

108TH CONGRESS
1ST SESSION

H. R. 2696

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

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 “The Southwest Forest
5 Health and Wildfire Prevention Act of 2003”.

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 trees
18 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 the health of dry forest
15 and woodland ecosystems in the interior West;

16 (2) to synthesize and adapt scientific findings
17 from conventional research programs to implement
18 forest and woodland restoration on a landscape
19 scale;

20 (3) to facilitate the transfer of interdisciplinary
21 knowledge required to understand the socioeconomic
22 and environmental impacts of wildfire on ecosystems
23 and landscapes;

24 (4) to require the institutes established under
25 this Act to collaborate with Federal agencies—

1 (A) to use ecological restoration treatments
2 to reverse declining forest health and reduce the
3 risk of severe wildfires across the forest land-
4 scape;

5 (B) to ensure that sufficient funds are
6 dedicated to wildfire prevention activities, in-
7 cluding restoration treatments; and

8 (C) to monitor wildfire treatments based
9 on the use of adaptive ecosystem management;
10 (5) to assist land managers in—

11 (A) treating acres with restoration-based
12 applications; and

13 (B) using new management technologies
14 (including the transfer of understandable infor-
15 mation, assistance with environmental review,
16 and field and classroom training and collabora-
17 tion) to accomplish the goals identified in—

18 (i) the National Fire Plan;

19 (ii) the report entitled “Protecting
20 People and Sustaining Resources in Fire-
21 Adapted Ecosystems—A Cohesive Strat-
22 egy” (65 Fed. Reg. 67480); and

23 (iii) the report entitled “10-Year
24 Comprehensive Strategy: A Collaborative
25 Approach for Reducing Wildland Fire

1 Risks to Communities and the Environ-
2 ment” of the Western Governors’ Associa-
3 tion;

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

9 (7) to assist Federal and non-Federal land
10 managers in providing information to the public on
11 the role of fire and fire management in dry forest
12 and woodland ecosystems in the interior West.

13 **SEC. 4. DEFINITIONS.**

14 In this Act:

15 (1) ADAPTIVE ECOSYSTEM MANAGEMENT.—The
16 term “adaptive ecosystem management” means a
17 natural resource management process under which
18 planning, implementation, monitoring, research,
19 evaluation, and incorporation of new knowledge are
20 combined into a management approach that is—

21 (A) based on scientific findings and the
22 needs of society; and

23 (B) used to modify future management
24 methods and policy.

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

3 (A) land managers;

4 (B) stakeholders;

5 (C) concerned citizens; and

6 (D) the States of the interior West, includ-
7 ing political subdivisions of the States.

8 (3) DRY FOREST AND WOODLAND ECO-
9 SYSTEM.—The term “dry forest and woodland eco-
10 system” means an ecosystem that is dominated by
11 ponderosa pines and associated dry forest and wood-
12 land types.

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

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

18 (6) LAND MANAGER.—

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

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

1 (7) RESTORATION.—The term “restoration”
2 means a process undertaken to return an ecosystem
3 or habitat toward—

4 (A) the original structure of the ecosystem
5 or habitat; or

6 (B) a condition that supports a natural
7 complement of species, natural function, or eco-
8 logical process (such as a low intensity fire).

9 (8) SECRETARY.—The term “Secretary” means
10 the Secretary of Agriculture, acting through the
11 Chief of the Forest Service.

12 (9) SECRETARIES.—The term “Secretaries”
13 means—

14 (A) the Secretary of Agriculture, acting
15 through the Chief of the Forest Service; and

16 (B) the Secretary of the Interior.

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

20 **SEC. 5. ESTABLISHMENT OF INSTITUTES.**

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

23 (1) not later than 180 days after the date of
24 enactment of this Act, establish 3 Institutes to pro-
25 mote the use of adaptive ecosystem management to

1 reduce the risk of wildfires, and restore the health
2 of forest and woodland ecosystems, in the interior
3 West; and

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

7 (b) LOCATION.—

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

12 (2) STATES.—Of the Institutes established
13 under this Act, the Secretary shall establish 1 Insti-
14 tute in each of—

15 (A) the State of Arizona, to be located at

16 Northern Arizona University;

17 (B) the State of New Mexico; and

18 (C) the State of Colorado.

19 (c) DUTIES.—Each Institute shall—

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

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

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

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

14 (d) COOPERATION.—Each Institute may cooperate
15 with—

16 (1) researchers and cooperative extension pro-
17 grams at colleges, community colleges, and univer-
18 sities in the States of Arizona, New Mexico, and Col-
19 orado that have a demonstrated capability to con-
20 duct research described in subsection (c); and

21 (2) other organizations and entities in the inte-
22 rior West (such as the Western Governors' Associa-
23 tion).

24 (e) ANNUAL WORK PLANS.—As a condition of the
25 receipt of funds made available under this Act, for each

1 fiscal year, each Institute shall submit to the Secretary,
2 for review by the Secretary, in consultation with the Sec-
3 retary of the Interior, an annual work plan that includes
4 assurances, satisfactory to the Secretaries, that the pro-
5 posed work of the Institute will serve the informational
6 needs of affected entities.

7 **SEC. 6. COOPERATION BETWEEN INSTITUTES AND FED-**
8 **ERAL AGENCIES.**

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

11 (1) to the extent that funds are appropriated
12 for the purpose, shall provide financial and technical
13 assistance to the Institutes to carry out the duties
14 of the Institutes under section 5;

15 (2) shall encourage Federal agencies to use, on
16 a cooperative basis, information and expertise pro-
17 vided by the Institutes;

18 (3) shall encourage cooperation and coordina-
19 tion between Federal programs relating to—

20 (A) ecological restoration;

21 (B) wildfire risk reduction; and

22 (C) wildfire management technologies;

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

1 (A) enter into contracts, cooperative agree-
2 ments, interagency personal agreements to
3 carry out this Act; and

4 (B) carry out other transactions under this
5 Act;

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

9 (6) may support a program of internships for
10 qualified individuals at the undergraduate and grad-
11 uate levels to carry out the educational and training
12 objectives of this Act;

13 (7) shall encourage professional education and
14 public information activities relating to the purposes
15 of this Act; and

16 (8) may promulgate such regulations as the
17 Secretaries determine are necessary to carry out this
18 Act.

19 **SEC. 7. MONITORING AND EVALUATION.**

20 (a) IN GENERAL.—Not later than 5 years after the
21 date of enactment of this Act, and every 5 years there-
22 after, the Secretary, in consultation with the Secretary of
23 Interior, shall complete and submit to the appropriate
24 committees of Congress a detailed evaluation of the pro-
25 grams and activities of each Institute—

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

6 (A) implementing active management prac-
7 tices at the landscape level;

8 (B) reducing unnecessary planning costs;

9 (C) avoiding duplicative and conflicting ef-
10 forts;

11 (D) increasing public acceptance of active
12 management practices; and

13 (E) achieving general satisfaction on the
14 part of affected entities; and

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

17 (b) TERMINATION OF ASSISTANCE.—If, as a result
18 of an evaluation under subsection (a), the Secretary, in
19 consultation with the Secretary of the Interior, determines
20 that an Institute does not qualify for further Federal as-
21 sistance under this Act, the Institute shall receive no fur-
22 ther Federal assistance under this Act until such time as
23 the qualifications of the Institute are reestablished to the
24 satisfaction of the Secretaries.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

5 (b) LIMITATION.—No funds made available under
6 subsection (a) shall be used to pay the costs of con-
7 structing any facilities.

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