Katherine Haase

From: Felmlee, Brenda <Brenda.Felmlee@mail.house.gov>
Sent: Friday, February 20, 2015 10:20 AM
To: Katherine Haase
Subject: FW: Letter of Support
Attachments: Healthy Forest 2015 114th.pdf; Gunnison support ltr 2012.pdf

Good Morning Katherine,

Congressman Tipton re introduced the Healthy Forest Management Act of 2015 to the Natural Resources Committee and we are asking for another letter of support. I've attached the bill which hasn't had a number assigned to it yet so that will not need to be referenced in the letter. I've also included a letter of support from 2012. Details include:

The bill passed through the House of Representatives twice in the 113th Congress as part of former Natural Resources Committee Chairman Doc Hastings's Restoring Healthy Forests for Healthy Communities Act (H.R. 1526) and the Jobs for America Act (H.R. 4).

The Healthy Forest Management Act 2015:

- Declares the bark beetle epidemic, drought, deteriorating forest health conditions on National Forest System land and lands under the jurisdiction of the Bureau of Land Management, with the resulting risk of devastating wildfires, as an imminent threat.
- Gives governors the authority to designate high-risk areas within the National Forest System and lands under the jurisdiction of the Bureau of Land Management.
- Requires that governors consult with county commissioners from affected counties and affected tribes in designating high-risk areas.
- Allows the Secretaries of Interior and Agriculture, working in consultation with governors, county commissioners from affected countries, and affected tribes to designate high-risk areas on lands under their jurisdiction.
- Gives states the authority to provide for the development of proposed emergency hazardous fuels reduction projects for high-risk areas.
- Allows the Secretaries of the Interior and Agriculture to provide for the development of proposed emergency hazardous fuels reduction projects for high-risk areas in consultation with states.
- Applies expedited procedures and authorities under the Healthy Forests Restoration Act of 2003 to emergency hazardous fuels reduction projects in designated high-risk areas.
- Extends stewardship contracting to 20 years.
- Provides expedited approval procedures for projects carried out in response to hazardous fuels in close proximity to utility or telephone infrastructure, campgrounds, roadsides, heritage sites, recreation areas, schools and other infrastructure.
- Excludes Wilderness Areas and National Monuments and protects all valid and existing rights on applicable lands

If you could share this with the commissioners and we can discuss it on Tuesday that would be great!
Please feel free to contact me if you have any questions.

Best,

Brenda Felmlee
SLV Regional Field Representative

Rep. Scott Tipton, CO-3

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[*113H818]

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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To address the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires on National Forest System land and land under the jurisdiction of the Bureau of Land Management by expanding authorities established in the Healthy Forest Restoration Act of 2003 to provide emergency measures for high-risk areas identified by such States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TIPTON introduced the following bill; which was referred to the Committee on _____

A BILL

To address the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires on National Forest System land and land under the jurisdiction of the Bureau of Land Management by expanding authorities established in the Healthy Forest Restoration Act of 2003 to provide emergency measures for high-risk areas identified by such States, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Healthy Forest Management and Wildfire Prevention Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Congressional declaration of bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires in States as imminent threat.
Sec. 4. State designation of high-risk areas of National Forest System and public lands.
Sec. 5. Designation of high-risk areas by the Secretary concerned.
Sec. 6. Use of emergency hazardous fuels reduction projects for high-risk areas.
Sec. 7. Applicability of expedited procedures and authorities of Healthy Forests Restoration Act of 2003 to emergency hazardous fuels reduction projects.
Sec. 8. Authorized duration of stewardship end result contracting project contracts.

SEC. 2. DEFINITIONS.

In this Act:

(1) EMERGENCY HAZARDOUS FUELS REDUCTION PROJECT.—The term ''emergency hazardous fuels reduction project'' means a project or activity carried out in a high-risk area to address the bark beetle epidemic, drought, or deteriorating forest health conditions and the resulting imminent risk of devastating wildfires.

(2) HIGH-RISK AREA.—The term ''high-risk area'' means an area of National Forest System land or public lands identified under section 4 as an area suffering from the bark beetle epidemic,

drought, or deteriorating forest health conditions, with the resulting imminent risk of devastating wildfires, or otherwise at high risk for bark beetle infestation, drought, or wildfire.

(3) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(4) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, with respect to the National Forest System; and

(B) the Secretary of the Interior, with respect to public lands.

(6) The term ''State'' means any of the several States containing National Forest System land or public lands. The term includes the Commonwealth of Puerto Rico.

SEC. 3. CONGRESSIONAL DECLARATION OF BARK BEETLE EPIDEMIC, DROUGHT, DETERIORATING FOREST HEALTH CONDITIONS, AND HIGH RISK OF WILDFIRES IN STATES AS IMMINENT THREAT.

Congress hereby declares that the bark beetle epidemic, drought, and deteriorating forest health conditions on National Forest System land and public lands in the States, with the resulting imminent risk of devastating wildfires that pose a significant threat to the economic stability of communities in the affected areas and the health, safety, and well-being of residents, firefighters, and visitors to the areas, is an ''imminent threat'' within the meaning of section 294.12(b)(1) of title 36, Code of Federal Regulations (2002 Edition) and any existing or pending roadless area management rule applicable to a State.

SEC. 4. STATE DESIGNATION OF HIGH-RISK AREAS OF NATIONAL FOREST SYSTEM AND PUBLIC LANDS.

(a) DESIGNATION AUTHORITY.—The Governor of a State may designate high-risk areas of the National Forest System and public lands in the State for the purposes of addressing—

(1) deteriorating forest health conditions in existence as of the date of the enactment of this Act due to the bark beetle epidemic or drought, with the resulting imminent risk of devastating wildfires; and

(2) the future risk of insect infestations or disease outbreaks through preventative treatments to improve forest health conditions.

(b) CONSULTATION.—In designating high-risk areas, the Governor of a State shall consult with county government from affected counties and with affected Indian tribes.

(c) EXCLUSION OF CERTAIN AREAS.—The following National Forest System land or public lands may not be designated as a high-risk area:

(1) A component of the National Wilderness Preservation System.

(2) A National Monument.

(d) STANDARDS FOR DESIGNATION.—Designation of high-risk areas shall be consistent with standards and guidelines contained in the land and resource management plan or land use plan for the unit of the National Forest System or public lands for which the designation is being made, except that the Secretary concerned may modify such standards and guidelines to correspond with a specific high-risk area designation.

(e) TIME FOR INITIAL DESIGNATIONS.—The first high-risk areas should be designated not later than 60 days after the date of the enactment of this Act but may be designated at any time consistent with subsection (a).

(f) DURATION OF DESIGNATION.—The designation of a high-risk area in a State shall expire 20 years after the date of the designation, unless earlier terminated by the Governor of the State.

(g) REDESIGNATION.—The expiration of the 20-year period specified in subsection (f) does not prohibit the Governor from redesignating an area of the National Forest System land or public lands as a high-risk area under this section if the Governor determines that the area of National Forest System land or public lands continues to be subject to the terms of this section.

(h) RECOGNITION OF VALID AND EXISTING RIGHTS.—The designation of a high-risk area shall not be construed to limit or restrict—

(1) access to National Forest System land or public lands included in the area for hunting, fishing, and other related purposes; or

(2) valid and existing rights regarding the National Forest System land or public lands.

SEC. 5. DESIGNATION OF HIGH-RISK AREAS BY THE SECRETARY CONCERNED.

(a) DESIGNATION AUTHORITY.—The Secretary concerned may designate high-risk areas of the National Forest System and the public lands for the purposes of addressing—

(1) deteriorating forest health conditions in existence as of the date of the enactment of this Act due to the bark beetle epidemic or drought, with the resulting imminent risk of devastating wildfires; and

(2) the future risk of insect infestations or disease outbreaks through preventative treatments to improve forest health conditions.

(b) CONSULTATION.—In designating high-risk areas, the Secretary concerned shall consult with Governors of affected States, county government from affected counties, and with affected Indian tribes.

(c) EXCLUSION OF CERTAIN AREAS.—The following National Forest System land or public lands may not be designated as a high-risk area:

(1) A component of the National Wilderness Preservation System.

(2) A National Monument.

(d) STANDARDS FOR DESIGNATION.—Designation of high risk areas shall be consistent with standards and guidelines contained in the land and resource management plan or land use plan for the unit of the National Forest System or public lands for which the designation is being made, except that the Secretary concerned may modify such standards and guidelines to correspond with a specific high-risk area designation.

(e) TIME FOR INITIAL DESIGNATIONS.—The first high-risk areas should be designated not later than 60 days after the date of the enactment of this Act but may be designated at any time consistent with subsection (a).

(f) DURATION OF DESIGNATION.—The designation of a high-risk area in a State shall expire 20 years after the date of the designation, unless earlier terminated by the Secretary concerned.

(g) REDESIGNATION.—The expiration of the 20-year period specified in subsection (f) does not prohibit the Secretary concerned from redesignating an area of the National Forest System or public lands as a high-risk area if the Secretary determines that the National Forest System land or public lands continues to be subject to the terms of this section, except that such redesignation is subject to consultation with Governors from affected States, county government from affected counties, and affected Indian tribes.

(h) RECOGNITION OF VALID AND EXISTING RIGHTS.—The designation of a high-risk area shall not be construed to limit or restrict—

(1) access to National Forest System land or public lands included in the area for hunting, fishing, and other related purposes; or

(2) valid and existing rights regarding the National Forest System land or public lands.

SEC. 6. USE OF EMERGENCY HAZARDOUS FUELS REDUCTION PROJECTS FOR HIGH-RISK AREAS.

(a) PROJECT PROPOSALS.—

(1) PROPOSALS AUTHORIZED.—Upon designation of a high-risk area in a State, the Governor of the State may provide for the development of proposed emergency hazardous fuels reduction projects for the high-risk area. The Secretary concerned also may develop emergency hazardous fuels reduction projects.

(2) PROJECT CRITERIA.—In preparing proposed emergency hazardous fuels reduction projects, the Governor of a State and the Secretary concerned shall—

(A) take into account managing for rights of way, protection of watersheds, protection of wildlife and endangered species habitat, safeguarding water resources, and protecting local communities from wildfires; and

(B) emphasize activities that thin the forest to provide the greatest health and longevity of the forest.

(b) CONSULTATION.—In preparing proposed emergency hazardous fuels reduction projects, the Governor of a State shall consult with county government from affected counties, and with affected Indian tribes. If the Secretary concerned develops a proposal, the Secretary concerned shall consult with the Governor of the affected State, county government from affected counties, and affected Indian tribes.

(c) SUBMISSION AND IMPLEMENTATION.—The Governor of a State shall submit proposed emergency hazardous fuels reduction projects to the Secretary concerned for implementation.

(d) IMPLEMENTATION OF PROJECTS.—

(1) STATE PROPOSED PROJECTS.—The Secretary concerned shall implement hazardous fuels reduction projects proposed by Governors within 60 days of the date on which the Secretary receives the proposal.

(2) SECRETARY PROPOSED PROJECTS.—The Secretary concerned shall implement hazardous fuels reduction projects proposed by the Secretary concerned within 60 days of the date on which the proposal is finalized.

SEC. 7. APPLICABILITY OF EXPEDITED PROCEDURES AND AUTHORITIES OF HEALTHY FORESTS RESTORATION ACT OF 2003 TO EMERGENCY HAZARDOUS FUELS REDUCTION PROJECTS.

(a) APPLICABILITY.—Subject to subsections (b) through (e), title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 et seq.) (including the environmental analysis requirements of section 104 of that Act (16 U.S.C. 6514), the special administrative review process under section 105 of that Act (16 U.S.C. 6515), and the judicial review process under section 106 of that Act (16 U.S.C. 6516)), shall apply to all emergency hazardous fuels reduction projects developed under section 6.

(b) REQUIRED MODIFICATIONS.—In applying title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 et seq.) to emergency hazardous fuels reduction projects, the Secretary concerned shall make the following modifications:

(1) The authority shall apply to the entire high-risk area, including land that is outside of a wildland-urban interface area or that does not satisfy any of the other eligibility criteria specified in section 102(a) of that Act (16 U.S.C. 6512(a)).

(2) All projects and activities of the Secretary concerned, including necessary connected actions (as described in section 1508.25(a)(1) of title 40, Code

of Federal Regulations), of the emergency hazardous fuels reduction project shall be deemed to be an authorized hazardous fuel reduction project for purposes of applying the title.

(3) The Secretary is not required to study, develop, or describe more than the proposed agency action and a no-action alternative in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for an emergency hazardous fuels reduction project, except that, if an at-risk community has adopted a community wildfire protection plan (as defined in section 101(3) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511(3))) that includes the land covered by the proposed agency action, but the proposed agency action does not implement the recommendations in the plan regarding the general location and basic method of treatments, the Secretary shall evaluate the recommendations in the plan as an additional alternative to the proposed agency action.

(c) FOREST MANAGEMENT PLANS.—All projects and activities carried out as part of an emergency hazardous fuels reduction project in a designated high-risk area shall

be consistent with standards and guidelines contained in the land and resource management plan or land use plan for the unit of the National Forest System or public lands for which the designation is made, except that the Secretary concerned may modify such standards and guidelines to correspond with a specific high-risk area designation.

(d) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any project or activity to be carried out as part of an emergency hazardous fuels reduction project in a high-risk area shall not be delegated to a State forester or any other officer or employee of the State in which the emergency hazardous fuels reduction project will be carried out.

(e) CATEGORICAL EXCLUSION.—If a project or activity to be carried out as part of an emergency hazardous fuels reduction project in a high-risk area involves the removal of insect-infected trees or other hazardous fuels within 500 feet of utility or telephone infrastructure, campgrounds, roadsides, heritage sites, recreation sites, schools, or other infrastructure, the project or activity is categorically excluded from the requirement to prepare an environmental assessment or an environmental impact

statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) so long as the project or activity is otherwise conducted consistently with agency and departmental procedures and the applicable land and resource management plan or land use plan.

SEC. 8. AUTHORIZED DURATION OF STEWARDSHIP END RESULT CONTRACTING PROJECT CONTRACTS.

Section 604(d)(3)(B) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended by striking ''10 years'' and inserting ''20 years''.

Gunnison County
COLORADO

Gunnison County Board of County Commissioners
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July 18, 2012

The Honorable Rob Bishop, Chairman
The Honorable Raúl Grijalva, Ranking Member
House Subcommittee on National Parks, Forests and Public Lands
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Bishop and Ranking Member Grijalva:

The Board of County Commissioners of Gunnison County Colorado understands that the House Subcommittee on National Parks, Forests and Public Lands will be considering HR 6089, the Healthy Forest Management Act of 2012. Gunnison County is a western Colorado county with significant national forest lands, and as such, we would like to add our support for this resolution.

Though we have largely avoided the insect infestation that plagues many Colorado counties, we are suffering from a severe drought this year and are concerned about the prospect of large, intensive and destructive wildfires. We view forest health as a proactive measure for wildfire mitigation and believe that HR 6089 contains provisions that will take needed steps to address this issue.

Another feature of the bill is that it not only recognizes the authority of the Departments of Interior and Agriculture, but that it also provides for strong collaboration with state and local governments. In particular, HR 6089 allows flexibility for local governments to initiate forest health mitigation measures.

In Gunnison County we have several examples of local fuel providers, particularly in regards to woody biomass, who have been thwarted in their businesses by the time limits on stewardship contracts. Extending the stewardship timeframe to up to twenty years, as HR 6089 does, is of special interest to us.

We appreciate your and your subcommittee's work on these vital issues and thank you for providing state and local governments more tools to help protect our public lands and forest health.

Sincerely,

Hap Channell, Chairperson | Paula Swenson, Commissioner | Phil Chamberland, Commissioner

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