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National Forest System Management: Overview, Appropriations, and Issues for Congress

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Summary

The 193 million acres of the National Forest System (NFS) comprise 154 national forests, 20 national grasslands, and several other federal land designations. Management of the NFS is one of the three principal responsibilities of the Forest Service (FS), an agency within the U.S. Department of Agriculture (USDA). The other two principal responsibilities are providing assistance to nonfederal forest owners and conducting forestry research. Most NFS lands are concentrated in the western United States, although the Forest Service administers more federal land in the East than all other federal agencies combined.

The original forest reserves were established to improve and protect federal forests and watersheds and provide a source of timber. Today, the statutory mission of the National Forest System is to provide a variety of uses and values—timber production, watershed management, livestock grazing, energy and mineral development, outdoor recreation, fish and wildlife habitat management, and wilderness—without impairing the productivity of the land. Although there is not a statutory mandate to do so, many of the uses and services available on NFS lands generate revenue. The revenue may be used to offset agency costs, shared with the local communities containing the NFS lands, or returned to the Treasury. Growing demands for the various uses, values, and services have led to conflicts over the location and timing of activities.

In FY2016, the Forest Service received $1.5 billion to fund National Forest System management, approximately 24% of the $6.4 billion the agency received in discretionary appropriations. The NFS account includes several subaccounts, programs, and activities, many of which reflect the different ways in which national forests are used. These uses include activities related to recreation and wilderness, grazing, wildlife and fish habitat management, forest products and timber sales, and energy and minerals management. However, in FY2012, Congress authorized a pilot budget structure that consolidated several of the budget line items for three Forest Service regions. The Forest Service asserts that the budget flexibility provided in this Integrated Resources Restoration (IRR) program will facilitate various land and resource management objectives across the NFS.

Reducing the risk and expense of catastrophic wildfires on National Forest System lands has been a major focus of Congress, the Forest Service, and the public. Reducing the risk of catastrophic wildfires involves land and resource management activities to restore the resilience and resistance of the forest ecosystem, such as reducing accumulated levels of biomass (which fuels fires) through timber sales, stewardship contracts, or prescribed burns. Many are also concerned about the cost of wildfires. Although wildfire management is funded separately from NFS management, some are concerned about the rising proportion of fire suppression costs on the rest of the Forest Service budget. In FY2006, wildfire management activities accounted for 44% of the agency's total discretionary appropriations; in FY2016, the $3.9 billion appropriated to wildfire management is 61% of the agency's total discretionary appropriation.

This report provides an overview of the history and management of the National Forest System, including a discussion of the statutory framework for making land management plans and decisions as well as for acquiring or disposing of system lands. The report also discusses the multiple uses of the NFS and the revenue generated by those activities, appropriations to manage the NFS, and wildfire management issues and costs. It concludes with a discussion of the issues that Congress often debates regarding national forest management.

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The National Forest System (NFS) is administered by the Forest Service (FS) in the U.S. Department of Agriculture (USDA). The NFS is comprised of national forests, national grasslands, and various other designations. Although 87% of NFS lands are in the West, the FS administers more federal land in the East than all other federal agencies combined. NFS lands are administered for sustained yields of multiple uses, including outdoor recreation (camping, hiking, hunting, sightseeing, etc.), livestock grazing, timber harvesting, watershed protection, and fish and wildlife habitats.

Ownership and use of the national forests—and federal lands more generally—have stirred controversy for decades. Conflicting public values concerning the national forests raise many questions and issues: how managers should balance conflicting uses, whether Congress should designate specially protected areas, and when and how the FS should collect and distribute fees for land and resource uses, among others. Congress continues to examine these questions through legislative proposals, program oversight, and annual appropriations.

Background

In 1891, Congress granted the President the authority (now repealed) to establish forest reserves from the public domain.[1] Six years later, Congress stated that the forest reserves were

> to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of the citizens of the United States.[2]

Initially, the reserves were administered by the Division of Forestry in the Department of the Interior's General Land Office. In 1905, this division was combined with the USDA Bureau of Forestry (renamed the Forest Service), and the administration of the 56 million acres of forest reserves (renamed *national forests* in 1907)[3] was transferred to the new agency within the Department of Agriculture.[4] NFS management is still one of the three principal FS responsibilities. The other two principal responsibilities are providing assistance programs to nonfederal forest owners and conducting forestry research programs.[5]

In 1906 and 1907, President Theodore Roosevelt more than doubled the acreage of the forest reserves. In response, Congress limited the authority of the President to add to the system in certain states in 1907.[6] In 1910, Congress continued the limitation, but then in 1911, Congress

[1] Public domain lands consist of lands ceded by the original states or obtained from a foreign sovereign through purchase, treaty, or other means (e.g., the Louisiana Purchase in 1803). Public domain lands may be governed by different laws than acquired federal lands, which were obtained from individuals or states.

[2] Organic Administration Act, Act of June 4, 1897 (16 U.S.C. 473).

[3] Act of March 4, 1907 (P.L. 59-242 as amended, 16 U.S.C. 499).

[4] The Transfer Act, Act of February 1, 1905 (P.L. 58-33, 16 U.S.C. 472, 554).

[5] The second principal FS program continues the original role of the Bureau of Forestry: to provide forestry assistance to states and nonindustrial private forest owners. The authorities for assistance programs were consolidated and clarified in the Cooperative Forestry Assistance Act of 1978. Forestry research is the third principal FS program. Congress first authorized forestry research in 1928 "to insure adequate supplies of timber and other forest products"; the research authorities were streamlined by the Forest and Rangeland Renewable Resources Research Act of 1978. For more information, see CRS Report RL31065, *Forestry Assistance Programs*, by Katie Hoover.

[6] Act of March 4, 1907 (P.L. 59-242 as amended, 16 U.S.C. 499). The act limited the presidential authority to establish national forests in Colorado, Idaho, Montana, Oregon, Washington, and Wyoming. Roosevelt proclaimed additional reserves after it was enacted but before he signed it into law.

passed the Weeks Act[7] to authorize additions to the NFS through the purchase of private lands. Presidential authority to proclaim new national forests was terminated in 1976.[8] Under the Weeks Act and other authorities, the system has continued to grow slowly, from 154 million acres in 1919 to 193 million acres in 2014.[9] This growth has resulted from purchases and donations of private land and from land transfers, primarily from the BLM.

Organization

The NFS includes 154 national forests with 188.4 million acres (97.6% of the system), 20 national grasslands with 3.8 million acres (2.0%), and 108 other areas—such as land utilization projects, purchase units, and research and experimental areas—with 0.9 million acres (0.5%).[10] Each national forest unit (which may consist of one or more national forests) is administered by a forest supervisor. The NFS units are arranged into nine administrative regions, each headed by a regional forester. The nine regional foresters report to the NFS deputy chief, who reports to the chief of the Forest Service. The chief has traditionally been a career employee of the agency. The chief reports to the USDA Secretary through the Under Secretary for Natural Resources and Environment.

The NFS regions are often referred to by number rather than by name. **Table 1** identifies the number, states encompassed, and acreage for each of the regions. NFS lands are concentrated in the seven western FS regions (see **Figure 1**). *Inholdings*, shown in **Table 1**, are lands (primarily private) within the designated boundaries of the national forests (and other NFS units) that are not administered by the FS. Inholdings sometimes pose difficulties for FS land management, because the agency does not regulate their development and use, which may be incompatible with desired uses of the federal lands, and constraints on access across inholdings may limit access to some federal lands. Many private landowners, however, object to the idea of possible federal restrictions on the use of their lands and especially to unfettered public access across their lands.[11]

Table 1. The National Forest System

Forest Service Region		States Containing NFS Lands	National Forest System Acreage[a]		
Region Name	**No.**	**States**	**Federal**	**Inholdings**	**Total**
Northern	1	ID, MT, ND	25,550,269	2,591,902	28,142,171
Rocky Mountain	2	CO, NE, SD, WY	22,051,029	2,552,170	24,603,199
Southwestern	3	AZ, NM	20,555,036	1,636,132	22,191,168
Intermountain	4	ID, NV, UT, WY	31,885,605	2,360,871	34,246,476
Pacific Southwest	5	CA	20,175,415	3,468,315	23,643,730
Pacific Northwest	6	OR, WA	24,967,022	3,026,788	27,993,810

[7] Act of March 1, 1911 (P.L. 61-435 as amended, 16 U.S.C. 480).

[8] Federal Land Policy and Management Act of 1976, Act of October 21, 1976 (P.L. 94-579, 43 U.S.C. §§1701 et seq.).

[9] U.S. Department of Agriculture, U.S. Forest Service, *Land Areas Report (LAR)—as of September 30, 2015*, Table 1, at http://www.fs.fed.us/land/staff/lar/LAR2015/lar2015index.html.

[10] Ibid.

[11] Under the Weeks Act, FS has the authority to purchase inholdings, and FS does have a policy of acquiring inholdings to improve management efficiencies Forest Service, *FY2015 Budget Justification*, pp. 7-3, at http://www.fs.fed.us/about-agency/budget-performance.

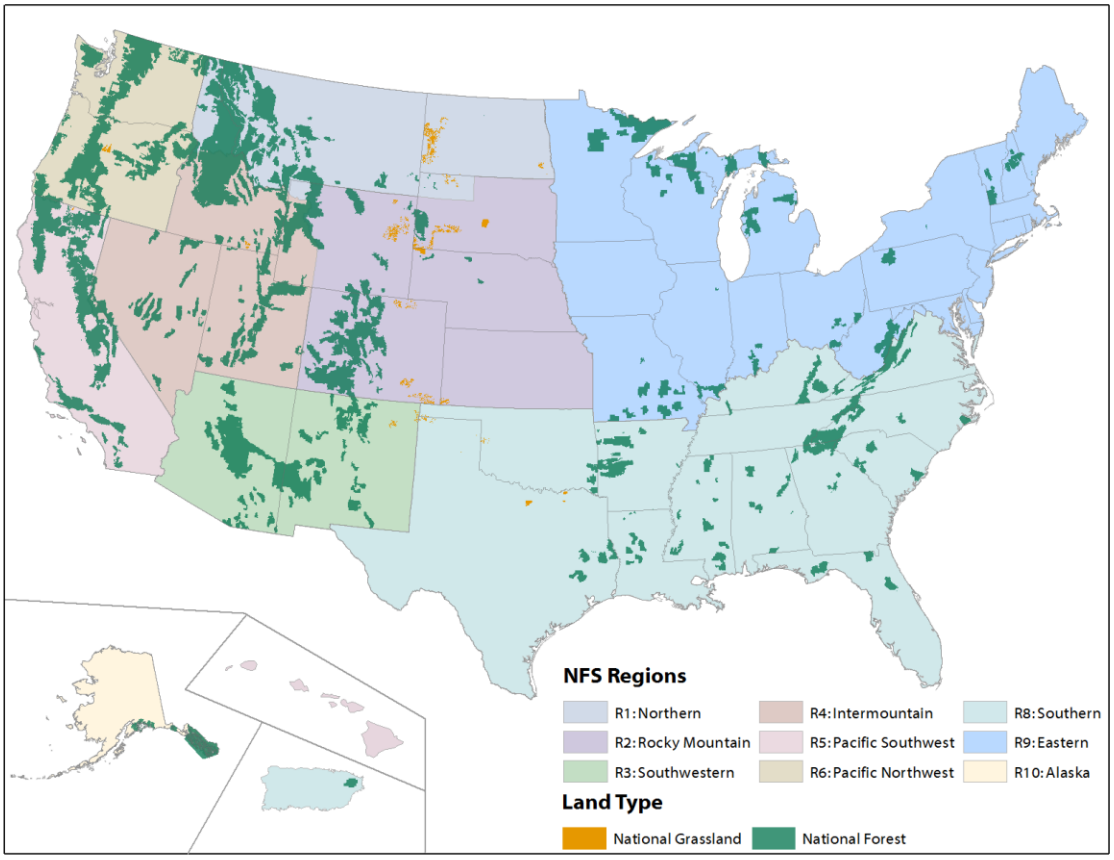
Forest Service Region		States Containing NFS Lands	National Forest System Acreage[a]		
Southern	8	AL, AR, FL, GA, KY, LA, MS, NC, OK, PR, SC, TN, TX, VA	13,406,195	12,094,085	25,500,280
Eastern	9	IL, IN, ME, MI, MN, MO, NH, NY, OH, PA, VT, WI, WV	12,164,101	10,007,943	22,172,044
Alaska	10	AK	22,167,455	1,809,496	23,976,951
National Forest System			192,922,127	39,547,702	232,469,829

Source: U.S. Department of Agriculture, U.S. Forest Service, *Land Areas of the National Forest System, (LAR)—as of September 30, 2015*, Tables 1 and 2, at http://www.fs.fed.us/land/staff/lar/LAR2015/lar2015index.html.

Notes: In 1966, Region 7 (the Lake States Region) was merged with Region 9 (the Northeastern Region) to form the current Eastern Region. Although this merger left 9 regions, the numbering sequence skips 7 and ends with 10, as shown in the table.

a. *Federal* is federally owned land managed by the FS. *Inholdings* are private and other government lands within NFS boundaries that are not administered or regulated by the FS.

Figure 1. Map of the National Forest System



Source: Prepared by CRS from data available from FS Geodata Clearinghouse, at http://data.fs.usda.gov/geodata/.

Management of the National Forest System

Overview and Land Management Planning

The management goals for the national forests were articulated in Section 1 of the Multiple-Use Sustained-Yield Act of 1960,[12] which states:

> It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. The purposes of this Act are declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in the Act of June 4, 1897.... The establishment and maintenance of areas as wilderness are consistent with the purposes and provisions of this Act.

The act directs land and resource management of the national forests for the combination of uses that best meets the needs of the American people. Management of the resources is to be coordinated for *multiple use*—considering the relative values of the various resources but not necessarily maximizing dollar returns nor requiring that any one particular area be managed for all or even most uses. The act also calls for *sustained yield*—a high level of resource outputs maintained in perpetuity but without impairing the productivity of the land. Other statutes that apply to all federal agencies—such as the National Environmental Policy Act of 1969 (NEPA)[13] and the Endangered Species Act of 1973 (ESA)[14]—as well as other FS-specific statutes, also apply.[15]

FS planning and management are guided primarily by the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA),[16] and the National Forest Management Act of 1976 (NFMA).[17] Together, these laws encourage foresight in the use of the nation's forest resources and establish a long-range planning process for the management of the NFS. RPA assessments are published approximately every 10 years, and the assessments report the status and trends of the renewable resources on all forests and rangelands.

Planning Regulations

NFMA requires that the FS prepare a comprehensive land and resource management plan for each NFS unit, coordinated with the national RPA planning process. Plans must be revised every 10 to 15 years to address changing conditions, management goals, and public use. The plans must use an interdisciplinary approach, including economic analysis and the identification of costs and benefits of all resource uses. The plans must also be developed and revised with public involvement and must be prepared in accordance with NEPA. Regulations (often called the planning rules) to establish the procedures to develop, amend, and revise plans were issued in 1979 and then revised in 1982, 2000, 2005, 2008, and 2012. Since the Clinton Administration

[12] Act of June 12, 1960, P.L. 86-517, 16 U.S.C. 528-531.

[13] P.L. 91-190, 42 U.S.C. §§4321-4347.

[14] P.L. 93-205, 16 U.S.C. §§1531-1544.

[15] For a list of laws under which the FS operates, see the agency's website at http://www.fs.fed.us/publications/laws/selected-laws.pdf and http://www.fs.fed.us/publications/laws/new-laws-since-selected-laws.pdf. Access to FS directives, manuals, and handbooks is at http://www.fs.fed.us/im/directives/.

[16] P.L. 93-378, 16 U.S.C. §§1600 et seq.

[17] P.L. 94-588; 16 U.S.C. §1601 et al.

began debating the regulations in the 1990s, each successive presidential administration has revised the planning rule at least once, and several regulations have been overturned by the courts.

The Clinton Administration's 2000 regulations ("2000 planning rule")[18] would have increased emphasis on ecological sustainability during the forest planning process. The George W. Bush Administration delayed implementation of the Clinton regulations three times out of concerns about implementation and the emphasis on biological sustainability and then replaced them before they went into effect. The Bush Administration promulgated final rules in 2005 ("2005 planning rule")[19] to balance ecological sustainability with economic and social considerations. The rules would have also exempted NFMA plans from NEPA and ESA. Interests successfully challenged the 2005 planning rule, arguing that the new rules reduced environmental protection without adequate public comment and ESA consideration.[20] The Administration reissued the 2005 rule as a proposed rule to provide for the court-ordered public comment and issued new final rules in April 2008.[21] The court also invalidated the 2008 planning rule for violating NEPA and ESA,[22] after which the FS reverted to using 1982 procedures.

The Obama Administration promulgated final planning regulations in 2012 (2012 planning rule).[23] The 2012 planning rule establishes an adaptive, three-phase planning framework to emphasize ecological sustainability, landscape-scale restoration, and science-based decisions informed by public values. Plans are to also account for the potential impacts of climate change. Logging, ranching, and off-highway vehicle groups have filed several lawsuits challenging the ecological sustainability provisions in the 2012 planning rule, among others.

The FS has developed 125 plans to guide the management of the 154 national forests and 20 national grasslands in the NFS.[24] As of FY2015, 60 plans had been revised, and 33 units were in the process of revising their plans. Of those in process, 14 were using the 1982 procedures under the 2000 planning rule to conduct the revisions; the others were using the procedures established in the 2012 planning rule.

National Forest System Uses

As noted above, NFS lands are administered for sustained yields of multiple uses, including outdoor recreation, range (livestock grazing), timber, watershed, wildlife, and fish purposes; wilderness, which was added as a use in 1964;[25] and mineral extraction, as well as other uses and services. The various uses of NFS lands are to be balanced in the "combination that will best meet the needs of the American people" with the "harmonious and coordinated management of the various resources, each with the other ... in perpetuity of a high-level annual or regular periodic output ... without impairment of the productivity of the land."[26]

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[18] 65 *Federal Register* 67514 (November 9, 2000).

[19] 70 *Federal Register* 1022 (January 5, 2005).

[20] *Citizens for Better Forestry v. USDA*, 481 F.Supp. 2d 1059 (N.D.Cal., 2007).

[21] 73 *Federal Register* 21467 (April 21, 2008).

[22] *Citizens for Better Forestry v. USDA*, 632 F.Supp. 2d 968 (N.D.Cal., 2009).

[23] 77 *Federal Register* 21260 (April 9, 2012).

[24] Forest Service, *FY2015 Budget Justification*, pp. 5-33, at http://www.fs.fed.us/about-agency/budget-performance.

[25] The Wilderness Act of 1964, P.L. 88-577, Section 4; 16 U.S.C. §529.

[26] 16 U.S.C. §531.

Although not a stated statutory purpose of the national forests, many of the uses and services of the national forests generate revenue. This revenue may be used to offset agency costs, shared with the communities containing the national forests, or deposited into the General Treasury, depending on the use, location, and varying statutory requirements. In FY2014 (the most recent year available), the FS generated a total of $242.2 million (see **Figure 2**).[27] **Table 2** lists the revenue generated by type for FY2010-FY2014. The single largest source of revenue for the FS over FY2010-FY2014 was recreation. However, the next three largest sources of revenue—KV sales, salvage sales, and timber production[28]—are all associated with timber harvests. In FY2014, these three sources combined for a total $116.0 million, representing nearly half of the revenue generated.

Table 2. FS Revenue, FY2010-FY2014

(dollars in millions)

	FY2010	FY2011	FY2012	FY2013	FY2014
Recreation	$53.3	$56.8	$55.1	$61.4	$72.0
KV	$44.1	$52.5	$54.8	$49.4	$50.8
Salvage	$22.1	$26.0	$24.1	$28.6	$35.1
Timber	$17.2	$27.2	$26.1	$32.0	$30.0
Land Use	$16.3	$18.8	$20.9	$18.0	$23.0
Power	$8.3	$24.2	$13.3	$8.0	$9.0
Grazing	$5.2	$5.2	$5.1	$4.8	$5.4
Minerals	$0.9	$0.7	$2.0	$1.9	$2.2
Other	$19.0	$24.8	$23.0	$19.6	$14.8
Total	**$186.4**	**$236.2**	**$224.4**	**$223.6**	**$242.2**

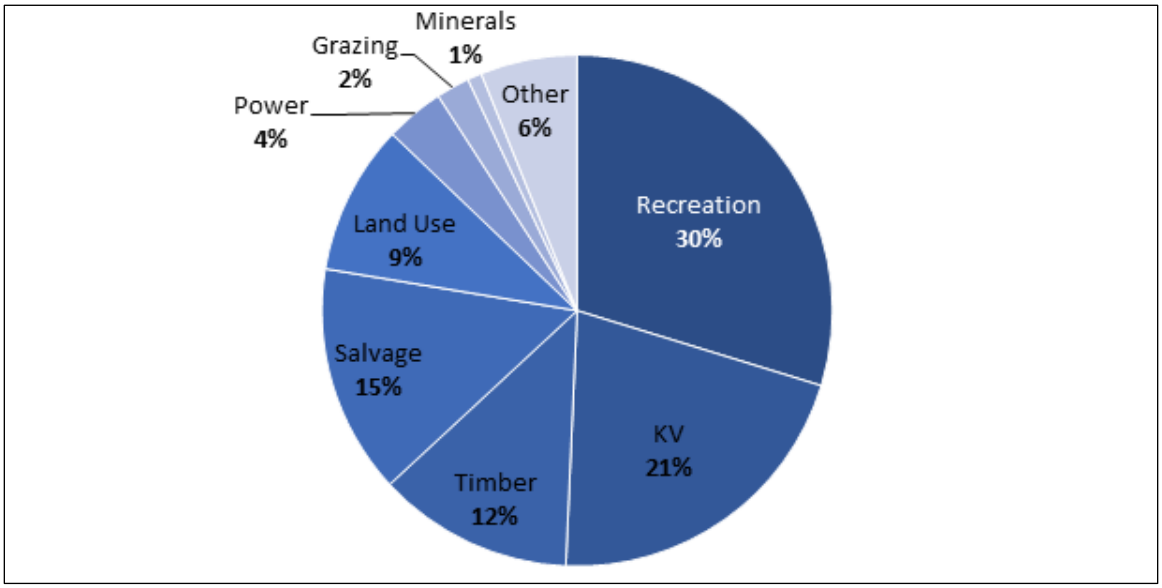
Source: U.S. Department of Agriculture, Forest Service, *All Service Receipts (ASR), Final Receipts Summary Report (ASR-04),* at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3839762.pdf.

Notes: Data are provided in current dollars. *Recreation* revenue is amounts collected for all types of recreation, including user fees collected under the Federal Lands Recreation Enhancement Act (P.L. 108-447, as amended). *KV* revenue is collections authorized under the Knutson-Vandenberg Act of June 9, 1930, from timber sale purchasers for sale area improvement work and reforestation. *Salvage* sale revenue is derived from payments for salvageable material used to facilitate the timely removal of damaged timber. *Timber* revenue is amounts collected for the sale of timber and certain other forest products. *Land use* revenue is amounts collected for land uses except power, minerals, or recreational uses. *Power* revenue is amounts collected for uses authorized by Forest Service permits or easements for all types of power-generating projects and power transmission line rights-of-way. *Grazing* revenue is amounts collected for grazing fees in the national forests, with both the eastern and western grazing fees combined. *Minerals* revenue is amounts collected from the sale of minerals (including quartz crystals) and permit fees. It includes mineral lease and permit fees collected by DOI on acquired lands having national forest status but does not include any mineral revenue derived from National Forest System land that was established from the public domain. *Other* revenue includes road credits and deposits made by timber sale contract purchasers and deposits to the Timber Sale Pipeline Restoration Fund, which is derived from certain timber sale revenues.

[27] Forest Service, *All Service Receipts: Receipts Summary Report, FY2013*, ASR-04.

[28] KV revenue is collections authorized under the Knutson-Vandenberg Act of June 9, 1930, from timber sale purchasers for sale area improvement work and reforestation. Salvage sale revenue is derived from payments for salvageable material used to facilitate the timely removal of damaged timber. Timber revenue is amounts collected for the sale of timber and certain other forest products.

Figure 2. FS Revenue by Type, FY2014



Source: Prepared by CRS with data from U.S. Department of Agriculture, Forest Service, *All Service Receipts (ASR), Final Receipts Summary Report (ASR-04).*

Notes: See **Table 2** notes for a description of the revenue categories.

Timber

One of the first uses of the early forest reserves was to "furnish a continuous supply of timber."[29] The first chief of the FS, Gifford Pinchot, initially believed the agency could eventually become self-supporting through the production of timber, although he eventually abandoned the idea.[30] However, FS timber sales and revenue generation were negligible until the 1950s, when the post–World War II housing boom, combined with declining competition from private timber sales, led to increasing NFS timber sales (see **Figure 3**). For many years after, the FS was a major provider of timber for the wood products industry, generally selling between 10 billion and 12 billion board feet of timber annually (about 20%-25% of total U.S. wood supply).[31] Since the 1990s, FS timber harvests have fallen, totaling around 2 billion board feet—less than a quarter of the historic level—annually since 1999. The decline in harvest levels and value in the 1990s is attributable to a multitude of factors, including (but not limited to) changing legislative directives and related forest management policies and practices—such as increased planning and procedural requirements—as well as changing market dynamics for wood products, public preferences, and litigation.[32] For the last 15 years, harvest volume has remained relatively constant around 2.0 billion board feet harvested annually, with a slight upward trend over the last few years. Starting in FY2005, the price of lumber dropped significantly, mostly in response to instability in the U.S. housing market. This drop contributed to the value of FS harvests declining annually from FY2005 through FY2010, although the value has been modestly increasing since then. In

[29] Organic Administration Act, Act of June 4, 1897, 16 U.S.C. 473.

[30] Harold K. Steen, *The U.S. Forest Service: A History* (University of Washington Press, 1976), p. 91.

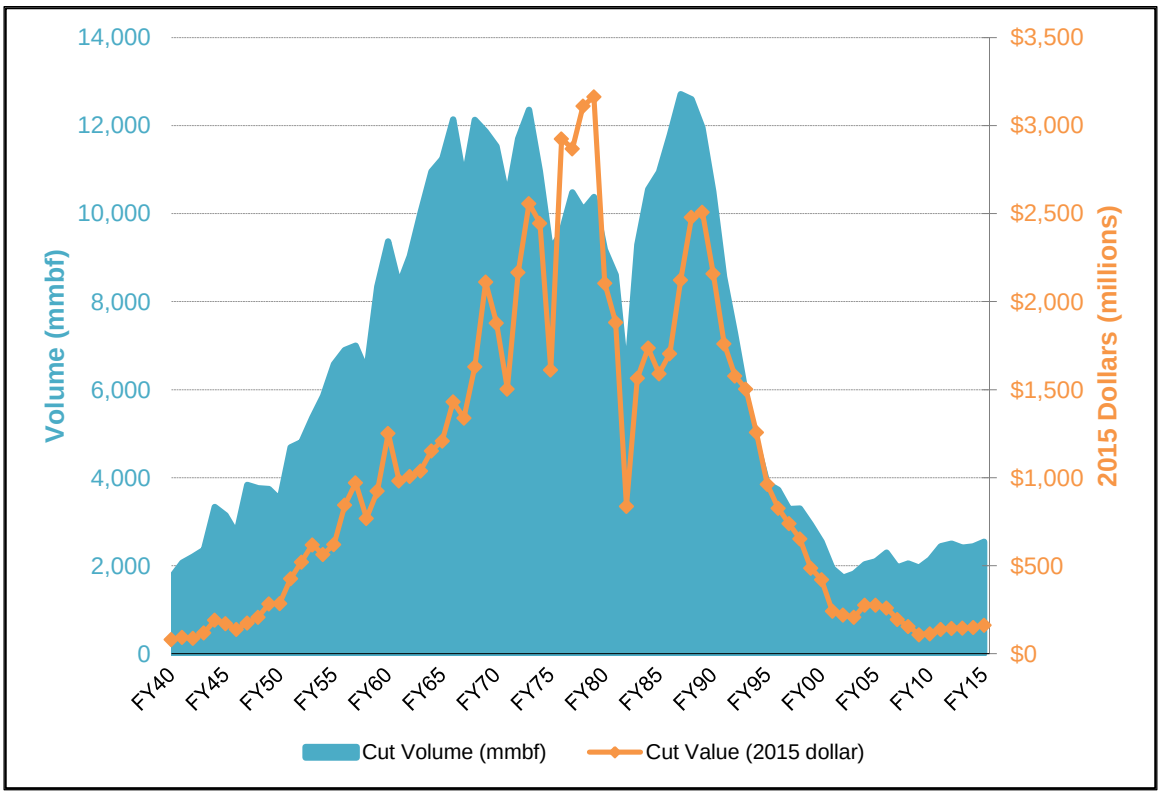
[31] The revenue generated from the production of timber still remained less than the cost of NFS management.

[32] A CRS congressional-distribution memorandum on Forest Service harvest levels is available to congressional clients from the author upon request.

FY2015, the FS harvested a reported total of 2.5 billion board feet of timber—the largest production since FY2000—for a total of $162.7 million.

Figure 3. FS Harvest Volume and Value, FY1940-FY2015

(2015 dollars)



Source: CRS. FY1977-FY2015 data: U.S. Department of Agriculture, U.S. Forest Service, *Forest Cut and Sold Reports*, at http://www.fs.fed.us/forestmanagement/products/sold-harvest/cut-sold.shtml. FY1940-FY1976 data: U.S. Forest Service legislative affairs office.

The FS is increasingly using timber harvests as a tool to achieve various land and resource management objectives or in the context of larger restoration objectives—such as enhancing ecosystem or watershed conditions—in addition to timber production. For example, the FS has permanent authority[33] to enter into stewardship contracts—contracts with private parties for stewardship activities (e.g., thinning to reduce potential wildfire fuels) that include commercial timber to offset some of the stewardship costs. The FS may also harvest trees damaged or killed in fires or other disturbance events—called salvage harvesting—in part to facilitate forest restoration and recovery and also to capture some of the economic value of the federal resources and generate revenue to fund other restoration activities.

Recreation

Outdoor recreation is one of the most popular uses of the national forests. The FS reports that there are more than 166 million annual recreational visits for activities such as hunting, fishing,

[33] Stewardship contracting was first authorized on a temporary basis in 1999, extended several times, and then permanently authorized by the Agricultural Act of 2014 (2014 farm bill, P.L. 113-79, Title VIII).

wildlife viewing, hiking, camping, skiing, snowboarding, horseback riding, and more.[34] Private companies also provide additional recreational opportunities on the national forests through recreation special use authorizations for downhill ski resorts, campgrounds, resorts, marinas, recreational events, outfitters, and guides.

Some recreation uses, such as the use of off-highway vehicles and snowmobiles in the national forests, have generated controversy.[35] In 2004, the FS chief identified *unmanaged recreation*—"increasing use of the national forests for outdoor activities ... including the use of off-highway vehicles"—as one of the four major threats to the ecological integrity of NFS lands.[36] In response, the agency has been conducting a travel management planning process to designate which national forest roads and trails are available for motorized use and prohibiting their use outside the designated system.

Recreation on NFS lands also generates significant revenue for the FS. In FY2014, recreation receipts totaled $72.0 million (30% of the total revenue generated).[37] In 2004, the Federal Lands Recreation Enhancement Act[38] established a recreation fee program for the FS (and the other federal land management agencies). The program was set to expire in 2014 but was extended until September 30, 2016.[39] The act authorizes different kinds of fees, outlines criteria for establishing fees, prohibits certain fees, and allows the FS to use collections without further appropriation. While Congress sought to make the actual users pay fees, some users object to fees for national forest recreation, arguing that the fees amount to paying twice (once through taxation) to support the agency. Congress may consider allowing the recreation fee program to sunset or may consider extending the program again, with or without modifications.

Fish and Wildlife Habitat

The NFS contains important fish and wildlife habitats as well as botanically significant resources, which contribute ecological, recreational, economic, and cultural benefits to the nation. These resources include fishable streams, lakes, wetlands, and wildlife—such as elk, bighorn sheep, and wild turkey—which are enjoyed by a variety of recreational users. In addition, the NFS contains over 400 species of plants and animals listed as threatened or endangered and 3,500 that have been designated as sensitive and require special management.

Range

The FS issues permits and leases for grazing private livestock on approximately 93 million acres of NFS lands. Permits and leases generally cover a 10-year period and may be renewed. Further, expired permits and leases may be automatically renewed through FY2015 while the agencies process a backlog of permits and leases needing evaluation.[40]

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[34] Forest Service, *FY2016 Budget Justification*, p. 167, at http://www.fs.fed.us/about-agency/budget-performance.

[35] See CRS Report R42920, *Motorized Recreation on Bureau of Land Management and Forest Service Lands*, by Carol Hardy Vincent and Katie Hoover.

[36] Forest Service, "Four Threats," updated October 30, 2006, at http://www.fs.fed.us/projects/four-threats/.

[37] Forest Service, *All Service Receipts: Receipts Summary Report, FY2013*, ASR-04.

[38] P.L. 108-447.

[39] P.L. 113-46 extended the program through December 8,2015 and P.L. 113-235 extended the program through September 30, 2016.

[40] P.L. 113-76, §411.

Fees are charged under a formula established by law in 1978, then continued indefinitely through an executive order issued by President Reagan in 1986.[41] The federal grazing fees for 2016 will be $2.11 per head month.[42] Grazing levels have generally declined very slowly over the past several decades. BLM lands provide more grazing than do the national forests, and the BLM typically leads federal efforts on grazing management.[43]

Watersheds

Protecting watershed health was one of the original purposes of the national forests. This includes the management of surface and groundwater resources as well as water uses and rights on NFS lands. Nearly one-fifth of the nation's water originates on NFS lands.[44] In addition, watersheds support ecological services such as productive soils, biological diversity, and fish and wildlife habitat, including spawning and rearing habitat for sport and commercial fish species.

Watersheds also provide flood control benefits. The FS established the Watershed Condition Framework to assess and prioritize the conditions of the 15,000 watersheds containing significant portions of NFS lands. The initial assessment, completed in FY2011, classified the conditions of 52% of the watersheds as good, 45% as fair, and 4% as poor.[45] In FY2012, the FS developed watershed action plans to guide restoration activities and improve the condition class of priority watersheds. Since FY2012, the FS reports that the condition class of 30 watersheds has improved.[46] Other watershed restoration activities include decommissioning roads and restoring or enhancing stream habitat.

Wilderness and Other Special Land Designations

Congress has also provided management direction within the NFS by creating special designations for certain areas. Some of these designations—wilderness areas,[47] wild and scenic rivers,[48] and national trails—are part of larger management systems affecting several federal land management agencies.[49]

The NFS also includes several other types of land designations. The NFS contains many national game refuges and wildlife preserves, national recreation areas and scenic areas, national monuments, and other congressionally designated areas.[50] Resource development and use is

[41] Public Rangelands Improvement Act of 1978, P.L. 95-514, 43 U.S.C. §§1901, 1905. Executive Order 12548, 51 *Federal Register* 5985, February 19, 1986.

[42] The Forest Service and BLM charge the same fee for grazing. Head month is one month's use and occupancy of the range by one animal. The 2016 fee will take effect March 1, 2016, and is an increase over the $1.69 per head month charged in 2015. For more information, see BLM, "Fact Sheet on the BLM's Management of Livestock Grazing," February 3, 2016, at http://www.blm.gov/wo/st/en/prog/grazing.html.

[43] For more information, see CRS Report RS21232, *Grazing Fees: Overview and Issues*, by Carol Hardy Vincent.

[44] Forest Service, "Watershed, Fish, Wildlife, Air and Rare Plants," at http://www.fs.fed.us/biology/watershed/#focus.

[45] Forest Service, *FY2015 Budget Justification*, pp. 5-5, at http://www.fs.fed.us/about-agency/budget-performance.

[46] Forest Service, *FY2016 Budget Justification*, p. 132, at http://www.fs.fed.us/about-agency/budget-performance.

[47] For more information, see CRS Report RL31447, *Wilderness: Overview and Statistics*, by Katie Hoover.

[48] For more information, see CRS Report R42614, *The National Wild and Scenic Rivers System: A Brief Overview*, by Sandra L. Johnson and Laura B. Comay.

[49] For more information, see CRS Report R43429, *Federal Lands and Natural Resources: Overview and Selected Issues for the 114th Congress*, coordinated by Katie Hoover.

[50] U.S. Department of Agriculture, Forest Service, *Land Areas Report (LAR)—as of September 30, 2015*, Tables 10-12 and 15-26, at http://www.fs.fed.us/land/staff/lar/LAR2015/lar2015index.html. For more information, see CRS Report

generally more restricted in these specially designated areas than on general NFS lands, and specific guidance is typically provided with each designation.

Finally, management to preserve or develop FS roadless areas (areas that have been reviewed for wilderness designation but have not been designated as wilderness by Congress) continues to be controversial. Questions persist over the extent to which FS should manage to protect the wilderness characteristics of the approximately 58.5 million acres of roadless areas by prohibiting or permitting certain uses to occur. In 2001, President Clinton proposed a new rule to prohibit most road construction and timber harvesting in these areas. President George W. Bush delayed implementation of the Clinton rule and proposed an alternative policy. Both were heavily litigated; however, the Clinton roadless rule remains intact after the Supreme Court refused to review a lower court's decisions in 2012.[51]

Other Uses

NFS lands are also used for other purposes and services supporting national policies and federal land laws, such as electricity transmission, telecommunication sites, and commercial filming. The use of the national forests for such activities (and various recreation programs) is permitted through special use authorizations (SUAs). SUAs establish the terms and conditions for the use of the NFS lands.

Much of the NFS is open to mineral and energy resource exploration and development.[52] Oil, natural gas, and coal exploration and production is governed by the Mineral Lands Leasing Act of 1920,[53] which also requires the BLM to manage the subsurface rights to virtually all federal lands, including NFS lands. Approximately 5.6 million acres underlying NFS lands are currently leased for oil, gas, coal, and geothermal operations.[54] There are an estimated 4,200 federal oil and gas wells on NFS lands, and coal produced from NFS land accounted for 25% of the nation's coal production. The FS also administers approximately 160,000 mining claims. Receipts and royalties generated for energy and mineral activities are collected by the Office of Natural Resources Revenue. In January 2016, DOI announced a moratorium on issuing new coal leases on federal lands while BLM identifies and evaluates potential reforms on the federal leasing system.[55]

Renewable energy projects—such as solar and wind projects—are allowed on NFS lands, generally through a right-of-way SUA. Although FS has not approved any SUAs for solar projects to date, the agency did approve a utility-scale wind power facility SUA in 2012. However, implementation of the project to construct and operate a 15-turbine facility on the Green Mountain National Forest is pending the outcome of ongoing litigation.

R41285, *Congressionally Designated Special Management Areas in the National Forest System*, by Katie Hoover.

[51] Wyoming v. Department of Agriculture, 133 S.Ct. 417 (2012).

[52] For more information, see CRS Report R40806, *Energy Projects on Federal Lands: Leasing and Authorization*, by Adam Vann.

[53] 30 U.S.C. §181 et seq.

[54] Forest Service, *FY2016 Budget Justification*, p. 178, at http://www.fs.fed.us/about-agency/budget-performance.

[55] Secretary of the Interior Sally Jewell, *Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program*, Department of the Interior, Order No. 3338, January 15, 2016, at http://www.blm.gov/style/medialib/blm/wo/Communications_Directorate/public_affairs/news_release_attachments.Par.4909.File.dat/SO%203338%20Coal.pdf.

Wildfire

Since 2000, much of the focus of discussions and legislative proposals on FS management has been on the risk of catastrophic wildfires, especially in the intermountain West. Several recent fire seasons were, by most standards, among the worst since 1960, including the 2015 wildfire season, in which more than 10 million acres burned.[56] Many believe these fires reflect degraded forest ecological conditions derived from excessive accumulations of biomass—dead and dying trees, heavy undergrowth, and dense stands of small trees, also called fuels—exacerbated by drought and climate change and by the increasing numbers of homes in the *wildland-urban interface* (i.e., wildlands near communities threatened by potential wildfire conflagrations).[57] These observers advocate rapid action to improve forest resilience, including prescribed burning, thinning, and salvaging dead and dying trees, to protect NFS forests and nearby private lands and homes.[58] Critics counter that authorities to reduce fuel levels are adequate, treatments that remove commercial timber degrade forest health and waste taxpayer dollars, and expedited processes for treatments are a device to reduce public oversight of commercial timber harvesting.[59]

NFS Appropriations

The FS receives both discretionary and mandatory appropriations.[60] Although it is an agency within the USDA, the FS receives its discretionary appropriations through Title III of regular Interior, Environment, and Related Agencies appropriations bills.[61] Annual mandatory appropriations are provided under existing authorizing statutes. Laws authorizing mandatory appropriations allow the FS to spend money without further action by Congress, and the budget authority for several of these mandatory spending accounts is dependent on revenue generated by activities on the national forests. In FY2016, the FS received $7.06 billion in total funding, of which $6.36 billion (90%) was discretionary funds and an estimated $691.91 million (10%) was mandatory funds.[62]

Management of the NFS is primarily funded as one of the FS's main discretionary accounts.[63] However, several of the mandatory accounts also fund NFS activities, although this report focuses

[56] See CRS Report R44082, *Wildfire Spending: Background, Issues, and Legislation in the 114th Congress*, by Katie Hoover et al. and CRS Report R43077, *Wildfire Management: Federal Funding and Related Statistics*, by Katie Hoover and Kelsi Bracmort.

[57] See CRS Report RS21880, *Wildfire Protection in the Wildland-Urban Interface*, by Katie Hoover and Kelsi Bracmort.

[58] See for example, Debra Kahn, "House GOP bill would speed timber sales from Rim Fire," *Environment & Energy Daily*, October 1, 2013.H.R. 3188 from the 113th Congress.

[59] Ibid.

[60] See CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, by Jessica Tollestrup.

[61] The FS has received additional discretionary monies through supplemental appropriations bills. In addition, Congress has used continuing appropriations resolutions to maintain funding for the agency when regular appropriations bills have not been enacted before the start of the fiscal year and, in some cases, to provide full-year funding. See CRS Report R43417, *Forest Service Appropriations: Five-Year Trends and FY2016 Budget Request*, by Katie Hoover; and CRS Report R43617, *Interior, Environment, and Related Agencies: FY2015 Appropriations*, by Carol Hardy Vincent.

[62] FS discretionary figures reflect supplemental appropriations made for wildfire management purposes, including $700 million provided as emergency funding for wildfire suppression activities in the Continuing Appropriations Act, 2016 (P.L. 114-53). Discretionary figures are from detailed funding tables prepared by the House Committee on Appropriations. Mandatory figures were derived from the FS *FY2016 Budget Justification.*

[63] The other main FS discretionary accounts include Forest and Rangeland Research, State and Private Forestry, Capital Improvement and Maintenance, Land Acquisition, Wildland Fire Management, and several other relatively smaller

on discretionary appropriations. In FY2016, Congress appropriated $1.51 billion to the NFS discretionary account. On average over the last five fiscal years, the NFS account has received approximately 28% of the FS discretionary appropriations. FS budget requests and Interior Appropriations Subcommittee documents typically allocate monies in each account among various subaccounts and, in some cases, among specific programs and activities. The FS further allocates its appropriations—at the account, subaccount, and program activity levels—among the nine FS regions, five research stations, two service centers and laboratories, and the national headquarters office in Washington, DC. Once the funds have been allocated to the regions and programs, the money is then further allocated to each national forest. This can make analyzing appropriations by region or by forest challenging.

The NFS account includes several subaccounts, programs, and activities, many of which reflect the different ways the national forests are used. The largest subaccount is Forest Products, which generally receives around one-quarter of the NFS appropriation and funds the Timber Sale program.

The NFS subaccounts generally include the following (listed in the order they generally appear in congressional appropriations documents):[64]

- *Land Management Planning* funds the development, maintenance, and revision of the forest plans (FY2016: $37.0 million, 2% of NFS).
- *Inventory and Monitoring* funds the acquisition, analysis, and storage of data that support planning and other programs, such as restoration activities, climate change impact evaluations, and watershed condition assessments (FY2016: $148.0 million, 10% of NFS).
- *Recreation, Heritage, and Wilderness* funds activities related to the management of recreation opportunities on the NFS, administering recreation special use authorizations, supporting the protection of heritage resources, and protection of designated wilderness areas and wild and scenic rivers (FY2016: $261.7 million, 17% of NFS).
- *Grazing Management* funds the administration of livestock grazing use permits on the NFS and implementing environmental reviews of all FS grazing allotments as statutorily mandated[65] (FY2016: 56.9 million, 4% of NFS).
- *Forest Products* funds activities to analyze, prepare, offer, award, and administer timber sales, stewardship contracts, and special forest products permits on NFS lands (FY2016: $359.8 million, 24% of NFS).
- *Vegetation and Watershed Management* funds restoration-related management activities to improve forest and rangeland conditions, fish and wildlife habitat, water quality, quantity, and timing of stream flows, among others (FY2016: $184.7 million, 12% of NFS).

accounts.

[64] This list reflects the main subaccounts as of the FY2015 appropriation but does not include the Valles Caldera National Preserve subaccount which received $3.4 in FY2015, or less than 1% of the NFS appropriation. Congress has restructured the subaccounts in the past and may do so in the future, sometimes at the request of the agency, so this list may or may not reflect the same subaccounts in future appropriations.

[65] Rescissions Act of 1995, P.L. 104-14 §504.

- *Wildlife and Fish Habitat Management* funds activities to restore, recover, and maintain wildlife and fish—particularly rare animal and plant species—and their habitats on NFS lands (FY2016: $140.5 million, 9% of NFS).
- *Collaborative Forest Landscape Restoration Program Fund (CFLRP)*, authorized in 2009,[66] funds 23 landscape-scale restoration projects for 10 years in priority landscapes (FY2016: $40.0 million, 3% of NFS).
- *Minerals and Geology Management* funds the administration of mineral operations on NFS lands, management and mitigation of abandoned mine lands, management of geologic resources and hazards, and management of environmental compliance and restoration related to mineral activities (FY2016: $76.4 million, 5% of NFS).
- *Landownership Management* provides funds for the basic land management or real estate activities necessary to support all NFS programs, such as granting special use authorizations for energy transmission corridors and processing land exchanges (FY2016: $77.7 million, 5% of NFS).
- *Law Enforcement Operations* responds to emergencies, investigates illegal activities (such as illegal drug activities), and conducts crime prevention activities on NFS lands (FY2016: $126.7 million, 8% of NFS).

Table 3 provides appropriations data for the NFS subaccounts over the last five fiscal years.

Table 3. NFS Appropriations, FY2012-FY2016

(dollars in millions)

	FY2012	FY2013	FY2014	FY2015	FY2016
Land Management Planning	$39.9	$37.2	$37.8	$37.8	$37.0
Inventory and Monitoring	$161.7	$150.7	$151.0	$151.0	$148.0
Recreation, Heritage, and Wilderness	$281.2	$261.9	$261.7	$261.7	$261.7
Grazing Management	$55.4	$51.6	$55.4	$55.4	$56.9
Forest Products	$335.5	$318.3	$339.1	$339.1	$359.8
Vegetation and Watershed Management	$184.0	$172.2	$184.7	$184.7	$184.7
Wildlife and Fish Habitat Management	$140.0	$130.9	$140.5	$140.5	$140.5
CFLRP[a]	$39.9	$37.9	$40.0	$40.0	$40.0
Minerals and Geology Management	$83.4	$77.7	$76.4	$76.4	$76.4
Landownership Management	$85.7	$79.9	$77.7	$77.7	$77.7
Law Enforcement Operations	$143.8	$134.0	$126.7	$126.7	$126.7
Other[b]	$3.4	$3.2	$5.4	$3.4	$0
Total	**$1,554.1**	**$1,455.3**	**$1,496.3**	**$1,494.3**	**$1,509.4**

Source: CRS. Data compiled from detailed funding tables prepared by the House Committee on Appropriations.

Notes: Data are presented in current dollars.

a. The CFLRP Fund first received appropriations in FY2011.

[66] Omnibus Public Land Management Act of 2009 (P.L. 111-11, Title IV).

b. Until FY2014, "Other" included appropriations for the Valles Caldera National Preserve. Management was transferred to the National Park Service in FY2015. In FY2014, "Other" also included $2.0 million for Restoration Partnerships.

Integrated Resources Restoration Budget Line Item Pilot[67]

The FS proposed a new budget structure for the NFS account by combining its restoration-focused work into one budget line item, Integrated Resources Restoration (IRR), in FY2011. The FS argued that the current budgeting policy constrained multiple use management, because management activities are often hard to categorize, and they provide benefits for a variety of programs. The IRR proposal combined the forest products, wildlife and fish habitat management, vegetation and watershed management, and CFLRP subaccounts into one budget line item. Congress did not enact the FY2011 proposal. The IRR request was repeated in FY2012.[68]

Congress authorized up to $68 million transferred from other NFS subaccounts to implement the IRR as a pilot program in FY2012.[69] The pilot was authorized to be conducted in three regions (1, 3, and 4). While the committee report stated that the "proof of concept" pilot should occur for at least three years, the FY2012 law did not specify a sunset date for the pilot.[70] Implementation of the authority and program began late in FY2012.

Congress has continued to authorize the transfer of funds to implement the pilot IRR program through FY2016. Congress may consider implementing the IRR across the NFS, continuing the IRR in the three pilot regions, discontinuing the pilot, or implementing other proposals to modify the NFS discretionary account structure. IRR proponents—notably, the FS—assert that the increased budgetary flexibility facilitates integrated land and resource management objectives to reduce the risk of catastrophic wildfire and improve forest resistance and resiliency to disturbance events. IRR critics, however, are concerned that the increased budgetary flexibility will lead to decreased congressional oversight over NFS management decisions.

Wildland Fire Management Appropriations

The FS receives appropriations to conduct wildfire management activities—preparedness, suppression, fuel reduction, and site rehabilitation—on NFS lands through two separate discretionary accounts: the Wildland Fire Management (WFM) account and the FLAME Wildfire Suppression Reserve Fund.[71] Together, WFM and FLAME appropriations have accounted for more than half of the FS discretionary appropriation over the past five years (FY2012-FY2016). For FY2016, FS received $3.9 billion in WFM and FLAME appropriations, which included a

[67] Tracy Hancock, a Forest Service employee on a detail assignment to CRS in 2014, made significant contributions to this section.

[68] The FY2012 request added activities from two other FS discretionary accounts: the Legacy Roads and Trails program from the Capital Improvement and Maintenance account and the Hazardous Fuels Non-Wildland Urban Interface from the Wildland Fire Management account.

[69] P.L. 112-74.

[70] U.S. Congress, House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, *Appropriations Bill, 2012*, Report with Dissenting Views to Accompany H.R. 2584, 112th Cong., 1st sess., July 19, 2011, H.Rept. 112-151, pp. 83,88.

[71] The FLAME Suppression Reserve Fund was established by the Federal Land Assistance, Management, and Enhancement Act of 2009 (P.L. 111-88). For more information on wildfire management appropriations, see CRS Report R43077, *Wildfire Management: Federal Funding and Related Statistics*, by Katie Hoover and Kelsi Bracmort.

supplemental appropriation of $700 million to repay money transferred from other accounts to cover the high costs of the FY2015 wildfire season.

Suppression activities generally account for a large portion of the regular WFM appropriation (including appropriations to the FLAME fund). Two other WFM subaccounts—preparedness and hazardous fuels—receive the bulk of the remaining WFM funds, although there are also four relatively smaller research assistance programs funded through the account. Suppression activities include all of the work associated with extinguishing or confining fires on NFS lands and other federal or nonfederal lands under fire protection agreements with the FS. Due to the emergency nature of fire control activities, the FS is also authorized to transfer money out of other discretionary accounts if suppression funds become depleted.[72] In addition, the FS may also receive additional funding through emergency or supplemental appropriations if suppression funds are insufficient to cover continued fire control operational needs. For example, Congress appropriated $700 million in FY2016 as a supplemental to cover the costs of the FY2015 wildfire season.

Congress has been concerned about the cost of WFM generally and suppression activities specifically.[73] Congress has expressed concern about the impact of fire transfers on other NFS management activities and about the increasing portion of the FS budget going toward suppression funding. Congress has considered options for financing suppression activities, including proposals to provide funds outside of statutory and procedural constraints on discretionary spending.[74]

NFS Land Ownership: Designation, Acquisition, and Disposal[75]

As noted above, in 1891, the President was authorized[76] to reserve lands from the public domain as forest reserves, but this authority was subsequently limited by Congress. However, many presidential proclamations and executive orders have modified NFS boundaries and changed names, including establishing new national forests from existing NFS lands. National forests in the East were generally established between 1910 and 1951. Today, establishing a new national forest or significantly modifying the boundaries of an existing national forest requires an act of Congress.

The Secretary of Agriculture has numerous authorities to add lands to the NFS. Often, though, the acquisitions are restricted to land within or contiguous to the proclaimed exterior boundaries of a

[72] Transfer authority is granted in the Interior, Environment, and Related Agencies annual appropriations bill, specifically in the administrative provisions for the FS. The accounts from which funds were transferred have historically been reimbursed in the following year's appropriations act.

[73] See for example: U.S. Congress, House Committee on Natural Resources, Subcommittee on Public Lands and Environmental Regulation, Oversight Hearing on Wildfire and Forest Management, 113th Cong., 1st sess., July 11, 2013; U.S. Congress, Senate Committee on Energy and Natural Resources, *Wildfire Preparedness & Forest Service 2015 Fiscal Year Budget*, 113th Cong., July 15, 2014.

[74] See for example, H.R. 167, the Wildfire Disaster Funding Act. For more information on wildland fire funding and these proposals, see CRS Report R44082, *Wildfire Spending: Background, Issues, and Legislation in the 114th Congress*, by Katie Hoover et al.

[75] For more information, see CRS Report RL34273, *Federal Land Ownership: Acquisition and Disposal Authorities*, by Carol Hardy Vincent et al.

[76] 16 U.S.C. §471, now repealed.

national forest. The first and broadest authority is in the Weeks Act of 1911, which allows the Secretary to purchase "such forested, cut-over, or denuded lands within the watersheds of navigable streams ... the regulation of the flow of navigable streams or for the production of timber."[77]

Additional authorities are provided by the Bankhead-Jones Farm Tenant Act of 1937,[78] which authorized the Secretary to acquire submarginal lands and lands not suitable for cultivation. Under this authority, the FS acquired and established the 20 national grasslands and six land utilization projects that account for 2% of the NFS. Other laws authorize land acquisition for the national forests, typically in specific areas or for specific purposes. For example, the Secretary is authorized to acquire access corridors to national forest lands across nonfederal lands.[79]

The Secretary also has numerous authorities to dispose or convey national forest land out of federal ownership, all constrained in various ways and seldom used. Often, the authority requires the federal government to dispose of the land at fair market value. The 1897 Organic Act[80] and the 1911 Weeks Act[81] authorize the disposal of land better suited for other uses, such as agriculture or mining. Other authorities include the following:

- The 1958 Townsites Act[82] authorizes the Secretary to transfer up to 640 acres adjacent to communities in Alaska or the 11 western states for townsites if the "indigenous community objectives ... outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership."
- The 1983 Small Tracts Act[83] authorizes the Secretary to dispose of certain lands by sale or exchange if they are valued at no more than $150,000 and meet certain size specifications.
- Congress authorized the FS to transfer up to 80 acres of NFS land for a nominal cost upon written application of a public school district.[84] The lands may revert back to the federal government, however, if not used for the educational purposes for which they were acquired.

Issues for Congress

Congress considers many issues regarding NFS management. Current debates tend to focus more on particular issues that involve land and resource allocation and valuation, such as balancing increasing demands for commodity and non-commodity uses and services from the national forests. Simultaneously, public interest in how these resource allocation decisions are made and the lands are used has increased. NFS management and administration has thus become more complex and contentious. However, these controversies often derive from questions about the fundamental management principles of multiple use and sustained yield.

[77] Act of March 1, 1911, P.L. 61-435 as amended; 16 U.S.C. §§515 et seq.

[78] P.L. 75-210, 7 U.S.C. 1010.

[79] Federal Land Policy and Management Act of 1976, P.L. 94-579, 43 U.S.C. §1715(a).

[80] Organic Administration Act, Act of June 4, 1897; 16 U.S.C. 473.

[81] Act of March 1, 1911 (P.L. 61-435 as amended; 16 U.S.C. §§515 et al).

[82] P.L. 85-569, 16 U.S.C. §478a.

[83] P.L. 97-465, 16 U.S.C. §521.

[84] 16 U.S.C. §479a.

The meaning and application of the dual concepts of multiple use and sustained yield have been debated since Congress first authorized the reservation of federal land.[85] The debates generally revolve around questions such as these:

- Is multiple use achieved through adjacent or sequential allowance of single resource uses or by simultaneous application of several uses?
- Is sustained yield management to provide a regular flow of products for human use or to assure the maintenance of the biological productivity of the forest resources?

When these management principles were established, Congress conferred considerable discretion on the FS to make those decisions. As concerns arose and persisted about the agency's interpretation of multiple use and sustained yield, Congress began to restrict that discretion by enacting legislation specifying that certain uses occur (or not occur) in specified areas.[86] However, Congress has not enacted legislation directly addressing the concepts of multiple use or sustained yield.

Therefore, conflicts arise as users and land managers attempt to balance multiple uses and services and produce a sustained yield of resources from the national forests. Congress often considers legislation to prioritize various national forests uses over others or to define or specify levels of production. For example, Congress has considered legislation to prioritize timber production over other uses or to specify a certain annual output of timber production.[87] In contrast, Congress has also considered legislation that would prioritize recreation, hunting, and fishing over other uses.[88]

There are several ongoing concerns regarding wildfire management, including the total federal costs of wildfire management, the strategies and resources used for wildfire management, and the impact of wildfire on both the quality of life and the economy of communities surrounding wildfire activity. Fire control expenditures continue to climb, affecting the implementation of other programs (and thus affecting national forest uses) through personnel and funds transferred to fire control. It is unclear when, whether, and how this cost spiral can be contained.

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[85] U.S. Congress, House Committee on Interior and Insular Affairs, *Multiple Use and Sustained Yield: Changing Philosophies for Federal Land Management*, The proceedings and summary of a workshop convened in March 1992, prepared by Congressional Research Service, 102nd Cong., 2nd sess., December 1992.

[86] For example, Congress has established several Special Management Areas in the NFS with specified uses. See CRS Report R41285, *Congressionally Designated Special Management Areas in the National Forest System*, by Katie Hoover.

[87] See for example, H.R. 1526 from the 113th Congress, which would have established forest revenue areas within the NFS and specified an annual timber harvest output level.

[88] See for example, H.R. 3590 and S. 1996 from the 113th Congress, both of which would have enhanced opportunities for recreational hunting, fishing, and shooting on federal lands in various ways.

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