

116TH CONGRESS
2D SESSION

S. 4603

To promote the use of forest restoration residue harvested on National Forest System land for renewable energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2020

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

A BILL

To promote the use of forest restoration residue harvested on National Forest System land for renewable energy, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Forest Health and Bio-
5 mass Energy Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the current forest health crisis is due in
9 part to overstocked forests that are unable to with-

1 stand the effects of a changing climate, drought, in-
2 sect outbreaks, and disease;

3 (2) removing small, dead, and dying trees as
4 part of an ecological restoration prescription im-
5 proves forest health and resilience and reduces the
6 risk of unnatural wildfire;

7 (3) in many regions of the United States, the
8 rate of harvesting dead and dying trees is not keep-
9 ing pace with mortality of those trees;

10 (4) there is an urgent need to establish industry
11 capacity in the removal of timber residue and bio-
12 mass material from small trees that are at high risk
13 of catastrophic wildfire;

14 (5) wood biomass energy is a renewable source
15 of energy that can generally reduce carbon emissions
16 and other pollutants from a wildfire, open-burning
17 fire, or prescribed fire, if biomass material is re-
18 moved from forest land that is at high risk of cata-
19 strophic wildfire;

20 (6) comprehensive data on the forest biomass
21 potential of fire-prone Federal land is needed from
22 the Department of Energy and the Department of
23 Agriculture;

24 (7) using forest thinning and slash as fuel for
25 biomass power plants reduces carbon impacts and

greatly reduces the emissions of carbon and other pollutants compared to wildfire, open-burning fire, and prescribed fire; and

(8) removing concentrations of dead and fire-prone trees reduces the risk to the public, firefighters, and private and public employees who work in forest land and of high-intensity burns once the trees begin to break and fall down.

SEC. 3. DEFINITION OF HIGH HAZARD AREA.

In this Act, the term “high hazard area” means—

(1) an area of Federal land or non-Federal land located in an area in which—

(A) a project is carried out under—

(i) the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303); or

(ii) a good neighbor agreement entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a); and

(B) drought, tree mortality, insect outbreaks, or disease pose an imminent wildfire

1 risk to a community, public infrastructure,
2 health, or safety; and

3 (2) any area of National Forest System land lo-
4 cated west of the 100th meridian.

5 **SEC. 4. DESIGNATION OF HIGH HAZARD AREAS.**

6 (a) IN GENERAL.—The Secretary of Agriculture
7 shall—

8 (1) as necessary, designate high hazard areas of
9 National Forest System land; and

10 (2) maintain on a website an updated list of
11 high hazard areas designated under paragraph (1).

12 (b) DURATION.—Land designated as a high hazard
13 area under subsection (a) shall retain that designation for
14 a period of not less than 15 years, unless the Secretary
15 of Agriculture, after consultation with the Governor of the
16 State in which the high hazard area is located, determines
17 that the designation is no longer warranted.

18 **SEC. 5. CLASSIFICATION OF TIMBER RESIDUE IN HIGH**
19 **HAZARD AREAS AS NO-VALUE.**

20 For the removal of timber located within a high haz-
21 ard area that is covered by the Collaborative Forest Land-
22 scape Restoration Program established under section 4003
23 of the Omnibus Public Land Management Act of 2009 (16
24 U.S.C. 7303) or a good neighbor agreement entered into
25 under section 8206 of the Agricultural Act of 2014 (16

1 U.S.C. 2113a), the Secretary of Agriculture shall not
 2 charge a stumpage rate or assign any value to—

3 (1) a tree that is—

4 (A) less than 12 inches in diameter at
 5 breast height; and

6 (B) cut to reduce a fire hazard and make
 7 stands more fire resilient;

8 (2) any forest processing residue or byproduct
 9 of forest restoration, such as the top or a branch of
 10 a tree harvested for higher-valued wood products; or

11 (3) a large dead tree that is not suitable for
 12 higher-valued wood products because of decay.

13 **SEC. 6. ASSESSMENT OF FEDERAL LAND FOR WOOD BIO-**
 14 **MASS ENERGY POTENTIAL.**

15 (a) ASSESSMENT.—

16 (1) IN GENERAL.—Not later than 1 year after
 17 the date of enactment of this Act, the Secretary of
 18 Energy (referred to in this section as the “Sec-
 19 retary”), in coordination with the Secretary of the
 20 Interior and the Secretary of Agriculture, shall
 21 produce a comprehensive assessment (referred to in
 22 this section as the “assessment”) of the potential to
 23 produce biomass energy from land under the admin-
 24 istrative jurisdiction of the Secretary of the Interior

1 and the Secretary of Agriculture, subject to para-
2 graph (2).

3 (2) EXEMPTED LAND.—The assessment shall
4 not apply to land—

5 (A) that is a component of the National
6 Wilderness Preservation System;

7 (B) on which the removal of vegetation is
8 prohibited or restricted by an Act of Congress
9 or a Presidential proclamation; or

10 (C) that is a wilderness study area.

11 (b) SUPPLY INVENTORY.—

12 (1) IN GENERAL.—The assessment shall include
13 an inventory of forest biomass supplies located on
14 Federal land that are suitable for energy use.

15 (2) CLASSIFICATION.—The supply inventory de-
16 scribed in paragraph (1) shall distinguish between
17 forest biomass supplies that—

18 (A) are live trees;

19 (B) are dead or salvage trees;

20 (C) are prone to drought, insect outbreak,
21 or disease;

22 (D) are mill residue; and

23 (E) may potentially be harvested.

24 (c) EVALUATION OF POTENTIAL SOURCES.—The as-
25 sessment shall evaluate whether the forest biomass sup-

1 plies listed in the supply inventory described in subsection

2 (b) are potential wood biomass sources, such as—

3 (1) logging waste, such as tops of trees that
4 otherwise produce commercial sawlogs;

5 (2) trees that are too small to meet saw timber
6 merchantability specifications;

7 (3) trees and ladder fuels that are likely to be
8 removed as part of forest management prescriptions
9 to restore forest health and resiliency;

10 (4) dead trees that are unsuitable for manufac-
11 ture of sawlogs due to decay, staining, or insect
12 damage;

13 (5) portions of harvested trees that cannot be
14 made into solid wood products;

15 (6) unutilized slash;

16 (7) mill residues; and

17 (8) other wood products suitable for energy use.

18 (d) INFRASTRUCTURE DISTRIBUTION AND CAPAC-

19 ITY.—The assessment shall take into consideration—

20 (1) the availability, potential, and distribution
21 of the forest biomass supplies listed in the supply in-
22 ventory described in subsection (b);

23 (2) the infrastructure that supports existing
24 wood products and biomass energy production on
25 the land covered by the assessment; and

1 (3) existing and projected forest biomass energy
2 consumption in the United States.

3 (e) ESTIMATES.—Based on the supply inventory de-
4 scribed in subsection (b), the Secretary shall develop—

5 (1) a 5- and 10-year estimate of biomass energy
6 that may be produced from supplies listed in the in-
7 ventory; and

8 (2) estimates for the associated costs of trans-
9 porting and processing those supplies for use as en-
10 ergy.

11 (f) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Secretary shall submit to
13 the Committee on Energy and Natural Resources of the
14 Senate and the Committee on Natural Resources of the
15 House of Representatives a report describing—

16 (1) the assessment; and

17 (2) the estimates developed under subsection
18 (e).

19 **SEC. 7. WOOD BIOMASS TARGETS.**

20 The President shall include in the annual submission
21 of the budget of the United States Government under sec-
22 tion 1105 of title 31, United States Code, an annual per-
23 formance metric, which shall be established by the Sec-
24 retary of Agriculture, for the harvest of wood biomass ma-
25 terial in green tons made available for bioenergy markets.

1 **SEC. 8. HIGH HAZARD AREA WOOD BIOMASS FUND.**

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury of the United States a fund, to be known as the
4 “High Hazard Area Wood Biomass Fund” (referred to
5 in this section as the “Fund”).

6 (b) DEPOSITS.—

7 (1) IN GENERAL.—The Secretary of Agriculture
8 (referred to in this section as the “Secretary”) may
9 transfer such percentage as the Secretary deter-
10 mines to be appropriate of the revenue generated
11 from base stumpage rates of timber sales that occur
12 on National Forest System land (other than revenue
13 described in paragraph (2)) to the Secretary of the
14 Treasury for deposit in the Fund.

15 (2) EXCLUSIONS.—Revenue generated from
16 sales described in paragraph (1) may not be trans-
17 ferred under that paragraph if the revenue would, in
18 the absence of that paragraph, be—

19 (A) deposited in the special fund estab-
20 lished under section 3 of the Act of June 9,
21 1930 (commonly known as the “Knutson-Van-
22 denberg Act”) (46 Stat. 527, chapter 416; 16
23 U.S.C. 576b);

24 (B) paid to a State, county, or territory
25 under the Act of May 23, 1908 (35 Stat. 260,
26 chapter 192; 16 U.S.C. 500); or

1 (C) paid to a county under the Act of May
2 24, 1939 (53 Stat. 753, chapter 144; 43 U.S.C.
3 2621 et seq.).

4 (c) USE OF FUNDS.—Amounts in the Fund shall be
5 used by the Secretary to assist timber operators and bio-
6 mass energy producers with the collection, harvest, stor-
7 age, and transportation (including by rail) of biomass ma-
8 terial, such as byproducts of forest health treatments and
9 hazardous fuels reduction projects, removed from National
10 Forest System land in high hazard areas.

11 (d) PRIORITY.—In providing assistance under sub-
12 section (c), the Secretary shall give priority to an elec-
13 tricity generating unit that is fired at least 80 percent by
14 coal and that converts to a majority of biomass power op-
15 erations.

16 (e) EFFECT.—Nothing in this section affects the
17 amount of a county payment under the Secure Rural
18 Schools and Community Self-Determination Act of 2000
19 (16 U.S.C. 7101 et seq.).

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