

Showing Current Law as Amended by the Proposed Locally-Elected Officials Cooperating With Agencies in Land Management Act of 2016 (dated 4/20/16 10am)

[new text highlighted in yellow; text to be deleted bracketed and highlighted in blue]

Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.)

Section 205 (16 U.S.C. 7125)

§7125. Resource advisory committees

(a) Establishment and purpose of resource advisory committees

(1) Establishment

The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) Purpose

The purpose of a resource advisory committee shall be-

(A) to improve collaborative relationships; and

(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this subchapter.

(3) Access to resource advisory committees

To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may,¹ establish resource advisory committees for part of, or 1 or more, units of Federal land.

(4) Existing advisory committees

(A) In general

An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2012, or an advisory committee determined by the Secretary concerned before September 29, 2012, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this subchapter.

(B) Charter

A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2012, shall be considered to be filed for purposes of this chapter.

(C) Bureau of land management advisory committees

The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this subchapter.

(b) Duties

A resource advisory committee shall-

(1) review projects proposed under this subchapter by participating counties and other persons;

[(2) propose projects and funding to the Secretary concerned under section 7123 of this title;]

(2) to serve as the primary advisory body for the Secretary concerned regarding forest management activities on Federal land.

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this chapter under this subchapter;

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this subchapter;

(5)(A) monitor projects that have been approved under section 7124 of this title; and

(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

(c) Appointment by the Secretary

(1) Appointment and term

(A) In general

The Secretary concerned,¹ shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

(B) Reappointment

The Secretary concerned may reappoint members to subsequent 4-year terms.

(2) Basic requirements

The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) Initial appointment

Not later than 180 days after October 3, 2008, the Secretary concerned shall make initial appointments to the resource advisory committees.

(4) Vacancies

The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) Compensation

Members of the resource advisory committees shall not receive any compensation.

(d) Composition of advisory committee

(1) Number

Except during the period specified in paragraph (6), each [Each] resource advisory committee shall be comprised of 15 members.

(2) Community interests represented

Committee members shall be representative of the interests of the following 3 categories:

(A) 5 persons that-

(i) represent organized labor or non-timber forest product harvester groups;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent-

(I) energy and mineral development interests; or

- (II) commercial or recreational fishing interests;
 - (iv) represent the commercial timber industry; or
 - (v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.
- (B) 5 persons that represent-
- (i) nationally recognized environmental organizations;
 - (ii) regionally or locally recognized environmental organizations;
 - (iii) dispersed recreational activities;
 - (iv) archaeological and historical interests; or
 - (v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.
- (C) 5 persons that-
- (i) hold State elected office (or a designee);
 - (ii) hold county or local elected office;
 - (iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;
 - (iv) are school officials or teachers; or
 - (v) represent the affected public at large.

(3) Balanced representation

In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category, consistent with the requirements of paragraph (4).

[(4) Geographic distribution

The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).]

(4) Geographic Distribution.—The members of a resource advisory committee shall reside within the county or counties in which the committee has jurisdiction or an adjacent county.

(5) Chairperson

A majority on each resource advisory committee shall select the chairperson of the committee.

(6) Temporary Reduction in Minimum Number of Members.--

(A) Temporary Reduction.—During the period beginning on the date of the enactment of this paragraph and ending on September 30, 2020, a resource advisory committee established under this section may be comprised of nine or more members, of which—

- (i) at least three shall be representative of interests described in subparagraph (A) of paragraph (2);
- (ii) at least three shall be representative of interests described in subparagraph (B) of paragraph (2); and
- (iii) at least three shall be representative of interests described in subparagraph (C) of paragraph (2).

(B) Additional Requirements.—In appointing members of a resource advisory committee from the three categories described in paragraph (2), as provided in subparagraph (A), the Secretary concerned shall ensure balanced and broad representation in each category. In the case of a vacancy on a resource advisory committee, the vacancy shall be filled within 90 days after the date on which the vacancy occurred.

Appointments to a new resource advisory committee shall be made within 90 days after the date on which the decision to form the new resource advisory committee was made.

(C) Charter.—A charter for a resource advisory committee with 15 members that was filed on or before the date of the enactment of this paragraph shall be considered to be filed for a resource advisory committee described in this paragraph. The charter of the resource advisory committee shall be reapproved before the expiration of the existing charter of the resource advisory committee. In the case of a new resource advisory committee, the charter of the resource advisory committee shall be approved within 90 days after the date on which the decision to form the new resource advisory committee was made.

(e) Approval procedures

(1) In general

Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this subchapter.

(2) Quorum

A quorum must be present to constitute an official meeting of the committee.

(3) Approval by majority of members

A project may be proposed by a resource advisory committee to the Secretary concerned under section 7123(a) of this title, if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2). In the case of a resource advisory committee consisting of fewer than 15 members, as authorized by subsection (d)(6), a project may be proposed to the Secretary concerned upon approval by a majority of the members of the committee, including at least one member from each of the three categories described in subsection (d)(2).

(f) Other committee authorities and requirements

(1) Staff assistance

A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) Meetings

All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(3) Records

A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

(g) Bi-Annual Presentations.—The Secretary concerned shall ensure that each resource advisory committee receives a presentation, at least twice a year, by local line officers of the Federal land management agency concerned for the purposes of—

(1) explaining forest management priorities for Federal land within the jurisdiction of the committee; and

(2) soliciting the advice and recommendations of the committee.

Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.)
Section 803 (16 U.S.C. 6802)

§6802. Recreation fee authority

(a) Authority of Secretary

Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) Basis for recreation fees

Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in [section 6803\(d\) of this title](#).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) Special considerations

The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) Limitations on recreation fees

(1) Prohibition on fees for certain activities or services

The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this chapter for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in [section 101 of title 23,¹](#) which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this chapter.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this chapter.

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) Relation to fees for use of highways or roads

An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under [section 537 of this title](#).

(3) Prohibition on fees for certain persons or places

The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.

(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; [16 U.S.C. 410hh-2](#)), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under [section 718b of this title](#).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) No restriction on recreation opportunities

Nothing in this chapter shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) Entrance fee

(1) Authorized sites for entrance fees

The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) Prohibited sites

The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) Standard amenity recreation fee

Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

- (1) A National Conservation Area.
- (2) A National Volcanic Monument.
- (3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.
- (4) An area-
 - (A) that provides significant opportunities for outdoor recreation;
 - (B) that has substantial Federal investments;
 - (C) where fees can be efficiently collected; and
 - (D) that contains all of the following amenities:
 - (i) Designated developed parking.
 - (ii) A permanent toilet facility.
 - (iii) A permanent trash receptacle.
 - (iv) Interpretive sign, exhibit, or kiosk.
 - (v) Picnic tables.
 - (vi) Security services.

(g) Expanded amenity recreation fee

(1) NPS and USFWS authority

Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) Other Federal land management agencies

Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

- (A) Use of developed campgrounds that provide at least a majority of the following:
 - (i) Tent or trailer spaces.
 - (ii) Picnic tables.
 - (iii) Drinking water.
 - (iv) Access roads.
 - (v) The collection of the fee by an employee or agent of the Federal land management agency.
 - (vi) Reasonable visitor protection.
 - (vii) Refuse containers.
 - (viii) Toilet facilities.
 - (ix) Simple devices for containing a campfire.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

(D) Use of hookups for electricity, cable, or sewer.

(E) Use of sanitary dump stations.

(F) Participation in an enhanced interpretive program or special tour.

(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

(i) Bathhouse with showers and flush toilets.

(ii) Refuse containers.

(iii) Picnic areas.

(iv) Paved parking.

(v) Attendants, including lifeguards.

(vi) Floats encompassing the swimming area.

(vii) Swimming deck.

(h) Special recreation permit fee

The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.

(i) Submission of Recreational Fee Proposals to Local Governments.--

(1) Submission to Local Governments and Request for Comments.—Before establishing or increasing a recreation fee, the Secretaries shall provide affected local governments with—

(A) a written notice of the proposed recreation fee, including the amount of the fee or increase; and

(B) a request for comments from the affected local government regarding the merits of the recreation fee or increase and the economic impact of the recreation fee or increase on the local community.

(2) Time for Submission of Comments.—The period provided for submission of local comments under paragraph (1)(B) to the Secretaries may run concurrently with the period for public notice required by section 804(b).

(3) Inclusion of Comments.—The Secretaries shall submit to Congress all comments received by affected local governments in response to the notice provided under paragraph (1).

(4) Affected Local Governments Defined.—In this subsection, the term “affected local government” means the governing body of a political subdivision of a State—

(A) whose boundaries contain all or a part of the Federal recreational lands and waters to be subject to the new or increased recreation fee; or

- (B) that the Secretary determines may be economically impacted by the new or increased fee.

Section 3 of the Act of February 1, 1905 (16 U.S.C. 554)

§554. Forest supervisors and rangers

Forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the national forests, respectively, are situated. The duration of an assignment at a Forest Service duty station should be a minimum of three years, subject to such exceptions as the Secretary of Agriculture may prescribe.

Section 301 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1731)

§1731. Bureau of Land Management

(a) Director; appointment, qualifications, functions, and duties

The Bureau of Land Management established by Reorganization Plan Numbered 3, of 1946 shall have as its head a Director. Appointments to the position of Director shall hereafter be made by the President, by and with the advice and consent of the Senate. The Director of the Bureau shall have a broad background and substantial experience in public land and natural resource management. He shall carry out such functions and shall perform such duties as the Secretary may prescribe with respect to the management of lands and resources under his jurisdiction according to the applicable provisions of this Act and any other applicable law.

(b) Statutory transfer of functions, powers and duties relating to administration of laws

Subject to the discretion granted to him by Reorganization Plan Numbered 3 of 1950, the Secretary shall carry out through the Bureau all functions, powers, and duties vested in him and relating to the administration of laws which, on October 21, 1976, were carried out by him through the Bureau of Land Management established by section 403 of Reorganization Plan Numbered 3 of 1946. The Bureau shall administer such laws according to the provisions thereof existing as of October 21, 1976, as modified by the provisions of this Act or by subsequent law.

(c) Associate Director, Assistant Directors, and other employees; appointment and compensation

In addition to the Director, there shall be an Associate Director of the Bureau and so many Assistant Directors, and other employees, as may be necessary, who shall be appointed by the Secretary subject to the provisions of title 5 governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter 3¹ of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Existing regulations relating to administration of laws

Nothing in this section shall affect any regulation of the Secretary with respect to the administration of laws administered by him through the Bureau on October 21, 1976.

(e) The duration of an assignment at a District office of the Bureau of Land Management should be a minimum of three years, subject to such exceptions as the Secretary may prescribe.

Section 103 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6513)

§6513. Prioritization

(a) In general

In accordance with the Implementation Plan, the Secretary shall [develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.] shall develop and revise as necessary—

- (1) a schedule for the implementation of community wildfire protection plans; and
- (2) a program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds and the implementation of community wildfire protection plans pursuant to the schedule developed under paragraph (1).

(b) Collaboration

(1) In general

The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.

(2) Exemption

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) Administration

(1) In general

Federal agency involvement in developing a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Compliance

In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 6514 of this title, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) Funding allocation

(1) Federal land

(A) In general

Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) Applicability and allocation

The funding allocation in subparagraph (A) shall apply at the national level. The Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 6512(a)(4) of this title.

(C) Wildland-urban interface

In the case of an authorized hazardous fuel reduction project for which a decision notice is issued during the 1-year period beginning on December 3, 2003, the Secretary shall use existing definitions of the term "wildland-urban interface" rather than the definition of that term provided under [section 6511 of this title](#).

(2) Non-Federal land

(A) In general

In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

(B) Priority

In allocating funding under this paragraph, the Secretary should, to the maximum extent practicable, give priority to communities that have adopted a community wildfire protection plan or have taken proactive measures to encourage willing property owners to reduce fire risk on private property.

Land and Water Conservation Fund Act of 1965 (54 U.S.C. 100506)

§100506. Boundary changes to System units

(a) Criteria for Evaluation.-The Secretary shall maintain criteria to evaluate any proposed changes to the boundaries of System units, including-

- (1) analysis of whether or not an existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the System unit;
- (2) an evaluation of each parcel proposed for addition or deletion to a System unit based on the analysis under paragraph (1); and
- (3) an assessment of the impact of potential boundary adjustments taking into consideration the factors in [section 100505\(c\)\(3\) of this title](#) and the effect of the adjustments on the local communities and surrounding area.

(b) Proposal of Secretary.-In proposing a boundary change to a System unit, the Secretary shall-

- (1) consult with affected agencies of State and local governments, surrounding communities, affected landowners, and private national, regional, and local organizations;
- (2) apply the criteria developed pursuant to subsection (a) and accompany the proposal with a statement reflecting the results of the application of the criteria; and
- (3) include with the proposal an estimate of the cost for acquiring any parcels proposed for acquisition, the basis for the estimate, and a statement on the relative priority for the acquisition of each parcel within the priorities for acquisition of other parcels for the System unit and for the System.

(c) Minor Boundary Changes.-

(1) In general.-When the Secretary determines that to do so will contribute to, and is necessary for, the proper preservation, protection, interpretation, or management of a System unit, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate of the Secretary's intention to do so, and by publication of a revised boundary map or other description in the Federal Register-

- (A) make minor changes to the boundary of the System unit, and amounts appropriated from the Fund shall be available for acquisition of any land, water, and interests in land or water added to the System unit by the boundary change subject to such statutory

limitations, if any, on methods of acquisition and appropriations thereof as may be specifically applicable to the System unit; and

(B) acquire by donation, purchase with donated funds, transfer from any other Federal agency, or exchange, land, water, or interests in land or water adjacent to the System unit, except that in exercising the Secretary's authority under this subparagraph the Secretary-

(i) shall not alienate property administered as part of the System to acquire land by exchange;

(ii) shall not acquire property without the consent of the owner; and

(iii) may acquire property owned by a State or political subdivision of a State only by donation.

(2) Consultation.-Prior to making a determination under this subsection, the Secretary shall consult with the governing body of the county, city, town, or other jurisdiction or jurisdictions having primary taxing authority over the land or interest to be acquired as to the impacts of the proposed action.

(3) Action to advance local public awareness.-The Secretary shall take such steps as the Secretary considers appropriate to advance local public awareness of the proposed action.

(4) Administration of acquisitions.-Land, water, and interests in land or water acquired in accordance with this subsection shall be administered as part of the System unit to which they are added, subject to the laws and regulations applicable to the System unit.

(5) When authority applies.-For the purposes of paragraph (1) ~~(A)~~, in all cases except the case of technical boundary changes (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under paragraph (1) ~~(A)~~ shall apply only if each of the following conditions is met:

(A) The sum of the total acreage of the land, water, and interests in land or water to be added to the System unit and the total acreage of the land, water, and interests in land or water to be deleted from the System unit is not more than 5 percent of the total Federal acreage authorized to be included in the System unit and is less than 200 acres, regardless of the method by which the acreage is proposed to be added to the System unit.

(B) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

(C) The sum of the total appraised value of the land, water, and interests in land or water to be added to the System unit and the total appraised value of the land, water, and interests in land or water to be deleted from the System unit does not exceed \$750,000.

(D) The proposed boundary change is not an element of a more comprehensive boundary change proposal.

(E) The proposed boundary has been subject to a public review and comment period.

(F) The Director obtains written consent for the boundary change from all property owners whose land, water, or interests in land or water, or a portion of whose land, water, or interests in land or water, will be added to or deleted from the System unit by the boundary change.

(G) The land abuts other Federal land administered by the Director.

(6) Act of congress required.-Minor boundary changes involving only deletions of acreage owned by the Federal Government and administered by the Service may be made only by Act of Congress.

Section 2 of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115)

§3115a. Tribal forest assets protection

(a) Definitions

In this section:

(1) Federal land

The term "Federal land" means-

(A) land of the National Forest System (as defined in [section 1609\(a\) of title 16](#)) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in [section 1702 of title 43](#)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) Indian forest land or rangeland

The term "Indian forest land or rangeland" means land that-

(A) is held in trust by, or with a restriction against alienation by, the United States for an Indian tribe or a member of an Indian tribe; and

(B)(i)(I) is Indian forest land (as defined in [section 3103 of this title](#)); or

(II) has a cover of grasses, brush, or any similar vegetation; or

(ii) formerly had a forest cover or vegetative cover that is capable of restoration.

(3) Indian tribe

The term "Indian tribe" has the meaning given the term in [section 450b of this title](#).

(4) Secretary

The term "Secretary" means-

(A) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and

(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(b) Authority to protect Indian forest land or rangeland

(1) In general

[\[Not later than 120 days after the date on which an Indian tribe submits to the Secretary\]](#) [In response to the submission by an Indian tribe of](#) a request to enter into an agreement or contract to carry out a project to protect Indian forest land or rangeland (including a project to restore Federal land that borders on or is adjacent to Indian forest land or rangeland) that meets the criteria described in subsection (c), the Secretary may issue public notice of initiation of any necessary environmental review or of the potential of entering into an agreement or contract with the Indian tribe pursuant to [\[section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 \(16 U.S.C. 2104 note; Public Law 105-277\) \(as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 \(117 Stat. 275\)\)\]](#) [section 604 of the Healthy Forests Restoration Act of 2003 \(16 U.S.C. 6591c\)](#), or such other authority as appropriate, under which the Indian tribe would carry out activities described in paragraph (3).

(2) Environmental analysis

Following completion of any necessary environmental analysis, the Secretary may enter into an agreement or contract with the Indian tribe as described in paragraph (1).

(3) Activities

Under an agreement or contract entered into under paragraph (2), the Indian tribe may carry out activities to achieve land management goals for Federal land that is-

(A) under the jurisdiction of the Secretary; and

(B) bordering or adjacent to the Indian forest land or rangeland under the jurisdiction of the Indian tribe.

[\(4\) Time Periods for Consideration.—](#)

(A) Initial Response.—Not later than 120 days after the date of which the Secretary receives a tribal request under paragraph (1), the Secretary shall provide an initial response to the Indian tribe regarding—

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

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

(B) Notice of Denial.—Notice under subsection (d) of the denial of a tribal request under paragraph (1) shall be provided not later than 1 year after the date on which the Secretary received the request.

(C) Completion.—Not later than 2 years after the date on which the Secretary receives a tribal request under paragraph (1), other than a tribal request denied under subsection (d), the Secretary shall—

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

(ii) enter into the agreement or contract with the Indian tribe under paragraph (2).

(c) Selection criteria

The criteria referred to in subsection (b), with respect to an Indian tribe, are whether-

(1) the Indian forest land or rangeland under the jurisdiction of the Indian tribe borders on or is adjacent to land under the jurisdiction of the Forest Service or the Bureau of Land Management;

(2) Forest Service or Bureau of Land Management land bordering on or adjacent to the Indian forest land or rangeland under the jurisdiction of the Indian tribe-

(A) poses a fire, disease, or other threat to-

(i) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; or

(ii) a tribal community; or

(B) is in need of land restoration activities;

(3) the agreement or contracting activities applied for by the Indian tribe are not already covered by a stewardship contract or other instrument that would present a conflict on the subject land; and

(4) the Forest Service or Bureau of Land Management land described in the application of the Indian tribe presents or involves a feature or circumstance unique to that Indian tribe (including treaty rights or biological, archaeological, historical, or cultural circumstances).

(d) Notice of denial

If the Secretary denies a tribal request under subsection (b)(1), the Secretary may paragraphs (1) and (4)(B) of subsection (b), the Secretary shall issue a notice of denial to the Indian tribe, which-

(1) identifies the specific factors that caused, and explains the reasons that support, the denial;

(2) identifies potential courses of action for overcoming specific issues that led to the denial; and

(3) proposes a schedule of consultation with the Indian tribe for the purpose of developing a strategy for protecting the Indian forest land or rangeland of the Indian tribe and interests of the Indian tribe in Federal land.

(e) Proposal evaluation and determination factors

In entering into an agreement or contract in response to a request of an Indian tribe under subsection (b)(1), the Secretary may-

- (1) use a best-value basis; and
- (2) give specific consideration to tribally-related factors in the proposal of the Indian tribe, including-
 - (A) the status of the Indian tribe as an Indian tribe;
 - (B) the trust status of the Indian forest land or rangeland of the Indian tribe;
 - (C) the cultural, traditional, and historical affiliation of the Indian tribe with the land subject to the proposal;
 - (D) the treaty rights or other reserved rights of the Indian tribe relating to the land subject to the proposal;
 - (E) the indigenous knowledge and skills of members of the Indian tribe;
 - (F) the features of the landscape of the land subject to the proposal, including watersheds and vegetation types;
 - (G) the working relationships between the Indian tribe and Federal agencies in coordinating activities affecting the land subject to the proposal; and
 - (H) the access by members of the Indian tribe to the land subject to the proposal.

(f) No effect on existing authority

Nothing in this section-

(1) prohibits, restricts, or otherwise adversely affects the participation of any Indian tribe in stewardship agreements or contracting under the authority of [section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105-277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275))] section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) or other authority invoked pursuant to this section;

or

(2) invalidates any agreement or contract under that authority.

(g) Report

Not later than 4 years after July 22, 2004, the Secretary shall submit to Congress a report that describes the Indian tribal requests received and agreements or contracts that have been entered into under this section.

Section 305 of National Indian Forest Resources Management Act (25 U.S.C. 3104)

§3104. Management of Indian forest land

(a) Management activities

The Secretary shall undertake forest land management activities on Indian forest land, either directly or through contracts, cooperative agreements, or grants under the Indian Self-Determination Act [25 U.S.C. 450f et seq.].

(b) Management objectives

Indian forest land management activities undertaken by the Secretary shall be designed to achieve the following objectives-

- (1) the development, maintenance, and enhancement of Indian forest land in a perpetually productive state in accordance with the principles of sustained yield and with the standards and objectives set forth in forest management plans by providing effective management and protection through the application of sound silvicultural and economic principles to-
 - (A) the harvesting of forest products,
 - (B) forestation,

(C) timber stand improvement, and

(D) other forestry practices;

(2) the regulation of Indian forest lands through the development and implementation, with the full and active consultation and participation of the appropriate Indian tribe, of forest management plans which are supported by written tribal objectives and forest marketing programs;

(3) the regulation of Indian forest lands in a manner that will ensure the use of good method and order in harvesting so as to make possible, on a sustained yield basis, continuous productivity and a perpetual forest business;

(4) the development of Indian forest lands and associated value-added industries by Indians and Indian tribes to promote self-sustaining communities, so that Indians may receive from their Indian forest land not only stumpage value, but also the benefit of all the labor and profit that such Indian forest land is capable of yielding;

(5) the retention of Indian forest land in its natural state when an Indian tribe determines that the recreational, cultural, aesthetic, or traditional values of the Indian forest land represents the highest and best use of the land;

(6) the management and protection of forest resources to retain the beneficial effects to Indian forest lands of regulating water run-off and minimizing soil erosion; and

(7) the maintenance and improvement of timber productivity, grazing, wildlife, fisheries, recreation, aesthetic, cultural and other traditional values.

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

(1) **AUTHORITY.—**At the request of an Indian tribe, the Secretary concerned may treat Federal forest land as Indian forest land for purposes of planning and conducting forest land management activities under this section if the Federal forest land is located within, or mostly within, a geographic area that presents a feature or involves circumstances principally relevant to that Indian tribe, such as Federal forest land ceded to the United States by treaty, Federal forest land within the boundaries of a current or former reservation, or Federal forest land adjudicated to be tribal homelands.

(2) **REQUIREMENTS.—**As part of the agreement to treat Federal forest land as Indian forest land under paragraph (1), the Secretary concerned and the Indian tribe making the request shall—

(A) provide for continued public access applicable to the Federal forest land prior to the agreement, except that the Secretary concerned may limit or prohibit such access as needed;

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

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

(ii) at the option of the Indian tribe, on terms agreed upon by the Indian tribe, the Secretary concerned, and State and

county governments participating in a revenue sharing agreement for the Federal forest land;

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

(D) recognize all right-of-way agreements in place on Federal forest land prior to commencement of tribal management activities; and

(E) ensure that all commercial timber removed from the Federal forest land is sold on a competitive bid basis.

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

(4) DEFINITIONS.—In this subsection:

(A) FEDERAL FOREST LAND.—The term “Federal forest land” means—

(i) National Forest System lands; and

(ii) public lands (as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e))), including Coos Bay Wagon Road Grant lands reconveyed to the

United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179), and Oregon and California Railroad Grant lands.

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

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

(ii) the Secretary of the Interior, with respect to the Federal forest land referred to in subparagraph (A)(ii).

Land and Water Conservation Fund (54 U.S.C. 200306)

§200306. Allocation of Fund; amounts for Federal purposes

(a) Allowable Purposes and Subpurposes.-

(1) In general.-Amounts appropriated from the Fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President for the purposes and subpurposes stated in this subsection.

(2) Acquisition of land, water, or an interest in land or water.-

(A) System units and recreation areas administered for recreation purposes.-Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within the exterior boundary of-

- (i) a System unit authorized or established; and
- (ii) an area authorized to be administered by the Secretary for outdoor recreation purposes.

(B) National forest system.-

(i) In general.-Amounts shall be allotted for the acquisition of land, water, or an interest in land or water within inholdings within-

(I) wilderness areas of the National Forest System; and

(II) other areas of national forests as the boundaries of those forests existed on January 1, 1965, or purchase units approved by the National Forest Reservation Commission subsequent to January 1, 1965, all of which other areas are primarily of value for outdoor recreation purposes.

(ii) Adjacent land.-Land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area may also be acquired with amounts appropriated from the Fund.

(iii) Limitation.-Except for areas specifically authorized by Act of Congress, not more than 15 percent of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

(C) Endangered species and threatened species; fish and wildlife refuge areas; national wildlife refuge system.-Amounts shall be allotted for the acquisition of land, water, or an interest in land or water for-

(i) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973 (16 U.S.C. 1534(a));

(ii) areas authorized by section 2 of the Refuge Recreation Act (16 U.S.C. 460k-1);

(iii) national wildlife refuge areas under section 7(a)(4) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(4)) and wetlands acquired under section 304 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3922); and

(iv) any area authorized for the National Wildlife Refuge System by specific Acts.

(3) Improved Public Access.—

(A) In General.—Amounts shall be allotted for the purpose of securing or enhancing public access on existing Federal lands for hunting, recreational fishing, or recreational shooting where public access for those activities is impracticable. The amount so allotted for a fiscal year may be all amounts appropriated from the Fund pursuant to this section for that fiscal year, but in no case less than 33 percent of such amounts.

(B) Definitions.—For this paragraph:

(i) **Hunting.—**The term “hunting” means the use of a firearm, bow, or other authorized means in the lawful—

(I) pursuit, shooting, capture, collection, trapping, or killing of wildlife;

(II) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(ii) **Recreational Fishing.—**The term “recreational fishing” means the lawful—

(I) pursuit, capture, collection, or killing of fish; or

(II) attempt to pursue, capture, collect, or kill fish.

(iii) **Recreational Shooting.—**The term “recreational shooting” means any form of sport, training, competition, or pastime, whether

formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow.

(4) Facilitation of Land Exchanges.—Amounts shall be allotted for covering costs related to the facilitation of land exchanges between the United States and local governments, States, and other entities. Authorized costs that may be covered include the reasonable costs of appraisals, surveys, title activities, and legal fees associated with the facilitation of exchanges.

(3) (5) Payment as offset of capital costs.—Amounts shall be allotted for payment into miscellaneous receipts of the Treasury as a partial offset for capital costs, if any, of Federal water development projects authorized to be constructed by or pursuant to an Act of Congress that are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(4) (5) [sic] Availability of appropriations.—Appropriations allotted for the acquisition of land, water, or an interest in land or water as set forth under subparagraphs (A) and (B) of paragraph (2) shall be available for those acquisitions notwithstanding any statutory ceiling on the appropriations contained in any other provision of law enacted prior to January 4, 1977, or, in the case of national recreation areas, prior to January 15, 1979, except that for any such area expenditures shall not exceed a statutory ceiling during any one fiscal year by 10 percent of the ceiling or \$1,000,000, whichever is greater.

(b) Acquisition Restrictions.—[Appropriations from the Fund]

(1) Authorization of Acquisition Required.—Appropriations from the Fund pursuant to this section shall not be used for acquisition unless the acquisition is otherwise authorized by law. Appropriations from the Fund may be used for preacquisition work where authorization is imminent and where substantial monetary savings could be realized.

(2) Abutment of Other Federal Land Required.—

(A) In General.—A parcel of non-Federal land, water, or an interest in land or water acquired with appropriations from the Fund pursuant to this section shall abut Federal land or water on not less than 75 percent of the parcel's border and, except as provided in subsection (a)(2)(B)(ii), shall not be subject to size restrictions.

(B) Special Rule for National Wildlife Refuge System.—In the case of areas described in clauses (ii), (iii), and (iv) of subsection (a)(2)(C), the restriction specified in subparagraph (A) also applies to any acquisition of land, water, or an interest in land or water carried out using funds made available under section 12 of the Migratory Bird Conservation Act (16 U.S.C. 715k) or any other provision of law.

(3) Geographic Limitation.—In addition to the limitation in subsection (a)(2)(B)(iii), not more than 15 percent of all acreage acquired with funds appropriated from the Fund pursuant to this section for any fiscal year shall be located west of the 100th meridian.