



# Wildfire Management and Forest County Payments

A supplement to *Communities and Forests*, the newsletter of the

Communities Committee of the 7th American Forest Congress

*The year 2000 was an exciting one for community-based forest practitioners, with Congress passing new authorities and funding measures to support community-based forestry efforts.*

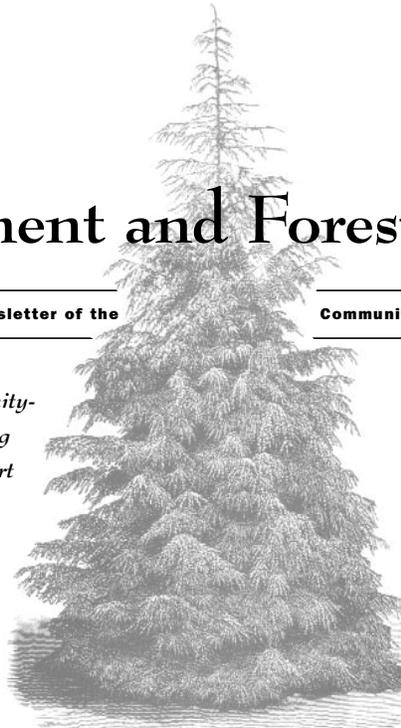
*This Quick Guide was written to help community forestry practitioners understand legislation passed and approved in 2000 that supports efforts to advance community-based forestry. Practitioners should become familiar with the important provisions of this new legislation guiding wildfire policy and county payments.*

*As community forestry activists and practitioners, you are in a unique position to understand and identify the challenges of implementing new federal programs on the ground. Working with local, regional, and national agency offices and sharing your expertise with Congress can help improve the way that resources are managed.*

*This Quick Guide will help you become familiar with the new legislative authorities, so that you can work with the affected agencies to ensure that your community benefits from the new opportunities available. It can also be used to share information with partners about the success of the programs and to help identify the need for corrective action.*

*The new legislation described in this Quick Guide includes authorization and appropriations bills. Authorization bills establish programs and policies. Appropriations bills fund programs.*

*You can get more information from sources on the list of contacts at the end of each section and at the end of the Quick Guide. Also, all legislative language is available on the World Wide Web at <http://thomas.loc.gov> and is searchable by keyword and by bill number. Descriptions below include bill numbers.*



Vol.2, No.1 August 2001

## WILDLAND FIRE MANAGEMENT

Department of the Interior and Related Agencies Appropriations Act, Fiscal Year 2001 (P.L. 106-291), Title IV

### Background

The 2000 wildfire season was one of worst in the last 50 years. Nearly 7 million acres burned and 852 structures were destroyed. These fires reinforced the repeated warnings of scientists and others about the need to address the high risk of destructive wildfire in our national forests.

A number of factors contribute to wildfires, such as excessive build-up of underbrush and other hazardous fuels, unnaturally dense forest stands, and weather. Massive wildfires threaten not only ecological values but also the lives and properties of people living in communities adjacent to national forestland.

Attention is now focused on the need to restore areas affected by wildfires and on threats future wildfires pose to communities and forest ecosystems in the West.

### Highlights

Title IV of the FY 2001 Interior Appropriations Bill contains language permitting the expenditure of funds appropriated for wildland fire emergency management—local and national—and community-based forest restoration efforts.

The most pertinent language authorizes mechanisms for preventive measures and appropriates funds for hazardous fuels reduction in the urban-wildland interface. The bill authorizes \$240 million for these hazardous-fuels reduction activities—\$120 million each to the Bureau of Land Management and the USDA Forest Service.

*Language supporting community-based forestry activities in collaboration with the Bureau of Land Management in the Department of Interior (pp. 87-88) reads:*





“Provided, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land:

“Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses.”

*Language supporting community collaboration with the USDA Forest Service for hazardous fuels reduction work reads (pp. 88-89):*

“That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses. . . .

“In expending the funds provided with respect to this title for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts.

“Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on

Federal lands using grants and cooperative agreements.

“Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

- “(A) local private, non-profit, or cooperative entities;
- (B) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;
- (C) small or micro-businesses; or
- (D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban-wildland interface are obligated.”

*The Conference Report (H.R. 106-914) also contains language that further explains Congress’ intent with this act, including the following language relevant to community forestry (pp. 193-194):*

“The purpose of paragraph (1) is to provide the Secretaries with the flexibility to provide employment and training opportunities to people in rural communities. The managers direct the Secretaries to give preference to local workers and youth groups, such as the Youth Conservation Corps, in developing projects under this section to the maximum extent feasible consistent with funding limitations.”

*Title IV also directs federal agencies to identify and prioritize communities at risk in the urban-wildland interface. It requires the Secretaries of Agriculture and Interior to:*

- Identify, in cooperation with state and local firefighting agencies, a list of communities in the urban-wildland interface at high risk of wildfire. The initial list was published in the January 4, 2001, Federal Register (Vol. 66, No. 3, pp. 751-777) and includes communities conducting or planning hazardous fuels reduction treatments. The document can be found at <http://www.nara.gov/fedreg>.
- Develop a Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems.
- Prepare a list of all urban-wildland interface communities. The final list will be published in the Federal Register.



## GETTING INVOLVED

Here are some steps you can take to get involved in wildfire management and forest county payments activities:

- **Begin building relationships with federal, state, and local agency officials and staff:**
  - Contact your local and regional Forest Service and BLM offices and state forester's office to learn about fire planning on public land in your community.
  - Contact your county commissioner's office or local Forest Service office to find out whether your county is eligible for funding under the County Payments Bill. If so, find out who serves on the Resource Advisory Committee and what projects are being funded under the act.
  - Develop a relationship with the local staff members of your congressional representatives.
  - Be an accessible, reliable, and accurate source of information.



- Many national forests are now recruiting Resource Advisory Committee members. If you or someone you know would be a good candidate, contact the forest supervisor or county commissioner's office involved.
- Organize a community-based fire-planning process or contact your local Forest Service office to find out whether one is already under way. Identify other members of your community and build coalitions, which can improve your planning process and political influence. Developing coalitions at the county level and integrating coalition strategies with National Forest Plan efforts can open avenues for funding from the Forest Service and through the County Payments Bill. It also will allow you to coordinate broader Forest Service land management goals.
- Work with your local Forest Service office to comment on project and funding procedures. Encourage the office to enhance local job and small business opportunities. Help your local office work through issues related to your community's existing capacity and its needs and desires. It is important to discuss and address issues such as fair access to contracting of traditional, small, mobile work-force crews. Let the offices know you are aware of the language in FY2001 Interior Appropriations.
- Contact your state forester's and governor's offices to recommend that priority for funding under Title IV of the FY 2001 Interior Appropriations Bill go to projects that have been initiated and developed through a community-based fire planning process. If possible, be specific about projects.

- Set up a monitoring program to track how your area is affected by the activities conducted under the new legislative authorities. Potential activities to monitor include jobs created in your community, average wages for those jobs, and the availability and accessibility of contracts put out for bid by federal agencies. It is important to document on-the-ground successes or failures to help foster learning and improve management. You can communicate this information to people in your community and at a national level, including national interest groups, staff members for your congressional delegation, and national-level agency officials. Local data are critical for improving decisions at the national level.

- If you are interested in obtaining financial support or in developing projects, contact your forest supervisor or county commissioner's office to ask about the process for submitting project proposals or for bidding on contracts under the new wildfire authorities. You also may ask about submitting proposals under the county payments legislation. You should ask about the criteria being used for selecting project proposals.

- Contact the National Network of Forest Practitioners (401/273-6507) to find out about relevant planning meetings in or near your community or to obtain examples of contracts or planning materials from other communities or regions.



### Significance for community practitioners

Funding authorized under this title is available until all funds are obligated. This means the funding does not have to be spent during Fiscal Year 2001. However, the Forest Service must report to Congress on its use of funds on activities conducted in 2001 to show that it is using the money as Congress intended.

Language in this act allows the BLM and Forest Service to contract with private, nonprofit, and cooperative entities. It also encourages the agencies to award contracts in a manner that provides local job and training opportunities. This may provide many of you with employment and training opportunities.

Contracts may be awarded using best-value contracting, meaning that criteria such as the "ability of an entity to enhance local and small business employment opportunities in rural communities" may be used when awarding contracts. This provision puts smaller contractors in a more competitive position than they would be if contracts had to be awarded to the lowest bidder. It will be important to monitor who gets the work and the impact this language has on the existing work force.

The urban-wildland interface is the priority area for hazardous fuels reduction activity. This means activities should take place in and around communities at risk of property damage or loss of lives because of wildfire.

Language in Title IV that includes the term "notwithstanding" supercedes any previous legislation that would prevent the Forest Service or Bureau of Land Management from carrying out the relevant activities.

It will be important to monitor how the agencies implement these provisions and to determine whether forest practitioners' visions and objectives are being met.



## FOREST COUNTY PAYMENTS

Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393) ("County Payments Bill")

### Background

The county payments bill updates a system begun almost a century ago. In 1908 the federal government enacted legislation that com-

pensates counties that have a large percentage of federal land for the tax revenues they would have received had those lands been privately owned. Under this legislation, 25 percent of revenues generated on national forestlands has been paid to states to fund schools and roads in those counties.

Historically, much of the revenue generated from federal forestland has come from timber sales. However, in recent years timber sales have declined nationally by more than 75 percent from historic averages, significantly reducing the revenue payments to counties to support community needs such as rural schools and roads.

Congress has been exploring proposals to address county payments issues for several years. This bill was passed largely to separate or "decouple" federal payments to counties from timber sales, while also providing some revenues that could be used for stewardship project development through local, collaborative processes.

### Summary

The purposes of the act are to:

- (1) "Stabilize payments to counties to provide funding for schools and roads that supplements other available funds."

To address the funding problems described, the Secure Rural Schools and Community Self-Determination Act of 2000 seeks to provide a stable funding source for states and counties traditionally reliant upon federal revenue-sharing programs to support school programs. The law replaces the safety-net payments secured by the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66). The current law is meant to be a temporary, five-year measure to secure funding to local and state governments while a long-term solution is developed.

Under the law, an advisory committee, known as the Forest Counties Payments Committee, will be formed to make recommendations for a long-term solution.

- (2) "Make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality."

Projects that meet this objective include road, trail, and infrastructure maintenance or obliteration; soil productivity improvement; improvements in forest ecosystem health; watershed restoration and maintenance; restoration, maintenance, and improvement of wildlife and fish habitat; control of noxious and exotic weeds; and reestablishment of native species.



(3) "Improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands."

This language provides opportunity for community forest practitioners to work with federal land management agencies.

Highlights of the act include the following:

Counties can choose either to participate in the new program or to continue receiving 25 percent of total receipts from timber sales on national forestland in their counties. Counties with strong timber programs, such as those in the Midwest, Southeast, or Mid-Atlantic, may choose to stay in the old system.

- If a county chooses to stay in the old program, the 25 percent of revenues received can be used only for projects approved under the old system: public schools and roads.

If a county chooses to participate in the new program:

- Payments from national forest receipts are determined by averaging the three highest annual 25-percent payments for states from 1984 through 1999.
- Payments to counties from receipts on Bureau of Land Management lands are calculated by averaging the three highest 50-percent payments from 1984 through 1999.
- Annual adjustments can be made. The bill authorizes such payments from 2001 to 2006. Counties must use 80 percent to 85 percent of funds for public schools and roads.
- Counties may use 15 percent to 20 percent of funds received under Title II or Title III as outlined below. They also may mix and match funds for projects under Titles II and III.

**APPLICATION DEADLINES**

**By September 30, 2001, counties must:**

- (1) Decide whether to enter the new system or remain under the old system**
- (2) Choose to use funds for projects under Title II, Title III, or a combination of the titles.**

**By September 30, 2001 through 2006, each Resource Advisory Committee under Title II must submit project proposals to the national level.**

**Using Title II**

For counties choosing to spend 15 percent to 20 percent of funds under Title II:

**Allocation of funds**

Funds will be distributed by the Secretaries of Agriculture and Interior. Local Forest Service and BLM offices select projects in conjunction with a Resource Advisory Committee.

**Projects**

Eligible projects include those that "improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality." (Title II, Sec. 203 (b) (6))

**Resource Advisory Committees (RACs)**

RACs will review projects, coordinate with land management agencies to propose projects and funding to the Secretaries of Agriculture and Interior, and provide opportunities for early and continuous input from interested stakeholders: citizens, organizations, tribes, land management agencies, and others.

The Secretaries of Interior and Agriculture will appoint the advisory committees. The committee will have 15 members. Five members must be from each of the following groups:

- organized labor, outdoor recreation and off-road vehicle users, the commercial timber industry, or holders of federal grazing permits
- national environmental organizations, local or regional environmental organizations, dispersed recreational activities, archaeological or historic interests, or wild horse and burro groups
- state official, elected county or local official, an American Indian tribe, school officials or teachers, or the public at large.

There will also be three alternates to replace members who may leave a RAC.

**Submission of project proposals**

Project proposals will be submitted to the RAC. The RAC submits proposals to the Secretaries of Interior and Agriculture for review by September 30 each year. Project proposals must include:

- (1) a purpose
- (2) a description of how the project meets the purposes of the act



- (3) the expected project duration and cost
- (4) funding sources
- (5) expected outcomes
- (6) a monitoring plan

Proposals also may contain a description of how the project can meet stewardship objectives and achieve desired ecological conditions; expected timber, forage, and other commodities resulting from the project; and other economic outcomes, such as jobs generated. Contracts may be awarded on a best-value basis.

**HOW BEST-VALUE CONTRACTING CAN HELP YOUR COMMUNITY**

**Best-value contracting allows the Forest Service to consider a contractor's technical approach and past performance, rather than only price, when awarding service contracts. Past performance includes factors like the quality of a contractor's previous work. Technical approach can include factors like the type of equipment used and the intent to hire and train local, mobile workers.**

**Monitoring**

Projects must include a monitoring component. Criteria must include “whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act” (Title II, Sec. 203 (b) (6)). Projects are subject to environmental review under existing environmental laws.

**Cooperation with non-federal entities**

Federal agencies, state and local governments, private and nonprofit groups, and landowners can enter into cooperative agreements for projects meeting the requirements of the title. Projects can improve infrastructure, enhance forest ecosystems or fish and wildlife habitat, or restore and improve land health and water quality.

Funds can be pooled with money from state and local governments or the private sector. Best-value contracting mechanisms may be used for cooperative agreements.

**Merchantable materials**

A percentage of all contracts must include the sale of merchantable materials, which are obtained from USDA Forest Service land that has value in the market. That percentage increases over the dura-

tion of the bill: FY 2001 is 15 percent; FY 2002 and 2003, 25 percent; and FY 2004 through 2006, 50 percent.



**Using Title III**

For counties choosing to spend 15 percent to 20 percent of funds under Title III:

**Allocation of Funds**

Counties keep and allocate all funds.

**Projects**

Authorized county projects include:

- *Search, rescue, and emergency services* (Title III, Sec. 302 (b) (1)): This section permits reimbursement for firefighting performed on federal lands and paid for by the county.
- *Community service work camps* (Title III, Sec. 302 (b) (2)): This section allows for funds to reimburse counties for salaries and benefits of county employees who supervise mandatory community-service work on federal lands.
- *The Easement purchases* section (Title III, Sec. 302 (b) (3)) allows counties to use funds for conservation easements or easements to provide “nonmotorized access to public lands for hunting, fishing, and other recreational purposes.”
- *Forest Related Education Opportunities* section (Title III, Sec. 302 (b) (4)): This section authorizes funds for forest-related after-school programs.
- *Fire Prevention and County Planning* (Title III, Sec. 302 (b) (5)): This section authorizes counties to use funds to “educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires” and to “reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.”
- *Community Forestry* (Title III, Sec. 302 (b) (6)): This section authorizes funds for “non-federal cost-share provisions of section 9 of the Cooperative Forestry Assistance Act (Public Law 95-313),” which in turn authorizes urban and community forestry activities.



Section 9 of the Cooperative Forestry Assistance Act authorizes the Secretary of Agriculture to cooperate with and provide financial, technical, and other assistance to state forestry agencies, local governments, and private entities, including nonprofit groups, to “plan urban forestry programs and to plant, protect, and maintain, and utilize wood from, trees in open spaces, greenbelts, roadside screens, parks, woodlands, curb areas, and residential developments in urban areas” (Sec. (9) (c)). It authorizes several activities, including:

- (1) conducting forest inventories
- (2) developing local management plans
- (3) implementing community forestry projects

It also authorizes a challenge cost-share program for communities to implement projects.



## The Act’s Significance for Community Forestry Practitioners

The act has a restoration focus. One of its stated purposes, as quoted above, is to “make additional investments in, and create additional employment opportunities through” ecosystem restoration and maintenance activities.

The projects authorized under this bill provide you, as a community forestry practitioner, with the opportunity to apply for federal funding to support your programs. For example, for many of you in areas at risk of destructive wildfire, this act provides funding to plan and take risk-management measures to reduce the likelihood of fires impacting property and lives in your community.

### BUILDING COALITIONS

**Building coalitions with diverse interests can strengthen your capacity to work effectively in your community and to influence national policy.**

- **Identify people in your community, including agency staff from local, state, and federal offices, who have an interest and stake in your issues**
- **Reach out to nontraditional allies, including members of the business community**
- **Organize a meeting with these diverse stakeholders**
- **Identify and listen to each other’s objectives**
- **Find common goals**
- **Identify the obstacles to meeting common goals**
- **Develop solutions to overcome obstacles**
- **Communicate your solutions with your county government, state legislature, governor’s office, and agencies implementing programs**

These projects also provide opportunities to complete restoration activities on national forestlands and to work toward supporting a restoration work force.

The act authorizes federal agencies to enter into cooperative agreements with state and local governments, private and nonprofit groups, and landowners. Many of you may qualify for funding under these categories.

It will be important to monitor how the provisions are being implemented by the federal agencies and local authorities to determine whether community-based forestry objectives are being met.

For further information, contact:  
Tom Quinn, USDA Forest Service  
202/205-0846  
tquinn01@fs.fed.us



## Acknowledgments and Credits

*Written by: Christina Cromley*

*This Quick Guide was written in consultation with Maia Enzer of Sustainable Northwest, Carol Daly of the Flathead Economic Policy Center, and Gerry Gray of AMERICAN FORESTS. Lisa Dix of American Lands and Tom Quinn of the USDA Forest Service provided input on the County Payments Bill section. In addition to members of the policy task group listed below, Andrea Bedell Loucks of the Pinchot Institute, Nils Christofferson of Wallowa Resources, Nancy Farr of Partnership for a Sustainable Methow, and Ron Hooper of the Forest Service reviewed the guide.*

*This Quick Guide is one of a series of policy tools developed by the Policy Task Group of the Communities Committee of the Seventh American Forest Congress. Please direct comments to the people listed below. All Communities Committee members are welcome to join this task group.*

### *Policy Task Group Members:*

Michael Goergen, Co-Chair, Policy Task Group  
Society of American Foresters  
Goergenm@safnet.org

Christina Cromley, Co-Chair, Policy Task Group  
AMERICAN FORESTS  
ccromley@amfor.org



QUICK GUIDE FOR COMMUNITY FORESTRY ACTIVISTS

Jim Biel  
NY Department of Environmental Conservation  
jabeil@gw.dec.state.ny.org

Thomas Brendler  
National Network of Forest Practitioners  
tbrendler@igc.apc.org

Carol Daly  
Flathead Economic Policy Center  
cdaly@digisys.net

Maia Enzer  
Sustainable Northwest  
menzer@sustainablenorthwest.org

Lynn Jungwirth  
Watershed Research and Training Center  
lynnj@hayfork.net

Juan Mendoza  
Willamette Valley Restoration  
wvrwp@molalla.net

Mary Mitsos  
Pinchot Institute for Conservation  
mmitsos@compuserve.com

Kathryn Mutz  
Natural Resources Law Center  
kathryn.mutz@colorado.edu

Rodney Stone  
USDA Forest Service  
rstone03@fs.fed.us

Eleanor Torres  
Integrated Infrastructure, Inc.  
ethnodiver@aol.com

Alice Ewen Walker  
National Alliance for Community Trees  
alice@pobox.com

This Quick Guide is a joint publication of the Communities Committee of the Seventh American Forest Congress and AMERICAN FORESTS. Financial support is provided by the Ford Foundation, the Surdna Foundation, and the USDA Forest Service, State and Private Forestry.

To request additional copies, please contact:

Christina Cromley  
Director of Forest Policy  
AMERICAN FORESTS  
P.O. Box 2000  
Washington, D.C. 20013

Bulk orders of this or previous Quick Guides can be purchased for a minimal charge. Smaller quantities are provided free.

Available Quick Guides: The Appropriations Process, Media Strategies for Community Practitioners, the Federal Budget Process, and Conducting a Congressional Field Tour.

**Communities and Forests/Quick Guide**  
Communities Committee of the  
Seventh American Forest Congress  
919 Elk Park Rd.  
Columbia Falls, MT 59912