

114TH CONGRESS  
1ST SESSION

# H. R. 2178

To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from timber sales conducted on National Forest System land, to reduce payments under the Secure Rural Schools and Community Self-Determination Act of 2000 to reflect such counties' receipt of timber sale revenues, to strengthen stewardship end result contracting, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2015

Mrs. McMORRIS RODGERS (for herself, Mr. NEWHOUSE, Mrs. KIRKPATRICK, Mr. RIBBLE, Mr. BENISHEK, Mr. POLIQUIN, Mr. LABRADOR, and Mr. REICHERT) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from timber sales conducted on National Forest System land, to reduce payments under the Secure Rural Schools and Community Self-Determination Act of 2000 to reflect such counties' receipt of timber sale revenues, to strengthen

stewardship end result contracting, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
 5 “Fostering Opportunities for Resources and Education  
 6 Spending through Timber Sales Act of 2015” or “FOR-  
 7 ESTS Act of 2015”.

8 (b) TABLE OF CONTENTS.—The table of contents of  
 9 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

TITLE I—FOREST ACTIVE MANAGEMENT AREAS

Sec. 101. Definitions.

Sec. 102. Establishment of Forest Active Management Areas and annual volume requirements.

Sec. 103. Management of Forest Active Management Areas.

Sec. 104. Environmental analysis process for covered active management projects.

Sec. 105. Expedited compliance with Endangered Species Act.

Sec. 106. Administrative review.

Sec. 107. Use of arbitration instead of litigation to address challenge to covered active management project developed through collaborative process.

Sec. 108. Distribution of forest active management revenues.

Sec. 109. Annual report.

TITLE II—TRANSITION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 AND 25-PERCENT PAYMENTS

Sec. 201. Extension of Secure Rural Schools and Community Self-Determination Act of 2000 to reflect recent extension covering fiscal years 2014 and 2015.

Sec. 202. Effect of receipt of forest active management revenues or stewardship project payments.

Sec. 203. Restoring original calculation method for 25-percent payments.

Sec. 204. Prohibition on State retention of portion of 25-percent payments made on behalf of beneficiary counties.

TITLE III—STEWARDSHIP END RESULT CONTRACTING  
AUTHORITY

- Sec. 301. Maximum authorized duration of stewardship end result contracts.  
 Sec. 302. Cancellation ceiling authority and requirements.  
 Sec. 303. Payment of portion of stewardship project revenues to county in which stewardship project occurs.  
 Sec. 304. Use of contractors to perform environmental analysis in connection with stewardship end result contracting projects.

TITLE IV—OTHER MATTERS

- Sec. 401. Treatment as supplemental funding.  
 Sec. 402. Definition of fire suppression to include certain related activities.  
 Sec. 403. Prohibition on certain actions regarding Forest Service roads and trails.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are as follows:

3 (1) To restore employment and educational op-  
 4 portunities in, and improve the economic stability of,  
 5 counties containing National Forest System land.

6 (2) To ensure that such counties have a de-  
 7 pendable source of revenue from National Forest  
 8 System land.

9 (3) To reduce Forest Service management costs  
 10 while also ensuring the protection of United States  
 11 forest resources.

12 (4) To reduce the frequency and severity of cat-  
 13 astrophic wildfires on Federal lands and to lessen  
 14 the need for the Forest Service to borrow resources  
 15 from other important forest management accounts  
 16 to combat fires.

1           **TITLE I—FOREST ACTIVE**  
2           **MANAGEMENT AREAS**

3 **SEC. 101. DEFINITIONS.**

4           In this title:

5           (1) ANNUAL VOLUME REQUIREMENT.—

6                   (A) IN GENERAL.—The term “annual vol-  
7                   ume requirement”, with respect to a Forest Ac-  
8                   tive Management Area, means a volume of na-  
9                   tional forest materials that, subject to adjust-  
10                   ment pursuant to section 102(e)(2), is equal to  
11                   not less than 50 percent of the sustained yield  
12                   of the Forest Active Management Area.

13                   (B) EXCLUSIONS.—In determining the vol-  
14                   ume of national forest materials or the sus-  
15                   tained yield of a Forest Active Management  
16                   Area, the Secretary may not include non-com-  
17                   mercial post and pole sales and personal use  
18                   firewood.

19           (2) BENEFICIARY COUNTY.—The term “bene-  
20           ficiary county” means a political subdivision of a  
21           State that, on account of containing National Forest  
22           System land, was eligible to receive payments for  
23           any of the fiscal years 2001 through 2013 through  
24           the State under title I of the Secure Rural Schools

1 and Community Self-Determination Act of 2000 (16  
2 U.S.C. 7111 et seq.).

3 (3) COLLABORATIVE PROCESS.—The term “col-  
4 laborative process” refers to a planning, decision-  
5 making, and management process that, as deter-  
6 mined by the forest manager of the unit of the Na-  
7 tional Forest System for which the process will occur  
8 and as confirmed by the Regional Forester—

9 (A) includes multiple interested persons  
10 representing diverse interests; and

11 (B) is transparent and nonexclusive or  
12 meets the requirements for a resource advisory  
13 committee under subsections (e) through (f) of  
14 section 205 of the Secure Rural Schools and  
15 Community Self-Determination Act of 2000 (16  
16 U.S.C. 7125).

17 (4) COVERED ACTIVE MANAGEMENT  
18 PROJECT.—The terms “covered active management  
19 project” and “covered project” mean a project in-  
20 volving the management or sale of national forest  
21 materials within a Forest Active Management Area  
22 to generate forest active management revenues and  
23 achieve the annual volume requirement for the For-  
24 est Active Management Area.

25 (5) FOREST ACTIVE MANAGEMENT AREA.—

1           (A) IN GENERAL.—The term “Forest Ac-  
2           tive Management Area” means National Forest  
3           System land in a unit of the National Forest  
4           System designated for sustainable forest man-  
5           agement for the production of national forest  
6           materials and forest active management reve-  
7           nues.

8           (B) INCLUSIONS.—Subject to subpara-  
9           graph (C) and any adjustment made pursuant  
10          to section 102(f)(3), but otherwise notwith-  
11          standing any other provision of law, including  
12          executive orders and regulations, the Secretary  
13          shall include in Forest Active Management  
14          Areas not less than 50 percent of the National  
15          Forest System lands identified as commercial  
16          forest land capable of producing twenty cubic  
17          feet of timber per acre.

18          (C) EXCLUSIONS.—A Forest Active Man-  
19          agement Area may not include National Forest  
20          System land—

- 21                   (i) that is a component of the Na-  
22                   tional Wilderness Preservation System;
- 23                   (ii) on which the removal of vegetation  
24                   is specifically prohibited by Federal stat-  
25                   ute; or

1 (iii) that is included within a National  
2 Monument as of the date of the enactment  
3 of this Act.

4 (6) FOREST ACTIVE MANAGEMENT REVE-  
5 NUES.—The term “forest active management reve-  
6 nues” means revenues derived from the sale of na-  
7 tional forest materials in a Forest Active Manage-  
8 ment Area.

9 (7) NATIONAL FOREST MATERIALS.—The term  
10 “national forest materials” has the meaning given  
11 that term in section 14(e)(1) of the National Forest  
12 Management Act of 1976 (16 U.S.C. 472a(e)(1)).

13 (8) NATIONAL FOREST SYSTEM.—The term  
14 “National Forest System” has the meaning given  
15 that term in section 11(a) of the Forest and Range-  
16 land Renewable Resources Planning Act of 1974 (16  
17 U.S.C. 1609(a)), except that the term does not in-  
18 clude the National Grasslands and land utilization  
19 projects designated as National Grasslands adminis-  
20 tered pursuant to the Act of July 22, 1937 (7  
21 U.S.C. 1010–1012).

22 (9) SECRETARY.—The term “Secretary” means  
23 the Secretary of Agriculture.

24 (10) SUSTAINED YIELD.—The term “sustained  
25 yield” means the maximum annual growth potential

1 of a forest calculated on the basis of the culmination  
2 of mean annual increment using cubic measurement.

3 (11) STATE.—The term “State” includes the  
4 Commonwealth of Puerto Rico.

5 (12) 25-PERCENT PAYMENT.—The term “25-  
6 percent payment” means the payment to States re-  
7 quired by the sixth paragraph under the heading of  
8 “FOREST SERVICE” in the Act of May 23, 1908  
9 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the  
10 Act of March 1, 1911 (36 Stat. 963; 16 U.S.C.  
11 500).

12 **SEC. 102. ESTABLISHMENT OF FOREST ACTIVE MANAGE-**  
13 **MENT AREAS AND ANNUAL VOLUME RE-**  
14 **QUIREMENTS.**

15 (a) ESTABLISHMENT OF FOREST ACTIVE MANAGE-  
16 MENT AREAS.—Notwithstanding any other provision of  
17 law, the Secretary shall establish one or more Forest Ac-  
18 tive Management Areas within each unit of the National  
19 Forest System.

20 (b) DEADLINE FOR ESTABLISHMENT.—To the max-  
21 imum extent practicable, the Secretary shall complete the  
22 establishment of Forest Active Management Areas not  
23 later than 60 days after the date of the enactment of this  
24 Act.



1 (c) PURPOSE.—The purpose of a Forest Active Man-  
2 agement Area is to provide a dependable source of 25-  
3 percent payments and economic activity through sustain-  
4 able forest management for each beneficiary county con-  
5 taining National Forest System land included within that  
6 Forest Active Management Area.

7 (d) FIDUCIARY RESPONSIBILITY.—The Secretary  
8 shall have a fiduciary responsibility to beneficiary counties  
9 to manage a Forest Active Management Area to satisfy  
10 the annual volume requirement established for that Forest  
11 Active Management Area.

12 (e) ANNUAL VOLUME REQUIREMENT.—

13 (1) DEADLINE FOR ESTABLISHMENT.—Not  
14 later than 30 days after the date of the establish-  
15 ment of a Forest Active Management Area or as  
16 soon thereafter as practicable, the Secretary shall es-  
17 tablish the annual volume requirement for that For-  
18 est Active Management Area.

19 (2) COLLABORATIVE ADJUSTMENT AUTHOR-  
20 ITY.—The Secretary may establish the annual vol-  
21 ume requirement for a Forest Active Management  
22 Area at a level below 50 percent of the sustained  
23 yield of that Forest Active Management Area if the  
24 lower level is developed and agreed upon through a  
25 collaborative process.

1 (f) SIZE OF FOREST ACTIVE MANAGEMENT AREA.—

2 (1) MINIMUM SIZE.—Except as provided in  
3 paragraph (3), the Forest Active Management Areas  
4 established within a unit of the National Forest Sys-  
5 tem shall include not less than 50 percent of the Na-  
6 tional Forest System lands in that unit identified as  
7 commercial forest land capable of producing twenty  
8 cubic feet of timber per acre.

9 (2) REDUCTION PROHIBITED.—Except as pro-  
10 vided in paragraph (3), once a Forest Active Man-  
11 agement Area is established, the Secretary may not  
12 reduce the number of acres of National Forest Sys-  
13 tem land included in that Forest Active Management  
14 Area.

15 (3) COLLABORATIVE ADJUSTMENT AUTHOR-  
16 ITY.—The Secretary may reduce the number of  
17 acres of National Forest System land included in a  
18 Forest Active Management Area, including an acre-  
19 age reduction resulting in the inclusion of a quantity  
20 of commercial forest land below the percentage re-  
21 quired by paragraph (1) and section 101(5)(B), if  
22 the reduction is developed and agreed upon through  
23 a collaborative process.

24 (g) MAP.—The Secretary shall submit a map of all  
25 Forest Active Management Areas established under sub-

1 section (a) and a map of any Forest Active Management  
 2 Area whose acreage is adjusted made pursuant to sub-  
 3 section (f)(3)—

4 (1) to the Committee on Agriculture and the  
 5 Committee on Natural Resources of the House of  
 6 Representatives; and

7 (2) to the Committee on Agriculture, Nutrition,  
 8 and Forestry and the Committee on Energy and  
 9 Natural Resources of the Senate.

10 (h) RECOGNITION OF VALID AND EXISTING  
 11 RIGHTS.—Neither the establishment of Forest Active  
 12 Management Areas under subsection (a) nor any other  
 13 provision of this title shall be construed to limit or re-  
 14 strict—

15 (1) access to National Forest System land for  
 16 hunting, fishing, recreation, and other related pur-  
 17 poses; or

18 (2) valid and existing rights regarding National  
 19 Forest System land, including rights of any federally  
 20 recognized Indian tribe.

21 **SEC. 103. MANAGEMENT OF FOREST ACTIVE MANAGEMENT**  
 22 **AREAS.**

23 (a) REQUIREMENT TO ACHIEVE ANNUAL VOLUME  
 24 REQUIREMENT.—Immediately upon the establishment of  
 25 a Forest Active Management Area, the Secretary shall

1 manage the Forest Active Management Area in the man-  
2 ner necessary to achieve the annual volume requirement  
3 for the Forest Active Management Area. The Secretary  
4 is authorized and encouraged to commence covered active  
5 management projects as soon as practicable after the date  
6 of the enactment of this Act to begin generating forest  
7 active management revenues.

8 (b) STANDARDS FOR PROJECTS WITHIN FOREST AC-  
9 TIVE MANAGEMENT AREAS.—The Secretary shall conduct  
10 covered active management projects within Forest Active  
11 Management Areas in accordance with this section and  
12 sections 104 and 105, which shall serve as the sole means  
13 by which the Secretary will comply with the National En-  
14 vironmental Policy Act of 1969 (42 U.S.C. 4331 et seq.)  
15 and other laws applicable to the covered projects.

16 (c) USE OF COLLABORATIVE PROCESS.—The Sec-  
17 retary is authorized and encouraged to develop covered ac-  
18 tive management projects for a Forest Active Management  
19 Area through a collaborative process. The decision notice  
20 for a covered active management project shall describe the  
21 collaborative process by which the project was developed,  
22 including a description of—

23 (1) participation by or consultation with State,  
24 local, and Tribal governments; and

1           (2) any established record of successful collabo-  
2           rative planning and implementation of forest man-  
3           agement projects by the collaborators.

4           (d) USE OF CONTRACTORS TO PERFORM ENVIRON-  
5           MENTAL ANALYSIS.—

6           (1) IN GENERAL.—As part of a covered active  
7           management project, or as a separate agreement or  
8           contract in connection with one or more covered ac-  
9           tive management projects, the Secretary may pro-  
10          cure the services of persons who are not Federal em-  
11          ployees to perform activities necessary to ensure  
12          project for compliance with the National Environ-  
13          mental Policy Act of 1969 (42 U.S.C. 4331 et seq.)  
14          and the Endangered Species Act of 1973 (16 U.S.C.  
15          1531 et seq.).

16          (2) APPROVAL REQUIREMENT.—Services per-  
17          formed under this subsection are subject to approval  
18          by the Chief of the Forest Service or other respon-  
19          sible official of the Forest Service.

20          (3) FUNDING SOURCE.—As provided in section  
21          108(c)(2), the Secretary shall use forest active man-  
22          agement revenues to cover the cost of services pro-  
23          cured under this subsection.

24          (e) APPLICATION OF LAND AND RESOURCE MANAGE-  
25          MENT PLAN.—

1           (1) MODIFICATION AUTHORITY.—The Secretary  
 2           may modify the standards and guidelines contained  
 3           in the land and resource management plan for the  
 4           unit of the National Forest System in which the cov-  
 5           ered active management project will be carried out  
 6           as necessary to achieve the requirements of this Act.

7           (2)           HARVESTING           SYSTEM.—Section  
 8           6(g)(3)(E)(iv) of the Forest and Rangeland Renew-  
 9           able Resources Planning Act of 1974 (16 U.S.C.  
 10          1604(g)(3)(E)(iv)) shall not apply to a covered ac-  
 11          tive management project.

12          (f) USE OF ALL-TERRAIN VEHICLES FOR MANAGE-  
 13          MENT ACTIVITIES.—The Secretary may allow the use of  
 14          all-terrain vehicles within the Forest Active Management  
 15          Areas for the purpose of activities associated with the sale  
 16          of national forest materials in a Forest Active Manage-  
 17          ment Area.

18          **SEC. 104. ENVIRONMENTAL ANALYSIS PROCESS FOR COV-**  
 19          **ERED ACTIVE MANAGEMENT PROJECTS.**

20          (a) ENVIRONMENTAL ASSESSMENT.—Except in the  
 21          case of a covered active management project for which a  
 22          categorical exclusion is available under subsection (e) or  
 23          a Forest Active Management Area for which a pro-  
 24          grammatic environmental impact statement is in effect  
 25          under subsection (f), the Secretary shall—

1           (1) publish advance notice of each covered ac-  
2           tive management project proposed to be conducted  
3           within a Forest Active Management Area; and

4           (2) complete an environmental assessment pur-  
5           suant to section 102(2) of the National Environ-  
6           mental Policy Act of 1969 (42 U.S.C. 4332(2)) for  
7           the proposed covered active management project.

8           (b) NO ALTERNATIVE VERSION.—The Secretary is  
9           not required to study, develop, or describe any alternative  
10          to the proposed agency action.

11          (c) CUMULATIVE EFFECTS.—The Secretary shall  
12          consider cumulative effects solely by evaluating the im-  
13          pacts of a proposed covered active management project  
14          combined with the impacts of any other projects that were  
15          approved with a Decision Notice or Record of Decision be-  
16          fore the date on which the Secretary published notice of  
17          the proposed covered project. The cumulative effects of  
18          past projects may be considered in the environmental as-  
19          sessment by using a description of the current environ-  
20          mental conditions.

21          (d) TREATMENT OF DECISION NOTICE.—The deci-  
22          sion notice for a covered active management project shall  
23          be considered a final agency action and no additional anal-  
24          ysis under the National Environmental Policy Act of 1969

1 (42 U.S.C. 4331 et seq.) shall be required to implement  
2 any portion of the covered project.

3 (e) CATEGORICAL EXCLUSION.—

4 (1) APPLICATION OF CATEGORICAL EXCLU-  
5 SION.—A covered active management project de-  
6 scribed in paragraph (2) is categorically excluded  
7 from the requirements of the National Environ-  
8 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

9 (2) DESCRIPTION OF COVERED ACTIVE MAN-  
10 AGEMENT PROJECTS.—The categorical exclusion  
11 granted by paragraph (1) applies with respect to a  
12 covered active management project that—

13 (A) is prepared using a collaborative proc-  
14 ess; and

15 (B) covers an area of 10,000 acres or less.

16 (f) PROGRAMMATIC ENVIRONMENTAL IMPACT  
17 STATEMENT ALTERNATIVE.—In lieu of preparing an envi-  
18 ronmental assessment on a covered project-by-covered  
19 project basis under this section, the Secretary may pre-  
20 pare a draft and final programmatic environmental impact  
21 statement applicable to all or a portion of a Forest Active  
22 Management Area. The programmatic environmental im-  
23 pact statement shall be prepared utilizing a collaborative  
24 process.



1 **SEC. 105. EXPEDITED COMPLIANCE WITH ENDANGERED**  
2 **SPECIES ACT.**

3 (a) **NON-JEOPARDY ASSESSMENT.**—If the Secretary  
4 makes a determination that a proposed covered active  
5 management project is not likely to jeopardize the contin-  
6 ued existence of any species listed as endangered or  
7 threatened under section 4 of the Endangered Species Act  
8 of 1973 (16 U.S.C. 1533), the Secretary shall—

9 (1) prepare an explanation of the basis for the  
10 determination; and

11 (2) submit the determination and explanation  
12 to the Secretary of the Interior or the Secretary of  
13 Commerce, as appropriate.

14 (b) **REVIEW AND RESPONSE.**—

15 (1) **IN GENERAL.**—Within 30 days after receiv-  
16 ing a determination made by the Secretary under  
17 subsection (a), the Secretary of the Interior or the  
18 Secretary of Commerce, as appropriate, shall provide  
19 a written response to the Secretary concurring in or  
20 rejecting the Secretary's determination.

21 (2) **EFFECT OF REJECTION.**—If the Secretary  
22 of the Interior or the Secretary of Commerce rejects  
23 the determination made by the Secretary under sub-  
24 section (a), the written response of the Secretary of  
25 the Interior or the Secretary of Commerce under

1 paragraph (1) shall include recommendations for  
2 measures that—

3 (A) will avoid the likelihood of jeopardy to  
4 an endangered or threatened species;

5 (B) can be implemented in a manner con-  
6 sistent with the intended purpose of the covered  
7 active management project;

8 (C) can be implemented consistent with the  
9 scope of the Secretary’s legal authority and ju-  
10 risdiction; and

11 (D) are economically and technologically  
12 feasible.

13 (c) FORMAL CONSULTATION.—In addition to rec-  
14 ommendations made under subsection (b)(2) when the  
15 Secretary of the Interior or the Secretary of Commerce  
16 rejects a determination issued by the Secretary under sub-  
17 section (a), the Secretary of the Interior or the Secretary  
18 of Commerce, as the case may be, shall engage in formal  
19 consultation with the Secretary pursuant to section 7 of  
20 the Endangered Species Act of 1973 (16 U.S.C. 1536).  
21 The Secretaries shall complete such consultation within 90  
22 days after the submission of the written response under  
23 subsection (b).

1 **SEC. 106. ADMINISTRATIVE REVIEW.**

2 Administrative review of a covered active manage-  
3 ment project shall occur only in accordance with the spe-  
4 cial administrative review process and requirements estab-  
5 lished under section 105 of the Healthy Forests Restora-  
6 tion Act of 2003 (16 U.S.C. 6515), including the project-  
7 level predecisional administrative review process estab-  
8 lished in part 218 of title 36, Code of Federal Regulations.

9 **SEC. 107. USE OF ARBITRATION INSTEAD OF LITIGATION**  
10 **TO ADDRESS CHALLENGE TO COVERED AC-**  
11 **TIVE MANAGEMENT PROJECT DEVELOPED**  
12 **THROUGH COLLABORATIVE PROCESS.**

13 (a) ARBITRATION PROCESS.—

14 (1) IN GENERAL.—In the case of a covered ac-  
15 tive management project that was developed through  
16 a collaborative process, any challenge to the covered  
17 project made after the special administrative review  
18 process required by section 106 shall be addressed  
19 using arbitration consistent with this section instead  
20 of through judicial review.

21 (2) WHO MAY SEEK.—Any person who sought  
22 administrative review for the covered project de-  
23 scribed in paragraph (1) and who is not satisfied  
24 with the decision made under the administrative re-  
25 view process may file a demand for arbitration re-

1        regarding the covered project in accordance with chap-  
2        ter 1 of title 9, United States Code.

3        (b) REQUIREMENTS FOR DEMAND.—The demand for  
4        arbitration under subsection (a)(2) shall—

5            (1) be filed not more than 30 days after the  
6        date on which the administrative review decision was  
7        issued; and

8            (2) include a proposal describing the modifica-  
9        tions sought to the covered project.

10       (c) INTERVENING PARTIES.—

11            (1) REQUIREMENTS.—Any person that sub-  
12       mitted a public comment on the covered active man-  
13       agement project subject to arbitration may intervene  
14       in the arbitration—

15            (A) by endorsing the covered project or the  
16       modification proposal submitted under sub-  
17       section (b)(2); or

18            (B) by submitting a proposal to further  
19       modify the covered project.

20            (2) DEADLINE FOR SUBMISSION.—A request to  
21       intervene in an arbitration must be submitted not  
22       later than the date that is 30 days after the date on  
23       which the demand for arbitration was filed.

24            (3) MULTIPLE PARTIES.—Multiple objectors or  
25       intervening parties may submit a joint proposal so

1 long as each objector or intervening party meets the  
2 eligibility requirements of subsection (a)(2) or para-  
3 graph (1), whichever applies.

4 (d) APPOINTMENT OF ARBITRATOR.—The United  
5 States District Court in the district in which the covered  
6 active management project is located shall appoint the ar-  
7 bitrator to conduct the arbitration proceedings in accord-  
8 ance with this section and chapter 1 of title 9, United  
9 States Code.

10 (e) SELECTION OF PROPOSALS.—

11 (1) IN GENERAL.—The arbitrator appointed  
12 under subsection (d)—

13 (A) may not modify any of the proposals  
14 submitted with the demand for arbitration or a  
15 request to intervene; and

16 (B) shall select to be conducted—

17 (i) a proposal submitted by an objec-  
18 tor or an intervening party; or

19 (ii) the covered active management  
20 project, as approved by the Secretary.

21 (2) SELECTION CRITERIA.—An arbitrator shall  
22 select the proposal that best meets the purpose and  
23 needs described in the environmental analysis con-  
24 ducted for the covered project.

1 (f) EFFECT OF DECISION.—The decision of an arbi-  
2 trator with respect to the covered active management  
3 project—

4 (1) shall not be considered a major Federal ac-  
5 tion;

6 (2) shall be binding; and

7 (3) shall not be subject to judicial review.

8 (g) DEADLINE FOR COMPLETION.—Not later than 90  
9 days after the date on which the demand for arbitration  
10 is filed with respect to the covered active management  
11 project, the arbitration process shall be completed.

12 **SEC. 108. DISTRIBUTION OF FOREST ACTIVE MANAGEMENT**  
13 **REVENUES.**

14 (a) USE TO MAKE 25-PERCENT PAYMENTS.—The  
15 Secretary shall use forest active management revenues  
16 generated by covered active management projects to make  
17 25-percent payments to States for payment to beneficiary  
18 counties.

19 (b) RELATION TO PAYMENTS UNDER SECURE  
20 RURAL SCHOOLS AND COMMUNITY SELF-DETERMINA-  
21 TION ACT OF 2000.—Subject to the offset required by  
22 subsection (f) of section 102 of the Secure Rural Schools  
23 and Community Self-Determination Act of 2000 (16  
24 U.S.C. 7112), as added by section 202(a) of this Act, a  
25 beneficiary county may receive both—

1           (1) a share of the 25-percent payments made to  
2 a State under subsection (a); and

3           (2) a share of the payment for the State  
4 (known as the State payment) calculated under sec-  
5 tion 101(a) of the Secure Rural Schools and Com-  
6 munity Self-Determination Act of 2000 (16 U.S.C.  
7 7111(a)) for which the beneficiary county made an  
8 election (or was deemed to make an election) under  
9 section 102(b)(1) of such Act (16 U.S.C.  
10 7112(b)(1)).

11       (c) OTHER USES OF REVENUES.—After compliance  
12 with subsection (a), the Secretary shall use forest active  
13 management revenues—

14           (1) to make deposits into the fund established  
15 under section 3 of the Act of June 9, 1930 (16  
16 U.S.C. 576b; commonly known as the Knutson-Van-  
17 denberg Fund) and the fund established under sec-  
18 tion 14(h) of the National Forest Management Act  
19 of 1976 (16 U.S.C. 472a(h); commonly known as  
20 the salvage sale fund) in contributions equal to the  
21 monies otherwise collected under those Acts for  
22 projects conducted on National Forest System land;  
23 and

24           (2) to cover the cost of project services pro-  
25 cured under section 103(d).

1 (d) DEPOSIT IN GENERAL FUND OF THE TREAS-  
2 URY.—After compliance with subsections (a) and (c), the  
3 Secretary shall deposit remaining forest active manage-  
4 ment revenues into the general fund of the Treasury.

5 **SEC. 109. ANNUAL REPORT.**

6 (a) REPORT REQUIRED.—Not later than 60 days  
7 after the end of each fiscal year, the Secretary shall sub-  
8 mit to Congress an annual report specifying the following:

9 (1) The annual volume requirement in effect for  
10 that fiscal year for each Forest Active Management  
11 Area.

12 (2) The volume of board feet actually harvested  
13 for each Forest Active Management Area during  
14 that fiscal year.

15 (3) The average cost of preparation for timber  
16 sales for each Forest Active Management Area dur-  
17 ing that fiscal year.

18 (4) The forest active management revenues  
19 generated from such sales.

20 (5) The total amount of 25-percent payments  
21 made to States under section 108(a) during that fis-  
22 cal year for the benefit of beneficiary counties and  
23 the amount of forest active management revenues  
24 distributed to each beneficiary county.



1 (b) FORM OF REPORT.—The information required by  
2 subsection (a) to be provided with respect to a Forest Ac-  
3 tive Management Area shall be presented on a single page.

4 (c) PUBLIC AVAILABILITY.—The Secretary shall  
5 make each annual report available on the website of the  
6 Forest Service.

7 **TITLE II—TRANSITION OF SE-**  
8 **CURE RURAL SCHOOLS AND**  
9 **COMMUNITY SELF-DETER-**  
10 **MINATION ACT OF 2000 AND**  
11 **25-PERCENT PAYMENTS**

12 **SEC. 201. EXTENSION OF SECURE RURAL SCHOOLS AND**  
13 **COMMUNITY SELF-DETERMINATION ACT OF**  
14 **2000 TO REFLECT RECENT EXTENSION COV-**  
15 **ERING FISCAL YEARS 2014 AND 2015.**

16 (a) EXTENSION OF PAYMENT AUTHORITY AND RE-  
17 LATED PROVISIONS.—The Secure Rural Schools and  
18 Community Self-Determination Act of 2000 (16 U.S.C.  
19 7101 et seq.) is amended—

20 (1) in sections 101 and 103(d)(2), by striking  
21 “2015” both places it appears and inserting “2018”;

22 (2) in section 102(b)(2)(B) (16 U.S.C.  
23 7112(b)(2)(B)), by striking “2015” the second place  
24 it appears and inserting “2018”;

25 (3) in section 208 (16 U.S.C. 7128)—

1 (A) in subsection (a), by striking “2017”  
2 and inserting “2020”; and

3 (B) in subsection (b), by striking “2018”  
4 and inserting “2021”; and

5 (4) in section 304 (16 U.S.C. 7144)—

6 (A) in subsection (a), by striking “2017”  
7 and inserting “2020”; and

8 (B) in subsection (b), by striking “2018”  
9 and inserting “2021”.

10 (b) RESET OF FULL FUNDING AMOUNT TO 2010  
11 LEVEL.—Section 3(11) of the Secure Rural Schools and  
12 Community Self-Determination Act of 2000 (16 U.S.C.  
13 7102(11)) is amended—

14 (1) by striking “and” at the end of subpara-  
15 graph (B);

16 (2) in subparagraph (C)—

17 (A) by striking “year 2012 and each fiscal  
18 year thereafter” and inserting “years 2012  
19 through 2015”; and

20 (B) by striking the period at the end and  
21 inserting “; and”; and

22 (3) by adding at the end the following new sub-  
23 paragraph:

24 “(D) \$405,000,000 for each fiscal years  
25 2016 through 2018.”.

1 **SEC. 202. EFFECT OF RECEIPT OF FOREST ACTIVE MAN-**  
2 **AGEMENT REVENUES OR STEWARDSHIP**  
3 **PROJECT PAYMENTS.**

4 Section 102 of the Secure Rural Schools and Commu-  
5 nity Self-Determination Act of 2000 (16 U.S.C. 7112) is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(f) EFFECT OF RECEIPT OF FOREST ACTIVE MAN-  
9 AGEMENT REVENUES OR STEWARDSHIP PROJECT PAY-  
10 MENTS.—An eligible county that receives for a fiscal year  
11 revenues derived from the sale of national forest materials  
12 in a Forest Active Management Area in the form of a  
13 share of the 25-percent payment made to a State under  
14 section 108 of the Fostering Opportunities for Resources  
15 and Education Spending through Timber Sales Act of  
16 2015 or a stewardship project payment made to the coun-  
17 ty for a stewardship project involving National Forest Sys-  
18 tem land under section 604 of the Healthy Forest Res-  
19 toration Act of 2003 (16 U.S.C. 6591c) may still receive  
20 the share of the State payment of the eligible county for  
21 that fiscal year, except that—

22 “(1) the amount of the share of the State pay-  
23 ment received by the eligible county for that fiscal  
24 year shall be reduced by the amount of the forest ac-  
25 tive management revenues and stewardship project

1 payments involving National Forest System land re-  
2 ceived by the eligible county for that fiscal year; and

3 “(2) the total amount received by the eligible  
4 State under subsection (a)(1) for that fiscal year  
5 shall be reduced by the sum of the amounts of forest  
6 active management revenues and stewardship project  
7 payments involving National Forest System land re-  
8 ceived by eligible counties in that State for that fis-  
9 cal year.”.

10 **SEC. 203. RESTORING ORIGINAL CALCULATION METHOD**  
11 **FOR 25-PERCENT PAYMENTS.**

12 (a) AMENDMENT OF ACT OF MAY 23, 1908.—The  
13 sixth paragraph under the heading “FOREST SERV-  
14 ICE” in the Act of May 23, 1908 (16 U.S.C. 500) is  
15 amended in the first sentence—

16 (1) by striking “the annual average of 25 per-  
17 cent of all amounts received for the applicable fiscal  
18 year and each of the preceding 6 fiscal years” and  
19 inserting “25 percent of all amounts received for the  
20 applicable fiscal year”;

21 (2) by striking “said reserve” both places it ap-  
22 pears and inserting “the national forest”; and

23 (3) by striking “forest reserve” both places it  
24 appears and inserting “national forest”.

1 (b) CONFORMING AMENDMENT TO WEEKS LAW.—  
2 Section 13 of the Act of March 1, 1911 (commonly known  
3 as the Weeks Law; 16 U.S.C. 500) is amended in the first  
4 sentence by striking “the annual average of 25 percent  
5 of all amounts received for the applicable fiscal year and  
6 each of the preceding 6 fiscal years” and inserting “25  
7 percent of all amounts received for the applicable fiscal  
8 year”.

9 **SEC. 204. PROHIBITION ON STATE RETENTION OF PORTION**  
10 **OF 25-PERCENT PAYMENTS MADE ON BEHALF**  
11 **OF BENEFICIARY COUNTIES.**

12 (a) AMENDMENT OF ACT OF MAY 23, 1908.—The  
13 sixth paragraph under the heading “FOREST SERV-  
14 ICE” in the Act of May 23, 1908 (16 U.S.C. 500), as  
15 amended by section 203(a), is further amended in the first  
16 sentence by striking “situated: *Provided*, That when” and  
17 inserting the following: “situated. Beginning October 1,  
18 2015, the State or Territorial legislature may not withhold  
19 any of the amount paid under this paragraph from dis-  
20 tribution to the county or counties in which the national  
21 forest is situated. When”.

22 (b) CONFORMING AMENDMENT TO WEEKS LAW.—  
23 Section 13 of the Act of March 1, 1911 (commonly known  
24 as the Weeks Law; 16 U.S.C. 500), as amended by section  
25 203(b), is further amended in the first sentence by strik-

1 ing “situated: *Provided*, That when” and inserting the fol-  
 2 lowing: “situated. Beginning October 1, 2015, the State  
 3 legislature may not withhold any of the amount paid under  
 4 this section from distribution to the county or counties in  
 5 which such national forest is situated. When”.

6 **TITLE III—STEWARDSHIP END**  
 7 **RESULT CONTRACTING AU-**  
 8 **THORITY**

9 **SEC. 301. MAXIMUM AUTHORIZED DURATION OF STEWARD-**  
 10 **SHIP END RESULT CONTRACTS.**

11 Section 604(d)(3)(B) of the Healthy Forest Restora-  
 12 tion Act of 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended  
 13 by striking “10 years” and inserting “20 years”.

14 **SEC. 302. CANCELLATION CEILING AUTHORITY AND RE-**  
 15 **QUIREMENTS.**

16 (a) IN GENERAL.—Section 604(g) of the Healthy  
 17 Forest Restoration Act of 2003 (16 U.S.C.  
 18 6591c(d)(3)(B)) is amended by adding at the end the fol-  
 19 lowing new paragraph:

20 “(3) CANCELLATION CEILING.—

21 “(A) AUTHORITY.—The Chief and the Di-  
 22 rector may obligate funds to cover any potential  
 23 cancellation or termination costs for an agree-  
 24 ment or contract under subsection (b) in stages

1 that are economically or programmatically via-  
2 ble.

3 “(B) NOTICE TO CONGRESS.—Not later  
4 than 30 days before entering into a multiyear  
5 agreement or contract under subsection (b) that  
6 includes a cancellation ceiling in excess of  
7 \$25,000,000, but does not include proposed  
8 funding for the costs of cancelling the agree-  
9 ment or contract up to the cancellation ceiling  
10 established in the agreement or contract, the  
11 Chief or the Director, as the case may be, shall  
12 submit to the appropriate congressional com-  
13 mittees a written notice that includes—

14 “(i) the cancellation ceiling amounts  
15 proposed for each program year in the  
16 agreement or contract and the reasons for  
17 such cancellation ceiling amounts;

18 “(ii) the extent to which the costs of  
19 contract cancellation are not included in  
20 the budget for the agreement or contract;  
21 and

22 “(iii) an assessment of the financial  
23 risk of not including budgeting for the  
24 costs of agreement or contract cancellation.

1           “(C) NOTICE TO OMB.—At least 14 days  
2 before the date on which the Chief or Director  
3 enters into an agreement or contract under sub-  
4 section (b), the Chief or Director shall transmit  
5 to the Director of the Office of Management  
6 and Budget a copy of any written notice sub-  
7 mitted under subparagraph (B) with regard to  
8 such agreement or contract.”.

9           (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
10 DEFINED.—Section 604 of the Healthy Forest Restora-  
11 tion Act of 2003 (16 U.S.C. 6591c) is amended—

12           (1) in subsection (a)—

13                   (A) by redesignating paragraphs (1) and  
14                   (2) as paragraphs (2) and (3), respectively; and

15                   (B) by inserting before paragraph (2), as  
16                   so redesignated, the following new paragraph  
17                   (1):

18           “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
19           TEES.—The term ‘appropriate congressional com-  
20           mittees’ means—

21                   “(A) the Committee on Agriculture, Nutri-  
22                   tion, and Forestry and the Committee on En-  
23                   ergy and Natural Resources of the Senate; and



1           “(B) the Committee on Agriculture and  
2           the Committee on Natural Resources of the  
3           House of Representatives.”; and

4           (2) in subsection (i), by striking “the Com-  
5           mittee on Agriculture, Nutrition, and Forestry of  
6           the Senate and the Committee on Agriculture of the  
7           House of Representatives” and inserting “the appro-  
8           priate congressional committees”.

9 **SEC. 303. PAYMENT OF PORTION OF STEWARDSHIP**  
10                   **PROJECT REVENUES TO COUNTY IN WHICH**  
11                   **STEWARDSHIP PROJECT OCCURS.**

12           Section 604(e) of the Healthy Forest Restoration Act  
13 of 2003 (16 U.S.C. 6591c(e)) is amended by adding at  
14 the end the following new paragraph:

15           “(4) PAYMENT OF PORTION OF STEWARDSHIP  
16           PROJECT REVENUES TO COUNTIES.—Of the monies  
17           retained under paragraph (2) from an agreement or  
18           contract under subsection (b), the Chief or the Di-  
19           rector, as the case may be, shall pay 25 percent of  
20           the retained monies to the county or counties in  
21           which the project site is situated.”.

1 **SEC. 304. USE OF CONTRACTORS TO PERFORM ENVIRON-**  
2 **MENTAL ANALYSIS IN CONNECTION WITH**  
3 **STEWARDSHIP END RESULT CONTRACTING**  
4 **PROJECTS.**

5 Section 604(b) of the Healthy Forest Restoration Act  
6 of 2003 (16 U.S.C. 6591c(b)) is amended—

7 (1) by striking “The Chief” and inserting the  
8 following:

9 “(1) PROJECT AUTHORITY.—The Chief”; and

10 (2) by adding at the end the following new  
11 paragraph:

12 “(2) RELATED PROJECT PREPARATION AU-  
13 THORITY.—

14 “(A) IN GENERAL.—As part of an agree-  
15 ment or contract under paragraph (1) for a  
16 stewardship contracting project, or as a sepa-  
17 rate agreement or contract in connection with  
18 one or more stewardship contracting projects,  
19 the Chief or Director may procure the services  
20 of persons who are not Federal employees to  
21 perform activities necessary to ensure project  
22 for compliance with the National Environmental  
23 Policy Act of 1969 (42 U.S.C. 4331 et seq.)  
24 and the Endangered Species Act of 1973 (16  
25 U.S.C. 1531 et seq.).

1           “(B) APPROVAL REQUIREMENT.—Services  
 2 performed under this paragraph are subject to  
 3 approval by the Chief, Director, or other re-  
 4 sponsible official of the Forest Service or Bu-  
 5 reau of Land Management.

6           “(C) FUNDING SOURCES.—The offset au-  
 7 thority provided by subsection (d)(4)(A) and re-  
 8 cepts available for expenditure under sub-  
 9 section (e)(2)(B) may be used to cover the cost  
 10 of services procured under this paragraph.”.

## 11       **TITLE IV—OTHER MATTERS**

### 12       **SEC. 401. TREATMENT AS SUPPLEMENTAL FUNDING.**

13       None of the funds made available to a beneficiary  
 14 county (as defined in section 101(2) of this Act) or other  
 15 political subdivision of a State under this Act shall be used  
 16 in lieu of or to otherwise offset State funding sources for  
 17 local schools, facilities, or educational purposes.

### 18       **SEC. 402. DEFINITION OF FIRE SUPPRESSION TO INCLUDE** 19                               **CERTAIN RELATED ACTIVITIES.**

20       For purposes of utilizing amounts made available to  
 21 the Secretary of Agriculture or the Secretary of the Inte-  
 22 rior for fire suppression activities, including funds made  
 23 available from the FLAME Fund, the term “fire suppres-  
 24 sion” includes reforestation, site rehabilitation, salvage op-  
 25 erations, and replanting occurring following fire damage

1 on lands under the jurisdiction of the Secretary concerned  
2 or following fire suppression efforts on such lands by the  
3 Secretary concerned.

4 **SEC. 403. PROHIBITION ON CERTAIN ACTIONS REGARDING**  
5 **FOREST SERVICE ROADS AND TRAILS.**

6 The Forest Service shall not remove or otherwise  
7 eliminate or obliterate any legally created road or trail un-  
8 less there has been a specific decision, which included ade-  
9 quate and appropriate public involvement, to decommis-  
10 sion the specific road or trail in question. The fact that  
11 any road or trail is a not a Forest System road or trail,  
12 or does not appear on a Motor Vehicle Use Map, shall  
13 not constitute a decision.

○