

2008 Farm Bill FORESTRY TITLE compared to existing law



Program	Food, Conservation and Energy Act of 2008	Authorizing Act/Current Law
Assistance to Federated States of Micronesia, Republic of Marshall Islands and Republic of Palau	<ul style="list-style-type: none"> • Language reflects new status of trust territories 	<ul style="list-style-type: none"> • Amends Cooperative Forestry Assistance Act of 1978
Boundary Adjustments- National Forests	<ul style="list-style-type: none"> • Authorizes boundary adjustment and land conveyance provisions for certain National Forests 	<ul style="list-style-type: none"> • New Provision
Community Forest & Open Space Conservation Program	<ul style="list-style-type: none"> • The Chief of the Forest Service may award grants not to exceed 50 percent of the cost for fee-simple acquisition of forest land that is: <ul style="list-style-type: none"> ○ Threatened by conversion to non-forest use ○ Provide benefits to communities • Eligible grant recipients include: <ul style="list-style-type: none"> ○ Local government entity ○ Indian tribe ○ Not-for-profit organization • Grant applicant must submit a project proposal to the State Forester that includes: <ul style="list-style-type: none"> ○ Description of land ○ Forest plan ○ Other information as may be required by Chief of the Forest Service • State Forester must submit a project description list of all proposals subject to schedules and forms as prescribed by the Chief of the Forest Service • Eligible grant entities must: <ul style="list-style-type: none"> ○ Provide public access to project property ○ Ensure that property is not sold or converted to non-forest uses subject to reimbursement provisions to the federal government and loss of future eligibility under the Program • The Chief of the Forest Service may allocate up to 10 percent of annual Program funding to State Foresters for technical assistance services • Funding : <ul style="list-style-type: none"> ○ Authorized such sums as necessary 	<ul style="list-style-type: none"> • Amends Cooperative Forestry Assistance Act of 1978 • New Provision
Competitive Allocation of Funds	<ul style="list-style-type: none"> • Beginning not later than June, 2011 (approx.), the Secretary must competitively allocate funds authorized pursuant to the Cooperative Forestry Assistance Act by a process determined in consultation with the Forest Resource Coordinating Committee • Priority for funding will be given to State-wide Strategies that promote 	<ul style="list-style-type: none"> • Amends Cooperative Forestry Assistance Act of 1978

	National Priorities	
Cooperative Forest Innovation Partnership Grants	<ul style="list-style-type: none"> • The Secretary may allocate up to 5 percent of funds pursuant to the Cooperative Forestry Assistance Act for innovative education, outreach, or technology transfer project grants not to exceed 50 percent of the cost that promote achievement of National Priorities. <ul style="list-style-type: none"> ○ Eligible project entities include: <ul style="list-style-type: none"> ○ State or local governments ○ Indian tribes ○ Land-grant college ○ Private entity 	<ul style="list-style-type: none"> • Amends Cooperative Forestry Assistance Act of 1978 • New provision
Cultural and Heritage Cooperation Authority	<ul style="list-style-type: none"> • Authorizes the reburial of human remains and cultural items, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), on National Forest System land • Prevents the unauthorized disclosure of information regarding burial sites, including the quantity and identity of human remains and cultural items on the sites and location of the sites • Authorizes the Secretary to allow, to the maximum extent practicable, access to National Forest System land by Indians and Indian tribes for traditional and cultural purposes • Authorizes the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes • Preserves all existing tribal rights, all existing agreements among tribes and the Forest Service, existing trust responsibilities, and any other outstanding rights to use of NFS lands. 	<ul style="list-style-type: none"> • New Provision
Emergency Forest Restoration Program	<ul style="list-style-type: none"> • Secretary of Agriculture may make payments not to exceed 75 percent of the costs to non-industrial private forest landowners who carry out measures to restore forest land impacted by natural disasters. • Eligible participants must be able to demonstrate that impacted land had tree cover immediately before the disaster • Qualifying restoration measures include those that: <ul style="list-style-type: none"> ○ Address damage that if not treated would impair or endanger natural resources ○ Materially affect future use of the land ○ Restores forest-health • The Secretary of Agriculture must promulgate regulations no later than June, 2009 (approx) • Funding: <ul style="list-style-type: none"> ○ Authorized as may be necessary and remains available until expended 	<ul style="list-style-type: none"> • Amends Agricultural Credit Act of 1978 • Secretary to carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, and other natural disasters when, as a result of the disaster, result in conservation problems that if not treated will: <ul style="list-style-type: none"> ○ impair or endanger the land ○ materially affect the productive capacity of the land ○ represent damage that is unusual in character ○ and will be so costly to rehabilitate that the Federal assistance is, or will be required to, return the land to productive agricultural use • Secretary to make payments to agricultural producers who carry out emergency water conservation or water enhancing measures during periods of severe drought • Secretary to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil-erosion prevention, in cooperation with landowners and land users to safeguards lives and property from natural disasters on any watershed when the natural disaster has caused a sudden impairment of the watershed.

Forest Resource Coordinating Committee (FRCC)	<ul style="list-style-type: none"> • The FRCC is updated and re-organized to provide for expanded representation for 3-year terms, including: <ul style="list-style-type: none"> ○ Three (3) State Foresters ○ A state fish and wildlife agency representative ○ A non-industrial private forest landowner ○ A representative from the forest industry ○ A conservation organization representative ○ A land grant college representative ○ A private forestry consultant ○ A representative from a State Technical Committee ○ Other appointments as may be determined by the Secretary • Committee duties include: <ul style="list-style-type: none"> ○ Direction and coordination for achieving National Priorities with specific attention to non-industrial private forest landowners ○ Clarify individually agency responsibilities with respect to achieving National Priorities ○ Provide advice on allocation of funds including Competitive Funds ○ Meet annually 	<ul style="list-style-type: none"> • Amends Cooperative Forestry Assistance Act • CFAA mandates that the FRCC is to be composed of representatives, appointed by the Secretary, from the Agricultural Research Service; the Agricultural Stabilization and Conservation Service, Extension Service, Forest Service, and Soil Conservation Service. • Chief of FS is the Chair • Duties <ul style="list-style-type: none"> ○ provide assistance in directing and coordinating USDA's actions relating to educational, technical, and financial assistance concerning forest land to private landowners ○ clarify individual agency responsibilities regarding forest land; and ○ advise the Secretary of intradepartmental differences with respect to the implementation of the CFAA, or any other Act relating to the Secretary's authority, regarding non-Federal forest lands
Health Forests Reserve Program	<ul style="list-style-type: none"> • Reauthorizes the Healthy Forest Reserve Program for fiscal years 2009-2012. • Deletes the enrollment cap and provides that forest land may also be enrolled through permanent easements • Limits cost-share enrollment options to no more than 40 percent of the total annual program funds • Authorizes funding from the Commodity Credit Corporation for \$9,750,000 for fiscal years 2009 through 2012 and remain available until expended 	<ul style="list-style-type: none"> • Amends Healthy Forests Restoration Act of 2003 • The purpose of the program is to: promote the recovery of threatened and endangered species; improve biodiversity; and enhance carbon sequestration • appropriation of \$25 million for fiscal year 2004, and an appropriation of such sums as necessary for each of the fiscal years 2005 through 2008 • 10 year cost share agreements, 30 year easements or an easement of not more than 99 years
Hispanic-Serving Institution Agricultural Land National Resources Leadership Program	<ul style="list-style-type: none"> • Secretary is authorized to provide competitive grants to Hispanic serving institutions for scholarships in Forestry • Funding <ul style="list-style-type: none"> ○ Authorized such sums as appropriate for each fiscal year 2008 through 2012 	<ul style="list-style-type: none"> • New Provision
Illegal Logging	<p>Expands the Lacey Act to prohibit the import, sale, or trade in wood or wood products that have been illegally harvested. Imported timber that is harvested in violation of country-of-origin laws may be seized by respective United States authorities.</p>	<ul style="list-style-type: none"> • Amends Lacey Act Amendments of 1981 • Under the Act it is illegal to: <ul style="list-style-type: none"> ○ import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law; ○ import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce <ul style="list-style-type: none"> ▪ any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law; ▪ any plant taken, possessed, transported, or sold in violation of any law or regulation of any State; or ▪ any prohibited wildlife species

<p>National priorities & Statewide Assessments</p>	<ul style="list-style-type: none"> • The Secretary of Agriculture is directed to focus on the following National Priorities relative to allocation of funds: <ul style="list-style-type: none"> ○ Conserve and manage working forest landscapes for multiple values and uses ○ Protect forest from threats and restore appropriate forest types in response to threats ○ Enhance public benefits from private forests • Secretary must report to congress no later than September 30, 2011 how funds have been used to accomplish National Priorities as well as outcomes achieved • In order to be eligible for funding pursuant to the Cooperative Forestry Assistance Act the State Forester of equivalent must submit to the Secretary no later than June, 2010 (approx.) an <u>Assessment</u> of forest resource conditions and a <u>long-term forest resource Strategy</u> • The Assessment must include: <ul style="list-style-type: none"> ○ Conditions and trends of forest resources ○ Threats to forest lands pursuant to National Priorities ○ Areas or regions of state that are considered priorities ○ Multi-state areas that are regional priorities • The State-wide Strategy must include: <ul style="list-style-type: none"> ○ Strategies for addressing threats identified in the Assessment ○ Description of resources necessary to accomplish the State-wide Strategy • The State Forester must update and re-submit the Assessment and State-wide Strategy on a schedule to be determined by the Secretary • Assessment and State-wide Strategy preparation must be coordinated with the following: <ul style="list-style-type: none"> ○ State Forest Stewardship Coordinating Committee ○ State wildlife agency pursuant to state wildlife action plans ○ State Technical Committee ○ Federal land management agencies as apply ○ Lead agency for Forest Legacy Program • Assessment and State-wide Strategy preparation must also incorporate: <ul style="list-style-type: none"> ○ Any forest management of the State ○ Community wildfire protection plans ○ State wildlife action plans • Following approval by Secretary, the Assessment and State-wide Strategy is considered sufficient to satisfy all planning and assessment requirements contained in the Cooperative Forestry Assistance Act • Funding authorized up to \$10 million annually for FY 2008-2012 <ul style="list-style-type: none"> ○ Secretary may also use any funding made available for planning per the Cooperative Forestry Assistance Act not to exceed \$10 million per year in combination with specifically authorized funding 	<ul style="list-style-type: none"> • Amends Cooperative Forestry Assistance Act • New Provision
<p>Office of International Forestry</p>	<ul style="list-style-type: none"> • Reauthorizes Office of International Forestry through 2012 	<ul style="list-style-type: none"> • Global Climate Change Prevention Act (GCCPA) authorizes the Chief of the Forest Service to establish an Office of International Forestry within

		<p>the Forest Service</p> <ul style="list-style-type: none"> • Deputy Chief of International Forestry is to be responsible for: (1) the international forestry activities of the Forest Service; (2) coordinating the activities of the Forest Service in implementing the provisions of the GCCPA; and (3) serving as the Forest Service liaison to the director for the Global Climate Change Program. • appropriation of such sums as necessary for the Office of International Forest for each of the fiscal years 1996 through 2007
Qualifying Timber Contract Options	<ul style="list-style-type: none"> • Revises certain timber sale provisions on National Forests for following conditions: <ul style="list-style-type: none"> ○ Timber sales for the period July 1, 2004 to December 31, 2006 ○ Unharvested volumes remaining ○ Timber purchaser must make written request to Secretary for certain contract options no later than August 1, 2008 (approx) ○ Does not apply to salvage sales 	<ul style="list-style-type: none"> • New Provision
State Forest Stewardship Coordinating Committee (SFSCC)	<ul style="list-style-type: none"> • A representative of the State Technical Committee is added to the membership • Replaces requirement for a statewide Forest Stewardship Plan with Statewide Assessment and Strategies for Forest Resources. State committees make recommendations on the Statewide assessment. 	<ul style="list-style-type: none"> • Amends Cooperative Forestry Assistance Act of 1978 • SFSCC is to be chaired and administered by the State forester and is to be composed of: <ul style="list-style-type: none"> ○ representatives from the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation service; ○ representatives, to be appointed by the State forester or equivalent State official, of; local government; consulting foresters; environmental organizations; the forestry products industry; forest land owners; land-trust organizations, if applicable in the State; conservation organization; (VII) the State fish and wildlife agency; • SFSCCs are to: <ul style="list-style-type: none"> ○ consult with USDA and State committees that address State and private forestry issues ○ make recommendations to the Secretary concerning the assignment of priorities and the coordination of responsibilities for the implementation of the CFAA by the various Federal and State forest management agencies, taking into account the mandates of each agency ○ make recommendations to the State forester or equivalent State official concerning the development of a Forest Stewardship Plan; and ○ make recommendations to the Secretary concerning those forest lands that should be given priority for inclusion in the Forest Legacy Program
Tribal Forestry Assistance	<ul style="list-style-type: none"> • Extends the Forest Legacy Program to Indian Tribes • Authorizes grants to tribes for conservation easement program 	<ul style="list-style-type: none"> • Expands current authorities