



U.S. Department of Agriculture Forest Service Communication Plan 2018 Omnibus Highlights

Summary of Bill

The Wildfire Suppression Funding and Forest Management Activities Act within the FY 2018 omnibus bill is a ground-breaking leap forward for the USDA Forest Service. The total Forest Service appropriation for FY 2018 is \$5.935 billion, an increase of \$338 million from FY 2017. For FY 2018, Congress appropriated an extra \$500 million for firefighting as well as an additional \$40 million for hazardous fuels. Funding for most nonfire programs remained steady or increased, although some programs had slightly lower appropriations than in FY 2017; the Washington Office is considering ways of absorbing the cuts. In particular, facility improvement and maintenance programs showed an overall gain of almost \$86 million, which will allow the Forest Service to fund more infrastructure projects and increase public access to the National Forest System. Moreover, the omnibus bill contains a “fire funding fix” long sought after by USDA and the Forest Service. From FY 2020 to FY 2027, federal agencies will have a new budget authority of over \$20 billion for fighting wildfires, in addition to regular appropriations. All this will allow us to continue our nonfire mission operations uninterrupted, including on-the-ground forest health improvements that prevent catastrophic wildfires from threatening lives, homes and communities.

By passing this bill, Congress has set us up well to actively manage and improve the condition of America’s forests. We are well positioned to increase and diversify our partnerships through shared stewardship as we work to create healthy, fire-resilient landscapes. This legislation provides the resources that the agency needs to complete its work — efforts that directly benefit the American people, such as protecting water resources, ensuring access to recreational opportunities, maintaining high-quality habitat for fish and wildlife, providing forest and rangeland products, and supporting jobs in rural communities.

This bill resolves a longstanding issue for the Forest Service and the Department of Interior. By providing a new budget authority to these federal agencies of more than \$20 billion for firefighting in the next 10 years, Congress has clearly acknowledged that a new approach was needed to address the increasing costs of wildfire suppression operations. Further, this bill reflects the trust that Congress has in our ability to sustain the health and productivity of the nation’s forests and grasslands to meet the needs of present and future generations.

A Fire Funding Fix

The Omnibus bill includes a long-term “fire funding fix” that stops the rise of the 10-year average and greatly reduces the likelihood of the disruptive practice of transferring funds from our nonfire programs to cover firefighting costs. The product of more than a decade of hard work, this bipartisan solution will ultimately stabilize our operating environment.

Until the agency is able to access the additional budget authority in FY 2020, the rising 10-year average will still be used as the base for funding fire suppression. However, the bill includes immediate assistance in FY 2018 by providing an additional \$500 million in emergency suppression funds to our regular suppression appropriation of \$1.057 billion. Congress has indicated it will do the same for FY 2019.



From FY 2020 to FY 2027, the 10-year average will be frozen at \$1.011 billion (the amount in the President's Budget request for FY 2015). Freezing the amount requested for suppression will effectively halt the erosion of nonfire budgets to compensate for rising suppression spending. The burden of rising suppression costs will instead be borne by additions made by the omnibus bill to our overall Wildland Fire Management account.

From FY 2020 onward, federal agencies will have access to a new budget authority of over \$20 billion to continue to fight large, destructive wildfires. The bill provides for the appropriation of up to \$2.25 billion to cover firefighting costs that exceed regular appropriations beginning in FY 2020 and increasing by \$100 million per year through FY 2027.

Highlights of the Legislation for the USDA Forest Service

Support for Secure Rural Schools

The omnibus bill reauthorizes Secure Rural Schools and Community Self-Determination Act of 2000 and funds payments to states and counties for two years. Secure Rural Schools provides critically needed funding for rural communities in counties where most of the land is federally managed and the tax base for funding schools and road systems is therefore small. That includes funds under the law's Title II program for forest health and other projects on local National Forest System lands recommend by local resource advisory committees. The omnibus bill includes a two-year reauthorization of Secure Rural Schools covering payments for FY 2017 as well as for FY 2018. The bill provides about \$260 million per year in funding derived in part from receipts from National Forest System lands, funds that will help create jobs and economic opportunities in rural areas where other sources of income might be few.

Being a Good Neighbor

The omnibus bill expands our ability to use the Good Neighbor Authority to complete projects together with states to actively restore and improve conditions on forests. The GNA enables the Forest Service to enter into cooperative agreements and contracts with states to perform watershed restoration and forest management services on National Forest System lands. Effective immediately, the omnibus bill amends the GNA to permit work on existing roads required for project completion, including road reconstruction, repair and restoration — work that was previously not allowed. This change opens up new infrastructure investment and job creation possibilities for states like Idaho and Wisconsin, which have been handicapped by the previous limitations.

More Flexibility with Stewardship Contracts

The omnibus bill expands our ability to use stewardship contracts and actively manage and restore forests. The bill extends the maximum duration of stewardship contracts in areas at great risk of catastrophic wildfire from 10 to 20 years and gives the agency greater flexibility to manage appropriated funds needed to cover contract cancellation costs, a management disincentive to stewardship contracting. Stewardship contracting enables federal agencies to contribute to the development of sustainable rural communities by engaging private contractors in land management activities that restore and maintain healthy forest ecosystems. Longer contract periods may expand the industry's capacity to create additional markets for wood products in areas where mills are scarce. The absence of such markets limits options for active forest management and puts forests at greater risk of conversion to nonforest uses.



Wildfire Resilience Treatments

The omnibus bill expands our ability to treat areas at risk from catastrophic wildfires to protect homes, communities and wildland resources. Effective immediately, the omnibus bill establishes a new statutory categorical exclusion for wildfire resilience projects. To be eligible for a categorical exclusion, the wildfire resilience projects must maximize the retention of old growth, and the project areas must meet certain conditions, such as already being designated as at risk from insects and disease under the 2014 Farm Bill. The change will make the environmental analysis process more efficient in areas in urgent need of treatment, allowing fuels reduction projects on federal land to be started and completed more quickly.

Vegetation Management in Rights-of-Way

The omnibus bill expands our ability to work with utilities to maintain rights-of-way so that they can better control vegetation that may damage powerlines or create fire risk. The omnibus bill facilitates protection of powerlines from damage, minimizes fire risk, and enhances reliability in the delivery of electricity by addressing vegetation management within powerline rights-of-way on National Forest System lands. Electric utilities will have the option to develop and submit a vegetation management plan in coordination with the Forest Service. While electric utilities will continue to be subject to the strict liability standard applicable to vegetation management, the bill provides relief from this standard if the Forest Service does not meet the schedule for approving a plan or unreasonably delays in approving a plan. The bill also provides relief to small utilities and cooperatives by reducing the amount of strict liability.



Audiences and Tactics

Audience	Goal	Key Messages	Vehicle(s)
Congress	Bolster confidence in agency to get the work done	Commitment to using the authorities and funding relief to get more work done.	Letter Hearings Speeches
Editorial boards	Bolster confidence in agency to get the work done	Commitment to using the authorities and funding relief to get more work done.	Meetings with editors
Coalitions, partners, and stakeholders who advocated on our behalf State Foresters Nature Conservancy TNC David Anderson WGA Calvert	Thank Inform	Thank you to partners Commitment to using the authorities and funding relief to get more work done.	Letter Speeches
Forest Service retirees	Inform	Commitment to using the authorities and funding relief to get more work done.	Social media Letter
Forest Service staff	Inform Engage	Major changes Importance of partnerships Expectations going forward	<i>Inside the Forest Service</i>



Key Messages

Issue: Thanking the Broad Coalition

Key Message: The USDA Forest Service is grateful to the diverse, representative coalition of the interests who have worked closely together over the last few years to embrace a collective effort to address the rising costs and impacts of wildfire.

Talking Points:

- The Forest Service owes a tremendous debt of gratitude to all the individuals, organizations, legislators, and others who stood by Secretary Perdue and the Forest Service in supporting a bipartisan fix for the way we are funded for fighting wildfires.
- In particular, the Forest Service appreciates the work of Congress, with strong support from Secretary Perdue, to include a bipartisan fix to address funding for fighting wildfires in the FY 2018 omnibus spending package recently signed into law. This solution will allow us to focus on getting work done on the ground more consistently, achieving a full range of outcomes. It will enable us to improve overall forest health and keep wildfires from threatening lives, homes and communities.
- The Forest Service is deeply grateful for all the help and support from more than 130 partner organizations in supporting a bipartisan fire funding fix. Through the Partner Caucus on Fire Suppression Funding Solutions, these organizations gave tireless and eloquent common voice to the need for Congress to take dramatic measures to cope with the rising costs and impacts of wildfire.
- As a result of this collective commitment, we will be able work more effectively together to get work done to improve the condition of the nation's forests, across boundaries, to reduce fire risks, protect communities, and create economic stability. We look forward to continuing our work to share stewardship with this broad coalition

Issue: Containing Fire Costs

Key Message: Passage of these new authorities reinforces the Forest Service's priority initiatives to contain wildfire suppression costs and reduce administrative burdens that add unnecessary costs to managing the national forests.

Talking Points:

- This includes a national effort across our Senior Fire Leadership to manage risk more effectively and identify measures to contain the rising costs of wildfire suppression.
- The agency has embarked on a nationwide effort to reduce project planning costs, including updating our policy implementing the National Environmental Policy Act (NEPA), reducing burden in our permitting processes, and modernizing and adding flexibility to forest products policies.
- With the fire funding fix and the Forest Service's focus to reduce its administrative costs, the agency is well positioned to deliver more benefits to all Americans from our national forests.



Issue: Increasing the Work on the Ground

Key Message: Major changes within the omnibus bill provide the Forest Service with the resources it needs to confront the condition of, and improve access to, America's forests. The Forest Service will use these resources to directly benefit the American people, by protecting water resources, ensuring access to recreational opportunities, maintaining high-quality habitat for fish and wildlife, providing forest and rangeland products, and supporting jobs in rural communities

Talking Points:

- The omnibus bill represents a significant change — not business as usual.
- This change reflects the measure of trust that Congress and the administration have in each of us. Through your hard work, we have earned the confidence of our elected officials.
- We must step up to the challenge by continuing to seek efficient and effective ways to do our work.
- In return for providing more fire suppression funding and more budget certainty, Congress expects us to increase active management of the lands we manage, including the number of acres treated.

Issue: Fire Transfer

Key Message: The fire funding fix will dramatically reduce the likelihood of fund transfers from our nonfire programs to cover firefighting costs.

Talking Points:

- The fire funding fix will enable us to increase the amount of restoration work we can do, better protect communities and improve access to national forests.
- In FY 2020, the fire funding fix will address the two main problems associated with the current fire funding structure: 1) the rising cost of the rolling 10-year average fire suppression allocation, and 2) the need to transfer funds from nonfire programs to cover the cost of fire suppression when the regular allocation runs out.
- By freezing our annual discretionary wildfire suppression appropriation, the fire funding fix will stop the steady loss of funds and resources from our nonfire programs to cover rising fire-related costs.

Issue: Secure Rural Schools

Key Message: The reauthorization of the Secure Rural Schools Act and Community Self-Determination Act of 2000 creates jobs, contributes to sustainable forest management, helps maintain infrastructure, restores wildlife habitat and engages local communities in the management of national forests and grasslands.

Talking Points:

- Secure Rural Schools has a long history of providing critically needed funding for rural communities in counties where most of the land is federally managed and the tax base for schools and roads is small.
- The two-year reauthorization of this law facilitates additional job creation opportunities in rural areas where there may be few other sources of income.
- The Secure Rural Schools reauthorization covers payments for FY 2017 and FY 2018, making about \$260 million available to rural communities from receipts generated on National Forest System lands.

April 13, 2018



- Secure Rural Schools, particularly the Title II projects, provides a forum for community stakeholders to participate in the selection of natural resource projects on national forests.
- For over a decade, the Secure Rural Schools program has successfully supported rural communities and allowed for the development of important collaborative working relationships between the Forest Service and members of these communities.

Issue: Expanded Good Neighbor Authority

Key Message: The omnibus bill amends the Good Neighbor Authority to help the Forest Service work more efficiently with states to maintain the health and productivity of the nation's forests.

Talking points:

- The GNA enables the Forest Service to enter into cooperative agreements and contracts with states to perform watershed restoration and forest management services on National Forest System lands.
- The amended GNA expands the list of permitted activities to include road reconstruction, repair and restoration — work that was previously not allowed.
- This provision will make it easier for us to rebuild and repair National Forest System infrastructure to support badly needed watershed restoration as well as fuels and forest health projects.
- The expansion of the GNA contributes to rural economic development by enabling state, regional, tribal and local partners to work on neighboring National Forest System lands to improve the health of forests across landscapes more effectively.

Issue: 20-Year Stewardship Contracts

Key Message: Longer-term stewardship contracting will better enable the Forest Service to work with businesses to restore and maintain healthy forests in areas at risk for wildfire while providing sources of local income and jobs.

Talking Points:

- Twenty-year stewardship contracting allows the Forest Service to invest in areas where we lack the necessary infrastructure to address forest health concerns.
- Stewardship contracts are agreements that the Forest Service enters into with individuals, businesses, organizations and communities to perform services that achieve agency land management goals and meet the needs of local and rural communities.
- The omnibus bill extends the maximum duration of stewardship contracts or agreements from 10 to 20 years for contractors conducting treatments on the ground.
- Stewardship contracts or agreements of up to 20 years in duration may give industry more flexibility, allowing it to create additional markets for wood products in areas where mills are scarce.
- Longer-term contracts have the potential create additional jobs in rural communities.
- The omnibus bill also reduces disincentives to stewardship contracting. A stewardship contract can tie up millions of dollars in appropriated funds needed to cover the eventuality of a contract cancellation. The bill gives line officers more flexibility to budget appropriated funds to cover cancellation costs.



Issue: New Categorical Exclusion

Key Message: The new categorical exclusion will allow wildfire resilience projects on federal land to be started and completed more quickly.

Talking Points:

- The omnibus bill gives line officers more flexibility to establish collaborative projects for hazardous fuels at a relatively large and cost-effective scale by reducing the need for time-consuming environmental reviews.
- The bill allows for the use of the categorical exclusion provided that the project is for fuels reduction, and the project area meets certain conditions, such as being previously designated as at risk from insects and disease under the 2014 Farm Bill.
- The Forest Service will leverage its employees’ significant expertise to quickly begin using the new categorical exclusion.

Fire Funding Q & A

Q. What is the new fire funding structure that will be in place from FY 2020 through FY 2027?

A. The fire funding fix will solve the two main problems associated with the current fire funding structure, that is, the rising cost of the rolling 10-year average fire suppression appropriation as well as the transfer of funds from nonfire programs to cover the cost of fire suppression when regular funding is exhausted. The fix will:

- 1) Provide for the appropriation of a stable, fixed amount of \$1.011 billion for fire suppression annually. (This was the amount in the 2015 President’s Budget request, based on the average annual suppression costs from FY 2004 to FY 2013.)
- 2) Provide for the appropriation of additional funding (a new budget authority) for USDA and the U.S. Department of the Interior that can be accessed if the \$1.011 billion is spent, as follows:

2020 — \$2.25 billion	2024 — \$2.65 billion
2021 — \$2.35 billion	2025 — \$2.75 billion
2022 — \$2.45 billion	2026 — \$2.85 billion
2023 — \$2.55 billion	2027 — \$2.95 billion

Q. What are the advantages of the fire funding fix?

A. The fire funding fix will stabilize the growth of fire suppression costs for the USDA Forest Service. Those costs were projected to increase by \$500 million to \$1 billion over the next five years and account for as much as 67 percent of the agency’s budget by 2021. The fire funding fix will provide the Forest Service with the flexibility to better manage nonfire programs, including hazardous fuels reduction, recreation, wildlife habitat and watersheds.

Q. What is the Forest Service doing to ensure that this new flexibility provided by the fire funding fix doesn’t become a “blank check,” leading to overspending on wildfire response?

A. The agency is already doing its part to use the funding and tools provided in the Omnibus and redeem the support from Congress and the public. Most importantly, we continue to focus on our key intention – we commit responders to operations only where and when they can be successful. We deploy our



people under conditions where important values actually at risk are protected with the least exposure necessary, while maintaining relationships with the communities we serve.

- Q. What if the regular fire suppression appropriation and the additional funding still aren't enough in future years to cover fire suppression costs?
- A. The Forest Service still has the authority to transfer funds from nonfire programs to cover fire suppression costs, but is required to ask Congress for a supplemental appropriation. The agency also retains the authority to transfer funds from non-fire to fire accounts.
- Q. If the new fire funding structure won't be implemented until FY 2020, how will fire suppression be funded in FY 2018 and FY 2019 (this year and next year)?
- A. Fire suppression will be funded in FY 2018 and FY 2019 as it has been in the past, using the 10-year rolling average. The Forest Service will not be able to draw on emergency supplemental funds under the FLAME Act of 2009, as we have in past years. For FY 2018, however, Congress allocated an extra \$500 million in firefighting funds, bringing the total suppression allocation to \$1.511 billion. Congress could make a similar additional allocation for FY 2019.
- Q. Does this mean that the Forest Service might have to transfer funds from nonfire programs to cover the costs of fire suppression in FY 2018 and FY 2019 if all fire suppression funds are spent?
- A. Yes. Firefighting costs in FY 2017 reached a historic high of \$2.4 billion. If another severe fire year in FY 2018 or FY 2019 drove up costs that high again, the process of fire borrowing would resume.
- Q. What are the Forest Service budgets for fire suppression in FY 2018 and FY 2019?
- A. In FY 2018, the Forest Service fire budget is \$3.310 billion. Fire suppression is only one budget line item in a series of fire-related appropriations for the Forest Service. Historically, we have grouped them together to approximate total fire-related spending. The four key fire-related appropriations for FY 2018 are:
- Preparedness — \$1.323 billion
 - Suppression — \$1.056 billion
 - Additional Suppression Funding — \$500 million
 - Hazardous Fuels (a budget line item under National Forest System) — \$430 million

Adding the four together, the total fire-related appropriation for FY 2018 is \$3.310 billion, an 8-percent increase over the FY 2017 appropriation of \$3.062 billion.

The Forest Service will not know what the FY 2019 fire budget will be until an appropriation is passed by Congress for that fiscal year. However, the 10-year average for FY 2019 (based on the average annual suppression costs from FY 2008 to FY 2017) will be higher than for FY 2018, so the suppression budget line item in the FY 2020 President's Budget request will also be higher.

- Q. What will the Forest Service request in terms of total fire-related spending be in FY 2020?
- A. That information will not be available until the administration releases the President's Budget request for FY 2020. However, the omnibus bill has frozen the suppression budget line item for FY 2020 at \$1.011 billion.



- Q. What percentage of the total Forest Service budget does fire account for in FY 2018?
- A. In FY 2018, fire accounts for about 57 percent of the total Forest Service budget (\$3.406 billion of \$5.935 billion). That represents a slight increase from 56 percent in FY 2017.
- Q. Does the Forest Service anticipate increasing the number of firefighters and engines and/or other fire suppression assets as a result of the fire funding fix?
- A. No, at this time the Forest Service believes the number of firefighters, engines and other fire suppression assets to be appropriate to meet its needs within available funding.
- Q. Since the fire funding fix doesn't start until FY 2020, is it possible that it could fail to be implemented?
- A. Since the fire funding fix has been signed into law, additional legislation would be required to undo it.
- Q. What will happen when this legislation sunsets after FY 2027?
- A. The Forest Service will work with the administration and Congress to maintain the essential elements of the bill, including resolving the issue of the rising 10-year average and stopping fire transfers.

Wildfire Resilience Categorical Exclusion Q & A

- Q: How do I refer to this new categorical exclusion (CE)?
- A: The 2018 Omnibus bill amends the Healthy Forest Restoration Act of 2003 (HFRA) by adding section 605. Therefore, this wildfire resilience project CE is a HFRA CE.
- Q: What can this CE be used for and how many acres can be covered in one CE?
- A: The CE is to be utilized for hazardous fuels reduction projects as defined in HFRA. The CE may be used for a project limited to 3,000 acres of treatment.
- Q: Where can I utilize the CE?
- A: Use of this CE is limited to areas designated under section 602 of HFRA as of March 23, 2018 and with priority given to lands located within the wildland-urban interface (WUI) or, if outside the WUI, limited to areas within condition classes 2 or 3 in fire regime groups I, II, or III that contain very high wildfire hazard potential.
- Q: Is collaboration required when utilizing the CE?
- A: Just like with the Insect and Disease provisions in section 603 of HFRA, we must develop and implement the project through a collaborative process.
- Q: Does the CE expand the land base where HFRA Title I Streamlined EA and EIS procedures may be applied?
- A: No, the 2018 Omnibus bill establishes a new statutory CE; it does not alter the requirements or provisions for the Streamlined EA/EIS procedures set forth in the original 2003 HFRA. The 2018 CE and 2003 EA/EIS procedures are independent, except where Congress expressly provided otherwise (for example, subjecting the 2018 CE to the requirements set forth in the original HFRA Section 102 (b), (c), and (d)).
- Q: Is this a temporary CE because it came in a appropriations bill?
- A: No, the authority is permanent.



Q: What is the cap on utilizing this CE?

A: Utilization of this CE falls under the 20 million acre limit set up in the 2003 HFRA.

Stewardship Contracting Q & A

Sec 204.

Q. What is a cancellation ceiling?

A. A cancellation ceiling is the amount of appropriated funds the Forest Service must obligate to cover the cost of canceling a contract due to a lack of funding. For example, if a long-term stewardship contractor builds or repairs roads necessary to perform a stewardship project in year 1 of the contract, and the contract is cancelled in year 2 due to a lack of funding, the contractor's costs are likely unamortized and would be a cost subject to payment under the cancellation ceiling.

Q. When they say "economically or programmatically viable" stages, what does that mean?

A. Economically or programmatically viable stages are sustainable within the annual budget the agency has available. Obligating the funds in stages allows for covering cancellation costs at a rate that is workable by the agency while taking into account available funding, programmatic needs and risk of cancellation.

Q. Do we ever have a ceiling greater than \$25 million?

A. Cancellation ceilings above \$25 million should be a rare occurrence going forward and limited to areas where the Forest Service has a vested interest in supporting a new industry in places with limited or no existing industry present.

Sec 205.

Q. Can we still use Stewardship Retained Receipts for K-V projects?

A. No, the amended language strikes previous language allowing the Forest Service to collect any residual receipts under the Knutson-Vandenberg Act.

Q. How will we determine whether residual receipts should be used for outstanding liabilities?

A. The legislation is clear that outstanding liabilities from canceled stewardship contracts and agreements will be the first priority for the use of residual receipts.

Q. Are there limitations on how excess residual receipts offset value is used?

A. Yes, excess offset value may only be used to address outstanding cancellation liabilities, or if none exists, to support other authorized stewardship projects as defined in the law. Additional guidance will be provided in amended Forest Service directives.

Q. How do we report these excess receipts?

A. Excess offset value from stewardship projects is deposited to the stewardship retained receipts permanent fund. Annual balances are analyzed and reported to the Washington Office Forest Management staff each January.



Sec 206.

Q. Is there any change to the current reporting process?

A. The only change is to the committees to which we provide reports. We report on stewardship contracting through the budget justification special exhibit each year as part of the President's Budget submission. We believe we can continue to do so and meet the intent of the bill.

Sec 207

Q. Why do we need, or what is the value of having, the option to create a stewardship contract for 20 years?

A. By providing a longer investment horizon, a 20-year contract period can lower the risk of investment in new wood-processing infrastructure. Lower risk has a higher potential to stimulate investment in infrastructure, leading to greater demand for forest products of all kinds. This can in turn spark demand for more active management, resulting in more area treated and improved forest conditions.

Q. What are Fire Regime Groups I, II, and III?

A. Fire Regime Groups define the fire severity risks for an area. Essentially, they are vegetation types (such as spruce-fir forest or lodgepole pine forest) defined by typical fire return intervals and typical fire severity. Specifically, they are:

I — Frequent (0-35 years), low severity

II — Frequent (0-35 years), stand replacement severity

III — 35-100+ years, mixed severity

IV — 35-100+ years, stand replacement severity

V — 200+ years, stand replacement severity

Q. Should all stewardship contracting be done with 20-year contracts and agreements?

A. No. There will need to be a mix of contract lengths to provide flexibility for all business sizes and to allow for changing conditions, such as fire salvage and blowdown. In addition, section 207 authorizes 20-year stewardship contracts and agreements only in Fire Regimes I-III. Section 604(d)(3) of HFRA limits stewardship contracts and agreements in Fire Regimes IV and V to terms that do not exceed 10 years.

Q. Are we limited to only projects that have “innovative” components?

A. Contracts are not limited to innovative projects, but innovative projects may be given preferential consideration. Bidders should have the same opportunity to bid upon projects that are currently offered under different circumstances.

Q. Can existing stewardship contracts be extended?

A. No. Existing contracts cannot be extended. These contracts were offered under a different authority and had requirements upon which bidders based their bids at that point in time. Changing those requirements now would not be appropriate.



Sec 212

- Q. Why was roadwork added to the Good Neighbor Authority?
- A. Repairing roads is often necessary for public safety and resource protection when implementing land management activities. The previous prohibition on road reconstruction, repair and restoration limited opportunities to enter into GNA project agreements with states.
- Q. Can existing agreements be modified?
- A. Yes, with the agreement of both parties.
- Q. With existing agreements, how will the roadwork be paid for?
- A. Like other authorized restoration activities, roadwork may be funded using federal or nonfederal funds, including the value of timber sold under the GNA.
- Q. Do roads have to be within the restoration project area?
- A. Yes. Road reconstruction, repair or restoration is only authorized where necessary to carry out other GNA-authorized restoration services.

Cottonwood Litigation Q & A

Section 208

- Q. What advantages are provided the Forest Service through this language?
- A. The Cottonwood language provides a 5-year “safe harbor” from having to reinitiate consultation until March 23, 2023, as well as 5 years from subsequent species listing or critical habitat designation where plans are in excess of 15 years old. The 5-year legislated period provides our agency a more stable operational environment for forest plan implementation now and when additional species listings and new critical habitat designations occur.
- Q. Does this Cottonwood language change section 7(a)(2) and its implementing regulations (50 CFR Part 402.16) requiring Federal agencies to reinitiate consultation on land management plans?
- A. The new legislation amends the National Forest Management Act to establish new Congressional instructions governing exemption of forest plans from certain consultation duties under the Endangered Species Act in specified situations. Effectively, the legislation will supersede any non-conforming aspect of the regulatory agencies’ consultation regulations.
- Q. What next steps should be taken?
- A. Regions should continue to work with OGC and the WO to ensure there is a uniform understanding and application of the language. Older (15 years or more) land management plans that will not be revised by the end of the “safe harbor” period should evaluate the need to reinitiate consultation for listed species and designated critical habitat.



Vegetation Management in Rights-of-Way Q & A

Q. What advantages are provided the Forest Service through this language?

A. The guidance developed under the omnibus bill will enhance vegetation management, facility inspection, and operation and maintenance of powerline rights-of-way on National Forest System lands. The bill provides relief from the strict liability standards that apply to vegetation management in electric line rights-of-way in certain circumstances.