



Forestry¹

INTRODUCTION

The farm bill's Forestry Title governs the U.S. Forest Service (USFS) and the lands under its purview.² Though forest management is also overseen by other agencies, such as the Department of the Interior, USFS manages 154 national forests and 20 grasslands, amounting to 193 million acres of land.³ Responsible management of those lands is key to protecting wildlife habitat, maintaining sequestered carbon, preventing wildfires, and ensuring sustainable use of natural resources.

I. HISTORY

Though the USFS has existed under the USDA umbrella since its founding in 1876 (it was then known as the Office of Special Agent for Forest Research),⁴ its inclusion in the farm bill is relatively new.⁵ The 1990 Farm Bill was the first to include a Forestry Title; however, the 1996 Farm Bill dropped the title and most of the programs within it.⁶ In 2002, the Forestry Title returned to the farm bill, though disputes between the House and Senate over forest-related issues meant that few provisions were included.⁷ In 2008, the Forestry Title set national priorities for forest management and established programs for conservation and emergency reforestation.⁸ It also banned the importation of illegally felled timber.⁹ The 2014 Farm Bill continued these efforts and established several new programs, as the next section will describe.

II. 2014 FARM BILL

A. Good Neighbor Authority — § 8206.

Good Neighbor Authority (GNA) enables state-run forest services to extend certain projects undertaken on state or private land to USFS land.¹⁰ The program is largely aimed at wildfire prevention, justified by the concern that “[t]reating certain [forest areas at high risk of fire] while leaving adjacent areas untreated may undermine the effectiveness of overall efforts.”¹¹ Qualifying projects include hazardous fuel reduction, insect outbreak control, and improving drainage to prevent sediment erosion into watersheds.¹²

Prior to the 2014 Farm Bill, GNA was limited to USFS and Bureau of Land Management (BLM) lands in Colorado and Utah.¹³ GNA does not extend to U.S. Fish and Wildlife Service (FWS) land and does not

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² KATIE HOOVER, CONG. RESEARCH SERV., R43431, FORESTRY PROVISIONS IN THE 2014 FARM BILL (P.L. 113-79) 2 (2014), <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/R43431.pdf>; *see also* *Managing the Land*, U.S. DEP'T OF AGRIC., U.S. FOREST SERV., <https://www.fs.fed.us/managing-land> (last visited Oct. 3, 2017).

³ *About the Agency*, U.S. DEP'T OF AGRIC., U.S. FOREST SERV., <https://www.fs.fed.us/about-agency> (last visited Oct. 3, 2017).

⁴ U.S. DEP'T OF AGRIC., U.S. FOREST SERV., *The U.S. Forest Service – An Overview 2*, https://www.fs.fed.us/documents/USFS_An_Overview_0106MJS.pdf (last visited Oct. 3, 2017).

⁵ HOOVER, *supra* note 2, at 8.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 9.

¹⁰ U.S. GOV'T ACCOUNTABILITY OFF., GAO-09-277, FEDERAL LAND MANAGEMENT: ADDITIONAL DOCUMENTATION OF AGENCY EXPERIENCES WITH GOOD NEIGHBOR AUTHORITY COULD ENHANCE ITS FUTURE USE 1 (2009), <http://www.gao.gov/products/GAO-09-277>.

¹¹ *Id.*

¹² *Id.*

¹³ HOOVER, *supra* note 2, at 4.



apply to sub-state governmental entities such as counties or tribes.¹⁴ The 2014 Farm Bill permanently reauthorizes the Authority and expands it nationally to all National Forest System and public lands managed by BLM.¹⁵ Certain requirements of GNA are derived from the Consolidated Appropriations Act, 2014 § 417, rather than the Farm Bill.¹⁶ No additional funding is provided specifically for GNA; funding must be drawn from the specific project.¹⁷

Wilderness areas, wilderness study areas, designated roadless areas, and lands with vegetative removal restrictions are, however, exempt from GNA.¹⁸ Additionally, construction and repair of paved and permanent roads do not qualify for GNA unless necessary to implement a valid GNA project.¹⁹ Temporary roads necessary to implement projects must be decommissioned after use.²⁰ Services need not only specifically concern forests; GNA extends to rangeland, watershed restoration, management, and protection services.²¹ The 2014 Farm Bill added commercial harvesting and other mechanical vegetative treatments as qualifying services under GNA.²²

An important aspect of GNA is the state's ability to conduct timber sales from projects technically conducted on federal land.²³ The state acts as an agent/contractor and disburses receipts from timber sales to the USFS or BLM.²⁴ GNA projects are exempt from certain timber sale requirements.²⁵ While the state does not need to follow the same standards as a National Forest timber sale contract, the state contract must be approved by the USFS and "must provide a level of protection for resources, permitted uses, timber accountability, and payment responsibility" to satisfy NEPA and other regulations.²⁶

B. Insect and Disease Designations — § 8204.

Forests damaged by insects and disease are at higher risk for catastrophic wildfires.²⁷ Approximately 81 million acres of forestland in the U.S. are at risk for insects and diseases, and up to 42 percent of National Forest System lands are in need of restoration.²⁸ Fire suppression is now almost 40% of the USFS's budget and necessitates cuts to other USFS programs every year.²⁹ Insect and disease designations are aimed at preventing catastrophic fires to ultimately lessen the increasingly high demands of fire suppression.

Under the 2014 Farm Bill, USFS is required to designate at least one insect and disease treatment area in national forests in each state after request from the governor of the state.³⁰ Wilderness areas, wilderness

¹⁴ U.S. DEP'T OF AGRIC., U.S. FOREST SERV., GOOD NEIGHBOR AGREEMENT QUESTIONS AND COMMENTS 6 (2015), <http://www.fs.fed.us/farmbill/documents/gna/GNA-FAQs20151214.pdf>.

¹⁵ HOOVER, *supra* note 2, at 4, 12.

¹⁶ U.S. DEP'T OF AGRIC., U.S. FOREST SERV., *supra* note 14, at 1, 3, 5.

¹⁷ *Id.* at 3.

¹⁸ HOOVER, *supra* note 2, at 12 and U.S. DEP'T OF AGRIC., U.S. FOREST SERV., *supra* note 14, at 1.

¹⁹ U.S. DEP'T OF AGRIC., U.S. FOREST SERV., *supra* note 14, at 11.

²⁰ *Id.* at 11.

²¹ HOOVER, *supra* note 2, at 12.

²² *Id.* at 12.

²³ *Id.* at 8.

²⁴ *Id.* at 8.

²⁵ *Id.* at 12.

²⁶ *Id.* at 9.

²⁷ See U.S. DEP'T OF AGRIC., U.S. FOREST SERV., FARM BILL INSECT AND DISEASE DESIGNATIONS: KEY MESSAGES 4 (2014), <http://forestpolicy.com/wp-content/uploads/2014/05/Insect-and-Disease-Communications-and-Rollout-Package-FINAL.docx>.

²⁸ *Id.*

²⁹ *Id.* at 2-3.

³⁰ HOOVER, *supra* note 2, at 4.



study areas, private, industrial, and other governmental lands are excluded from designations.³¹ USFS may designate additional areas and implement priority projects if necessary.³² USFS was not required to incorporate public involvement when choosing designations.³³

Governors from 35 states sent requests for designated areas.³⁴ In response, USFS has designated approximately 45.6 million acres of National Forest System lands in 94 national forests in the 35 requesting states.³⁵ These designations do not amount to a USFS commitment to treat all 45.6 million acres; instead, they allow USFS to “use streamlined [National Environmental Policy Act (NEPA)] procedures to plan future projects within designated areas.”³⁶

Although the designations allow a streamlined NEPA process, USFS must still comply fully with the Endangered Species Act, Clean Air Act, Clean Water Act, and other applicable laws.³⁷ The Farm Bill permits a limited NEPA categorical exclusion for insect and disease designation projects less than 3,000 acres.³⁸ Projects qualifying for this categorical exemption must still meet a number of requirements, such as utilizing best available science, not building permanent roads, and being limited to areas in the wildland-urban interface.³⁹

C. Stewardship Contracting — § 8205.

Stewardship contracting “allows the USFS and BLM to use special authorities in projects focused on road and trail maintenance or obliteration, maintenance of soil productivity, habitat and fisheries management, prescribed fires, vegetation removal, watershed restoration, and control of invasive plants.”⁴⁰ It allows the forest service to form public-private partnerships with non-profits, state agencies, and others to “effectively leverage resources beyond federal appropriation.”⁴¹ Non-agency participants funded in part 40 percent of stewardship projects during 2010 through 2012.⁴²

In addition to leveraging additional resources, stewardship contracting aims to build a collaborative process between agencies and stakeholders.⁴³ Although the extent of collaboration varies across regions, seventy-two percent of stewardship contracting involved multiple stakeholders in 2010 through 2012.⁴⁴ A common manifestation of stewardship contracting is exchanging goods for services, largely in the form of timber sales.⁴⁵ Proceeds from timber sales under stewardship contracting are retained by agencies and must be used towards local restoration projects.⁴⁶

³¹ See U.S. DEP’T OF AGRIC., U.S. FOREST SERV., *supra* note 27, at 6.

³² HOOVER, *supra* note 2, at 4.

³³ See U.S. DEP’T OF AGRIC., U.S. FOREST SERV., *supra* note 27, at 6.

³⁴ *Id.* at 1.

³⁵ *Id.* at 1.

³⁶ See *id.* at 1.

³⁷ See *id.* at 7.

³⁸ HOOVER, *supra* note 2, at 4.

³⁹ See U.S. DEP’T OF AGRIC., U.S. FOREST SERV., *supra* note 27, at 3-4.

⁴⁰ Brian Kittler, *A Landmark Policy for Restoring Federal Forests: Permanent Authorization of Stewardship Contracting in the Farm Bill*, PINCHOT INST. FOR CONSERVATION, <http://www.pinchot.org/doc/495> (last visited Oct. 3, 2017).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*



During its initial 10-year authorization, USFS awarded 1,511 USFS stewardship projects and BLM awarded 421 projects.⁴⁷ Agreements with wildlife conservation NGOs are common.⁴⁸ Non-agency participation tended to result in increase of scope and scale of 63% of projects.⁴⁹

Stewardship contracting was permanently authorized in the 2014 Farm Bill.⁵⁰ Under the new provision, USFS and BLM can enter into contracts up to 10 years in duration.⁵¹ Qualifying projects are specifically identified as: “road and trail maintenance or obliteration, maintenance of soil productivity, habitat and fisheries management, prescribed fires, vegetation removal, watershed restoration, and control of invasive plants.”⁵² The Bill also requires stewardship contracts to contain fire liability provisions used under current timber sales programs, rendering contractors liable for only certain types of fires occurring on the contract area.⁵³

D. Program Reauthorizations.

A number of programs were reauthorized under the 2014 Forestry Title. First, under § 8101 of the 2014 Farm Bill, states must “conduct a Statewide Assessment & Forest Resource Strategy in order to continue receiving federal funds for federal forestry programs.”⁵⁴ They must include an assessment of conditions and threats; a long-term plan for priority investments; and annual reporting on fund utilization.⁵⁵

Second, the Rural Revitalization Technologies Program reauthorized under § 8201 of the Farm Bill aims “to accelerate adoption of technologies using biomass and small-diameter materials” and to utilize community-based and small-scale enterprises to do so.⁵⁶

Third, § 8202 reauthorizes USFS’s International Programming. USFS’s International Program recognizes the need for international cooperation in conserving global forest resources and conserving biodiversity.⁵⁷ USFS works closely with domestic agencies such as the Department of State, multilateral agencies such as the World Bank, and NGOs such as the Nature Conservancy.⁵⁸ Program topics include climate change, forest health and invasive species, protected areas, and ecotourism.⁵⁹

Finally, § 8203 of the 2014 Farm Bill eliminated mandatory funding for the Healthy Forest Reserve Program (HFRP) but authorized funding subject to appropriations.⁶⁰ HFRP “helps landowners restore,

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ HOOVER, *supra* note 2, at 4.

⁵¹ HOOVER, *supra* note 2, at 4.

⁵² PINCHOT INST. FOR CONSERVATION, THE ROLE OF COMMUNITIES IN STEWARDSHIP CONTRACTING: FY 2014 PROGRAMMATIC MONITORING REPORT AND PROJECT CASE STUDIES FOR THE US DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT 3 (2015), <http://www.pinchot.org/uploads/download?fileId=1655>.

⁵³ WESTERN FORESTRY LEADERSHIP COALITION, COLLABORATIVELY ADDRESSING FOREST HEALTH AND JOB CREATION THROUGHOUT THE WEST 1 (2014), <http://wflccenter.org/documents/2014/02/stewardship-contracting.pdf>.

⁵⁴ WASHINGTON STATE DEP’T OF NAT. RES., STATEWIDE FOREST RESOURCE ASSESSMENT & STRATEGY FOR WASHINGTON STATE 1 (2010), http://file.dnr.wa.gov/publications/em_wa_statewide_assess.pdf.

⁵⁵ *Id.*

⁵⁶ 7 U.S.C.A. § 6601(d)(2) (West).

⁵⁷ *About International Programs*, U.S. DEP’T OF AGRIC., U.S. FOREST SERV., <http://www.fs.fed.us/about-agency/international-programs/about-us>.

⁵⁸ *Id.*

⁵⁹ *Program Topics*, U.S. DEP’T OF AGRIC., U.S. FOREST SERV., <http://www.fs.fed.us/about-agency/international-programs/program-topics>.

⁶⁰ HOOVER, *supra* note 2, at 11.



enhance, and protect forestland resources on private lands through easements and financial assistance.”⁶¹ Specific goals include endangered and threatened species recovery and enhancement of carbon sequestration.⁶² The Program provides for 10-year restoration agreements and 30-year or permanent easements to further these goals.⁶³ In certain cases, participating landowners may avoid ESA restrictions by improving habitat through the Program.⁶⁴

E. Repeals

The 2014 Farm Bill Forestry Title repeals a number of programs. Many of the repealed programs were never funded or had funding diverted to wildfire suppression.

The Forest Land Enhancement Program (FLEP), repealed by § 8001, provided for “technical, educational, and cost share assistance for landowners to promote the sustainability of [non-industrial private forests].”⁶⁵ Although FLEP was initially provided with \$100 million through 2007, more than half of these funds were diverted to wildfire control in 2003.⁶⁶ Spending was later cancelled.⁶⁷

The Watershed Forestry Assistance Program (WFAP), repealed by § 8002, “provide[d] assistance to expand forest stewardship capacities and activities through forestry best management practices and other means to address watershed issues on nonfederal forested and potentially forested land and lands under tribal jurisdiction.”⁶⁸ Funding had historically been appropriated to the program.⁶⁹

Other repealed programs include the Cooperative National Forest Products Marketing Program (aimed at improving competitiveness of U.S. forest products industry) (repealed by § 8003);⁷⁰ programs to provide forestry scholarships to Hispanic-serving institutions (never funded) (repealed by § 8004); and, a watershed assistance program for tribes (never funded) (repealed by § 8005).⁷¹

F. Miscellaneous Provisions

A number of other provisions in the 2014 Forestry Title impact national forest management. Section 8006 exempts certain NEPA categorical exclusions for land and resource management plans from having to undergo the separate USFS administrative review process.⁷² Section 8301 requires revision of USFS’s strategic plan for forest inventory and analysis.⁷³ Section 8303 authorizes USFS to use description or prescription rather than physical markings to designate harvest material.⁷⁴ Finally, section 8305 authorizes USFS to establish a large air-tanker and aerial asset lease program for fire protection.⁷⁵

⁶¹ *Healthy Forests Reserve Program*, U.S. DEP’T OF AGRIC., NAT. RES. CONSERVATION SERV., <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/forests/> (last visited Oct. 3, 2017).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Forest Land Enhancement Program, 80 Fed. Reg. 402, 403 (Jan. 6, 2015) (to be codified at 36 C.F.R. pt. 230), <https://www.federalregister.gov/documents/2015/01/06/2014-30806/forest-land-enhancement-program-flep>.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Watershed Forestry Assistance*, UNITED STATES FOREST SERVICE, <http://www.fs.fed.us/cooperativeforestry/programs/wf/wfa.shtml> (last visited Oct. 3, 2017).

⁶⁹ *Id.*

⁷⁰ 16 U.S.C. 2112(a)(1-2) (1990).

⁷¹ HOOVER, *supra* note 2, at 2.

⁷² *Id.* at 3-4.

⁷³ *Id.* at 5.

⁷⁴ *Id.* at 4.

⁷⁵ *Id.* at 5.



G. Other Ongoing Forestry Programs Not Addressed in 2014 Farm Bill

A number of other important forestry programs have been permanently authorized under previous farm bills and were not addressed in the 2014 Farm Bill. For instance, the Forest Stewardship Program “encourages long-term stewardship of important State and private forest landscapes, by assisting landowners to more actively manage their forest and related resources.”⁷⁶ The Forest Legacy Program (FLP) protects working forests, primarily through conservation easements, and aims to protect loss of forest land to development.⁷⁷

III. KEY ISSUES

A. Fire Prevention and Funding.

Currently, fire suppression is entirely funded within the USFS and Department of Interior’s discretionary budgets.⁷⁸ This is unlike similar federal emergency management programs such as grants approved through the Federal Emergency Management Agency.⁷⁹

In practical terms, this means that the USFS must siphon funding from other programs. For example, the repealed Forest Land Enhancement Program had half of its total funding diverted to wildfire control in 2003.⁸⁰ In total, fire funding is around 40% of the USFS’s budget today.⁸¹ As a result, some advocates argue that the existing funding structure for wildfires undermines the viability of forestry programs⁸² and that wildfire efforts should instead be funded in the same way as national emergency events such as hurricanes and floods.⁸³ Adjusting the funding mechanism to recognize the increasing frequency and intensity of wildfires will protect the USFS’s other programs, including those that help prevent fires like the Insect and Disease Designations program.

However, spending increases will present a challenge in the 2018 Farm Bill. Fiscal conservatives are likely to resist new funding for fire prevention and the 2018 Farm Bill will already face significant cuts, so increased expenditures will be scrutinized and must come from elsewhere in the legislation.⁸⁴ Congress must decide going forward whether separate wildfire funding is a worthy investment.

There are also a number of marker bills⁸⁵ on wildfire funding and prevention currently before the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry:

⁷⁶ *Forest Stewardship Program*, U.S. DEP’T OF AGRIC., U.S. FOREST SERV. (Jun. 2, 2016), <https://www.fs.fed.us/spf/coop/programs/loa/fsp.shtml>.

⁷⁷ *Forest Legacy Program*, U.S. DEP’T OF AGRIC., U.S. FOREST SERV. (Feb. 17, 2017), <https://www.fs.fed.us/spf/coop/programs/loa/flp.shtml>.

⁷⁸ See U.S. DEP’T OF AGRIC., U.S. FOREST SERV., *supra* note 27, at 2.

⁷⁹ *Id.* at 2; see also *About the Agency*, FED. EMERGENCY MGMT. AUTH., <http://www.fema.gov/about-agency> (last visited Oct. 13, 2017).

⁸⁰ Forest Land Enhancement Program, *supra* note 65, at 403.

⁸¹ See U.S. DEP’T OF AGRIC., U.S. FOREST SERV., *supra* note 27, at 2-3.

⁸² FORESTS IN THE FARM BILL COALITION, RECOMMENDATIONS FOR THE 2018 FARM BILL (July 2017), <http://www.nacdn.net/wp-content/uploads/2017/07/Forests-in-the-Farm-Bill-Coalition-2018-Farm-Bill-Recommendations-July-20-2017.pdf>.

⁸³ U.S. DEP’T OF AGRIC., U.S. FOREST SERV., *supra* note 27, at 3.

⁸⁴ See Catherine Boudreau, *Trump budget is not kind to the farm bill*, POLITICO MORNING AGRIC. (May 23, 2017), <http://www.politico.com/tipsheets/morning-agriculture/2017/05/23/trump-budget-is-not-kind-to-the-farm-bill-220457>.

⁸⁵ The National Sustainable Agriculture Coalition defines the term “marker bill” as “an informal, generic name for a piece of legislation that bundles together a variety of related policy asks for the sake of getting ideas on the table in the context of a large reauthorization bill. The intent of the legislators who introduce marker bills is not to have their bill adopted into law directly, but rather to establish an agenda and set of ideas they will then push and hope to get pieces of into the large omnibus bill, in this case



- The Emergency Wildfire and Forest Management Act of 2016 (H.R.2647/S.3085) allows USDA to request separate funding from Congress for firefighting during major wildfire disasters.⁸⁶ The bill has passed in the House⁸⁷ and as of July 2016 has been introduced to the Senate.⁸⁸
- The Wildfire Disaster Funding Act (H.R.2862) would establish separate Forest Service funding for wildfire suppression.⁸⁹
- The Electricity Reliability and Forest Protection Act (H.R.1873)⁹⁰ and the National Forest System Vegetation Management Pilot Program Act of 2017 (H.R.2862)⁹¹ both aim to use vegetation projects as a buffer to reduce wildfire threat from electricity infrastructure. H.R.1873 has already passed the House and moved to the Senate.⁹²
- The Emergency Forest Restoration Act (H.R.865) lifts restrictions on forest management activity in emergency wildfire cases, allowing for more aggressive insect and disease management.⁹³ Insect and disease infestations often make forests more vulnerable to wildfire.⁹⁴
- The Resilient Federal Forests Act of 2017 (H.R.2936) loosens National Environmental Policy Act oversight of forest management activities to expedite efforts on fire-prone lands.⁹⁵
- The Empowering State Forestry to Improve Forest Health Act of 2017 (S.962) would establish federal grants for local and state wildfire prevention efforts.⁹⁶

If these marker bills are any indication, 2018 Farm Bill discussions will likely include significant debate about forest fire funding and prevention.

B. Carbon Sequestration Potential of Forests.

Forests have the potential to serve as an important tool for reducing carbon emissions. With improved management, forests could sequester up to 20% of U.S. carbon emissions.⁹⁷ However, a predicted 57 million acres of private forests will be converted into commercial and residential development by 2030.⁹⁸ This loss of forestland will not only decrease sequestration potential but will also release previously sequestered carbon into the atmosphere. Stopping development would mean economic losses and increased regulation. Some argue that the farm bill should recognize the power of forest carbon sequestration as a tool against climate change,⁹⁹ perhaps even incorporating forestry sector sequestration

the farm bill.” See *Farm Bill 2018: A Primer*, NAT’L SUSTAINABLE AGRIC. COALITION, <http://www.safsf.org/wp-content/uploads/2016/12/2018-Farm-Bill-Primer-for-SAFSF1.pdf> (last visited Oct. 3, 2017).

⁸⁶ Emergency Wildfire and Forest Management Act of 2016, H.R.2647, 114th Cong. (2016).

⁸⁷ Emergency Wildfire and Forest Management Act of 2016, S.3085, 114th Cong. (2016).

⁸⁸ Emergency Wildfire and Forest Management Act of 2016, H.R.2647, 114th Cong. (2016).

⁸⁹ Wildfire Disaster Funding Act, H.R.2862, 115th Cong. (2017).

⁹⁰ Electricity Reliability and Forest Protection Act, H.R.1873, 115th Cong. (2017).

⁹¹ National Forest System Vegetation Management Pilot Program Act of 2017, H.R.2921, 115th Cong. (2017).

⁹² *H.R.1873 – Electricity Reliability and Forest Protection Act*, CONGRESS.GOV, <https://www.congress.gov/bill/115th-congress/house-bill/1873/actions?q=%7B%22search%22%3A%5B%22HR+1873%22%5D%7D&r=1> (last visited Oct. 3, 2017).

⁹³ Emergency Forest Restoration Act, H.R.865, 115th Cong. (2017).

⁹⁴ U.S. DEP’T OF AGRIC., U.S. FOREST SERV., *Wildfire, Bugs, and You* (2004), https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5057652.pdf.

⁹⁵ Resilient Federal Forests Act of 2017, H.R.2936, 115th Cong. (2017).

⁹⁶ Empowering State Forestry to Improve Forest Health Act of 2017, S.962, 115th Cong. (2017).

⁹⁷ FORESTS IN THE FARM BILL COALITION, *supra* note 82, at 4.

⁹⁸ *Id.* at 5.

⁹⁹ See ROSS W. GORTE, CONG. RESEARCH SERV., R41213, FORESTRY IN THE NEXT FARM BILL 3 (2010), <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1014&context=crsdocs>.



as an offset in proposals for cap-and-trade markets.¹⁰⁰ This would incentivize landowners to preserve forest resources instead of developing their land. However, such proposals are likely to face opposition from legislators who favor economic development over environmental preservation or deny the existence of climate change altogether. Thus, the future for forest carbon sequestration in the 2018 Farm Bill is uncertain.

C. Federal, State, and Local Management of Public Lands

Though USDA Forest Service only manages federal lands, programs like the Good Neighbor Authority try to integrate national efforts with local land initiatives. However, some would like to see control of lands returned entirely to state and local authorities. In many cases, local control also means prioritizing industrial land use rather than conservation. A number of marker bills related to this issue have been submitted to the House Committee on Agriculture, signaling that it may become a significant point of debate in 2018 Farm Bill negotiations. The following are some examples:

- The State National Forest Management Act of 2017 (H.R.232) aims “to authorize States to select and acquire certain National Forest System lands to be managed and operated by the State for timber production.”¹⁰¹
- The Local Enforcement for Local Lands Act (H.R.622) is designed “to terminate the law enforcement functions of the Forest Service and the Bureau of Land Management and to provide block grants to States for the enforcement of Federal law on Federal land under the jurisdiction of these agencies.”¹⁰²
- The FORESTS Act of 2017 (H.R.2613) aims to allow counties to sell timber from federal lands and use the profit to cut spending in the rural development title of the farm bill.¹⁰³
- The Forest Legacy Management Flexibility Act (H.R.344) aims to transfer control of Forest Service conservation easements to state governments.¹⁰⁴
- The Acre In, Acre Out Act (H.R.2167) is designed to put a cap on federal land acreage, including lands managed by the Forest Service.¹⁰⁵

Discussions of land management and federal versus state and local power will likely be contentious in next year’s farm bill negotiations.

CONCLUSION

Though the Forestry Title often receives less attention than its more expensive and contentious farm bill counterparts, careful management of federal lands is crucial for fire prevention, carbon sequestration, and conservation. However, the current political climate could put forestry provisions at risk, particularly given the Trump administration’s intent to cut small programs from the farm bill.¹⁰⁶ Forestry may be easy to cut because its dividends are more long-term than benefits from crop insurance or nutrition programs,

¹⁰⁰ *Id.*

¹⁰¹ State National Forest Management Act of 2017, H.R.232, 115th Cong. (2017).

¹⁰² Local Enforcement for Local Lands Act, H.R.622, 115th Cong. (2017).

¹⁰³ FORESTS Act of 2017, H.R.2613, 115th Cong. (2017).

¹⁰⁴ Forest Legacy Management Flexibility Act, H.R.344, 115th Cong. (2017).

¹⁰⁵ The Acre In, Acre Out Act, H.R.2167, 115th Cong. (2017).

¹⁰⁶ OFFICE OF MGMT. & BUDGET, BUDGET OF THE U.S. GOVERNMENT FISCAL YEAR 2018 33, <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/budget.pdf>.



but undermining forest health would cause lasting harm to American biodiversity, climate resilience, and wildfire prevention efforts.