

SUMMARY OF THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2647

SECTION 1 – SHORT TITLE; TABLE OF CONTENTS.

- This Act may be cited as the “Emergency Wildfire and Forest Management Act of 2016.”

SECTION 2 – DEFINITIONS.

- Provides definitions for the purposes of this Act.

TITLE I – MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

- Section 101. Wildfire on Federal Land.
 - Defines a major disaster for wildfire on Federal lands.
- Section 102. Declaration of a Major Disaster for Wildfire on Federal Land.
 - Establishes the procedure for requesting a declaration of a major disaster for wildfire on federal lands and provides for assistance.
- Section 103. Prohibition on Transfers.
 - Prohibits the transfer of funds between wildfire suppression accounts and other accounts not used to cover the cost of wildfire suppression operations.

TITLE II – EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

- Section 201. Analysis of Only Two Alternatives in Proposed Collaborative Forest Management Activities.
 - Requires that whenever the Secretary concerned prepares an environmental assessment or an environmental impact statement for a forest management activity proposed by a collaborative process or within a wildfire protection plan, the Secretary concerned shall provide only two alternatives: 1) the forest management activity and 2) the “alternative of no action.
 - For the “no action alternative” the Secretary shall evaluate the effect of future impacts such as forest health, habitat diversity, wildfire potential, insect and disease potential, and other economic and social factors.
- Section 202. Categorical Exclusion to Expedite Certain Critical Response Actions.
 - Authorizes a categorical exclusion to address insect and disease infestations, reduce hazardous fuels, protect municipal watersheds, maintain or enhance critical habitat from catastrophic events, increase water yield, or any combination of the purposes listed above.
 - Requires that the forest management activity covered by the categorical exclusion be based on the best available scientific information, subject to Section 206, and limited by an acreage cap of 3,000 acres.

- Section 203. Categorical Exclusion to Expedite Salvage Operations in Response to Catastrophic Events.
 - Authorizes a categorical exclusion to conduct a salvage operation following a catastrophic event. The harvest area may not exceed one-third of the area impacted by the catastrophic event.
 - Requires that the forest management activity covered by the categorical exclusion be subject to Section 206, and limited by an acreage cap of 3,000 acres.
- Section 204. Categorical Exclusion to Meet Forest Plan Goals for Early Successional Forests.
 - Authorizes a categorical exclusion to modify, improve, enhance, or create early successional forests for wildlife habitat improvement consistent with applicable forests plans.
 - Requires that the forest management activity covered by the categorical exclusion be based on best available scientific information, subject to Section 206, and limited by an acreage cap of 3,000 acres.
- Section 205. Categorical Exclusion to Improve, Restore, and Reduce the Risk of Wildfire.
 - Authorizes a categorical exclusion for certain activities to improve or restore forest health, or reduce the risk of wildfire.
 - Requires that the forest management activity covered by the categorical exclusion be based on best available scientific information, subject to Section 206, and limited by an acreage cap of 3,000 acres.
- Section 206. Consideration of Resource Conditions for Extraordinary Circumstances.
 - This section does not allow the Secretary to determine that an extraordinary circumstance for sensitive species would preclude the use of a categorical exclusion from analysis and documentation under the National Environmental Policy Act of 1969 if there is a reasonable or reasonably foreseeable beneficial effect, as defined, of a proposed forest management activity or project.
- Section 207. Compliance with Forest Plan.
 - Requires that a forest management activity covered by a categorical exclusion shall be consistent with applicable forest plans.
- Section 208. Roads.
 - Requires that a forest management activity carried out under this title shall not include the construction of new permanent roads; that the Secretary concerned may carry out necessary maintenance of, repairs to, or reconstruction of an existing permanent road for the purposes of this title; and the Secretary concerned shall decommission any temporary road constructed under this title not later than 3 years after the date on which the project is completed.

- Section 209. Exclusions.
 - Authorities provided under this title shall not apply to areas protected by the National Wilderness Preservation System; any Federal land on which the removal of vegetation is prohibited; congressionally designated wilderness study areas; or an area in which the activities authorized under this title would be inconsistent with the applicable resource management plan.

TITLE III – TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Section 301. Protection of Tribal Forest Assets.
 - Provides Federal land management agencies 120 days to respond to tribal requests for forest management on agency lands and two years to complete the analysis.
- Section 302. Management of Indian Forest Land Authorized to Include Related National Forest System Land and Public Land.
 - Provides authority to allow Indian tribes to request to conduct forest management activities on Federal lands where there are tribal interests. Authority is provided to conduct those forest management activities with authorities available on Indian lands.
- Section 303. Tribal Forest Management Demonstration Project.
 - Allows for demonstration projects by which federally recognized Indian tribes or tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 through contracts entered into under the Indian Self-Determination and Education Assistance Act.

TITLE IV – MISCELLANEOUS FOREST MANAGEMENT ACTIVITIES

- Section 401. Definition of Secretary.
 - 401 is the definitions section for the purposes of this title.
- Section 402. State-Supported Planning of Forest Management Activities.
 - Establishes the “State-Supported Forest Management Fund,” which allows for states or other entities to contribute funds for forest management activities.
 - Allows an eligible entity to specify and limit the types of forest management activities for which the contribution may be expended.
 - Authority for the fund shall expire September 30, 2018.
- Section 403. Balancing of Impacts in Considering Injunctive Relief.
 - Requires that any court reviewing an agency action relative to a forest management activity shall balance the short and long term impacts of agency action against the short and long term impacts of no action.

- Section 404. State and Private Forest Landscape-Scale Restoration Program.
 - Establishes a competitive grant program for financial and technical assistance to encourage cross-boundary forest landscape restoration projects to address forest health threats like catastrophic wildfire, invasive species, and insect and disease on state and private land.
 - Authorizes an annual appropriation of \$40 million each fiscal year through 2018.

- Section 405. Pilot Arbitration Program.
 - Authorizes the Secretary of Agriculture to establish within the Forest Service a pilot arbitration program for designated projects.
 - Requires the Forest Service to establish a process for the designation of projects for the program in the Federal Register.
 - If elected, this voluntary dispute resolution process shall be binding and will replace judicial review by an Article III court.
 - Arbitration under this authority shall be conducted in accordance with applicable American Arbitration Association rules and procedures.
 - Provides a limitation that no more than 10 projects may be designated for the pilot program in any applicable calendar year.
 - Authority for the pilot program shall expire in fiscal year 2018.

- Section 406. National Forest System Accelerated Landscape Restoration Pilot Program.
 - Provides authority to the Forest Service to establish a pilot program to restore or maintain landscape-scale projects within the National Forest System.
 - Allows the Forest Service to designate up to 10 forest landscapes identified by a collaborative group.
 - Requires that the Secretary prepare, for each designated landscape, a single landscape-scale environmental impact statement for purposes of compliance with the National Environmental Policy Act of 1969.
 - Authorizes an appropriation of \$40 million each fiscal year through 2018.

- Section 407. Tennessee Wilderness.
 - Designates specified federal lands in Cherokee National Forest in Tennessee as wilderness and as additions to the National Wilderness Preservation System.

- Section 408. Additional Authority for Sale or Exchange of Small Parcels of National Forest System Land.
 - Provides the Forest Service authority to dispose of small parcels of – 40 acres or less – in a manner to enhance the management of the respective National Forest.
 - Authorizes funds derived from any sale or exchange under this authority to be expended for, among other purposes, the acquisition of land or interest in the state from which the sale originated.
- Section 409. Extension of Authorization for Conveyance of Forest Service Administrative Sites.
 - Extends the Forest Service Facility Realignment and Enhancement Act of 2005 through fiscal year 2018.

TITLE V – KISATCHIE NATIONAL FOREST LAND CONVEYANCE

- Section 501. Short Title.
 - This title may be cited as the “Kisatchie National Forest Land Conveyance Act of 2016.”
- Section 502. Finding.
 - Congress findings that it is in the public interest to authorize the conveyance of certain Federal land in the Kisatchie National Forest in the state of Louisiana.
- Section 503. Definitions.
 - Provides definitions for this title.
- Section 504. Authorization of Conveyances.
 - Provides for the conveyance of certain National Forest System land in Winn Parish, Louisiana.
- Section 505. Proceeds from the Sale of Land.
 - Requires sale proceeds to be used for the acquisition of lands and interests in the Kisatchie National Forest in Louisiana.
- Section 506. Administration.
 - Provides administration requirements for the land transaction.

TITLE VI – CHATTAHOOCHEE-OCONEE NATIONAL FOREST LAND ADJUSTMENT

- Section 601. Short Title.
 - This title may be cited as the “Chattahoochee-Oconee National Forest Land Adjustment Act of 2016.”

- Section 602. Finding.
 - Congress findings that it is in the public interest to authorize the conveyance of certain Federal land in the Chattahoochee-Oconee National Forest in the state of Georgia.

- Section 603. Definitions.
 - Provides definitions for this title.

- Section 604. Land Conveyance Authority.
 - Provides for the conveyance of certain National Forest System land in the state of Georgia.

- Section 605. Treatment of Proceeds.
 - Requires sale proceeds to be used for the acquisition of lands and interests in the National Forest System in Georgia.