

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

H. R. 2647

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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.

2

TITLE I—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

- Sec. 101. Wildfire on Federal land.
- Sec. 102. Declaration of a major disaster for wildfire on Federal land.
- Sec. 103. Prohibition on transfers.

TITLE II—EXPEDITED ENVIRONMENTAL ANALYSIS AND 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—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Sec. 301. Protection of tribal forest assets.
- Sec. 302. Management of Indian forest land authorized to include related National Forest System land and public land.
- Sec. 303. Tribal forest management demonstration project.

TITLE IV—MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES

- Sec. 401. Definition of Secretary.
- Sec. 402. State-supported planning of forest management activities.
- Sec. 403. Balancing of impacts in considering injunctive relief.
- Sec. 404. State and private forest landscape-scale restoration program.
- Sec. 405. Pilot arbitration program.
- Sec. 406. National Forest System accelerated landscape restoration pilot program.
- Sec. 407. Tennessee Wilderness.
- Sec. 408. Additional authority for sale or exchange of small parcels of National Forest System land.
- Sec. 409. Extension of authorization for conveyance of Forest Service administrative sites.

TITLE V—KISATCHIE NATIONAL FOREST LAND CONVEYANCE

- Sec. 501. Short title.
- Sec. 502. Finding.
- Sec. 503. Definitions.
- Sec. 504. Authorization of conveyances.
- Sec. 505. Proceeds from the sale of land.
- Sec. 506. Administration.

TITLE VI—CHATTAHOOCHEE-OCONEE NATIONAL FOREST LAND ADJUSTMENT

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Definition of Secretary.
Sec. 604. Land conveyance authority.
Sec. 605. Treatment of proceeds.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

10 (2) CATEGORICAL EXCLUSION.—The term “cat-
11 egorical exclusion” means an exclusion from further
12 analysis and documentation in an environmental as-
13 sessment or an environmental impact statement
14 under the National Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.) for a project or activ-
16 ity relating to the management of National Forest
17 System land or public land.

18 (3) COLLABORATIVE PROCESS.—The term “col-
19 laborative process” means a process relating to the
20 management of National Forest System land or pub-
21 lic land under which a project or activity is devel-
22 oped and implemented—

1 (A) by the Secretary concerned through
2 collaboration with interested persons, as de-
3 scribed in section 603(b)(1)(C) of the Healthy
4 Forests Restoration Act of 2003 (16 U.S.C.
5 6591b(b)(1)(C)); or

6 (B) through a collaborative process under
7 the Collaborative Forest Landscape Restoration
8 Program, as described in section 4003(b)(2) of
9 the Omnibus Public Land Management Act of
10 2009 (16 U.S.C. 7303(b)(2)).

11 (4) COMMUNITY WILDFIRE PROTECTION
12 PLAN.—The term “community wildfire protection
13 plan” has the meaning given that term in section
14 101 of the Healthy Forests Restoration Act of 2003
15 (16 U.S.C. 6511).

16 (5) FOREST MANAGEMENT ACTIVITY.—The
17 term “forest management activity” means a project
18 or activity carried out by the Secretary concerned on
19 National Forest System land or public land that is
20 consistent with an applicable forest plan.

21 (6) FOREST PLAN.—The term “forest plan”
22 means, as applicable—

23 (A) a resource management plan prepared
24 by the Bureau of Land Management for public
25 land pursuant to section 202 of the Federal

1 Land Policy and Management Act of 1976 (43
2 U.S.C. 1712); or

3 (B) a land management plan prepared by
4 the Forest Service for a unit of the National
5 Forest System pursuant to section 6 of the
6 Forest and Rangeland Renewable Resources
7 Planning Act of 1974 (16 U.S.C. 1604).

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

13 (8) PUBLIC LAND.—The term “public land”
14 has the meaning given the term “public lands” in
15 section 103 of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1702).

17 (9) REFORESTATION ACTIVITY.—

18 (A) IN GENERAL.—The term “reforest-
19 ation activity” means a project or activity car-
20 ried out by the Secretary concerned, the pri-
21 mary purpose of which is the reforestation of
22 impacted National Forest System land or public
23 land following a large-scale catastrophic event.

24 (B) INCLUSIONS.—The term “reforestation
25 activity” includes—

- 1 (i) planting, evaluating, and enhance-
2 ing natural regeneration;
3 (ii) clearing competing vegetation; and
4 (iii) any other activity relating to rees-
5 tablishment of a forest species on fire-im-
6 pacted National Forest System land or
7 public land.

8 (10) RESOURCE ADVISORY COMMITTEE.—The
9 term “resource advisory committee” means—

10 (A) a resource advisory committee estab-
11 lished under section 205 of the Secure Rural
12 Schools and Community Self-Determination Act
13 of 2000 (16 U.S.C. 7125); or

14 (B) an advisory committee determined by
15 the Secretary concerned to satisfy the require-
16 ments of section 205 of the Secure Rural
17 Schools and Community Self-Determination Act
18 of 2000 (16 U.S.C. 7125).

19 (11) SALVAGE OPERATION.—The term “salvage
20 operation” means a forest management activity car-
21 ried out in response to a catastrophic event, the pri-
22 mary purpose of which is—

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

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

3 (B) to provide an opportunity for use of
4 any forest material damaged as a result of the
5 catastrophic event; or

6 (C) to provide a funding source for refor-
7 estation or other restoration activities for Na-
8 tional Forest System land or public land im-
9 pacted by the catastrophic event.

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

13 (13) SECRETARY CONCERNED.—The term
14 “Secretary concerned” means—

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

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

19 **TITLE I—MAJOR DISASTER FOR**
20 **WILDFIRE ON FEDERAL LAND**

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

22 (a) IN GENERAL.—Section 102 of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5122) is amended—

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

4 (2) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) MAJOR DISASTER FOR WILDFIRE ON FED-
7 ERAL LAND.—The term ‘major disaster for wildfire
8 on Federal land’ means any wildfire or wildfires that
9 in the determination of the President in accordance
10 with section 802 warrants assistance under section
11 803 to supplement the efforts and resources of the
12 Secretary of the Interior or the Secretary of Agri-
13 culture—

14 “(A) on Federal land; or

15 “(B) on non-Federal land in accordance
16 with a fire protection agreement or cooperative
17 agreement.”.

18 (b) CONFORMING AMENDMENT.—Section
19 251(b)(2)(D)(iii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii))
21 is amended by striking “section 102(2) of the Robert T.
22 Stafford Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5122(2))” and inserting “paragraph (2) or (3)
24 of section 102 of the Robert T. Stafford Disaster Relief
25 and Emergency Assistance Act (42 U.S.C. 5122)”.

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 fuels;

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 system (as defined in section 101 of the
5 Healthy Forests Restoration Act of 2003 (16
6 U.S.C. 6511)); or

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

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

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

16 (2) The alternative of no action.

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

20 (1) the effect of no action on—

21 (A) forest health;

22 (B) habitat diversity;

23 (C) wildfire potential;

24 (D) insect and disease potential; and

25 (E) other economic and social factors; and

1 (2) the implications of a resulting decline, if
2 any, in forest health, loss of habitat diversity, wild-
3 fire, or insect or disease infestation, given fire and
4 insect and disease historic cycles, on—

5 (A) domestic water costs;

6 (B) wildlife habitat loss; and

7 (C) other economic and social factors.

8 **SEC. 202. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
9 **TAIN CRITICAL RESPONSE ACTIONS.**

10 (a) IN GENERAL.—A categorical exclusion is avail-
11 able to the Secretary concerned to propose a forest man-
12 agement activity on National Forest System land or public
13 land in any case in which—

14 (1) the forest management activity is developed
15 and implemented through a collaborative process;
16 and

17 (2) the primary purpose of the forest manage-
18 ment activity is—

19 (A) to address an insect or disease infesta-
20 tion;

21 (B) to reduce hazardous fuels;

22 (C) to protect a municipal water supply
23 system (as defined in section 101 of the
24 Healthy Forests Restoration Act of 2003 (16
25 U.S.C. 6511));

1 (D) to maintain, enhance, or modify crit-
2 ical habitat to protect the critical habitat from
3 catastrophic events;

4 (E) to increase water yield; or

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

7 (b) LIMITATION.—A forest management activity cov-
8 ered by the categorical exclusion described in subsection
9 (a) may not contain harvest units exceeding a total of
10 3,000 acres.

11 (c) REQUIREMENTS.—A forest management activity
12 covered by the categorical exclusion described in sub-
13 section (a) shall be—

14 (1) based on the best available scientific infor-
15 mation; and

16 (2) subject to section 206.

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

20 (a) IN GENERAL.—A categorical exclusion is avail-
21 able to the Secretary concerned to develop and carry out
22 a salvage operation as part of the restoration of National
23 Forest System land or public land following a catastrophic
24 event.

25 (b) ACREAGE LIMITATIONS.—

1 (1) IN GENERAL.—Subject to paragraph (2), a
2 salvage operation covered by the categorical exclu-
3 sion described in subsection (a) may not contain
4 harvest units exceeding a total of 3,000 acres.

5 (2) HARVEST AREA.—The harvest units covered
6 by the categorical exclusion described in subsection
7 (a) may not exceed $\frac{1}{3}$ of the area impacted by the
8 catastrophic event.

9 (c) REQUIREMENT.—A salvage operation covered by
10 the categorical exclusion described in subsection (a) shall
11 be subject to section 206.

12 **SEC. 204. CATEGORICAL EXCLUSION TO MEET FOREST**
13 **PLAN GOALS FOR EARLY SUCCESSIONAL**
14 **FORESTS.**

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—

19 (1) in any case in which the forest management
20 activity is developed and implemented through a col-
21 laborative process; and

22 (2) when the primary purpose of the forest
23 management activity is to modify, improve, enhance,
24 or create early successional forests for wildlife habi-

1 tat improvement and other purposes, consistent with
2 the applicable forest plan.

3 (b) **PROJECT GOALS.**—To the maximum extent prac-
4 ticable, the Secretary concerned shall design a forest man-
5 agement activity under this section to meet early succes-
6 sional forest goals in such a manner so as to maximize
7 production and regeneration of priority species, as identi-
8 fied in the forest plan and consistent with the capability
9 of the activity site.

10 (c) **LIMITATION.**—A forest management activity cov-
11 ered by the categorical exclusion described in subsection
12 (a) may not contain harvest units exceeding a total of
13 3,000 acres.

14 (d) **REQUIREMENTS.**—A forest management activity
15 covered by the categorical exclusion described in sub-
16 section (a) shall be—

17 (1) based on the best available scientific infor-
18 mation; and

19 (2) subject to section 206.

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

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

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

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

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

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

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

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

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

20 (1) in any case in which the forest management
21 activity is developed and implemented through a col-
22 laborative process; and

23 (2) when the primary purpose of the activity on
24 that National Forest System land or public land
25 is—

- 1 (A) to improve forest health;
- 2 (B) to restore forest health;
- 3 (C) to reduce the risk of wildfire; or
- 4 (D) to achieve State wildlife population
- 5 goals.

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 contain harvest units exceeding a

10 total of 3,000 acres; and

11 (2) shall be based on the best available sci-

12 entific information.

13 (d) AUTHORIZED ACTIVITIES.—The following activi-

14 ties may be carried out using a categorical exclusion de-

15 scribed in subsection (b):

16 (1) Removal of juniper trees, medusahead rye,

17 conifer trees, pinon pine trees, cheatgrass, and other

18 noxious or invasive weeds specified on Federal or

19 State noxious weeds lists through late-season live-

20 stock grazing, targeted livestock grazing, prescribed

21 burns, and mechanical treatments.

22 (2) Performance of hazardous fuels manage-

23 ment.

24 (3) Creation of fuel and fire breaks.

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

3 (5) Installation of erosion control devices.

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

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

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

16 (e) REQUIREMENT.—A forest management activity
17 covered by the categorical exclusion described in sub-
18 section (b) shall be subject to section 206.

19 **SEC. 206. CONSIDERATION OF RESOURCE CONDITIONS FOR**
20 **EXTRAORDINARY CIRCUMSTANCES.**

21 (a) DEFINITIONS.—In this section:

22 (1) BENEFICIAL EFFECT.—The term “bene-
23 ficial effect” means long-term—

24 (A) improvement in ecological or
25 hydrological function and health;

1 (B) improvement in forest health;

2 (C) reduction in the risk of catastrophic

3 fire; or

4 (D) protection of watersheds.

5 (2) CATEGORICALLY EXCLUDED.—The term
6 “categorically excluded” means categorically ex-
7 cluded from further analysis and documentation in
8 an environmental assessment or an environmental
9 impact statement under the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

11 (b) EXTRAORDINARY CIRCUMSTANCES.—Except as
12 provided in subsection (c), the extraordinary cir-
13 cumstances procedures under section 220.6 of title 36,
14 Code of Federal Regulations (or a successor regulation),
15 shall apply to a proposal for—

16 (1) a forest management activity that is cat-
17 egorically excluded under this title; or

18 (2) a project that is categorically excluded
19 under section 603(a)(1) of the Healthy Forests Res-
20 toration Act of 2013 (16 U.S.C. 6591b(a)(1)).

21 (c) CONSIDERATION OF BENEFICIAL EFFECTS.—

22 (1) IN GENERAL.—In determining whether ex-
23 traordinary circumstances preclude a proposal for a
24 forest management activity or project described in
25 paragraph (1) or (2) of subsection (b) from being

1 categorically excluded, the Secretary shall consider
2 the beneficial effect of the proposed forest manage-
3 ment activity or project on sensitive species.

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

14 (3) EFFECT OF UNCERTAINTY.—Uncertainty
15 with respect to the degree of a beneficial effect
16 under paragraph (1) or (2) shall not preclude the
17 use of a categorical exclusion.

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

19 A forest management activity covered by a categorical
20 exclusion described in this title shall be conducted in a
21 manner consistent with the forest plan applicable to the
22 National Forest System land or public land covered by the
23 forest management activity.

1 **SEC. 208. ROADS.**

2 (a) PERMANENT ROADS.—A forest management ac-
3 tivity carried out under this title shall not include the con-
4 struction of new permanent roads.

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

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

13 **SEC. 209. EXCLUSIONS.**

14 This title does not apply to—

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

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

19 (3) a congressionally designated wilderness
20 study area; or

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

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

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

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

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

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

14 “(4) TIME PERIODS FOR CONSIDERATION.—

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

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

23 “(ii) the likelihood of the Secretary
24 entering into an agreement or contract

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

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

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

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

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

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

24 (1) in subsections (b)(1) and (f)(1), by striking
25 “section 347 of the Department of the Interior and

1 Related Agencies Appropriations Act, 1999 (16
2 U.S.C. 2104 note; Public Law 105–277) (as amend-
3 ed by section 323 of the Department of the Interior
4 and Related Agencies Appropriations Act, 2003 (117
5 Stat. 275))” each place it appears and inserting
6 “section 604 of the Healthy Forests Restoration Act
7 of 2003 (16 U.S.C. 6591c)”;

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

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

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

18 “(c) INCLUSION OF CERTAIN NATIONAL FOREST
19 SYSTEM LAND AND PUBLIC LAND.—

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

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

23 “(i) National Forest System land; and

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

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

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

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

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

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

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

18 “(2) AUTHORITY.—

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

1 “(B) FEDERAL FOREST LAND DE-
2 SCRIBED.—Federal forest land referred to in
3 subparagraph (A) is Federal forest land that is
4 located within, or mostly within, a geographic
5 area that presents a feature or involves cir-
6 cumstances principally relevant to the Indian
7 tribe making the request, including Federal for-
8 est land—

9 “(i) ceded to the United States by
10 treaty;

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

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

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

19 “(A) provide for continued public access
20 applicable to the Federal forest land prior to
21 the date of the agreement, except that the Sec-
22 retary concerned may limit or prohibit that ac-
23 cess as necessary;

1 “(B) continue sharing revenue generated
2 by the Federal forest land with State and local
3 governments either—

4 “(i) on the terms applicable to the
5 Federal forest land prior to the date of the
6 agreement, including, as applicable, 25-
7 percent payments or 50-percent payments;
8 or

9 “(ii) at the option of the Indian tribe,
10 on terms agreed to by the Indian tribe, the
11 Secretary concerned, and State and local
12 governments participating in a revenue
13 sharing agreement applicable to the Fed-
14 eral forest land;

15 “(C) comply with applicable prohibitions
16 on the export of unprocessed logs harvested
17 from the Federal forest land;

18 “(D) recognize all right-of-way agreements
19 in effect on the Federal forest land prior to the
20 commencement of tribal forest land manage-
21 ment activities; and

22 “(E) ensure that any commercial timber
23 removed from the Federal forest land is sold on
24 a competitive bid basis.

1 “(4) EFFECT.—The treatment of Federal forest
2 land as Indian forest land for purposes of planning
3 and conducting forest land management activities
4 pursuant to paragraph (2) does not designate the
5 Federal forest land as Indian forest land for any
6 other purpose.”.

7 **SEC. 303. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
8 **PROJECT.**

9 The Secretary of the Interior or the Secretary of Ag-
10 riculture may carry out a demonstration project pursuant
11 to which a federally recognized Indian tribe or tribal orga-
12 nization may enter into a contract to carry out administra-
13 tive, management, or other functions of programs of the
14 Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a),
15 through a contract entered into under the Indian Self-De-
16 termination and Education Assistance Act (25 U.S.C. 450
17 et seq.).

18 **TITLE IV—MISCELLANEOUS**
19 **FOREST MANAGEMENT AC-**
20 **TIVITIES**

21 **SEC. 401. DEFINITION OF SECRETARY.**

22 In this title, the term “Secretary” means the Sec-
23 retary of Agriculture.

1 **SEC. 402. STATE-SUPPORTED PLANNING OF FOREST MAN-**
2 **AGEMENT ACTIVITIES.**

3 (a) DEFINITIONS.—In this section:

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

6 (A) a State or political subdivision of a
7 State that contains National Forest System
8 land or public land;

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

11 (C) a rural electric company; and

12 (D) any other entity determined by the
13 Secretary concerned to be appropriate for par-
14 ticipation in the Fund.

15 (2) FUND.—The term “Fund” means the
16 State-Supported Forest Management Fund estab-
17 lished by subsection (b).

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

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

3 (1) contributed by an eligible entity for deposit
4 in the Fund;

5 (2) appropriated to the Fund; or

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

8 (d) GEOGRAPHICAL AND USE LIMITATIONS.—In
9 making a contribution under subsection (c)(1), an eligible
10 entity may—

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

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

16 (e) AUTHORIZED ACTIVITIES.—In such amounts as
17 may be provided in advance in appropriation Acts, the
18 Secretary concerned may use amounts in the Fund to
19 plan, carry out, and monitor any forest management activ-
20 ity that is—

21 (1) developed and implemented through a col-
22 laborative process;

23 (2) proposed by a resource advisory committee;

24 or

1 (3) covered by a community wildfire protection
2 plan.

3 (f) IMPLEMENTATION METHODS.—

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

7 (A) a stewardship end result contracting
8 project authorized under section 604 of the
9 Healthy Forests Restoration Act of 2003 (16
10 U.S.C. 6591e);

11 (B) good neighbor authority under section
12 8206 of the Agricultural Act of 2014 (16
13 U.S.C. 2113a) and section 331 of the Depart-
14 ment of the Interior and Related Agencies Ap-
15 propriations Act, 2001 (Public Law 106–291;
16 114 Stat. 996; 118 Stat. 3102; 123 Stat. 2961;
17 128 Stat. 341);

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

21 (D) any other authority available to the
22 Secretary concerned.

23 (2) USE OF REVENUES.—Any revenue gen-
24 erated by a forest management activity described in
25 paragraph (1) shall be used to reimburse the Fund

1 for planning costs covered using amounts in the
2 Fund.

3 (g) RELATION TO OTHER LAWS.—

4 (1) REVENUE SHARING.—Subject to subsection
5 (f), revenues generated by a forest management ac-
6 tivity carried out using amounts from the Fund shall
7 be considered to be monies received from the Na-
8 tional Forest System.

9 (2) KNUTSON-VANDENBERG ACT.—The Act of
10 June 9, 1930 (commonly known as the “Knutson-
11 Vandenberg Act”) (16 U.S.C. 576 et seq.), shall
12 apply to a forest management activity carried out
13 using amounts in the Fund.

14 (h) TERMINATION OF FUND.—

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

17 (2) EFFECT.—On the termination of the Fund
18 under paragraph (1), or pursuant to any other law,
19 any unobligated contribution remaining in the Fund
20 shall be returned to the eligible entity that made the
21 contribution.

22 **SEC. 403. BALANCING OF IMPACTS IN CONSIDERING IN-**
23 **JUNCTIVE RELIEF.**

24 A court reviewing an agency action relating to a for-
25 est management activity under this Act for a request for

1 an order to enjoin the agency action shall, as part of the
2 balancing of interests, balance—

3 (1) the short- and long-term impacts on each
4 ecosystem likely to be affected by the forest manage-
5 ment activity if the agency action is undertaken;
6 against

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

10 **SEC. 404. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
11 **RESTORATION PROGRAM.**

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

15 **“SEC. 13A. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
16 **RESTORATION PROGRAM.**

17 “(a) PURPOSE.—The purpose of this section is to en-
18 courage collaborative, science-based restoration of priority
19 forest landscapes and help manage forest resources that
20 are at risk of—

21 “(1) catastrophic events (as defined in section
22 2 of the Emergency Wildfire and Forest Manage-
23 ment Act of 2016); and

24 “(2) any other threats that degrade the vitality
25 of forest ecosystems.

1 “(b) DEFINITIONS.—In this section:

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

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

10 “(3) NONINDUSTRIAL PRIVATE FOREST
11 LAND.—The term ‘nonindustrial private forest land’
12 means land that—

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

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

17 “(C) is owned by any private individual,
18 group, association, corporation, Indian tribe, or
19 other private legal entity.

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

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

1 “(2) for a multiyear period;

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

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

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

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

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

12 “(2) to improve fish and wildlife habitats, in-
13 cluding the habitats of threatened and endangered
14 species;

15 “(3) to maintain or improve water quality and
16 watershed function;

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

19 “(5) to improve important forest ecosystems;

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

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

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

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

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

5 “(1) further a statewide forest assessment and
6 resource strategy;

7 “(2) promote cross boundary landscape collabo-
8 ration; and

9 “(3) leverage public and private resources.

10 “(g) COLLABORATION AND CONSULTATION.—The
11 Chief of the Forest Service, the Chief of the Natural Re-
12 sources Conservation Service, and relevant stakeholders
13 shall collaborate and consult on an ongoing basis regard-
14 ing administration of the program established under this
15 section and identifying other applicable resources towards
16 landscape-scale restoration.

17 “(h) MATCHING FUNDS REQUIRED.—As a condition
18 of receiving a grant under this section, the Secretary shall
19 require the recipient of the grant to provide funds or in-
20 kind support from non-Federal sources in an amount that
21 is at least equal to the amount provided by the Federal
22 Government.

23 “(i) COORDINATION AND PROXIMITY ENCOUR-
24 AGED.—In making grants under this section, the Sec-
25 retary may consider coordination with and proximity to

1 other landscape-scale projects on other land under the ju-
2 risdiction of the Secretary, the Secretary of the Interior,
3 or a Governor of a State, including under—

4 “(1) the Collaborative Forest Landscape Res-
5 toration Program established under section 4003 of
6 the Omnibus Public Land Management Act of 2009
7 (16 U.S.C. 7303);

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

11 “(3) good neighbor authority under section
12 8206 of the Agricultural Act of 2014 (16 U.S.C.
13 2113a) and section 331 of the Department of the
14 Interior and Related Agencies Appropriations Act,
15 2001 (Public Law 106–291; 114 Stat. 996; 118
16 Stat. 3102, 123 Stat. 2961; 128 Stat. 341);

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

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

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

23 “(j) REGULATIONS.—The Secretary shall promulgate
24 such regulations as the Secretary determines necessary to
25 carry out this section.

1 “(k) REPORT.—Not later than 3 years after the date
2 of enactment of this section, the Secretary shall submit
3 to the Committee on Agriculture of the House of Rep-
4 resentatives and the Committee on Agriculture, Nutrition,
5 and Forestry of the Senate a report on the status of devel-
6 opment, execution, and administration of selected projects,
7 accounting of program funding expenditures, and specific
8 accomplishments that have resulted from landscape-scale
9 projects.

10 “(l) FUND.—

11 “(1) IN GENERAL.—There is established in the
12 Treasury of the United States a fund, to be known
13 as the ‘State and Private Forest Landscape-Scale
14 Restoration Fund’ (referred to in this subsection as
15 the ‘Fund’), to be used by the Secretary to make
16 grants under this section.

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

20 “(3) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated to the Fund
22 \$40,000,000 for each fiscal year beginning with the
23 first full fiscal year after the date of enactment of
24 the Emergency Wildfire and Forest Management

1 Act of 2016 through fiscal year 2018, to remain
2 available until expended.”.

3 (b) CONFORMING AMENDMENTS.—

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

7 (2) Section 19(a)(4)(C) of the Cooperative For-
8 estry Assistance Act of 1978 (16 U.S.C.
9 2113(a)(4)(C)) is amended by striking “sections
10 13A and 13B” and inserting “section 13A”.

11 **SEC. 405. PILOT ARBITRATION PROGRAM.**

12 (a) DEFINITIONS.—In this section:

13 (1) ARBITRATOR.—The term “arbitrator”
14 means a professional arbitrator or other individual
15 who—

16 (A) possesses expertise in the subject mat-
17 ter of a specific demand for arbitration filed
18 under subsection (f); and

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

22 (2) NATURAL DISASTER.—The term “natural
23 disaster” mean a wildfire, hurricane or excessive
24 winds, drought, ice storm or blizzard, flood, or other

1 resource-impacting event, as determined by the Sec-
2 retary.

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

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) DESIGNATION OF PROJECTS.—The Secretary
21 may designate for the program projects that—

22 (1)(A) are developed through a collaborative
23 process;

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

1 (C)(i) 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 (ii) would restore forest health and forest-re-
10 lated resources on the National Forest System land
11 described in clause (i);

12 (D) respond to damage as a result of natural
13 disasters;

14 (E) address insect or disease infestation;

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

17 (G) are carried out under community wildfire
18 protection plans (as defined in section 101 of the
19 Healthy Forest Restoration Act of 2003 (16 U.S.C.
20 6511)); and

21 (2) do not constitute final agency action.

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

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

4 (f) DEMAND FOR ARBITRATION.—

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

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

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

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

20 (A) participated in a collaborative process;

21 or

22 (B) proposed the project with a resource
23 advisory committee.

24 (g) RESPONSIBILITIES OF ARBITRATOR.—

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

4 (A) the project, as approved by the Sec-
5 retary; or

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

8 (2) LIMITATIONS.—

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

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

17 (C) DECISION REQUIREMENTS.—A deci-
18 sion of an arbitrator under this subsection shall
19 be—

20 (i) within the authority of the Sec-
21 retary; and

22 (ii) consistent with each applicable
23 forest plan.

24 (D) RULES.—Arbitration under this sub-
25 section shall be conducted in accordance with

1 the appropriate rules and procedures of the
2 American Arbitration Association.

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

5 (1) shall not be considered to be a major Fed-
6 eral action;

7 (2) shall be binding; and

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

11 **SEC. 406. NATIONAL FOREST SYSTEM ACCELERATED LAND-**
12 **SCAPE RESTORATION PILOT PROGRAM.**

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

16 **“SEC. 605. NATIONAL FOREST SYSTEM ACCELERATED**
17 **LANDSCAPE RESTORATION PILOT PROGRAM.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) COLLABORATIVE GROUP.—The term ‘col-
20 laborative group’ means a group of individuals, oper-
21 ating in a transparent and inclusive manner, that
22 represent a balance of the interests of entities in-
23 cluding—

24 “(A) conservation organizations;

1 “(B) timber and forest products organiza-
2 tions;

3 “(C) local and tribal governments;

4 “(D) community organizations; and

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

8 “(2) DESIGNATED LANDSCAPE.—The term
9 ‘designated landscape’ means a landscape-scale area
10 designated for the pilot program under subsection
11 (b)(2).

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

14 “(A)(i) is durable, resilient, and less prone
15 to wildfire, insect, or pathogen outbreaks of a
16 severity, size, or quantity that exceeds the nat-
17 ural range of variation, taking into account the
18 anticipated future conditions of the forest;

19 “(ii) supports—

20 “(I) ecosystem services and functions;

21 and

22 “(II) populations of native plant spe-
23 cies; and

24 “(iii) allows for natural disturbances; or

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

3 “(i) species composition;

4 “(ii) ecosystem function and struc-
5 ture;

6 “(iii) hydrologic function; and

7 “(iv) sediment.

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

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

14 “(b) ESTABLISHMENT.—

15 “(1) IN GENERAL.—The Secretary shall estab-
16 lish a National Forest System accelerated landscape
17 restoration pilot program to restore or maintain des-
18 ignated landscapes.

19 “(2) DESIGNATION.—The Secretary, acting
20 through the Chief of the Forest Service, shall, in ac-
21 cordance with this subsection, designate for the pilot
22 program not fewer than 10 landscape-scale areas
23 within the National Forest System (as defined in
24 section 11(a) of the Forest and Rangeland Renew-

1 able Resources Planning Act of 1974 (16 U.S.C.
2 1609(a)).

3 “(3) ELIGIBILITY.—Each designated landscape
4 shall—

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

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

8 “(C) not include any inventoried roadless
9 area; and

10 “(D) include forests that—

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

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

14 “(iii) are at increased risk of an insect
15 or disease infestation.

16 “(4) CONSIDERATION.—

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

20 “(i) prioritize landscape-scale areas in
21 which social, ecological, and economic con-
22 ditions support landscape-scale restoration;
23 and

24 “(ii) consider the factors described in
25 subparagraph (B).

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

3 “(i) The existence of strong collabo-
4 rative support for landscape-scale restora-
5 tion.

6 “(ii) The ecological conditions that
7 are conducive to landscape-scale decisions,
8 such as broad categories of land that
9 would benefit from similar restoration
10 treatments.

11 “(iii) Economic conditions, such as
12 the existence of infrastructure in proximity
13 to the landscape-scale area that can make
14 economic use of the forest byproducts of
15 restoration.

16 “(iv) The extent to which the land-
17 scape-scale area is important to support,
18 maintain, or improve water quality and wa-
19 tershed function.

20 “(v) Other considerations, as deter-
21 mined by the Secretary.

22 “(5) PUBLIC NOTICE.—

23 “(A) INITIAL NOTICE.—Not later than 90
24 days after the date of enactment of this Act,
25 the Secretary shall publish in the Federal Reg-

1 ister a notice of the process for the designation
2 of landscape-scale areas for the pilot program
3 under paragraph (2).

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

8 “(i) each designated landscape;

9 “(ii) the rationale for designating, in
10 accordance with the requirements de-
11 scribed in paragraph (3), each designated
12 landscape;

13 “(iii) any collaborative group used to
14 identify a designated landscape;

15 “(iv) an overview of any forest health
16 problem with respect to each designated
17 landscape;

18 “(v) a discussion of the purpose of,
19 and need for, restoration of each des-
20 ignated landscape;

21 “(vi) a summary of the management
22 actions necessary to achieve restoration of
23 each designated landscape;

24 “(vii) findings relating to the short-
25 term and long-term risks and impacts of

1 no action compared to restoration of each
2 designated landscape; and

3 “(viii) a notice of intent to prepare an
4 environmental impact statement for treat-
5 ment within each designated landscape.

6 “(c) LANDSCAPE-SCALE ENVIRONMENTAL IMPACT
7 STATEMENT.—The Secretary shall prepare, for each des-
8 ignated landscape, a landscape-scale environmental impact
9 statement for purposes of compliance with the National
10 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
11 seq.) that—

12 “(1) is commensurate with the geographic scope
13 of the designated landscape;

14 “(2) is sufficient to allow—

15 “(A) project-scale implementation;

16 “(B) adaptive management, including site-
17 specific options, to ensure that project imple-
18 mentation stays within the documented range of
19 impacts;

20 “(C) site descriptions or land allocations
21 that identify locations within the landscape in
22 which specific restoration or maintenance treat-
23 ments can be used appropriately; and

24 “(D) standards and guidelines, consistent
25 with the appropriate forest plan and project-

1 level design criteria, for management or other
2 project activities; and

3 “(3) includes—

4 “(A) an identification of any forest health
5 problem;

6 “(B) an identification of the purpose of the
7 treatment, and need, to restore to more resilient
8 and healthy conditions, or to maintain, forest
9 health in the designated landscape;

10 “(C) an estimate of the time needed to sat-
11 isfy the purpose and need described in subpara-
12 graph (B) and the scale of the restoration or
13 maintenance treatment needed to satisfy that
14 purpose and need;

15 “(D) a description of potential restoration
16 or maintenance treatment that would contribute
17 to the satisfaction of the purpose and need de-
18 scribed in subparagraph (B); and

19 “(E) a description of possible changes in
20 circumstances or new information that would
21 require supplemental documentation under the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.).

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated to carry out this section

1 \$40,000,000 for each fiscal year beginning with the first
2 full fiscal year after the date of enactment of the Emer-
3 gency Wildfire and Forest Management Act of 2016
4 through fiscal year 2018.”.

5 (b) CONFORMING AMENDMENT.—The table of con-
6 tents for the Healthy Forests Restoration Act of 2003 (16
7 U.S.C. prec. 6501) is amended by adding at the end of
8 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 pro-
gram.”.

9 **SEC. 407. TENNESSEE WILDERNESS.**

10 (a) DEFINITIONS.—In this section:

11 (1) MAP.—The term “Map” means the map en-
12 titled “Proposed Wilderness Areas and Additions-
13 Cherokee National Forest” and dated January 20,
14 2010.

15 (2) STATE.—The term “State” means the State
16 of Tennessee.

17 (b) DESIGNATION OF WILDERNESS.—In accordance
18 with the Wilderness Act (16 U.S.C. 1131 et seq.), the fol-
19 lowing parcels of Federal land in the Cherokee National
20 Forest in the State are designated as wilderness and as
21 additions to the National Wilderness Preservation System:

22 (1) Certain land comprising approximately
23 9,038 acres, as generally depicted as the “Upper

1 Bald River Wilderness” on the Map, which shall be
2 known as the “Upper Bald River Wilderness”.

3 (2) Certain land comprising approximately 348
4 acres, as generally depicted as the “Big Frog Addi-
5 tion” on the Map, which shall be incorporated in,
6 and considered to be a part of, the Big Frog Wilder-
7 ness.

8 (3) Certain land comprising approximately 630
9 acres, as generally depicted as the “Little Frog
10 Mountain Addition NW” on the Map, which shall be
11 incorporated in, and considered to be a part of, the
12 Little Frog Mountain Wilderness.

13 (4) Certain land comprising approximately 336
14 acres, as generally depicted as the “Little Frog
15 Mountain Addition NE” on the Map, which shall be
16 incorporated in, and considered to be a part of, the
17 Little Frog Mountain Wilderness.

18 (5) Certain land comprising approximately
19 2,922 acres, as generally depicted as the “Sampson
20 Mountain Addition” on the Map, which shall be in-
21 corporated in, and considered to be a part of, the
22 Sampson Mountain Wilderness.

23 (6) Certain land comprising approximately
24 4,446 acres, as generally depicted as the “Big Lau-
25 rel Branch Addition” on the Map, which shall be in-

1 corporated in, and considered to be a part of, the
2 Big Laurel Branch Wilderness.

3 (7) Certain land comprising approximately
4 1,836 acres, as generally depicted as the “Joyce Kil-
5 mer-Slickrock Addition” on the Map, which shall be
6 incorporated in, and considered to be a part of, the
7 Joyce Kilmer-Slickrock Wilderness.

8 (c) MAPS AND LEGAL DESCRIPTIONS.—

9 (1) IN GENERAL.—As soon as practicable after
10 the date of enactment of this Act, the Secretary
11 shall file maps and legal descriptions of the wilder-
12 ness areas designated by subsection (b) with the ap-
13 propriate committees of Congress.

14 (2) PUBLIC AVAILABILITY.—The maps and
15 legal descriptions filed under paragraph (1) shall be
16 on file and available for public inspection in the of-
17 fice of the Chief of the Forest Service and the office
18 of the Supervisor of the Cherokee National Forest.

19 (3) FORCE OF LAW.—The maps and legal de-
20 scriptions filed under paragraph (1) shall have the
21 same force and effect as if included in this Act, ex-
22 cept that the Secretary may correct typographical
23 errors in the maps and descriptions.

24 (d) ADMINISTRATION.—

1 (1) IN GENERAL.—Subject to valid existing
2 rights, the Federal land designated as wilderness by
3 subsection (b) shall be administered by the Secretary
4 in accordance with the Wilderness Act (16 U.S.C.
5 1131 et seq.), except that any reference in that Act
6 to the effective date of that Act shall be deemed to
7 be a reference to the date of enactment of this Act.

8 (2) FISH AND WILDLIFE MANAGEMENT.—In ac-
9 cordance with section 4(d)(7) of the Wilderness Act
10 (16 U.S.C. 1133(d)(7)), nothing in this section af-
11 fects the jurisdiction of the State with respect to fish
12 and wildlife management (including the regulation of
13 hunting, fishing, and trapping) in the wilderness
14 areas designated by subsection (b).

15 **SEC. 408. ADDITIONAL AUTHORITY FOR SALE OR EX-**
16 **CHANGE OF SMALL PARCELS OF NATIONAL**
17 **FOREST SYSTEM LAND.**

18 (a) INCREASE IN MAXIMUM VALUE OF SMALL PAR-
19 CELS.—Section 3 of Public Law 97–465 (commonly
20 known as the “Small Tract Act of 1983”) (16 U.S.C.
21 521e) is amended in the matter preceding paragraph (1)
22 by striking “\$150,000” and inserting “\$500,000”.

23 (b) ADDITIONAL CONVEYANCE PURPOSES.—Section
24 3 of Public Law 97–465 (16 U.S.C. 521e) (as amended
25 by subsection (a)) is amended—

1 (1) in paragraph (2), by striking “; or” and in-
2 serting a semicolon;

3 (2) in paragraph (3), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(4) parcels of 40 acres or less that are deter-
7 mined by the Secretary—

8 “(A) to be physically isolated;

9 “(B) to be inaccessible; or

10 “(C) to have lost National Forest char-
11 acter;

12 “(5) parcels of 10 acres or less that are not eli-
13 gible for conveyance under paragraph (2) but are
14 encroached on by a permanent habitable improve-
15 ment for which there is no evidence that the en-
16 croachment was intentional or negligent; or

17 “(6) parcels used as a cemetery (including a
18 parcel of not more than 1 acre adjacent to the parcel
19 used as a cemetery), a landfill, or a sewage treat-
20 ment plant under a special use authorization issued
21 or otherwise authorized by the Secretary.”.

22 (c) DISPOSITION OF PROCEEDS.—Section 2 of Public
23 Law 97–465 (16 U.S.C. 521d) is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “The Secretary is authorized” and inserting
3 the following:

4 “(a) CONVEYANCE AUTHORITY; CONSIDERATION.—
5 The Secretary is authorized”;

6 (2) in paragraph (2), in the second sentence, by
7 striking “The Secretary shall insert” and inserting
8 the following:

9 “(b) INCLUSION OF TERMS, COVENANTS, CONDI-
10 TIONS, AND RESERVATIONS.—

11 “(1) IN GENERAL.—The Secretary shall in-
12 sert”;

13 (3) in subsection (b) (as so designated)—

14 (A) by striking “covenants” and inserting
15 “covenants”; and

16 (B) in the second sentence by striking
17 “The preceding sentence shall not” and insert-
18 ing the following:

19 “(2) LIMITATION.—Paragraph (1) shall not”;
20 and

21 (4) by adding at the end the following:

22 “(c) DISPOSITION OF PROCEEDS.—

23 “(1) DEPOSIT IN SISK FUND.—The net pro-
24 ceeds derived from any sale or exchange conducted
25 under paragraph (4), (5), or (6) of section 3 shall

1 be deposited in the fund established under Public
2 Law 90–171 (commonly known as the ‘Sisk Act’)
3 (16 U.S.C. 484a).

4 “(2) USE.—Amounts deposited under para-
5 graph (1) shall be available to the Secretary until
6 expended for—

7 “(A) the acquisition of land or interests in
8 land for administrative sites for the National
9 Forest System in the State from which the
10 amounts were derived;

11 “(B) the acquisition of land or interests in
12 land for inclusion in the National Forest Sys-
13 tem in that State, including land or interests in
14 land that enhance opportunities for recreational
15 access;

16 “(C) the performance of deferred mainte-
17 nance on administrative sites for the National
18 Forest System in that State or other deferred
19 maintenance activities in that State that en-
20 hance opportunities for recreational access; or

21 “(D) the reimbursement of the Secretary
22 for costs incurred in preparing a sale conducted
23 under the authority of section 3 if the sale is
24 a competitive sale.”.

1 **SEC. 409. EXTENSION OF AUTHORIZATION FOR CONVEY-**
2 **ANCE OF FOREST SERVICE ADMINISTRATIVE**
3 **SITES.**

4 Section 503(f) of the Forest Service Facility Realign-
5 ment and Enhancement Act of 2005 (16 U.S.C. 580d
6 note; Public Law 109–54) is amended by striking “2016”
7 and inserting “2018”.

8 **TITLE V—KISATCHIE NATIONAL**
9 **FOREST LAND CONVEYANCE**

10 **SEC. 501. SHORT TITLE.**

11 This title may be cited as the “Kisatchie National
12 Forest Land Conveyance Act of 2016”.

13 **SEC. 502. FINDING.**

14 Congress finds that it is in the public interest to au-
15 thorize the conveyance of certain Federal land in the
16 Kisatchie National Forest in the State of Louisiana for
17 market value consideration.

18 **SEC. 503. DEFINITIONS.**

19 In this title:

20 (1) **COLLINS CAMP PROPERTIES.**—The term
21 “Collins Camp Properties” means Collins Camp
22 Properties, Inc., a corporation incorporated under
23 the laws of the State.

24 (2) **SECRETARY.**—The term “Secretary” means
25 the Secretary of Agriculture.

1 (3) STATE.—The term “State” means the State
2 of Louisiana.

3 **SEC. 504. AUTHORIZATION OF CONVEYANCES.**

4 (a) AUTHORIZATION.—

5 (1) IN GENERAL.—Subject to valid existing
6 rights and subsection (b), the Secretary may convey
7 the Federal land described in paragraph (2) by quit-
8 claim deed at public or private sale, including com-
9 petitive sale by auction, bid, or other methods.

10 (2) DESCRIPTION OF LAND.—The Federal land
11 referred to in paragraph (1) consists of—

12 (A) all Federal land within sec. 9, T. 10
13 N., R. 5 W., Winn Parish, Louisiana; and

14 (B) a 2.16-acre parcel of Federal land lo-
15 cated in the SW¹/₄ of sec. 4, T. 10 N., R. 5 W.,
16 Winn Parish, Louisiana, as depicted on a cer-
17 tificate of survey dated March 7, 2007, by Glen
18 L. Cannon, P.L.S. 4436.

19 (b) FIRST RIGHT OF PURCHASE.—Subject to valid
20 existing rights and section 506, during the 1-year period
21 beginning on the date of enactment of this Act, on the
22 provision of consideration by the Collins Camp Properties
23 to the Secretary, the Secretary shall convey, by quitclaim
24 deed, to Collins Camp Properties all right, title and inter-
25 est of the United States in and to—

1 (1) not more than 47.92 acres of Federal land
2 comprising the Collins Campsites within sec. 9, T.
3 10 N., R. 5 W., in Winn Parish, Louisiana, as gen-
4 erally depicted on a certificate of survey dated Feb-
5 ruary 28, 2007, by Glen L. Cannon, P.L.S. 4436;
6 and

7 (2) the parcel of Federal land described in sub-
8 section (a)(2)(B).

9 (c) TERMS AND CONDITIONS.—The Secretary may—

10 (1) configure the Federal land to be conveyed
11 under this title—

12 (A) to maximize the marketability of the
13 conveyance; or

14 (B) to achieve management objectives; and

15 (2) establish any terms and conditions for the
16 conveyances under this title that the Secretary de-
17 termines to be in the public interest.

18 (d) CONSIDERATION.—Consideration for a convey-
19 ance of Federal land under this title shall be—

20 (1) in the form of cash; and

21 (2) in an amount equal to the market value of
22 the Federal land being conveyed, as determined
23 under subsection (e).

24 (e) MARKET VALUE.—The market value of the Fed-
25 eral land conveyed under this title shall be determined—

1 (1) in the case of Federal land conveyed under
2 subsection (b), by an appraisal that is—

3 (A) conducted in accordance with the Uni-
4 form Appraisal Standards for Federal Land Ac-
5 quisitions; and

6 (B) approved by the Secretary; or

7 (2) if conveyed by a method other than the
8 methods described in subsection (b), by competitive
9 sale.

10 (f) HAZARDOUS SUBSTANCES.—

11 (1) IN GENERAL.—

12 (A) DISCLOSURE AND REMEDIATION.—In
13 any conveyance of Federal land under this title
14 to Collins Camp Properties, or any occupant re-
15 siding on the Federal land under a special use
16 permit issued by the Forest Service, the Sec-
17 retary shall meet disclosure requirements for
18 hazardous substances, pollutants, and contami-
19 nants, but shall not otherwise be required to re-
20 mediate or abate the hazardous substances, pol-
21 lutants, or contaminants.

22 (B) INDEMNIFICATION.—Collins Camp
23 Properties, or any occupant residing on the
24 Federal land conveyed under this title under a
25 special use permit issued by the Forest Service,

1 that acquires the Federal land shall agree, as a
2 condition of the conveyance, to indemnify and
3 hold harmless the United States for costs asso-
4 ciated with the remediation or abatement of any
5 hazardous substances, pollutants, or contami-
6 nants located on the acquired land.

7 (2) EFFECT.—Nothing in this section otherwise
8 affects the application of the Comprehensive Envi-
9 ronmental Response, Compensation, and Liability
10 Act of 1980 (42 U.S.C. 9601 et seq.) to the convey-
11 ances of Federal land.

12 **SEC. 505. PROCEEDS FROM THE SALE OF LAND.**

13 (a) DEPOSIT OF RECEIPTS.—The Secretary shall de-
14 posit the proceeds of a conveyance of Federal land under
15 section 504 in the fund established under Public Law 90–
16 171 (commonly known as the “Sisk Act”) (16 U.S.C.
17 484a).

18 (b) USE OF FUNDS.—Amounts deposited under sub-
19 section (a) shall be available to the Secretary until ex-
20 pended, without further appropriation, for the acquisition
21 of land and interests in land in the Kisatchie National
22 Forest in the State.

23 **SEC. 506. ADMINISTRATION.**

24 (a) COSTS.—As a condition of a conveyance of Fed-
25 eral land to Collins Camp Properties under section 504,

1 the Secretary shall require Collins Camp Properties to pay
2 at closing—

3 (1) reasonable appraisal costs; and

4 (2) the cost of any administrative and environ-
5 mental analyses required by law (including regula-
6 tions).

7 (b) PERMITS.—

8 (1) IN GENERAL.—An offer by Collins Camp
9 Properties for the acquisition of the Federal land
10 under section 504 shall be accompanied by a written
11 statement from each holder of a Forest Service spe-
12 cial use authorization with respect to the Federal
13 land that specifies that the holder agrees to relin-
14 quish the special use authorization on the convey-
15 ance of the Federal land to Collins Camp Properties.

16 (2) SPECIAL USE AUTHORIZATIONS.—If any
17 holder of a special use authorization described in
18 paragraph (1) fails to provide a written authoriza-
19 tion in accordance with that paragraph, the Sec-
20 retary shall require, as a condition of the convey-
21 ance, that Collins Camp Properties administer the
22 special use authorization according to the terms of
23 the special use authorization until the date on which
24 the special use authorization expires.

1 **TITLE VI—CHATTAHOOCHEE-**
2 **OCONEE NATIONAL FOREST**
3 **LAND ADJUSTMENT**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “Chattahoochee-Oconee
6 National Forest Land Adjustment Act of 2016”.

7 **SEC. 602. FINDINGS.**

8 Congress finds that—

9 (1) certain National Forest System land in the
10 State of Georgia consists of isolated tracts that—

11 (A) are inefficient to manage; or

12 (B) have lost the principal value of the
13 tracts for the National Forest System;

14 (2) the disposal of the land described in para-
15 graph (1) would be in the public interest; and

16 (3) the best use of proceeds from the sale of
17 land authorized under this title is the purchase by
18 the Secretary of land in the State of Georgia for the
19 National Forest System.

20 **SEC. 603. DEFINITION OF SECRETARY.**

21 In this title, the term “Secretary” means the Sec-
22 retary of Agriculture.

23 **SEC. 604. LAND CONVEYANCE AUTHORITY.**

24 (a) IN GENERAL.—Subject to valid existing rights,
25 the Secretary is authorized to sell or exchange all right,

1 title, and interest of the United States in and to the Na-
2 tional Forest System land described in subsection (b)
3 under terms and conditions that the Secretary may pre-
4 scribe.

5 (b) LAND AUTHORIZED FOR DISPOSAL.—

6 (1) IN GENERAL.—The land referred to in sub-
7 section (a) consists of 30 tracts of land totaling ap-
8 proximately 3,841 acres generally depicted on 2
9 maps entitled “Priority Land Adjustments, State of
10 Georgia, U.S. Forest Service–Southern Region,
11 Oconee and Chattahoochee National Forests, U.S.
12 Congressional Districts–8, 9, 10 & 14” and dated
13 September 24, 2013.

14 (2) INSPECTION OF MAPS.—The maps described
15 in paragraph (1) shall be on file and available for
16 public inspection in the Office of the Forest Super-
17 visor, Chattahoochee-Oconee National Forest, until
18 the land is sold or exchanged under subsection (a).

19 (3) MODIFICATION OF BOUNDARIES.—The Sec-
20 retary may modify the boundaries of the land de-
21 scribed in paragraph (1) based on land management
22 considerations.

23 (c) FORM OF CONVEYANCE.—

1 (1) QUITCLAIM DEED.—The Secretary shall
2 convey land sold or exchanged under subsection (a)
3 by quitclaim deed.

4 (2) RESERVATIONS.—The Secretary may re-
5 serve any right-of-way or other right or interest in
6 land sold or exchanged under subsection (a) that the
7 Secretary considers necessary—

8 (A) for management purposes; or

9 (B) to protect the public interest.

10 (d) VALUATION.—

11 (1) MARKET VALUE.—The Secretary may not
12 sell or exchange land under subsection (a) for less
13 than market value, as determined by appraisal or
14 through a competitive bidding process.

15 (2) APPRAISAL REQUIREMENTS.—An appraisal
16 under paragraph (1) shall be—

17 (A) consistent with—

18 (i) the Uniform Appraisal Standards
19 for Federal Land Acquisitions; or

20 (ii) the Uniform Standards of Profes-
21 sional Appraisal Practice; and

22 (B) subject to the approval of the Sec-
23 retary.

24 (e) CONSIDERATION.—

1 (1) CASH.—Consideration for a sale of land or
2 equalization of an exchange under subsection (a)
3 shall be paid in cash.

4 (2) EXCHANGE.—Notwithstanding section
5 206(b) of the Federal Land Policy and Management
6 Act of 1976 (43 U.S.C. 1716(b)), the Secretary may
7 accept a cash equalization payment in excess of 25
8 percent of the value of land exchanged under sub-
9 section (a).

10 (f) METHOD OF SALE.—

11 (1) OPTIONS.—The Secretary may sell land
12 under subsection (a) at public or private sale, includ-
13 ing competitive sale by auction, bid, or otherwise, in
14 accordance with any terms, conditions, or procedures
15 the Secretary determines are in the best interest of
16 the United States.

17 (2) SOLICITATIONS.—The Secretary may—

18 (A) make public or private solicitations for
19 the sale or exchange of land under subsection
20 (a); and

21 (B) reject any offer that the Secretary de-
22 termines is not—

23 (i) adequate; or

24 (ii) in the public interest.

25 (g) BROKERS.—The Secretary may—

1 (1) use a broker or other third party in the sale
2 or exchange of land under subsection (a); and

3 (2) from the proceeds of a sale or exchange of
4 land under subsection (a), pay reasonable commis-
5 sions or fees, if applicable.

6 **SEC. 605. TREATMENT OF PROCEEDS.**

7 (a) DEPOSIT.—Except as provided in section
8 604(g)(2), the Secretary shall deposit the proceeds or cash
9 equalization payment of a sale or exchange under section
10 604(a) in the fund established under Public Law 90–171
11 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

12 (b) AVAILABILITY AND USE.—Subject to subsection
13 (c), amounts deposited under subsection (a) shall be avail-
14 able to the Secretary until expended, without further ap-
15 propriation, only for the acquisition of land in the State
16 of Georgia for the National Forest System.

17 (c) PRIVATE PROPERTY PROTECTION.—Nothing in
18 this title authorizes the use of amounts deposited under
19 subsection (a) to be used to acquire land without the writ-
20 ten consent of the owner of the land.