



WESTERN FORESTRY LEADERSHIP COALITION

LEGISLATIVE & POLICY UPDATE

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The *Western Forestry Leadership Coalition (WFLC) Legislative & Policy Update* provides information on issues of importance to the WFLC and our partner groups. This document is posted at www.wflcweb.org/infomaterials/issue_briefs.php. Please note that the items below highlight only a few of the issues the WFLC is currently tracking.

1. FY 2011 Appropriations

As reported last week in the *WFLC Update*, a three-week continuing resolution (CR) to fund the federal government through April 8, 2011 was passed and signed into law last week just before the expiration of the prior CR. The \$6 billion in overall spending cuts contained in the current three-week CR largely targeted reductions included in President Obama's FY 2012 Budget Proposal along with terminating earmarks. In addition to small cuts attributed to earmark reductions in U.S. Forest Service programs under State and Private, Research, National Forest System and Wildland Fire Management, the CR also rescinded \$200 million from unobligated suppression balances.

Both House and Senate leadership have expressed a desire to avoid additional short-term spending measures and to reach an agreement to fund the federal government through the remainder of FY 2011 before April 8. However, the House-approved spending measure, H.R. 1 which would cut federal spending by \$60 billion, has so far failed to garner enough support for passage in the Senate, where smaller reductions have been favored. It remains to be seen if a compromise can be reached between the chambers before the current CR expires. Some commentators have opined that a government shutdown is still a real possibility given the distaste for additional short-term spending measures and the significant differences between the House and the Senate.

2. Clean Energy Standard

Earlier this week Chairman Jeff Bingaman (D-NM) and ranking member Lisa Murkowski (R-AK) of the U.S. Senate Committee on Energy and Natural Resources released a white paper seeking input on the development of a national Clean Energy Standard (CES). The idea of a CES has gained momentum following President Obama's State of the Union address calling for an 80 percent clean energy standard by 2035. The Committee is seeking input as it addresses what it termed the "threshold question of what the general policy goals for the electric sector are and whether a CES would most effectively achieve them." Specifically, the Committee is seeking input on the following questions:

- What should be the threshold for inclusion in the new program?
- What resources should qualify as “clean energy”?
- How should the crediting system and timetables be designed?
- How will a CES affect the deployment of specific technologies?
- How should Alternative Compliance Payments, regional costs, and consumer protections be addressed?
- How would a CES interact with other policies?

The Committee asks that interested parties submit their input on the questions outlined above by April 11, 2011. The white paper, along information on submitting comments to one of the six questions outlined above or comments on additional topics, is available on the Committee website:

http://energy.senate.gov/public/index.cfm?FuseAction=IssueItems.View&IssueItem_ID=7b61e406-3e17-4927-b3f4-d909394d46de. The WFLC is currently working on a biomass utilization paper examining the ecological, economic and social realities facing biomass facilities in the West. Additionally, the Council of Western State Foresters is reviewing the white paper for opportunities to provide input to the Committee related to the role of forest biomass in a CES.

3. U.S. Environmental Protection Agency Boiler Rules

On February 21, 2011 the U.S. Environmental Protection Agency (EPA) finalized rules addressing the emission of air pollutants from existing and new boilers (both Area Source and Major Source) and Industrial Solid Waste Incinerators. In 2010, following a public comment period, the EPA determined that it needed additional time to respond to issues raised in public comments. Because this rulemaking stemmed from a lawsuit and the EPA was on a court mandated rulemaking schedule, the EPA filed a motion with the U.S. District Court for the District of Columbia seeking additional time until April 2012 to issue the final rules. The court denied EPA’s motion and mandated that EPA finalize the boiler rules by February 21, 2011.

The Agency is awaiting publication of the final rules in the Federal Register which will trigger the start of a public comment period; publication is expected before the end of March. In the final rule, EPA has taken action to address concerns raised during the 2010 public comment period. For example, one significant concern raised during the comment period was that the rules would be cost prohibitive. In the final Area Source rule, boilers with heat input less than 10 million Btu/hour are not required to meet emission limits, but to perform a biannual boiler tune-up, which is expected to result in substantial cost savings to qualifying boilers. Because of this and other changes made in the final rule in response to comments received by the EPA, the agency has already indicated that they intend to provide for reconsideration of portions of all three rules (Area Source, Major Source and Industrial Solid Waste Incinerators). A pre-publication version of the notice of reconsideration is available at <http://www.epa.gov/airquality/combustion/docs/20110221reconsideration.pdf>. During the public comment period, interested parties may also petition to the EPA to reconsider additional sections of the rule if they are not included in the Agencies notice. More information on the final EPA boiler rules, including text of the final rules, is available at: <http://www.epa.gov/airquality/combustion/actions.html>.

4. U.S. Forest Service Planning Rule

On February 14, 2011 the U.S. Forest Service published in the Federal Register a proposed rule for National Forest System Land Management Planning. The proposed rule and the associated Draft Environmental Impact Statement (DEIS) are currently in a 90-day public comment period which closes on May 16, 2011. During the comment period, the Forest Service is holding public meetings in every U.S. Forest Service Region to answer questions about the Proposed Rule. More information on the proposed rule, DEIS and regional forums is available on the U.S. Forest Service Planning Rule website at: <http://fs.usda.gov/planningrule>.

The CWSF is currently working to develop comments on the proposed rule consistent with comments already submitted by the CWSF in response to the Notice of Intent for a new National Forest System land management planning rule and comments shared with the U.S. Forest Service in roundtable sessions and during the informal public comment period which took place during the summer and fall of 2010.

Please contact Brent Keith, Governmental Affairs Director, at 303.445.4366 or brent.keith@colostate.edu with any questions.

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