

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. WESTERMAN introduced the following bill; which was referred to the Committee on _____

A BILL

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.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Resilient Federal Forests Act of 2017”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

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

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAIL-
ABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST
MANAGEMENT ACTIVITIES

- Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.
- Sec. 102. Categorical exclusion to expedite certain critical response actions.
- Sec. 103. Categorical exclusion to expedite salvage operations in response to catastrophic events.
- Sec. 104. Categorical exclusion to meet forest plan goals for early successional forests.
- Sec. 105. Categorical exclusion to improve, restore, and reduce the risk of wild-fire.
- Sec. 106. Compliance with forest plan.
- Sec. 107. Consultation under the National Historic Preservation Act.
- Sec. 108. Consultation under the Endangered Species Act.
- Sec. 109. Clarification of existing categorical exclusion authority related to insect and disease infestation.
- Sec. 110. Extraordinary circumstances.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO
CATASTROPHIC EVENTS

- Sec. 201. Expedited salvage operations and reforestation activities following large-scale catastrophic events.
- Sec. 202. Compliance with forest plan.
- Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.
- Sec. 204. Exclusion of certain lands.

TITLE III—ALTERNATIVE DISPUTE RESOLUTION FOR FOREST
MANAGEMENT LITIGATION

- Sec. 301. Use of arbitration instead of litigation to address challenge to certain forest management activities.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-
DETERMINATION ACT AMENDMENTS

- Sec. 401. Use of reserved funds for title II projects on Federal land and certain non-Federal land.
- Sec. 402. Resource advisory committees.
- Sec. 403. Program for title II self-sustaining resource advisory committee projects.
- Sec. 404. Additional authorized use of reserved funds for title III county projects.
- Sec. 405. Treatment as supplemental funding.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

- Sec. 501. Cancellation ceilings for stewardship end result contracting projects.
- Sec. 502. Excess offset value.
- Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.
- Sec. 504. Submission of existing annual report.
- Sec. 505. Fire liability provision.
- Sec. 506. Extension of stewardship contracting maximum term limits.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

- Sec. 601. Definitions.
- Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.
- Sec. 603. State-supported planning of forest management activities.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Sec. 701. Protection of Tribal forest assets through use of stewardship end result contracting and other authorities.
- Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.
- Sec. 703. Tribal forest management demonstration project.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

- Sec. 801. Consultation regarding land management plans.
- Sec. 802. Federal Land Policy and Management Act of 1976.

TITLE IX—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

- Sec. 901. No attorney fees for forest management activity challenges.
- Sec. 902. Forest plans not subject to judicial review.
- Sec. 903. Revision of alternate consultation agreement regulations.
- Sec. 904. Balancing short- and long-term effects of forest management activities in considering injunctive relief.
- Sec. 905. Conditions on Forest Service road decommissioning.
- Sec. 906. Prohibition on application of Eastside Screens requirements on National Forest System lands.
- Sec. 907. Use of site-specific forest plan amendments for certain projects and activities.
- Sec. 908. Knutson-Vandenberg Act modifications.
- Sec. 909. Exclusion of certain National Forest System lands and public lands.
- Sec. 910. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.
- Sec. 911. Landscape-scale forest restoration project.
- Sec. 912. Reconstruction and repair included in good neighbor agreements.
- Sec. 913. Coos Bay Wagon Road Grant lands permanent rights of access.

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

- Sec. 1001. Wildfire on Federal lands.
- Sec. 1002. Declaration of a major disaster for wildfire on Federal lands.
- Sec. 1003. Prohibition on transfers.

1 **SEC. 2. DEFINITIONS.**

2 In titles I through IX:

3 (1) CATASTROPHIC EVENT.—The term “cata-
4 strophic event” means any natural disaster (such as
5 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” refers to an exception to the re-
12 quirements of the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.) for a project
14 or activity relating to the management of National
15 Forest System lands or public lands.

16 (3) COLLABORATIVE PROCESS.—The term “col-
17 laborative process” refers to a process relating to the
18 management of National Forest System lands or
19 public lands by which a project or activity is devel-
20 oped and implemented by the Secretary concerned
21 through collaboration with interested persons, as de-
22 scribed in section 603(b)(1)(C) of the Healthy For-
23 ests Restoration Act of 2003 (16 U.S.C.
24 6591b(b)(1)(C)).

25 (4) COMMUNITY WILDFIRE PROTECTION
26 PLAN.—The term “community wildfire protection

1 plan” has the meaning given that term in section
2 101 of the Healthy Forests Restoration Act of 2003
3 (16 U.S.C. 6511).

4 (5) COOS BAY WAGON ROAD GRANT LANDS.—
5 The term “Coos Bay Wagon Road Grant lands”
6 means the lands reconveyed to the United States
7 pursuant to the first section of the Act of February
8 26, 1919 (40 Stat. 1179).

9 (6) FOREST MANAGEMENT ACTIVITY.—The
10 term “forest management activity” means a project
11 or activity carried out by the Secretary concerned on
12 National Forest System lands or public lands in con-
13 cert with the forest plan covering the lands.

14 (7) FOREST PLAN.—The term “forest plan”
15 means—

16 (A) a land use plan prepared by the Bu-
17 reau of Land Management for public lands pur-
18 suant to section 202 of the Federal Land Policy
19 and Management Act of 1976 (43 U.S.C.
20 1712); or

21 (B) a land and resource management plan
22 prepared by the Forest Service for a unit of the
23 National Forest System pursuant to section 6
24 of the Forest and Rangeland Renewable Re-

1 sources Planning Act of 1974 (16 U.S.C.
2 1604).

3 (8) LARGE-SCALE CATASTROPHIC EVENT.—The
4 term “large-scale catastrophic event” means a cata-
5 strophic event that adversely impacts at least 5,000
6 acres of reasonably contiguous National Forest Sys-
7 tem lands or public lands.

8 (9) 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 (10) OREGON AND CALIFORNIA RAILROAD
14 GRANT LANDS.—The term “Oregon and California
15 Railroad Grant lands” means the following lands:

16 (A) All lands in the State of Oregon re-
17 vested in the United States under the Act of
18 June 9, 1916 (39 Stat. 218), that are adminis-
19 tered by the Secretary of the Interior, acting
20 through the Bureau of Land Management, pur-
21 suant to the first section of the Act of August
22 28, 1937 (43 U.S.C. 1181a).

23 (B) All lands in that State obtained by the
24 Secretary of the Interior pursuant to the land

1 exchanges authorized and directed by section 2
2 of the Act of June 24, 1954 (43 U.S.C. 1181h).

3 (C) All lands in that State acquired by the
4 United States at any time and made subject to
5 the provisions of title II of the Act of August
6 28, 1937 (43 U.S.C. 1181f).

7 (11) PUBLIC LANDS.—The term “public lands”
8 has the meaning given that term in section 103 of
9 the Federal Land Policy and Management Act of
10 1976 (43 U.S.C. 1702), except that the term in-
11 cludes Coos Bay Wagon Road Grant lands and Or-
12 egon and California Railroad Grant lands.

13 (12) REFORESTATION ACTIVITY.—The term
14 “reforestation activity” means a project or activity
15 carried out by the Secretary concerned whose pri-
16 mary purpose is the reforestation of impacted lands
17 following a large-scale catastrophic event. The term
18 includes planting, evaluating and enhancing natural
19 regeneration, clearing competing vegetation, and
20 other activities related to reestablishment of forest
21 species on the fire-impacted lands.

22 (13) RESOURCE ADVISORY COMMITTEE.—The
23 term “resource advisory committee” has the mean-
24 ing given that term in section 201 of the Secure

1 Rural Schools and Community Self-Determination
2 Act of 2000 (16 U.S.C. 7121).

3 (14) SALVAGE OPERATION.—The term “salvage
4 operation” means a forest management activity un-
5 dertaken in response to a catastrophic event whose
6 primary purpose—

7 (A) is to prevent wildfire as a result of the
8 catastrophic event, or, if the catastrophic event
9 was wildfire, to prevent a re-burn of the fire-im-
10 pacted area;

11 (B) is to provide an opportunity for utiliza-
12 tion of forest materials damaged as a result of
13 the catastrophic event; or

14 (C) is to provide a funding source for re-
15 forestation and other restoration activities for
16 the National Forest System lands or public
17 lands impacted by the catastrophic event.

18 (15) SECRETARY CONCERNED.—The term
19 “Secretary concerned” means—

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

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

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

7 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
8 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
9 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

10 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
11 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
12 MENTS.—This section shall apply whenever the Secretary
13 concerned prepares an environmental assessment or an en-
14 vironmental impact statement pursuant to section 102(2)
15 of the National Environmental Policy Act of 1969 (42
16 U.S.C. 4332(2)) for a forest management activity that—

17 (1) is developed through a collaborative process;

18 (2) is proposed by a resource advisory com-
19 mittee;

20 (3) will occur on lands identified by the Sec-
21 retary of Agriculture as suitable for timber produc-
22 tion; or

23 (4) is covered by a community wildfire protec-
24 tion plan.

1 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
2 ronmental assessment or environmental impact statement
3 described in subsection (a), the Secretary concerned shall
4 study, develop, and describe only the following two alter-
5 natives:

6 (1) The forest management activity, as pro-
7 posed pursuant to paragraph (1), (2), (3), **【or (4)】**
8 of subsection (a).

9 (2) The alternative of no action.

10 (c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In
11 the case of the alternative of no action, the Secretary con-
12 cerned shall evaluate—

13 (1) the effect of no action on—

14 (A) forest health;

15 (B) habitat diversity;

16 (C) wildfire potential; and

17 (D) insect and disease potential; and

18 (2) the implications of a resulting decline in
19 forest health, loss of habitat diversity, wildfire, or in-
20 sect or disease infestation, given fire and insect and
21 disease historic cycles, on—

22 (A) domestic water costs;

23 (B) wildlife habitat loss; and

24 (C) other economic and social factors.

1 **SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
2 **TAIN CRITICAL RESPONSE ACTIONS.**

3 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
4 categorical exclusion is available to the Secretary con-
5 cerned to develop and carry out a forest management ac-
6 tivity on National Forest System lands or public lands
7 when the primary purpose of the forest management activ-
8 ity is—

- 9 (1) to address an insect or disease infestation;
10 (2) to reduce hazardous fuel loads;
11 (3) to protect a municipal water source;
12 (4) to maintain, enhance, or modify critical
13 habitat to protect it from catastrophic disturbances;
14 (5) to increase water yield; or
15 (6) any combination of the purposes specified in
16 paragraphs (1) through (5).

17 (b) ACREAGE LIMITATIONS.—

18 (1) IN GENERAL.—Except in the case of a for-
19 est management activity described in paragraph (2),
20 a forest management activity covered by the categor-
21 ical exclusion granted by subsection (a) may not
22 contain harvest units exceeding a total of 10,000
23 acres.

24 (2) LARGER AREAS AUTHORIZED.—A forest
25 management activity covered by the categorical ex-
26 clusion granted by subsection (a) may not contain

1 harvest units exceeding a total of 30,000 acres if the
2 forest management activity—

3 (A) is developed through a collaborative
4 process;

5 (B) is proposed by a resource advisory
6 committee; or

7 (C) is covered by a community wildfire
8 protection plan.

9 **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**
10 **VAGE OPERATIONS IN RESPONSE TO CATA-**
11 **STROPHIC EVENTS.**

12 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
13 categorical exclusion is available to the Secretary con-
14 cerned to develop and carry out a salvage operation as
15 part of the restoration of National Forest System lands
16 or public lands following a catastrophic event.

17 (b) ACREAGE LIMITATIONS.—

18 (1) IN GENERAL.—A salvage operation covered
19 by the categorical exclusion granted by subsection
20 (a) may not contain harvest units exceeding a total
21 of 10,000 acres.

22 (2) HARVEST AREA.—In addition to the limita-
23 tion imposed by paragraph (1), the harvest units
24 covered by the categorical exclusion granted by sub-

1 section (a) may not exceed one-third of the area im-
2 pacted by the catastrophic event.

3 (c) ADDITIONAL REQUIREMENTS.—

4 (1) ROAD BUILDING.—A salvage operation cov-
5 ered by the categorical exclusion granted by sub-
6 section (a) may not include any new permanent
7 roads. Temporary roads constructed as part of the
8 salvage operation shall be retired before the end of
9 the fifth fiscal year beginning after the completion
10 of the salvage operation.

11 (2) STREAM BUFFERS.—A salvage operation
12 covered by the categorical exclusion granted by sub-
13 section (a) shall comply with the standards and
14 guidelines for stream buffers contained in the appli-
15 cable forest plan unless waived by the Regional For-
16 ester, in the case of National Forest System lands,
17 or the State Director of the Bureau of Land Man-
18 agement, in the case of public lands.

19 (3) REFORESTATION PLAN.—A reforestation
20 plan shall be developed under section 3 of the Act
21 of June 9, 1930 (commonly known as the Knutson-
22 Vandenberg Act; 16 U.S.C. 576b), as part of a sal-
23 vage operation covered by the categorical exclusion
24 granted by subsection (a).

1 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**
2 **PLAN GOALS FOR EARLY SUCCESSIONAL**
3 **FORESTS.**

4 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
5 categorical exclusion is available to the Secretary con-
6 cerned to develop and carry out a forest management ac-
7 tivity on National Forest System lands or public lands
8 when the primary purpose of the forest management activ-
9 ity is to modify, improve, enhance, or create early succes-
10 sional forests for wildlife habitat improvement and other
11 purposes, consistent with the applicable forest plan.

12 (b) PROJECT GOALS.—To the maximum extent prac-
13 ticable, the Secretary concerned shall design a forest man-
14 agement activity under this section to meet early succes-
15 sional forest goals in such a manner so as to maximize
16 production and regeneration of priority species, as identi-
17 fied in the forest plan and consistent with the capability
18 of the activity site.

19 (c) ACREAGE LIMITATIONS.—A forest management
20 activity covered by the categorical exclusion granted by
21 subsection (a) may not contain harvest units exceeding a
22 total of 10,000 acres.

23 **SEC. 105. CATEGORICAL EXCLUSION TO IMPROVE, RE-**
24 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

25 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
26 categorical exclusion is available to the Secretary con-

1 cerned to carry out a forest management activity described
2 in subsection (c) on National Forest System Lands or
3 public lands when the primary purpose of the activity is
4 to improve, restore, or reduce the risk of wildfire on those
5 lands.

6 (b) ACREAGE LIMITATIONS.—A forest management
7 activity covered by the categorical exclusion granted by
8 subsection (a) may not exceed 10,000 acres.

9 (c) AUTHORIZED ACTIVITIES.—The following activi-
10 ties may be carried out using a categorical exclusion
11 granted by subsection (a):

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

18 (2) Performance of hazardous fuels manage-
19 ment.

20 (3) Creation of fuel and fire breaks.

21 (4) Modification of existing fences in order to
22 distribute livestock and help improve wildlife habitat.

23 (5) Installation of erosion control devices.

24 (6) Construction of new and maintenance of
25 permanent infrastructure, including stock ponds,

1 water catchments, and water spring boxes used to
2 benefit livestock and improve wildlife habitat.

3 (7) Performance of soil treatments, native and
4 non-native seeding, and planting of and trans-
5 planting sagebrush, grass, forb, shrub, and other
6 species.

7 (8) Use of herbicides, so long as the Secretary
8 concerned determines that the activity is otherwise
9 conducted consistently with agency procedures, in-
10 cluding any forest plan applicable to the area cov-
11 ered by the activity.

12 (d) DEFINITIONS.—In this section:

13 (1) HAZARDOUS FUELS MANAGEMENT.—The
14 term “hazardous fuels management” means any
15 vegetation management activities that reduce the
16 risk of wildfire.

17 (2) LATE-SEASON GRAZING.—The term “late-
18 season grazing” means grazing activities that occur
19 after both the invasive species and native perennial
20 species have completed their current-year annual
21 growth cycle until new plant growth begins to ap-
22 pear in the following year.

23 (3) TARGETED LIVESTOCK GRAZING.—The
24 term “targeted livestock grazing” means grazing
25 used for purposes of hazardous fuel reduction.

1 **SEC. 106. COMPLIANCE WITH FOREST PLAN.**

2 A forest management activity covered by a categorical
3 exclusion granted by this title shall be conducted in a man-
4 ner consistent with the forest plan applicable to the Na-
5 tional Forest System land or public lands covered by the
6 forest management activity.

7 **SEC. 107. CONSULTATION UNDER THE NATIONAL HISTORIC**
8 **PRESERVATION ACT.**

9 (a) EFFECT OF UNDERTAKING ON HISTORIC PROP-
10 ERTY.—With respect to a categorical exclusion under this
11 title, in taking into account the effect of a Federal under-
12 taking on any historic property under section 306108 of
13 title 54, United States Code, the Secretary of Agriculture
14 may, without consultation with the State Historic Preser-
15 vation Officer, Tribal Historic Preservation Officer, or any
16 other entity—

17 (1) conduct a phased identification and evalua-
18 tion under section 800.4(b)(2) of title 36, Code of
19 Federal Regulations, or successor regulation; and

20 (2) with respect to the phased identification and
21 evaluation described in paragraph (1), apply the cri-
22 teria of adverse effect consistent with phased identi-
23 fication and evaluation under section 800.5(a)(3) of
24 title 36, Code of Federal Regulations, or successor
25 regulation.

1 (b) CONSULTATIONS WITH STATE HISTORIC PRES-
2 ERVATION OFFICES.—

3 (1) IN GENERAL.—In the case of a categorical
4 exclusion under this title that is not the subject of
5 a phased identification and evaluation under sub-
6 section (a), consultation with the Advisory Council
7 on Historic Preservation under section 106 of the
8 National Historic Preservation Act (54 U.S.C.
9 306108) shall be concluded within the 30-day period
10 beginning on the date on which such consultation
11 was initiated.

12 (2) NO CONCLUSION.—In the case of a con-
13 sultation described in paragraph (1) that is not con-
14 cluded within the 30-day period, the categorical ex-
15 clusion for which such consultation was initiated
16 may be used.

17 **SEC. 108. CONSULTATION UNDER THE ENDANGERED SPE-**
18 **CIES ACT.**

19 (a) NO CONSULTATION IF ACTION NOT LIKELY TO
20 ADVERSELY AFFECT A LISTED SPECIES OR DESIGNATED
21 CRITICAL HABITAT.—Section 7(a) of the Endangered
22 Species Act of 1973 (16 U.S.C. 1536(a)) is amended—

23 (1) in paragraph (2), by striking “Each” and
24 inserting “Except as provided in paragraph (5),
25 each”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(5) Consultation under paragraph (2) shall not
4 be required with respect to a Federal action author-
5 ized, funded, or carried out by the Forest Service if
6 the Forest Service determines that such action is not
7 likely to adversely affect a listed species or des-
8 igned critical habitat.”.

9 (b) EXPEDITED CONSULTATION.—

10 (1) IN GENERAL.—With respect to a categorical
11 exclusion under this title, consultation required
12 under section 7 of the Endangered Species Act of
13 1973 (16 U.S.C. 1536) shall be concluded within the
14 90-day period beginning on the date on which such
15 consultation was initiated.

16 (2) NO CONCLUSION.—In the case of a con-
17 sultation described in paragraph (1) that is not con-
18 cluded within the 90-day period, the categorical ex-
19 clusion for which such consultation was initiated—

20 (A) shall be considered to have not violated
21 section 7(a)(2) of the Endangered Species Act
22 of 1973 (16 U.S.C. 1536(a)(2)); and

23 (B) may be used.

1 **SEC. 109. CLARIFICATION OF EXISTING CATEGORICAL EX-**
2 **CLUSION AUTHORITY RELATED TO INSECT**
3 **AND DISEASE INFESTATION.**

4 Section 603(c)(2)(B) of the Healthy Forests Restora-
5 tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended
6 by striking “Fire Regime Groups I, II, or III” and insert-
7 ing “Fire Regime I, Fire Regime II, Fire Regime III, or
8 Fire Regime IV”.

9 **SEC. 110. EXTRAORDINARY CIRCUMSTANCES.**

10 (a) PROPOSED RULEMAKING.—Not later than 60
11 days after the date of enactment of this Act, the Secretary
12 of Agriculture shall publish a notice of proposed rule-
13 making to revise section 220.6(b) of title 36, Code of Fed-
14 eral Regulations, to provide that, in determining whether
15 extraordinary circumstances related to a proposed action
16 preclude use of a categorical exclusion, the Forest Service
17 shall not be required to—

18 (1) consider whether a proposed action is within
19 a potential wilderness area;

20 (2) consider whether a proposed action affects
21 a Forest Service sensitive species;

22 (3) conduct an analysis of the proposed action’s
23 cumulative impact (as the term is defined in section
24 1508.7 of title 40, Code of Federal Regulations);

25 (4) consider a determination under section 7 of
26 the Endangered Species Act of 1973 (16 U.S.C.

1 1536) that a proposed action may affect, but is not
2 likely to adversely affect, threatened, endangered, or
3 candidate species, or designated critical habitats; or
4 (5) consider a determination under section 7 of
5 the Endangered Species Act of 1973 (16 U.S.C.
6 1536) that a proposed action may affect, and is like-
7 ly to adversely affect threatened, endangered, can-
8 didate species, or designated critical habitat if the
9 agency is in compliance with the applicable provi-
10 sions of the biological opinion.

11 (b) ADDITIONAL REVISION.—As part of the proposed
12 rulemaking described in subsection (a), the Secretary of
13 Agriculture shall revise section 220.5(a)(2) of title 36,
14 Code of Federal Regulations, to provide that the Forest
15 Service shall not be required to consider proposals that
16 would substantially alter a potential wilderness area as a
17 class of actions normally requiring environmental impact
18 statements.

19 (c) ADDITIONAL ACTIONS.—Not later than 120 days
20 after the date of enactment of this Act, the Secretary of
21 Agriculture shall issue final regulations to carry out the
22 revisions described in subsections (a) and (b).

1 **TITLE II—SALVAGE AND REFOR-**
2 **ESTATION IN RESPONSE TO**
3 **CATASTROPHIC EVENTS**

4 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
5 **ESTATION ACTIVITIES FOLLOWING LARGE-**
6 **SCALE CATASTROPHIC EVENTS.**

7 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—

8 Notwithstanding any other provision of law, any environ-
9 mental assessment prepared by the Secretary concerned
10 pursuant to section 102(2) of the National Environmental
11 Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-
12 ation or reforestation activity proposed to be conducted
13 on National Forest System lands or public lands adversely
14 impacted by a large-scale catastrophic event shall be com-
15 pleted within 2 months after the conclusion of the cata-
16 strophic event.

17 (b) EXPEDITED IMPLEMENTATION AND COMPLE-

18 TION.—In the case of reforestation activities conducted on
19 National Forest System lands or public lands adversely
20 impacted by a large-scale catastrophic event, the Secretary
21 concerned shall achieve reforestation of at least 75 percent
22 of the impacted lands during the 5-year period following
23 the conclusion of the catastrophic event.

24 (c) AVAILABILITY OF KNUTSON-VANDENBERG

25 FUNDS.—Amounts in the special fund established pursu-

1 ant to section 3 of the Act of June 9, 1930 (commonly
2 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b)
3 shall be available to the Secretary of Agriculture for refor-
4 estation activities authorized by this title.

5 (d) **TIMELINE FOR PUBLIC INPUT PROCESS.**—Not-
6 withstanding any other provision of law, in the case of a
7 salvage operation or reforestation activity proposed to be
8 conducted on National Forest System lands or public
9 lands adversely impacted by a large-scale catastrophic
10 event, the Secretary concerned shall allow 30 days for pub-
11 lic scoping and comment, 15 days for filing an objection,
12 and 15 days for the agency response to the filing of an
13 objection. Upon completion of this process and expiration
14 of the period specified in subsection (a), the Secretary con-
15 cerned shall implement the project immediately.

16 **SEC. 202. COMPLIANCE WITH FOREST PLAN.**

17 A salvage operation or reforestation activity author-
18 ized by this title shall be conducted in a manner consistent
19 with the forest plan applicable to the National Forest Sys-
20 tem lands or public lands covered by the salvage operation
21 or reforestation activity.

1 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
2 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
3 **PENDING APPEAL.**

4 No restraining order, preliminary injunction, or in-
5 junction pending appeal shall be issued by any court of
6 the United States with respect to any decision to prepare
7 or conduct a salvage operation or reforestation activity in
8 response to a large-scale catastrophic event. Section 705
9 of title 5, United States Code, shall not apply to any chal-
10 lenge to the salvage operation or reforestation activity.

11 **SEC. 204. EXCLUSION OF CERTAIN LANDS.**

12 In applying this title, the Secretary concerned may
13 not carry out salvage operations or reforestation activities
14 on National Forest System lands or public lands—

15 (1) that are included in the National Wilderness
16 Preservation System;

17 (2) that are located within an inventoried
18 roadless area unless the reforestation activity is con-
19 sistent with the forest plan; or

20 (3) on which timber harvesting for any purpose
21 is prohibited by statute.

1 **TITLE III—ALTERNATIVE DIS-**
2 **PUTE RESOLUTION FOR FOR-**
3 **EST MANAGEMENT LITIGA-**
4 **TION**

5 **SEC. 301. USE OF ARBITRATION INSTEAD OF LITIGATION**
6 **TO ADDRESS CHALLENGE TO CERTAIN FOR-**
7 **EST MANAGEMENT ACTIVITIES.**

8 (a) DISCRETIONARY ARBITRATION PROCESS PILOT
9 PROGRAM.—

10 (1) IN GENERAL.—The Secretary of Agriculture
11 shall establish within the Forest Service a discre-
12 tionary arbitration pilot program as an alternative
13 dispute resolution process in lieu of judicial review
14 for the activities described in paragraph (2).

15 (2) ACTIVITIES DESCRIBED.—The Secretary of
16 Agriculture, at the sole discretion of the Secretary,
17 may designate forest management activities de-
18 scribed in section 101(a) for arbitration under the
19 arbitration pilot program established under para-
20 graph (1).

21 (3) MAXIMUM AMOUNT OF ARBITRATIONS.—
22 The Secretary of Agriculture may not arbitrate more
23 than 10 demands for arbitration under subsection
24 (b) in each Forest Service Region.

1 (b) REQUIREMENTS FOR DEMAND.—A demand for
2 arbitration under subsection (a) shall—

3 (1) be filed not more than 30 days after the
4 date on the forest management activity was initi-
5 ated; and

6 (2) include a proposal describing the modifica-
7 tions sought to the forest management activity.

8 (c) INTERVENING PARTIES.—

9 (1) REQUIREMENTS.—Any person that sub-
10 mitted a public comment on the forest management
11 activities described in section 101(a) or forest man-
12 agement activity carried out pursuant to such exclu-
13 sion that is subject to arbitration may intervene in
14 the arbitration—

15 (A) by endorsing—

16 (i) the forest management activity; or

17 (ii) the modification proposal sub-
18 mitted under subsection (b)(2); or

19 (B) by submitting a proposal to further
20 modify the forest management activity.

21 (2) DEADLINE FOR SUBMISSION.—A request to
22 intervene in an arbitration must be submitted not
23 later than the date that is 30 days after the date on
24 which the demand for arbitration was filed.

1 (3) MULTIPLE PARTIES.—Multiple objectors or
2 intervening parties may submit a joint proposal so
3 long as each objector or intervening party meets the
4 eligibility requirements of paragraph (1).

5 (d) APPOINTMENT OF ARBITRATOR.—

6 (1) APPOINTMENT.—The Secretary shall de-
7 velop and publish a list of not fewer than 20 individ-
8 uals eligible to serve as arbitrators for the program
9 under this section.

10 (2) QUALIFICATIONS.—In order to be eligible to
11 serve as an arbitrator under this subsection, an indi-
12 vidual shall be, on the date of the appointment of
13 such arbitrator, certified by the American Arbitra-
14 tion Association.

15 (e) SELECTION OF PROPOSALS.—

16 (1) IN GENERAL.—The arbitrator appointed
17 under subsection (d)—

18 (A) may not modify any of the proposals
19 submitted with the demand for arbitration or a
20 request to intervene; and

21 (B) shall select to be conducted—

22 (i) a proposal submitted by an objec-
23 tor or an intervening party; or

1 (ii) the forest management activity
2 carried out pursuant to section 101, as ap-
3 proved by the Secretary.

4 (2) SELECTION CRITERIA.—An arbitrator shall
5 select the proposal that best meets the purpose and
6 needs described in the purposes specified in section
7 101(a).

8 (f) EFFECT OF DECISION.—The decision of an arbi-
9 trator with respect to the forest management activity car-
10 ried out pursuant to section 101—

11 (1) shall not be considered a major Federal ac-
12 tion;

13 (2) shall be binding; and

14 (3) shall not be subject to judicial review.

15 (g) DEADLINE FOR COMPLETION.—Not later than 90
16 days after the date on which the demand for arbitration
17 is filed with respect to the forest management activity car-
18 ried out pursuant to section 101, the arbitration process
19 shall be completed.

1 **TITLE IV—SECURE RURAL**
2 **SCHOOLS AND COMMUNITY**
3 **SELF-DETERMINATION ACT**
4 **AMENDMENTS**

5 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
6 **PROJECTS ON FEDERAL LAND AND CERTAIN**
7 **NON-FEDERAL LAND.**

8 (a) REPEAL OF MERCHANTABLE TIMBER CON-
9 TRACTING PILOT PROGRAM.—Section 204(e) of the Se-
10 cure Rural Schools and Community Self-Determination
11 Act of 2000 (16 U.S.C. 7124(e)) is amended by striking
12 paragraph (3).

13 (b) REQUIREMENTS FOR PROJECT FUNDS.—Section
14 204(f) of the Secure Rural Schools and Community Self-
15 Determination Act of 2000 (16 U.S.C. 7124(f)) is amend-
16 ed to read as follows:

17 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

18 “(1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary concerned shall ensure that at least 50
20 percent of the project funds reserved by a partici-
21 pating county under section 102(d) shall be available
22 only for projects that—

23 “(A) include the sale of timber or other
24 forest products, reduce fire risks, or improve
25 water supplies; and

1 “(B) implement stewardship objectives
2 that enhance forest ecosystems or restore and
3 improve land health and water quality.

4 “(2) APPLICABILITY.—The requirement in
5 paragraph (1) shall apply only to project funds re-
6 served by a participating county whose boundaries
7 include Federal land that the Secretary concerned
8 determines has been subject to a timber or other for-
9 est products program within 5 fiscal years before the
10 fiscal year in which the funds are reserved.”.

11 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

12 (a) RECOGNITION OF RESOURCE ADVISORY COMMIT-
13 TEES.—Section 205(a)(4) of the Secure Rural Schools
14 and Community Self-Determination Act of 2000 (16
15 U.S.C. 7125(a)(4)) is amended by striking “2012” each
16 place it appears and inserting “2022”.

17 (b) TEMPORARY REDUCTION IN COMPOSITION OF
18 COMMITTEES.—Section 205(d) of the Secure Rural
19 Schools and Community Self-Determination Act of 2000
20 (16 U.S.C. 7125(d)) is amended—

21 (1) in paragraph (1), by striking “Each” and
22 inserting “Except during the period specified in
23 paragraph (6), each”; and

24 (2) by adding at the end the following new
25 paragraph:

1 “(6) TEMPORARY REDUCTION IN MINIMUM
2 NUMBER OF MEMBERS.—

3 “(A) TEMPORARY REDUCTION.—During
4 the period beginning on the date of the enact-
5 ment of this paragraph and ending on Sep-
6 tember 30, 2022, a resource advisory committee
7 established under this section may be comprised
8 of 9 or more members, of which—

9 “(i) at least 3 shall be representative
10 of interests described in subparagraph (A)
11 of paragraph (2);

12 “(ii) at least 3 shall be representative
13 of interests described in subparagraph (B)
14 of paragraph (2); and

15 “(iii) at least 3 shall be representative
16 of interests described in subparagraph (C)
17 of paragraph (2).

18 “(B) ADDITIONAL REQUIREMENTS.—In
19 appointing members of a resource advisory com-
20 mittee from the three categories described in
21 paragraph (2), as provided in subparagraph
22 (A), the Secretary concerned (or applicable des-
23 ignee) shall ensure balanced and broad rep-
24 resentation in each category. In the case of a
25 vacancy on a resource advisory committee, the

1 vacancy shall be filled within 90 days after the
2 date on which the vacancy occurred. Appoint-
3 ments to a new resource advisory committee
4 shall be made within 90 days after the date on
5 which the decision to form the new resource ad-
6 visory committee was made.

7 “(C) CHARTER.—A charter for a resource
8 advisory committee with 15 members that was
9 filed on or before the date of the enactment of
10 this paragraph shall be considered to be filed
11 for a resource advisory committee described in
12 this paragraph. The charter of a resource advi-
13 sory committee shall be reapproved before the
14 expiration of the existing charter of the re-
15 source advisory committee. In the case of a new
16 resource advisory committee, the charter of the
17 resource advisory committee shall be approved
18 within 90 days after the date on which the deci-
19 sion to form the new resource advisory com-
20 mittee was made.”.

21 (c) CONFORMING CHANGE TO PROJECT APPROVAL
22 REQUIREMENTS.—Section 205(e)(3) of the Secure Rural
23 Schools and Community Self-Determination Act of 2000
24 (16 U.S.C. 7125(e)(3)) is amended by adding at the end
25 the following new sentence: “In the case of a resource ad-

1 visory committee consisting of fewer than 15 members, as
2 authorized by subsection (d)(6), a project may be proposed
3 to the Secretary concerned upon approval by a majority
4 of the members of the committee, including at least one
5 member from each of the three categories described in
6 subsection (d)(2).”.

7 (d) EXPANDING LOCAL PARTICIPATION ON COMMIT-
8 TEES.—Section 205(d) of the Secure Rural Schools and
9 Community Self-Determination Act of 2000 (16 U.S.C.
10 7125(d)) is amended—

11 (1) in paragraph (3), by inserting before the pe-
12 riod at the end the following: “, consistent with the
13 requirements of paragraph (4)”;

14 (2) by striking paragraph (4) and inserting the
15 following new paragraph:

16 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-
17 bers of a resource advisory committee shall reside
18 within the county or counties in which the committee
19 has jurisdiction or an adjacent county.”.

20 (e) APPOINTMENT OF RESOURCE ADVISORY COMMIT-
21 TEES BY APPLICABLE DESIGNEE.—

22 (1) IN GENERAL.—Section 205 of the Secure
23 Rural Schools and Community Self-Determination
24 Act of 2000 (16 U.S.C. 7125) is amended—

25 (A) in subsection (a)—

1 (i) in paragraph (1), by inserting “(or
2 applicable designee)” after “The Secretary
3 concerned”;

4 (ii) in paragraph (3), by inserting
5 “(or applicable designee)” after “the Sec-
6 retary concerned”; and

7 (iii) in paragraph (4), by inserting
8 “(or applicable designee)” after “the Sec-
9 retary concerned” both places it appears;

10 (B) in subsection (b)(6), by inserting “(or
11 applicable designee)” after “the Secretary con-
12 cerned”;

13 (C) in subsection (c)—

14 (i) in the subsection heading, by in-
15 serting “OR APPLICABLE DESIGNEE” after
16 “BY THE SECRETARY”;

17 (ii) in paragraph (1), by inserting
18 “(or applicable designee)” after “the Sec-
19 retary concerned” both places it appears;

20 (iii) in paragraph (2), by inserting
21 “(or applicable designee)” after “the Sec-
22 retary concerned”;

23 (iv) in paragraph (4), by inserting
24 “(or applicable designee)” after “the Sec-
25 retary concerned”; and

1 (v) by adding at the end the following
2 new paragraph:

3 “(6) APPLICABLE DESIGNEE.—In this section,
4 the term ‘applicable designee’ means—

5 “(A) with respect to Federal land de-
6 scribed in section 3(7)(A), the applicable Re-
7 gional Forester; and

8 “(B) with respect to Federal land de-
9 scribed in section 3(7)(B), the applicable Bu-
10 reau of Land Management State Director.”;

11 (D) in subsection (d), by inserting “(or ap-
12 plicable designee)” after “the Secretary con-
13 cerned”; and

14 (E) in subsection (f)(1)—

15 (i) by inserting “(or applicable des-
16 ignee)” after “the Secretary concerned”;
17 and

18 (ii) by inserting “(or applicable des-
19 ignee)” after “of the Secretary”.

20 (2) CONFORMING AMENDMENT.—Section
21 201(3)(A) of the Secure Rural Schools and Commu-
22 nity Self-Determination Act of 2000 (16 U.S.C.
23 7121(3)(A)) is amended by inserting “(or applicable
24 designee (as defined in section 205(c)(6)))” after
25 “Secretary concerned”.

1 **SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RE-**
2 **SOURCE ADVISORY COMMITTEE PROJECTS.**

3 (a) SELF-SUSTAINING RESOURCE ADVISORY COM-
4 MITTEE PROJECTS.—Title II of the Secure Rural Schools
5 and Community Self-Determination Act of 2000 (16
6 U.S.C. 7121 et seq.) is amended by adding at the end
7 the following new section:

8 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
9 **VISORY COMMITTEE PROJECTS.**

10 “(a) RAC PROGRAM.—The Chief of the Forest Serv-
11 ice shall conduct a program (to be known as the ‘self-sus-
12 taining resource advisory committee program’ or ‘RAC
13 program’) under which 10 resource advisory committees
14 will propose projects authorized by subsection (c) to be
15 carried out using project funds reserved by a participating
16 county under section 102(d).

17 “(b) SELECTION OF PARTICIPATING RESOURCE AD-
18 VISORY COMMITTEES.—The selection of resource advisory
19 committees to participate in the RAC program is in the
20 sole discretion of the Chief of the Forest Service, except
21 that, consistent with section 205(d)(6), a selected resource
22 advisory committee must have a minimum of **【9 mem-**
23 **bers.】**

24 “(c) AUTHORIZED PROJECTS.—Notwithstanding the
25 project purposes specified in sections 202(b), 203(c), and

1 204(a)(5), projects under the RAC program are intended
2 to—

3 “(1) accomplish forest management objectives
4 or support community development; and

5 “(2) generate receipts.

6 “(d) DEPOSIT AND AVAILABILITY OF REVENUES.—

7 Any revenue generated by a project conducted under the
8 RAC program, including any interest accrued from the
9 revenues, shall be—

10 “(1) deposited in the special account in the
11 Treasury established under section 102(d)(2)(A);

12 and

13 “(2) available, in such amounts as may be pro-
14 vided in advance in appropriation Acts, for addi-
15 tional projects under the RAC program.

16 “(e) TERMINATION OF AUTHORITY.—

17 “(1) IN GENERAL.—The authority to initiate a
18 project under the RAC program shall terminate on
19 September 30, 2022.

20 “(2) DEPOSITS IN TREASURY.—Any funds
21 available for projects under the RAC program and
22 not obligated by September 30, 2023, shall be depos-
23 ited in the Treasury of the United States.”.

24 (b) EXCEPTION TO GENERAL RULE REGARDING
25 TREATMENT OF RECEIPTS.—Section 403(b) of the Secure

1 Rural Schools and Community Self-Determination Act of
2 2000 (16 U.S.C. 7153(b)) is amended by striking “All rev-
3 enues” and inserting “Except as provided in section 209,
4 all revenues”.

5 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
6 **FUNDS FOR TITLE III COUNTY PROJECTS.**

7 Section 302(a) of the Secure Rural Schools and Com-
8 munity Self-Determination Act of 2000 (16 U.S.C.
9 7142(a)) is amended—

10 (1) in paragraph (2)—

11 (A) by inserting “and law enforcement pa-
12 trols” after “including firefighting”; and

13 (B) by striking “and” at the end;

14 (2) by redesignating paragraph (3) as para-
15 graph (4); and

16 (3) by inserting after paragraph (2) the fol-
17 lowing new paragraph (3):

18 “(3) to cover training costs and equipment pur-
19 chases directly related to the emergency services de-
20 scribed in paragraph (2); and”.

21 **SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.**

22 Section 102 of the Secure Rural Schools and Commu-
23 nity Self-Determination Act of 2000 (16 U.S.C. 7112) is
24 amended by adding at the end the following new sub-
25 section:

1 “(f) TREATMENT AS SUPPLEMENTAL FUNDING.—
2 None of the funds made available to a beneficiary county
3 or other political subdivision of a State under this Act
4 shall be used in lieu of or to otherwise offset State funding
5 sources for local schools, facilities, or educational pur-
6 poses.”.

7 **TITLE V—STEWARDSHIP END**
8 **RESULT CONTRACTING**

9 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**
10 **END RESULT CONTRACTING PROJECTS.**

11 (a) CANCELLATION CEILINGS.—Section 604 of the
12 Healthy Forests Restoration Act of 2003 (16 U.S.C.
13 6591c) is amended—

14 (1) by redesignating subsections (h) and (i) as
15 subsections (i) and (j), respectively; and

16 (2) by inserting after subsection (g) the fol-
17 lowing new subsection (h):

18 “(h) CANCELLATION CEILINGS.—

19 “(1) IN GENERAL.—The Chief and the Director
20 may obligate funds to cover any potential cancella-
21 tion or termination costs for an agreement or con-
22 tract under subsection (b) in stages that are eco-
23 nomically or programmatically viable.

24 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-
25 CELLATION CEILING IN EXCESS OF \$25 MILLION.—

1 Not later than 30 days before entering into a
2 multiyear agreement or contract under subsection
3 (b) that includes a cancellation ceiling in excess of
4 \$25 million, but does not include proposed funding
5 for the costs of cancelling the agreement or contract
6 up to such cancellation ceiling, the Chief or the Di-
7 rector, as the case may be, shall submit to the Com-
8 mittee on Energy and Natural Resources and the
9 Committee on Agriculture, Nutrition, and Forestry
10 of the Senate and the Committee on Natural Re-
11 sources and the Committee on Agriculture of the
12 House of Representatives a written notice that in-
13 cludes—

14 “(A) the cancellation ceiling amounts pro-
15 posed for each program year in the agreement
16 or contract;

17 “(B) the reasons why such cancellation
18 ceiling amounts were selected;

19 “(C) the extent to which the costs of con-
20 tract cancellation are not included in the budget
21 for the agreement or contract; and

22 “(D) an assessment of the financial risk of
23 not including budgeting for the costs of agree-
24 ment or contract cancellation.

1 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not
2 later than 14 days after the date on which written
3 notice is provided under paragraph (2) with respect
4 to an agreement or contract under subsection (b),
5 the Chief or the Director, as the case may be, shall
6 transmit a copy of the notice to the Director of the
7 Office of Management and Budget.”.

8 (b) RELATION TO OTHER LAWS.—Section 604(d)(5)
9 of the Healthy Forests Restoration Act of 2003 (16
10 U.S.C. 6591c(d)(5)) is amended by striking “, the Chief
11 may” and inserting “and section 2(a)(1) of the Act of July
12 31, 1947 (commonly known as the Materials Act of 1947;
13 30 U.S.C. 602(a)(1)), the Chief and the Director may”.
14 **【Strike last sentence of section 604(d)(5)?】**

15 **SEC. 502. EXCESS OFFSET VALUE.**

16 Section 604(g)(2) of the Healthy Forests Restoration
17 Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by strik-
18 ing subparagraphs (A) and (B) and inserting the following
19 new subparagraphs:

20 “(A) use the excess to satisfy any out-
21 standing liabilities for cancelled agreements or
22 contracts; or

23 “(B) if there are no outstanding liabilities
24 under subparagraph (A), apply the excess to
25 other authorized stewardship projects.”.

1 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
2 **PROJECT REVENUES TO COUNTY IN WHICH**
3 **STEWARDSHIP PROJECT OCCURS.**

4 Section 604(e) of the Healthy Forests Restoration
5 Act of 2003 (16 U.S.C. 6591c(e)) is amended—

6 (1) in paragraph (2)(B), by inserting “subject
7 to paragraph (3)(A),” before “shall”; and

8 (2) in paragraph (3)(A), by striking “services
9 received by the Chief or the Director” and all that
10 follows through the period at the end and inserting
11 the following: “services and in-kind resources re-
12 ceived by the Chief or the Director under a steward-
13 ship contract project conducted under this section
14 shall not be considered monies received from the Na-
15 tional Forest System or the public lands, but any
16 payments made by the contractor to the Chief or Di-
17 rector under the project shall be considered monies
18 received from the National Forest System or the
19 public lands.”.

20 **SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.**

21 Subsection (j) of section 604 of the Healthy Forests
22 Restoration Act of 2003 (16 U.S.C. 6591c), as redesign-
23 nated by section 501(a)(1), is amended by striking “report
24 to the Committee on Agriculture, Nutrition, and Forestry
25 of the Senate and the Committee on Agriculture of the
26 House of Representatives” and inserting “submit to the

1 congressional committees specified in subsection (h)(2) a
2 report”.

3 **SEC. 505. FIRE LIABILITY PROVISION.**

4 Section 604(d) of the Healthy Forests Restoration
5 Act of 2003 (16 U.S.C. 6591c(d)) is amended by adding
6 at the end the following new paragraph:

7 “(8) MODIFICATION.—Upon the request of the
8 contractor, a contract or agreement under this sec-
9 tion awarded before February 7, 2014, shall be
10 modified by the Chief or Director to include the fire
11 liability provisions described in paragraph (7).”.

12 **SEC. 506. EXTENSION OF STEWARDSHIP CONTRACTING**
13 **MAXIMUM TERM LIMITS.**

14 Section 604(d)(3)(B) of the Healthy Forests Restora-
15 tion Act of 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended
16 by striking “10 years” and inserting “20 years”.

17 **TITLE VI—ADDITIONAL FUND-**
18 **ING SOURCES FOR FOREST**
19 **MANAGEMENT ACTIVITIES**

20 **SEC. 601. DEFINITIONS.**

21 In this title:

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

1 (A) a State or political subdivision of a
2 State containing National Forest System lands
3 or public lands;

4 (B) a publicly chartered utility serving one
5 or more States or a political subdivision thereof;

6 (C) a rural electric company; and

7 (D) any other entity determined by the
8 Secretary concerned to be appropriate for par-
9 ticipation in the Fund.

10 (2) FUND.—The term “Fund” means the
11 State-Supported Forest Management Fund estab-
12 lished by section 603.

13 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
14 **NUES AND COLLABORATIVE FOREST LAND-**
15 **SCAPE RESTORATION FUND TO COVER FOR-**
16 **EST MANAGEMENT ACTIVITY PLANNING**
17 **COSTS.**

18 (a) AVAILABILITY OF STEWARDSHIP PROJECT REVE-
19 NUES.—Section 604(e)(2)(B) of the Healthy Forests Res-
20 toration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as
21 amended by section 503, is further amended by striking
22 “appropriation at the project site from which the monies
23 are collected or at another project site.” and inserting the
24 following: “appropriation—

1 “(i) at the project site from which the
2 monies are collected or at another project
3 site; and

4 “(ii) to cover not more than 25 per-
5 cent of the cost of planning additional
6 stewardship contracting projects.”.

7 (b) AVAILABILITY OF COLLABORATIVE FOREST
8 LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of
9 the Omnibus Public Land Management Act of 2009 (16
10 U.S.C. 7303(f)(1)) is amended by striking “carrying out
11 and” and inserting “planning, carrying out, and”.

12 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**
13 **AGEMENT ACTIVITIES.**

14 (a) STATE-SUPPORTED FOREST MANAGEMENT
15 FUND.—There is established in the Treasury of the
16 United States a fund, to be known as the “State-Sup-
17 ported Forest Management Fund”, to cover the cost of
18 planning (especially related to compliance with section
19 102(2) of the National Environmental Policy Act of 1969
20 (42 U.S.C. 4332(2))), carrying out, and monitoring cer-
21 tain forest management activities on National Forest Sys-
22 tem lands or public lands.

23 (b) CONTENTS.—The State-Supported Forest Man-
24 agement Fund shall consist of such amounts as may be—

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

3 (2) appropriated to the Fund; or

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

6 (c) GEOGRAPHICAL AND USE LIMITATIONS.—In
7 making a contribution under subsection (b)(1), an eligible
8 entity may—

9 (1) specify the National Forest System lands or
10 public lands for which the contribution may be ex-
11 pended; and

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

14 (d) AUTHORIZED FOREST MANAGEMENT ACTIVI-
15 TIES.—In such amounts as may be provided in advance
16 in appropriation Acts, the Secretary concerned may use
17 the Fund to plan, carry out, and monitor a forest manage-
18 ment activity that—

19 (1) is developed through a collaborative process;

20 (2) is proposed by a resource advisory com-
21 mittee;

22 **[(3) will occur on lands identified by the Sec-**
23 **retary of Agriculture as suitable for timber produc-**
24 **tion; or]**

1 (4) is covered by a community wildfire protec-
2 tion plan.

3 (e) IMPLEMENTATION METHODS.—A forest manage-
4 ment activity carried out using amounts in the Fund may
5 be carried out using a contract or agreement under section
6 604 of the Healthy Forests Restoration Act of 2003 (16
7 U.S.C. 6591e), the good neighbor authority provided by
8 section 8206 of the Agricultural Act of 2014 (16 U.S.C.
9 2113a), a contract under section 14 of the National Forest
10 Management Act of 1976 (16 U.S.C. 472a), or other au-
11 thority available to the Secretary concerned, but revenues
12 generated by the forest management activity shall be used
13 to reimburse the Fund for planning costs covered using
14 amounts in the Fund.

15 (f) RELATION TO OTHER LAWS.—

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

21 (2) KNUTSON-VANDERBERG ACT.—The Act of
22 June 9, 1930 (commonly known as the Knutson-
23 Vanderberg Act; 16 U.S.C. 576 et seq.), shall apply
24 to any forest management activity carried out using
25 amounts in the Fund.

1 (g) TERMINATION OF FUND.—

2 (1) TERMINATION.—The Fund shall terminate
3 10 years after the date of the enactment of this Act.

4 (2) EFFECT OF TERMINATION.—Upon the ter-
5 mination of the Fund pursuant to paragraph (1) or
6 pursuant to any other provision of law, unobligated
7 contributions remaining in the Fund shall be re-
8 turned to the eligible entity that made the contribu-
9 tion.

10 **TITLE VII—TRIBAL FORESTRY**
11 **PARTICIPATION AND PRO-**
12 **TECTION**

13 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
14 **THROUGH USE OF STEWARDSHIP END RE-**
15 **SULT CONTRACTING AND OTHER AUTHORI-**
16 **TIES.**

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

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

1 (2) by adding at the end the following new
2 paragraph:

3 “(4) TIME PERIODS FOR CONSIDERATION.—

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

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

12 “(ii) the likelihood of the Secretary
13 entering into an agreement or contract
14 with the Indian Tribe under paragraph (2)
15 for activities described in paragraph (3).

16 “(B) NOTICE OF DENIAL.—Notice under
17 subsection (d) of the denial of a Tribal request
18 under paragraph (1) shall be provided not later
19 than 1 year after the date on which the Sec-
20 retary received the request.

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

1 “(i) complete all environmental re-
2 views necessary in connection with the
3 agreement or contract and proposed activi-
4 ties under the agreement or contract; and
5 “(ii) enter into the agreement or con-
6 tract with the Indian tribe under para-
7 graph (2).”.

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

11 (1) in subsections (b)(1) and (f)(1), by striking
12 “section 347 of the Department of the Interior and
13 Related Agencies Appropriations Act, 1999 (16
14 U.S.C. 2104 note; Public Law 105–277) (as amend-
15 ed by section 323 of the Department of the Interior
16 and Related Agencies Appropriations Act, 2003 (117
17 Stat. 275))” and inserting “section 604 of the
18 Healthy Forests Restoration Act of 2003 (16 U.S.C.
19 6591c)”;

20 (2) in subsection (d), by striking “subsection
21 (b)(1), the Secretary may” and inserting “para-
22 graphs (1) and (4)(B) of subsection (b), the Sec-
23 retary shall”.

1 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
2 **IZED TO INCLUDE RELATED NATIONAL FOR-**
3 **EST SYSTEM LANDS AND PUBLIC LANDS.**

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

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

9 “(1) AUTHORITY.—At the request of an Indian
10 Tribe, the Secretary concerned may treat Federal
11 forest land as Indian forest land for purposes of
12 planning and conducting forest land management
13 activities under this section if the Federal forest
14 land is located within, or mostly within, a geographic
15 area that presents a feature or involves cir-
16 cumstances principally relevant to that Indian Tribe,
17 such as Federal forest land ceded to the United
18 States by treaty, Federal forest land within the
19 boundaries of a current or former reservation, or
20 Federal forest land adjudicated to be Tribal home-
21 lands.

22 “(2) REQUIREMENTS.—As part of the agree-
23 ment to treat Federal forest land as Indian forest
24 land under paragraph (1), the Secretary concerned
25 and the Indian Tribe making the request shall—

1 “(A) provide for continued public access
2 applicable to the Federal forest land prior to
3 the agreement, except that the Secretary con-
4 cerned may limit or prohibit such access as
5 needed;

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

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

13 “(ii) at the option of the Indian Tribe,
14 on terms agreed upon by the Indian Tribe,
15 the Secretary concerned, and State and
16 county governments participating in a rev-
17 enue sharing agreement for the Federal
18 forest land;

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

22 “(D) recognize all right-of-way agreements
23 in place on Federal forest land prior to com-
24 mencement of Tribal management activities;
25 and

1 “(E) ensure that all commercial timber re-
2 moved from the Federal forest land is sold on
3 a competitive bid basis.

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

10 “(4) DEFINITIONS.—In this subsection:

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

13 “(i) National Forest System lands;
14 and

15 “(ii) public lands (as defined in sec-
16 tion 103(e) of the Federal Land Policy and
17 Management Act of 1976 (43 U.S.C.
18 1702(e))), including Coos Bay Wagon
19 Road Grant lands reconveyed to the
20 United States pursuant to the first section
21 of the Act of February 26, 1919 (40 Stat.
22 1179), and Oregon and California Railroad
23 Grant lands.

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

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

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

7 **SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
8 **PROJECT.**

9 The Secretary of the Interior and the Secretary of
10 Agriculture may carry out demonstration projects by
11 which federally recognized Indian Tribes or Tribal organi-
12 zations may contract to perform administrative, manage-
13 ment, and other functions of programs of the Tribal For-
14 est Protection Act of 2004 (25 U.S.C. 3115a et seq.)
15 through contracts entered into under the Indian Self-De-
16 termination and Education Assistance Act (25 U.S.C.
17 5304 et seq.).

18 **TITLE VIII—EXPEDITING**
19 **INTERAGENCY CONSULTATION**

20 **SEC. 801. CONSULTATION REGARDING LAND MANAGEMENT**
21 **PLANS.**

22 (a) IN GENERAL.—Section 6(d) of the Forest and
23 Rangeland Renewable Resources Planning Act of 1974
24 (16 U.S.C. 1604(d)) is amended—

1 (1) by striking “(d) The Secretary” and insert-
2 ing the following:

3 “(d) PUBLIC PARTICIPATION AND CONSULTATION.—

4 “(1) IN GENERAL.—The Secretary”; and

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

6 “(2) NO ADDITIONAL CONSULTATION RE-
7 QUIRED AFTER APPROVAL OF LAND MANAGEMENT
8 PLANS.—

9 “(A) IN GENERAL.—Notwithstanding any
10 other provision of law, the Secretary shall not
11 be required to engage in consultation under this
12 subsection or any other provision of law (includ-
13 ing section 7 of Public Law 93–205 (16 U.S.C.
14 1536) and section 402.16 of title 50, Code of
15 Federal Regulations (or a successor regulation))
16 with respect to—

17 “(i) the listing of a species as threat-
18 ened or endangered, or a designation of
19 critical habitat pursuant to Public Law
20 93–205 (16 U.S.C. 1531 et seq.), if a land
21 management plan has been adopted by the
22 Secretary as of the date of listing or des-
23 ignation; or

1 “(ii) any provision of a land manage-
2 ment plan adopted as described in clause
3 (i).

4 “(B) EFFECT OF PARAGRAPH.—Nothing
5 in this paragraph affects any applicable require-
6 ment of the Secretary to consult with the head
7 of any other Federal department or agency—

8 “(i) regarding any project to imple-
9 ment a land management plan, including a
10 project carried out, or proposed to be car-
11 ried out, in an area designated as critical
12 habitat pursuant to Public Law 93–205
13 (16 U.S.C. 1531 et seq.); or

14 “(ii) with respect to the development
15 of a modification to a land management
16 plan that would result in a significant
17 change (within the meaning of subsection
18 (f)(4)) in the land management plan.”.

19 (b) DEFINITION OF SECRETARY; CONFORMING
20 AMENDMENTS.—

21 (1) DEFINITION OF SECRETARY.—Section 3(a)
22 of the Forest and Rangeland Renewable Resources
23 Planning Act of 1974 (16 U.S.C. 1601(a)) is
24 amended, in the first sentence of the matter pre-
25 ceding paragraph (1), by inserting “(referred to in

1 this Act as the ‘Secretary’” after “Secretary of Ag-
2 riculture”.

3 (2) CONFORMING AMENDMENTS.—The Forest
4 and Rangeland Renewable Resources Planning Act
5 of 1974 (16 U.S.C. 1600 et seq.) is amended, in sec-
6 tions 4 through 9, 12, 13, and 15, by striking “Sec-
7 retary of Agriculture” each place it appears and in-
8 serting “Secretary”.

9 **SEC. 802. FEDERAL LAND POLICY AND MANAGEMENT ACT**
10 **OF 1976.**

11 Section 202(f) of the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1712(f)) is amended—

13 (1) by striking “(f) The Secretary” and insert-
14 ing the following:

15 “(f) PUBLIC INVOLVEMENT.—

16 “(1) IN GENERAL.—The Secretary”; and

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

18 “(2) NO ADDITIONAL CONSULTATION RE-
19 QUIRED AFTER APPROVAL OF LAND USE PLANS.—

20 “(A) IN GENERAL.—Notwithstanding any
21 other provision of law, the Secretary shall not
22 be required to engage in consultation under this
23 subsection or any other provision of law (includ-
24 ing section 7 of Public Law 93–205 (16 U.S.C.
25 1536) and section 402.16 of title 50, Code of

1 Federal Regulations (or a successor regula-
2 tion)), with respect to—

3 “(i) the listing of a species as threat-
4 ened or endangered, or a designation of
5 critical habitat, pursuant to Public Law
6 93–205 (16 U.S.C. 1531 et seq.), if a land
7 use plan has been adopted by the Sec-
8 retary as of the date of listing or designa-
9 tion; or

10 “(ii) any provision of a land use plan
11 adopted as described in clause (i).

12 “(B) EFFECT OF PARAGRAPH.—

13 “(i) DEFINITION OF SIGNIFICANT
14 CHANGE.—In this subparagraph, the term
15 ‘significant change’ means a significant
16 change within the meaning of section
17 219.13(b)(3) of title 36, Code of Federal
18 Regulations (as in effect on the date of en-
19 actment of this subparagraph), except
20 that—

21 “(I) any reference contained in
22 that section to a land management
23 plan shall be deemed to be a reference
24 to a land use plan;

1 “(II) any reference contained in
2 that section to the Forest Service
3 shall be deemed to be a reference to
4 the Bureau of Land Management; and

5 “(III) any reference contained in
6 that section to the National Forest
7 Management Act of 1976 (Public Law
8 94–588; 90 Stat. 2949) shall be
9 deemed to be a reference to this Act.

10 “(ii) EFFECT.—Nothing in this para-
11 graph affects any applicable requirement of
12 the Secretary to consult with the head of
13 any other Federal department or agency—

14 “(I) regarding a project carried
15 out, or proposed to be carried out,
16 with respect to a species listed as
17 threatened or endangered, or in an
18 area designated as critical habitat,
19 pursuant to Public Law 93–205 (16
20 U.S.C. 1531 et seq.); or

21 “(II) with respect to the develop-
22 ment of a new land use plan or the re-
23 vision of or other significant change to
24 an existing land use plan.”.

1 **TITLE IX—MISCELLANEOUS FOR-**
2 **EST MANAGEMENT PROVI-**
3 **SIONS**

4 **SEC. 901. NO ATTORNEY FEES FOR FOREST MANAGEMENT**
5 **ACTIVITY CHALLENGES.**

6 Notwithstanding section 1304 of title 31, United
7 States Code, no award may be made under section 2412
8 of title 28, United States Code, and no amounts may be
9 obligated or expended from the Claims and Judgment
10 Fund of the United States Treasury to pay any fees or
11 other expenses under such sections to any plaintiff related
12 to an action challenging a forest management activity car-
13 ried out pursuant to this Act.

14 **SEC. 902. FOREST PLANS NOT SUBJECT TO JUDICIAL RE-**
15 **VIEW.**

16 Section 6(f) of the Forest and Rangeland Renewable
17 Resources Planning Act of 1974 (16 U.S.C. 1604(f)) is
18 amended—

19 (1) in paragraph (4), by striking “; and” and
20 inserting a semicolon;

21 (2) in paragraph (5), by striking the period at
22 the end and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

25 “(6) **[prior to final adoption]**—

1 “(A) not be subject to any restraining
2 order, preliminary injunction, injunction pend-
3 ing appeal, or other judicial review; and

4 “(B) section 705 of title 5, United States
5 Code, shall not apply.”.

6 **SEC. 903. REVISION OF ALTERNATE CONSULTATION**
7 **AGREEMENT REGULATIONS.**

8 Not later than 90 days after the date of the enact-
9 ment of this section, the Secretary of the Interior and the
10 Secretary of Commerce shall revise section 402.13 of title
11 50, Code of Federal Regulations, to—

12 (1) authorize Federal agencies to enter into al-
13 ternative consultation agreements under which the
14 Federal agency may determine if an action such
15 agency authorizes is likely to adversely affect listed
16 species or critical habitat; and

17 (2) if an agency determines such action will not
18 likely adversely affect listed species or critical habi-
19 tat pursuant to paragraph (1), not require such
20 agency to complete a formal consultation, informal
21 consultation, or written concurrence of the U.S. Fish
22 and Wildlife Service or the National Marine Fish-
23 eries Service with respect to such action.

1 **SEC. 904. BALANCING SHORT- AND LONG-TERM EFFECTS**
2 **OF FOREST MANAGEMENT ACTIVITIES IN**
3 **CONSIDERING INJUNCTIVE RELIEF.**

4 As part of its weighing the equities while considering
5 any request for an injunction that applies to any agency
6 action as part of a forest management activity under titles
7 I **[through IX]**, the court reviewing the agency action
8 shall balance the impact to the ecosystem likely affected
9 by the forest management activity of—

10 (1) the short- and long-term effects of under-
11 taking the agency action; against

12 (2) the short- and long-term effects of not un-
13 dertaking the action.

14 **SEC. 905. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
15 **MISSIONING.**

16 (a) **CONSULTATION WITH AFFECTED COUNTY.—**
17 Whenever any Forest Service defined maintenance level
18 one- or two-system road within a designated high fire
19 prone area of a unit of the National Forest System is con-
20 sidered for decommissioning, the Forest Supervisor of that
21 unit of the National Forest System shall—

22 (1) consult with the government of the county
23 containing the road regarding the merits and pos-
24 sible consequences of decommissioning the road; and

25 (2) solicit possible alternatives to decommis-
26 sioning the road.

1 (b) PERIOD PRIOR TO DECOMMISSION.—A Forest
2 Service road described in subsection (a) may not be de-
3 commissioned without the advance approval of the Re-
4 gional Forester.

5 **SEC. 906. PROHIBITION ON APPLICATION OF EASTSIDE**
6 **SCREENS REQUIREMENTS ON NATIONAL**
7 **FOREST SYSTEM LANDS.**

8 (a) REPEAL OF EASTSIDE SCREENS REQUIRE-
9 MENTS.—Notwithstanding any other provision of law, the
10 Secretary of Agriculture shall immediately withdraw the
11 Interim Management Direction Establishing Riparian,
12 Ecosystem, and Wildlife Standards for Timber Sales
13 (commonly known as the Eastside Screens requirements),
14 including all preceding or associated versions of these
15 amendments.

16 (b) EFFECT OF REPEAL.—On and after the date of
17 the enactment of this Act, the Secretary of Agriculture
18 may not apply to National Forest System lands any of
19 the amendments repealed under subsection (a).

20 **SEC. 907. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
21 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
22 **TIES.**

23 If the Secretary concerned determines that, in order
24 to conduct a project or carry out an activity implementing
25 a forest plan, an amendment to the forest plan is required,

1 the Secretary concerned shall execute such amendment as
2 a nonsignificant plan amendment through the record of
3 decision or decision notice for the project or activity.

4 **SEC. 908. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

5 (a) DEPOSITS OF FUNDS FROM NATIONAL FOREST
6 TIMBER PURCHASERS REQUIRED.—Section 3(a) of the
7 Act of June 9, 1930 (commonly known as the Knutson-
8 Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-
9 ing “The Secretary” and all that follows through “any
10 purchaser” and inserting the following: “The Secretary of
11 Agriculture shall require each purchaser”.

12 (b) CONDITIONS ON USE OF DEPOSITS.—Section 3
13 of the Act of June 9, 1930 (commonly known as the
14 Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

15 (1) by striking “Such deposits” and inserting
16 the following:

17 “(b) Amounts deposited under subsection (a)”;

18 (2) by redesignating subsection (c) as sub-
19 section (d); and

20 (3) by inserting before subsection (d), as so re-
21 designated, the following new subsection (c):

22 “(c)(1) Amounts in the special fund established pur-
23 suant to this section—

24 “(A) shall be used exclusively to implement ac-
25 tivities authorized by subsection (a); and

1 “(B) may be used anywhere within the Forest
2 Service Region from which the original deposits were
3 collected.

4 “(2) The Secretary of Agriculture may not deduct
5 overhead costs from the funds collected under subsection
6 (a), except as needed to fund personnel of the responsible
7 Ranger District for the planning and implementation of
8 the activities authorized by subsection (a).”.

9 **SEC. 909. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**
10 **TEM LANDS AND PUBLIC LANDS.**

11 Unless specifically provided by a provision of titles
12 I [through IX], the authorities provided by such titles
13 do not apply with respect to any National Forest System
14 lands or public lands—

15 (1) that are included in the National Wilderness
16 Preservation System;

17 (2) that are located within an inventoried
18 roadless area unless the forest management activity
19 to be carried out under such authority is consistent
20 with the forest plan applicable to the area; or

21 (3) on which timber harvesting for any purpose
22 is prohibited by statute.

1 **SEC. 910. APPLICATION OF NORTHWEST FOREST PLAN SUR-**
2 **VEY AND MANAGE MITIGATION MEASURE**
3 **STANDARD AND GUIDELINES.**

4 The Northwest Forest Plan Survey and Manage Miti-
5 gation Measure Standard and Guidelines shall not apply
6 to any National Forest System lands or public lands.

7 **SEC. 911. LANDSCAPE-SCALE FOREST RESTORATION**
8 **PROJECT.**

9 The Secretary of Agriculture shall develop and imple-
10 ment at least one landscape-scale forest restoration project
11 that includes, as a defined purpose of the project, the gen-
12 eration of material that will be used to promote advanced
13 wood products. The project shall be developed through a
14 collaborative process.

15 **SEC. 912. RECONSTRUCTION AND REPAIR INCLUDED IN**
16 **GOOD NEIGHBOR AGREEMENTS.**

17 Section 8206(a)(3) of the Agricultural Act of 2014
18 (16 U.S.C. 2113a(a)(3)) is amended—

19 (1) by striking “SERVICES.” and all that follows
20 through “IN GENERAL.—The” and inserting “SERV-
21 ICES.—The”;

22 (2) by striking subparagraph (B);

23 (3) in subparagraph (A)—

24 (A) in clause (ii), by striking “and”;

25 (B) in clause (iii), by striking the period at
26 the end and inserting a semicolon;

1 (C) by redesignating clauses (i), (ii), and
2 (iii) as subparagraphs (A), (B), and (C), re-
3 spectively, and moving the margin of each sub-
4 paragraph two ems to the left; and
5 (4) by adding at the end the following:

6 “(D) construction, reconstruction, repair,
7 or restoration of paved or permanent roads or
8 parking areas; and

9 “(E) construction, alteration, repair or re-
10 placement of public buildings or works.”.

11 **SEC. 913. COOS BAY WAGON ROAD GRANT LANDS PERMA-**
12 **NENT RIGHTS OF ACCESS.**

13 (a) CREATION OF PERMANENT RIGHTS OF ACCESS
14 REQUIRED.—Notwithstanding any other provision of law,
15 on the date of the enactment of this section, reciprocal
16 road right-of-way permits, grants, and agreements issued
17 to a private landowner by the Secretary of the Interior
18 pursuant to subpart 2812 of part 2810 of title 43, Code
19 of Federal Regulations, or its predecessor regulation shall
20 become permanent rights of access that are recordable and
21 that shall run with the land.

22 (b) RECORDS UPDATED.—Not later than 60 days
23 after the date of the enactment of this Act, the reciprocal
24 road right-of-way permits, grants, and agreements de-
25 scribed in subsection (a) shall be amended to reflect the

1 permanent rights of access required under subsection (a)
2 and recorded by the Secretary of the Interior in each coun-
3 ty where the lands are located. No other amendments shall
4 be made to such right-of-way permits, grants, and agree-
5 ments.

6 **TITLE X—MAJOR DISASTER FOR**
7 **WILDFIRE ON FEDERAL LAND**

8 **SEC. 1001. WILDFIRE ON FEDERAL LANDS.**

9 Section 102(2) of the Robert T. Stafford Disaster
10 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))
11 is amended—

12 (1) by striking “(2)” and all that follows
13 through “means” and inserting the following:

14 “(2) MAJOR DISASTER.—

15 “(A) MAJOR DISASTER.—The term ‘major
16 disaster’ means”; and

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

18 “(B) MAJOR DISASTER FOR WILDFIRE ON
19 FEDERAL LANDS.—The term ‘major disaster
20 for wildfire on Federal lands’ means any wild-
21 fire or wildfires, which in the determination of
22 the President under section 802 warrants as-
23 sistance under section 803 to supplement the
24 efforts and resources of the Department of the
25 Interior or the Department of Agriculture—

1 “(i) on Federal lands; or

2 “(ii) on non-Federal lands pursuant
3 to a fire protection agreement or coopera-
4 tive agreement.”.

5 **SEC. 1002. DECLARATION OF A MAJOR DISASTER FOR**
6 **WILDFIRE ON FEDERAL LANDS.**

7 The Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 5170 et seq.) is amended
9 by adding at the end the following:

10 **“TITLE VIII—MAJOR DISASTER**
11 **FOR WILDFIRE ON FEDERAL**
12 **LAND**

13 **“SEC. 801. DEFINITIONS.**

14 “As used in this title—

15 “(1) FEDERAL LAND.—The term ‘Federal land’
16 means—

17 “(A) any land under the jurisdiction of the
18 Department of the Interior; and

19 “(B) any land under the jurisdiction of the
20 United States Forest Service.

21 “(2) FEDERAL LAND MANAGEMENT AGEN-
22 CIES.—The term ‘Federal land management agen-
23 cies’ means—

24 “(A) the Bureau of Land Management;

25 “(B) the National Park Service;

1 “(C) the Bureau of Indian Affairs;

2 “(D) the United States Fish and Wildlife
3 Service; and

4 “(E) the United States Forest Service.

5 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

6 The term ‘wildfire suppression operations’ means the
7 emergency and unpredictable aspects of wildland
8 firefighting, including support, response, emergency
9 stabilization activities, and other emergency manage-
10 ment activities of wildland firefighting on Federal
11 lands (or on non-Federal lands pursuant to a fire
12 protection agreement or cooperative agreement) by
13 the Federal land management agencies covered by
14 the wildfire suppression subactivity of the Wildland
15 Fire Management account or the FLAME Wildfire
16 Suppression Reserve Fund account of the Federal
17 land management agencies.

18 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
19 **DISASTER FOR WILDFIRE ON FEDERAL**
20 **LANDS.**

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

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

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

6 “(2) certify that the amount appropriated in
7 the current fiscal year for wildfire suppression oper-
8 ations of the Federal land management agencies
9 under the jurisdiction of the respective Secretary,
10 net of any concurrently enacted rescissions of wild-
11 fire suppression funds, increases the total unobli-
12 gated balance of amounts available for wildfire sup-
13 pression by an amount equal to or greater than the
14 average total costs incurred by the Federal land
15 management agencies per year for wildfire suppres-
16 sion operations, including the suppression costs in
17 excess of appropriated amounts, over the previous
18 ten fiscal years;

19 “(3) certify that the amount available for wild-
20 fire suppression operations of the Federal land man-
21 agement agencies under the jurisdiction of the re-
22 spective Secretary will be obligated not later than 30
23 days after such Secretary notifies the President that
24 wildfire suppression funds will be exhausted to fund
25 ongoing and anticipated wildfire suppression oper-

1 ations related to the wildfire on which the request
2 for the declaration of a major disaster for wildfire
3 on Federal lands pursuant to this title is based; and

4 “(4) specify the amount required in the current
5 fiscal year to fund wildfire suppression operations
6 related to the wildfire on which the request for the
7 declaration of a major disaster for wildfire on Fed-
8 eral lands pursuant to this title is based.

9 “(c) DECLARATION.—Based on the request of the re-
10 spective Secretary under this title, the President may de-
11 clare that a major disaster for wildfire on Federal lands
12 exists.

13 **“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.**

14 “(a) IN GENERAL.—In a major disaster for wildfire
15 on Federal lands, the President may transfer funds, only
16 from the account established pursuant to subsection (b),
17 to the Secretary of the Interior or the Secretary of Agri-
18 culture to conduct wildfire suppression operations on Fed-
19 eral lands (and non-Federal lands pursuant to a fire pro-
20 tection agreement or cooperative agreement).

21 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
22 COUNT.—The President shall establish a specific account
23 for the assistance available pursuant to a declaration
24 under section 802. Such account may only be used to fund
25 assistance pursuant to this title.

1 “(c) LIMITATION.—

2 “(1) LIMITATION OF TRANSFER.—The assist-
3 ance available pursuant to a declaration under sec-
4 tion 802 is limited to the transfer of the amount re-
5 quested pursuant to section 802(b)(4). The assist-
6 ance available for transfer shall not exceed the
7 amount contained in the wildfire suppression oper-
8 ations account established pursuant to subsection
9 (b).

10 “(2) TRANSFER OF FUNDS.—Funds under this
11 section shall be transferred from the wildfire sup-
12 pression operations account to the wildfire suppres-
13 sion subactivity of the Wildland Fire Management
14 Account.

15 “(d) PROHIBITION OF OTHER TRANSFERS.—Except
16 as provided in this section, no funds may be transferred
17 to or from the account established pursuant to subsection
18 (b) to or from any other fund or account.

19 “(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION
20 OPERATIONS ON NON-FEDERAL LAND.—If amounts
21 transferred under subsection (c) are used to conduct wild-
22 fire suppression operations on non-Federal land, the re-
23 spective Secretary shall—

1 “(1) secure reimbursement for the cost of such
2 wildfire suppression operations conducted on the
3 non-Federal land; and

4 “(2) transfer the amounts received as reim-
5 bursement to the wildfire suppression operations ac-
6 count established pursuant to subsection (b).

7 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
8 QUIREMENTS.—Not later than 90 days after the end of
9 each fiscal year for which assistance is received pursuant
10 to this section, the respective Secretary shall submit to
11 the Committees on Agriculture, Appropriations, the Budg-
12 et, Natural Resources, and Transportation and Infrastruc-
13 ture of the House of Representatives and the Committees
14 on Agriculture, Nutrition, and Forestry, Appropriations,
15 the Budget, Energy and Natural Resources, Homeland
16 Security and Governmental Affairs, and Indian Affairs of
17 the Senate, and make available to the public, a report that
18 includes the following:

19 “(1) The risk-based factors that influenced
20 management decisions regarding wildfire suppression
21 operations of the Federal land management agencies
22 under the jurisdiction of the Secretary concerned.

23 “(2) Specific discussion of a statistically signifi-
24 cant sample of large fires, in which each fire is ana-
25 lyzed for cost drivers, effectiveness of risk manage-

1 ment techniques, resulting positive or negative im-
2 pacts of fire on the landscape, impact of investments
3 in preparedness, suggested corrective actions, and
4 such other factors as the respective Secretary con-
5 siders appropriate.

6 “(3) Total expenditures for wildfire suppression
7 operations of the Federal land management agencies
8 under the jurisdiction of the respective Secretary,
9 broken out by fire sizes, cost, regional location, and
10 such other factors as the such Secretary considers
11 appropriate.

12 “(4) Lessons learned.

13 “(5) Such other matters as the respective Sec-
14 retary considers appropriate.

15 “(g) SAVINGS PROVISION.—Nothing in this title shall
16 limit the Secretary of the Interior, the Secretary of Agri-
17 culture, Indian Tribe, or a State from receiving assistance
18 through a declaration made by the President under this
19 Act when the criteria for such declaration have been
20 met.”.

21 **SEC. 1003. PROHIBITION ON TRANSFERS.**

22 No funds may be transferred to or from the Federal
23 land management agencies’ wildfire suppression oper-
24 ations accounts referred to in section 801(3) of the Robert
25 T. Stafford Disaster Relief and Emergency Assistance Act

1 to or from any account or subactivity of the Federal land
2 management agencies, as defined in section 801(2) of such
3 Act, that is not used to cover the cost of wildfire suppres-
4 sion operations.