

The Return Of The Resilient Federal Forests Act Of 2015

By Dana Lee Cole

The Resilient Federal Forests Act of 2015 (H.R. 2647) was a major focus of Hardwood Federation advocacy activity in the 114th Congress (2015-16).

The bill addressed many of our concerns about the way the federal forest system is being managed, including the dramatically increasing budget needs to fight fires on federal lands, mostly at the expense of other forest and wildlife management programs housed within the U.S. Forest Service.

H.R. 2647 also sought to address the slow pace of reforestation after wildfire, increasing fuel reduction programs in lands close to urban communities, streamlining timelines for project planning, including timber sales, and allowing expedited review of collaborative forest management projects.

Unfortunately, H.R. 2647 did not gain traction in the Senate after passage in the House. However, Congressman Bruce Westerman (R-AR), sponsor of the original bill, is back and has reintroduced a new version of the bill. The House Subcommittee on Federal Lands held a hearing on the draft bill on June 15 and on June 20, the final bill was introduced, becoming H.R. 2936.

The bill authorizes some new tools to satisfy requirements of the National Environmental Policy Act or NEPA—a longstanding statute that forms the basis for environmental reviews required before forest thinning work

can begin. These reviews can be problematic if they drag on too long as projects become less economically attractive.

The new tools are known as Categorical Exclusions from NEPA, or CEs, and can be used for:

- Expediting critical response actions;
- Expediting salvage operations in response to catastrophic events;
- Meeting forest plan goals for early successional forests; and
- Improving, restoring and reducing the risk of wildfire.

The bill would also allow expedited environmental analysis, essentially an action vs. no action decision, for certain collaborative forest activities on lands suitable for timber production or covered by a community wildfire protection plan.

While essentially the same as the 2015 version, the 2017 version does have some new language.

Probably the most significant change is that the new bill has much more aggressive categorical exclusions than the previous version that passed the House. In the new bill, CEs can be issued for projects up to 10,000 acres, which doubles the cap from the House-passed version last Congress.

One of the more interesting provisions in the draft is the creation of up to 10 Pilot Arbitration Projects per forest service region.

The intent is to resolve legal challenges against forest management activities through binding arbitration, providing organizations the opportunity to offer an alternative to challenged activities proposed by the Forest Service or Bureau of Land Management. An independent arbitrator would review and make the determinations.

You can review the current language of the bill at <https://www.congress.gov/bill/115th-congress/house-bill/2936?r=36>.

Keep in mind that this is still very a new bill and language could change depending on discussions with fellow Members of Congress and the public. But it is a great start, and we are anxious to get to work in support of Mr. Westerman and his co-sponsors on H.R. 2936.

We will be working closely with Congressman Westerman and his team to ensure that this bill gets a fair hearing in the House and Senate. We will keep you posted on progress. ■



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Commerce Dept. To Issue China Antidumping Determination

WASHINGTON—The U.S. Department of Commerce announced an affirmative preliminary determination in an antidumping (AD) investigation of hardwood plywood products from the People's Republic of China.

The Commerce Department determined that exporters from China have sold hardwood plywood in the United States at 0.00 percent to 114.72 percent less than fair value.

Commerce has instructed U.S. Customs and Border Protection to collect cash deposits from importers of hardwood plywood based on these final rates.

In 2016, imports of hardwood plywood were estimated to be worth \$1.12 billion.

The Coalition for Fair Trade in Hardwood Plywood filed the case on behalf of its individual members:

- Columbia Forest Products, Greensboro, N.C.
- Commonwealth Plywood Inc., Whitehall, N.Y.
- Murphy Plywood, Eugene, Ore.
- Roseburg Forest Products Co., Roseburg, Ore.
- States Industries, Inc., Eugene, Ore., and
- Timber Products Company, Springfield, Ore.

The Department of Commerce is scheduled to issue its final antidumping determination on Aug. 31, unless the statutory deadline is extended.

The U.S. International Trade Commissions (ITC) is conducting a parallel investigation to determine if the American producers have been harmed by the hardwood plywood imports from China. If the ITC makes an affirmative final injury determination, the Commerce Department will issue an antidumping order. If the ITC does not find that U.S. producers have been harmed, then the investigations will end, and no duties will be collected. ■