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2^D SESSION**H. R. 2647**

IN THE SENATE OF THE UNITED STATES

JULY 13, 2015

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

SEPTEMBER 19, 2016

Reported by Mr. ROBERTS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Resilient Federal Forests Act of 2015”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAIL-
ABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST
MANAGEMENT ACTIVITIES**

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

Sec. 102. Categorical exclusion to expedite certain critical response actions.

Sec. 103. Categorical exclusion to expedite salvage operations in response to catastrophic events.

Sec. 104. Categorical exclusion to meet forest plan goals for early successional forests.

Sec. 105. Clarification of existing categorical exclusion authority related to insect and disease infestation.

Sec. 106. Categorical exclusion to improve, restore, and reduce the risk of wild-fire.

Sec. 107. Compliance with forest plan.

**TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO
CATASTROPHIC EVENTS**

Sec. 201. Expedited salvage operations and reforestation activities following large-scale catastrophic events.

Sec. 202. Compliance with forest plan.

Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.

Sec. 204. Exclusion of certain lands.

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

Sec. 301. Definitions.

Sec. 302. Bond requirement as part of legal challenge of certain forest management activities.

**TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-
DETERMINATION ACT AMENDMENTS**

Sec. 401. Use of reserved funds for title II projects on Federal land and certain non-Federal land.

Sec. 402. Resource advisory committees.

Sec. 403. Program for title II self-sustaining resource advisory committee projects.

Sec. 404. Additional authorized use of reserved funds for title III county projects.

Sec. 405. Treatment as supplemental funding.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

Sec. 501. Cancellation ceilings for stewardship end result contracting projects.

Sec. 502. Excess offset value.

Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.

Sec. 504. Submission of existing annual report.

Sec. 505. Fire liability provision.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Sec. 601. Definitions.

Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.

Sec. 603. State-supported planning of forest management activities.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 701. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.

Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.

Sec. 703. Tribal forest management demonstration project.

TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

Sec. 801. Balancing short- and long-term effects of forest management activities in considering injunctive relief.

Sec. 802. Conditions on Forest Service road decommissioning.

Sec. 803. Prohibition on application of Eastside Screens requirements on National Forest System lands.

Sec. 804. Use of site-specific forest plan amendments for certain projects and activities.

Sec. 805. Knutson-Vandenberg Act modifications.

Sec. 806. Exclusion of certain National Forest System lands and public lands.

Sec. 807. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.

Sec. 808. Management of Bureau of Land Management lands in western Oregon.

Sec. 809. Bureau of Land Management resource management plans.

Sec. 810. Landscape-scale forest restoration project.

TITLE IX—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

Sec. 901. Wildfire on Federal lands.

Sec. 902. Declaration of a major disaster for wildfire on Federal lands.

Sec. 903. Prohibition on transfers.

1 **SEC. 2. DEFINITIONS.**

2 In titles I through VIII:

1 (1) CATASTROPHIC EVENT.—The term “cata-
2 strophic event” means any natural disaster (such as
3 hurricane, tornado, windstorm, snow or ice storm,
4 rain storm, high water, wind-driven water, tidal
5 wave, earthquake, volcanic eruption, landslide,
6 mudslide, drought, or insect or disease outbreak) or
7 any fire, flood, or explosion, regardless of cause.

8 (2) CATEGORICAL EXCLUSION.—The term “cat-
9 egorical exclusion” refers to an exception to the re-
10 quirements of the National Environmental Policy
11 Act of 1969 (42 U.S.C. 4331 et seq.) for a project
12 or activity relating to the management of National
13 Forest System lands or public lands.

14 (3) COLLABORATIVE PROCESS.—The term “col-
15 laborative process” refers to a process relating to the
16 management of National Forest System lands or
17 public lands by which a project or activity is devel-
18 oped and implemented by the Secretary concerned
19 through collaboration with interested persons, as de-
20 scribed in section 603(b)(1)(C) of the Healthy For-
21 ests Restoration Act of 2003 (16 U.S.C.
22 6591b(b)(1)(C)).

23 (4) COMMUNITY WILDFIRE PROTECTION
24 PLAN.—The term “community wildfire protection
25 plan” has the meaning given that term in section

1 101(3) of the Healthy Forests Restoration Act of
2 2003 (16 U.S.C. 6511(3)).

3 (5) COOS BAY WAGON ROAD GRANT LANDS.—

4 The term “Coos Bay Wagon Road Grant lands”
5 means the lands reconveyed to the United States
6 pursuant to the first section of the Act of February
7 26, 1919 (40 Stat. 1179).

8 (6) FOREST MANAGEMENT ACTIVITY.—The

9 term “forest management activity” means a project
10 or activity carried out by the Secretary concerned on
11 National Forest System lands or public lands in con-
12 cern with the forest plan covering the lands.

13 (7) FOREST PLAN.—The term “forest plan”
14 means—

15 (A) a land use plan prepared by the Bu-
16 reau of Land Management for public lands pur-
17 suant to section 202 of the Federal Land Policy
18 and Management Act of 1976 (43 U.S.C.
19 1712); or

20 (B) a land and resource management plan
21 prepared by the Forest Service for a unit of the
22 National Forest System pursuant to section 6
23 of the Forest and Rangeland Renewable Re-
24 sources Planning Act of 1974 (16 U.S.C.
25 1604).

1 (8) LARGE-SCALE CATASTROPHIC EVENT.—The
2 term “large-scale catastrophic event” means a cata-
3 strophic event that adversely impacts at least 5,000
4 acres of reasonably contiguous National Forest Sys-
5 tem lands or public lands.

6 (9) NATIONAL FOREST SYSTEM.—The term
7 “National Forest System” has the meaning given
8 that term in section 11(a) of the Forest and Range-
9 land Renewable Resources Planning Act of 1974 (16
10 U.S.C. 1609(a)).

11 (10) OREGON AND CALIFORNIA RAILROAD
12 GRANT LANDS.—The term “Oregon and California
13 Railroad Grant lands” means the following lands:

14 (A) All lands in the State of Oregon re-
15 vested in the United States under the Act of
16 June 9, 1916 (39 Stat. 218), that are adminis-
17 tered by the Secretary of the Interior, acting
18 through the Bureau of Land Management, pur-
19 suant to the first section of the Act of August
20 28, 1937 (43 U.S.C. 1181a).

21 (B) All lands in that State obtained by the
22 Secretary of the Interior pursuant to the land
23 exchanges authorized and directed by section 2
24 of the Act of June 24, 1954 (43 U.S.C. 1181h).

1 (C) All lands in that State acquired by the
2 United States at any time and made subject to
3 the provisions of title II of the Act of August
4 28, 1937 (43 U.S.C. 1181f).

5 (11) PUBLIC LANDS.—The term “public lands”
6 has the meaning given that term in section 103(e)
7 of the Federal Land Policy and Management Act of
8 1976 (43 U.S.C. 1702(e)), except that the term in-
9 cludes Coos Bay Wagon Road Grant lands and Or-
10 regon and California Railroad Grant lands.

11 (12) REFORESTATION ACTIVITY.—The term
12 “reforestation activity” means a project or activity
13 carried out by the Secretary concerned whose pri-
14 mary purpose is the reforestation of impacted lands
15 following a large-scale catastrophic event. The term
16 includes planting, evaluating and enhancing natural
17 regeneration, clearing competing vegetation, and
18 other activities related to reestablishment of forest
19 species on the fire-impacted lands.

20 (13) RESOURCE ADVISORY COMMITTEE.—The
21 term “resource advisory committee” has the mean-
22 ing given that term in section 201(3) of the Secure
23 Rural Schools and Community Self-Determination
24 Act of 2000 (16 U.S.C. 7121(3)).

1 (14) SALVAGE OPERATION.—The term “salvage
2 operation” means a forest management activity un-
3 dertaken in response to a catastrophic event whose
4 primary purpose—

5 (A) is to prevent wildfire as a result of the
6 catastrophic event, or, if the catastrophic event
7 was wildfire, to prevent a re-burn of the fire-im-
8 pacted area;

9 (B) is to provide an opportunity for utiliza-
10 tion of forest materials damaged as a result of
11 the catastrophic event; or

12 (C) is to provide a funding source for re-
13 forestation and other restoration activities for
14 the National Forest System lands or public
15 lands impacted by the catastrophic event.

16 (15) SECRETARY CONCERNED.—The term
17 “Secretary concerned” means—

18 (A) the Secretary of Agriculture, with re-
19 spect to National Forest System lands; and

20 (B) the Secretary of the Interior, with re-
21 spect to public lands.

1 **TITLE I—EXPEDITED ENVIRON-**
2 **MENTAL ANALYSIS AND**
3 **AVAILABILITY OF CATEGOR-**
4 **ICAL EXCLUSIONS TO EXPE-**
5 **DITE FOREST MANAGEMENT**
6 **ACTIVITIES**

7 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
8 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
9 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

10 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
11 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
12 MENTS.—This section shall apply whenever the Secretary
13 concerned prepares an environmental assessment or an en-
14 vironmental impact statement pursuant to section 102(2)
15 of the National Environmental Policy Act of 1969 (42
16 U.S.C. 4332(2)) for a forest management activity that—

17 (1) is developed through a collaborative process;

18 (2) is proposed by a resource advisory com-
19 mittee; or

20 (3) is covered by a community wildfire protec-
21 tion plan.

22 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
23 ronmental assessment or environmental impact statement
24 described in subsection (a), the Secretary concerned shall

1 study, develop, and describe only the following two alter-
 2 natives:

3 (1) The forest management activity, as pro-
 4 posed pursuant to paragraph (1), (2), or (3) of sub-
 5 section (a).

6 (2) The alternative of no action.

7 (c) **ELEMENTS OF NON-ACTION ALTERNATIVE.**—In
 8 the case of the alternative of no action, the Secretary con-
 9 cerned shall evaluate—

10 (1) the effect of no action on—

11 (A) forest health;

12 (B) habitat diversity;

13 (C) wildfire potential; and

14 (D) insect and disease potential; and

15 (2) the implications of a resulting decline in
 16 forest health, loss of habitat diversity, wildfire, or in-
 17 sect or disease infestation, given fire and insect and
 18 disease historic cycles, on—

19 (A) domestic water costs;

20 (B) wildlife habitat loss; and

21 (C) other economic and social factors.

22 **SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
 23 **TAIN CRITICAL RESPONSE ACTIONS.**

24 (a) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—A
 25 categorical exclusion is available to the Secretary con-

1 earned to develop and carry out a forest management ac-
2 tivity on National Forest System lands or public lands
3 when the primary purpose of the forest management activ-
4 ity is—

- 5 (1) to address an insect or disease infestation;
- 6 (2) to reduce hazardous fuel loads;
- 7 (3) to protect a municipal water source;
- 8 (4) to maintain, enhance, or modify critical
9 habitat to protect it from catastrophic disturbances;
- 10 (5) to increase water yield; or
- 11 (6) any combination of the purposes specified in
12 paragraphs (1) through (5).

13 (b) ACREAGE LIMITATIONS.—

14 (1) IN GENERAL.—Except in the case of a for-
15 est management activity described in paragraph (2),
16 a forest management activity covered by the categor-
17 ical exclusion granted by subsection (a) may not
18 contain harvest units exceeding a total of 5,000
19 acres.

20 (2) LARGER AREAS AUTHORIZED.—A forest
21 management activity covered by the categorical ex-
22 clusion granted by subsection (a) may not contain
23 harvest units exceeding a total of 15,000 acres if the
24 forest management activity—

1 (A) is developed through a collaborative
2 process;

3 (B) is proposed by a resource advisory
4 committee; or

5 (C) is covered by a community wildfire
6 protection plan.

7 **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**
8 **VAGE OPERATIONS IN RESPONSE TO CATA-**
9 **STROPHIC EVENTS.**

10 (a) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—A
11 categorical exclusion is available to the Secretary con-
12 cerned to develop and carry out a salvage operation as
13 part of the restoration of National Forest System lands
14 or public lands following a catastrophic event.

15 (b) **ACREAGE LIMITATIONS.**—

16 (1) **IN GENERAL.**—A salvage operation covered
17 by the categorical exclusion granted by subsection
18 (a) may not contain harvest units exceeding a total
19 of 5,000 acres.

20 (2) **HARVEST AREA.**—In addition to the limita-
21 tion imposed by paragraph (1), the harvest units
22 covered by the categorical exclusion granted by sub-
23 section (a) may not exceed one-third of the area im-
24 pacted by the catastrophic event.

25 (c) **ADDITIONAL REQUIREMENTS.**—

1 (1) ROAD BUILDING.—A salvage operation cov-
2 ered by the categorical exclusion granted by sub-
3 section (a) may not include any new permanent
4 roads. Temporary roads constructed as part of the
5 salvage operation shall be retired before the end of
6 the fifth fiscal year beginning after the completion
7 of the salvage operation.

8 (2) STREAM BUFFERS.—A salvage operation
9 covered by the categorical exclusion granted by sub-
10 section (a) shall comply with the standards and
11 guidelines for stream buffers contained in the appli-
12 cable forest plan unless waived by the Regional For-
13 ester, in the case of National Forest System lands,
14 or the State Director of the Bureau of Land Man-
15 agement, in the case of public lands.

16 (3) REFORESTATION PLAN.—A reforestation
17 plan shall be developed under section 3 of the Act
18 of June 9, 1930 (commonly known as the Knutson-
19 Vandenberg Act; 16 U.S.C. 576b), as part of a sal-
20 vage operation covered by the categorical exclusion
21 granted by subsection (a).

1 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**
2 **PLAN GOALS FOR EARLY SUCCESSIONAL**
3 **FORESTS.**

4 (a) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—A
5 categorical exclusion is available to the Secretary con-
6 cerned to develop and carry out a forest management ac-
7 tivity on National Forest System lands or public lands
8 when the primary purpose of the forest management activ-
9 ity is to modify, improve, enhance, or create early succes-
10 sional forests for wildlife habitat improvement and other
11 purposes, consistent with the applicable forest plan.

12 (b) **PROJECT GOALS.**—To the maximum extent prac-
13 ticable, the Secretary concerned shall design a forest man-
14 agement activity under this section to meet early succes-
15 sional forest goals in such a manner so as to maximize
16 production and regeneration of priority species, as identi-
17 fied in the forest plan and consistent with the capability
18 of the activity site.

19 (c) **ACREAGE LIMITATIONS.**—A forest management
20 activity covered by the categorical exclusion granted by
21 subsection (a) may not contain harvest units exceeding a
22 total of 5,000 acres.

1 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**
2 **CLUSION AUTHORITY RELATED TO INSECT**
3 **AND DISEASE INFESTATION.**

4 Section 603(e)(2)(B) of the Healthy Forests Restora-
5 tion Act of 2003 (16 U.S.C. 6591b(e)(2)(B)) is amended
6 by striking “Fire Regime Groups I, II, or III” and insert-
7 ing “Fire Regime I, Fire Regime II, Fire Regime III, or
8 Fire Regime IV”.

9 **SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RE-**
10 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

11 (a) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—A
12 categorical exclusion is available to the Secretary con-
13 cerned to carry out a forest management activity described
14 in subsection (c) on National Forest System Lands or
15 public lands when the primary purpose of the activity is
16 to improve, restore, or reduce the risk of wildfire on those
17 lands.

18 (b) **ACREAGE LIMITATIONS.**—A forest management
19 activity covered by the categorical exclusion granted by
20 subsection (a) may not exceed 5,000 acres.

21 (c) **AUTHORIZED ACTIVITIES.**—The following activi-
22 ties may be carried out using a categorical exclusion
23 granted by subsection (a):

24 (1) Removal of juniper trees, medusahead rye,
25 conifer trees, piñon pine trees, cheatgrass, and other
26 noxious or invasive weeds specified on Federal or

1 State noxious weeds lists through late-season live-
2 stock grazing, targeted livestock grazing, prescribed
3 burns, and mechanical treatments.

4 (2) Performance of hazardous fuels manage-
5 ment.

6 (3) Creation of fuel and fire breaks.

7 (4) Modification of existing fences in order to
8 distribute livestock and help improve wildlife habitat.

9 (5) Installation of erosion control devices.

10 (6) Construction of new and maintenance of
11 permanent infrastructure, including stock ponds,
12 water catchments, and water spring boxes used to
13 benefit livestock and improve wildlife habitat.

14 (7) Performance of soil treatments, native and
15 non-native seeding, and planting of and trans-
16 planting sagebrush, grass, forb, shrub, and other
17 species.

18 (8) Use of herbicides, so long as the Secretary
19 concerned determines that the activity is otherwise
20 conducted consistently with agency procedures, in-
21 cluding any forest plan applicable to the area cov-
22 ered by the activity.

23 (d) DEFINITIONS.—In this section:

24 (1) HAZARDOUS FUELS MANAGEMENT.—The
25 term “hazardous fuels management” means any

1 vegetation management activities that reduce the
2 risk of wildfire.

3 ~~(2) LATE-SEASON GRAZING.~~—The term “late-
4 season grazing” means grazing activities that occur
5 after both the invasive species and native perennial
6 species have completed their current-year annual
7 growth cycle until new plant growth begins to ap-
8 pear in the following year.

9 ~~(3) TARGETED LIVESTOCK GRAZING.~~—The
10 term “targeted livestock grazing” means grazing
11 used for purposes of hazardous fuel reduction.

12 **SEC. 107. COMPLIANCE WITH FOREST PLAN.**

13 A forest management activity covered by a categorical
14 exclusion granted by this title shall be conducted in a man-
15 ner consistent with the forest plan applicable to the Na-
16 tional Forest System land or public lands covered by the
17 forest management activity.

18 **TITLE II—SALVAGE AND REFOR-**
19 **ESTATION IN RESPONSE TO**
20 **CATASTROPHIC EVENTS**

21 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
22 **ESTATION ACTIVITIES FOLLOWING LARGE-**
23 **SCALE CATASTROPHIC EVENTS.**

24 (a) ~~EXPEDITED ENVIRONMENTAL ASSESSMENT.~~—
25 Notwithstanding any other provision of law, any environ-

1 mental assessment prepared by the Secretary concerned
2 pursuant to section 102(2) of the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-
4 ation or reforestation activity proposed to be conducted
5 on National Forest System lands or public lands adversely
6 impacted by a large-scale catastrophic event shall be com-
7 pleted within 3 months after the conclusion of the cata-
8 strophic event.

9 (b) EXPEDITED IMPLEMENTATION AND COMPLE-
10 TION.—In the case of reforestation activities conducted on
11 National Forest System lands or public lands adversely
12 impacted by a large-scale catastrophic event, the Secretary
13 concerned shall achieve reforestation of at least 75 percent
14 of the impacted lands during the 5-year period following
15 the conclusion of the catastrophic event.

16 (c) AVAILABILITY OF KNUTSON-VANDENBERG
17 FUNDS.—Amounts in the special fund established pursu-
18 ant to section 3 of the Act of June 9, 1930 (commonly
19 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b)
20 shall be available to the Secretary of Agriculture for refor-
21 estation activities authorized by this title.

22 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—Not-
23 withstanding any other provision of law, in the case of a
24 salvage operation or reforestation activity proposed to be
25 conducted on National Forest System lands or public

1 lands adversely impacted by a large-scale catastrophic
2 event, the Secretary concerned shall allow 30 days for pub-
3 lic scoping and comment, 15 days for filing an objection,
4 and 15 days for the agency response to the filing of an
5 objection. Upon completion of this process and expiration
6 of the period specified in subsection (a), the Secretary con-
7 cerned shall implement the project immediately.

8 **SEC. 202. COMPLIANCE WITH FOREST PLAN.**

9 A salvage operation or reforestation activity author-
10 ized by this title shall be conducted in a manner consistent
11 with the forest plan applicable to the National Forest Sys-
12 tem lands or public lands covered by the salvage operation
13 or reforestation activity.

14 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
15 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
16 **PENDING APPEAL.**

17 No restraining order, preliminary injunction, or in-
18 junction pending appeal shall be issued by any court of
19 the United States with respect to any decision to prepare
20 or conduct a salvage operation or reforestation activity in
21 response to a large-scale catastrophic event. Section 705
22 of title 5, United States Code, shall not apply to any chal-
23 lenge to the salvage operation or reforestation activity.

1 **SEC. 204. EXCLUSION OF CERTAIN LANDS.**

2 In applying this title, the Secretary concerned may
 3 not carry out salvage operations or reforestation activities
 4 on National Forest System lands or public lands—

5 (1) that are included in the National Wilderness
 6 Preservation System;

7 (2) that are located within an inventoried
 8 roadless area unless the reforestation activity is con-
 9 sistent with the forest plan; or

10 (3) on which timber harvesting for any purpose
 11 is prohibited by statute.

12 **TITLE III—COLLABORATIVE**
 13 **PROJECT LITIGATION RE-**
 14 **QUIREMENT**

15 **SEC. 301. DEFINITIONS.**

16 In this title:

17 (1) **COSTS.**—The term “costs” refers to the
 18 fees and costs described in section 1920 of title 28,
 19 United States Code.

20 (2) **EXPENSES.**—The term “expenses” includes
 21 the expenditures incurred by the staff of the Sec-
 22 retary concerned in preparing for and responding to
 23 a legal challenge to a collaborative forest manage-
 24 ment activity and in participating in litigation that
 25 challenges the forest management activity, including
 26 such staff time as may be used to prepare the ad-

1 ministrative record, exhibits, declarations, and affi-
2 davits in connection with the litigation.

3 **SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHAL-**
4 **LENGE OF CERTAIN FOREST MANAGEMENT**
5 **ACTIVITIES.**

6 (a) **BOND REQUIRED.**—In the case of a forest man-
7 agement activity developed through a collaborative process
8 or proposed by a resource advisory committee, any plain-
9 tiff or plaintiffs challenging the forest management activ-
10 ity shall be required to post a bond or other security equal
11 to the anticipated costs, expenses, and attorneys fees of
12 the Secretary concerned as defendant, as reasonably esti-
13 mated by the Secretary concerned. All proceedings in the
14 action shall be stayed until the required bond or security
15 is provided.

16 (b) **RECOVERY OF LITIGATION COSTS, EXPENSES,**
17 **AND ATTORNEYS FEES.**—

18 (1) **MOTION FOR PAYMENT.**—If the Secretary
19 concerned prevails in an action challenging a forest
20 management activity described in subsection (a), the
21 Secretary concerned shall submit to the court a mo-
22 tion for payment, from the bond or other security
23 posted under subsection (a) in such action, of the
24 reasonable costs, expenses, and attorneys fees in-
25 curred by the Secretary concerned.

1 (2) MAXIMUM AMOUNT RECOVERED.—The
2 amount of costs, expenses, and attorneys fees recov-
3 ered by the Secretary concerned under paragraph
4 (1) as a result of prevailing in an action challenging
5 the forest management activity may not exceed the
6 amount of the bond or other security posted under
7 subsection (a) in such action.

8 (3) RETURN OF REMAINDER.—Any funds re-
9 maining from the bond or other security posted
10 under subsection (a) after the payment of costs, ex-
11 penses, and attorneys fees under paragraph (1) shall
12 be returned to the plaintiff or plaintiffs that posted
13 the bond or security in the action.

14 (c) RETURN OF BOND TO PREVAILING PLAINTIFF.—

15 (1) IN GENERAL.—If the plaintiff ultimately
16 prevails on the merits in every action brought by the
17 plaintiff challenging a forest management activity
18 described in subsection (a), the court shall return to
19 the plaintiff any bond or security provided by the
20 plaintiff under subsection (a), plus interest from the
21 date the bond or security was provided.

22 (2) ULTIMATELY PREVAILS ON THE MERITS.—
23 In this subsection, the phrase “ultimately prevails on
24 the merits” means, in a final enforceable judgment
25 on the merits, a court rules in favor of the plaintiff

1 on every cause of action in every action brought by
2 the plaintiff challenging the forest management ac-
3 tivity.

4 (d) EFFECT OF SETTLEMENT.—If a challenge to a
5 forest management activity described in subsection (a) for
6 which a bond or other security was provided by the plain-
7 tiff under such subsection is resolved by settlement be-
8 tween the Secretary concerned and the plaintiff, the settle-
9 ment agreement shall provide for sharing the costs, ex-
10 penses, and attorneys fees incurred by the parties.

11 (e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
12 standing section 1304 of title 31, United States Code, no
13 award may be made under section 2412 of title 28, United
14 States Code, and no amounts may be obligated or ex-
15 pended from the Claims and Judgment Fund of the
16 United States Treasury to pay any fees or other expenses
17 under such sections to any plaintiff related to an action
18 challenging a forest management activity described in sub-
19 section (a).

1 **TITLE IV—SECURE RURAL**
2 **SCHOOLS AND COMMUNITY**
3 **SELF-DETERMINATION ACT**
4 **AMENDMENTS**

5 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
6 **PROJECTS ON FEDERAL LAND AND CERTAIN**
7 **NON-FEDERAL LAND.**

8 (a) **REPEAL OF MERCHANTABLE TIMBER CON-**
9 **TRACTING PILOT PROGRAM.**—Section 204(e) of the Se-
10 cure Rural Schools and Community Self-Determination
11 Act of 2000 (16 U.S.C. 7124(e)) is amended by striking
12 paragraph (3).

13 (b) **REQUIREMENTS FOR PROJECT FUNDS.**—Section
14 204 of the Secure Rural Schools and Community Self-De-
15 termination Act of 2000 (16 U.S.C. 7124) is amended by
16 striking subsection (f) and inserting the following new
17 subsection:

18 “(f) **REQUIREMENTS FOR PROJECT FUNDS.**—

19 “(1) **IN GENERAL.**—Subject to paragraph (2),
20 the Secretary concerned shall ensure that at least 50
21 percent of the project funds reserved by a partici-
22 pating county under section 102(d) shall be available
23 only for projects that—

1 “(A) include the sale of timber or other
2 forest products, reduce fire risks, or improve
3 water supplies; and

4 “(B) implement stewardship objectives
5 that enhance forest ecosystems or restore and
6 improve land health and water quality.

7 “(2) APPLICABILITY.—The requirement in
8 paragraph (1) shall apply only to project funds re-
9 served by a participating county whose boundaries
10 include Federal land that the Secretary concerned
11 determines has been subject to a timber or other for-
12 est products program within 5 fiscal years before the
13 fiscal year in which the funds are reserved.”.

14 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

15 (a) RECOGNITION OF RESOURCE ADVISORY COMMIT-
16 TEES.—Section 205(a)(4) of the Secure Rural Schools
17 and Community Self-Determination Act of 2000 (16
18 U.S.C. 7125(a)(4)) is amended by striking “2012” each
19 place it appears and inserting “2020”.

20 (b) TEMPORARY REDUCTION IN COMPOSITION OF
21 COMMITTEES.—Section 205(d) of the Secure Rural
22 Schools and Community Self-Determination Act of 2000
23 (16 U.S.C. 7125(d)) is amended—

1 (1) in paragraph (1), by striking “Each” and
2 inserting “Except during the period specified in
3 paragraph (6), each”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(6) TEMPORARY REDUCTION IN MINIMUM
7 NUMBER OF MEMBERS.—

8 “(A) TEMPORARY REDUCTION.—During
9 the period beginning on the date of the enact-
10 ment of this paragraph and ending on Sep-
11 tember 30, 2020, a resource advisory committee
12 established under this section may be comprised
13 of nine or more members, of which—

14 “(i) at least three shall be representa-
15 tive of interests described in subparagraph
16 (A) of paragraph (2);

17 “(ii) at least three shall be representa-
18 tive of interests described in subparagraph
19 (B) of paragraph (2); and

20 “(iii) at least three shall be represent-
21 ative of interests described in subpara-
22 graph (C) of paragraph (2).

23 “(B) ADDITIONAL REQUIREMENTS.—In
24 appointing members of a resource advisory com-
25 mittee from the three categories described in

1 paragraph (2), as provided in subparagraph
2 (A), the Secretary concerned shall ensure bal-
3 anced and broad representation in each cat-
4 egory. In the case of a vacancy on a resource
5 advisory committee, the vacancy shall be filled
6 within 90 days after the date on which the va-
7 cancy occurred. Appointments to a new re-
8 source advisory committee shall be made within
9 90 days after the date on which the decision to
10 form the new resource advisory committee was
11 made.

12 “(C) CHARTER.—A charter for a resource
13 advisory committee with 15 members that was
14 filed on or before the date of the enactment of
15 this paragraph shall be considered to be filed
16 for a resource advisory committee described in
17 this paragraph. The charter of a resource advi-
18 sory committee shall be reapproved before the
19 expiration of the existing charter of the re-
20 source advisory committee. In the case of a new
21 resource advisory committee, the charter of the
22 resource advisory committee shall be approved
23 within 90 days after the date on which the deci-
24 sion to form the new resource advisory com-
25 mittee was made.”

1 (e) CONFORMING CHANGE TO PROJECT APPROVAL
2 REQUIREMENTS.—Section 205(e)(3) of the Secure Rural
3 Schools and Community Self-Determination Act of 2000
4 (16 U.S.C. 7125(e)(3)) is amended by adding at the end
5 the following new sentence: “In the case of a resource ad-
6 visory committee consisting of fewer than 15 members, as
7 authorized by subsection (d)(6), a project may be proposed
8 to the Secretary concerned upon approval by a majority
9 of the members of the committee, including at least one
10 member from each of the three categories described in
11 subsection (d)(2).”.

12 (d) EXPANDING LOCAL PARTICIPATION ON COMMIT-
13 TEES.—Section 205(d) of the Secure Rural Schools and
14 Community Self-Determination Act of 2000 (16 U.S.C.
15 7125(d)) is amended—

16 (1) in paragraph (3), by inserting before the pe-
17 riod at the end the following: “, consistent with the
18 requirements of paragraph (4)”; and

19 (2) by striking paragraph (4) and inserting the
20 following new paragraph:

21 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-
22 bers of a resource advisory committee shall reside
23 within the county or counties in which the committee
24 has jurisdiction or an adjacent county.”.

1 **SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RE-**
2 **SOURCE ADVISORY COMMITTEE PROJECTS.**

3 (a) SELF-SUSTAINING RESOURCE ADVISORY COM-
4 MITTEE PROJECTS.—Title II of the Secure Rural Schools
5 and Community Self-Determination Act of 2000 (16
6 U.S.C. 7121 et seq.) is amended by adding at the end
7 the following new section:

8 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
9 **VISORY COMMITTEE PROJECTS.**

10 “(a) RAC PROGRAM.—The Chief of the Forest Serv-
11 ice shall conduct a program (to be known as the ‘self-sus-
12 taining resource advisory committee program’ or ‘RAC
13 program’) under which 10 resource advisory committees
14 will propose projects authorized by subsection (c) to be
15 carried out using project funds reserved by a participating
16 county under section 102(d).

17 “(b) SELECTION OF PARTICIPATING RESOURCE AD-
18 VISORY COMMITTEES.—The selection of resource advisory
19 committees to participate in the RAC program is in the
20 sole discretion of the Chief of the Forest Service, except
21 that, consistent with section 205(d)(6), a selected resource
22 advisory committee must have a minimum of six members.

23 “(c) AUTHORIZED PROJECTS.—Notwithstanding the
24 project purposes specified in sections 202(b), 203(c), and
25 204(a)(5), projects under the RAC program are intended
26 to—

1 ~~“(1) accomplish forest management objectives~~
2 ~~or support community development; and~~

3 ~~“(2) generate receipts.~~

4 ~~“(d) DEPOSIT AND AVAILABILITY OF REVENUES.—~~

5 ~~Any revenue generated by a project conducted under the~~
6 ~~RAC program, including any interest accrued from the~~
7 ~~revenues, shall be—~~

8 ~~“(1) deposited in the special account in the~~
9 ~~Treasury established under section 102(d)(2)(A);~~
10 ~~and~~

11 ~~“(2) available, in such amounts as may be pro-~~
12 ~~vided in advance in appropriation Acts, for addi-~~
13 ~~tional projects under the RAC program.~~

14 ~~“(e) TERMINATION OF AUTHORITY.—~~

15 ~~“(1) IN GENERAL.—The authority to initiate a~~
16 ~~project under the RAC program shall terminate on~~
17 ~~September 30, 2020.~~

18 ~~“(2) DEPOSITS IN TREASURY.—Any funds~~
19 ~~available for projects under the RAC program and~~
20 ~~not obligated by September 30, 2021, shall be depos-~~
21 ~~ited in the Treasury of the United States.”.~~

22 ~~(b) EXCEPTION TO GENERAL RULE REGARDING~~
23 ~~TREATMENT OF RECEIPTS.—Section 403(b) of the Secure~~
24 ~~Rural Schools and Community Self-Determination Act of~~
25 ~~2000 (16 U.S.C. 7153(b)) is amended by striking “All rev-~~

1 enues” and inserting “Except as provided in section 209,
2 all revenues”.

3 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
4 **FUNDS FOR TITLE III COUNTY PROJECTS.**

5 Section 302(a) of the Secure Rural Schools and Com-
6 munity Self-Determination Act of 2000 (16 U.S.C.
7 7142(a)) is amended—

8 (1) in paragraph (2)—

9 (A) by inserting “and law enforcement pa-
10 trols” after “including firefighting”; and

11 (B) by striking “and” at the end;

12 (2) by redesignating paragraph (3) as para-
13 graph (4); and

14 (3) by inserting after paragraph (2) the fol-
15 lowing new paragraph (3):

16 “(3) to cover training costs and equipment pur-
17 chases directly related to the emergency services de-
18 scribed in paragraph (2); and”.

19 **SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.**

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

24 “(f) **TREATMENT AS SUPPLEMENTAL FUNDING.—**

25 None of the funds made available to a beneficiary county

1 or other political subdivision of a State under this Act
 2 shall be used in lieu of or to otherwise offset State funding
 3 sources for local schools, facilities, or educational pur-
 4 poses.”.

5 **TITLE V—STEWARDSHIP END**
 6 **RESULT CONTRACTING**

7 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**
 8 **END RESULT CONTRACTING PROJECTS.**

9 (a) CANCELLATION CEILINGS.—Section 604 of the
 10 Healthy Forests Restoration Act of 2003 (16 U.S.C.
 11 6591e) is amended—

12 (1) by redesignating subsections (h) and (i) as
 13 subsections (i) and (j), respectively; and

14 (2) by inserting after subsection (g) the fol-
 15 lowing new subsection (h):

16 “(h) CANCELLATION CEILINGS.—

17 “(1) IN GENERAL.—The Chief and the Director
 18 may obligate funds to cover any potential cancella-
 19 tion or termination costs for an agreement or con-
 20 tract under subsection (b) in stages that are eco-
 21 nomically or programmatically viable.

22 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-
 23 CELLATION CEILING IN EXCESS OF \$25 MILLION.—

24 Not later than 30 days before entering into a
 25 multiyear agreement or contract under subsection

1 (b) that includes a cancellation ceiling in excess of
2 \$25 million, but does not include proposed funding
3 for the costs of cancelling the agreement or contract
4 up to such cancellation ceiling, the Chief or the Di-
5 rector, as the case may be, shall submit to the Com-
6 mittee on Energy and Natural Resources and the
7 Committee on Agriculture, Nutrition, and Forestry
8 of the Senate and the Committee on Natural Re-
9 sources and the Committee on Agriculture of the
10 House of Representatives a written notice that in-
11 eludes—

12 “(A) the cancellation ceiling amounts pro-
13 posed for each program year in the agreement
14 or contract;

15 “(B) the reasons why such cancellation
16 ceiling amounts were selected;

17 “(C) the extent to which the costs of con-
18 tract cancellation are not included in the budget
19 for the agreement or contract; and

20 “(D) an assessment of the financial risk of
21 not including budgeting for the costs of agree-
22 ment or contract cancellation.

23 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not
24 later than 14 days after the date on which written
25 notice is provided under paragraph (2) with respect

1 to an agreement or contract under subsection (b);
2 the Chief or the Director, as the case may be, shall
3 transmit a copy of the notice to the Director of the
4 Office of Management and Budget.”.

5 (b) RELATION TO OTHER LAWS.—Section 604(d)(5)
6 of the Healthy Forests Restoration Act of 2003 (16
7 U.S.C. 6591e(d)(5)) is amended by striking “, the Chief
8 may” and inserting “and section 2(a)(1) of the Act of July
9 31, 1947 (commonly known as the Materials Act of 1947;
10 30 U.S.C. 602(a)(1)), the Chief and the Director may”.

11 **SEC. 502. EXCESS OFFSET VALUE.**

12 Section 604(g)(2) of the Healthy Forests Restoration
13 Act of 2003 (16 U.S.C. 6591e(g)(2)) is amended by strik-
14 ing subparagraphs (A) and (B) and inserting the following
15 new subparagraphs:

16 “(A) use the excess to satisfy any out-
17 standing liabilities for cancelled agreements or
18 contracts; or

19 “(B) if there are no outstanding liabilities
20 under subparagraph (A), apply the excess to
21 other authorized stewardship projects.”.

1 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
2 **PROJECT REVENUES TO COUNTY IN WHICH**
3 **STEWARDSHIP PROJECT OCCURS.**

4 Section 604(e) of the Healthy Forests Restoration
5 Act of 2003 (16 U.S.C. 6591e(e)) is amended—

6 (1) in paragraph (2)(B), by inserting “subject
7 to paragraph (3)(A),” before “shall”; and

8 (2) in paragraph (3)(A), by striking “services
9 received by the Chief or the Director” and all that
10 follows through the period at the end and inserting
11 the following: “services and in-kind resources re-
12 ceived by the Chief or the Director under a steward-
13 ship contract project conducted under this section
14 shall not be considered monies received from the Na-
15 tional Forest System or the public lands, but any
16 payments made by the contractor to the Chief or Di-
17 rector under the project shall be considered monies
18 received from the National Forest System or the
19 public lands.”.

20 **SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.**

21 Subsection (j) of section 604 of the Healthy Forests
22 Restoration Act of 2003 (16 U.S.C. 6591e), as redesign-
23 nated by section 501(a)(1), is amended by striking “report
24 to the Committee on Agriculture, Nutrition, and Forestry
25 of the Senate and the Committee on Agriculture of the
26 House of Representatives” and inserting “submit to the

1 congressional committees specified in subsection (h)(2) a
2 report”.

3 **SEC. 505. FIRE LIABILITY PROVISION.**

4 Section 604(d) of the Healthy Forests Restoration
5 Act of 2003 (16 U.S.C. 6591e(d)) is amended by adding
6 at the end the following new paragraph:

7 “(8) MODIFICATION.—Upon the request of the
8 contractor, a contract or agreement under this sec-
9 tion awarded before February 7, 2014, shall be
10 modified by the Chief or Director to include the fire
11 liability provisions described in paragraph (7).”.

12 **TITLE VI—ADDITIONAL FUND-**
13 **ING SOURCES FOR FOREST**
14 **MANAGEMENT ACTIVITIES**

15 **SEC. 601. DEFINITIONS.**

16 In this title:

17 (1) ELIGIBLE ENTITY.—The term “eligible enti-
18 ty” means—

19 (A) a State or political subdivision of a
20 State containing National Forest System lands
21 or public lands;

22 (B) a publicly chartered utility serving one
23 or more States or a political subdivision thereof;

24 (C) a rural electric company; and

1 (D) any other entity determined by the
2 Secretary concerned to be appropriate for par-
3 ticipation in the Fund.

4 (2) FUND.—The term “Fund” means the
5 State-Supported Forest Management Fund estab-
6 lished by section 603.

7 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
8 **NUES AND COLLABORATIVE FOREST LAND-**
9 **SCAPE RESTORATION FUND TO COVER FOR-**
10 **EST MANAGEMENT ACTIVITY PLANNING**
11 **COSTS.**

12 (a) AVAILABILITY OF STEWARDSHIP PROJECT REVE-
13 NUES.—Section 604(e)(2)(B) of the Healthy Forests Res-
14 toration Act of 2003 (16 U.S.C. 6591e(e)(2)(B)), as
15 amended by section 503, is further amended by striking
16 “appropriation at the project site from which the monies
17 are collected or at another project site.” and inserting the
18 following: “appropriation—

19 “(i) at the project site from which the
20 monies are collected or at another project
21 site; and

22 “(ii) to cover not more than 25 per-
23 cent of the cost of planning additional
24 stewardship contracting projects.”.

1 (b) AVAILABILITY OF COLLABORATIVE FOREST
 2 LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of
 3 the Omnibus Public Land Management Act of 2009 (16
 4 U.S.C. 7303(f)(1)) is amended by striking “carrying out
 5 and” and inserting “planning, carrying out, and”.

6 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**
 7 **AGEMENT ACTIVITIES.**

8 (a) STATE-SUPPORTED FOREST MANAGEMENT
 9 FUND.—There is established in the Treasury of the
 10 United States a fund, to be known as the “State-Sup-
 11 ported Forest Management Fund”, to cover the cost of
 12 planning (especially related to compliance with section
 13 102(2) of the National Environmental Policy Act of 1969
 14 (42 U.S.C. 4332(2))), carrying out, and monitoring cer-
 15 tain forest management activities on National Forest Sys-
 16 tem lands or public lands.

17 (b) CONTENTS.—The State-Supported Forest Man-
 18 agement Fund shall consist of such amounts as may be—

19 (1) contributed by an eligible entity for deposit
 20 in the Fund;

21 (2) appropriated to the Fund; or

22 (3) generated by forest management activities
 23 carried out using amounts in the Fund.

1 (e) GEOGRAPHICAL AND USE LIMITATIONS.—In
2 making a contribution under subsection (b)(1), an eligible
3 entity may—

4 (1) specify the National Forest System lands or
5 public lands for which the contribution may be ex-
6 pended; and

7 (2) limit the types of forest management activi-
8 ties for which the contribution may be expended.

9 (d) AUTHORIZED FOREST MANAGEMENT ACTIVI-
10 TIES.—In such amounts as may be provided in advance
11 in appropriation Acts, the Secretary concerned may use
12 the Fund to plan, carry out, and monitor a forest manage-
13 ment activity that—

14 (1) is developed through a collaborative process;

15 (2) is proposed by a resource advisory com-
16 mittee; or

17 (3) is covered by a community wildfire protec-
18 tion plan.

19 (e) IMPLEMENTATION METHODS.—A forest manage-
20 ment activity carried out using amounts in the Fund may
21 be carried out using a contract or agreement under section
22 604 of the Healthy Forests Restoration Act of 2003 (16
23 U.S.C. 6591e), the good neighbor authority provided by
24 section 8206 of the Agricultural Act of 2014 (16 U.S.C.
25 2113a), a contract under section 14 of the National Forest

1 Management Act of 1976 (16 U.S.C. 472a), or other au-
2 thority available to the Secretary concerned; but revenues
3 generated by the forest management activity shall be used
4 to reimburse the Fund for planning costs covered using
5 amounts in the Fund.

6 (f) RELATION TO OTHER LAWS.—

7 (1) REVENUE SHARING.—Subject to subsection
8 (e), revenues generated by a forest management ac-
9 tivity carried out using amounts from the Fund shall
10 be considered monies received from the National
11 Forest System.

12 (2) KNUTSON-VANDERBERG ACT.—The Act of
13 June 9, 1930 (commonly known as the Knutson-
14 Vanderberg Act, 16 U.S.C. 576 et seq.), shall apply
15 to any forest management activity carried out using
16 amounts in the Fund.

17 (g) TERMINATION OF FUND.—

18 (1) TERMINATION.—The Fund shall terminate
19 10 years after the date of the enactment of this Act.

20 (2) EFFECT OF TERMINATION.—Upon the ter-
21 mination of the Fund pursuant to paragraph (1) or
22 pursuant to any other provision of law, unobligated
23 contributions remaining in the Fund shall be re-
24 turned to the eligible entity that made the contribu-
25 tion.

1 **TITLE VII—TRIBAL FORESTRY**
2 **PARTICIPATION AND PRO-**
3 **TECTION**

4 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
5 **THROUGH USE OF STEWARDSHIP END RE-**
6 **SULT CONTRACTING AND OTHER AUTHORI-**
7 **TIES.**

8 (a) PROMPT CONSIDERATION OF TRIBAL RE-
9 QUESTS.—Section 2(b) of the Tribal Forest Protection
10 Act of 2004 (25 U.S.C. 3115a(b)) is amended—

11 (1) in paragraph (1), by striking “Not later
12 than 120 days after the date on which an Indian
13 tribe submits to the Secretary” and inserting “In re-
14 sponse to the submission by an Indian tribe of”;

15 (2) by adding at the end the following new
16 paragraph:

17 “(4) TIME PERIODS FOR CONSIDERATION.—

18 “(A) INITIAL RESPONSE.—Not later than
19 120 days after the date on which the Secretary
20 receives a tribal request under paragraph (1),
21 the Secretary shall provide an initial response
22 to the Indian tribe regarding—

23 “(i) whether the request may meet the
24 selection criteria described in subsection
25 (c); and

1 “(ii) the likelihood of the Secretary
2 entering into an agreement or contract
3 with the Indian tribe under paragraph (2)
4 for activities described in paragraph (3).

5 “(B) NOTICE OF DENIAL.—Notice under
6 subsection (d) of the denial of a tribal request
7 under paragraph (1) shall be provided not later
8 than 1 year after the date on which the Sec-
9 retary received the request.

10 “(C) COMPLETION.—Not later than 2
11 years after the date on which the Secretary re-
12 ceives a tribal request under paragraph (1),
13 other than a tribal request denied under sub-
14 section (d), the Secretary shall—

15 “(i) complete all environmental re-
16 views necessary in connection with the
17 agreement or contract and proposed activi-
18 ties under the agreement or contract; and

19 “(ii) enter into the agreement or con-
20 tract with the Indian tribe under para-
21 graph (2).”.

22 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
23 Section 2 of the Tribal Forest Protection Act of 2004 (25
24 U.S.C. 3115a) is amended—

1 (1) in subsections (b)(1) and (f)(1), by striking
 2 “section 347 of the Department of the Interior and
 3 Related Agencies Appropriations Act, 1999 (16
 4 U.S.C. 2104 note; Public Law 105–277) (as amend-
 5 ed by section 323 of the Department of the Interior
 6 and Related Agencies Appropriations Act, 2003 (117
 7 Stat. 275))” and inserting “section 604 of the
 8 Healthy Forests Restoration Act of 2003 (16 U.S.C.
 9 6591e)”;

10 (2) in subsection (d), by striking “subsection
 11 (b)(1), the Secretary may” and inserting “para-
 12 graphs (1) and (4)(B) of subsection (b), the Sec-
 13 retary shall”.

14 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
 15 **IZED TO INCLUDE RELATED NATIONAL FOR-**
 16 **EST SYSTEM LANDS AND PUBLIC LANDS.**

17 Section 305 of the National Indian Forest Resources
 18 Management Act (25 U.S.C. 3104) is amended by adding
 19 at the end the following new subsection:

20 “(e) INCLUSION OF CERTAIN NATIONAL FOREST
 21 SYSTEM LAND AND PUBLIC LAND.—

22 “(1) AUTHORITY.—At the request of an Indian
 23 tribe, the Secretary concerned may treat Federal
 24 forest land as Indian forest land for purposes of
 25 planning and conducting forest land management

1 activities under this section if the Federal forest
2 land is located within, or mostly within, a geographic
3 area that presents a feature or involves cir-
4 cumstances principally relevant to that Indian tribe,
5 such as Federal forest land ceded to the United
6 States by treaty, Federal forest land within the
7 boundaries of a current or former reservation, or
8 Federal forest land adjudicated to be tribal home-
9 lands.

10 “(2) REQUIREMENTS.—As part of the agree-
11 ment to treat Federal forest land as Indian forest
12 land under paragraph (1), the Secretary concerned
13 and the Indian tribe making the request shall—

14 “(A) provide for continued public access
15 applicable to the Federal forest land prior to
16 the agreement, except that the Secretary con-
17 cerned may limit or prohibit such access as
18 needed;

19 “(B) continue sharing revenue generated
20 by the Federal forest land with State and local
21 governments either—

22 “(i) on the terms applicable to the
23 Federal forest land prior to the agreement,
24 including, where applicable, 25-percent
25 payments or 50-percent payments; or

1 “(ii) at the option of the Indian tribe,
2 on terms agreed upon by the Indian tribe,
3 the Secretary concerned, and State and
4 county governments participating in a rev-
5 enue sharing agreement for the Federal
6 forest land;

7 “(C) comply with applicable prohibitions
8 on the export of unprocessed logs harvested
9 from the Federal forest land;

10 “(D) recognize all right-of-way agreements
11 in place on Federal forest land prior to com-
12 mencement of tribal management activities; and

13 “(E) ensure that all commercial timber re-
14 moved from the Federal forest land is sold on
15 a competitive bid basis.

16 “(3) LIMITATION.—Treating Federal forest
17 land as Indian forest land for purposes of planning
18 and conducting management activities pursuant to
19 paragraph (1) shall not be construed to designate
20 the Federal forest land as Indian forest lands for
21 any other purpose.

22 “(4) DEFINITIONS.—In this subsection:

23 “(A) FEDERAL FOREST LAND.—The term
24 ‘Federal forest land’ means—

1 “(i) National Forest System lands;
2 and

3 “(ii) public lands (as defined in sec-
4 tion 103(e) of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C.
6 1702(e)); including Coos Bay Wagon
7 Road Grant lands reconveyed to the
8 United States pursuant to the first section
9 of the Act of February 26, 1919 (40 Stat.
10 1179), and Oregon and California Railroad
11 Grant lands.

12 “(B) SECRETARY CONCERNED.—The term
13 ‘Secretary concerned’ means—

14 “(i) the Secretary of Agriculture, with
15 respect to the Federal forest land referred
16 to in subparagraph (A)(i); and

17 “(ii) the Secretary of the Interior,
18 with respect to the Federal forest land re-
19 ferred to in subparagraph (A)(ii).”.

20 **SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
21 **PROJECT.**

22 The Secretary of the Interior and the Secretary of
23 Agriculture may carry out demonstration projects by
24 which federally recognized Indian tribes or tribal organiza-
25 tions may contract to perform administrative, manage-

1 ment, and other functions of programs of the Tribal For-
 2 est Protection Act of 2004 (25 U.S.C. 3115a et seq.)
 3 through contracts entered into under the Indian Self-De-
 4 termination and Education Assistance Act (25 U.S.C. 450
 5 et seq.).

6 **TITLE VIII—MISCELLANEOUS**
 7 **FOREST MANAGEMENT PRO-**
 8 **VISIONS**

9 **SEC. 801. BALANCING SHORT- AND LONG-TERM EFFECTS**
 10 **OF FOREST MANAGEMENT ACTIVITIES IN**
 11 **CONSIDERING INJUNCTIVE RELIEF.**

12 As part of its weighing the equities while considering
 13 any request for an injunction that applies to any agency
 14 action as part of a forest management activity under titles
 15 I through VIII, the court reviewing the agency action shall
 16 balance the impact to the ecosystem likely affected by the
 17 forest management activity of—

18 (1) the short- and long-term effects of under-
 19 taking the agency action; against

20 (2) the short- and long-term effects of not un-
 21 dertaking the action.

22 **SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
 23 **MISSIONING.**

24 (a) **CONSULTATION WITH AFFECTED COUNTY.—**

25 Whenever any Forest Service defined maintenance level

1 one- or two-system road within a designated high fire
 2 prone area of a unit of the National Forest System is con-
 3 sidered for decommissioning, the Forest Supervisor of that
 4 unit of the National Forest System shall—

5 (1) consult with the government of the county
 6 containing the road regarding the merits and pos-
 7 sible consequences of decommissioning the road; and

8 (2) solicit possible alternatives to decommis-
 9 sioning the road.

10 (b) REGIONAL FORESTER APPROVAL.—A Forest
 11 Service road described in subsection (a) may not be de-
 12 commissioned without the advance approval of the Re-
 13 gional Forester.

14 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**
 15 **SCREENS REQUIREMENTS ON NATIONAL**
 16 **FOREST SYSTEM LANDS.**

17 On and after the date of the enactment of this Act,
 18 the Secretary of Agriculture may not apply to National
 19 Forest System lands any of the amendments to forest
 20 plans adopted in the Decision Notice for the Revised Con-
 21 tinuation of Interim Management Direction Establishing
 22 Riparian, Ecosystem and Wildlife Standards for Timber
 23 Sales (commonly known as the Eastside Screens require-
 24 ments), including all preceding or associated versions of
 25 these amendments.

1 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
2 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
3 **TIES.**

4 If the Secretary concerned determines that, in order
5 to conduct a project or carry out an activity implementing
6 a forest plan, an amendment to the forest plan is required,
7 the Secretary concerned shall execute such amendment as
8 a nonsignificant plan amendment through the record of
9 decision or decision notice for the project or activity.

10 **SEC. 805. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

11 (a) **DEPOSITS OF FUNDS FROM NATIONAL FOREST**
12 **TIMBER PURCHASERS REQUIRED.**—Section 3(a) of the
13 Act of June 9, 1930 (commonly known as the Knutson-
14 Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-
15 ing “The Secretary” and all that follows through “any
16 purchaser” and inserting the following: “The Secretary of
17 Agriculture shall require each purchaser”.

18 (b) **CONDITIONS ON USE OF DEPOSITS.**—Section 3
19 of the Act of June 9, 1930 (commonly known as the
20 Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

21 (1) by striking “Such deposits” and inserting
22 the following:

23 “(b) Amounts deposited under subsection (a)”;

24 (2) by redesignating subsection (c) as sub-
25 section (d); and

1 ~~(3)~~ by inserting before subsection (d), as so re-
 2 designated, the following new subsection (e):

3 ~~“(e)(1) Amounts in the special fund established pur-~~
 4 ~~suant to this section—~~

5 ~~“(A) shall be used exclusively to implement ae-~~
 6 ~~tivities authorized by subsection (a); and~~

7 ~~“(B) may be used anywhere within the Forest~~
 8 ~~Service Region from which the original deposits were~~
 9 ~~collected.~~

10 ~~“(2) The Secretary of Agriculture may not deduct~~
 11 ~~overhead costs from the funds collected under subsection~~
 12 ~~(a), except as needed to fund personnel of the responsible~~
 13 ~~Ranger District for the planning and implementation of~~
 14 ~~the activities authorized by subsection (a).”.~~

15 **SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**
 16 **TEM LANDS AND PUBLIC LANDS.**

17 Unless specifically provided by a provision of titles
 18 I through VIII, the authorities provided by such titles do
 19 not apply with respect to any National Forest System
 20 lands or public lands—

21 (1) that are included in the National Wilderness
 22 Preservation System;

23 (2) that are located within an inventoried
 24 roadless area unless the forest management activity

1 to be carried out under such authority is consistent
 2 with the forest plan applicable to the area; or
 3 ~~(3)~~ on which timber harvesting for any purpose
 4 is prohibited by statute.

5 **SEC. 807. APPLICATION OF NORTHWEST FOREST PLAN SUR-**
 6 **VEY AND MANAGE MITIGATION MEASURE**
 7 **STANDARD AND GUIDELINES.**

8 The Northwest Forest Plan Survey and Manage Miti-
 9 gation Measure Standard and Guidelines shall not apply
 10 to any National Forest System lands or public lands.

11 **SEC. 808. MANAGEMENT OF BUREAU OF LAND MANAGE-**
 12 **MENT LANDS IN WESTERN OREGON.**

13 (a) GENERAL RULE.—All of the public land managed
 14 by the Bureau of Land Management in the Salem District,
 15 Eugene District, Roseburg District, Coos Bay District,
 16 Medford District, and the Klamath Resource Area of the
 17 Lakeview District in the State of Oregon shall hereafter
 18 be managed pursuant to title I of the of the Act of August
 19 28, 1937 (43 U.S.C. 1181a through 1181e). Except as
 20 provided in subsection (b), all of the revenue produced
 21 from such land shall be deposited in the Treasury of the
 22 United States in the Oregon and California land-grant
 23 fund and be subject to the provisions of title II of the
 24 Act of August 28, 1937 (43 U.S.C. 1181f).

1 (b) CERTAIN LANDS EXCLUDED.—Subsection (a)
2 does not apply to any revenue that is required to be depos-
3 ited in the Coos Bay Wagon Road grant fund pursuant
4 to sections 1 through 4 of the Act of May 24, 1939 (43
5 U.S.C. 1181f-1 through f-4).

6 **SEC. 809. BUREAU OF LAND MANAGEMENT RESOURCE**
7 **MANAGEMENT PLANS.**

8 (a) ADDITIONAL ANALYSIS AND ALTERNATIVES.—To
9 develop a full range of reasonable alternatives as required
10 by the National Environmental Policy Act of 1969, the
11 Secretary of the Interior shall develop and consider in de-
12 tail a reference analysis and two additional alternatives
13 as part of the revisions of the resource management plans
14 for the Bureau of Land Management's Salem, Eugene,
15 Coos Bay, Roseburg, and Medford Districts and the Klam-
16 ath Resource Area of the Lakeview District.

17 (b) REFERENCE ANALYSIS.—The reference analysis
18 required by subsection (a) shall measure and assume the
19 harvest of the annual growth net of natural mortality for
20 all forested land in the planning area in order to determine
21 the maximum sustained yield capacity of the forested land
22 base and to establish a baseline by which the Secretary
23 of the Interior shall measure incremental effects on the
24 sustained yield capacity and environmental impacts from
25 management prescriptions in all other alternatives.

1 (c) ADDITIONAL ALTERNATIVES.—

2 (1) CARBON SEQUESTRATION ALTERNATIVE.—

3 The Secretary of the Interior shall develop and con-
4 sider an additional alternative with the goal of maxi-
5 mizing the total carbon benefits from forest storage
6 and wood product storage. To the extent practicable,
7 the analysis shall consider—

8 (A) the future risks to forest carbon from
9 wildfires, insects, and disease;

10 (B) the amount of carbon stored in prod-
11 ucts or in landfills;

12 (C) the life cycle benefits of harvested
13 wood products compared to non-renewable
14 products; and

15 (D) the energy produced from wood resi-
16 dues.

17 (2) SUSTAINED YIELD ALTERNATIVE.—The

18 Secretary of the Interior shall develop and consider
19 an additional alternative that produces the greater
20 of 500 million board feet or the annual net growth
21 on the acres classified as timberland, excluding any
22 congressionally reserved areas. The projected harvest
23 levels, as nearly as practicable, shall be distributed
24 among the Districts referred to in subsection (a) in
25 the same proportion as the maximum yield capacity

1 of each such District bears to maximum yield capaci-
2 ty of the planning area as a whole.

3 (d) **ADDITIONAL ANALYSIS AND PUBLIC PARTICIPA-**
4 **TION.**—The Secretary of the Interior shall publish the ref-
5 erence analysis and additional alternatives and analyze
6 their environmental and economic consequences in a sup-
7 plemental draft environmental impact statement. The
8 draft environmental impact statement and supplemental
9 draft environmental impact statement shall be made avail-
10 able for public comment for a period of not less than 180
11 days. The Secretary shall respond to any comments re-
12 ceived before making a final decision between all alter-
13 natives.

14 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion shall affect the obligation of the Secretary of the Inte-
16 rior to manage the timberlands as required by the Act of
17 August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a–1181j).

18 **SEC. 810. LANDSCAPE-SCALE FOREST RESTORATION**
19 **PROJECT.**

20 The Secretary of Agriculture shall develop and imple-
21 ment at least one landscape-scale forest restoration project
22 that includes, as a defined purpose of the project, the gen-
23 eration of material that will be used to promote advanced
24 wood products. The project shall be developed through a
25 collaborative process.

1 **TITLE IX—MAJOR DISASTER FOR**
 2 **WILDFIRE ON FEDERAL LAND**

3 **SEC. 901. WILDFIRE ON FEDERAL LANDS.**

4 Section 102(2) of the Robert T. Stafford Disaster
 5 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))
 6 is amended—

7 (1) by striking “(2)” and all that follows
 8 through “means” and inserting the following:

9 “(2) MAJOR DISASTER.—

10 “(A) MAJOR DISASTER.—The term ‘major
 11 disaster’ means”; and

12 (2) by adding at the end the following:

13 “(B) MAJOR DISASTER FOR WILDFIRE ON
 14 FEDERAL LANDS.—The term ‘major disaster
 15 for wildfire on Federal lands’ means any wild-
 16 fire or wildfires, which in the determination of
 17 the President under section 802 warrants as-
 18 sistance under section 803 to supplement the
 19 efforts and resources of the Department of the
 20 Interior or the Department of Agriculture—

21 “(i) on Federal lands; or

22 “(ii) on non-Federal lands pursuant
 23 to a fire protection agreement or coopera-
 24 tive agreement.”.

1 **SEC. 902. DECLARATION OF A MAJOR DISASTER FOR WILD-**
 2 **FIRE ON FEDERAL LANDS.**

3 The Robert T. Stafford Disaster Relief and Emer-
 4 gency Assistance Act (42 U.S.C. 5170 et seq.) is amended
 5 by adding at the end the following:

6 **“TITLE VIII—MAJOR DISASTER**
 7 **FOR WILDFIRE ON FEDERAL**
 8 **LAND**

9 **“SEC. 801. DEFINITIONS.**

10 “As used in this title—

11 “(1) **FEDERAL LAND.**—The term ‘Federal land’
 12 means—

13 “(A) any land under the jurisdiction of the
 14 Department of the Interior; and

15 “(B) any land under the jurisdiction of the
 16 United States Forest Service.

17 “(2) **FEDERAL LAND MANAGEMENT AGEN-**
 18 **ENCIES.**—The term ‘Federal land management agen-

19 **cies’ means—**
 20 “(A) the Bureau of Land Management;

21 “(B) the National Park Service;

22 “(C) the Bureau of Indian Affairs;

23 “(D) the United States Fish and Wildlife
 24 Service; and

25 “(E) the United States Forest Service.

1 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

2 The term ‘wildfire suppression operations’ means the
3 emergency and unpredictable aspects of wildland
4 firefighting, including support, response, emergency
5 stabilization activities, and other emergency manage-
6 ment activities of wildland firefighting on Federal
7 lands (or on non-Federal lands pursuant to a fire
8 protection agreement or cooperative agreement) by
9 the Federal land management agencies covered by
10 the wildfire suppression subactivity of the Wildland
11 Fire Management account or the FLAME Wildfire
12 Suppression Reserve Fund account of the Federal
13 land management agencies.

14 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
15 **DISASTER FOR WILDFIRE ON FEDERAL**
16 **LANDS.**

17 “(a) IN GENERAL.—The Secretary of the Interior or
18 the Secretary of Agriculture may submit a request to the
19 President consistent with the requirements of this title for
20 a declaration by the President that a major disaster for
21 wildfire on Federal lands exists.

22 “(b) REQUIREMENTS.—A request for a declaration
23 by the President that a major disaster for wildfire on Fed-
24 eral lands exists shall—

1 “(1) be made in writing by the respective Sec-
2 retary;

3 “(2) certify that the amount appropriated in
4 the current fiscal year for wildfire suppression oper-
5 ations of the Federal land management agencies
6 under the jurisdiction of the respective Secretary,
7 net of any concurrently enacted rescissions of wild-
8 fire suppression funds, increases the total unobli-
9 gated balance of amounts available for wildfire sup-
10 pression by an amount equal to or greater than the
11 average total costs incurred by the Federal land
12 management agencies per year for wildfire suppres-
13 sion operations, including the suppression costs in
14 excess of appropriated amounts, over the previous
15 ten fiscal years;

16 “(3) certify that the amount available for wild-
17 fire suppression operations of the Federal land man-
18 agement agencies under the jurisdiction of the re-
19 spective Secretary will be obligated not later than 30
20 days after such Secretary notifies the President that
21 wildfire suppression funds will be exhausted to fund
22 ongoing and anticipated wildfire suppression oper-
23 ations related to the wildfire on which the request
24 for the declaration of a major disaster for wildfire
25 on Federal lands pursuant to this title is based; and

1 “(4) specify the amount required in the current
2 fiscal year to fund wildfire suppression operations
3 related to the wildfire on which the request for the
4 declaration of a major disaster for wildfire on Fed-
5 eral lands pursuant to this title is based.

6 “(e) DECLARATION.—Based on the request of the re-
7 spective Secretary under this title, the President may de-
8 clare that a major disaster for wildfire on Federal lands
9 exists.

10 **“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.**

11 “(a) IN GENERAL.—In a major disaster for wildfire
12 on Federal lands, the President may transfer funds, only
13 from the account established pursuant to subsection (b),
14 to the Secretary of the Interior or the Secretary of Agri-
15 culture to conduct wildfire suppression operations on Fed-
16 eral lands (and non-Federal lands pursuant to a fire pro-
17 tection agreement or cooperative agreement).

18 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
19 COUNT.—The President shall establish a specific account
20 for the assistance available pursuant to a declaration
21 under section 802. Such account may only be used to fund
22 assistance pursuant to this title.

23 “(c) LIMITATION.—

24 “(1) LIMITATION OF TRANSFER.—The assist-
25 ance available pursuant to a declaration under sec-

1 tion 802 is limited to the transfer of the amount re-
2 quested pursuant to section 802(b)(4). The assist-
3 ance available for transfer shall not exceed the
4 amount contained in the wildfire suppression oper-
5 ations account established pursuant to subsection
6 (b).

7 ~~“(2) TRANSFER OF FUNDS.—Funds under this~~
8 section shall be transferred from the wildfire sup-
9 pression operations account to the wildfire suppres-
10 sion subactivity of the Wildland Fire Management
11 Account.

12 ~~“(d) PROHIBITION OF OTHER TRANSFERS.—Except~~
13 as provided in this section, no funds may be transferred
14 to or from the account established pursuant to subsection
15 (b) to or from any other fund or account.

16 ~~“(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION~~
17 OPERATIONS ON NON-FEDERAL LAND.—If amounts
18 transferred under subsection (e) are used to conduct wild-
19 fire suppression operations on non-Federal land, the re-
20 spective Secretary shall—

21 ~~“(1) secure reimbursement for the cost of such~~
22 wildfire suppression operations conducted on the
23 non-Federal land; and

1 “(2) transfer the amounts received as reim-
2 bursement to the wildfire suppression operations ac-
3 count established pursuant to subsection (b).

4 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
5 QUIREMENTS.—Not later than 90 days after the end of
6 each fiscal year for which assistance is received pursuant
7 to this section, the respective Secretary shall submit to
8 the Committees on Agriculture, Appropriations, the Budget,
9 et, Natural Resources, and Transportation and Infrastruc-
10 ture of the House of Representatives and the Committees
11 on Agriculture, Nutrition, and Forestry, Appropriations,
12 the Budget, Energy and Natural Resources, Homeland
13 Security and Governmental Affairs, and Indian Affairs of
14 the Senate, and make available to the public, a report that
15 includes the following:

16 “(1) The risk-based factors that influenced
17 management decisions regarding wildfire suppression
18 operations of the Federal land management agencies
19 under the jurisdiction of the Secretary concerned.

20 “(2) Specific discussion of a statistically signifi-
21 cant sample of large fires, in which each fire is ana-
22 lyzed for cost drivers, effectiveness of risk manage-
23 ment techniques, resulting positive or negative im-
24 pacts of fire on the landscape, impact of investments
25 in preparedness, suggested corrective actions, and

1 such other factors as the respective Secretary con-
2 sidered appropriate.

3 ~~“(3) Total expenditures for wildfire suppression~~
4 ~~operations of the Federal land management agencies~~
5 ~~under the jurisdiction of the respective Secretary,~~
6 ~~broken out by fire sizes, cost, regional location, and~~
7 ~~such other factors as the such Secretary considers~~
8 ~~appropriate.~~

9 ~~“(4) Lessons learned.~~

10 ~~“(5) Such other matters as the respective Sec-~~
11 ~~retary considers appropriate.~~

12 ~~“(g) SAVINGS PROVISION.—Nothing in this title shall~~
13 ~~limit the Secretary of the Interior, the Secretary of Agri-~~
14 ~~culture, Indian tribe, or a State from receiving assistance~~
15 ~~through a declaration made by the President under this~~
16 ~~Act when the criteria for such declaration have been~~
17 ~~met.”.~~

18 **SEC. 903. PROHIBITION ON TRANSFERS.**

19 No funds may be transferred to or from the Federal
20 land management agencies’ wildfire suppression oper-
21 ations accounts referred to in section 801(3) of the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 to or from any account or subactivity of the Federal land
24 management agencies, as defined in section 801(2) of such

1 Act, that is not used to cover the cost of wildfire suppres-
 2 sion operations.

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Emergency Wildfire and Forest Management Act of 2016”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

Sec. 101. Wildfire on Federal land.

Sec. 102. Declaration of a major disaster for wildfire on Federal land.

Sec. 103. Prohibition on transfers.

*TITLE II—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAIL-
 ABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST
 MANAGEMENT ACTIVITIES*

*Sec. 201. Analysis of only 2 alternatives in proposed collaborative forest manage-
 ment activities.*

Sec. 202. Categorical exclusion to expedite certain critical response actions.

*Sec. 203. Categorical exclusion to expedite salvage operations in response to cata-
 strophic events.*

*Sec. 204. Categorical exclusion to meet forest plan goals for early successional for-
 ests.*

Sec. 205. Categorical exclusion to improve, restore, and reduce the risk of wildfire.

Sec. 206. Consideration of resource conditions for extraordinary circumstances.

Sec. 207. Compliance with forest plan.

Sec. 208. Roads.

Sec. 209. Exclusions.

TITLE III—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 301. Protection of tribal forest assets.

*Sec. 302. Management of Indian forest land authorized to include related Na-
 tional Forest System land and public land.*

Sec. 303. Tribal forest management demonstration project.

TITLE IV—MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES

Sec. 401. Definition of Secretary.

Sec. 402. State-supported planning of forest management activities.

Sec. 403. Balancing of impacts in considering injunctive relief.

Sec. 404. State and private forest landscape-scale restoration program.

Sec. 405. Pilot arbitration program.

Sec. 406. National Forest System accelerated landscape restoration pilot program.

Sec. 407. Tennessee Wilderness.

Sec. 408. *Additional authority for sale or exchange of small parcels of National Forest System land.*

Sec. 409. *Extension of authorization for conveyance of Forest Service administrative sites.*

Sec. 410. *Prescribed burn approval.*

Sec. 411. *North Carolina wilderness study areas.*

TITLE V—KISATCHIE NATIONAL FOREST LAND CONVEYANCE

Sec. 501. *Short title.*

Sec. 502. *Finding.*

Sec. 503. *Definitions.*

Sec. 504. *Authorization of conveyances.*

Sec. 505. *Proceeds from the sale of land.*

Sec. 506. *Administration.*

TITLE VI—CHATTAHOOCHEE-OCONEE NATIONAL FOREST LAND ADJUSTMENT

Sec. 601. *Short title.*

Sec. 602. *Findings.*

Sec. 603. *Definition of Secretary.*

Sec. 604. *Land conveyance authority.*

Sec. 605. *Treatment of proceeds.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *CATASTROPHIC EVENT.*—*The term “cata-*
 4 *strophic event” means any natural disaster (such as*
 5 *a hurricane, tornado, windstorm, snow or ice storm,*
 6 *rain storm, high water, wind-driven water, tidal*
 7 *wave, earthquake, volcanic eruption, landslide,*
 8 *mudslide, drought, or insect or disease outbreak) or*
 9 *any fire, flood, or explosion, regardless of cause.*

10 (2) *CATEGORICAL EXCLUSION.*—*The term “cat-*
 11 *egorical exclusion” means an exclusion from further*
 12 *analysis and documentation in an environmental as-*
 13 *essment or an environmental impact statement*
 14 *under the National Environmental Policy Act of 1969*

1 (42 U.S.C. 4321 *et seq.*) for a project or activity relat-
2 ing to the management of National Forest System
3 land or public land.

4 (3) *COLLABORATIVE PROCESS*.—The term “col-
5 laborative process” means a process relating to the
6 management of National Forest System land or pub-
7 lic land under which a project or activity is developed
8 and implemented—

9 (A) by the Secretary concerned through col-
10 laboration with interested persons, as described
11 in section 603(b)(1)(C) of the *Healthy Forests*
12 *Restoration Act of 2003* (16 U.S.C.
13 6591b(b)(1)(C)); or

14 (B) through a collaborative process under
15 the *Collaborative Forest Landscape Restoration*
16 *Program*, as described in section 4003(b)(2) of
17 the *Omnibus Public Land Management Act of*
18 2009 (16 U.S.C. 7303(b)(2)).

19 (4) *COMMUNITY WILDFIRE PROTECTION PLAN*.—
20 The term “community wildfire protection plan” has
21 the meaning given that term in section 101 of the
22 *Healthy Forests Restoration Act of 2003* (16 U.S.C.
23 6511).

24 (5) *FOREST MANAGEMENT ACTIVITY*.—The term
25 “forest management activity” means a project or ac-

1 *tivity carried out by the Secretary concerned on Na-*
2 *tional Forest System land or public land that is con-*
3 *sistent with an applicable forest plan.*

4 (6) *FOREST PLAN.*—*The term “forest plan”*
5 *means, as applicable—*

6 (A) *a resource management plan prepared*
7 *by the Bureau of Land Management for public*
8 *land pursuant to section 202 of the Federal*
9 *Land Policy and Management Act of 1976 (43*
10 *U.S.C. 1712); or*

11 (B) *a land management plan prepared by*
12 *the Forest Service for a unit of the National For-*
13 *est System pursuant to section 6 of the Forest*
14 *and Rangeland Renewable Resources Planning*
15 *Act of 1974 (16 U.S.C. 1604).*

16 (7) *NATIONAL FOREST SYSTEM.*—*The term “Na-*
17 *tional Forest System” has the meaning given that*
18 *term in section 11(a) of the Forest and Rangeland*
19 *Renewable Resources Planning Act of 1974 (16*
20 *U.S.C. 1609(a)).*

21 (8) *PUBLIC LAND.*—*The term “public land” has*
22 *the meaning given the term “public lands” in section*
23 *103 of the Federal Land Policy and Management Act*
24 *of 1976 (43 U.S.C. 1702).*

1 (9) *RESOURCE ADVISORY COMMITTEE.*—*The*
2 *term “resource advisory committee” means—*

3 (A) *a resource advisory committee estab-*
4 *lished under section 205 of the Secure Rural*
5 *Schools and Community Self-Determination Act*
6 *of 2000 (16 U.S.C. 7125); or*

7 (B) *an advisory committee determined by*
8 *the Secretary concerned to satisfy the require-*
9 *ments of section 205 of the Secure Rural Schools*
10 *and Community Self-Determination Act of 2000*
11 *(16 U.S.C. 7125).*

12 (10) *SALVAGE OPERATION.*—*The term “salvage*
13 *operation” means a forest management activity car-*
14 *ried out in response to a catastrophic event, the pri-*
15 *mary purpose of which is—*

16 (A)(i) *to prevent wildfire as a result of the*
17 *catastrophic event; or*

18 (ii) *if the catastrophic event is a wildfire,*
19 *to prevent a reburn of the fire-impacted area;*

20 (B) *to provide an opportunity for use of*
21 *any forest material damaged as a result of the*
22 *catastrophic event; or*

23 (C) *to provide a funding source for reforest-*
24 *ation or other restoration activities for National*

1 *Forest System land or public land impacted by*
 2 *the catastrophic event.*

3 (11) *SECRETARIES.*—*The term “Secretaries”*
 4 *means the Secretary of the Interior and the Secretary*
 5 *of Agriculture.*

6 (12) *SECRETARY CONCERNED.*—*The term “Sec-*
 7 *retary concerned” means—*

8 (A) *the Secretary of Agriculture, with re-*
 9 *spect to National Forest System land; and*

10 (B) *the Secretary of the Interior, with re-*
 11 *spect to public land.*

12 ***TITLE I—MAJOR DISASTER FOR***
 13 ***WILDFIRE ON FEDERAL LAND***

14 ***SEC. 101. WILDFIRE ON FEDERAL LAND.***

15 (a) *IN GENERAL.*—*Section 102 of the Robert T. Staf-*
 16 *ford Disaster Relief and Emergency Assistance Act (42*
 17 *U.S.C. 5122) is amended—*

18 (1) *by redesignating paragraphs (3) through (12)*
 19 *as paragraphs (4) through (13), respectively; and*

20 (2) *by inserting after paragraph (2) the fol-*
 21 *lowing:*

22 “(3) *MAJOR DISASTER FOR WILDFIRE ON FED-*
 23 *ERAL LAND.*—*The term ‘major disaster for wildfire on*
 24 *Federal land’ means any wildfire or wildfires that in*
 25 *the determination of the President in accordance with*

1 *section 802 warrants assistance under section 803 to*
 2 *supplement the efforts and resources of the Secretary*
 3 *of the Interior or the Secretary of Agriculture—*

4 *“(A) on Federal land; or*

5 *“(B) on non-Federal land in accordance*
 6 *with a fire protection agreement or cooperative*
 7 *agreement.”.*

8 (b) *CONFORMING AMENDMENT.—Section*
 9 *251(b)(2)(D)(iii) of the Balanced Budget and Emergency*
 10 *Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii)) is*
 11 *amended by striking “section 102(2) of the Robert T. Staf-*
 12 *ford Disaster Relief and Emergency Assistance Act (42*
 13 *U.S.C. 5122(2))” and inserting “paragraph (2) or (3) of*
 14 *section 102 of the Robert T. Stafford Disaster Relief and*
 15 *Emergency Assistance Act (42 U.S.C. 5122)”.*

16 **SEC. 102. DECLARATION OF A MAJOR DISASTER FOR WILD-**
 17 **FIRE ON FEDERAL LAND.**

18 *The Robert T. Stafford Disaster Relief and Emergency*
 19 *Assistance Act (42 U.S.C. 5121 et seq.) is amended by add-*
 20 *ing at the end the following:*

21 **“TITLE VIII—MAJOR DISASTER**
 22 **FOR WILDFIRE ON FEDERAL**
 23 **LAND**

24 **“SEC. 801. DEFINITIONS.**

25 *“In this title:*

1 “(1) *FEDERAL LAND.*—*The term ‘Federal land’*
2 *means—*

3 “(A) *any land under the jurisdiction of the*
4 *Secretary of the Interior; and*

5 “(B) *any land under the jurisdiction of the*
6 *Secretary of Agriculture, acting through the*
7 *Chief of the Forest Service.*

8 “(2) *FEDERAL LAND MANAGEMENT AGENCIES.*—
9 *The term ‘Federal land management agencies’*
10 *means—*

11 “(A) *the Bureau of Land Management;*

12 “(B) *the National Park Service;*

13 “(C) *the Bureau of Indian Affairs;*

14 “(D) *the United States Fish and Wildlife*
15 *Service; and*

16 “(E) *the Forest Service.*

17 “(3) *WILDFIRE SUPPRESSION OPERATIONS.*—*The*
18 *term ‘wildfire suppression operations’ means the*
19 *emergency and unpredictable aspects of wildland fire-*
20 *fighting, including support, response, emergency sta-*
21 *bilization activities, and other emergency manage-*
22 *ment activities of wildland firefighting on Federal*
23 *land, or on non-Federal land in accordance with a*
24 *fire protection agreement or cooperative agreement, by*
25 *the Federal land management agencies covered by—*

1 “(A) *the wildfire suppression subactivity of*
2 *the Wildland Fire Management account of the*
3 *Federal land management agencies; or*

4 “(B) *the FLAME Wildfire Suppression Re-*
5 *serve Fund account of the Federal land manage-*
6 *ment agencies.*

7 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
8 **DISASTER FOR WILDFIRE ON FEDERAL LAND.**

9 “(a) *IN GENERAL.—The Secretary of the Interior or*
10 *the Secretary of Agriculture may submit a request to the*
11 *President in accordance with the requirements of this title*
12 *for a declaration by the President that a major disaster for*
13 *wildfire on Federal land exists.*

14 “(b) *REQUIREMENTS.—A request for a declaration by*
15 *the President that a major disaster for wildfire on Federal*
16 *land exists shall—*

17 “(1) *be made in writing by the appropriate Sec-*
18 *retary;*

19 “(2) *certify that the amount made available for*
20 *the current fiscal year for wildfire suppression oper-*
21 *ations of the Federal land management agencies*
22 *under the jurisdiction of the appropriate Secretary,*
23 *net of any concurrently enacted rescissions of wildfire*
24 *suppression funds, increases the total unobligated bal-*
25 *ance of the amount available for wildfire suppression*

1 *by an amount not less than the average total cost in-*
2 *curred by the Federal land management agencies per*
3 *year for wildfire suppression operations, including*
4 *the suppression costs in excess of amounts made*
5 *available, during the previous 10 fiscal years;*

6 *“(3) certify that the amount available for wild-*
7 *fire suppression operations of the Federal land man-*
8 *agement agencies under the jurisdiction of the appro-*
9 *priate Secretary will be obligated not later than 30*
10 *days after the date on which the Secretary notifies the*
11 *President that amounts for wildfire suppression will*
12 *be exhausted to fund ongoing and anticipated wildfire*
13 *suppression operations relating to the wildfire on*
14 *which the request is based; and*

15 *“(4) specify the amount required for the fiscal*
16 *year during which the request is made to fund wild-*
17 *fire suppression operations relating to the wildfire on*
18 *which the request is based.*

19 *“(c) DECLARATION.—Based on the request of the ap-*
20 *propriate Secretary in accordance with this title, the Presi-*
21 *dent may declare that a major disaster for wildfire on Fed-*
22 *eral land exists.*

23 **“SEC. 803. WILDFIRE ON FEDERAL LAND ASSISTANCE.**

24 *“(a) IN GENERAL.—During a period for which the*
25 *President has declared that a major disaster for wildfire*

1 *on Federal land exists in accordance with this title, the*
 2 *President may transfer funds only from the account estab-*
 3 *lished in accordance with subsection (b) to the Secretary*
 4 *of the Interior or the Secretary of Agriculture to conduct*
 5 *wildfire suppression operations on—*

6 “(1) *Federal land; and*

7 “(2) *non-Federal land in accordance with a fire*
 8 *protection agreement or cooperative agreement.*

9 “(b) *WILDFIRE SUPPRESSION OPERATIONS AC-*
 10 *COUNT.—*

11 “(1) *IN GENERAL.—The President shall establish*
 12 *a specific account, to be known as the ‘wildfire sup-*
 13 *pression operations account’, for amounts that may be*
 14 *provided to the appropriate Secretary to conduct*
 15 *wildfire suppression operations in accordance with*
 16 *this title.*

17 “(2) *LIMITATION.—The account established in*
 18 *accordance with paragraph (1) may only be used to*
 19 *provide amounts to the appropriate Secretary to con-*
 20 *duct wildfire suppression operations in accordance*
 21 *with this title.*

22 “(c) *LIMITATION.—*

23 “(1) *LIMITATION OF TRANSFER.—*

24 “(A) *IN GENERAL.—The amounts available*
 25 *to the appropriate Secretary to conduct wildfire*

1 *suppression operations in accordance with this*
2 *title are limited to the amount requested in ac-*
3 *cordance with section 802(b)(4).*

4 “(B) *WILDFIRES SUPPRESSION OPERATIONS*
5 *ACCOUNT.—Amounts available for transfer to the*
6 *appropriate Secretary to conduct wildfire sup-*
7 *pression operations in accordance with this title*
8 *shall not exceed the amount contained in the*
9 *wildfire suppression operations account.*

10 “(2) *TRANSFER OF FUNDS.—A transfer under*
11 *subsection (a) shall be made by the transfer of*
12 *amounts from the wildfire suppression operations ac-*
13 *count to the wildfire suppression subactivity of the*
14 *Wildland Fire Management Account.*

15 “(d) *PROHIBITION OF OTHER TRANSFERS.—Except as*
16 *provided in this section, no amounts may be transferred*
17 *to or from the wildfire suppression operations account to*
18 *or from any other fund or account.*

19 “(e) *REIMBURSEMENT FOR WILDFIRE SUPPRESSION*
20 *OPERATIONS ON NON-FEDERAL LAND.—If amounts trans-*
21 *ferred to the appropriate Secretary to conduct wildfire sup-*
22 *pression operations in accordance with this title are used*
23 *to conduct wildfire suppression operations on non-Federal*
24 *land, the appropriate Secretary shall—*

1 “(1) secure reimbursement for the cost of the
2 wildfire suppression operations conducted on the non-
3 Federal land; and

4 “(2) transfer the amounts received under para-
5 graph (1) to the wildfire suppression operations ac-
6 count.

7 “(f) ANNUAL ACCOUNTING AND REPORTING REQUIRE-
8 MENTS.—

9 “(1) IN GENERAL.—Not later than 90 days after
10 the last day of each fiscal year for which the Sec-
11 retary of the Interior or the Secretary of Agriculture
12 receives amounts to conduct wildfire suppression op-
13 erations in accordance with this title, the appropriate
14 Secretary shall submit to the committees described in
15 paragraph (2), and make available to the public, a
16 report that describes the following:

17 “(A) The risk-based factors that influenced
18 management decisions regarding wildfire sup-
19 pression operations of the Federal land manage-
20 ment agencies under the jurisdiction of the Sec-
21 retary.

22 “(B) Specific discussion of a statistically
23 significant sample of large fires, in which each
24 fire is analyzed for—

25 “(i) cost drivers;

1 “(ii) the effectiveness of risk manage-
2 ment techniques;

3 “(iii) resulting positive or negative im-
4 pacts of fire on the landscape;

5 “(iv) the impact of any investments in
6 preparedness;

7 “(v) suggested corrective actions; and

8 “(vi) such other factors as the Sec-
9 retary considers appropriate.

10 “(C) Total expenditures for wildfire sup-
11 pression operations of the Federal land manage-
12 ment agencies under the jurisdiction of the Sec-
13 retary, including a description of expenditures
14 by—

15 “(i) fire size;

16 “(ii) cost;

17 “(iii) regional location; and

18 “(iv) such other factors as the Sec-
19 retary considers appropriate.

20 “(D) Lessons learned.

21 “(E) Such other matters as the Secretary
22 considers appropriate.

23 “(2) COMMITTEES DESCRIBED.—The committees
24 referred to in paragraph (1) are—

25 “(A) of the Senate—

1 “(i) the Committee on Agriculture, Nu-
2 trition, and Forestry;

3 “(ii) the Committee on Appropriations;

4 “(iii) the Committee on the Budget;

5 “(iv) the Committee on Energy and
6 Natural Resources;

7 “(v) the Committee on Homeland Secu-
8 rity and Governmental Affairs; and

9 “(vi) the Committee on Indian Affairs;
10 and

11 “(B) of the House of Representatives—

12 “(i) the Committee on Agriculture;

13 “(ii) the Committee on Appropriations;

14 “(iii) the Committee on the Budget;

15 “(iv) the Committee on Natural Re-
16 sources; and

17 “(v) the Committee on Transportation
18 and Infrastructure.

19 “(g) SAVINGS PROVISION.—Nothing in this title limits
20 the ability of the Secretary of the Interior, the Secretary
21 of Agriculture, an Indian tribe, or a State to receive assist-
22 ance through a declaration made by the President under
23 this Act if the criteria for that declaration have been satis-
24 fied.”.

1 **SEC. 103. PROHIBITION ON TRANSFERS.**

2 *No amounts may be transferred to or from the wildfire*
 3 *suppression subactivity of the Wildland Fire Management*
 4 *account or the FLAME Wildfire Suppression Reserve Fund*
 5 *account of the Federal land management agencies (as de-*
 6 *fin ed in section 801 of the Robert T. Stafford Disaster Relief*
 7 *and Emergency Assistance Act (as added by section 102))*
 8 *to or from any other account or subactivity of those Federal*
 9 *land management agencies that is not used to cover the cost*
 10 *of wildfire suppression operations.*

11 **TITLE II—EXPEDITED ENVIRON-**
 12 **MENTAL ANALYSIS AND**
 13 **AVAILABILITY OF CATEGOR-**
 14 **ICAL EXCLUSIONS TO EXPE-**
 15 **DITE FOREST MANAGEMENT**
 16 **ACTIVITIES**

17 **SEC. 201. ANALYSIS OF ONLY 2 ALTERNATIVES IN PRO-**
 18 **POSED COLLABORATIVE FOREST MANAGE-**
 19 **MENT ACTIVITIES.**

20 *(a) IN GENERAL.—This section shall apply whenever*
 21 *the Secretary concerned prepares an environmental assess-*
 22 *ment or an environmental impact statement pursuant to*
 23 *section 102(2) of the National Environmental Policy Act*
 24 *of 1969 (42 U.S.C. 4332(2)) for a forest management activ-*
 25 *ity—*

26 *(1) that is—*

1 (A) developed through a collaborative proc-
2 ess; or

3 (B) covered by a community wildfire pro-
4 tection plan; and

5 (2) the primary purpose of which is—

6 (A) the reduction of hazardous fuels;

7 (B) the reduction of fuel connectivity
8 through the installation of fuel and fire breaks;

9 (C) the restoration of forest health and resil-
10 ience;

11 (D) the protection of a municipal water
12 supply system (as defined in section 101 of the
13 Healthy Forests Restoration Act of 2003 (16
14 U.S.C. 6511)); or

15 (E) a combination of 2 or more purposes
16 described in subparagraphs (A) through (D).

17 (b) *CONSIDERATION OF ALTERNATIVES.*—In an envi-
18 ronmental assessment or environmental impact statement
19 described in subsection (a), the Secretary concerned shall
20 study, develop, and describe only the following 2 alter-
21 natives:

22 (1) The forest management activity, as proposed
23 pursuant to subsection (a).

24 (2) The alternative of no action.

1 (c) *ELEMENTS OF NO ACTION ALTERNATIVE.*—*In the*
2 *case of the alternative of no action, the Secretary concerned*
3 *shall evaluate—*

4 (1) *the effect of no action on—*

5 (A) *forest health;*

6 (B) *habitat diversity;*

7 (C) *wildfire potential;*

8 (D) *insect and disease potential; and*

9 (E) *other economic and social factors; and*

10 (2) *the implications of a resulting decline, if*
11 *any, in forest health, loss of habitat diversity, wild-*
12 *fire, or insect or disease infestation, given fire and in-*
13 *sect and disease historic cycles, on—*

14 (A) *domestic water costs;*

15 (B) *wildlife habitat loss; and*

16 (C) *other economic and social factors.*

17 **SEC. 202. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN**
18 **CRITICAL RESPONSE ACTIONS.**

19 (a) *IN GENERAL.*—*A categorical exclusion is available*
20 *to the Secretary concerned to propose a forest management*
21 *activity on National Forest System land or public land in*
22 *any case in which—*

23 (1) *the forest management activity is developed*
24 *and implemented through a collaborative process; and*

1 (2) *the primary purpose of the forest manage-*
2 *ment activity is—*

3 (A) *to address an insect or disease infesta-*
4 *tion;*

5 (B) *to reduce hazardous fuels;*

6 (C) *to protect a municipal water supply*
7 *system (as defined in section 101 of the Healthy*
8 *Forests Restoration Act of 2003 (16 U.S.C.*
9 *6511));*

10 (D) *to maintain, enhance, or modify crit-*
11 *ical habitat to protect the critical habitat from*
12 *catastrophic events;*

13 (E) *to increase water yield; or*

14 (F) *any combination of the purposes speci-*
15 *fied in subparagraphs (A) through (E).*

16 (b) *LIMITATION.—A forest management activity cov-*
17 *ered by the categorical exclusion described in subsection (a)*
18 *may not contain harvest units exceeding a total of 3,000*
19 *acres.*

20 (c) *REQUIREMENTS.—A forest management activity*
21 *covered by the categorical exclusion described in subsection*
22 *(a) shall be—*

23 (1) *based on the best available scientific informa-*
24 *tion; and*

25 (2) *subject to section 206.*

1 **SEC. 203. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE**
2 **OPERATIONS IN RESPONSE TO CATA-**
3 **STROPHIC EVENTS.**

4 (a) *IN GENERAL.*—A categorical exclusion is available
5 to the Secretary concerned to develop and carry out a sal-
6 vage operation as part of the restoration of National Forest
7 System land or public land following a catastrophic event.

8 (b) *ACREAGE LIMITATIONS.*—

9 (1) *IN GENERAL.*—Subject to paragraph (2), a
10 salvage operation covered by the categorical exclusion
11 described in subsection (a) may not contain harvest
12 units exceeding a total of 3,000 acres.

13 (2) *HARVEST AREA.*—The harvest units covered
14 by the categorical exclusion described in subsection
15 (a) may not exceed $\frac{1}{3}$ of the area impacted by the
16 catastrophic event.

17 (c) *REQUIREMENT.*—A salvage operation covered by
18 the categorical exclusion described in subsection (a) shall
19 be subject to section 206.

20 **SEC. 204. CATEGORICAL EXCLUSION TO MEET FOREST**
21 **PLAN GOALS FOR EARLY SUCCESSIONAL FOR-**
22 **ESTS.**

23 (a) *IN GENERAL.*—A categorical exclusion is available
24 to the Secretary concerned to develop and carry out a forest
25 management activity on National Forest System land or
26 public land—

1 (1) *in any case in which the forest management*
2 *activity is developed and implemented through a col-*
3 *laborative process; and*

4 (2) *when the primary purpose of the forest man-*
5 *agement activity is to modify, improve, enhance, or*
6 *create early successional forests for wildlife habitat*
7 *improvement and other purposes, consistent with the*
8 *applicable forest plan.*

9 (b) *PROJECT GOALS.*—*To the maximum extent prac-*
10 *ticable, the Secretary concerned shall design a forest man-*
11 *agement activity under this section to meet early succes-*
12 *sional forest goals in such a manner so as to maximize pro-*
13 *duction and regeneration of priority species, as identified*
14 *in the forest plan and consistent with the capability of the*
15 *activity site.*

16 (c) *LIMITATION.*—*A forest management activity cov-*
17 *ered by the categorical exclusion described in subsection (a)*
18 *may not contain harvest units exceeding a total of 3,000*
19 *acres.*

20 (d) *REQUIREMENTS.*—*A forest management activity*
21 *covered by the categorical exclusion described in subsection*
22 *(a) shall be—*

23 (1) *based on the best available scientific informa-*
24 *tion; and*

25 (2) *subject to section 206.*

1 **SEC. 205. CATEGORICAL EXCLUSION TO IMPROVE, RE-**
2 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *HAZARDOUS FUELS MANAGEMENT.—The*
5 *term “hazardous fuels management” means any vege-*
6 *tation management activities that reduce the risk of*
7 *wildfire.*

8 (2) *LATE-SEASON GRAZING.—The term “late-sea-*
9 *son grazing” means grazing activities that occur dur-*
10 *ing the period—*

11 (A) *beginning when both the invasive spe-*
12 *cies and native perennial species have completed*
13 *the current-year annual growth cycle of the spe-*
14 *cies; and*

15 (B) *ending when new plant growth begins*
16 *to appear in the following year.*

17 (3) *TARGETED LIVESTOCK GRAZING.—The term*
18 *“targeted livestock grazing” means grazing used for*
19 *purposes of hazardous fuel reduction.*

20 (b) *AVAILABILITY OF CATEGORICAL EXCLUSION.—A*
21 *categorical exclusion is available to the Secretary concerned*
22 *to carry out a forest management activity described in sub-*
23 *section (d) on National Forest System Land or public*
24 *land—*

1 (1) *in any case in which the forest management*
2 *activity is developed and implemented through a col-*
3 *laborative process; and*

4 (2) *when the primary purpose of the activity on*
5 *that National Forest System land or public land is—*

6 (A) *to improve forest health;*

7 (B) *to restore forest health;*

8 (C) *to reduce the risk of wildfire; or*

9 (D) *to achieve State wildlife population*
10 *goals.*

11 (c) *ACREAGE LIMITATIONS REQUIREMENTS.—A forest*
12 *management activity covered by the categorical exclusion*
13 *described in subsection (b)—*

14 (1) *may not contain harvest units exceeding a*
15 *total of 3,000 acres; and*

16 (2) *shall be based on the best available scientific*
17 *information.*

18 (d) *AUTHORIZED ACTIVITIES.—The following activi-*
19 *ties may be carried out using a categorical exclusion de-*
20 *scribed in subsection (b):*

21 (1) *Removal of juniper trees, medusahead rye,*
22 *conifer trees, pinon pine trees, cheatgrass, and other*
23 *noxious or invasive weeds specified on Federal or*
24 *State noxious weeds lists through late-season livestock*

1 *grazing, targeted livestock grazing, prescribed burns,*
2 *and mechanical treatments.*

3 (2) *Performance of hazardous fuels management.*

4 (3) *Creation of fuel and fire breaks.*

5 (4) *Modification of existing fences so as to dis-*
6 *tribute livestock and help improve wildlife habitat.*

7 (5) *Installation of erosion control devices.*

8 (6) *Construction of new and maintenance of per-*
9 *manent infrastructure, including stock ponds, water*
10 *catchments, and water spring boxes used to benefit*
11 *livestock and improve wildlife habitat.*

12 (7) *Performance of soil treatments, native and*
13 *nonnative seeding, and planting of and transplanting*
14 *sagebrush, grass, forb, shrub, and other species.*

15 (8) *Use of herbicides, if the Secretary concerned*
16 *determines that the activity is otherwise conducted*
17 *consistently with agency procedures, including any*
18 *forest plan applicable to the area covered by the activ-*
19 *ity.*

20 (e) *REQUIREMENT.—A forest management activity*
21 *covered by the categorical exclusion described in subsection*
22 *(b) shall be subject to section 206.*

23 **SEC. 206. CONSIDERATION OF RESOURCE CONDITIONS FOR**
24 **EXTRAORDINARY CIRCUMSTANCES.**

25 (a) *DEFINITIONS.—In this section:*

1 (1) *BENEFICIAL EFFECT.*—The term “beneficial
2 *effect*” means long-term—

3 (A) *improvement in ecological or*
4 *hydrological function and health;*

5 (B) *improvement in forest health;*

6 (C) *reduction in the risk of catastrophic*
7 *fire; or*

8 (D) *protection of watersheds.*

9 (2) *CATEGORICALLY EXCLUDED.*—The term “cat-
10 *egorically excluded*” means *categorically excluded*
11 *from further analysis and documentation in an envi-*
12 *ronmental assessment or an environmental impact*
13 *statement under the National Environmental Policy*
14 *Act of 1969 (42 U.S.C. 4321 et seq.).*

15 (b) *EXTRAORDINARY CIRCUMSTANCES.*—*Except as*
16 *provided in subsection (c), the extraordinary circumstances*
17 *procedures under section 220.6 of title 36, Code of Federal*
18 *Regulations (or a successor regulation), shall apply to a*
19 *proposal for—*

20 (1) *a forest management activity that is cat-*
21 *egorically excluded under this title; or*

22 (2) *a project that is categorically excluded under*
23 *section 603(a)(1) of the Healthy Forests Restoration*
24 *Act of 2013 (16 U.S.C. 6591b(a)(1)).*

25 (c) *CONSIDERATION OF BENEFICIAL EFFECTS.*—

1 (1) *IN GENERAL.*—*In determining whether ex-*
2 *traordinary circumstances preclude a proposal for a*
3 *forest management activity or project described in*
4 *paragraph (1) or (2) of subsection (b) from being cat-*
5 *egorically excluded, the Secretary shall consider the*
6 *beneficial effect of the proposed forest management ac-*
7 *tivity or project on sensitive species.*

8 (2) *REASONABLE BENEFICIAL EFFECT.*—*The*
9 *Secretary shall not determine that extraordinary cir-*
10 *cumstances preclude a proposal for a forest manage-*
11 *ment activity or project described in paragraph (1) or*
12 *(2) of subsection (b) from being categorically excluded*
13 *if, after consideration under paragraph (1), the Sec-*
14 *retary determines that there is a reasonable beneficial*
15 *effect or reasonably foreseeable beneficial effect of the*
16 *proposed forest management activity or project on*
17 *sensitive species.*

18 (3) *EFFECT OF UNCERTAINTY.*—*Uncertainty*
19 *with respect to the degree of a beneficial effect under*
20 *paragraph (1) or (2) shall not preclude the use of a*
21 *categorical exclusion.*

22 **SEC. 207. COMPLIANCE WITH FOREST PLAN.**

23 *A forest management activity covered by a categorical*
24 *exclusion described in this title shall be conducted in a man-*
25 *ner consistent with the forest plan applicable to the Na-*

1 *tional Forest System land or public land covered by the*
2 *forest management activity.*

3 **SEC. 208. ROADS.**

4 (a) *PERMANENT ROADS.*—*A forest management activ-*
5 *ity carried out under this title shall not include the con-*
6 *struction of new permanent roads.*

7 (b) *EXISTING ROADS.*—*The Secretary concerned may*
8 *carry out necessary maintenance of, repairs to, or recon-*
9 *struction of an existing permanent road for the purposes*
10 *of this title.*

11 (c) *TEMPORARY ROADS.*—*The Secretary concerned*
12 *shall decommission any temporary road constructed under*
13 *this title not later than 3 years after the date on which*
14 *the project is completed.*

15 **SEC. 209. EXCLUSIONS.**

16 *This title does not apply to—*

17 (1) *a component of the National Wilderness Pres-*
18 *ervation System;*

19 (2) *any Federal land on which, by Act of Con-*
20 *gress, the removal of vegetation is prohibited;*

21 (3) *a congressionally designated wilderness study*
22 *area; or*

23 (4) *an area in which the activities authorized*
24 *under this title would be inconsistent with the appli-*
25 *cable resource management plan.*

1 **TITLE III—TRIBAL FORESTRY**
2 **PARTICIPATION AND PROTEC-**
3 **TION**

4 **SEC. 301. PROTECTION OF TRIBAL FOREST ASSETS.**

5 (a) *PROMPT CONSIDERATION OF TRIBAL RE-*
6 *QUESTS.*—Section 2(b) of the Tribal Forest Protection Act
7 of 2004 (25 U.S.C. 3115a(b)) is amended—

8 (1) in paragraph (1), by striking “Not later than
9 120 days after the date on which an Indian tribe sub-
10 mits to the Secretary” and inserting “In response to
11 the submission by an Indian tribe to the Secretary
12 of”;
13 and

14 (2) by adding at the end the following:

15 “(4) *TIME PERIODS FOR CONSIDERATION.*—

16 “(A) *INITIAL RESPONSE.*—Not later than
17 120 days after the date on which the Secretary
18 receives a tribal request under paragraph (1), the
19 Secretary shall provide an initial response to the
20 Indian tribe regarding—

21 “(i) whether the request may meet the
22 selection criteria described in subsection (c);
23 and

24 “(ii) the likelihood of the Secretary en-
tering into an agreement or contract with

1 the Indian tribe under paragraph (2) for
2 activities described in paragraph (3).

3 “(B) NOTICE OF DENIAL.—A notice under
4 subsection (d) of the denial of a tribal request
5 under paragraph (1) shall be provided to the In-
6 dian tribe by not later than 1 year after the date
7 on which the Secretary receives the request.

8 “(C) COMPLETION.—Not later than 2 years
9 after the date on which the Secretary receives a
10 tribal request under paragraph (1) (other than a
11 tribal request denied under subsection (d)) the
12 Secretary shall—

13 “(i) complete all environmental reviews
14 necessary in connection with the agreement
15 or contract and proposed activities under
16 the agreement or contract; and

17 “(ii) enter into the agreement or con-
18 tract with the Indian tribe under para-
19 graph (2).”.

20 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
21 Section 2 of the Tribal Forest Protection Act of 2004 (25
22 U.S.C. 3115a) is amended—

23 (1) in subsections (b)(1) and (f)(1), by striking
24 “section 347 of the Department of the Interior and
25 Related Agencies Appropriations Act, 1999 (16

1 *U.S.C. 2104 note; Public Law 105–277) (as amended*
 2 *by section 323 of the Department of the Interior and*
 3 *Related Agencies Appropriations Act, 2003 (117 Stat.*
 4 *275))” each place it appears and inserting “section*
 5 *604 of the Healthy Forests Restoration Act of 2003*
 6 *(16 U.S.C. 6591c)”;* and

7 *(2) in subsection (d), in the matter preceding*
 8 *paragraph (1), by striking “subsection (b)(1), the Sec-*
 9 *retary may” and inserting “paragraphs (1) and*
 10 *(4)(B) of subsection (b), the Secretary shall”.*

11 **SEC. 302. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
 12 **IZED TO INCLUDE RELATED NATIONAL FOR-**
 13 **EST SYSTEM LAND AND PUBLIC LAND.**

14 *Section 305 of the National Indian Forest Resources*
 15 *Management Act (25 U.S.C. 3104) is amended by adding*
 16 *at the end the following:*

17 *“(c) INCLUSION OF CERTAIN NATIONAL FOREST SYS-*
 18 *TEM LAND AND PUBLIC LAND.—*

19 *“(1) DEFINITIONS.—In this subsection:*

20 *“(A) FEDERAL FOREST LAND.—The term*
 21 *‘Federal forest land’ means—*

22 *“(i) National Forest System land; and*

23 *“(ii) public lands (as defined in sec-*
 24 *tion 103 of the Federal Land Policy and*

1 *Management Act of 1976 (43 U.S.C. 1702)),*
2 *including—*

3 “(I) *Coos Bay Wagon Road Grant*
4 *land reconveyed to the United States*
5 *pursuant to the first section of the Act*
6 *of February 26, 1919 (40 Stat. 1179,*
7 *chapter 47); and*

8 “(II) *Oregon and California Rail-*
9 *road Grant land.*

10 “(B) *SECRETARY CONCERNED.—The term*
11 *‘Secretary concerned’ means—*

12 “(i) *the Secretary of Agriculture, with*
13 *respect to the Federal forest land described*
14 *in subparagraph (A)(i); and*

15 “(ii) *the Secretary of the Interior, with*
16 *respect to the Federal forest land described*
17 *in subparagraph (A)(ii).*

18 “(2) *AUTHORITY.—*

19 “(A) *IN GENERAL.—On request of an In-*
20 *Indian tribe, the Secretary concerned may treat*
21 *Federal forest land described in subparagraph*
22 *(B) as Indian forest land for purposes of plan-*
23 *ning and conducting forest land management ac-*
24 *tivities under this section.*

1 “(B) *FEDERAL FOREST LAND DESCRIBED.*—
2 *Federal forest land referred to in subparagraph*
3 *(A) is Federal forest land that is located within,*
4 *or mostly within, a geographic area that pre-*
5 *sents a feature or involves circumstances prin-*
6 *cipally relevant to the Indian tribe making the*
7 *request, including Federal forest land—*

8 “(i) *ceded to the United States by trea-*
9 *ty;*

10 “(ii) *located within the boundaries of a*
11 *current or former Indian reservation; or*

12 “(iii) *adjudicated to be tribal home-*
13 *land.*

14 “(3) *REQUIREMENTS.*—*As part of an agreement*
15 *to treat Federal forest land as Indian forest land*
16 *under paragraph (2), the Secretary concerned and the*
17 *Indian tribe making the request shall—*

18 “(A) *provide for continued public access ap-*
19 *plicable to the Federal forest land prior to the*
20 *date of the agreement, except that the Secretary*
21 *concerned may limit or prohibit that access as*
22 *necessary;*

23 “(B) *continue sharing revenue generated by*
24 *the Federal forest land with State and local gov-*
25 *ernments either—*

1 “(i) on the terms applicable to the Fed-
2 eral forest land prior to the date of the
3 agreement, including, as applicable, 25-per-
4 cent payments or 50-percent payments; or

5 “(ii) at the option of the Indian tribe,
6 on terms agreed to by the Indian tribe, the
7 Secretary concerned, and State and local
8 governments participating in a revenue
9 sharing agreement applicable to the Federal
10 forest land;

11 “(C) comply with applicable prohibitions
12 on the export of unprocessed logs harvested from
13 the Federal forest land;

14 “(D) recognize all right-of-way agreements
15 in effect on the Federal forest land prior to the
16 commencement of tribal forest land management
17 activities; and

18 “(E) ensure that any commercial timber re-
19 moved from the Federal forest land is sold on a
20 competitive bid basis.

21 “(4) *EFFECT.*—The treatment of Federal forest
22 land as Indian forest land for purposes of planning
23 and conducting forest land management activities
24 pursuant to paragraph (2) does not designate the

1 (A) a State or political subdivision of a
2 State that contains National Forest System land
3 or public land;

4 (B) a publicly chartered utility serving 1 or
5 more States or political subdivisions of a State;

6 (C) a rural electric company; and

7 (D) any other entity determined by the Sec-
8 retary concerned to be appropriate for participa-
9 tion in the Fund.

10 (2) FUND.—The term “Fund” means the State-
11 Supported Forest Management Fund established by
12 subsection (b).

13 (b) ESTABLISHMENT.—There is established in the
14 Treasury of the United States a fund, to be known as the
15 “State-Supported Forest Management Fund”, to cover the
16 cost of planning (especially as relating to compliance with
17 section 102(2) of the National Environmental Policy Act
18 of 1969 (42 U.S.C. 4332(2))), carrying out, and monitoring
19 certain forest management activities on National Forest
20 System land or public land.

21 (c) CONTENTS.—The Fund shall consist of such
22 amounts as may be—

23 (1) contributed by an eligible entity for deposit
24 in the Fund;

25 (2) appropriated to the Fund; or

1 (3) *generated by forest management activities*
2 *carried out using amounts in the Fund.*

3 (d) *GEOGRAPHICAL AND USE LIMITATIONS.—In mak-*
4 *ing a contribution under subsection (c)(1), an eligible entity*
5 *may—*

6 (1) *specify the National Forest System land or*
7 *public land for which the contribution may be ex-*
8 *pended; and*

9 (2) *limit the types of forest management activi-*
10 *ties for which the contribution may be expended.*

11 (e) *AUTHORIZED ACTIVITIES.—In such amounts as*
12 *may be provided in advance in appropriation Acts, the Sec-*
13 *retary concerned may use amounts in the Fund to plan,*
14 *carry out, and monitor any forest management activity*
15 *that is—*

16 (1) *developed and implemented through a col-*
17 *laborative process;*

18 (2) *proposed by a resource advisory committee;*
19 *or*

20 (3) *covered by a community wildfire protection*
21 *plan.*

22 (f) *IMPLEMENTATION METHODS.—*

23 (1) *IN GENERAL.—A forest management activity*
24 *carried out using amounts in the Fund may be car-*
25 *ried out pursuant to—*

1 (A) a stewardship end result contracting
2 project authorized under section 604 of the
3 *Healthy Forests Restoration Act of 2003* (16
4 *U.S.C. 6591c*);

5 (B) good neighbor authority under section
6 8206 of the *Agricultural Act of 2014* (16 *U.S.C.*
7 *2113a*) and section 331 of the *Department of the*
8 *Interior and Related Agencies Appropriations*
9 *Act, 2001* (*Public Law 106–291*; *114 Stat. 996*;
10 *118 Stat. 3102*; *123 Stat. 2961*; *128 Stat. 341*);

11 (C) a contract under section 14 of the *Na-*
12 *tional Forest Management Act of 1976* (16
13 *U.S.C. 472a*); or

14 (D) any other authority available to the
15 Secretary concerned.

16 (2) *USE OF REVENUES.*—Any revenue generated
17 by a forest management activity described in para-
18 graph (1) shall be used to reimburse the Fund for
19 planning costs covered using amounts in the Fund.

20 (g) *RELATION TO OTHER LAWS.*—

21 (1) *REVENUE SHARING.*—Subject to subsection
22 (f), revenues generated by a forest management activ-
23 ity carried out using amounts from the Fund shall be
24 considered to be monies received from the *National*
25 *Forest System*.

1 **SEC. 404. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
2 **RESTORATION PROGRAM.**

3 (a) *IN GENERAL.*—Section 13A of the Cooperative For-
4 *estry Assistance Act of 1978 (16 U.S.C. 2109a) is amended*
5 *to read as follows:*

6 **“SEC. 13A. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
7 **RESTORATION PROGRAM.**

8 “(a) *PURPOSE.*—*The purpose of this section is to en-*
9 *courage collaborative, science-based restoration of priority*
10 *forest landscapes and help manage forest resources that are*
11 *at risk of—*

12 “(1) *catastrophic events (as defined in section 2*
13 *of the Emergency Wildfire and Forest Management*
14 *Act of 2016); and*

15 “(2) *any other threats that degrade the vitality*
16 *of forest ecosystems.*

17 “(b) *DEFINITIONS.*—*In this section:*

18 “(1) *BEGINNING FOREST OWNER.*—*The term ‘be-*
19 *ginning forest owner’ means a person who is in the*
20 *first 10 years of ownership of nonindustrial private*
21 *forest land.*

22 “(2) *INDIAN TRIBE.*—*The term ‘Indian tribe’ has*
23 *the meaning given the term in section 4 of the Indian*
24 *Self-Determination and Education Assistance Act (25*
25 *U.S.C. 450b).*

1 “(3) *NONINDUSTRIAL PRIVATE FOREST LAND.*—
2 *The term ‘nonindustrial private forest land’ means*
3 *land that—*

4 “(A) *is rural, as determined by the Sec-*
5 *retary;*

6 “(B) *has existing tree cover or is suitable*
7 *for growing trees; and*

8 “(C) *is owned by any private individual,*
9 *group, association, corporation, Indian tribe, or*
10 *other private legal entity.*

11 “(4) *STATE FOREST LAND.*—*The term ‘State for-*
12 *est land’ means land that—*

13 “(A) *is rural, as determined by the Sec-*
14 *retary; and*

15 “(B) *is under State or local governmental*
16 *ownership and considered to be non-Federal for-*
17 *est land.*

18 “(c) *ESTABLISHMENT.*—*The Secretary, in consultation*
19 *with State Foresters or appropriate State agencies, shall*
20 *establish a competitive grant program to provide financial*
21 *and technical assistance—*

22 “(1) *to encourage active forest management on*
23 *cross-boundary priority forest landscapes, including*
24 *land owned by beginning and previously unengaged*

1 *forest owners, for the purpose of maintaining forest*
2 *health;*

3 *“(2) to protect forests from natural threats and*
4 *wildfire;*

5 *“(3) to enhance public benefits from forests;*

6 *“(4) to conserve and manage working forest*
7 *landscapes for multiple values and uses; and*

8 *“(5) to advance priorities in statewide forest as-*
9 *essment and resource strategies.*

10 *“(d) ELIGIBILITY.—To be eligible to receive a grant*
11 *under this section, an applicant shall submit to the Sec-*
12 *retary, through the State forester or appropriate State agen-*
13 *cy, a State and private forest landscape-scale restoration*
14 *proposal based on a restoration strategy that is—*

15 *“(1) complete or substantially complete;*

16 *“(2) for a multiyear period;*

17 *“(3) comprised of nonindustrial private forest*
18 *land or State forest land;*

19 *“(4) accessible by wood-processing infrastructure;*
20 *and*

21 *“(5) based on the best available science.*

22 *“(e) PLAN CRITERIA.—A State and private forest*
23 *landscape-scale restoration proposal submitted under this*
24 *section shall include plans—*

1 “(1) to reduce the risk of uncharacteristic
2 wildfires, including hazardous fuels management;

3 “(2) to improve fish and wildlife habitats, in-
4 cluding the habitats of threatened and endangered
5 species;

6 “(3) to maintain or improve water quality and
7 watershed function;

8 “(4) to mitigate invasive species, insect infesta-
9 tion, and disease;

10 “(5) to improve important forest ecosystems;

11 “(6) to measure ecological and economic benefits,
12 including air quality and soil quality and produc-
13 tivity;

14 “(7) to prioritize a State forest action plan;

15 “(8) to utilize and advance production of renew-
16 able energy; and

17 “(9) to take other relevant actions, as determined
18 by the Secretary.

19 “(f) *PRIORITIES.*—In making grants under this sec-
20 tion, the Secretary shall give priority to plans that—

21 “(1) further a statewide forest assessment and re-
22 source strategy;

23 “(2) promote cross boundary landscape collabo-
24 ration; and

25 “(3) leverage public and private resources.

1 “(g) *COLLABORATION AND CONSULTATION.*—*The Chief*
2 *of the Forest Service, the Chief of the Natural Resources*
3 *Conservation Service, and relevant stakeholders shall col-*
4 *laborate and consult on an ongoing basis regarding admin-*
5 *istration of the program established under this section and*
6 *identifying other applicable resources towards landscape-*
7 *scale restoration.*

8 “(h) *MATCHING FUNDS REQUIRED.*—*As a condition*
9 *of receiving a grant under this section, the Secretary shall*
10 *require the recipient of the grant to provide funds or in-*
11 *kind support from non-Federal sources in an amount that*
12 *is at least equal to the amount provided by the Federal Gov-*
13 *ernment.*

14 “(i) *COORDINATION AND PROXIMITY ENCOURAGED.*—
15 *In making grants under this section, the Secretary may*
16 *consider coordination with and proximity to other land-*
17 *scape-scale projects on other land under the jurisdiction of*
18 *the Secretary, the Secretary of the Interior, or a Governor*
19 *of a State, including under—*

20 “(1) *the Collaborative Forest Landscape Restora-*
21 *tion Program established under section 4003 of the*
22 *Omnibus Public Land Management Act of 2009 (16*
23 *U.S.C. 7303);*

1 “(2) *landscape areas designated for insect and*
2 *disease treatments under section 602 of the Healthy*
3 *Forests Restoration Act of 2003 (16 U.S.C. 6591a);*

4 “(3) *good neighbor authority under section 8206*
5 *of the Agricultural Act of 2014 (16 U.S.C. 2113a)*
6 *and section 331 of the Department of the Interior and*
7 *Related Agencies Appropriations Act, 2001 (Public*
8 *Law 106–291; 114 Stat. 996; 118 Stat. 3102, 123*
9 *Stat. 2961; 128 Stat. 341);*

10 “(4) *stewardship end result contracting projects*
11 *authorized under section 604 of the Healthy Forests*
12 *Restoration Act of 2003 (16 U.S.C. 6591c);*

13 “(5) *appropriate State-level programs; and*

14 “(6) *other relevant programs, as determined by*
15 *the Secretary.*

16 “(j) *REGULATIONS.—The Secretary shall promulgate*
17 *such regulations as the Secretary determines necessary to*
18 *carry out this section.*

19 “(k) *REPORT.—Not later than 3 years after the date*
20 *of enactment of this section, the Secretary shall submit to*
21 *the Committee on Agriculture of the House of Representa-*
22 *tives and the Committee on Agriculture, Nutrition, and*
23 *Forestry of the Senate a report on the status of development,*
24 *execution, and administration of selected projects, account-*

1 *ing of program funding expenditures, and specific accom-*
2 *plishments that have resulted from landscape-scale projects.*

3 “(l) *FUND.*—

4 “(1) *IN GENERAL.*—*There is established in the*
5 *Treasury of the United States a fund, to be known as*
6 *the ‘State and Private Forest Landscape-Scale Res-*
7 *toration Fund’ (referred to in this subsection as the*
8 *‘Fund’), to be used by the Secretary to make grants*
9 *under this section.*

10 “(2) *CONTENTS.*—*The Fund shall consist of such*
11 *amounts as are appropriated to the Fund under*
12 *paragraph (3).*

13 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
14 *There is authorized to be appropriated to the Fund*
15 *\$40,000,000 for each fiscal year beginning with the*
16 *first full fiscal year after the date of enactment of the*
17 *Emergency Wildfire and Forest Management Act of*
18 *2016 through fiscal year 2018, to remain available*
19 *until expended.”.*

20 (b) *CONFORMING AMENDMENTS.*—

21 (1) *Section 13B of the Cooperative Forestry As-*
22 *sistance Act of 1978 (16 U.S.C. 2109b) is repealed.*

23 (2) *Section 19(a)(4)(C) of the Cooperative For-*
24 *estry Assistance Act of 1978 (16 U.S.C.*

1 2113(a)(4)(C)) is amended by striking “sections 13A
2 and 13B” and inserting “section 13A”.

3 **SEC. 405. PILOT ARBITRATION PROGRAM.**

4 (a) *DEFINITIONS.*—In this section:

5 (1) *ARBITRATOR.*—The term “arbitrator” means
6 a professional arbitrator or other individual who—

7 (A) possesses expertise in the subject matter
8 of a specific demand for arbitration filed under
9 subsection (f); and

10 (B) is selected by the Secretary to make a
11 decision on that specific demand for arbitration
12 in accordance with subsection (g).

13 (2) *NATURAL DISASTER.*—The term “natural
14 disaster” mean a wildfire, hurricane or excessive
15 winds, drought, ice storm or blizzard, flood, or other
16 resource-impacting event, as determined by the Sec-
17 retary.

18 (3) *PROGRAM.*—The term “program” means the
19 pilot arbitration program established by the Secretary
20 under subsection (b).

21 (b) *ESTABLISHMENT.*—

22 (1) *IN GENERAL.*—The Secretary shall establish
23 within the Forest Service a pilot arbitration program
24 to designate any of the projects described in subsection

1 (c) for an alternative dispute resolution process to re-
2 place judicial review of the projects.

3 (2) *DESIGNATION PROCESS.*—The Secretary
4 shall—

5 (A) establish a process for the designation of
6 projects for the program in accordance with this
7 section; and

8 (B) publish in the Federal Register the des-
9 ignation process described in subparagraph (A).

10 (c) *DESIGNATION OF PROJECTS.*—The Secretary may
11 designate for the program projects that—

12 (1)(A) are developed through a collaborative
13 process;

14 (B) are proposed by a resource advisory com-
15 mittee;

16 (C)(i) are necessary to address damage caused by
17 a natural disaster on National Forest System land
18 that, if not treated—

19 (I) would impair or endanger the natural
20 resources on the National Forest System land;
21 and

22 (II) would materially affect future use of
23 the National Forest System land; and

1 (ii) would restore forest health and forest-related
2 resources on the National Forest System land de-
3 scribed in clause (i);

4 (D) respond to damage as a result of natural
5 disasters;

6 (E) address insect or disease infestation;

7 (F) are carried out under the Tribal Forest Pro-
8 tection Act of 2004 (25 U.S.C. 3115a); or

9 (G) are carried out under community wildfire
10 protection plans (as defined in section 101 of the
11 Healthy Forest Restoration Act of 2003 (16 U.S.C.
12 6511)); and

13 (2) do not constitute final agency action.

14 (d) *LIMITATION OF PROJECTS.*—Not more than 10
15 projects described in subsection (c) may be designated for
16 the program in any applicable calendar year.

17 (e) *TERMINATION OF AUTHORITY.*—The authority to
18 designate a project described in subsection (c) for the pro-
19 gram terminates on October 1, 2018.

20 (f) *DEMAND FOR ARBITRATION.*—

21 (1) *IN GENERAL.*—Subject to paragraph (2), an
22 individual or entity—

23 (A) may file a demand for arbitration re-
24 garding a project described in subsection (c) that
25 has been designated for the program under sub-

1 *section (b) in accordance with subchapter IV of*
2 *chapter 5 of title 5, United States Code; and*

3 *(B) if a demand for arbitration is filed*
4 *under subparagraph (A), shall include in the de-*
5 *mand for arbitration a proposal for an alter-*
6 *native to the project that describes each modifica-*
7 *tion sought with respect to the project.*

8 (2) *REQUIREMENT.*—*A demand for arbitration*
9 *may only be filed under paragraph (1) by an indi-*
10 *vidual or entity that—*

11 *(A) participated in a collaborative process;*

12 *or*

13 *(B) proposed the project with a resource ad-*
14 *visory committee.*

15 (g) *RESPONSIBILITIES OF ARBITRATOR.*—

16 (1) *IN GENERAL.*—*An arbitrator shall make a*
17 *decision on each demand for arbitration under this*
18 *section by selecting only—*

19 *(A) the project, as approved by the Sec-*
20 *retary; or*

21 *(B) a proposal submitted by an individual*
22 *or entity under subsection (f)(1)(B).*

23 (2) *LIMITATIONS.*—

24 (A) *ADMINISTRATIVE RECORD.*—*A decision*
25 *of an arbitrator under this subsection shall be*

1 *based solely on the administrative record for the*
2 *project.*

3 *(B) NO MODIFICATIONS TO PROPOSALS.—*
4 *An arbitrator may not modify any proposal con-*
5 *tained in a demand for arbitration under this*
6 *section.*

7 *(C) DECISION REQUIREMENTS.—A decision*
8 *of an arbitrator under this subsection shall be—*

9 *(i) within the authority of the Sec-*
10 *retary; and*

11 *(ii) consistent with each applicable for-*
12 *est plan.*

13 *(D) RULES.—Arbitration under this sub-*
14 *section shall be conducted in accordance with the*
15 *appropriate rules and procedures of the Amer-*
16 *ican Arbitration Association.*

17 *(h) EFFECT OF ARBITRATION DECISION.—A decision*
18 *of an arbitrator under this section—*

19 *(1) shall not be considered to be a major Federal*
20 *action;*

21 *(2) shall be binding; and*

22 *(3) shall not be subject to judicial review, except*
23 *as provided in section 10(a) of title 9, United States*
24 *Code.*

1 **SEC. 406. NATIONAL FOREST SYSTEM ACCELERATED LAND-**
2 **SCAPE RESTORATION PILOT PROGRAM.**

3 (a) *IN GENERAL.*—*Title VI of the Healthy Forests Res-*
4 *toration Act of 2003 (16 U.S.C. 6591 et seq.) is amended*
5 *by adding at the end the following:*

6 **“SEC. 605. NATIONAL FOREST SYSTEM ACCELERATED LAND-**
7 **SCAPE RESTORATION PILOT PROGRAM.**

8 “(a) *DEFINITIONS.*—*In this section:*

9 “(1) *COLLABORATIVE GROUP.*—*The term ‘col-*
10 *laborative group’ means a group of individuals, oper-*
11 *ating in a transparent and inclusive manner, that*
12 *represent a balance of the interests of entities includ-*
13 *ing—*

14 “(A) *conservation organizations;*

15 “(B) *timber and forest products organiza-*
16 *tions;*

17 “(C) *local and tribal governments;*

18 “(D) *community organizations; and*

19 “(E) *other multiple-use groups with an in-*
20 *terest in the National Forest System, as deter-*
21 *mined by the Secretary.*

22 “(2) *DESIGNATED LANDSCAPE.*—*The term ‘des-*
23 *ignated landscape’ means a landscape-scale area des-*
24 *ignated for the pilot program under subsection (b)(2).*

25 “(3) *FOREST HEALTH.*—*The term ‘forest health’*
26 *means the state in which a forest—*

1 “(A)(i) is durable, resilient, and less prone
2 to wildfire, insect, or pathogen outbreaks of a se-
3 verity, size, or quantity that exceeds the natural
4 range of variation, taking into account the an-
5 ticipated future conditions of the forest;

6 “(ii) supports—

7 “(I) ecosystem services and functions;

8 and

9 “(II) populations of native plant spe-
10 cies; and

11 “(iii) allows for natural disturbances; or

12 “(B) can maintain or develop, within ac-
13 ceptable ranges, regimes of—

14 “(i) species composition;

15 “(ii) ecosystem function and structure;

16 “(iii) hydrologic function; and

17 “(iv) sediment.

18 “(4) *PILOT PROGRAM.*—The term ‘pilot program’
19 means the National Forest System accelerated land-
20 scape restoration pilot program established by the
21 Secretary under subsection (b)(1).

22 “(5) *SECRETARY.*—The term ‘Secretary’ means
23 the Secretary of Agriculture.

24 “(b) *ESTABLISHMENT.*—

1 “(1) *IN GENERAL.*—*The Secretary shall establish*
2 *a National Forest System accelerated landscape res-*
3 *toration pilot program to restore or maintain des-*
4 *ignated landscapes.*

5 “(2) *DESIGNATION.*—*The Secretary, acting*
6 *through the Chief of the Forest Service, shall, in ac-*
7 *cordance with this subsection, designate for the pilot*
8 *program not fewer than 10 landscape-scale areas*
9 *within the National Forest System (as defined in sec-*
10 *tion 11(a) of the Forest and Rangeland Renewable*
11 *Resources Planning Act of 1974 (16 U.S.C. 1609(a)).*

12 “(3) *ELIGIBILITY.*—*Each designated landscape*
13 *shall—*

14 “(A) *include not less than 75,000 acres and*
15 *not more than 1,000,000 acres;*

16 “(B) *be identified by a collaborative group;*

17 “(C) *not include any inventoried roadless*
18 *area; and*

19 “(D) *include forests that—*

20 “(i) *are not in a state of forest health;*

21 “(ii) *are at increased risk of high-se-*
22 *verity wildfire; or*

23 “(iii) *are at increased risk of an insect*
24 *or disease infestation.*

25 “(4) *CONSIDERATION.*—

1 “(A) *IN GENERAL.*—*In designating land-*
2 *scape-scale areas for the pilot program under*
3 *paragraph (2), the Secretary shall—*

4 “(i) *prioritize landscape-scale areas in*
5 *which social, ecological, and economic con-*
6 *ditions support landscape-scale restoration;*
7 *and*

8 “(ii) *consider the factors described in*
9 *subparagraph (B).*

10 “(B) *FACTORS.*—*The factors referred to in*
11 *subparagraph (A)(i) are the following factors:*

12 “(i) *The existence of strong collabo-*
13 *rative support for landscape-scale restora-*
14 *tion.*

15 “(ii) *The ecological conditions that are*
16 *conducive to landscape-scale decisions, such*
17 *as broad categories of land that would ben-*
18 *efit from similar restoration treatments.*

19 “(iii) *Economic conditions, such as the*
20 *existence of infrastructure in proximity to*
21 *the landscape-scale area that can make eco-*
22 *nomical use of the forest byproducts of res-*
23 *toration.*

24 “(iv) *The extent to which the land-*
25 *scape-scale area is important to support,*

1 *maintain, or improve water quality and*
2 *watershed function.*

3 “(v) *Other considerations, as deter-*
4 *mined by the Secretary.*

5 “(5) *PUBLIC NOTICE.—*

6 “(A) *INITIAL NOTICE.—Not later than 90*
7 *days after the date of enactment of this Act, the*
8 *Secretary shall publish in the Federal Register a*
9 *notice of the process for the designation of land-*
10 *scape-scale areas for the pilot program under*
11 *paragraph (2).*

12 “(B) *FINAL NOTICE.—Not later than 1 year*
13 *after the date of enactment of this section, the*
14 *Secretary shall publish in the Federal Register a*
15 *notice describing—*

16 “(i) *each designated landscape;*

17 “(ii) *the rationale for designating, in*
18 *accordance with the requirements described*
19 *in paragraph (3), each designated land-*
20 *scape;*

21 “(iii) *any collaborative group used to*
22 *identify a designated landscape;*

23 “(iv) *an overview of any forest health*
24 *problem with respect to each designated*
25 *landscape;*

1 “(v) a discussion of the purpose of, and
2 need for, restoration of each designated
3 landscape;

4 “(vi) a summary of the management
5 actions necessary to achieve restoration of
6 each designated landscape;

7 “(vii) findings relating to the short-
8 term and long-term risks and impacts of no
9 action compared to restoration of each des-
10 ignated landscape; and

11 “(viii) a notice of intent to prepare an
12 environmental impact statement for treat-
13 ment within each designated landscape.

14 “(c) *LANDSCAPE-SCALE ENVIRONMENTAL IMPACT*
15 *STATEMENT.*—*The Secretary shall prepare, for each des-*
16 *ignated landscape, a landscape-scale environmental impact*
17 *statement for purposes of compliance with the National En-*
18 *vironmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
19 *that—*

20 “(1) *is commensurate with the geographic scope*
21 *of the designated landscape;*

22 “(2) *is sufficient to allow—*

23 “(A) *project-scale implementation;*

24 “(B) *adaptive management, including site-*
25 *specific options, to ensure that project implemen-*

1 *tation stays within the documented range of im-*
2 *pacts;*

3 “(C) *site descriptions or land allocations*
4 *that identify locations within the landscape in*
5 *which specific restoration or maintenance treat-*
6 *ments can be used appropriately; and*

7 “(D) *standards and guidelines, consistent*
8 *with the appropriate forest plan and project-level*
9 *design criteria, for management or other project*
10 *activities; and*

11 “(3) *includes—*

12 “(A) *an identification of any forest health*
13 *problem;*

14 “(B) *an identification of the purpose of the*
15 *treatment, and need, to restore to more resilient*
16 *and healthy conditions, or to maintain, forest*
17 *health in the designated landscape;*

18 “(C) *an estimate of the time needed to sat-*
19 *isfy the purpose and need described in subpara-*
20 *graph (B) and the scale of the restoration or*
21 *maintenance treatment needed to satisfy that*
22 *purpose and need;*

23 “(D) *a description of potential restoration*
24 *or maintenance treatment that would contribute*

1 (2) *STATE.*—*The term “State” means the State*
2 *of Tennessee.*

3 (b) *DESIGNATION OF WILDERNESS.*—*In accordance*
4 *with the Wilderness Act (16 U.S.C. 1131 et seq.), the fol-*
5 *lowing parcels of Federal land in the Cherokee National*
6 *Forest in the State are designated as wilderness and as ad-*
7 *ditions to the National Wilderness Preservation System:*

8 (1) *Certain land comprising approximately*
9 *9,038 acres, as generally depicted as the “Upper Bald*
10 *River Wilderness” on the Map, which shall be known*
11 *as the “Upper Bald River Wilderness”.*

12 (2) *Certain land comprising approximately 348*
13 *acres, as generally depicted as the “Big Frog Addi-*
14 *tion” on the Map, which shall be incorporated in, and*
15 *considered to be a part of, the Big Frog Wilderness.*

16 (3) *Certain land comprising approximately 630*
17 *acres, as generally depicted as the “Little Frog Moun-*
18 *tain Addition NW” on the Map, which shall be incor-*
19 *porated in, and considered to be a part of, the Little*
20 *Frog Mountain Wilderness.*

21 (4) *Certain land comprising approximately 336*
22 *acres, as generally depicted as the “Little Frog Moun-*
23 *tain Addition NE” on the Map, which shall be incor-*
24 *porated in, and considered to be a part of, the Little*
25 *Frog Mountain Wilderness.*

1 (5) *Certain land comprising approximately*
2 *2,922 acres, as generally depicted as the “Sampson*
3 *Mountain Addition” on the Map, which shall be in-*
4 *corporated in, and considered to be a part of, the*
5 *Sampson Mountain Wilderness.*

6 (6) *Certain land comprising approximately*
7 *4,446 acres, as generally depicted as the “Big Laurel*
8 *Branch Addition” on the Map, which shall be incor-*
9 *porated in, and considered to be a part of, the Big*
10 *Laurel Branch Wilderness.*

11 (7) *Certain land comprising approximately*
12 *1,836 acres, as generally depicted as the “Joyce Kil-*
13 *mer-Slickrock Addition” on the Map, which shall be*
14 *incorporated in, and considered to be a part of, the*
15 *Joyce Kilmer-Slickrock Wilderness.*

16 *(c) MAPS AND LEGAL DESCRIPTIONS.—*

17 (1) *IN GENERAL.—As soon as practicable after*
18 *the date of enactment of this Act, the Secretary shall*
19 *file maps and legal descriptions of the wilderness*
20 *areas designated by subsection (b) with the appro-*
21 *priate committees of Congress.*

22 (2) *PUBLIC AVAILABILITY.—The maps and legal*
23 *descriptions filed under paragraph (1) shall be on file*
24 *and available for public inspection in the office of the*

1 *Chief of the Forest Service and the office of the Super-*
2 *visor of the Cherokee National Forest.*

3 (3) *FORCE OF LAW.*—*The maps and legal de-*
4 *scriptions filed under paragraph (1) shall have the*
5 *same force and effect as if included in this Act, except*
6 *that the Secretary may correct typographical errors*
7 *in the maps and descriptions.*

8 (d) *ADMINISTRATION.*—

9 (1) *IN GENERAL.*—*Subject to valid existing*
10 *rights, the Federal land designated as wilderness by*
11 *subsection (b) shall be administered by the Secretary*
12 *in accordance with the Wilderness Act (16 U.S.C.*
13 *1131 et seq.), except that any reference in that Act to*
14 *the effective date of that Act shall be deemed to be a*
15 *reference to the date of enactment of this Act.*

16 (2) *FISH AND WILDLIFE MANAGEMENT.*—*In ac-*
17 *cordance with section 4(d)(7) of the Wilderness Act*
18 *(16 U.S.C. 1133(d)(7)), nothing in this section affects*
19 *the jurisdiction of the State with respect to fish and*
20 *wildlife management (including the regulation of*
21 *hunting, fishing, and trapping) in the wilderness*
22 *areas designated by subsection (b).*

1 **SEC. 408. ADDITIONAL AUTHORITY FOR SALE OR EX-**
2 **CHANGE OF SMALL PARCELS OF NATIONAL**
3 **FOREST SYSTEM LAND.**

4 (a) *INCREASE IN MAXIMUM VALUE OF SMALL PAR-*
5 *CELS.—Section 3 of Public Law 97–465 (commonly known*
6 *as the “Small Tract Act of 1983”) (16 U.S.C. 521e) is*
7 *amended in the matter preceding paragraph (1) by striking*
8 *“\$150,000” and inserting “\$500,000”.*

9 (b) *ADDITIONAL CONVEYANCE PURPOSES.—Section 3*
10 *of Public Law 97–465 (16 U.S.C. 521e) (as amended by*
11 *subsection (a)) is amended—*

12 (1) *in paragraph (2), by striking “; or” and in-*
13 *serting a semicolon;*

14 (2) *in paragraph (3), by striking the period at*
15 *the end and inserting a semicolon; and*

16 (3) *by adding at the end the following:*

17 “(4) *parcels of 40 acres or less that are deter-*
18 *mined by the Secretary—*

19 “(A) *to be physically isolated;*

20 “(B) *to be inaccessible; or*

21 “(C) *to have lost National Forest character;*

22 “(5) *parcels of 10 acres or less that are not eligi-*
23 *ble for conveyance under paragraph (2) but are en-*
24 *croached on by a permanent habitable improvement*
25 *for which there is no evidence that the encroachment*
26 *was intentional or negligent; or*

1 “(6) parcels used as a cemetery (including a
2 parcel of not more than 1 acre adjacent to the parcel
3 used as a cemetery), a landfill, or a sewage treatment
4 plant under a special use authorization issued or oth-
5 erwise authorized by the Secretary.”.

6 (c) *DISPOSITION OF PROCEEDS.*—Section 2 of Public
7 Law 97–465 (16 U.S.C. 521d) is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “The Secretary is authorized” and inserting
10 the following:

11 “(a) *CONVEYANCE AUTHORITY; CONSIDERATION.*—The
12 Secretary is authorized”;

13 (2) in paragraph (2), in the second sentence, by
14 striking “The Secretary shall insert” and inserting
15 the following:

16 “(b) *INCLUSION OF TERMS, COVENANTS, CONDITIONS,*
17 *AND RESERVATIONS.*—

18 “(1) *IN GENERAL.*—The Secretary shall insert”;

19 (3) in subsection (b) (as so designated)—

20 (A) by striking “covenants” and inserting
21 “covenants”; and

22 (B) in the second sentence by striking “The
23 preceding sentence shall not” and inserting the
24 following:

1 “(2) *LIMITATION.*—*Paragraph (1) shall not*”;
2 *and*

3 *(4) by adding at the end the following:*

4 “(c) *DISPOSITION OF PROCEEDS.*—

5 “(1) *DEPOSIT IN SISK FUND.*—*The net proceeds*
6 *derived from any sale or exchange conducted under*
7 *paragraph (4), (5), or (6) of section 3 shall be depos-*
8 *ited in the fund established under Public Law 90–171*
9 *(commonly known as the ‘Sisk Act’) (16 U.S.C.*
10 *484a).*

11 “(2) *USE.*—*Amounts deposited under paragraph*
12 *(1) shall be available to the Secretary until expended*
13 *for—*

14 “(A) *the acquisition of land or interests in*
15 *land for administrative sites for the National*
16 *Forest System in the State from which the*
17 *amounts were derived;*

18 “(B) *the acquisition of land or interests in*
19 *land for inclusion in the National Forest System*
20 *in that State, including land or interests in land*
21 *that enhance opportunities for recreational ac-*
22 *cess;*

23 “(C) *the performance of deferred mainte-*
24 *nance on administrative sites for the National*
25 *Forest System in that State or other deferred*

1 maintenance activities in that State that en-
2 hance opportunities for recreational access; or

3 “(D) the reimbursement of the Secretary for
4 costs incurred in preparing a sale conducted
5 under the authority of section 3 if the sale is a
6 competitive sale.”.

7 **SEC. 409. EXTENSION OF AUTHORIZATION FOR CONVEY-**
8 **ANCE OF FOREST SERVICE ADMINISTRATIVE**
9 **SITES.**

10 Section 503(f) of the Forest Service Facility Realign-
11 ment and Enhancement Act of 2005 (16 U.S.C. 580d note;
12 Public Law 109–54) is amended by striking “2016” and
13 inserting “2018”.

14 **SEC. 410. PRESCRIBED BURN APPROVAL.**

15 (a) *DEFINITIONS.*—In this section:

16 (1) *NATIONAL FIRE DANGER RATING SYSTEM.*—
17 The term “national fire danger rating system” means
18 the national system used to provide a measure of fire
19 danger according to a range of low to moderate to
20 high to very high to extreme.

21 (2) *PRESCRIBED BURN.*—The term “prescribed
22 burn” means a planned fire intentionally ignited.

23 (b) *LIMITATIONS ON PRESCRIBED BURNS.*—

24 (1) *IN GENERAL.*—Except as provided in para-
25 graph (2), the head of a Federal agency shall not au-

1 *thorize a prescribed burn on Federal land if, for the*
2 *county or contiguous county in which the Federal*
3 *land is located, the national fire danger rating system*
4 *indicates an extreme fire danger level.*

5 (2) *EXCEPTION.—The head of a Federal agency*
6 *may authorize a prescribed burn under a condition*
7 *described in paragraph (1) if the head of the Federal*
8 *agency coordinates with the applicable State govern-*
9 *ment and local fire officials.*

10 (3) *REPORT.—At the end of each fiscal year, the*
11 *Chief of the Forest Service shall submit to Congress*
12 *a report describing—*

13 (A) *the number and locations of prescribed*
14 *burns during that fiscal year; and*

15 (B) *each prescribed burn during that fiscal*
16 *year that was authorized by the head of a Fed-*
17 *eral agency pursuant to paragraph (2).*

18 **SEC. 411. NORTH CAROLINA WILDERNESS STUDY AREAS.**

19 *The Secretary shall not designate any land in the*
20 *Nantahala National Forest or the Pisgah National Forest*
21 *in the State of North Carolina as a wilderness study area*
22 *unless each affected county approves the designation.*

1 **TITLE V—KISATCHIE NATIONAL**
2 **FOREST LAND CONVEYANCE**

3 **SEC. 501. SHORT TITLE.**

4 *This title may be cited as the “Kisatchie National For-*
5 *est Land Conveyance Act of 2016”.*

6 **SEC. 502. FINDING.**

7 *Congress finds that it is in the public interest to au-*
8 *thorize the conveyance of certain Federal land in the*
9 *Kisatchie National Forest in the State of Louisiana for*
10 *market value consideration.*

11 **SEC. 503. DEFINITIONS.**

12 *In this title:*

13 (1) *COLLINS CAMP PROPERTIES.*—*The term*
14 *“Collins Camp Properties” means Collins Camp*
15 *Properties, Inc., a corporation incorporated under the*
16 *laws of the State.*

17 (2) *SECRETARY.*—*The term “Secretary” means*
18 *the Secretary of Agriculture.*

19 (3) *STATE.*—*The term “State” means the State*
20 *of Louisiana.*

21 **SEC. 504. AUTHORIZATION OF CONVEYANCES.**

22 (a) *AUTHORIZATION.*—

23 (1) *IN GENERAL.*—*Subject to valid existing*
24 *rights and subsection (b), the Secretary may convey*
25 *the Federal land described in paragraph (2) by quit-*

1 *claim deed at public or private sale, including com-*
2 *petitive sale by auction, bid, or other methods.*

3 (2) *DESCRIPTION OF LAND.—The Federal land*
4 *referred to in paragraph (1) consists of—*

5 (A) *all Federal land within sec. 9, T. 10 N.,*
6 *R. 5 W., Winn Parish, Louisiana; and*

7 (B) *a 2.16-acre parcel of Federal land lo-*
8 *cated in the SW¹/₄ of sec. 4, T. 10 N., R. 5 W.,*
9 *Winn Parish, Louisiana, as depicted on a cer-*
10 *tificate of survey dated March 7, 2007, by Glen*
11 *L. Cannon, P.L.S. 4436.*

12 (b) *FIRST RIGHT OF PURCHASE.—Subject to valid ex-*
13 *isting rights and section 506, during the 1-year period be-*
14 *ginning on the date of enactment of this Act, on the provi-*
15 *sion of consideration by the Collins Camp Properties to the*
16 *Secretary, the Secretary shall convey, by quitclaim deed,*
17 *to Collins Camp Properties all right, title and interest of*
18 *the United States in and to—*

19 (1) *not more than 47.92 acres of Federal land*
20 *comprising the Collins Campsites within sec. 9, T. 10*
21 *N., R. 5 W., in Winn Parish, Louisiana, as generally*
22 *depicted on a certificate of survey dated February 28,*
23 *2007, by Glen L. Cannon, P.L.S. 4436; and*

24 (2) *the parcel of Federal land described in sub-*
25 *section (a)(2)(B).*

1 (c) *TERMS AND CONDITIONS.*—*The Secretary may—*

2 (1) *configure the Federal land to be conveyed*
3 *under this title—*

4 (A) *to maximize the marketability of the*
5 *conveyance; or*

6 (B) *to achieve management objectives; and*

7 (2) *establish any terms and conditions for the*
8 *conveyances under this title that the Secretary deter-*
9 *mines to be in the public interest.*

10 (d) *CONSIDERATION.*—*Consideration for a conveyance*
11 *of Federal land under this title shall be—*

12 (1) *in the form of cash; and*

13 (2) *in an amount equal to the market value of*
14 *the Federal land being conveyed, as determined under*
15 *subsection (e).*

16 (e) *MARKET VALUE.*—*The market value of the Federal*
17 *land conveyed under this title shall be determined—*

18 (1) *in the case of Federal land conveyed under*
19 *subsection (b), by an appraisal that is—*

20 (A) *conducted in accordance with the Uni-*
21 *form Appraisal Standards for Federal Land Ac-*
22 *quisitions; and*

23 (B) *approved by the Secretary; or*

24 (2) *if conveyed by a method other than the meth-*
25 *ods described in subsection (b), by competitive sale.*

1 (f) *HAZARDOUS SUBSTANCES.*—

2 (1) *IN GENERAL.*—

3 (A) *DISCLOSURE AND REMEDIATION.*—*In*
4 *any conveyance of Federal land under this title*
5 *to Collins Camp Properties, or any occupant re-*
6 *siding on the Federal land under a special use*
7 *permit issued by the Forest Service, the Sec-*
8 *retary shall meet disclosure requirements for haz-*
9 *ardous substances, pollutants, and contaminants,*
10 *but shall not otherwise be required to remediate*
11 *or abate the hazardous substances, pollutants, or*
12 *contaminants.*

13 (B) *INDEMNIFICATION.*—*Collins Camp*
14 *Properties, or any occupant residing on the Fed-*
15 *eral land conveyed under this title under a spe-*
16 *cial use permit issued by the Forest Service, that*
17 *acquires the Federal land shall agree, as a condi-*
18 *tion of the conveyance, to indemnify and hold*
19 *harmless the United States for costs associated*
20 *with the remediation or abatement of any haz-*
21 *ardous substances, pollutants, or contaminants*
22 *located on the acquired land.*

23 (2) *EFFECT.*—*Nothing in this section otherwise*
24 *affects the application of the Comprehensive Environ-*
25 *mental Response, Compensation, and Liability Act of*

1 1980 (42 U.S.C. 9601 et seq.) to the conveyances of
2 Federal land.

3 **SEC. 505. PROCEEDS FROM THE SALE OF LAND.**

4 (a) *DEPOSIT OF RECEIPTS.*—The Secretary shall de-
5 posit the proceeds of a conveyance of Federal land under
6 section 504 in the fund established under Public Law 90-
7 171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

8 (b) *USE OF FUNDS.*—Amounts deposited under sub-
9 section (a) shall be available to the Secretary until ex-
10 pended, without further appropriation, for the acquisition
11 of land and interests in land in the Kisatchie National For-
12 est in the State.

13 **SEC. 506. ADMINISTRATION.**

14 (a) *COSTS.*—As a condition of a conveyance of Federal
15 land to Collins Camp Properties under section 504, the Sec-
16 retary shall require Collins Camp Properties to pay at clos-
17 ing—

18 (1) reasonable appraisal costs; and

19 (2) the cost of any administrative and environ-
20 mental analyses required by law (including regula-
21 tions).

22 (b) *PERMITS.*—

23 (1) *IN GENERAL.*—An offer by Collins Camp
24 Properties for the acquisition of the Federal land
25 under section 504 shall be accompanied by a written

1 *statement from each holder of a Forest Service special*
 2 *use authorization with respect to the Federal land*
 3 *that specifies that the holder agrees to relinquish the*
 4 *special use authorization on the conveyance of the*
 5 *Federal land to Collins Camp Properties.*

6 (2) *SPECIAL USE AUTHORIZATIONS.—If any*
 7 *holder of a special use authorization described in*
 8 *paragraph (1) fails to provide a written authoriza-*
 9 *tion in accordance with that paragraph, the Sec-*
 10 *retary shall require, as a condition of the conveyance,*
 11 *that Collins Camp Properties administer the special*
 12 *use authorization according to the terms of the special*
 13 *use authorization until the date on which the special*
 14 *use authorization expires.*

15 **TITLE VI—CHATTAHOOCHEE-**
 16 **OCONEE NATIONAL FOREST**
 17 **LAND ADJUSTMENT**

18 **SEC. 601. SHORT TITLE.**

19 *This title may be cited as the “Chattahoochee-Oconee*
 20 *National Forest Land Adjustment Act of 2016”.*

21 **SEC. 602. FINDINGS.**

22 *Congress finds that—*

23 (1) *certain National Forest System land in the*
 24 *State of Georgia consists of isolated tracts that—*

25 (A) *are inefficient to manage; or*

1 (B) have lost the principal value of the
2 tracts for the National Forest System;

3 (2) the disposal of the land described in para-
4 graph (1) would be in the public interest; and

5 (3) the best use of proceeds from the sale of land
6 authorized under this title is the purchase by the Sec-
7 retary of land in the State of Georgia for the Na-
8 tional Forest System.

9 **SEC. 603. DEFINITION OF SECRETARY.**

10 In this title, the term “Secretary” means the Secretary
11 of Agriculture.

12 **SEC. 604. LAND CONVEYANCE AUTHORITY.**

13 (a) *IN GENERAL.*—Subject to valid existing rights, the
14 Secretary is authorized to sell or exchange all right, title,
15 and interest of the United States in and to the National
16 Forest System land described in subsection (b) under terms
17 and conditions that the Secretary may prescribe.

18 (b) *LAND AUTHORIZED FOR DISPOSAL.*—

19 (1) *IN GENERAL.*—The land referred to in sub-
20 section (a) consists of 30 tracts of land totaling ap-
21 proximately 3,841 acres generally depicted on 2 maps
22 entitled “Priority Land Adjustments, State of Geor-
23 gia, U.S. Forest Service—Southern Region, Oconee
24 and Chattahoochee National Forests, U.S. Congres-

1 sional Districts—8, 9, 10 & 14” and dated September
2 24, 2013.

3 (2) *INSPECTION OF MAPS.*—The maps described
4 in paragraph (1) shall be on file and available for
5 public inspection in the Office of the Forest Super-
6 visor, Chattahoochee-Oconee National Forest, until the
7 land is sold or exchanged under subsection (a).

8 (3) *MODIFICATION OF BOUNDARIES.*—The Sec-
9 retary may modify the boundaries of the land de-
10 scribed in paragraph (1) based on land management
11 considerations.

12 (c) *FORM OF CONVEYANCE.*—

13 (1) *QUITCLAIM DEED.*—The Secretary shall con-
14 vey land sold or exchanged under subsection (a) by
15 quitclaim deed.

16 (2) *RESERVATIONS.*—The Secretary may reserve
17 any right-of-way or other right or interest in land
18 sold or exchanged under subsection (a) that the Sec-
19 retary considers necessary—

20 (A) for management purposes; or

21 (B) to protect the public interest.

22 (d) *VALUATION.*—

23 (1) *MARKET VALUE.*—The Secretary may not
24 sell or exchange land under subsection (a) for less

1 *than market value, as determined by appraisal or*
2 *through a competitive bidding process.*

3 (2) *APPRAISAL REQUIREMENTS.—An appraisal*
4 *under paragraph (1) shall be—*

5 (A) *consistent with—*

6 (i) *the Uniform Appraisal Standards*
7 *for Federal Land Acquisitions; or*

8 (ii) *the Uniform Standards of Profes-*
9 *sional Appraisal Practice; and*

10 (B) *subject to the approval of the Secretary.*

11 (e) *CONSIDERATION.—*

12 (1) *CASH.—Consideration for a sale of land or*
13 *equalization of an exchange under subsection (a) shall*
14 *be paid in cash.*

15 (2) *EXCHANGE.—Notwithstanding section 206(b)*
16 *of the Federal Land Policy and Management Act of*
17 *1976 (43 U.S.C. 1716(b)), the Secretary may accept*
18 *a cash equalization payment in excess of 25 percent*
19 *of the value of land exchanged under subsection (a).*

20 (f) *METHOD OF SALE.—*

21 (1) *OPTIONS.—The Secretary may sell land*
22 *under subsection (a) at public or private sale, includ-*
23 *ing competitive sale by auction, bid, or otherwise, in*
24 *accordance with any terms, conditions, or procedures*

1 *the Secretary determines are in the best interest of the*
2 *United States.*

3 (2) *SOLICITATIONS.—The Secretary may—*

4 (A) *make public or private solicitations for*
5 *the sale or exchange of land under subsection (a);*
6 *and*

7 (B) *reject any offer that the Secretary deter-*
8 *mines is not—*

9 (i) *adequate; or*

10 (ii) *in the public interest.*

11 (g) *BROKERS.—The Secretary may—*

12 (1) *use a broker or other third party in the sale*
13 *or exchange of land under subsection (a); and*

14 (2) *from the proceeds of a sale or exchange of*
15 *land under subsection (a), pay reasonable commis-*
16 *sions or fees, if applicable.*

17 **SEC. 605. TREATMENT OF PROCEEDS.**

18 (a) *DEPOSIT.—Except as provided in section*
19 *604(g)(2), the Secretary shall deposit the proceeds or cash*
20 *equalization payment of a sale or exchange under section*
21 *604(a) in the fund established under Public Law 90–171*
22 *(commonly known as the “Sisk Act”) (16 U.S.C. 484a).*

23 (b) *AVAILABILITY AND USE.—Subject to subsection (c),*
24 *amounts deposited under subsection (a) shall be available*
25 *to the Secretary until expended, without further appropria-*

1 *tion, only for the acquisition of land in the State of Georgia*
2 *for the National Forest System.*

3 (c) *PRIVATE PROPERTY PROTECTION.*—*Nothing in*
4 *this title authorizes the use of amounts deposited under sub-*
5 *section (a) to be used to acquire land without the written*
6 *consent of the owner of the land.*

Calendar No. 634

114TH CONGRESS
2^D SESSION

H. R. 2647

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

SEPTEMBER 19, 2016

Reported with an amendment