



U.S. FOREST SERVICE FARM BILL INSECT and DISEASE DESIGNATIONS

KEY MESSAGES

May 19, 2014

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- The 2014 Farm Bill contains a wide range of provisions in the Forestry Title that will aid the agency in increasing the pace and scale of forest, watershed and grassland restoration, including Section 8204 of the Farm Bill, which provided the opportunity for Governors to request designation to areas in their State that are experiencing, or at risk of, an insect or disease epidemic.
- The Forest Service received letters from 35 States requesting designations. In response to the State's requests, the Chief has designated approximately 45.6 million acres of National Forest System lands across 94 national forests in 35 States.
- These designations will not immediately result in more work being accomplished, nor are the designations a commitment by the Agency to treat all 45.6 million acres. They will allow the Agency to use streamlined NEPA procedures to plan future projects within designated areas.
- Restoration projects in these designated areas have to be developed in collaboration with a diverse group of stakeholders and must meet environmental safeguards.
- The Forest Service will work with States, Tribes, partners, stakeholders and the public to develop and implement landscape scale restoration projects within designated areas that reduce the risk of insect and disease infestations.
- Accelerating the pace and scale of restoration activities across the National Forest System, including by treating areas with insect and disease epidemics will allow us to make our forests healthier and more resilient to threats, including climate change.
- Fixing how fire suppression activities are funded continues to be the single most important action to help the agency accelerate the pace and scale of restoration, including by stabilizing budget line items that will support projects in designated areas.

Key Messages with Additional Details:

The 2014 Agricultural Act, better known as the 2014 Farm Bill, contains a wide range of provisions in the Forestry Title that will aid the agency in increasing the pace and scale of forest, watershed and grassland restoration, including:

- Authority to use the NEPA procedures provided for in section 104 of the Healthy Forest Restoration Act for environmental analyses within designated areas to implement landscape scale projects.
- Authority to use the NEPA categorical exclusion process to collaboratively develop treatments in designated areas up to 3,000 acres in size from documentation in an environmental assessment or environmental impact statement, subject to standard limits on the use of categorical exclusions.
- Permanent authorization for Stewardship Contracting.
- Permanent authorization and expansion of Good Neighbor Authority to all 50 States and Puerto Rico.

Section 8204 of the Farm Bill provides the opportunity for Governors to request designation to areas in their State that are experiencing, or at risk of, an insect or disease epidemic.

- If requested by a governor within 60 days of enactment (by April 8), the Secretary is required to designate at least one landscape-scale area on at least one national forest in that State.
- After the end of the 60-day period, the Secretary may designate additional areas as needed to address insect or disease threats.
- The Secretary has delegated his authority to the Chief of the Forest Service.

The Forest Service received letters from 35 States requesting designations.

- The requests from States were reviewed to ensure the areas meet at least one of the following eligibility criteria outlined in the Farm Bill:
 1. Experiencing forest health decline based on annual forest health surveys;
 2. At risk of experiencing substantially increased tree mortality based on the most recent Forest Health Protection Insect and Disease Risk Map; or
 3. Contains hazard trees that pose an imminent risk to public infrastructure, health, or safety.
- Requests varied widely in terms of size: the Forest Service reviewed all submissions for consistency with the statutory criteria, and designated all areas that were consistent, excluding Wilderness and Wilderness Study Areas.

In response to the State's requests, the Chief has designated approximately 45.6 million acres of National Forest System lands across 94 national forests in 35 States.

- These areas will be further evaluated, to identify potential projects that reduce the risk or extent of, or increase resilience to insect and disease infestations.
- Designations exclude Wilderness and Wilderness Study Areas. Roadless areas have not been excluded.

These designations will not immediately result in more work being accomplished, nor are the designations a commitment by the Agency to treat all 45.6 million acres.

- The designations will provide useful tools to the Agency to more quickly plan projects for insect and disease treatments within designated areas, as we seek to increase the pace and scale of restoration across the National Forest System as a whole.
- However, the new authority does not come with any new funding: the Farm Bill authorized \$200 million dollars for work within designated areas, but did not appropriate those funds.
- Any projects must be accomplished using existing dollars. Additionally, the FY14 program of work is largely complete; however a few projects may begin this summer.
- Work will also continue within these and other areas on other agency priorities.

Fixing how fire suppression activities are funded continues to be the single most important action to help the agency accelerate the pace and scale of restoration, including by freeing up funds and stabilizing line items that will support projects in designated areas.

- Unlike other similar federal emergency management programs, fire suppression is totally funded within the Forest Service and DOI's discretionary budgets. **Fire funding has gone from 13% of the agency's budget in the early 1990s to almost 40% today. Fire**

suppression is currently funded using the most recent 10-year average. As this average has increased, damaging cuts are made each year to other agency operations, including significant reductions to hazardous fuels and forest restoration activities that are critical to maintaining forest and rangeland health and reduce fire risk.

- This solution will not increase overall federal spending, but will fix the problem with the timing of funding. The current practice of funding fire suppression out of non-fire accounts then paying back those accounts later has resulted in severe impacts to many important programs. Adequately funding suppression activities as the actual fire events occur will eliminate the need to “borrow” from other accounts. By putting catastrophic fire events in the same category as other national emergency events such as hurricanes and floods will allow for better and more efficient management of emergency and non-emergency federal programs.

These designations do not change or exempt the Forest Service from complying with any other existing law, regulation and policy.

- The Forest Service must still comply with the National Environmental Policy Act, Endangered Species Act, Clean Water Act, National Historic Preservation Act, agency Roadless Rules, and other applicable laws, regulations, and policies that affect the designated areas.
- In planning and implementing projects in the designated areas, the agency will continue to involve the public in an open and transparent manner as it has been throughout implementation of other restoration projects. Collaborative approaches and early stakeholder engagement will be used for project planning. These steps have been very effective in increasing public support for agency efforts to increase the pace and scale of restoration.

The ability to use the NEPA procedures in section 104 of the Healthy Forest Restoration Act for environmental analyses in designated areas will provide for efficient decision making and project implementation.

- These NEPA procedures require the consideration of two alternatives – an action and a no action alternative. A third alternative can be considered if one is raised by the public and meets the purpose and need.
- Prior to the Farm Bill, the requirements that had to be met made it difficult to implement landscape scale projects outside of the wildland urban interface using the expedited NEPA procedures. The Farm Bill now allows the expedited NEPA procedures to be used in designated areas.

The Farm Bill also establishes a new Categorical Exclusion (CE) to implement collaborative restoration projects within designated areas.

- Projects implemented using the CE cannot exceed 3,000 acres and must be developed and implemented through a collaborative process.
- Projects implemented using the CE must also comply with several other requirements including:
 - Maximizing the retention of old growth and large trees.
 - Considering the best available science.
 - Limited to areas in the wildland urban interface (WUI) or in areas in Condition Class 2 and 3, in Fire Regime Groups I, II, & III if outside the WUI.

- Excludes areas in the Wilderness, wilderness study areas, and areas where the removal of vegetation is restricted or prohibited.
- Prohibits the establishment of permanent roads.
- Requires the decommissioning of any temporary roads constructed to carry out a project within 3 years of project completion.

The Forest Service will collaboratively work with States, Tribes, partners, stakeholders and the public in implementing landscape scale restoration projects within designated areas that reduce the risk of insect and disease infestations.

- The program of work for FY 2014 is already in place; however a few projects may begin this summer in designated areas.
- Planning for landscape scale projects within designated areas is expected to expand in FY 2015 and beyond.

These designations will help us preserve the role of forests in mitigating climate change, one of the steps identified in the President's Climate Action Plan.

- The nation's forests are experiencing larger and more frequent insect and disease outbreaks, as well as increased length and severity of fire seasons as a result of climate change.
- By focusing on stemming insect and disease outbreaks we can better protect the large carbon stores already present in our national forests as well as help create forests that are more resilient to future changes in climate.

Many threats pose risks to our nation's forests and the many benefits they provide such as drinking water for citizens, recreation, wildlife habitat for hundreds of species, forest products, carbon sequestration and many others.

- The 2012 National Insect and Disease Risk Map estimates approximately 81 million acres across all lands are at risk for insects and diseases. Nearly 72 million acres are in the contiguous 48 states and 9.5 million acres are in Alaska.
- Annual aerial detection surveys conducted by the Forest Service and State partners identified over 4.4 million acres with tree mortality in 2013.
- Approximately 65 - 82 million acres of National Forest System lands (up to 42 percent of the entire system) are in need of restoration.

The Farm Bill, particularly the provisions for addressing insect and disease threats, permanent authority for stewardship contracting, and permanent authority and expansion of the Good Neighbor authority to all 50 States and Puerto Rico supports a wide range of agency efforts already underway to increase the pace and scale of restoration, including:

- Collaborative Forest Landscape Restoration Program
- Cohesive Fire Strategy
- Western Bark Beetle Strategy.
- Integrated Resource Restoration Program
- Watershed Condition Framework
- 2012 National Forest System Land Management Planning Rule.



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FREQUENTLY ASKED QUESTIONS

May 16, 2014

Q. Now that the designations are in place, what does the Forest Service intend to do next?

A. The agency will continue to focus on increasing the pace and scale of restoration. These designations bolster the agency's ability to accomplish restoration projects that not only combat insect and disease threats, but reduce the risks of catastrophic wildfire and impacts from invasive species. The Forest Service will work with States, Tribes, partners, and stakeholders to develop and implement projects in the designated areas. Collaborative approaches will continue as well as involving the public in an open and transparent manner.

Most national forests have their FY 2014 program of work well underway. A few projects can be expected in the designated areas this summer, but the work priorities of most forests are set for the year. Planning, developing, and implementing projects - particularly those at a landscape scale, will expand in FY 2015 and beyond.

The Chief also will discuss with Regional Foresters the potential for other critical areas that need designation to address insect and disease threats. This additional evaluation will occur sometime this summer. If needed, as provided in the legislation, the Chief may designate additional areas.

Fixing how fire suppression activities are funded continues to be the single most important action to help the agency accelerate the pace and scale of restoration, including by stabilizing budget line items that will support projects in designated areas.

Q. How do these designations align with other agency efforts such as the Collaborative Forest Landscape Restoration Program (CFLRP), the Western Bark Beetle Strategy (WBBS), the Cohesive Fire Strategy, the Integrated Resource Restoration (IRR) Program and the Watershed Condition Framework (WCF)?

A. Many of the projects that are part of the CFLRP will occur within the designated areas and can benefit from the expedited National Environmental Policy Act (NEPA) procedures that are available. The designated areas provide leverage for more effective implementation of the WBBS and the Cohesive Fire Strategy. The designations will further aid in focusing IRR and compliment the WCF in identifying priority areas for restoration. The expedited NEPA procedures further aid the agency in increasing the pace and scale of restoration. The designations provide opportunities for more efficient planning and implementation of large scale projects.

Q. The law says the Secretary only has to approve one area per state. Why are you designating over 45 million acres?

A. Approximately 81 million acres of the nation's forests are either experiencing, or are at risk of, insect and disease epidemics and approximately 58 million acres are at risk of intense wildfires. The Forest

Service needs support from the states, Tribes, partners and stakeholders to restore resiliency to these landscapes and conserve them for the benefits they provide such as water, recreation, forest products and wildlife habitat. These designations will allow the agency to capture NEPA efficiencies in order to more efficiently plan and implement insect and disease treatments within designated areas.

Q. Will you treat all acres that you designate? How are you going to do work on 45 million acres? Will other acres still be treated?

A. All areas designated will not be treated. Designated areas will be evaluated for developing and implementing projects to address either existing insect or disease epidemics or reduce the risks of insect or disease threats. Consideration will be given to capacity, existing resources, potential for partnerships, and other ongoing restoration efforts and projects. A combination of tools will be used to implement insect and disease treatment projects including focused and adaptive analysis NEPA approaches, the newly legislated CE, stewardship contracting and agreements, timber sales, the Good Neighbor authority, mechanical fuels reduction and prescribed fire. The agency will also use the expedited NEPA procedures to develop and implement landscape scale projects within the designated areas.

Other areas outside of the designated areas will continue to be treated as well, including but not limited to CFLRP projects, restoration projects in priority watersheds, and projects that are part of the Forest Service/Natural Resource Conservation Service Landscape Restoration Partnership that fall outside of designated areas. The Agency will continue to focus on implementing projects, within and outside of designated areas, that increase the pace and scale of restoration.

Q. Why wasn't the public involved in helping to determine the areas that were designated?

A. These designations identify where insect epidemics are already occurring or where significant risks exist. The Farm Bill did not require public involvement identify designations and required that designations be made within the first 60 days of enactment, limiting our ability to effectively engage the public; however, collaborative efforts and public involvement will be a critical part of the process as the agency plans and implements projects in designated areas.

Q. Are there any areas that are specifically excluded from designation?

A. Yes, wilderness and wilderness study areas are excluded from designations. Additionally, only National Forest System land that met one of the three criteria was designated; therefore, designations do not include private, industrial or other governmental land.

Q. There are other important or sensitive areas beyond Wilderness and Wilderness Study Areas that are in designated areas. Why weren't these excluded from designated areas?

A. We recognize there may be other important or sensitive areas such as recommended wilderness, wild and scenic rivers, roadless areas, threatened and endangered species and/or habitat that could be present within designated areas. These designations do not exempt the Forest Service from following all applicable laws, regulations and policies when implementing treatment activities. Therefore, any important and/or sensitive area or species that are present within designated areas will be adequately considered during planning and project implementation.

Q. The designation letters and maps do not indicate the specific insect or disease for which the designation is being made. Can designated areas be treated to address, or increase resilience to, any insect and disease threat?

A. In order to be designated, an area must meet at least one of three criteria. These criteria are general in nature and only require the designated areas to be exhibiting signs of declining forest health, at risk of substantial tree mortality, or pose imminent risk to public infrastructure, health, or safety and do not limit treatment of an area to specific insects or diseases. Further, the discussion in the Farm Bill about treatment in designated areas does not limit the treatment of areas to a specific insect or disease for which an area was designated. Therefore, projects can be carried out to treat any insect or disease threat, even if an area was designated for specific insects or diseases.

Q. What was the review process used to determine if an area met the criteria required for designation?

A. The areas were reviewed to ensure they met at least one of the following criteria specified within the Farm Bill:

- Areas experiencing declining forest health, based on annual forest health surveys
- Areas at risk of experiencing substantially increased tree mortality over the next 15 years from insect and disease infestation, as summarized in the most recent National Insect and Disease Risk Map
- Areas in which hazard trees pose an imminent risk to public health, infrastructure, and safety

Each request was evaluated using a three part process. First, areas were validated against the annual Aerial Insect & Disease Detection Surveys (ADS) in 2013 and the composite Insect and Disease Risk as projected by the National Insect and Disease Risk Map (NIDRM) 2013-2037. Second, if an area wasn't identified on either the ADS or the composite NIDRM, the area was further evaluated using individual risk maps for specific insects/disease by host to determine if an area was at risk based on a specific species/host. Lastly, areas that didn't meet the above criteria were evaluated to determine if hazard trees were present that posed an imminent risk to public health, infrastructure, and safety. If an area met at least one of the three criteria, it was considered eligible for designation. All eligible areas that were requested by the States will be designated, excluding Wilderness and Wilderness Study Areas. Any areas that did not meet at least one of the criteria were excluded from designation.

Q. Do the designations exempt the Forest Service from complying with any existing laws, regulations, and policies?

A. The designations do **not** provide exemptions from existing laws, regulations and policies. The Forest Service must continue to comply with existing laws such as the National Environmental Policy Act, Endangered Species Act, Clean Air Act, Clean Water Act, National Historic Preservation Act, as well as agency regulations such as the Roadless Rules.

Q. The Farm Bill authorized \$200 million per year through FY 2024 to treat designated areas. What are the Forest Service intentions for directing funding to treatments within designated areas?

A. The Farm Bill authorizes, but does not appropriate, \$200 million per year through FY 2024 to carry out treatments in designated areas. Currently, there is no additional funding to treat within designated areas. Funding used to carry out treatments in designated areas will come from appropriations otherwise available to carry out the projects.

Q. Use of the new Categorical Exclusion requires that projects are developed and implemented through a collaborative process. How is the Forest Service defining what is meant by a collaborative process?

A. The collaborative process should include multiple interested persons representing diverse interests in the development and implementation of a project; and use a process that is transparent and inclusive. Collaboration should involve States, counties, communities, tribal governments, non-governmental organizations and interested stakeholders in a public process to provide input on development, implementation, and monitoring of projects. Efforts should be made to involve a variety of diverse local and national interests and engage key stakeholders in collaboration throughout the life of the project, from project development through implementation and monitoring. Some key principles behind collaboration should include:

- **Identify and involve relevant stakeholders.** The responsible official, at the appropriate level, shall seek to involve the public in a collaborative manner while developing the project. Seek early involvement of federal, state, and local government agencies; tribal governments; non-governmental organizations; national, regional, and local stakeholders; communities; and interested groups or individuals, including resource advisory committees, fire safe councils, resource conservation districts, and watershed councils. Business and industry representatives should also be part of a collaborative group. Collaboration for projects is expected to go beyond the public involvement requirements of NEPA analysis. This involvement should begin at the project design stage and continue throughout the life of the project.
- **Design a strategy to conduct an open, inclusive and transparent process.** Establish clear objectives, roles and responsibilities for all participants at the beginning. The process should create incentives for a variety of interested individuals and organizations to participate, yet the decision space should be clearly defined at the start. The responsible official must clearly explain the project principles, share ideas and ask for input from collaborators. Responsible officials shall not ask the group for a consensus decision, rather the collaborators should share ideas and priorities with the responsible official. The method for facilitating the collaborative process should be discussed and decided upon early in the process. The responsible official shall work to set realistic expectations, while encouraging participants to think creatively, optimistically, and pragmatically throughout the process. It should be clear from the onset that the decision is the sole purview of the responsible official.
- **Plan for implementation and evaluation as part of the collaborative effort.** Share information widely and continuously. Utilize local knowledge in conjunction with scientific research. Honor commitments made by the responsible official to the collaborative group, consistent with existing laws and regulations. The collaborative group may remain involved in monitoring after project completion.