

113TH CONGRESS
1ST SESSION

S. 1301

To provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JULY 15), 2013

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Eastside For-
5 ests Restoration, Old Growth Protection, and Jobs Act of
6 2013”.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are—

1 (1) to conserve and restore the eastside Na-
2 tional Forests of the State;

3 (2) to create an immediate, predictable, and in-
4 creased timber flow to support locally based restora-
5 tion economies in the communities of the eastside
6 National Forests of the State;

7 (3) to make the eastside National Forests of
8 the State more resistant and resilient to, and to
9 mitigate the effects of, climate change;

10 (4) to protect, restore, and increase old-growth
11 forest stands and trees in the eastside National For-
12 ests of the State;

13 (5) to promote collaboration in the communities
14 of the eastside National Forests of the State to re-
15 spond to critical threats to forest and watershed
16 health and to support natural resource- and restora-
17 tion-based economies;

18 (6) to prioritize, strategically target, and accel-
19 erate projects to improve forest health and water-
20 shed health in old growth forests located in the
21 eastside National Forests of the State; and

22 (7) to provide the Secretary, collaborative
23 groups, and the public with independent scientific
24 advice for restoring forest health and watershed
25 health in the eastside National Forests of the State.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY PANEL.**—The term “advisory
4 panel” means the Eastside Forest Scientific and
5 Technical Advisory Panel established under section
6 6(a).

7 (2) **COLLABORATIVE GROUP.**—The term “col-
8 laborative group” means a group of individuals that
9 meets the requirements of section 8(a)(2).

10 (3) **COVERED AREA.**—The term “covered area”
11 means the area selected by the Secretary under sec-
12 tion 4(a)(1) that is—

13 (A) within the State; and

14 (B) not within the area covered by the
15 Record of Decision for Amendments to Forest
16 Service and Bureau of Land Management Plan-
17 ning Documents Within the Range of the
18 Northern Spotted Owl, dated April 1994.

19 (4) **DECISION NOTICE.**—The term “Decision
20 Notice” means the decision notice entitled “Decision
21 Notice for the Revised Continuation of Interim Man-
22 agement Direction Establishing Riparian, Ecosystem
23 and Wildlife Standards for Timber Sales, United
24 States Forest Service Region 6, Colville, Deschutes,
25 Fremont, Malheur, Ochoco, Okanogan, Umatilla,
26 Wallowa-Whitman and Winema National Forests in

1 Oregon and Washington” and approved by the Pa-
 2 cific Northwest Regional Forester on June 6, 1995.

3 (5) EMERGENCY CONDITION.—The term “emer-
 4 gency condition” means a condition—

5 (A) that results in an—

6 (i) imminent risk to life or property;

7 or

8 (ii) immediate impairment of the pub-
 9 lic use and enjoyment of a trail, road,
 10 highway, public facility, or public land; and

11 (B) with respect to subparagraph (A)(ii),

12 the urgency to address the emergency of which
 13 outweighs the benefits of full notice and com-
 14 ment.

15 (6) FOREST HEALTH.—The term “forest
 16 health” means conditions that enable forested
 17 land—

18 (A) to be durable, resilient, and less prone
 19 to uncharacteristic wildfire, insect, or pathogen
 20 outbreaks, while—

21 (i) supporting ecosystem services and
 22 populations of native species; and

23 (ii) allowing for natural disturbances;

24 (B) to maintain or develop species com-
 25 position, ecosystem function and structure, hy-

1 hydrologic function, and sediment regimes that
2 are within an acceptable range that considers—

3 (i) historic variability; and

4 (ii) anticipated future conditions; and

5 (C) to be resistant and resilient to unchar-
6 acteristic events.

7 (7) FOREST STAND.—The term “forest stand”
8 means a contiguous group of trees that are suffi-
9 ciently uniform in age-class distribution, composi-
10 tion, and structure and that are growing on a site
11 of sufficiently uniform quality to be a distinguishable
12 unit.

13 (8) INITIATIVE.—The term “Initiative” means
14 an initiative established by the Secretary—

15 (A) to restore and improve the ecological
16 structure, composition, and function and the
17 natural processes of watersheds within the Na-
18 tional Forest System;

19 (B) to preserve and create local jobs in
20 rural communities that are located in or near
21 National Forest System land;

22 (C) to sustain the local wood products in-
23 frastructure and community capacity that is
24 necessary for the appropriate management and
25 restoration of National Forest System land;

1 (D) to promote cooperation and collabora-
2 tion in the management of National Forest Sys-
3 tem land;

4 (E) to carry out collaborative projects to
5 restore forest health and watershed health and
6 to reduce the risk of uncharacteristic disturb-
7 ances from fire, insects, and disease to commu-
8 nities, watersheds, and natural resources
9 through a collaborative process of planning,
10 prioritizing, and implementing ecological res-
11 toration, hazardous fuel reduction, and other
12 vegetation management projects;

13 (F) to collect information from the projects
14 carried out under this Act in an effort to better
15 understand the manner in which to improve for-
16 est restoration and management activities;

17 (G) that includes all National Forest Sys-
18 tem land within the covered area; and

19 (H) under which not more than 15 Na-
20 tional Forests may be selected to participate.

21 (9) INVENTORIED ROADLESS AREA.—The term
22 “inventoried roadless area” means 1 of the areas
23 identified in the set of inventoried roadless area
24 maps contained in the Forest Service Roadless

1 Areas Conservation, Final Environmental Impact
2 Statement, Volume 2, dated November 2000.

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

8 (11) PILOT LANDSCAPE.—The term “pilot land-
9 scape” means a National Forest entirely within the
10 covered area on which a project is being carried out
11 under section 4003 of the Omnibus Public Land
12 Management Act of 2009 (16 U.S.C. 7303) as of
13 January 1, 2013.

14 (12) PLANT ASSOCIATION.—

15 (A) IN GENERAL.—The term “plant asso-
16 ciation” means a description of a plant commu-
17 nity that—

18 (i) would potentially, in the absence of
19 a disturbance, occupy a site; and

20 (ii) may be aggregated into 1 or more
21 groups based on similarities in plant spe-
22 cies, composition, environment, and pro-
23 ductivity.

24 (B) INCLUSION.—The term “plant associa-
25 tion” includes, with respect to a forested site,

1 species representing tree, shrub, and herbaceous
2 layers.

3 (13) SECRETARY.—The term “Secretary”
4 means the Secretary of Agriculture (acting through
5 the Chief of the Forest Service).

6 (14) STATE.—The term “State” means the
7 State of Oregon.

8 (15) UNCHARACTERISTIC.—The term “unchar-
9 acteristic” means a wildfire, insect, or pathogen out-
10 break or level of forest fuel, the severity, size, fre-
11 quency, or quantity of which exceeds the historic
12 range of variability.

13 (16) WATERSHED AREA.—The term “watershed
14 area” means 1 or more subwatersheds (also known
15 as 6th code hydrologic units).

16 (17) WATERSHED HEALTH.—The term “water-
17 shed health” means landscape conditions that enable
18 riparian and aquatic ecosystems—

19 (A) to capture, store, and release water,
20 sediment, wood, and nutrients;

21 (B) to provide for water temperatures that
22 are within the range of variability of the nat-
23 ural regimes for the processes described in sub-
24 paragraph (A); and

1 (C) to create and sustain functional ripar-
2 ian, aquatic, and wetland habitats that are ca-
3 pable of supporting diverse populations of na-
4 tive aquatic- and riparian-dependent species.

5 **SEC. 4. LAND MANAGEMENT.**

6 (a) APPLICATION OF THE INITIATIVE TO THE COV-
7 ERED AREA.—

8 (1) IN GENERAL.—Not later than 60 days after
9 the date of enactment of this Act, the Secretary
10 shall select all or part of 1 or more National Forests
11 in the State as part of the Initiative.

12 (2) TERM.—The selection under paragraph (1)
13 shall be for a period of 15 years.

14 (3) EFFECT.—The provisions of this Act shall
15 apply to the covered area.

16 (b) LAND MANAGEMENT GOALS.—

17 (1) IN GENERAL.—In the covered area, the Sec-
18 retary shall, considering the best available science,
19 seek—

20 (A) to conserve and restore forest health,
21 watershed health, and other ecosystems;

22 (B) to reduce the risk of, and increase the
23 resistance and resiliency of the land to,
24 uncharacteristic disturbances;

1 (C) to allow for characteristic natural dis-
2 turbances; and

3 (D) to harvest wood to maintain adequate
4 levels of industry infrastructure to accomplish
5 the goals described in subparagraphs (A), (B),
6 and (C).

7 (2) FOREST MANAGEMENT.—To achieve the
8 goals of paragraph (1) in the forested land in the
9 covered area, the Secretary shall consider opportuni-
10 ties—

11 (A) to reduce the basal area in overstocked
12 forest stands;

13 (B) to increase the mean diameter of for-
14 est stands;

15 (C) to maintain or create a forest composi-
16 tion that focuses on more fire- and drought-tol-
17 erant species;

18 (D) to restore historic levels of within-for-
19 est stand spatial heterogeneity;

20 (E) to conserve and restore old growth;

21 (F) to conserve and restore population lev-
22 els of older trees;

23 (G) to conserve and restore ecologically
24 sustainable forest stands and landscapes to in-

1 corporate characteristic forest stand structures
2 and older tree populations;

3 (H) to harvest wood and use the value of
4 merchantable sawlogs and biomass to help off-
5 set the cost of improving forest health and wa-
6 tershed health;

7 (I) to restore or maintain sustainable and
8 fire-resilient conditions in perpetuity through
9 active management (including management
10 through prescribed or wildland fire and me-
11 chanical treatments);

12 (J) to restore or maintain ecologically ap-
13 propriate spatial complexity (including a range
14 of open to dense forest patches at scales from
15 the forest stand to the landscape);

16 (K) to create nonuniform effects in car-
17 rying out vegetation management projects by
18 avoiding extensive areas of uniform treatment,
19 except for certain treatments (such as broad-
20 cast burns) that are carried out to enhance the
21 spatial heterogeneity of the forest site;

22 (L) to restore or maintain ecologically ap-
23 propriate understory plant community composi-
24 tion and condition, including—

1 (i) by restoring and maintaining na-
2 tive ground cover; and

3 (ii) by reducing the impacts of, and
4 potential for, exotic and other invasive spe-
5 cies; and

6 (M) to increase stakeholder participation
7 through collaborative groups.

8 (c) PLANNING.—To help to achieve the goals de-
9 scribed in subsection (b), the Secretary shall use landscape
10 scale planning based on watershed areas as a tool to im-
11 plement ecological restoration projects in the covered area.

12 (d) PERFORMANCE GOALS.—

13 (1) IN GENERAL.—Not later than 60 days after
14 the date on which the Secretary selects the covered
15 area, the Secretary, in consultation with the relevant
16 collaborative groups, may establish performance
17 goals, in addition to the goals that are established
18 by subsection (b), that the Secretary shall seek to
19 achieve consistent with the purposes of this Act and
20 the goals and opportunities described in subsection
21 (b) for the covered area.

22 (2) TERM.—Subject to paragraph (3), each per-
23 formance goal established under paragraph (1) shall
24 be measured annually for a period of 15 years.

1 (3) ADDITIONS.—The Secretary may develop
2 additional performance goals that the Secretary de-
3 termines to be appropriate during the period estab-
4 lished by paragraph (2).

5 (4) PRIORITIZATION.—Subject to the limita-
6 tions described in section 12(c), the Secretary shall
7 prioritize the vegetation management and hazardous
8 fuels reduction program activities in the covered
9 area to achieve the performance goals established
10 under this subsection.

11 (5) RESTORATION GOALS.—

12 (A) IN GENERAL.—Within the covered
13 area, consistent with the goals, and after con-
14 sidering the opportunities, described in sub-
15 section (b), the Secretary shall, to the max-
16 imum extent practicable, prepare, offer, and
17 promptly implement—

18 (i) projects that—

19 (I) are predominantly comprised
20 of mechanical treatment in the cov-
21 ered area that emphasize sawtimber
22 as a byproduct; and

23 (II) are conducted on—

24 (aa) for the first fiscal year
25 after the date of enactment of

1 this Act, not less than 60,000
2 acres;

3 (bb) for the subsequent fis-
4 cal year, not less than 80,000
5 acres; and

6 (cc) for each fiscal year
7 thereafter until the fiscal year in
8 which at least 1 ecological res-
9 toration project for each National
10 Forest is initiated under section
11 7, not less than 100,000 acres;
12 and

13 (ii) for each fiscal year after the fiscal
14 year specified in subparagraph clause
15 (i)(II)(cc), an ecological restoration project
16 on each National Forest in the covered
17 area with a gross planning area of not less
18 than 25,000 acres.

19 (B) ANNUAL GOALS.—

20 (i) IN GENERAL.—Beginning in the
21 first fiscal year after the date on which at
22 least 1 ecological restoration project is ini-
23 tiated for each National Forest under sec-
24 tion 8 and each fiscal year thereafter until
25 the date on which the Initiative is com-

1 pleted, the Secretary may, subject to clause
2 (ii), set annual acreage performance goals
3 for projects that are predominantly com-
4 prised of mechanical treatment in the cov-
5 ered area that emphasize sawtimber as a
6 byproduct consistent with the goals, and
7 after considering the opportunities, de-
8 scribed in subsection (b).

9 (ii) CONSIDERATIONS.—In setting
10 goals under clause (i), the Secretary shall
11 consider—

12 (I) any specific recommendations
13 of the advisory panel relating to acre-
14 age treatment needs; and

15 (II) advice provided by a collabo-
16 rative group relating to acreage treat-
17 ment needs.

18 (C) PRIORITY FOR RESTORATION GOALS.—

19 In seeking to meet the restoration goals estab-
20 lished under subparagraph (A) or (B), the Sec-
21 retary shall prioritize for treatment—

22 (i) any area located on a pilot land-
23 scape; and

1 (ii) any area that has opportunities
2 for reduced planning and implementation
3 costs because of—

4 (I) opportunities to work with a
5 collaborative group on the project; or

6 (II) opportunities to use non-
7 Federal resources to complete the
8 project.

9 (e) PROHIBITIONS ON REMOVAL OF CERTAIN
10 TREES.—

11 (1) OLDER TREES.—Except as provided in
12 paragraph (2), the Secretary shall prohibit the cut-
13 ting or removal of any live tree located in the cov-
14 ered area that is 150 years of age or older measured
15 at breast height.

16 (2) ADMINISTRATIVE EXCEPTIONS.—

17 (A) IN GENERAL.—The prohibition de-
18 scribed in paragraph (1) shall not apply if the
19 Secretary determines that there is no reason-
20 able alternative to the cutting or removal of the
21 tree to provide for a safe administrative, public,
22 or special use.

23 (B) NOTICE REQUIREMENT.—The Sec-
24 retary shall provide to the public and each rel-
25 evant collaborative group notice and an oppor-

1 tunity to comment before making a determina-
2 tion under subparagraph (A), unless the Sec-
3 retary determines that the cutting or removal of
4 the tree is necessary to respond to an emer-
5 gency condition.

6 (C) APPLICATION OF DECISION NOTICE.—

7 (i) IN GENERAL.—Subject to clause
8 (ii), if the Secretary, after considering the
9 recommendations of the relevant collabo-
10 rative group or the recommendations re-
11 port issued under section 6(d), determines
12 that the prohibition in paragraph (1) is in-
13 feasible to implement for a specific vegeta-
14 tion management project, the Secretary
15 shall apply the Decision Notice with re-
16 spect to the specific vegetation manage-
17 ment project.

18 (ii) REQUIREMENT.—In applying the
19 Decision Notice to a specific vegetation
20 management project under clause (i), the
21 Secretary may make site-specific forest
22 plan amendments to allow the cutting or
23 removal of live trees greater than 21
24 inches in diameter at breast height that
25 are younger than 150 years old at breast

1 height, the cutting or removal of which is
2 necessary to meet the land management
3 goals described in subsection (b)(1).

4 (f) LIMITATIONS ON ROAD CONSTRUCTION.—In car-
5 rying out any vegetation management project in the cov-
6 ered area, the Secretary shall—

7 (1) not construct any permanent road, unless
8 the Secretary determines that the road is a justifi-
9 able realignment of a permanent road to restore or
10 improve the ecological structure, composition, and
11 function and the natural processes of the affected
12 forest or watershed; and

13 (2) by the earlier of the date on which the vege-
14 tation management project is completed or the date
15 that is 1 year after the activities for which the road
16 was constructed are complete, decommission any
17 temporary road constructed to carry out the vegeta-
18 tion management project by—

19 (A) reestablishing vegetation on the road;
20 and

21 (B) restoring any natural drainage, water-
22 shed function, or other ecological processes that
23 are disrupted or adversely impacted by the
24 road, including by removing or hydrologically
25 disconnecting the road prism.

1 **SEC. 5. WATERSHED MANAGEMENT.**

2 (a) **AQUATIC AND RIPARIAN RESOURCES MANAGE-**
3 **MENT.—**

4 (1) **IN GENERAL.**—Within the covered area,
5 each vegetation management project in an area de-
6 lined under subsection (b) shall protect and re-
7 store the aquatic and riparian-dependent resources
8 of the delineated area.

9 (2) **EFFECTS.**—A project described in para-
10 graph (1) may result in short-term negative effects
11 on the aquatic and riparian-dependent resources of
12 the delineated area if the Secretary determines, after
13 considering the best available science, that the
14 project would result in a net improvement to the
15 condition of those resources over the long term.

16 (b) **DELINEATION OF AREAS.—**

17 (1) **FISH-BEARING STREAMS.**—The Secretary
18 shall delineate each permanently flowing fishbearing
19 stream and the area extending away from each edge
20 of the active stream channel to include—

21 (A) the top of the inner gorge;

22 (B) the outer edges of the 100-year flood-
23 plain;

24 (C) the outer edges of riparian vegetation;

25 (D) a distance equal to the height of 2
26 site-potential trees; and

1 (E) a slope distance of not less than 300
2 feet.

3 (2) PERMANENTLY FLOWING NON-FISHBEARING
4 STREAMS.—The Secretary shall delineate each per-
5 manently flowing non-fishbearing stream and the
6 area extending away from each edge of the active
7 stream channel to include—

8 (A) the top of the inner gorge;

9 (B) the outer edges of the 100-year flood
10 plain;

11 (C) the outer edges of riparian vegetation;

12 (D) a distance equal to the height of 1
13 site-potential tree; and

14 (E) a slope distance of not less than 150
15 feet.

16 (3) PONDS, LAKES, RESERVOIRS, AND WET-
17 LANDS LARGER THAN 1 ACRE.—The Secretary shall
18 delineate each pond, lake, reservoir, and wetland
19 larger than 1 acre and the area extending away from
20 the high-water edges to include—

21 (A) the outer edges of the riparian vegeta-
22 tion;

23 (B) the extent of the seasonally saturated
24 soil;

1 (C) the extent of moderately and highly
2 unstable areas;

3 (D) a distance equal to the height of 1
4 site-potential tree; and

5 (E) a slope distance of—

6 (i) if the area located in a watershed
7 identified as key or priority under the ap-
8 plicable land and resource management
9 plan, not less than 100 feet; or

10 (ii) not less than 50 feet.

11 (4) INTERMITTENT STREAMS, WETLANDS LESS
12 THAN 1 ACRE, LANDSLIDES, AND LANDSLIDE-PRONE
13 AREAS.—The Secretary shall delineate each wetland
14 smaller than 1 acre, landslide, landslide-prone area,
15 intermittent stream channel, and the area extending
16 away from the edges of the wetland, landslide, land-
17 slide-prone area, or intermittent stream channel to
18 include—

19 (A) the top of the inner gorge;

20 (B) the outer edges of the riparian vegeta-
21 tion;

22 (C) a distance equal to the height of 1 site-
23 potential tree; and

24 (D) a slope distance of—

- 1 (i) if the area is located in a water-
2 shed identified as key or priority under the
3 applicable land and resource management
4 plan, not less than 100 feet; or
5 (ii) not less than 50 feet.

6 (c) AQUATIC AND RIPARIAN PROTECTION.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the Secretary shall comply with the
9 aquatic and riparian protection requirements of the
10 applicable land and resource management plan in
11 existence on the date of enactment of this Act in
12 carrying out each vegetation management project in
13 the covered area.

14 (2) MODIFICATIONS.—The Secretary may mod-
15 ify the aquatic and riparian protection requirements
16 described in paragraph (1) if the Secretary deter-
17 mines, after considering the best available science,
18 that the modifications would meet or exceed the
19 goals of the aquatic and riparian protection require-
20 ments.

21 **SEC. 6. EASTSIDE FOREST SCIENTIFIC AND TECHNICAL AD-**
22 **VISORY PANEL.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date on which the Secretary selects the covered area, the
25 Secretary shall establish an advisory panel—

1 (1) to be known as the “Eastside Forest Sci-
2 entific and Technical Advisory Panel”; and

3 (2) to advise the Secretary, collaborative
4 groups, and the public regarding the development
5 and implementation of—

6 (A) goals to improve forest health, water-
7 shed health, and related social and economic
8 goals in the covered area; and

9 (B) projects needed to accomplish the pur-
10 poses of this Act.

11 (b) COMPOSITION.—The advisory panel shall be com-
12 posed of 9 members, each of whom shall have expertise
13 in 1 or more of the following:

14 (1) Silviculture.

15 (2) Timber economics.

16 (3) Road and logging engineering.

17 (4) Soil science and geology.

18 (5) Ecosystem services or natural resources eco-
19 nomics.

20 (6) Community economics or ecosystem work-
21 force development.

22 (7) Forest ecology.

23 (8) Aquatic and riparian ecology.

24 (9) Wildlife ecology.

25 (10) Fish Ecology.

- 1 (11) Ecological restoration.
- 2 (12) Invasive species control and eradication.
- 3 (13) Wildland fire.
- 4 (14) Hydrology.
- 5 (15) Forest carbon life-cycle and sequestration.
- 6 (16) Social science.

7 (c) APPOINTMENTS.—The Secretary shall—

8 (1) ensure that the advisory panel includes ex-
9 perts in a broad array of the fields described in sub-
10 section (b); and

11 (2) give consideration to the recommendations
12 of institutions of higher education (as defined in sec-
13 tion 101(a) of the Higher Education Act of 1965
14 (20 U.S.C. 1001(a))), professional societies, and
15 other interested organizations and persons.

16 (d) DUTIES.—

17 (1) RECOMMENDATIONS REPORT.—

18 (A) IN GENERAL.—Not later than 180
19 days after the date on which the Secretary ap-
20 points the members of the advisory panel, the
21 advisory panel, after considering the best avail-
22 able science and information, shall submit to
23 the Secretary and make available to the public
24 a report that contains recommendations regard-
25 ing the manner by which the Secretary may

1 best achieve the purposes and goals and con-
2 sider the opportunities described in section
3 4(b).

4 (B) REQUIREMENTS.—The report shall
5 provide recommendations based on the best
6 available science—

7 (i) for the size and scope of projects
8 needed to accomplish the goals and con-
9 sider the opportunities described in section
10 4(b);

11 (ii) for increasing local capacity to ac-
12 complish the goals and consider the oppor-
13 tunities described in section 4(b);

14 (iii) for hydrologically and ecologically
15 restoring land and water by—

16 (I) decommissioning unnecessary
17 and undesirable roads; and

18 (II) reducing the environmental
19 impact of necessary and desirable
20 roads; and

21 (iv) for each relevant plant association
22 group—

23 (I) for protecting and restoring
24 terrestrial, aquatic, riparian, wildlife,

1 fish, vegetation, soil, carbon, and
2 other resources;

3 (II) for the types of activities
4 necessary and desirable to restore for-
5 est health and watershed health (in-
6 cluding thinning, prescribed, and nat-
7 ural fire, and other appropriate activi-
8 ties);

9 (III) for cases in which the cut-
10 ting or removal of trees described in
11 section 4(e)(1) would generally be
12 considered to be ecologically appro-
13 priate; and

14 (IV) for cases in which the cut-
15 ting or removal of trees described in
16 section 4(e)(2)(C) would generally be
17 considered to be ecologically appro-
18 priate.

19 (C) ADMINISTRATION.—

20 (i) IN GENERAL.—To the maximum
21 extent practicable, the advisory panel shall
22 achieve a consensus with respect to each
23 recommendation included in the report.

24 (ii) INCLUSION OF DISSENTING OPIN-
25 IONS.—If the advisory panel fails to

1 achieve a consensus with respect to any
2 recommendation included in the report, the
3 report shall include each dissenting opinion
4 relating to the recommendation.

5 (2) REVIEW REPORT.—Not later than 5 years
6 after the date on which the Secretary appoints the
7 members of the advisory panel, the advisory panel
8 shall submit to the Secretary and make available to
9 the public a report providing—

10 (A) a quantitative and qualitative assess-
11 ment of the status of, and changes to, forest
12 health and watershed health in the covered
13 area, including the resiliency, aquatic function,
14 and plant composition, structure, and function;
15 and

16 (B) an assessment of the implementation
17 of the recommendations made under paragraph
18 (1).

19 **SEC. 7. ECOLOGICAL RESTORATION PROJECTS.**

20 (a) IN GENERAL.—As soon as practicable after the
21 date on which the Secretary selects the covered area, the
22 Secretary shall, considering the opportunities described in
23 section 4(b)(2), implement ecological restoration projects
24 in the covered area to further the goals described in sec-
25 tion 4(b).

1 (b) LANDSCAPE-SCALE PROJECTS.—Subject to the
2 availability of appropriations in accordance with section
3 12, the Secretary shall, to the maximum extent prac-
4 ticable, implement 1 or more ecological restoration
5 projects with a gross planning area of 50,000 acres for
6 each National Forest in the covered area that provide
7 landscape-scale work within a watershed area not later
8 than 3 years after the date on which the Secretary selects
9 the covered area.

10 (c) REQUIREMENTS.—In developing and imple-
11 menting ecological restoration projects under this section,
12 the Secretary shall consider—

- 13 (1) the best available science and data;
- 14 (2) the recommendations of the advisory panel;
- 15 and
- 16 (3) the views of the relevant collaborative
17 groups.

18 (d) NET ROAD REDUCTION.—In developing ecologi-
19 cal restoration projects under this Act, the Secretary shall
20 examine opportunities for, and achieve, a net reduction in
21 the permanent road system to improve forest and water-
22 shed health to the maximum extent practicable.

23 (e) PRIORITIZATION.—

- 24 (1) IN GENERAL.—The Secretary shall
25 prioritize ecological restoration projects in the cov-

1 ered area considering the requirements in subsection
2 (c) and based on the degree to which the ecological
3 restoration projects would improve forest health and
4 watershed health, based on—

5 (A) dry and moist forest plant association
6 groups; and

7 (B) the need to sustain adequate levels of
8 industry infrastructure to accomplish the goals
9 described in section 4(b).

10 (2) INCLUSIONS.—In carrying out this section,
11 the types of projects the Secretary shall consider to
12 be priority projects include projects that—

13 (A) reduce the risk of, and increase the re-
14 sistance and resiliency of the land to,
15 uncharacteristic disturbances, particularly if
16 critical components or values are at risk, in-
17 cluding—

18 (i) communities located in the
19 wildland-urban interface (as defined in sec-
20 tion 101 of the Healthy Forests Restora-
21 tion Act of 2003 (16 U.S.C. 6511)); and

22 (ii) valuable forest structures (includ-
23 ing old growth and older mature trees);

1 (B) restore the structure and composition
2 of forest stands at a high or moderate depar-
3 ture from the historic range of variability;

4 (C) accelerate the development of complex
5 forest structure in a young forest that has been
6 simplified through past management, such as
7 by—

8 (i) creating spatial heterogeneity (in-
9 cluding the creation of skips and gaps)
10 using mechanical treatments to create
11 wildlife habitat; and

12 (ii) retaining biological legacies (in-
13 cluding large standing, downed, live, and
14 dead trees);

15 (D) assist in the implementation of com-
16 munity wildfire protection plans developed by
17 at-risk communities (as those terms are defined
18 in section 101 of the Healthy Forests Restora-
19 tion Act of 2003 (16 U.S.C. 6511));

20 (E) use the value of merchantable sawlogs
21 and biomass to help offset the cost of ecological
22 restoration projects;

23 (F) meet local and rural community needs
24 through a source that is selected on a best-
25 value basis; and

1 (G) reduce the permanent road system to
2 improve forest health and watershed health.

3 **SEC. 8. COLLABORATION.**

4 (a) COLLABORATIVE GROUPS.—

5 (1) IN GENERAL.—To assist in the development
6 of the projects needed to accomplish the purposes of
7 this Act in the covered area, the Secretary shall con-
8 sult with, and consider the recommendations of, any
9 collaborative group that meets the criteria described
10 in paragraph (2).

11 (2) COLLABORATIVE GROUPS.—A collaborative
12 group under paragraph (1) means a group that—

13 (A) is interested in the implementation of
14 this Act;

15 (B) includes multiple individuals rep-
16 resenting diverse interests that include—

17 (i) environmental organizations;

18 (ii) timber and forest products indus-
19 try representatives; and

20 (iii) county governments;

21 (C) operates—

22 (i) in a transparent and nonexclusive
23 manner; and

24 (ii) by consensus or in accordance
25 with voting procedures to ensure a high de-

1 tion in National Forests in the eastern part of the State
2 for projects—

3 (1) that are located wholly in dry ponderosa
4 pine and dry mixed conifer forests types;

5 (2) that are located on a pilot landscape;

6 (3) that are endorsed by or the product of a
7 collaborative group; and

8 (4) no portion of which are located in an inven-
9 toried roadless area.

10 (c) COMPLETION DATE.—The Secretary shall com-
11 plete the record of decision for the large scale environ-
12 mental impact statement under subsection (b) not later
13 than 1 year after the date of enactment of this Act.

14 (d) TIMELINESS.—Any legal challenge to the environ-
15 mental impact statement and record of decision under this
16 section shall be filed not later than 120 days after the
17 record of decision is signed by the Secretary.

18 **SEC. 10. COOPERATIVE PARTNERSHIP.**

19 (a) FOREST PLANNING.—Section 327(b)(2) of the
20 Department of the Interior and Related Agencies Appro-
21 priations Act, 1996 (16 U.S.C. 1611 note; Public Law
22 104–134) is amended by inserting after “may include” the
23 following: “expenditures for forest planning activities nec-
24 essary for timber sales for projects that are on a pilot
25 landscape (as defined in section 3 of the Oregon Eastside

1 Forests Restoration, Old Growth Protection, and Jobs Act
2 of 2013) and”.

3 (b) COOPERATIVE FOREST INNOVATION PARTNER-
4 SHIP PROJECTS.—Section 13B of the Cooperative For-
5 estry Assistance Act of 1978 (16 U.S.C. 2109b) is amend-
6 ed by adding at the end the following:

7 “(d) REGULATIONS.—Not later than 90 days after
8 the date of enactment of the Oregon Eastside Forests Res-
9 toration, Old Growth Protection, and Jobs Act of 2013,
10 the Secretary shall promulgate regulations to implement
11 the authority of the Secretary under that Act.

12 “(e) COOPERATION WITH STATE GOVERNMENTS.—

13 “(1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of the Oregon Eastside
15 Forests Restoration, Old Growth Protection, and
16 Jobs Act of 2013, the Secretary shall carry out a
17 project to support the ability of the Department of
18 Agriculture to address the restoration of forests in
19 cooperation with States.

20 “(2) ELIGIBLE AREAS.—A project under para-
21 graph (1) may be carried out on a pilot landscape
22 (as defined in section 3 of the Oregon Eastside For-
23 ests Restoration, Old Growth Protection, and Jobs
24 Act of 2013).

1 “(3) FUNDING.—The Secretary shall use not
 2 more than 5 percent of the funds for the ‘Forest
 3 Health-Federal Lands’ budget line item made avail-
 4 able under the State and Private Forestry appro-
 5 priation to pay not more than 50 percent of the total
 6 cost of carrying out a project under paragraph (1).”.

7 **SEC. 11. ADMINISTRATION.**

8 (a) EFFECT.—Nothing in this Act affects—

9 (1) any right described in a treaty between an
 10 Indian tribe and the United States; or

11 (2) any biological opinion, including any opinion
 12 associated with the aquatic and riparian protection
 13 requirements of applicable land and resource man-
 14 agement plans.

15 (b) NO RETROACTIVE EFFECT DURING TRANSI-
 16 TION.—

17 (1) VEGETATION MANAGEMENT PROJECTS.—

18 The provisions of this Act shall not apply to a vege-
 19 tation management project that is—

20 (A) initiated, either through a scoping no-
 21 tice or a notice of intent, more than 180 days
 22 before the date on which the Secretary selects
 23 the covered area under section 4(a)(1); or

1 (B) approved or under contract before the
2 date on which the Secretary selects the covered
3 area under section 4(a)(1).

4 (2) RECOMMENDATIONS REPORT.—The comple-
5 tion of the Eastside Scientific and Technical Advi-
6 sory Panel recommendations report shall not auto-
7 matically compel an amendment or revision of any
8 vegetation management project initiated, approved,
9 or under contract before the date on which the rec-
10 ommendations report is completed.

11 (3) FOREST PLANS.—The completion of the
12 Eastside Scientific and Technical Advisory Panel
13 recommendations report shall not automatically com-
14 pel an amendment or revision of any existing forest
15 plan.

16 (c) APPLICABLE LAW.—The Secretary shall carry out
17 this Act in accordance with applicable law (including regu-
18 lations).

19 (d) PRINCIPAL AGENCY CONTACT.—

20 (1) SELECTION.—The Secretary shall select a
21 principal agency contact for the implementation of
22 this Act.

23 (2) DUTIES.—The principal agency contact
24 shall—

1 (A) serve as the point-of-contact for the
2 advisory panel; and

3 (B) facilitate communications among—

4 (i) the advisory panel;

5 (ii) collaborative groups;

6 (iii) employees of the Forest Service;

7 and

8 (iv) any other stakeholders (including
9 the public).

10 (e) REPORTING.—

11 (1) IN GENERAL.—The Secretary shall prepare
12 a report on the implementation of this Act—

13 (A) not later than 5 years after the date
14 on which the Secretary selects the covered area;
15 and

16 (B) 2 years before the date referred to in
17 subsection (e)(1).

18 (2) CONTENTS.—The reports required under
19 paragraph (1) shall, for each National Forest in the
20 covered area, assess the progress toward accom-
21 plishing—

22 (A) the purposes of this Act; and

23 (B) the performance goals established
24 under section 4(d).

25 (f) TERMINATION OF AUTHORITY.—

1 (1) IN GENERAL.—The authorities under this
2 Act (other than the authorities under sections 4(e)
3 and 5(c)) shall terminate on the date that is 15
4 years after the date of enactment of this Act.

5 (2) EFFECT.—Nothing in this subsection af-
6 fects a valid contract in effect on the date described
7 in paragraph (1).

8 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—Subject to subsection (c), there is
10 authorized to be appropriated \$50,000,000 to carry out
11 this Act, to remain available until expended.

12 (b) USE.—Any amounts appropriated to the Sec-
13 retary under subsection (a) may be used to support imple-
14 mentation of any cost-sharing authorities provided by this
15 Act.

16 (c) LIMITATION.—Amounts expended to carry out
17 provisions of this Act that are not subject to a cost-sharing
18 requirement shall not reduce the allocations of appro-
19 priated funds to the Secretary for use in—

20 (1) other National Forests not included in the
21 covered area;

22 (2) other States; or

23 (3) other Regions of the Forest Service.

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