

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 770

To declare a State of Emergency on Federal lands within the State of California for the immediate reduction in forest fuels for the prevention of catastrophic wildfire.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1995

Mr. HERGER (for himself and Mr. RIGGS) introduced the following bill; which was referred to the Committee on Resources and, in addition, to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To declare a State of Emergency on Federal lands within the State of California for the immediate reduction in forest fuels for the prevention of catastrophic wildfire.

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 AND TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Forest Fire and Pest Emergency Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.  
Sec. 3. Definitions.  
Sec. 4. Declaration of emergency.  
Sec. 5. Strategic fire plan and budget.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—

3 (1) Congress accepts the report and findings of  
4 the National Commission on Wildlife Disasters, cre-  
5 ated through the Wildfire Disaster Recovery Act of  
6 1989 in response to the destructive western fire sea-  
7 son of 1987 and the Yellowstone fires of 1988. The  
8 Commission found:

9 (A) Millions of acres of forest, grassland,  
10 and desert in the United States face abnormally  
11 high risks of wildfire due to altered species  
12 composition, excessive fuel buildup, and in-  
13 creased ignition opportunity.

14 (B) The problem is exceptionally severe on  
15 the public lands of the Western States, where  
16 dangerous conditions exist over very large areas  
17 and wildfires can attain a size and intensity  
18 that defies control.

19 (C) Preventing disaster in such situations  
20 can no longer be limited to suppression with en-  
21 gines, air tankers—fixed-wing aircraft that  
22 drop chemical retardant—and other firefighting  
23 paraphernalia.

1 (D) In many forest situations, fuel reduc-  
2 tion by mechanical removal through careful sal-  
3 vage logging, thinning, or other means will be  
4 needed before prescribed fire can be safely  
5 utilized.

6 (E) The southern California firestorm of  
7 1993 burned nearly two hundred thousand  
8 acres, destroyed over one thousand one hundred  
9 structures, killed three people and injured over  
10 one hundred and sixty, and cost an estimated  
11 \$1,000,000,000 in suppression efforts, dam-  
12 ages, and restoration. Soil erosion, mudslides,  
13 wildlife habitat loss, and other damage will  
14 leave an unforgotten legacy for years to come.

15 (F) In California, three thousand five hun-  
16 dred homes were destroyed by wildfire between  
17 1920 and 1989, but well over four thousand  
18 two hundred were destroyed between 1990 and  
19 1993.

20 (G) In 1992, when twenty-four thousand  
21 five hundred acres of prime timber and recre-  
22 ation lands in the Sierra-typical mixed conifer  
23 forest, laden with heavy fuels, bone dry from  
24 the six-year drought, and suffering from  
25 drought stress and insect and disease attack,

1 ignited into a raging firestorm, it turned into  
2 the most expensive rural wildfire in California  
3 history in just four days. Total estimated value  
4 lost was \$245,000,000, \$16,500,000 in sup-  
5 pression costs, two lives and seventy-two fire-  
6 fighting injuries. After an optimistic salvage re-  
7 covery, estimated value loss is \$5,670 per acre.  
8 Cost for preventive fuels treatment average less  
9 than \$200 per acre.

10 (2) Based on recent scientific reports, including  
11 the California Spotted Owl Report (CASPO) and the  
12 Sierra Nevada Ecosystem Project Progress Report  
13 (SNEP), Congress finds:

14 (A) The enormous wildfires awaiting igni-  
15 tion on the public lands of the West can no  
16 longer be seen as an uncontrollable act of na-  
17 ture; they will be the direct result of negligence  
18 in land management, much of which can be  
19 traced to the longstanding aversion to fire in all  
20 forms.

21 (B) Major reductions in wildfire extent,  
22 damage and cost are possible if effective pre-  
23 ventive actions are taken in time.

24 (C) Wildfire must be mitigated by preven-  
25 tive land treatments that reduce fuels, break up

1 large contiguous areas of dangerous conditions,  
2 improve building standards, and create defen-  
3 sible spaces between flammable fuels and sus-  
4 ceptible buildings.

5 (D) Outstanding late-successional forest  
6 areas are often found in the less accessible loca-  
7 tions, and the potential for losing them to cata-  
8 strophic wildfire is very high.

9 (E) Stands once kept open by frequent,  
10 low-intensity lightning fires have been, as a con-  
11 sequence of fire suppression, highly altered both  
12 in structure and function by the development of  
13 dense, shade tolerant understories that now  
14 place them at risk of high-intensity stand-  
15 replacing fire.

16 (F) Efforts to reduce catastrophic fire risk  
17 to late-successional forest stands, and to main-  
18 tain key ecosystem processes and biodiversity,  
19 are much more likely to require active manage-  
20 ment in the Sierra Nevada.

21 (G) Activities which reduce forest fuels will  
22 provide interim employment and availability of  
23 men and equipment for forest fire suppression.

24 (b) PURPOSE.—The purpose of this Act is to imme-  
25 diately reduce the risk of wildfire on Federal forest lands

1 in California, immediately reduce the number of dead and  
2 dying trees, provide access to needed funding contained  
3 in the Emergency Firefighting Funds, provide access to  
4 needed funding contained in the Forest Service Emer-  
5 gency Pest Suppression Fund, and to develop a strategic  
6 fire protection plan with associated budget for congres-  
7 sional consideration.

8 **SEC. 3. DEFINITIONS.**

9 For the purposes of this Act:

10 (1) **NATURAL FUELS.**—Fuels not directly gen-  
11 erated or altered by management activity. This in-  
12 cludes fuels that have accumulated as a result of  
13 nonmanagement activity such as fire exclusion, or  
14 indirectly as a result of management activity such as  
15 increased regeneration of brush and trees, resultant  
16 epidemic mortality therefrom.

17 (2) **EXTREME FIRE RISK.**—Area determined to  
18 be extremely vulnerable to wildfire based on a com-  
19 bination of fire history, weather patterns, topog-  
20 raphy, accessibility, visitor intensity, extent of  
21 human settlement, and fuel loads.

22 (3) **SECRETARIES.**—The term “Secretaries”  
23 means the Secretary of Agriculture and the Sec-  
24 retary of the Interior.

1 **SEC. 4. DECLARATION OF EMERGENCY.**

2 The United States Congress declares the reduction  
3 of natural fuels, on Federal lands within the State of Cali-  
4 fornia identified as extreme fire risk, to constitute an  
5 emergency action to prevent or to reduce risk to public  
6 health or safety or to serious resource loss. Notwithstand-  
7 ing direction in land management plans, Congress directs  
8 the Federal agencies to work cooperatively with State  
9 agencies to immediately identify areas of extreme fire risk  
10 and take immediate action to reduce natural fuels. Con-  
11 gress authorizes the use of emergency fire suppression  
12 funds to reduce natural fuels in such areas provided reduc-  
13 tions in the Sierra forests are consistent with the fuels  
14 management guidelines of the California Spotted Owl EA  
15 or subsequent EIS, and that fuels reduction activities in  
16 roadless areas preserve the unique characteristics of such  
17 areas. In areas identified as requiring additional treat-  
18 ments due to drought or pest infestation on National For-  
19 est lands, the Forest Service is directed to prepare a budg-  
20 et request declaring an emergency, pursuant to section  
21 251(b)(2)(D) of the Balanced Budget and Emergency  
22 Deficit Control Act of 1985.

23 **SEC. 5. STRATEGIC FIRE PLAN AND BUDGET.**

24 The Federal agencies are further directed to prepare,  
25 in consultation and coordination with other Federal agen-  
26 cies and the State of California, a strategic fire plan and

1 annual budget. The plan and budget shall be submitted  
2 to Congress by March 1, 1996, for inclusion in the 1997  
3 Appropriations request with a Supplemental Appropria-  
4 tions request, if needed, for 1996 funding of natural fuels  
5 treatment.

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