16 (A) enter into contracts, cooperative agree-  
17 ments, interagency personal agreements to  
18 carry out this Act; and

19 (B) carry out other transactions under this  
20 Act;

21 (6) may accept funds from other Federal agen-  
22 cies to supplement or fully fund grants made, and  
23 contracts entered into, by the Secretaries;

24 (7) may support a program of internships for  
25 qualified individuals at the undergraduate and grad-

1 uate levels to carry out the educational and training  
2 objectives of this Act;

3 (8) shall encourage professional education and  
4 public information activities relating to the purposes  
5 of this Act; and

6 (9) may promulgate such regulations as the  
7 Secretaries determine are necessary to carry out this  
8 Act.

9 **SEC. 7. MONITORING AND EVALUATION.**

10 (a) IN GENERAL.—Not later than 5 years after the  
11 date of enactment of this Act, and every 5 years there-  
12 after, the Secretary, in consultation with the Secretary of  
13 Interior, shall complete and submit to the appropriate  
14 committees of Congress a detailed evaluation of the pro-  
15 grams and activities of each Institute—

16 (1) to ensure, to the maximum extent prac-  
17 ticable, that the research, communication tools, and  
18 information transfer activities of each Institutes  
19 meet the needs of affected entities; and

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

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

1 sistance under this Act, the Institute shall receive no fur-  
2 ther Federal assistance under this Act until such time as  
3 the qualifications of the Institute are reestablished to the  
4 satisfaction of the Secretaries.

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

6       There is authorized to be appropriated to carry out  
7 this Act \$15,000,000 for each fiscal year.

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**S. 2670**

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**A BILL**

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OCTOBER 8, 2002

Reported with an amendment