

116TH CONGRESS  
1ST SESSION

# S. 1849

To provide flexibility and improve the effectiveness of the Four Forests  
Restoration Initiative in the State of Arizona.

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IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Ms. MCSALLY introduced the following bill; which was read twice and referred  
to the Committee on Energy and Natural Resources

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## A BILL

To provide flexibility and improve the effectiveness of the  
Four Forests Restoration Initiative in the State of Arizona.

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 “Accelerating Forest  
5       Restoration Act of 2019”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) there is an urgent need in the State of Ari-  
9       zona—

1 (A) to restore the ponderosa pine forest  
2 ecosystems;

3 (B) to reestablish beneficial natural fire re-  
4 gimes;

5 (C) to sustain native biological diversity;  
6 and

7 (D) to protect communities from unnatu-  
8 rally severe fires;

9 (2) the low and zero values of forest restoration  
10 byproducts undermine the success of establishing  
11 and maintaining a private sector wood industry;

12 (3) Forest Service appraisal, sale, and account-  
13 ability procedures for conventional timber production  
14 overemphasize capturing marginal wood value at the  
15 expense of accelerating treatments and private sector  
16 success;

17 (4) the economic and natural resource benefits  
18 of a restored acre, such as wildfire avoidance, water-  
19 shed protection, wildlife habitat, and recreational op-  
20 portunities, exceed the value of the wood removed  
21 and provide greater benefit to taxpayers;

22 (5) Forest Service analyses do not capture the  
23 low value of timber under 4FRI as a byproduct of  
24 restoration or reflect the cost of removal and trans-  
25 portation of that timber to available markets;

1           (6) landscape-scale forest restoration under  
2           4FRI can and should be accelerated in an economi-  
3           cally and socially viable manner that promotes eco-  
4           logical sustainability, forest resilience, and shared  
5           forest stewardship across multiple users of national  
6           forests; and

7           (7) progress under 4FRI has not kept pace  
8           with stated goals to partner with industry to me-  
9           chanically treat approximately 1,000,000 acres of  
10          ponderosa pine forests within 20 years.

11 **SEC. 3. DEFINITIONS.**

12          In this Act:

13           (1) 4FRI.—The term “4FRI” means the Four  
14          Forests Restoration Initiative under the Restoration  
15          Program, which—

16                  (A) aims to restore 2,400,000 acres of  
17                  ponderosa pine forests and associated eco-  
18                  systems in the State of Arizona through a com-  
19                  bination of mechanical thinning, prescribed  
20                  fires, and comprehensive restoration activities;

21                  (B) is a joint effort between the Restora-  
22                  tion Program administered by the Forest Serv-  
23                  ice and the Four Forests Restoration Initiative  
24                  Stakeholder Group; and

1           (C) takes place on portions of the  
 2           Coconino, Kaibab, Apache-Sitgreaves, and  
 3           Tonto national forests along the Mogollon Rim  
 4           in the State of Arizona.

5           (2) FOREST RESTORATION BYPRODUCT.—The  
 6           term “forest restoration byproduct” means a forest  
 7           product derived from active ecological restoration  
 8           through commercial timber sales and permits, stew-  
 9           ardship contracts, special forest product sales and  
 10          permits, and woody biomass utilization (as defined  
 11          in the implementation guidelines of the Restoration  
 12          Program).

13          (3) LOW-VALUE RESTORATION BYPRODUCT.—  
 14          The term “low-value restoration byproduct” means a  
 15          forest restoration byproduct the value of which is  
 16          not more than 25 percent of industry expectations  
 17          for high value restoration byproducts.

18          (4) NO-VALUE RESTORATION BYPRODUCT.—  
 19          The term “no-value restoration byproduct” means a  
 20          forest restoration byproduct that has zero or nega-  
 21          tive value after stumpage, harvest, processing, and  
 22          transport costs are deducted from the price charged  
 23          by a mill, power plant, or other processing facility to  
 24          sell that forest restoration byproduct.

1           (5) PARTNER.—The term “partner” means any  
 2           4FRI contractor or agent of a contractor that has  
 3           a contract or agreement with, or permit from, the  
 4           Forest Service to implement an approved project in  
 5           accordance with the Restoration Program.

6           (6) PROJECT.—The term “project” means an  
 7           activity conducted under any timber-related sale,  
 8           contract, or stewardship agreement—

9                   (A) to which the Forest Service is a party;  
 10           and

11                   (B) that implements an approved 4FRI  
 12           restoration treatment under a contract, agree-  
 13           ment, or permit that complies with the require-  
 14           ments of the Restoration Program.

15           (7) RESTORATION PROGRAM.—The term “Res-  
 16           toration Program” means the Collaborative Forest  
 17           Landscape Restoration Program established under  
 18           section 4003 of the Omnibus Public Land Manage-  
 19           ment Act of 2009 (16 U.S.C. 7303).

20           (8) SECRETARY.—The term “Secretary” means  
 21           the Secretary of Agriculture.

22   **SEC. 4. CLASSIFICATION OF RESTORATION BYPRODUCTS**  
 23           **AS LOW-VALUE OR NO-VALUE.**

24           The Secretary may designate as a low-value or no-  
 25           value restoration byproduct a forest restoration byproduct

1 that is not a low-value or no-value restoration byproduct  
 2 if that forest restoration byproduct was harvested—

3 (1) in a manner consistent with the require-  
 4 ments of the Restoration Program; and

5 (2) within any geographic area on which 4FRI  
 6 takes place.

7 **SEC. 5. EXCEPTION TO WHOLE LOG EXPORT LIMITATION**  
 8 **FOR PROJECT TIMBER.**

9 The Secretary shall revise section 223.162 of title 36,  
 10 Code of Federal Regulations, to permit unprocessed forest  
 11 restoration byproducts and low-value and no-value restora-  
 12 tion byproducts to be exported from the United States if  
 13 those byproducts were harvested—

14 (1) in a manner consistent with the require-  
 15 ments of the Restoration Program; and

16 (2) within any geographic area on which 4FRI  
 17 takes place.

18 **SEC. 6. EXEMPTION TO IDENTIFYING AND MARKING**  
 19 **PROJECT TIMBER.**

20 The Secretary shall revise section 223.195 of title 36,  
 21 Code of Federal Regulations, to exclude low-value or no-  
 22 value forest restoration byproducts from the requirement  
 23 to paint, brand, or hammerstamp timber under that sec-  
 24 tion if those byproducts were harvested—

1           (1) in a manner consistent with the require-  
2           ments of the Restoration Program; and

3           (2) within any geographic area on which 4FRI  
4           takes place.

5 **SEC. 7. TRANSPORTATION OF FOREST RESTORATION BY-**  
6 **PRODUCTS.**

7           (a) IN GENERAL.—The Secretary shall not require  
8           a partner to weigh a vehicle used for a project.

9           (b) AVERAGE TRUCK WEIGHT.—The Secretary may  
10          assign an average truck weight for a truck carrying forest  
11          restoration byproducts from a project using—

12               (1) existing load ticket data; and

13               (2) an average product weight that is mutually  
14          agreed on by the Forest Service and each partner  
15          for that project.

16          (c) MAXIMUM TRUCK WEIGHT.—Notwithstanding  
17          any other provision of law, on request of the Governor of  
18          Arizona, for a logging truck on a project—

19               (1) the Secretary shall increase the maximum  
20          truck weight limit on Forest Service roads and  
21          bridges to 91,800 pounds (or the multi-axle equiva-  
22          lent); and

23               (2) the Secretary of Transportation shall in-  
24          crease the maximum truck weight limit on any route

1 on the Interstate System in the State of Arizona to  
 2 91,800 pounds (or the multi-axle equivalent).

3 (d) WAIVER OF CLEANING AND INSPECTION RE-  
 4 QUIREMENTS.—At the request of a partner, the Secretary  
 5 shall waive any applicable cleaning or inspection require-  
 6 ment for any piece of equipment or any truck that—

7 (1) is used in harvesting under the project; and  
 8 (2) has passed at least 1 prior inspection.

9 **SEC. 8. ADJUSTMENT TO TIME-SINCE-CUT REQUIREMENTS.**

10 The Secretary shall allow forest restoration byprod-  
 11 ucts harvested under a project to remain at the project  
 12 site for not more than 120 days before removal by the  
 13 partner on that project.

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