

108TH CONGRESS
1ST SESSION

S. 32

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

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2003

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

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

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

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

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

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

20 (6) of the timberland in National Forests in the
21 States of Arizona and New Mexico, 59 percent of
22 such land in Arizona, and 56 percent of such land
23 in New Mexico, has an average diameter of 9 to 12
24 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 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 wildfire 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; and

22 (C) concerned citizens.

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

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

4 (5) LAND MANAGER.—

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

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

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

14 (A) the original condition of the ecosystem
15 or habitat; or

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

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

22 (8) SECRETARIES.—The term “Secretaries”
23 means—

24 (A) the Secretary of Agriculture, acting
25 through the Chief of the Forest Service; and

1 (B) the Secretary of the Interior.

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

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

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

8 (1) not later than 180 days after the date of
9 enactment of this Act, establish 3 Institutes to pro-
10 mote the use of adaptive ecosystem management to
11 reduce the risk of wildfires, and improve the health
12 of forest and woodland ecosystems, in the interior
13 West; and

14 (2) provide assistance to the Institutes to pro-
15 mote the use of adaptive ecosystem management in
16 accordance with paragraph (1).

17 (b) LOCATION.—

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

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

1 (A) the State of Arizona, to be located at
2 Northern Arizona University;

3 (B) the State of New Mexico; and

4 (C) the State of Colorado.

5 (c) DUTIES.—Each Institute shall—

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

11 (A) research that assists in providing in-
12 formation on the use of adaptive ecosystem
13 management practices to affected entities; and

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

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

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

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

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

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

8 (A) ecological restoration;

9 (B) wildfire risk reduction; and

10 (C) wildfire management technologies;

11 (5) notwithstanding chapter 63 of title 31,
12 United States Code, may—

13 (A) enter into contracts, cooperative agree-
14 ments, interagency personal agreements to
15 carry out this Act; and

16 (B) carry out other transactions under this
17 Act;

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

21 (7) may support a program of internships for
22 qualified individuals at the undergraduate and grad-
23 uate levels to carry out the educational and training
24 objectives of this Act;

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

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

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

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

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

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

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

1 the qualifications of the Institute are reestablished to the
2 satisfaction of the Secretaries.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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