

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

June 13, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff — Brent Blevins
Subcommittee on Federal Lands (x6-7736)

Mark-Up: H.R. 3650 (Rep. Don Young), To authorize States to select and acquire certain National Forest System lands to be managed and operated by the State for timber production and other purposes under the laws of the State, and for other purposes.
June 14 & 15, 2016 in 1324 Longworth HOB

H.R. 3650 (Rep. Don Young), “*State National Forest Management Act of 2015*”

Summary of the Bill

H.R. 3650, introduced by Rep. Don Young (R-AK) would direct the Department of Agriculture, through the Forest Service, to convey to a state up to 2 million acres of eligible portions of the National Forest System within its boundaries that it elects to acquire through legislation by the state legislature meeting certain criteria. The portions of land conveyed to a state shall be administered and managed primarily for timber production.

Cosponsors

N/A

Background

The four federal land management agencies (Forest Service, Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service) manage over 600 million acres of land, or nearly *one-third* of the total area of the United States. The Forest Service alone manages 193 million acres, covering eight percent of the land area of the United States. The United States is covered by 766.2 million acres of forestland. Of that total, 321.2 million acres (42%) are managed by federal, state, or local governments, and the remaining 445.1 million acres (58%) are managed by private landowners, including Indian tribes.¹ These forests are responsible for a variety of natural resources, including timber, energy, wildlife habitat, watershed health, and recreation.

¹ http://www.srs.fs.usda.gov/pubs/gtr/gtr_wo091.pdf

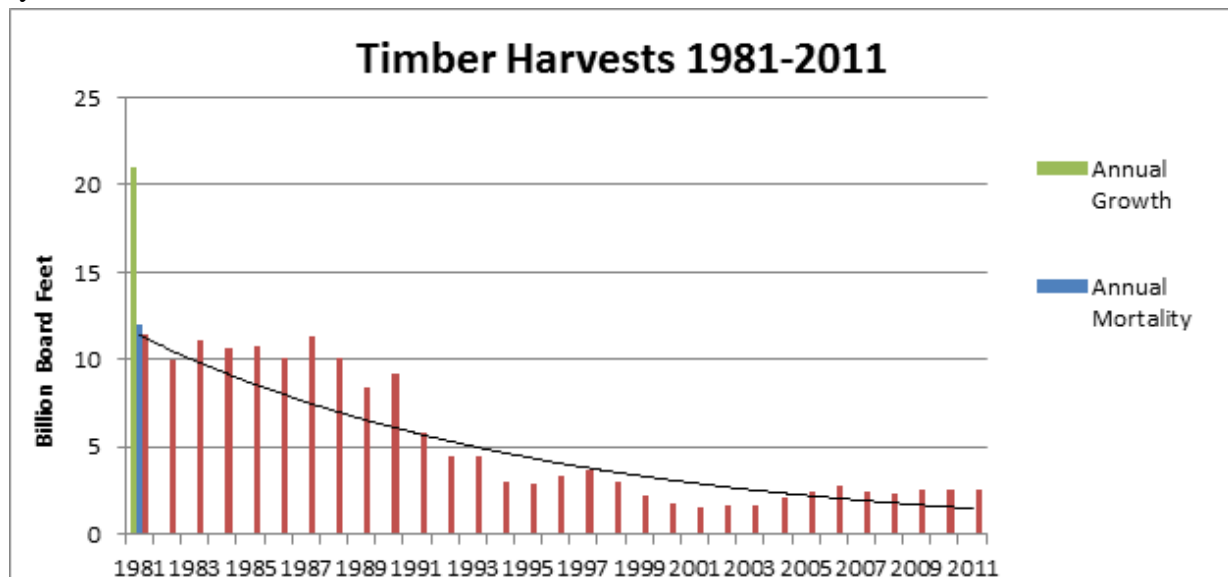
Wildfire/Insect and Disease

Many states, particularly in the West, have land ownership intermingled between federal, state, tribal, and private ownership. Failure to properly manage land under federal management can result in the quick spread of insect and disease as well as the spread of fire onto adjoining non-federal lands. Over the past 10 years, there has been an average of 73,277 fires burning an **average of 6,991,668 acres** per year.² More than 60% of fires begin on state, private, and tribal lands, but these fires tend to be more contained in nature and consume fewer acres than the fires which begin on federal land.

The 2015 fire season was the worst on record. More than 10.1 million acres of land burned across the country. These fires resulted in the destruction of more than 4,500 homes and other structures while claiming the lives of 20 wildland firefighters.³

Economic Impacts

Earlier this Congress, the subcommittee heard testimony about the effects of declining timber production on rural communities. Despite the fact that national forests are currently adding volume at a net rate of 33% annually, timber harvests have **declined over 80%** over the last thirty years (See Figure 2). Current harvest levels only remove about 10% of annual growth, and 16% of annual mortality. In 2011, total standing timber volume across the National Forest System was **1.4 trillion** board feet – 700 times the actual federal harvest levels.⁴



² <https://www.nifc.gov/fireInfo/nfn.htm>

³ <http://www.usda.gov/wps/portal/usda/usdahome?contentid=2016/01/0006.xml&contentidonly=true>

⁴ Forest Service, FY1905-2011 National Summary Cut and Sold Data: http://www.fs.fed.us/forestmanagement/documents/sold-harvest/documents/1905-2011_Natl_Summary_Graph.pdf

Many sawmills have closed in western states due to a lack of timber production off of National Forest System land and constant fear of litigation. Beginning in the early 1990's, administrative appeals and litigation slowed Forest Service decision-making, increased timber program unit costs and reduced contract outputs (smaller, less economically viable contracts). Since 1990, more than 400 timber mills have closed and more than 35,000 workers have lost their jobs nationwide.⁵

Major Provisions/Analysis of H.R. 3650

Section 1 – Short Title

Section 2 – Definitions

Section 3 – Outlines process by which states select portions of National Forest System land to purchase.

Section 4 – Outlines obligations of federal government during transition of land from federal to state control, including

- Forest Service employees receive preference during the hiring process
- Lands remain under federal control until fully transferred to the state
- Funds from National Forest System land selected by the state will be held in escrow and transferred to the state upon final transfer.

Section 5 – Transition provisions outside the transition period

- Specifies that land selected by states should be managed for timber production.
- Any mining claims on lands selected by the state are subject to 1872 mining law, but the law will be administered by the state rather than the federal government. Any mining claims filed after transfer of lands will be subject to state laws.
- State shall receive any permitting fees after the transfer date. The federal government remains responsible for any claims filed while they managed the land.

Section 6 – Miscellaneous duties of parties and other provisions relating to the transfer.

- The Secretary is responsible for the determination of any hazardous material cleanup necessary and any other assigned responsibilities under current law.

⁵ Steve Brink and Tom Troxel, *Is Federal Timber Still In Demand*, Federal Forest Resources Coalition, <http://www.foresthealth.org/pdf/Federal%20Timber%20Demand%20Feb%202011.pdf> (February 19, 2011)

- Judicial review of land transfers is prohibited unless allowed under the Constitution, authorized under the act, or initiated by the state
- Specifies no rulemaking is necessary to implement this bill
- All lands transferred under this bill will be subject to a survey

Administration Position

The Administration testified at a Federal Lands Subcommittee hearing about H.R. 3650 on February 25, 2016⁶. The Administration expressed opposition to the bill.

Anticipated Amendments

- Rep. Young – Amendment would require the Forest Service to conduct an inventory of the young-growth timber in the Tongass National Forest before the agency is allowed to make any amendments to the Forest Plan.

⁶ http://naturalresources.house.gov/uploadedfiles/testimony_casamassa.pdf