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103D CONGRESS
2D SESSION

H. R. 4068

To improve the health and productivity of National Forest System lands in the State of California and to demonstrate the use of ecosystem management as a practical management program on such lands.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1994

Mr. LEHMAN introduced the following bill; which was referred jointly to the Committees on Natural Resources and Agriculture

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A BILL

To improve the health and productivity of National Forest System lands in the State of California and to demonstrate the use of ecosystem management as a practical management program on such lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''California Forest Ecosystems Health Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Although people have had an active part in the development and maintenance of forest structure and the condition of the National Forest System lands in the State of California for many years, recent forest management policies have often resulted in a degeneration of the forest structure and a loss of forest health and vigor.

(2) The Forest Service, through the judicious use of ecosystem management, has an opportunity to reverse these forest management policies and restore the health and vigor of National Forest System lands in California.

(3) Ecosystems are dynamic and in a state of constant change, and it is not possible to preserve a given ecosystem condition in a static state over a period of time.

(4) The many and varied resources and uses of National Forest System lands provide both tangible and intangible benefits to the people of the United States.

(5) Although management of National Forest System lands in California has traditionally placed first priority on the need to produce maximum volumes of timber, the other multiple forest resources and services are equally important to the people of California and the United States.

(6) Ecosystem management must balance the needs of outdoor recreation, range, timber, watershed, fish, and wildlife, as required by the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.), as well as protect soil and air quality and provide for forest research.

(7) National Forest System lands in California include some of the most unique forest ecosystems in the world, including giant sequoias, coastal redwoods, and bristlecone pines.

(8) Destructive forest fires classified by the Forest Service as ''intense'' have occurred in unprecedented numbers and size on the National Forest System lands in California in recent years, and these fires pose a threat to the very health of the forests and present a danger to human life and property.

(9) The Forest Service, through the judicious use of ecosystem management, has an opportunity to reduce the likelihood that fires classified as ''in-

tense'' will occur with such frequency and, at the same time, to improve forest vigor and visitor safety.

(10) Ecosystem management that considers the needs of all species and their ability to interact with the presence of humans can integrate both the conservation needs of the many species of the ecosystems and the multiple use activities of humans.

(11) Identification of sound management options is both a biological issue and a social issue, and the resulting management policies must be socially acceptable, ecologically sustainable, scientifically sound, legally responsible, and economically viable.

(12) The results of management practices in local ecosystems can have a profound effect on the levels of demand for commodity outputs from other ecosystems around the world.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADAPTIVE MANAGEMENT.—The term ''adaptive management'' means the experimental and monitored application of scientifically derived management decisions to gain knowledge that is then used to improve subsequent management decisions.

(2) ECOSYSTEM.—The term ''ecosystem'' means a community of organisms and its environment that functions as a unit.

(3) ECOSYSTEM MANAGEMENT.—The term ''ecosystem management'' means the integration of ecological, economic, and social factors to meet the biological needs of all associated organisms and human needs through diverse, healthy, and productive ecosystems, addressing resource supply, conservation, and demand as opposed to a strategy for managing individual species.

(4) ECOSYSTEM MANAGEMENT PLANS.—The terms ''ecosystem management plans'' and ''plans'' mean the ecosystem management plans for National Forest System lands in the State of California required to be developed by section 4(a).

(5) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(6) SERAL STAGES.—The term ''seral stages'' means the various age or life stages of a vegetative community as it progresses from initial establishment toward a climax stage or equilibrium.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) STAND.—The term ''stand'' means an area within a forest where the trees have similar characteristics with respect to species composition, size, condition, and age.

(9) VIGOR.—The term ''vigor'', with respect to forest ecosystems, means the relative health of stands of trees and related vegetation, including their actual growth rates as compared with potential growth rates and their ability to protect themselves naturally from forest pests, diseases, and the effects of natural disaster.

SEC. 4. ECOSYSTEM MANAGEMENT PLANS FOR NATIONAL FOREST SYSTEM LANDS IN CALIFORNIA.

(a) PLANS REQUIRED.—Notwithstanding the planning provisions of section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), the Secretary of Agriculture shall develop and implement ecosystem management plans pursuant to this Act to develop and demonstrate ecosystem management, including adaptive management techniques, for National Forest System lands described in subsection (b).

(b) FEDERAL LANDS COVERED BY PLANS.—The ecosystem management plans required by subsection (a) shall

apply to all management units of the National Forest System located in the State of California. In the case of National Forest System lands in California that have been designated by law for special management before the date of the enactment of this Act, the Secretary shall incorporate into the ecosystem management plans applicable to those lands any statutory provisions that are in effect on such date and applicable to those lands.

(c) PRINCIPLES OF PLANS.—Ecosystem management plans shall embody the following principles:

(1) Application of management techniques that will enhance the health and vigor of the renewable natural resources on the National Forest System lands covered by the plans and provide for the continued protection of the soil, air, and water resources of these lands.

(2) Improvement of the forest ecosystems on these lands toward desired forest conditions that—

(A) provide a mosaic of forest seral stages—

(i) representing a range of wildlife habitats necessary to meet the needs of the species indigenous to the ecosystem being managed; and

(ii) designed in such a way as to obviate the need for corridors or special management areas to meet the needs of given species or situations;

(B) minimize the danger of stand-destroying uncontrolled wildfire;

(C) increase or maintain the health and vigor of stands at a level that will permit the stands to resist naturally, to the greatest degree practicable, insect and disease attacks and the effects of other natural disasters while incorporating the concern that some level of deadwood, both standing and down, is desirable in healthy ecosystems;

(D) maintain the sustainable economic well-being and stability of communities in areas dependent upon national forest resources; and

(E) are developed, to the extent possible, with consideration of the conditions that are known to have existed on these lands or on similar lands before the impacts of European settlement.

(3) Concentration of management activities on the condition of the renewable resources of an ecosystem rather than on producing targeted outputs,

with projected outputs based upon attainment of specific stand conditions.

(4) Emphasis on tangible management results rather than on procedural standards and guidelines, but with development of scientifically credible monitoring standards and guidelines to assess both short- and long-term management results.

(5) Except for any statutory provisions incorporated under subsection (b) with respect to specific lands, prohibition on requiring the allocation or categorization of tracts of land for specific preselected ecosystem management emphases.

(6) Consideration of the habitat needs of all species across a broad landscape using management indicator species whose presence will reflect a suitable amount and distribution of particular habitat elements, rather than concentrating on the needs of single species in a limited area.

(7) Application across the entire unreserved land base in such a manner as to harmonize the various multiple uses.

(8) Incorporation of maximum flexibility in resource decisionmaking through the use of adaptive management.

(d) MANAGEMENT TO PROMOTE DESIRED FOREST CONDITIONS.—

(1) IN GENERAL.—Ecosystem management under the ecosystem management plans shall be planned and practiced in a manner that—

(A) considers the entire landscape in a management unit of the National Forest System covered by a plan; and

(B) benefits, to the extent practicable, all renewable resources and the human resource in or dependent upon the management unit.

(2) INDIVIDUAL PROJECTS.—Individual management projects in a management unit of the National Forest System covered by the ecosystem management plans shall be designed to provide multiresource benefits, promote the desired forest conditions described in subsection (c)(2), and achieve maximum project operating efficiency.

(e) SELECTION OF ACRES FOR ECOSYSTEM MANAGEMENT ACTIVITIES.—

(1) MINIMUM ACRES.—Ecosystem management plans shall specify the minimum number of acres on which ecosystem management activities will be applied annually in any management unit of the National Forest System covered by the plans. Such

acreage shall be determined on the basis of the total number of acres in the management unit, the work to be performed across the unit as a whole during the plan period, and the pro rata annual acreage on which ecosystem management activities must be applied in order to establish and maintain the desired forest condition during the specified plan period.

(2) EFFECT OF NATURAL DISASTERS.—In case of natural disasters, such as wildfire, flood, windthrow, insect or disease attack, a revision of the schedule of acres to be treated may be granted by the Secretary in order to conduct restoration and rehabilitation activities on the acres affected by the natural disaster.

(f) PARTICIPATION IN DEVELOPMENT.—To ensure that the ecosystem management plans are economically, scientifically, and socially acceptable, the Secretary shall develop the plans through the use of public involvement programs that emphasize input from residents of local communities to be affected by the plans. The Secretary shall continue to consult with all interested persons in evaluating or modifying the plans.

SEC. 5. PROCESS FOR FULL IMPLEMENTATION OF ECOSYSTEM MANAGEMENT PLANS.

(a) IMPLEMENTATION.—Beginning not later than January 1, 1995, the Secretary shall begin to implement the ecosystem management plans. The Secretary shall develop and implement the plans progressively over a five-year period to ensure full application of all plans not later than January 1, 2000, to all National Forest System lands described in section 4(b). Upon implementation of an ecosystem management plan for any portion of the lands described in such section, the plan shall replace and supersede any land and resource management plan (or portion of such a plan) then in effect for such lands.

(b) YEARLY EXPANSION.—During each year of the period specified in subsection (a), the Secretary shall expand application of the ecosystem management plans to contiguous areas required to be covered by such plans, as described in section 4(b). To the extent the Secretary considers it to be necessary, the Secretary may modify the ecosystem management plans for each new addition in order to incorporate the lessons gained from experience. Adaptive management shall be used to evaluate management decisions and to develop new information to be used to keep the plans and subsequent management decisions up-to-date.

(c) MODIFICATION OF ECOSYSTEM MANAGEMENT PLANS.—The Secretary shall modify the ecosystem management plans to incorporate findings from research, adaptive management projects, or monitoring to the extent such findings indicate changes in the plans are necessary or appropriate to achieve the principles described in section 4(c). Before the end of the first two years of the period specified in subsection (a), the Secretary shall issue regulations that set forth the process to be used for any modification of the ecosystem management plans.

(d) CONSISTENCY.—Resource plans and permits and other instruments for the use and occupancy of National Forest System lands covered by an ecosystem management plan that are executed subsequent to the implementation date of the plan with respect to such lands shall be consistent with the plan. If the ecosystem management plan is modified, resource plans and permits and other instruments that are executed subsequent to the date of the modification shall be consistent with the modified plan. Appropriate supplemental documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be prepared for those resource plans and permits, contracts, and other instruments in existence upon adoption of the ecosystem management plan or any modification of the plan. Any revisions in existing resource

plans and permits, contracts, and other instruments shall be consistent with the supplemental document findings and subject to the agreement of all contractual parties. Any revision in present or future permits, contracts, and other instruments made pursuant to this subsection shall be subject to valid existing rights.

SEC. 6. RESEARCH AND MONITORING PROGRAM.

The Secretary shall describe in detail in the ecosystem management plans and implement as part of the plans a targeted program of research and monitoring aimed at measuring the effects of the management regimes adopted under the plans. The Secretary shall ensure that monitoring is sufficient to measure the responses of the various resources to management practices and to provide a basis for adjustments of subsequent management decisions.

SEC. 7. MISCELLANEOUS REQUIREMENTS.

(a) INCREASED USE OF CERTIFIED PROFESSIONAL PRACTITIONERS.—With respect to National Forest System lands covered by the ecosystem management plans, the Secretary shall endeavor to increase the amount of field work to be done by professional practitioners certified by the Forest Service.

(b) ACCOUNTABILITY PROCEDURES.—The Secretary shall develop accountability procedures to annually meas-

ure and inform the Congress concerning the work (as described in section 4(e)) achieved through the use of funds appropriated each year for National Forest System lands covered by the ecosystem management plans. The selection of acres upon which such work will be performed shall be controlled through the planning process. The accountability procedures required by this subsection shall be established and in operation before the end of the first two years of the period specified in section 5(a) and shall be designed to ensure the accomplishment of the work in accordance with plan direction.

(c) BUDGETARY CONSIDERATIONS.—The Secretary shall develop budgets for each management unit of the National Forest System covered by ecosystem management plans on the basis of estimated benefits to the various resources affected by the ecosystem management activities, and such budgets will be justified on such basis. The Secretary shall provide the managers of these units the flexibility to accomplish over-all objectives within over-all budgets in lieu of requiring and preparing detailed line-item budgets for each unit of work, except that accountability procedures developed under subsection (b) shall include requirements for detailed explanations of expenditures and estimates of benefits for each resource.

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