

AMENDING THE HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST
RECOVERY ACT TO EXTEND AND EXPAND THE SCOPE OF THE PILOT
FOREST MANAGEMENT PROJECT REQUIRED BY THAT ACT

—————
JUNE 15, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3685]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3685) to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. REAUTHORIZATION OF HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST RECOVERY ACT.

(a) EXTENSION.—Subsection (g) of the Herger-Feinstein Quincy Library Group Forest Recovery Act (title IV of the Department of the Interior and Related Agencies Appropriations Act, 1999, as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note) is amended to read as follows:

“(g) TERM OF PILOT PROJECT.—

“(1) IN GENERAL.—The Secretary shall conduct the pilot project until the earlier of the following:

“(A) September 30, 2022.

“(B) The date on which the Secretary completes amendment or revision of the land and resource management plans for the National Forest System lands included in the pilot project area.

“(2) FOREST PLAN AMENDMENTS.—When the Regional Forester for Region 5 initiates the process to amend or revise the land and resource management plans for the pilot project area, the process shall include preparation of at least one alternative that incorporates the pilot project and area designations under subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal.”.

(b) EXPANSION OF PILOT PROJECT AREA.—Subsection (b) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended by adding at the end the following new paragraph:

“(3) EXPANSION OF PILOT PROJECT AREA.—The Secretary may expand the pilot project area to include all National Forest System lands within California or Nevada that lie within the Sierra Nevada and Cascade Province, Lake Tahoe Basin Management Unit, Humboldt-Toiyabe National Forest, and Inyo National Forest. These lands may be managed using the same strategy, guidelines and resource management activities outlined in this section or developed to meet local forest and community needs and conditions.”

(c) ROADLESS AREA PROTECTION.—Subsection (c)(4) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended by adding at the end the following new sentence: “However, those areas designated as ‘Deferred’ on the map, but located in Tehama County, south and west of Lassen Peak, are deemed to be designated as ‘Available for Group Selection’ and shall be managed accordingly under subsection (d).”

(d) GROUP SELECTION REQUIREMENT.—Subparagraph (A) of subsection (d)(2) of the Herger-Feinstein Quincy Library Group Forest Recovery Act is amended to read as follows:

“(A) GROUP SELECTION.—After September 30, 2012, group selection on an average acreage of .57 percent of the pilot project area land shall occur each year of the pilot project.”

PURPOSE OF THE BILL

The purpose of H.R. 3685, as ordered reported, is to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act.

BACKGROUND AND NEED FOR LEGISLATION

The Herger-Feinstein Quincy Library Group Forest Recovery Act (HFQLG) passed the U.S. House of Representatives by a vote of 429 to 1 on July 9, 1997, and was signed into law as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 on October 21, 1998. It authorized forest management activities on the Plumas and Lassen National Forests, as well as the Sierraville Ranger District of the Tahoe National Forest. The Act came about as a result of a locally-driven effort by community leaders, industry and local environmentalists (named the “Quincy Library Group” because of their meetings in the Quincy, California, library) to address the declining forest health and rural economies in Northern California after the listing of the Northern Spotted Owl under the Endangered Species Act.

Total annual management was limited to 70,000 acres (across the 1.5 million acre project area) as a five-year pilot project. Unfortunately, the U.S. Forest Service has been unable to undertake much of the required management activities due to appeals and litigation (over 150 lawsuits since 2000). However, monitoring of the pilot project area already shows that treated units have significantly reduced fire behavior and environmental impacts from fire compared to untreated areas, while producing merchantable forest material. In addition, the Final Environmental Impact Statement for the pilot project estimated that full implementation would have resulted in \$20.8 million in Forest Reserve Revenues, 2,965 jobs, and a total economic multiplier worth \$2.1 billion. For these reasons, the HFQLG has been extended twice: in 2003 and again in 2008. The most recent reauthorization expires September 30, 2012. H.R. 3685 would extend the HFQLG authority through 2022 to allow for its full implementation. The legislation would also author-

ize U.S. Forest Service land managers, at their discretion, to replicate HFLQG management activities throughout the Sierra-Cascade province and Western Nevada.

COMMITTEE ACTION

H.R. 3685 was introduced on December 15, 2011, by Congressman Wally Herger (R-CA). The bill was referred primarily to the Committee on Natural Resources, and in addition to the Committee on Agriculture. Within the Committee on Natural Resources, the bill was referred to the Subcommittee on National Parks, Forests and Public Lands. On February 3, 2012, the Subcommittee held a hearing on the bill. On June 7, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated #1; the amendment was adopted by voice vote. Congressman John Garamendi (D-CA) offered amendment designated .AM1 to the bill; the amendment was not adopted by voice vote. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 21-16, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: June 7, 2012

Recorded Vote #: 1

Meeting on / Amendment: **H.R. 3685** – Adopted and favorably reported to the House of Representatives, as amended, by a roll call vote of 21 yeas and 16 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			<i>Mr. Heinrich, NM</i>		X	
<i>Mr. Markey, MA Ranking</i>		X		Mr. Benishek, MI	X		
Mr. Young, AK				<i>Mr. Lujan, NM</i>		X	
<i>Mr. Kildee, MI</i>		X		Mr. Rivera, FL	X		
Mr. Duncan of TN				<i>Ms. Sutton, OH</i>		X	
<i>Mr. Defazio, OR</i>		X		Mr. Duncan of SC	X		
Mr. Gohmert, TX				<i>Ms. Tsongas, MA</i>		X	
<i>Mr. Faleomavaega, AS</i>		X		Mr. Tipton, CO	X		
Mr. Bishop, UT	X			<i>Mr. Pierluisi, PR</i>		X	
<i>Mr. Pallone, NJ</i>		X		Mr. Gosar, AZ	X		
Mr. Lamborn, CO	X			<i>Mr. Garamendi, CA</i>			
<i>Mrs. Napolitano, CA</i>		X		Mr. Labrador, ID	X		
Mr. Wittman, VA	X			<i>Ms. Hanabusa, HI</i>		X	
<i>Mr. Holt, NJ</i>		X		Ms. Noem, SD			
Mr. Broun, GA	X			<i>Mr. Tonko, NY</i>		X	
<i>Mr. Grijalva, AZ</i>		X		Mr. Southerland, FL	X		
Mr. Fleming, LA	X			Mr. Flores, TX	X		
<i>Ms. Bordallo, GU</i>		X		Mr. Harris, MD			
Mr. Coffman, CO	X			Mr. Landry, LA			
<i>Mr. Costa, CA</i>	X			Mr. Runyan, NJ	X		
Mr. McClintock, CA	X			Mr. Johnson, OH			
<i>Mr. Boren, OK</i>				Mr. Amodei, NV	X		
Mr. Thompson, PA	X						
<i>Mr. Sablan, CNMI</i>							
Mr. Denham, CA	X						
				TOTALS	21	16	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3685—A bill to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that act

Summary: H.R. 3685 would reauthorize the Herger-Feinstein Quincy Library Group Forest Recovery Act through 2022. That act established a pilot project to manage lands within the Plumas, Lassen, and Tahoe National Forests in accordance with a forest management program developed by the Quincy Library Group. The bill would authorize the Secretary of Agriculture to expand that pilot program to several other national forests.

Based on information provided by the Forest Service CBO estimates that implementing the legislation would cost \$60 million over the 2013–2017 period, assuming appropriation of the necessary amounts. Implementing H.R. 3685 could affect offsetting receipts (a credit against direct spending); however, any increase in receipts, which CBO estimates could total a few million dollars annually, would be contingent on future appropriations and not directly attributable to this bill. Enacting the bill would not—by itself—affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 3685 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3685 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION ¹						
Estimated Authorization Level	14	14	14	14	14	70
Estimated Outlays	7	11	14	14	14	60

¹ Implementing H.R. 3685 could affect offsetting receipts (a credit against direct spending); however, any increase in receipts, which CBO estimates could total a few million dollars annually, would be contingent on future appropriations and not directly attributable to this bill.

Basis of estimate: For this estimate, CBO assumes that H.R. 3685 will be enacted by the end of 2012 and that the necessary amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar Forest Service activities.

H.R. 3685 would reauthorize the pilot project established under the Herger-Feinstein Quincy Library Group Forest Recovery Act. That pilot project requires the Forest Service to implement specified forest management activities, including thinning the forests through individual tree selection (removing selected trees from dense forests) and conducting group selection (clearing areas within forests ranging from 0.5 to 2 acres) within the Plumas, Lassen, and Tahoe National Forests. Under the pilot project, the agency is required to meet specified acreage targets in carrying out those activities. Over the past five years, the Forest Service has spent about \$25 million a year to carry out those activities at the specified levels.

The bill would require the Secretary of Agriculture to continue the pilot project in the areas designated under the original Herger-Feinstein legislation. Based on information provided by the Forest Service, CBO estimates that the costs of managing lands within the project area has exceeded the cost of managing lands outside that area by about \$9 per acre. Thus, CBO estimates that continuing the project within the existing 1.5-million-acre project area would cost \$60 million over the 2013–2017 period, assuming appropriation of the necessary amounts.

The bill also would authorize but not require the Secretary to expand the pilot project area to include an additional 12.5 million acres of national forest land in California and Nevada. Under current law, the Forest Service has discretion to use the forest management methods required under the pilot project on lands outside of the designated project area. Because the acreage targets required under the pilot project would reduce the agency's flexibility in managing the national forests, CBO expects that the Secretary would not expand the designated project area; however, CBO estimates that, if the Secretary elected to expand the project area, the costs of carrying out the activities required under the bill would total up to \$126 million a year over the 2013–2017 period, depending on the number of acres added to the project area and assuming appropriation of the necessary amounts.

CBO expects that carrying out the activities required under the pilot project could increase the volume of timber produced within the project area relative to that expected under current law. As a result, implementing H.R. 3685 could increase offsetting receipts (a credit against direct spending) if sufficient funds are appropriated to manage the pilot project. Because most of the proceeds from additional timber sales would be used to make mandatory payments

to states and for other purposes, CBO estimates that any net increase in receipts would be no more than a few million dollars a year.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 3685 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Forest Service, CBO estimates that implementing the legislation would cost \$60 million over the 2013–2017 period, assuming appropriation of the necessary amounts. Implementing H.R. 3685 could affect offsetting receipts (a credit against direct spending); however, any increase in receipts, which CBO estimates could total a few million dollars annually, would be contingent on future appropriations and not directly attributable to this bill. Enacting the bill would not—by itself—affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

**HERGER-FEINSTEIN QUINCY LIBRARY GROUP FOREST
RECOVERY ACT**

* * * * *

SEC. 401. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) * * *

(b) PILOT PROJECT REQUIRED.—

(1) * * *

* * * * *

(3) *EXPANSION OF PILOT PROJECT AREA.*—*The Secretary may expand the pilot project area to include all National Forest System lands within California or Nevada that lie within the Sierrita Nevada and Cascade Province, Lake Tahoe Basin Management Unit, Humboldt-Toiyabe National Forest, and Inyo National Forest. These lands may be managed using the same strategy, guidelines and resource management activities outlined in this section or developed to meet local forest and community needs and conditions.*

(c) EXCLUSION OF CERTAIN LANDS, RIPARIAN PROTECTION AND COMPLIANCE.—

(1) * * *

* * * * *

(4) ROADLESS AREA PROTECTION.—The Regional Forester for Region 5 shall direct that any resource management activity required by subsection (d)(1) and (2), all road building, all timber harvesting activities, and any riparian management under subsection (d)(4) that utilizes road construction or timber harvesting shall not be conducted on Federal lands within the Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest that are designated as either “Off Base” or “Deferred” on the map referred to in subsection (a). Such direction shall be effective during the term of the pilot project. *However, those areas designated as “Deferred” on the map, but located in Tehama County, south and west of Lassen Peak, are deemed to be designated as “Available for Group Selection” and shall be managed accordingly under subsection (d).*

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) * * *

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

[(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.]

(A) *GROUP SELECTION.*—After September 30, 2012, group selection on an average acreage of .57 percent of the pilot project area land shall occur each year of the pilot project.

* * * * *

[(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project until September 30, 2012.]

(g) *TERM OF PILOT PROJECT.*—

(1) *IN GENERAL.*—The Secretary shall conduct the pilot project until the earlier of the following:

(A) September 30, 2022.

(B) The date on which the Secretary completes amendment or revision of the land and resource management plans for the National Forest System lands included in the pilot project area.

(2) *FOREST PLAN AMENDMENTS.*—When the Regional Forester for Region 5 initiates the process to amend or revise the land and resource management plans for the pilot project area, the process shall include preparation of at least one alternative that incorporates the pilot project and area designations under subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal.

* * * * *

DISSENTING VIEWS

Congress first authorized the Herger-Feinstein Quincy Library Group Forest Recovery Act in 1998. It was approved as a pilot project to determine if collaborative efforts would result in more efficient and effective forest management. Now, fifteen years later, the House is considering expanding and extending a program which has failed in the dual goals of building consensus and improving forest conditions. Meanwhile, there are other efforts in California and elsewhere, receiving a fraction of the funding, that are forging agreements that result in increased logging with common-sense environmental protections.

H.R. 3685 also eviscerates important environmental protections in the legislation that were integral to reaching enactment in 1998. Specifically, the bill allows increased logging in roadless areas and sets logging mandates. The Forest Service testified in opposition to these highly controversial changes.

During Committee consideration of the legislation, Congressman Garamendi offered an amendment to extend the existing pilot for another five years while allowing other successful collaborative efforts to be included in the framework. His efforts were rejected by the Majority.

While communities across the country are finding ways to work collaboratively towards better forest management, the Majority continues to push old, dysfunctional models. a. 3685 does not reflect the great work happening through the Collaborative Forest Landscape Restoration Program and instead diverts money from these more successful efforts by continuing a failed experiment.

EDWARD J. MARKEY.
RAÚL M. GRIJALVA.

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June 14, 2012

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The Honorable Doc Hastings
Chairman
Committee on Natural Resources
1324 Longworth HOB
Washington, D.C. 20515

Dear Chairman Hastings:


Thank you for the opportunity to review the text of H.R. 3685, to amend the Heger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act, for provisions that fall within the jurisdiction of this Committee. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 3685 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesies in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,


Frank D. Lucas
Chairman

cc: The Honorable John A. Boehner, Speaker
The Honorable Collin C. Peterson
The Honorable Edward J. Markey
Mr. Thomas J. Wickham, Parliamentarian

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 Washington, DC 20515

June 14, 2012

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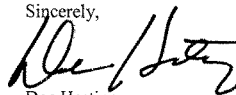
Dear Mr. Chairman:

Thank you for your letter regarding H.R. 3685, to amend the Herger-Feinstein Quincy Library Group Forest Recovery Act to extend and expand the scope of the pilot forest management project required by that Act. As you know, the Committee on Natural Resources ordered reported the bill by a bipartisan vote on June 7, 2012. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Agriculture will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 3685 at this time, the Committee on Agriculture does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,



Doc Hastings
 Chairman