



The Forest Emergency Recovery & Research Act

IMPROVES PROJECT REVIEW PROCESS

The Forest Emergency Recovery and Research Act requires an expedited National Environmental Policy Act (NEPA) procedural review.

- The Forest Emergency Recovery and Research Act codifies the authority for agencies to use alternative arrangements, a procedure authorized by NEPA, and successfully used in 1998 by the Clinton Administration in Texas on the Sabine, Angelina and Sam Houston National Forests to recover federal forests and habitat for the red-cockaded woodpecker, a federally-listed endangered species, after a severe windstorm.
- Alternative arrangements may not be used to construct permanent roads and timber removal is limited to down, dead, broken or severely root sprung trees or where mortality is highly probable within five years of the event or where removal is necessary for worker or public safety. (Section 104)
- If the agencies utilize alternative arrangements to conduct recovery or research projects, they will be required to study or develop a proposed agency action and the alternative of “no action”. (Title I, Section 105)
- Further, agencies must prepare and implement a decision no later than 90 days after the environmental evaluation has been completed. The rationale for the agency decision must include an economic analysis and justification, and a statement of the significant environmental impacts of the action and how impacts will be minimized or mitigated consistent with the land management plan. (Title I, Sec. 105)
- All recovery projects must comply with the desired outcomes in the forest plan—meaning habitat snags will remain, as will other necessary debris to prevent erosion and promote the recovery process.
- Public notice, appeals and judicial review are required using the exact same process as required in the overwhelmingly bipartisan Healthy Forests Restoration Act.