

114TH CONGRESS
2D SESSION

S. _____

To improve forest management activities on National Forest System land and public land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve forest management activities on National Forest System land and public land, and for other purposes.

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

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Emergency Wildfire and Forest Management Act of
6 2016”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

2

- 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 AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

- Sec. 201. Analysis of only 2 alternatives in proposed collaborative forest management activities.
- Sec. 202. Categorical exclusion to expedite certain critical response actions.
- Sec. 203. Categorical exclusion to expedite salvage operations in response to catastrophic events.
- Sec. 204. Categorical exclusion to meet forest plan goals for early successional forests.
- 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—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

- Sec. 301. Expedited salvage operations and reforestation activities following large-scale catastrophic events.
- Sec. 302. Compliance with forest plans.
- Sec. 303. Exclusion of certain land.

TITLE IV—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

- Sec. 401. Definitions.
- Sec. 402. State-supported planning of forest management activities.

TITLE V—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Sec. 501. Protection of tribal forest assets.
- Sec. 502. Management of Indian forest land authorized to include related National Forest System land and public land.
- Sec. 503. Tribal forest management demonstration project.

TITLE VI—MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES

- Sec. 601. Balancing of impacts in considering injunctive relief.
- Sec. 602. State and private forest landscape-scale restoration program.
- Sec. 603. Pilot arbitration program.
- Sec. 604. National Forest System accelerated landscape restoration pilot program.

1 SEC. 2. DEFINITIONS.

2 In this Act:

1 (1) CATASTROPHIC EVENT.—The term “cata-
2 strophic event” means any natural disaster (such as
3 a 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) COLLABORATIVE PROCESS.—The term “col-
9 laborative process” means a process relating to the
10 management of National Forest System land or pub-
11 lic land under which a project or activity is devel-
12 oped and implemented—

13 (A) by the Secretary concerned through
14 collaboration with interested persons, as de-
15 scribed in section 603(b)(1)(C) of the Healthy
16 Forests Restoration Act of 2003 (16 U.S.C.
17 6591b(b)(1)(C)); or

18 (B) under the Collaborative Forest Land-
19 scape Restoration Program established under
20 section 4003 of the Omnibus Public Land Man-
21 agement Act of 2009 (16 U.S.C. 7303).

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

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

3 (4) FOREST MANAGEMENT ACTIVITY.—The
4 term “forest management activity” means a project
5 or activity carried out by the Secretary concerned on
6 National Forest System land or public land in ac-
7 cordance with an applicable forest plan.

8 (5) FOREST PLAN.—The term “forest plan”
9 means, as applicable—

10 (A) a resource management plan prepared
11 by the Bureau of Land Management for public
12 land pursuant to section 202 of the Federal
13 Land Policy and Management Act of 1976 (43
14 U.S.C. 1712); or

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

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

1 (7) PUBLIC LAND.—The term “public land”
2 has the meaning given the term “public lands” in
3 section 103 of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1702).

5 (8) REFORESTATION ACTIVITY.—

6 (A) IN GENERAL.—The term “reforest-
7 ation activity” means a project or activity car-
8 ried out by the Secretary concerned, the pri-
9 mary purpose of which is the reforestation of
10 impacted land following a large-scale cata-
11 strophic event.

12 (B) INCLUSIONS.—The term “reforestation
13 activity” includes—

14 (i) planting, evaluating, and enhanc-
15 ing natural regeneration;

16 (ii) clearing competing vegetation; and

17 (iii) any other activity relating to rees-
18 tablishment of a forest species on fire-im-
19 pacted land.

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

1 (10) SALVAGE OPERATION.—The term “salvage
2 operation” means a forest management activity car-
3 ried out in response to a catastrophic event, the pri-
4 mary purpose of which is—

5 (A)(i) to prevent wildfire as a result of the
6 catastrophic event; or

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

9 (B) to provide an opportunity for use of
10 any forest material damaged as a result of the
11 catastrophic event; or

12 (C) to provide a funding source for refor-
13 estation or other restoration activities for Na-
14 tional Forest System land or public land im-
15 pacted by the catastrophic event.

16 (11) SECRETARIES.—The term “Secretaries”
17 means the Secretary of the Interior and the Sec-
18 retary of Agriculture.

19 (12) SECRETARY CONCERNED.—The term
20 “Secretary concerned” means—

21 (A) the Secretary of Agriculture, with re-
22 spect to National Forest System land; and

23 (B) the Secretary of the Interior, with re-
24 spect to public land.

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

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

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

7 (1) by redesignating paragraphs (3) through
8 (12) as paragraphs (4) through (13), respectively;
9 and

10 (2) by inserting after paragraph (2) the fol-
11 lowing:

12 “(2) MAJOR DISASTER FOR WILDFIRE ON FED-
13 ERAL LAND.—The term ‘major disaster for wildfire
14 on Federal land’ means any wildfire or wildfires that
15 in the determination of the President in accordance
16 with section 802 warrants assistance under section
17 803 to supplement the efforts and resources of the
18 Secretary of the Interior or the Secretary of Agri-
19 culture—

20 “(A) on Federal land; or

21 “(B) on non-Federal land in accordance
22 with a fire protection agreement or cooperative
23 agreement.”.

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

3 The Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 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 “In this title:

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

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

15 “(B) any land under the jurisdiction of the
16 Secretary of Agriculture, acting through the
17 Chief of the Forest Service.

18 “(2) FEDERAL LAND MANAGEMENT AGEN-
19 CIES.—The term ‘Federal land management agen-
20 cies’ means—

21 “(A) the Bureau of Land Management;

22 “(B) the National Park Service;

23 “(C) the Bureau of Indian Affairs;

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

26 “(E) the 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 land, or on non-Federal land in accordance with a
8 fire protection agreement or cooperative agreement,
9 by the Federal land management agencies covered
10 by—

11 “(A) the wildfire suppression subactivity of
12 the Wildland Fire Management account of the
13 Federal land management agencies; or

14 “(B) the FLAME Wildfire Suppression
15 Reserve Fund account of the Federal land man-
16 agement agencies.

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

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

1 “(b) REQUIREMENTS.—A request for a declaration
2 by the President that a major disaster for wildfire on Fed-
3 eral land exists shall—

4 “(1) be made in writing by the appropriate Sec-
5 retary;

6 “(2) certify that the amount made available for
7 the current fiscal year for wildfire suppression oper-
8 ations of the Federal land management agencies
9 under the jurisdiction of the appropriate Secretary,
10 net of any concurrently enacted rescissions of wild-
11 fire suppression funds, increases the total unobli-
12 gated balance of the amount available for wildfire
13 suppression by an amount not less than the average
14 total cost incurred by the Federal land management
15 agencies per year for wildfire suppression operations,
16 including the suppression costs in excess of amounts
17 made available, during the previous 10 fiscal years;

18 “(3) certify that the amount available for wild-
19 fire suppression operations of the Federal land man-
20 agement agencies under the jurisdiction of the ap-
21 propriate Secretary will be obligated not later than
22 30 days after the date on which the Secretary noti-
23 fies the President that amounts for wildfire suppres-
24 sion will be exhausted to fund ongoing and antici-

1 pated wildfire suppression operations relating to the
2 wildfire on which the request is based; and

3 “(4) specify the amount required for the fiscal
4 year during which the request is made to fund wild-
5 fire suppression operations relating to the wildfire
6 on which the request is based.

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

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

12 “(a) IN GENERAL.—During a period for which the
13 President has declared that a major disaster for wildfire
14 on Federal land exists in accordance with this title, the
15 President may transfer funds only from the account estab-
16 lished in accordance with subsection (b) to the Secretary
17 of the Interior or the Secretary of Agriculture to conduct
18 wildfire suppression operations on—

19 “(1) Federal land; and

20 “(2) non-Federal land in accordance with a fire
21 protection agreement or cooperative agreement.

22 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
23 COUNT.—

24 “(1) IN GENERAL.—The President shall estab-
25 lish a specific account, to be known as the ‘wildfire

1 suppression operations account’, for amounts that
2 may be provided to the appropriate Secretary to con-
3 duct wildfire suppression operations in accordance
4 with this title.

5 “(2) LIMITATION.—The account established in
6 accordance with paragraph (1) may only be used to
7 provide amounts to the appropriate Secretary to
8 conduct wildfire suppression operations in accord-
9 ance with this title.

10 “(c) LIMITATION.—

11 “(1) LIMITATION OF TRANSFER.—

12 “(A) IN GENERAL.—The amounts available
13 to the appropriate Secretary to conduct wildfire
14 suppression operations in accordance with this
15 title are limited to the amount requested in ac-
16 cordance with section 802(b)(4).

17 “(B) WILDFIRES SUPPRESSION OPER-
18 ATIONS ACCOUNT.—Amounts available for
19 transfer to the appropriate Secretary to conduct
20 wildfire suppression operations in accordance
21 with this title shall not exceed the amount con-
22 tained in the wildfire suppression operations ac-
23 count.

24 “(2) TRANSFER OF FUNDS.—A transfer under
25 subsection (a) shall be made by the transfer of

1 amounts from the wildfire suppression operations ac-
2 count to the wildfire suppression subactivity of the
3 Wildland Fire Management Account.

4 “(d) PROHIBITION OF OTHER TRANSFERS.—Except
5 as provided in this section, no amounts may be transferred
6 to or from the wildfire suppression operations account to
7 or from any other fund or account.

8 “(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION
9 OPERATIONS ON NON-FEDERAL LAND.—If amounts
10 transferred to the appropriate Secretary to conduct wild-
11 fire suppression operations in accordance with this title
12 are used to conduct wildfire suppression operations on
13 non-Federal land, the appropriate Secretary shall—

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

17 “(2) transfer the amounts received under para-
18 graph (1) to the wildfire suppression operations ac-
19 count.

20 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
21 QUIREMENTS.—

22 “(1) IN GENERAL.—Not later than 90 days
23 after the last day of each fiscal year for which the
24 Secretary of the Interior or the Secretary of Agri-
25 culture receives amounts to conduct wildfire suppres-

1 sion operations in accordance with this title, the ap-
2 propriate Secretary shall submit to the committees
3 described in paragraph (2), and make available to
4 the public, a report that describes the following:

5 “(A) The risk-based factors that influenced
6 management decisions regarding wildfire sup-
7 pression operations of the Federal land man-
8 agement agencies under the jurisdiction of the
9 Secretary.

10 “(B) Specific discussion of a statistically
11 significant sample of large fires, in which each
12 fire is analyzed for—

13 “(i) cost drivers;

14 “(ii) the effectiveness of risk manage-
15 ment techniques;

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

18 “(iv) the impact of any investments in
19 preparedness;

20 “(v) suggested corrective actions; and

21 “(vi) such other factors as the Sec-
22 retary considers appropriate.

23 “(C) Total expenditures for wildfire sup-
24 pression operations of the Federal land man-
25 agement agencies under the jurisdiction of the

1 Secretary, including a description of expendi-
2 tures by—

3 “(i) fire size;

4 “(ii) cost;

5 “(iii) regional location; and

6 “(iv) such other factors as the Sec-
7 retary considers appropriate.

8 “(D) Lessons learned.

9 “(E) Such other matters as the Secretary
10 considers appropriate.

11 “(2) COMMITTEES DESCRIBED.—The commit-
12 tees referred to in paragraph (1) are—

13 “(A) of the Senate—

14 “(i) the Committee on Agriculture,
15 Nutrition, and Forestry;

16 “(ii) the Committee on Appropria-
17 tions;

18 “(iii) the Committee on the Budget;

19 “(iv) the Committee on Energy and
20 Natural Resources;

21 “(v) the Committee on Homeland Se-
22 curity and Governmental Affairs; and

23 “(vi) the Committee on Indian Af-
24 fairs; and

25 “(B) of the House of Representatives—

1 “(i) the Committee on Agriculture;
2 “(ii) the Committee on Appropria-
3 tions;
4 “(iii) the Committee on the Budget;
5 “(iv) the Committee on Natural Re-
6 sources; and
7 “(v) the Committee on Transportation
8 and Infrastructure.

9 “(g) SAVINGS PROVISION.—Nothing in this title lim-
10 its the ability of the Secretary of the Interior, the Sec-
11 retary of Agriculture, an Indian tribe, or a State to receive
12 assistance through a declaration made by the President
13 under this Act if the criteria for that declaration have been
14 satisfied.”.

15 **SEC. 103. PROHIBITION ON TRANSFERS.**

16 No amounts may be transferred to or from the wild-
17 fire suppression subactivity of the Wildland Fire Manage-
18 ment account or the FLAME Wildfire Suppression Re-
19 serve Fund account of the Federal land management
20 agencies (as defined in section 801 of the Robert T. Staf-
21 ford Disaster Relief and Emergency Assistance Act (as
22 added by section 102)) to or from any other account or
23 subactivity of those Federal land management agencies
24 that is not used to cover the cost of wildfire suppression
25 operations.

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

7 **SEC. 201. ANALYSIS OF ONLY 2 ALTERNATIVES IN PRO-**
8 **POSED COLLABORATIVE FOREST MANAGE-**
9 **MENT ACTIVITIES.**

10 (a) IN GENERAL.—This section shall apply whenever
11 the Secretary concerned prepares an environmental as-
12 sessment or an environmental impact statement pursuant
13 to section 102(2) of the National Environmental Policy
14 Act of 1969 (42 U.S.C. 4332(2)) for a forest management
15 activity—

16 (1) that is—

17 (A) developed through a collaborative proc-
18 ess; or

19 (B) covered by a community wildfire pro-
20 tection plan; and

21 (2) the primary purpose of which is—

22 (A) the reduction of hazardous fuel loads;

23 (B) the reduction of fuel connectivity
24 through the installation of fuel and fire breaks;

1 (C) the restoration of forest health and re-
2 silience;

3 (D) the protection of a municipal water
4 supply; or

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

7 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
8 ronmental assessment or environmental impact statement
9 described in subsection (a), the Secretary concerned shall
10 study, develop, and describe only the following 2 alter-
11 natives:

12 (1) The forest management activity, as pro-
13 posed pursuant to subsection (a).

14 (2) The alternative of no action.

15 (c) ELEMENTS OF NO ACTION ALTERNATIVE.—In
16 the case of the alternative of no action, the Secretary con-
17 cerned shall evaluate—

18 (1) the effect of no action on—

19 (A) forest health;

20 (B) habitat diversity;

21 (C) wildfire potential;

22 (D) insect and disease potential; and

23 (E) other economic and social factors; and

24 (2) the implications of a resulting decline, if
25 any, in forest health, loss of habitat diversity, wild-

1 fire, or insect or disease infestation, given fire and
2 insect and disease historic cycles, on—

3 (A) domestic water costs;

4 (B) wildlife habitat loss; and

5 (C) other economic and social factors.

6 (d) APPLICABILITY.—This section shall not apply
7 to—

8 (1) any component of the National Wilderness
9 Preservation System; or

10 (2) any National Forest System land or public
11 land in which the removal of vegetation is prohibited
12 by an Act of Congress.

13 **SEC. 202. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
14 **TAIN CRITICAL RESPONSE ACTIONS.**

15 (a) IN GENERAL.—A categorical exclusion is avail-
16 able to the Secretary concerned to develop and carry out
17 a forest management activity on National Forest System
18 land or public land in any case in which—

19 (1) the forest management activity is developed
20 and recommended through a collaborative process;
21 and

22 (2) the primary purpose of the forest manage-
23 ment activity is—

24 (A) to address an insect or disease infesta-
25 tion;

1 (B) to reduce hazardous fuel loads;

2 (C) to protect a municipal water supply
3 system (as defined in section 101 of the
4 Healthy Forests Restoration Act of 2003 (16
5 U.S.C. 6511);

6 (D) to maintain, enhance, or modify crit-
7 ical habitat to protect the critical habitat from
8 catastrophic disturbances;

9 (E) to increase water yield; or

10 (F) any combination of the purposes speci-
11 fied in subparagraphs (A) through (E).

12 (b) REQUIREMENTS.—A forest management activity
13 covered by the categorical exclusion described in sub-
14 section (a)—

15 (1) may not contain harvest units exceeding a
16 total of 5,000 acres; and

17 (2) shall consider the best available scientific
18 information.

19 **SEC. 203. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**
20 **VAGE OPERATIONS IN RESPONSE TO CATA-**
21 **STROPHIC EVENTS.**

22 (a) IN GENERAL.—A categorical exclusion is avail-
23 able to the Secretary concerned to develop and carry out
24 a salvage operation as part of the restoration of National

1 Forest System land or public land following a catastrophic
2 event.

3 (b) ACREAGE LIMITATIONS.—

4 (1) IN GENERAL.—A salvage operation covered
5 by the categorical exclusion described in subsection
6 (a) may not contain harvest units exceeding a total
7 of 5,000 acres.

8 (2) HARVEST AREA.—In addition to the limita-
9 tion imposed by paragraph (1), the harvest units
10 covered by the categorical exclusion described in sub-
11 section (a) may not exceed $\frac{1}{3}$ of the area impacted
12 by the catastrophic event.

13 (c) REFORESTATION PLAN.—A reforestation plan
14 shall be developed under section 3 of the Act of June 9,
15 1930 (commonly known as the “Knutson-Vandenberg
16 Act”) (16 U.S.C. 576b), as part of a salvage operation
17 covered by the categorical exclusion described in sub-
18 section (a).

19 **SEC. 204. CATEGORICAL EXCLUSION TO MEET FOREST**
20 **PLAN GOALS FOR EARLY SUCCESSIONAL**
21 **FORESTS.**

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

1 (1) HAZARDOUS FUELS MANAGEMENT.—The
2 term “hazardous fuels management” means any
3 vegetation management activities that reduce the
4 risk of wildfire.

5 (2) LATE-SEASON GRAZING.—The term “late-
6 season grazing” means grazing activities that occur
7 during the period—

8 (A) beginning when both the invasive spe-
9 cies and native perennial species have completed
10 the current-year annual growth cycle of the spe-
11 cies; and

12 (B) ending when new plant growth begins
13 to appear in the following year.

14 (3) TARGETED LIVESTOCK GRAZING.—The
15 term “targeted livestock grazing” means grazing
16 used for purposes of hazardous fuel reduction.

17 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
18 categorical exclusion is available to the Secretary con-
19 cerned to carry out a forest management activity described
20 in subsection (d) on National Forest System Land or pub-
21 lic land—

22 (1) in any case in which the forest management
23 activity is developed and recommended through a
24 collaborative process; and

1 (2) when the primary purpose of the activity on
2 that land is—

3 (A) to improve forest health;

4 (B) to restore forest health; or

5 (C) to reduce the risk of wildfire.

6 (c) **ACREAGE LIMITATIONS REQUIREMENTS.**—A for-
7 est management activity covered by the categorical exclu-
8 sion described in subsection (b)—

9 (1) may not exceed 5,000 acres; and

10 (2) shall consider the best available scientific
11 information.

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

15 (1) Removal of juniper trees, medusahead rye,
16 conifer trees, pinon pine trees, cheatgrass, and other
17 noxious or invasive weeds specified on Federal or
18 State noxious weeds lists through late-season live-
19 stock grazing, targeted livestock grazing, prescribed
20 burns, and mechanical treatments.

21 (2) Performance of hazardous fuels manage-
22 ment.

23 (3) Creation of fuel and fire breaks.

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

1 (5) Installation of erosion control devices.

2 (6) Construction of new and maintenance of
3 permanent infrastructure, including stock ponds,
4 water catchments, and water spring boxes used to
5 benefit livestock and improve wildlife habitat.

6 (7) Performance of soil treatments, native and
7 nonnative seeding, and planting of and transplanting
8 sagebrush, grass, forb, shrub, and other species.

9 (8) Use of herbicides, if the Secretary con-
10 cerned determines that the activity is otherwise con-
11 ducted consistently with agency procedures, includ-
12 ing any forest plan applicable to the area covered by
13 the activity.

14 **SEC. 206. CONSIDERATION OF RESOURCE CONDITIONS FOR**
15 **EXTRAORDINARY CIRCUMSTANCES.**

16 (a) DEFINITION OF BENEFICIAL EFFECT.—In this
17 section, the term “beneficial effect” means long-term—

18 (1) improvement in ecological or hydrological
19 function and health;

20 (2) improvement in forest health;

21 (3) reduction in the risk of catastrophic fire; or

22 (4) protection of watersheds.

23 (b) EXTRAORDINARY CIRCUMSTANCES.—Except as
24 provided in subsection (c), the extraordinary cir-
25 cumstances procedures under section 220.6 of title 36,

1 Code of Federal Regulations (or a successor regulation),
2 shall apply to a proposal for—

3 (1) a forest management activity that is cat-
4 egorically excluded under this title from documenta-
5 tion in an environmental impact statement or an en-
6 vironmental assessment under the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
8 or

9 (2) a project that is categorically excluded
10 under section 603(a)(1) of the Healthy Forests Res-
11 toration Act of 2013 (16 U.S.C. 6591b(a)(1)) from
12 documentation in an environmental impact state-
13 ment or an environmental assessment under the Na-
14 tional Environmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.).

16 (c) CONSIDERATION OF BENEFICIAL EFFECTS.—

17 (1) IN GENERAL.—In determining whether ex-
18 traordinary circumstances exist relating to a pro-
19 posal described in subsection (b), or in an environ-
20 mental impact statement or an environmental as-
21 sessment under the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.) relating to a
23 proposal for a forest management activity, the Sec-
24 retary shall consider the beneficial effect of the pro-
25 posed action on sensitive species.

1 (2) EFFECT OF UNCERTAINTY.—Uncertainty of
2 the Secretary with respect to the degree of a bene-
3 ficial effect under paragraph (1) shall not preclude
4 the use of a categorical exclusion.

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

6 A forest management activity covered by a categorical
7 exclusion described in this title shall be conducted in a
8 manner consistent with the forest plan applicable to the
9 National Forest System land or public land covered by the
10 forest management activity.

11 **SEC. 208. ROADS.**

12 (a) PERMANENT ROADS.—A project carried out
13 under this title shall not include the construction of new
14 permanent roads.

15 (b) EXISTING ROADS.—The Secretary concerned may
16 carry out necessary maintenance of, repairs to, or recon-
17 struction of an existing permanent road for the purposes
18 of this title.

19 (c) TEMPORARY ROADS.—The Secretary concerned
20 shall decommission any temporary road constructed under
21 this title not later than 3 years after the date on which
22 the project is completed.

23 **SEC. 209. EXCLUSIONS.**

24 This title does not apply to—

1 (1) a component of the National Wilderness
2 Preservation System;

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

5 (3) a congressionally designated wilderness
6 study area; or

7 (4) an area in which the activities authorized
8 under this title would be inconsistent with the appli-
9 cable resource management plan.

10 **TITLE III—SALVAGE AND REFOR-**
11 **ESTATION IN RESPONSE TO**
12 **CATASTROPHIC EVENTS**

13 **SEC. 301. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
14 **ESTATION ACTIVITIES FOLLOWING LARGE-**
15 **SCALE CATASTROPHIC EVENTS.**

16 (a) **EXPEDITED ENVIRONMENTAL ASSESSMENT.**—
17 Notwithstanding any other provision of law, an environ-
18 mental assessment developed by the Secretary concerned
19 pursuant to section 102(2) of the National Environmental
20 Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-
21 ation or reforestation activity proposed to be conducted
22 on National Forest System land or public land adversely
23 impacted by a large-scale catastrophic event that adversely
24 impacts not less than 5,000 acres of reasonably contiguous
25 National Forest System land or public land shall be com-

1 pleted by not later than 90 days after the date of conclu-
2 sion of the large-scale catastrophic event.

3 (b) EXPEDITED IMPLEMENTATION AND COMPLE-
4 TION.—In the case of reforestation activities conducted on
5 National Forest System land or public land adversely im-
6 pacted by a large-scale catastrophic event that adversely
7 impacts not less than 5,000 acres of reasonably contiguous
8 National Forest System land or public land, the Secretary
9 concerned shall achieve reforestation of not less than 75
10 percent of the impacted land by not later than 5 years
11 after the date of conclusion of the large-scale catastrophic
12 event.

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

19 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—

20 (1) PROCESS.—Notwithstanding any other pro-
21 vision of law, in the case of a salvage operation or
22 reforestation activity proposed to be conducted on
23 National Forest System land or public land ad-
24 versely impacted by a large-scale catastrophic event
25 that adversely impacts not less than 5,000 acres of

1 reasonably contiguous National Forest System land
2 or public land, the Secretary concerned shall allow a
3 period of not less than—

4 (A) 30 days for public scoping and com-
5 ment;

6 (B) 15 days for filing an objection; and

7 (C) 15 days for agency response to the fil-
8 ing of an objection.

9 (2) ACTION ON COMPLETION.—On completion
10 of the process and expiration of the total period re-
11 quired under paragraph (1), the Secretary concerned
12 shall implement the applicable salvage operation or
13 reforestation activity immediately.

14 **SEC. 302. COMPLIANCE WITH FOREST PLANS.**

15 A salvage operation or reforestation activity author-
16 ized by this title shall be conducted in accordance with
17 an applicable forest plan.

18 **SEC. 303. EXCLUSION OF CERTAIN LAND.**

19 (a) IN GENERAL.—In applying this title, the Sec-
20 retary concerned may not carry out any salvage operation
21 or reforestation activity on National Forest System land
22 or public land—

23 (1) that is included in the National Wilderness
24 Preservation System;

1 (2) except as provided in subsection (b), that is
2 located within an inventoried roadless area; or

3 (3) on which timber harvesting for any purpose
4 is prohibited by law.

5 (b) EXCEPTION.—Notwithstanding subsection (a)(2),
6 the Secretary may carry out a reforestation activity on
7 National Forest System land or public land that is located
8 within an inventoried roadless area if the reforestation ac-
9 tivity is consistent with the applicable forest plan.

10 **TITLE IV—ADDITIONAL FUND-**
11 **ING SOURCES FOR FOREST**
12 **MANAGEMENT ACTIVITIES**

13 **SEC. 401. DEFINITIONS.**

14 In this title:

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

17 (A) a State or political subdivision of a
18 State that contains National Forest System
19 land or public land;

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

22 (C) a rural electric company; and

23 (D) any other entity determined by the
24 Secretary concerned to be appropriate for par-
25 ticipation in the Fund.

1 (2) FUND.—The term “Fund” means the
2 State-Supported Forest Management Fund estab-
3 lished by section 402.

4 **SEC. 402. STATE-SUPPORTED PLANNING OF FOREST MAN-**
5 **AGEMENT ACTIVITIES.**

6 (a) ESTABLISHMENT.—There is established in the
7 Treasury of the United States a fund, to be known as the
8 “State-Supported Forest Management Fund”, to cover
9 the cost of planning (especially as relating to compliance
10 with section 102(2) of the National Environmental Policy
11 Act of 1969 (42 U.S.C. 4332(2))), carrying out, and moni-
12 toring certain forest management activities on National
13 Forest System land or public land.

14 (b) CONTENTS.—The Fund shall consist of such
15 amounts as may be—

16 (1) contributed by an eligible entity for deposit
17 in the Fund;

18 (2) appropriated to the Fund; or

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

21 (c) GEOGRAPHICAL AND USE LIMITATIONS.—In
22 making a contribution under subsection (b)(1), an eligible
23 entity may—

1 (1) specify the National Forest System land or
2 public land for which the contribution may be ex-
3 pended; and

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

6 (d) AUTHORIZED ACTIVITIES.—In such amounts as
7 may be provided in advance in appropriation Acts, the
8 Secretary concerned may use amounts in the Fund to
9 plan, carry out, and monitor any forest management activ-
10 ity that is—

11 (1) developed through a collaborative process;

12 (2) proposed by a resource advisory committee;

13 or

14 (3) covered by a community wildfire protection
15 plan.

16 (e) IMPLEMENTATION METHODS.—

17 (1) IN GENERAL.—A forest management activ-
18 ity carried out using amounts in the Fund may be
19 carried out pursuant to—

20 (A) a stewardship end result contracting
21 project authorized under section 604 of the
22 Healthy Forests Restoration Act of 2003 (16
23 U.S.C. 6591e);

24 (B) good neighbor authority under section
25 8206 of the Agricultural Act of 2014 (16

1 U.S.C. 2113a) and section 331 of the Depart-
2 ment of the Interior and Related Agencies Ap-
3 propriations Act, 2001 (Public Law 106–291;
4 114 Stat. 996; 118 Stat. 3102; 123 Stat. 2961;
5 128 Stat. 341);

6 (C) a contract under section 14 of the Na-
7 tional Forest Management Act of 1976 (16
8 U.S.C. 472a); or

9 (D) any other authority available to the
10 Secretary concerned.

11 (2) USE OF REVENUES.—Any revenue gen-
12 erated by a forest management activity described in
13 paragraph (1) shall be used to reimburse the Fund
14 for planning costs covered using amounts in the
15 Fund.

16 (f) RELATION TO OTHER LAWS.—

17 (1) REVENUE SHARING.—Subject to subsection
18 (e), revenues generated by a forest management ac-
19 tivity carried out using amounts from the Fund shall
20 be considered to be monies received from the Na-
21 tional Forest System.

22 (2) KNUTSON-VANDENBERG ACT.—The Act of
23 June 9, 1930 (commonly known as the “Knutson-
24 Vandenberg Act”) (16 U.S.C. 576 et seq.), shall

1 apply to a forest management activity carried out
2 using amounts in the Fund.

3 (g) TERMINATION OF FUND.—

4 (1) IN GENERAL.—The Fund shall terminate on
5 September 30, 2018.

6 (2) EFFECT.—On the termination of the Fund
7 under paragraph (1), or pursuant to any other law,
8 any unobligated contribution remaining in the Fund
9 shall be returned to the eligible entity that made the
10 contribution.

11 **TITLE V—TRIBAL FORESTRY**
12 **PARTICIPATION AND PRO-**
13 **TECTION**

14 **SEC. 501. PROTECTION OF TRIBAL FOREST ASSETS.**

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

18 (1) in paragraph (1), by striking “Not later
19 than 120 days after the date on which an Indian
20 tribe submits to the Secretary” and inserting “In re-
21 sponse to the submission by an Indian tribe to the
22 Secretary of”; and

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

24 “(4) TIME PERIODS FOR CONSIDERATION.—

1 “(A) INITIAL RESPONSE.—Not later than
2 120 days after the date on which the Secretary
3 receives a tribal request under paragraph (1),
4 the Secretary shall provide an initial response
5 to the Indian tribe regarding—

6 “(i) whether the request may meet the
7 selection criteria described in subsection
8 (c); and

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

13 “(B) NOTICE OF DENIAL.—A notice under
14 subsection (d) of the denial of a tribal request
15 under paragraph (1) shall be provided to the
16 Indian tribe by not later than 1 year after the
17 date on which the Secretary receives the re-
18 quest.

19 “(C) COMPLETION.—Not later than 2
20 years after the date on which the Secretary re-
21 ceives a tribal request under paragraph (1)
22 (other than a tribal request denied under sub-
23 section (d)) the Secretary shall—

24 “(i) complete all environmental re-
25 views necessary in connection with the

1 agreement or contract and proposed activi-
2 ties under the agreement or contract; and
3 “(ii) enter into the agreement or con-
4 tract with the Indian tribe under para-
5 graph (2).”.

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

9 (1) in subsections (b)(1) and (f)(1), by striking
10 “section 347 of the Department of the Interior and
11 Related Agencies Appropriations Act, 1999 (16
12 U.S.C. 2104 note; Public Law 105–277) (as amend-
13 ed by section 323 of the Department of the Interior
14 and Related Agencies Appropriations Act, 2003 (117
15 Stat. 275))” each place it appears and inserting
16 “section 604 of the Healthy Forests Restoration Act
17 of 2003 (16 U.S.C. 6591c)”;

18 (2) in subsection (d), in the matter preceding
19 paragraph (1), by striking “subsection (b)(1), the
20 Secretary may” and inserting “paragraphs (1) and
21 (4)(B) of subsection (b), the Secretary shall”.

1 **SEC. 502. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
2 **IZED TO INCLUDE RELATED NATIONAL FOR-**
3 **EST SYSTEM LAND AND PUBLIC LAND.**

4 Section 305 of the National Indian Forest Resources
5 Management Act (25 U.S.C. 3104) is amended by adding
6 at the end the following:

7 “(c) INCLUSION OF CERTAIN NATIONAL FOREST
8 SYSTEM LAND AND PUBLIC LAND.—

9 “(1) DEFINITIONS.—In this subsection:

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

12 “(i) National Forest System land; and

13 “(ii) public lands (as defined in sec-
14 tion 103 of the Federal Land Policy and
15 Management Act of 1976 (43 U.S.C.
16 1702)), including—

17 “(I) Coos Bay Wagon Road
18 Grant land reconveyed to the United
19 States pursuant to the first section of
20 the Act of February 26, 1919 (40
21 Stat. 1179, chapter 47); and

22 “(II) Oregon and California Rail-
23 road Grant land.

24 “(B) SECRETARY CONCERNED.—The term
25 ‘Secretary concerned’ means—

1 “(i) the Secretary of Agriculture, with
2 respect to the Federal forest land described
3 in subparagraph (A)(i); and

4 “(ii) the Secretary of the Interior,
5 with respect to the Federal forest land de-
6 scribed in subparagraph (A)(ii).

7 “(2) AUTHORITY.—

8 “(A) IN GENERAL.—On request of an In-
9 dian tribe, the Secretary concerned may treat
10 Federal forest land described in subparagraph
11 (B) as Indian forest land for purposes of plan-
12 ning and conducting forest land management
13 activities under this section.

14 “(B) FEDERAL FOREST LAND DE-
15 SCRIBED.—Federal forest land referred to in
16 subparagraph (A) is Federal forest land that is
17 located within, or mostly within, a geographic
18 area that presents a feature or involves cir-
19 cumstances principally relevant to the Indian
20 tribe making the request, including Federal for-
21 est land—

22 “(i) ceded to the United States by
23 treaty;

24 “(ii) located within the boundaries of
25 a current or former Indian reservation; or

1 “(iii) adjudicated to be tribal home-
2 land.

3 “(3) REQUIREMENTS.—As part of an agree-
4 ment to treat Federal forest land as Indian forest
5 land under paragraph (2), the Secretary concerned
6 and the Indian tribe making the request shall—

7 “(A) provide for continued public access
8 applicable to the Federal forest land prior to
9 the date of the agreement, except that the Sec-
10 retary concerned may limit or prohibit that ac-
11 cess as necessary;

12 “(B) continue sharing revenue generated
13 by the Federal forest land with State and local
14 governments either—

15 “(i) on the terms applicable to the
16 Federal forest land prior to the date of the
17 agreement, including, as applicable, 25-
18 percent payments or 50-percent payments;
19 or

20 “(ii) at the option of the Indian tribe,
21 on terms agreed to by the Indian tribe, the
22 Secretary concerned, and State and local
23 governments participating in a revenue
24 sharing agreement applicable to the Fed-
25 eral forest land;

1 “(C) comply with applicable prohibitions
2 on the export of unprocessed logs harvested
3 from the Federal forest land;

4 “(D) recognize all right-of-way agreements
5 in effect on the Federal forest land prior to the
6 commencement of tribal forest land manage-
7 ment activities; and

8 “(E) ensure that any commercial timber
9 removed from the Federal forest land is sold on
10 a competitive bid basis.

11 “(4) EFFECT.—The treatment of Federal forest
12 land as Indian forest land for purposes of planning
13 and conducting forest land management activities
14 pursuant to paragraph (2) does not designate the
15 Federal forest land as Indian forest land for any
16 other purpose.”.

17 **SEC. 503. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
18 **PROJECT.**

19 The Secretary of the Interior or the Secretary of Ag-
20 riculture may carry out a demonstration project pursuant
21 to which a federally recognized Indian tribe or tribal orga-
22 nization may enter into a contract to carry out administra-
23 tive, management, or other functions of programs of the
24 Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a),
25 through a contract entered into under the Indian Self-De-

1 termination and Education Assistance Act (25 U.S.C. 450
2 et seq.).

3 **TITLE VI—MISCELLANEOUS**
4 **FOREST MANAGEMENT AC-**
5 **TIVITIES**

6 **SEC. 601. BALANCING OF IMPACTS IN CONSIDERING IN-**
7 **JUNCTIVE RELIEF.**

8 A court reviewing an agency action relating to a for-
9 est management activity under this Act for a request for
10 an order to enjoin the agency action shall, as part of the
11 balancing of interests, balance—

12 (1) the short- and long-term impacts on each
13 ecosystem likely to be affected by the forest manage-
14 ment activity if the agency action is undertaken;
15 against

16 (2) the short- and long-term impacts on each
17 ecosystem likely to be affected by the forest manage-
18 ment activity if the agency action is not undertaken.

19 **SEC. 602. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
20 **RESTORATION PROGRAM.**

21 (a) IN GENERAL.—Section 13A of the Cooperative
22 Forestry Assistance Act of 1978 (16 U.S.C. 2109a) is
23 amended to read as follows:

1 **“SEC. 13A. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
2 **RESTORATION PROGRAM.**

3 “(a) PURPOSE.—The purpose of this section is to en-
4 courage collaborative, science-based restoration of priority
5 forest landscapes and help manage forest resources that
6 are at risk of catastrophic wildfire, invasive species, insect
7 infestations and disease, and any other threats that de-
8 grade the vitality of forest ecosystems.

9 “(b) DEFINITIONS.—In this section:

10 “(1) BEGINNING FOREST OWNER.—The term
11 ‘beginning forest owner’ means a person who is in
12 the first 10 years of ownership of nonindustrial pri-
13 vate forest land.

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

18 “(3) NONINDUSTRIAL PRIVATE FOREST
19 LAND.—The term ‘nonindustrial private forest land’
20 means land that—

21 “(A) is rural, as determined by the Sec-
22 retary;

23 “(B) has existing tree cover or is suitable
24 for growing trees; and

1 “(C) is owned by any private individual,
2 group, association, corporation, Indian tribe, or
3 other private legal entity.

4 “(4) STATE FOREST LAND.—The term ‘State
5 forest land’ means land that—

6 “(A) is rural, as determined by the Sec-
7 retary; and

8 “(B) is under State or local governmental
9 ownership and considered to be non-Federal
10 forest land.

11 “(c) ESTABLISHMENT.—The Secretary, in consulta-
12 tion with State Foresters or appropriate State agencies,
13 shall establish a competitive grant program to provide fi-
14 nancial and technical assistance—

15 “(1) to encourage active forest management on
16 cross-boundary priority forest landscapes, including
17 land owned by beginning and previously unengaged
18 forest owners, for the purpose of maintaining forest
19 health;

20 “(2) to protect forests from natural threats and
21 wildfire;

22 “(3) to enhance public benefits from forests;

23 “(4) to conserve and manage working forest
24 landscapes for multiple values and uses; and

1 “(5) to advance priorities in statewide forest as-
2 sessment and resource strategies.

3 “(d) ELIGIBILITY.—To be eligible to receive a grant
4 under this section, an applicant shall submit to the Sec-
5 retary, through the State forester or appropriate State
6 agency, a State and private forest landscape-scale restora-
7 tion proposal based on a restoration strategy that is—

8 “(1) complete or substantially complete;

9 “(2) for a multiyear period;

10 “(3) comprised of nonindustrial private forest
11 land or State forest land;

12 “(4) accessible by wood-processing infrastruc-
13 ture; and

14 “(5) based on the best available science.

15 “(e) PLAN CRITERIA.—A State and private forest
16 landscape-scale restoration proposal submitted under this
17 section shall include plans—

18 “(1) to reduce the risk of uncharacteristic
19 wildfires, including hazardous fuels treatment;

20 “(2) to improve fish and wildlife habitats, in-
21 cluding the habitats of threatened and endangered
22 species;

23 “(3) to maintain or improve water quality and
24 watershed function;

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

3 “(5) to improve important forest ecosystems;

4 “(6) to measure ecological and economic bene-
5 fits, including air quality and soil quality and pro-
6 ductivity;

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

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

10 “(9) to take other relevant actions, as deter-
11 mined by the Secretary.

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

14 “(1) further a statewide forest assessment and
15 resource strategy;

16 “(2) promote cross boundary landscape collabo-
17 ration; and

18 “(3) leverage public and private resources.

19 “(g) COLLABORATION AND CONSULTATION.—The
20 Chief of the Forest Service, the Chief of the Natural Re-
21 sources Conservation Service, and relevant stakeholders
22 shall collaborate and consult on an ongoing basis regard-
23 ing administration of the program established under this
24 section and identifying other applicable resources towards
25 landscape-scale restoration.

1 “(h) MATCHING FUNDS REQUIRED.—As a condition
2 of receiving a grant under this section, the Secretary shall
3 require the recipient of the grant to provide funds or in-
4 kind support from non-Federal sources in an amount that
5 is at least equal to the amount provided by the Federal
6 Government.

7 “(i) COORDINATION AND PROXIMITY ENCOUR-
8 AGED.—In making grants under this section, the Sec-
9 retary may consider coordination with and proximity to
10 other landscape-scale projects on other land under the ju-
11 risdiction of the Secretary, the Secretary of the Interior,
12 or a Governor of a State, including under—

13 “(1) the Collaborative Forest Landscape Res-
14 toration Program established under section 4003 of
15 the Omnibus Public Land Management Act of 2009
16 (16 U.S.C. 7303);

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

20 “(3) good neighbor authority under section
21 8206 of the Agricultural Act of 2014 (16 U.S.C.
22 2113a) and section 331 of the Department of the
23 Interior and Related Agencies Appropriations Act,
24 2001 (Public Law 106–291; 114 Stat. 996; 118
25 Stat. 3102, 123 Stat. 2961; 128 Stat. 341);

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

4 “(5) appropriate State-level programs; and

5 “(6) other relevant programs, as determined by
6 the Secretary.

7 “(j) REGULATIONS.—The Secretary shall promulgate
8 such regulations as the Secretary determines necessary to
9 carry out this section.

10 “(k) REPORT.—Not later than 3 years after the date
11 of enactment of this section, the Secretary shall submit
12 to the Committee on Agriculture of the House of Rep-
13 resentatives and the Committee on Agriculture, Nutrition,
14 and Forestry of the Senate a report on the status of devel-
15 opment, execution, and administration of selected projects,
16 accounting of program funding expenditures, and specific
17 accomplishments that have resulted from landscape-scale
18 projects.

19 “(l) FUND.—

20 “(1) IN GENERAL.—There is established in the
21 Treasury of the United States a fund, to be known
22 as the ‘State and Private Forest Landscape-Scale
23 Restoration Fund’ (referred to in this subsection as
24 the ‘Fund’), to be used by the Secretary to make
25 grants under this section.

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

4 “(3) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to the Fund
6 \$40,000,000 for each fiscal year beginning with the
7 first full fiscal year after the date of enactment of
8 the Emergency Wildfire and Forest Management
9 Act of 2016 through fiscal year 2018, to remain
10 available until expended.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 13B of the Cooperative Forestry
13 Assistance Act of 1978 (16 U.S.C. 2109b) is re-
14 pealed.

15 (2) Section 19(a)(4)(C) of the Cooperative For-
16 estry Assistance Act of 1978 (16 U.S.C.
17 2113(a)(4)(C)) is amended by striking “sections
18 13A and 13B” and inserting “section 13A”.

19 **SEC. 603. PILOT ARBITRATION PROGRAM.**

20 (a) DEFINITIONS.—In this section:

21 (1) NATURAL DISASTER.—The term “natural
22 disaster” mean a wildfire, hurricane or excessive
23 winds, drought, ice storm or blizzard, flood, or other
24 resource-impacting event, as determined by the Sec-
25 retary.

1 (2) PROGRAM.—The term “program” means
2 the pilot arbitration program established by the Sec-
3 retary under subsection (b).

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 (b) ESTABLISHMENT.—

7 (1) IN GENERAL.—The Secretary shall establish
8 within the Forest Service a pilot arbitration program
9 to designate any of the projects described in sub-
10 section (c) for an alternative dispute resolution proc-
11 ess to replace judicial review of the projects.

12 (2) DESIGNATION PROCESS.—The Secretary
13 shall—

14 (A) establish a process for the designation
15 of projects for the program in accordance with
16 this section; and

17 (B) publish in the Federal Register the
18 designation process described in subparagraph

19 (A).

20 (c) DESCRIPTION OF PROJECTS.—The Secretary may
21 designate for the program projects that—

22 (1) are developed through a collaborative proc-
23 ess;

24 (2) are proposed by a resource advisory com-
25 mittee;

1 (3)(A) are necessary to address damage caused
2 by a natural disaster on National Forest System
3 land that, if not treated—

4 (i) would impair or endanger the natural
5 resources on the National Forest System land;
6 and

7 (ii) would materially affect future use of
8 the National Forest System land; and

9 (B) would restore forest health and forest-re-
10 lated resources on the National Forest System land
11 described in subparagraph (A);

12 (4) respond to natural disasters;

13 (5) address insect or disease infestation;

14 (6) are carried out under the Tribal Forest
15 Protection Act of 2004 (25 U.S.C. 3115a); or

16 (7) are carried out under community wildfire
17 protection plans (as defined in section 101 of the
18 Healthy Forest Restoration Act of 2003 (16 U.S.C.
19 6511)).

20 (d) LIMITATION OF PROJECTS.—Not more than 10
21 projects described in subsection (c) may be designated for
22 the program in any applicable calendar year.

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

1 (f) DEMAND FOR ARBITRATION.—

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

4 (A) may file a demand for arbitration re-
5 garding a project described in subsection (c)
6 that has been designated for the program under
7 subsection (b) in accordance with subchapter IV
8 of chapter 5 of title 5, United States Code; and

9 (B) if a demand for arbitration is filed
10 under subparagraph (A), shall include in the
11 demand for arbitration a proposal for an alter-
12 native to the project that describes each modi-
13 fication sought with respect to the project.

14 (2) REQUIREMENT.—A demand for arbitration
15 may only be filed under paragraph (1) by an indi-
16 vidual or entity that—

17 (A) participated in a collaborative process;

18 (B) developed or implemented the project
19 with a resource advisory committee; or

20 (C) the Secretary approves to file a de-
21 mand for arbitration.

22 (g) RESPONSIBILITIES OF ARBITRATOR.—

23 (1) IN GENERAL.—An arbitrator shall make a
24 decision on each demand for arbitration under this
25 section by selecting only—

1 (A) the project, as approved by the Sec-
2 retary; or

3 (B) a proposal submitted by an individual
4 or entity under subsection (f)(1)(B).

5 (2) LIMITATIONS.—

6 (A) ADMINISTRATIVE RECORD.—A decision
7 of an arbitrator under this subsection shall be
8 based solely on the administrative record for
9 the project.

10 (B) NO MODIFICATIONS TO PROPOSALS.—
11 An arbitrator may not modify any proposal con-
12 tained in a demand for arbitration under this
13 section.

14 (C) DECISION REQUIREMENTS.—A deci-
15 sion of an arbitrator under this subsection shall
16 be—

17 (i) within the authority of the Sec-
18 retary; and

19 (ii) consistent with each applicable
20 forest plan.

21 (h) EFFECT OF ARBITRATION DECISION.—A decision
22 of an arbitrator under this section—

23 (1) shall not be considered to be a major Fed-
24 eral action;

25 (2) shall be binding; and

1 (3) shall not be subject to judicial review, ex-
2 cept as provided in section 10(a) of title 9, United
3 States Code.

4 **SEC. 604. NATIONAL FOREST SYSTEM ACCELERATED LAND-**
5 **SCAPE RESTORATION PILOT PROGRAM.**

6 (a) IN GENERAL.—Title VI of the Healthy Forests
7 Restoration Act of 2003 (16 U.S.C. 6591 et seq.) is
8 amended by adding at the end the following:

9 **“SEC. 605. NATIONAL FOREST SYSTEM ACCELERATED**
10 **LANDSCAPE RESTORATION PILOT PROGRAM.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) COLLABORATIVE GROUP.—The term ‘col-
13 laborative group’ means a group of individuals, oper-
14 ating in a transparent and inclusive manner, that
15 represent a balance of the interests of entities in-
16 cluding—

17 “(A) conservation organizations;

18 “(B) timber and forest products organiza-
19 tions;

20 “(C) local and tribal governments;

21 “(D) community organizations; and

22 “(E) other multiple-use groups with an in-
23 terest in the National Forest System, as deter-
24 mined by the Secretary.

1 “(2) DESIGNATED LANDSCAPE.—The term
2 ‘designated landscape’ means a landscape-scale area
3 designated for the pilot program under subsection
4 (b)(2).

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

7 “(A)(i) is durable, resilient, and less prone
8 to wildfire, insect, or pathogen outbreaks of a
9 severity, size, or quantity that exceeds the nat-
10 ural range of variation, taking into account the
11 anticipated future conditions of the forest;

12 “(ii) supports—

13 “(I) ecosystem services and functions;

14 and

15 “(II) populations of native plant spe-

16 cies; and

17 “(iii) allows for natural disturbances; or

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

20 “(i) species composition;

21 “(ii) ecosystem function and struc-
22 ture;

23 “(iii) hydrologic function; and

24 “(iv) sediment.

1 “(4) PILOT PROGRAM.—The term ‘pilot pro-
2 gram’ means the National Forest System accelerated
3 landscape restoration pilot program established by
4 the Secretary under subsection (b)(1).

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

7 “(b) ESTABLISHMENT.—

8 “(1) IN GENERAL.—The Secretary shall estab-
9 lish a National Forest System accelerated landscape
10 restoration pilot program to restore or maintain des-
11 ignated landscapes.

12 “(2) DESIGNATION.—The Secretary, acting
13 through the Chief of the Forest Service, shall, in ac-
14 cordance with this subsection, designate for the pilot
15 program not fewer than 10 landscape-scale areas
16 within the National Forest System (as defined in
17 section 11(a) of the Forest and Rangeland Renew-
18 able Resources Planning Act of 1974 (16 U.S.C.
19 1609(a))).

20 “(3) ELIGIBILITY.—Each designated landscape
21 shall—

22 “(A) include not less than 75,000 acres
23 and not more than 1,000,000 acres;

24 “(B) be identified by a collaborative group;

1 “(C) not include any inventoried roadless
2 area; and

3 “(D) include forests that—

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

5 “(ii) are at increased risk of high-se-
6 verity wildfire; or

7 “(iii) are at increased risk of an insect
8 or disease infestation.

9 “(4) CONSIDERATION.—

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

13 “(i) prioritize landscape-scale areas in
14 which social, ecological, and economic con-
15 ditions support landscape-scale restoration;
16 and

17 “(ii) consider the factors described in
18 subparagraph (B).

19 “(B) FACTORS.—The factors referred to in
20 subparagraph (A)(ii) are the following factors:

21 “(i) The existence of strong collabo-
22 rative support for landscape-scale restora-
23 tion.

24 “(ii) The ecological conditions that
25 are conducive to landscape-scale decisions,

1 such as broad categories of land that
2 would benefit from similar restoration
3 treatments.

4 “(iii) Economic conditions, such as
5 the existence of infrastructure in proximity
6 to the landscape-scale area that can make
7 economic use of the forest byproducts of
8 restoration.

9 “(iv) The extent to which the land-
10 scape-scale area is important to support,
11 maintain, or improve water quality and wa-
12 tershed function.

13 “(v) Other considerations, as deter-
14 mined by the Secretary.

15 “(5) PUBLIC NOTICE.—

16 “(A) INITIAL NOTICE.—Not later than 90
17 days after the date of enactment of this Act,
18 the Secretary shall publish in the Federal Reg-
19 ister a notice of the process for the designation
20 of landscape-scale areas for the pilot program
21 under paragraph (2).

22 “(B) FINAL NOTICE.—Not later than 1
23 year after the date of enactment of this section,
24 the Secretary shall publish in the Federal Reg-
25 ister a notice describing—

1 “(i) each designated landscape;

2 “(ii) the rationale for designating, in
3 accordance with the requirements de-
4 scribed in paragraph (3), each designated
5 landscape;

6 “(iii) any collaborative group used to
7 identify a designated landscape;

8 “(iv) an overview of any forest health
9 problem with respect to each designated
10 landscape;

11 “(v) a discussion of the purpose of,
12 and need for, restoration of each des-
13 igned landscape;

14 “(vi) a summary of the management
15 actions necessary to achieve restoration of
16 each designated landscape;

17 “(vii) findings relating to the short-
18 term and long-term risks and impacts of
19 no action compared to restoration of each
20 designated landscape; and

21 “(viii) a notice of intent to prepare an
22 environmental impact statement for treat-
23 ment within each designated landscape.

24 “(c) LANDSCAPE-SCALE ENVIRONMENTAL IMPACT
25 STATEMENT.—The Secretary shall prepare, for each des-

1 ignated landscape, a landscape-scale environmental impact
2 statement for purposes of compliance with the National
3 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
4 seq.) that—

5 “(1) is commensurate with the geographic scope
6 of the designated landscape;

7 “(2) is sufficient to allow—

8 “(A) project-scale implementation;

9 “(B) adaptive management, including site-
10 specific options, to ensure that project imple-
11 mentation stays within the documented range of
12 impacts;

13 “(C) site descriptions or land allocations
14 that identify locations within the landscape in
15 which specific restoration or maintenance treat-
16 ments can be used appropriately; and

17 “(D) standards and guidelines, consistent
18 with the appropriate forest plan and project-
19 level design criteria, for management or other
20 project activities; and

21 “(3) includes—

22 “(A) an identification of any forest health
23 problem;

24 “(B) an identification of the purpose of the
25 treatment, and need, to restore to more resilient

1 and healthy conditions, or to maintain, forest
2 health in the designated landscape;

3 “(C) an estimate of the time needed to sat-
4 isfy the purpose and need described in subpara-
5 graph (B) and the scale of the restoration or
6 maintenance treatment needed to satisfy that
7 purpose and need;

8 “(D) a description of potential restoration
9 or maintenance treatment that would contribute
10 to the satisfaction of the purpose and need de-
11 scribed in subparagraph (B); and

12 “(E) a description of possible changes in
13 circumstances or new information that would
14 require supplemental documentation under the
15 National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.).

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$40,000,000 for each fiscal year beginning with the first
20 full fiscal year after the date of enactment of the Emer-
21 gency Wildfire and Forest Management Act of 2016
22 through fiscal year 2018.”.

23 (b) CONFORMING AMENDMENT.—The table of con-
24 tents for the Healthy Forests Restoration Act of 2003 (16

- 1 U.S.C. prec. 6501) is amended by adding at the end of
- 2 the items relating to title VI the following:

“Sec. 602. Designation of treatment areas.

“Sec. 603. Administrative review.

“Sec. 604. Stewardship end result contracting projects.

“Sec. 605. National Forest System accelerated landscape restoration pilot program.”.