[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”.

VerDate 0ct 09 2002 17:54 Jun 06, 2017 Jkt 000000 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY 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 wildfire.
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.

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.
SEC. 2. DEFINITIONS.

In titles I through IX:

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

(2) CATEGORICAL EXCLUSION.—The term “categorical exclusion” refers to an exception to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a project or activity relating to the management of National Forest System lands or public lands.

(3) COLLABORATIVE PROCESS.—The term “collaborative process” refers to a process relating to the management of National Forest System lands or public lands by which a project or activity is developed and implemented by the Secretary concerned through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C)).

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

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

(6) FOREST MANAGEMENT ACTIVITY.—The term “forest management activity” means a project or activity carried out by the Secretary concerned on National Forest System lands or public lands in concert with the forest plan covering the lands.

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

(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

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

(8) **LARGE-SCALE CATASTROPHIC EVENT.**—The term “large-scale catastrophic event” means a catastrophic event that adversely impacts at least 5,000 acres of reasonably contiguous National Forest System lands or public lands.

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

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

(A) All lands in the State of Oregon vested in the United States under the Act of June 9, 1916 (39 Stat. 218), that are administered by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1181a).

(B) All lands in that State obtained by the Secretary of the Interior pursuant to the land
exchanges authorized and directed by section 2

(C) All lands in that State acquired by the
United States at any time and made subject to
the provisions of title II of the Act of August

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

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

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

(14) SALVAGE OPERATION.—The term “salvage operation” means a forest management activity undertaken in response to a catastrophic event whose primary purpose—

(A) is to prevent wildfire as a result of the catastrophic event, or, if the catastrophic event was wildfire, to prevent a re-burn of the fire-impacted area;

(B) is to provide an opportunity for utilization of forest materials damaged as a result of the catastrophic event; or

(C) is to provide a funding source for reforestation and other restoration activities for the National Forest System lands or public lands impacted by the catastrophic event.

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

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to public lands.
TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY 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.

(a) Application to Certain Environmental Assessments and Environmental Impact Statements.—This section shall apply whenever the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a forest management activity that—

(1) is developed through a collaborative process;

(2) is proposed by a resource advisory committee;

(3) will occur on lands identified by the Secretary of Agriculture as suitable for timber production; or

(4) is covered by a community wildfire protection plan.
(b) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in subsection (a), the Secretary concerned shall study, develop, and describe only the following two alternatives:

(1) The forest management activity, as proposed pursuant to paragraph (1), (2), (3), or (4) of subsection (a).

(2) The alternative of no action.

(c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In the case of the alternative of no action, the Secretary concerned shall evaluate—

(1) the effect of no action on—

(A) forest health;

(B) habitat diversity;

(C) wildfire potential; and

(D) insect and disease potential; and

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

(A) domestic water costs;

(B) wildlife habitat loss; and

(C) other economic and social factors.
SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.

(a) Availability of Categorical Exclusion.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is—

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

(b) Acreage Limitations.—

(1) In general.—Except in the case of a forest management activity described in paragraph (2), a forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 10,000 acres.

(2) Larger areas authorized.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not contain...
harvest units exceeding a total of 30,000 acres if the
forest management activity—

(A) is developed through a collaborative
process;

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

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

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

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

(b) ACREAGE LIMITATIONS.—

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

(2) HARVEST AREA.—In addition to the limita-
tion imposed by paragraph (1), the harvest units
covered by the categorical exclusion granted by sub-
section (a) may not exceed one-third of the area impacted by the catastrophic event.

(c) ADDITIONAL REQUIREMENTS.—

(1) ROAD BUILDING.—A salvage operation covered by the categorical exclusion granted by subsection (a) may not include any new permanent roads. Temporary roads constructed as part of the salvage operation shall be retired before the end of the fifth fiscal year beginning after the completion of the salvage operation.

(2) STREAM BUFFERS.—A salvage operation covered by the categorical exclusion granted by subsection (a) shall comply with the standards and guidelines for stream buffers contained in the applicable forest plan unless waived by the Regional Forester, in the case of National Forest System lands, or the State Director of the Bureau of Land Management, in the case of public lands.

(3) REFORESTATION PLAN.—A reforestation plan shall be developed under section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), as part of a salvage operation covered by the categorical exclusion granted by subsection (a).
SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary concerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is to modify, improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable forest plan.

(b) PROJECT GOALS.—To the maximum extent practicable, the Secretary concerned shall design a forest management activity under this section to meet early successional forest goals in such a manner so as to maximize production and regeneration of priority species, as identified in the forest plan and consistent with the capability of the activity site.

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

SEC. 105. CATEGORICAL EXCLUSION TO IMPROVE, RESTORE, AND REDUCE THE RISK OF WILDFIRE.

(a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A categorical exclusion is available to the Secretary con-
cerned to carry out a forest management activity described in subsection (e) on National Forest System Lands or public lands when the primary purpose of the activity is to improve, restore, or reduce the risk of wildfire on those lands.

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

(e) AUTHORIZED ACTIVITIES.—The following activities may be carried out using a categorical exclusion granted by subsection (a):

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

(2) Performance of hazardous fuels management.

(3) Creation of fuel and fire breaks.

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

(5) Installation of erosion control devices.

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

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

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

(d) DEFINITIONS.—In this section:

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

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

(3) TARGETED LIVESTOCK GRAZING.—The
term “targeted livestock grazing” means grazing
used for purposes of hazardous fuel reduction.
SEC. 106. COMPLIANCE WITH FOREST PLAN.

A forest management activity covered by a categorical exclusion granted by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System land or public lands covered by the forest management activity.

SEC. 107. CONSULTATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT.

(a) Effect of Undertaking on Historic Property.—With respect to a categorical exclusion under this title, in taking into account the effect of a Federal undertaking on any historic property under section 306108 of title 54, United States Code, the Secretary of Agriculture may, without consultation with the State Historic Preservation Officer, Tribal Historic Preservation Officer, or any other entity—

(1) conduct a phased identification and evaluation under section 800.4(b)(2) of title 36, Code of Federal Regulations, or successor regulation; and

(2) with respect to the phased identification and evaluation described in paragraph (1), apply the criteria of adverse effect consistent with phased identification and evaluation under section 800.5(a)(3) of title 36, Code of Federal Regulations, or successor regulation.
(b) Consultations With State Historic Preservation Offices.—

(1) In general.—In the case of a categorical exclusion under this title that is not the subject of a phased identification and evaluation under subsection (a), consultation with the Advisory Council on Historic Preservation under section 106 of the National Historic Preservation Act (54 U.S.C. 306108) shall be concluded within the 30-day period beginning on the date on which such consultation was initiated.

(2) No conclusion.—In the case of a consultation described in paragraph (1) that is not concluded within the 30-day period, the categorical exclusion for which such consultation was initiated may be used.

Sec. 108. Consultation Under the Endangered Species Act.

(a) No consultation if action not likely to adversely affect a listed species or designated critical habitat.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended—

(1) in paragraph (2), by striking “Each” and inserting “Except as provided in paragraph (5), each”; and
(2) by adding at the end the following new paragraph:

“(5) Consultation under paragraph (2) shall not be required with respect to a Federal action authorized, funded, or carried out by the Forest Service if the Forest Service determines that such action is not likely to adversely affect a listed species or designated critical habitat.”.

(b) EXPEDITED CONSULTATION.—

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

(2) NO CONCLUSION.—In the case of a consultation described in paragraph (1) that is not concluded within the 90-day period, the categorical exclusion for which such consultation was initiated—

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

(B) may be used.
SEC. 109. CLARIFICATION OF EXISTING CATEGORICAL EXCLUSION AUTHORITY RELATED TO INSECT AND DISEASE INFESTATION.


SEC. 110. EXTRAORDINARY CIRCUMSTANCES.

(a) PROPOSED RULEMAKING.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall publish a notice of proposed rulemaking to revise section 220.6(b) of title 36, Code of Federal Regulations, to provide that, in determining whether extraordinary circumstances related to a proposed action preclude use of a categorical exclusion, the Forest Service shall not be required to—

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

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

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

(4) consider a determination under section 7 of the Endangered Species Act of 1973 (16 U.S.C.
1536) that a proposed action may affect, but is not likely to adversely affect, threatened, endangered, or candidate species, or designated critical habitats; or

(5) consider a determination under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) that a proposed action may affect, and is likely to adversely affect threatened, endangered, candidate species, or designated critical habitat if the agency is in compliance with the applicable provisions of the biological opinion.

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

(c) ADDITIONAL ACTIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall issue final regulations to carry out the revisions described in subsections (a) and (b).
TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFORESTATION ACTIVITIES FOLLOWING LARGE-SCALE CATASTROPHIC EVENTS.

(a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—Notwithstanding any other provision of law, any environmental assessment prepared by the Secretary concerned pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event shall be completed within 2 months after the conclusion of the catastrophic event.

(b) EXPEDITED IMPLEMENTATION AND COMPLETION.—In the case of reforestation activities conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall achieve reforestation of at least 75 percent of the impacted lands during the 5-year period following the conclusion of the catastrophic event.

(c) AVAILABILITY OF KNUTSON-VANDENBERG FUNDS.—Amounts in the special fund established pursu-
(d) **TIMELINE FOR PUBLIC INPUT PROCESS.**—Notwithstanding any other provision of law, in the case of a salvage operation or reforestation activity proposed to be conducted on National Forest System lands or public lands adversely impacted by a large-scale catastrophic event, the Secretary concerned shall allow 30 days for public scoping and comment, 15 days for filing an objection, and 15 days for the agency response to the filing of an objection. Upon completion of this process and expiration of the period specified in subsection (a), the Secretary concerned shall implement the project immediately.

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

A salvage operation or reforestation activity authorized by this title shall be conducted in a manner consistent with the forest plan applicable to the National Forest System lands or public lands covered by the salvage operation or reforestation activity.
SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING APPEAL.

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

SEC. 204. EXCLUSION OF CERTAIN LANDS.

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

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

(2) that are located within an inventoried roadless area unless the reforestation activity is consistent with the forest plan; or

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

(a) DISCRETIONARY ARBITRATION PROCESS PILOT PROGRAM.—

(1) In general.—The Secretary of Agriculture shall establish within the Forest Service a discretionary arbitration pilot program as an alternative dispute resolution process in lieu of judicial review for the activities described in paragraph (2).

(2) ACTIVITIES DESCRIBED.—The Secretary of Agriculture, at the sole discretion of the Secretary, may designate forest management activities described in section 101(a) for arbitration under the arbitration pilot program established under paragraph (1).

(3) maximum amount of arbitrations.—The Secretary of Agriculture may not arbitrate more than 10 demands for arbitration under subsection (b) in each Forest Service Region.
(b) Requirements for Demand.—A demand for arbitration under subsection (a) shall—

(1) be filed not more than 30 days after the date on which the forest management activity was initiated; and

(2) include a proposal describing the modifications sought to the forest management activity.

(c) Intervening Parties.—

(1) Requirements.—Any person that submitted a public comment on the forest management activities described in section 101(a) or forest management activity carried out pursuant to such exclusion that is subject to arbitration may intervene in the arbitration—

(A) by endorsing—

(i) the forest management activity; or

(ii) the modification proposal submitted under subsection (b)(2); or

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

(2) Deadline for Submission.—A request to intervene in an arbitration must be submitted not later than the date that is 30 days after the date on which the demand for arbitration was filed.
(3) MULTIPLE PARTIES.—Multiple objectors or intervening parties may submit a joint proposal so long as each objector or intervening party meets the eligibility requirements of paragraph (1).

(d) APPOINTMENT OF ARBITRATOR.—

(1) APPOINTMENT.—The Secretary shall develop and publish a list of not fewer than 20 individuals eligible to serve as arbitrators for the program under this section.

(2) QUALIFICATIONS.—In order to be eligible to serve as an arbitrator under this subsection, an individual shall be, on the date of the appointment of such arbitrator, certified by the American Arbitration Association.

(e) SELECTION OF PROPOSALS.—

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

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

(B) shall select to be conducted—

(i) a proposal submitted by an objector or an intervening party; or
(ii) the forest management activity carried out pursuant to section 101, as approved by the Secretary.

(2) **Selection Criteria.**—An arbitrator shall select the proposal that best meets the purpose and needs described in the purposes specified in section 101(a).

(f) **Effect of Decision.**—The decision of an arbitrator with respect to the forest management activity carried out pursuant to section 101—

(1) shall not be considered a major Federal action;

(2) shall be binding; and

(3) shall not be subject to judicial review.

(g) **Deadline for Completion.**—Not later than 90 days after the date on which the demand for arbitration is filed with respect to the forest management activity carried out pursuant to section 101, the arbitration process shall be completed.
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.

(a) REPEAL OF MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—Section 204(e) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7124(e)) is amended by striking paragraph (3).

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

“(f) REQUIREMENTS FOR PROJECT FUNDS.—

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

“(A) include the sale of timber or other forest products, reduce fire risks, or improve water supplies; and
“(B) implement stewardship objectives that enhance forest ecosystems or restore and improve land health and water quality.

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

SEC. 402. RESOURCE ADVISORY COMMITTEES.

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

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

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

(2) by adding at the end the following new paragraph:
“(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, 2022, a resource advisory committee established under this section may be comprised of 9 or more members, of which—

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

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

“(iii) at least 3 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 (or applicable designee) 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. Appoint-
ments to a new resource advisory committee
shall be made within 90 days after the date on
which the decision to form the new resource ad-
visory 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 a resource advi-
sory committee shall be reapproved before the
expiration of the existing charter of the re-
source 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 deci-
sion to form the new resource advisory com-
mittee was made.”.

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

(d) EXPANDING LOCAL PARTICIPATION ON COMMIT-
TEES.—Section 205(d) of the Secure Rural Schools and
7125(d)) is amended—

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

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

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

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

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

(A) in subsection (a)—
(i) in paragraph (1), by inserting “(or applicable designee)” after “The Secretary concerned”; 

(ii) in paragraph (3), by inserting “(or applicable designee)” after “the Secretary concerned”; and 

(iii) in paragraph (4), by inserting “(or applicable designee)” after “the Secretary concerned” both places it appears; 

(B) in subsection (b)(6), by inserting “(or applicable designee)” after “the Secretary concerned”; 

(C) in subsection (e)—

(i) in the subsection heading, by inserting “OR APPLICABLE DESIGNEE” after “BY THE SECRETARY”;

(ii) in paragraph (1), by inserting “(or applicable designee)” after “the Secretary concerned” both places it appears; 

(iii) in paragraph (2), by inserting “(or applicable designee)” after “the Secretary concerned”; 

(iv) in paragraph (4), by inserting “(or applicable designee)” after “the Secretary concerned”; and
(v) by adding at the end the following new paragraph:

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

“(A) with respect to Federal land described in section 3(7)(A), the applicable Regional Forester; and

“(B) with respect to Federal land described in section 3(7)(B), the applicable Bureau of Land Management State Director.”;

(D) in subsection (d), by inserting “(or applicable designee)” after “the Secretary concerned”; and

(E) in subsection (f)(1)—

(i) by inserting “(or applicable designee)” after “the Secretary concerned”; and

(ii) by inserting “(or applicable designee)” after “of the Secretary”.

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

SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

(a) Self-Sustaining Resource Advisory Committee Projects.—Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121 et seq.) is amended by adding at the end the following new section:

“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE ADVISORY COMMITTEE PROJECTS.

“(a) RAC Program.—The Chief of the Forest Service shall conduct a program (to be known as the ‘self-sustaining resource advisory committee program’ or ‘RAC program’) under which 10 resource advisory committees will propose projects authorized by subsection (e) to be carried out using project funds reserved by a participating county under section 102(d).

“(b) Selection of Participating Resource Advisory Committees.—The selection of resource advisory committees to participate in the RAC program is in the sole discretion of the Chief of the Forest Service, except that, consistent with section 205(d)(6), a selected resource advisory committee must have a minimum of 9 members.

“(c) Authorized Projects.—Notwithstanding the project purposes specified in sections 202(b), 203(c), and
204(a)(5), projects under the RAC program are intended to—

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

“(2) generate receipts.

“(d) DEPOSIT AND AVAILABILITY OF REVENUES.—Any revenue generated by a project conducted under the RAC program, including any interest accrued from the revenues, shall be—

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

“(2) available, in such amounts as may be provided in advance in appropriation Acts, for additional projects under the RAC program.

“(e) TERMINATION OF AUTHORITY.—

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

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

(b) EXCEPTION TO GENERAL RULE REGARDING TREATMENT OF RECEIPTS.—Section 403(b) of the Secure
Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7153(b)) is amended by striking “All revenues” and inserting “Except as provided in section 209, all revenues”.

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

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

(1) in paragraph (2)—

(A) by inserting “and law enforcement patrols” after “including firefighting”; and

(B) by striking “and” at the end;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) to cover training costs and equipment purchases directly related to the emergency services described in paragraph (2); and”.

SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.

Section 102 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112) is amended by adding at the end the following new sub-section:
“(f) TREATMENT AS SUPPLEMENTAL FUNDING.—None of the funds made available to a beneficiary county or other political subdivision of a State under this Act shall be used in lieu of or to otherwise offset State funding sources for local schools, facilities, or educational purposes.”.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT CONTRACTING PROJECTS.

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

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

(2) by inserting after subsection (g) the following new subsection (h):

“(h) CANCELLATION CEILINGS.—

“(1) IN GENERAL.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

“(2) ADVANCE NOTICE TO CONGRESS OF CANCELLATION CEILING IN EXCESS OF $25 MILLION.—
Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25 million, but does not include proposed funding for the costs of cancelling the agreement or contract up to such cancellation ceiling, the Chief or the Director, as the case may be, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

“(A) the cancellation ceiling amounts proposed for each program year in the agreement or contract;

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

“(C) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.
“(3) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2) with respect to an agreement or contract under subsection (b), the Chief or the Director, as the case may be, shall transmit a copy of the notice to the Director of the Office of Management and Budget.”.

(b) RELATION TO OTHER LAWS.—Section 604(d)(5) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)(5)) is amended by striking “, the Chief may” and inserting “and section 2(a)(1) of the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 602(a)(1)), the Chief and the Director may”.

SEC. 502. EXCESS OFFSET VALUE.

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

“(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

“(B) if there are no outstanding liabilities under subparagraph (A), apply the excess to other authorized stewardship projects.”.
SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP PROJECT REVENUES TO COUNTY IN WHICH STEWARDSHIP PROJECT OCCURS.

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

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

(2) in paragraph (3)(A), by striking “services received by the Chief or the Director” and all that follows through the period at the end and inserting the following: “services and in-kind resources received by the Chief or the Director under a stewardship contract project conducted under this section shall not be considered monies received from the National Forest System or the public lands, but any payments made by the contractor to the Chief or Director under the project shall be considered monies received from the National Forest System or the public lands.”.

SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.

Subsection (j) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), as redesignated by section 501(a)(1), is amended by striking “report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives” and inserting “submit to the
congressional committees specified in subsection (h)(2) a
report”.
 SEC. 505. FIRE LIABILITY PROVISION.
 Section 604(d) of the Healthy Forests Restoration
Act of 2003 (16 U.S.C. 6591c(d)) is amended by adding
at the end the following new paragraph:
“(8) MODIFICATION.—Upon the request of the
contractor, a contract or agreement under this sec-
tion awarded before February 7, 2014, shall be
modified by the Chief or Director to include the fire
liability provisions described in paragraph (7).”.
 SEC. 506. EXTENSION OF STEWARDSHIP CONTRACTING
MAXIMUM TERM LIMITS.
 Section 604(d)(3)(B) of the Healthy Forests Restora-
by striking “10 years” and inserting “20 years”.
 TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST
MANAGEMENT ACTIVITIES
 SEC. 601. DEFINITIONS.
 In this title:
 (1) ELIGIBLE ENTITY.—The term “eligible enti-
ty” means—
(A) a State or political subdivision of a State containing National Forest System lands or public lands;

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

(C) a rural electric company; and

(D) any other entity determined by the Secretary concerned to be appropriate for participation in the Fund.

(2) Fund.—The term “Fund” means the State-Supported Forest Management Fund established by section 603.

SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVENUES AND COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND TO COVER FOREST MANAGEMENT ACTIVITY PLANNING COSTS.

(a) Availability of Stewardship Project Revenues.—Section 604(e)(2)(B) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as amended by section 503, is further amended by striking “appropriation at the project site from which the monies are collected or at another project site.” and inserting the following: “appropriation—
“(i) at the project site from which the
monies are collected or at another project
site; and

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

(b) Availability of Collaborative Forest
Landscape Restoration Fund.—Section 4003(f)(1) of
the Omnibus Public Land Management Act of 2009 (16
U.S.C. 7303(f)(1)) is amended by striking “carrying out
and” and inserting “planning, carrying out, and”.

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

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

(b) Contents.—The State-Supported Forest Man-
agement Fund shall consist of such amounts as may be—
(1) contributed by an eligible entity for deposit in the Fund;
(2) appropriated to the Fund; or
(3) generated by forest management activities carried out using amounts in the Fund.

(c) Geographical and Use Limitations.—In making a contribution under subsection (b)(1), an eligible entity may—

(1) specify the National Forest System lands or public lands for which the contribution may be expended; and
(2) limit the types of forest management activities for which the contribution may be expended.

(d) Authorized Forest Management Activities.—In such amounts as may be provided in advance in appropriation Acts, the Secretary concerned may use the Fund to plan, carry out, and monitor a forest management activity that—

(1) is developed through a collaborative process;
(2) is proposed by a resource advisory committee;
(3) will occur on lands identified by the Secretary of Agriculture as suitable for timber production; or
(4) is covered by a community wildfire protection plan.

(c) IMPLEMENTATION METHODS.—A forest management activity carried out using amounts in the Fund may be carried out using a contract or agreement under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c), the good neighbor authority provided by section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a), a contract under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), or other authority available to the Secretary concerned, but revenues generated by the forest management activity shall be used to reimburse the Fund for planning costs covered using amounts in the Fund.

(f) RELATION TO OTHER LAWS.—

(1) REVENUE SHARING.—Subject to subsection (e), revenues generated by a forest management activity carried out using amounts from the Fund shall be considered monies received from the National Forest System.

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

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

(2) Effect of termination.—Upon the termination of the Fund pursuant to paragraph (1) or pursuant to any other provision of law, unobligated contributions remaining in the Fund shall be returned to the eligible entity that made the contribution.

Title VII—Tribal Forestry Participation and Protection

Sec. 701. Protection of Tribal Forest Assets Through Use of Stewardship End Result Contracting and Other Authorities.

(a) Prompt Consideration of Tribal Requests.—Section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)) is amended—

(1) in paragraph (1), by striking “Not later than 120 days after the date on which an Indian tribe submits to the Secretary” and inserting “In response to the submission by an Indian Tribe of”; and
(4) TIME PERIODS FOR CONSIDERATION.—

(A) INITIAL RESPONSE.—Not later than 120 days after the date on 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 re-
views necessary in connection with the
agreement or contract and proposed activi-
ties under the agreement or contract; and

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

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

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

(1) in subsections (b)(1) and (f)(1), by striking
“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 amend-
ed by section 323 of the Department of the Interior
and Related Agencies Appropriations Act, 2003 (117
Stat. 275))” and inserting “section 604 of the
6591c)”); and

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

June 6, 2017 (5:54 p.m.)
SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHORIZED TO INCLUDE RELATED NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.

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

“(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 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).”.

SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION PROJECT.

The Secretary of the Interior and the Secretary of Agriculture may carry out demonstration projects by which federally recognized Indian Tribes or Tribal organizations may contract to perform administrative, management, and other functions of programs of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.) through contracts entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.).

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

SEC. 801. CONSULTATION REGARDING LAND MANAGEMENT PLANS.

(a) IN GENERAL.—Section 6(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is amended—
(1) by striking “(d) The Secretary” and inserting the following:

“(d) PUBLIC PARTICIPATION AND CONSULTATION.—

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.—

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

“(i) the listing of a species as threatened or endangered, or a designation of critical habitat pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), if a land management plan has been adopted by the Secretary as of the date of listing or designation; or
“(ii) any provision of a land management plan adopted as described in clause (i).

“(B) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

“(i) regarding any project to implement a land management plan, including a project carried out, or proposed to be carried out, in an area designated as critical habitat pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.); or

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

(b) DEFINITION OF SECRETARY; CONFORMING AMENDMENTS.—

(1) DEFINITION OF SECRETARY.—Section 3(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601(a)) is amended, in the first sentence of the matter preceding paragraph (1), by inserting “(referred to in
this Act as the ‘Secretary’) after “Secretary of Agriculture”.

(2) CONFORMING AMENDMENTS.—The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) is amended, in sections 4 through 9, 12, 13, and 15, by striking “Secretary of Agriculture” each place it appears and inserting “Secretary”.

SEC. 802. FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.

Section 202(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(f)) is amended—

(1) by striking “(f) The Secretary” and inserting the following:

“(f) PUBLIC INVOLVEMENT.—

“(1) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND USE PLANS.—

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

“(i) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary as of the date of listing or designation; or

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

“(B) EFFECT OF PARAGRAPH.—

“(i) DEFINITION OF SIGNIFICANT CHANGE.—In this subparagraph, the term ‘significant change’ means a significant change within the meaning of section 219.13(b)(3) of title 36, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph), except that—

“(I) any reference contained in that section to a land management plan shall be deemed to be a reference to a land use plan;
“(II) any reference contained in that section to the Forest Service shall be deemed to be a reference to the Bureau of Land Management; and

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

“(ii) Effect.—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

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

“(II) with respect to the development of a new land use plan or the revision of or other significant change to an existing land use plan.”.
TITLE IX—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

SEC. 901. NO ATTORNEY FEES FOR FOREST MANAGEMENT ACTIVITY CHALLENGES.

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

SEC. 902. FOREST PLANS NOT SUBJECT TO JUDICIAL REVIEW.

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

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

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

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

“(6) [prior to final adoption]—
“(A) not be subject to any restraining order, preliminary injunction, injunction pending appeal, or other judicial review; and

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

SEC. 903. REVISION OF ALTERNATE CONSULTATION AGREEMENT REGULATIONS.

Not later than 90 days after the date of the enactment of this section, the Secretary of the Interior and the Secretary of Commerce shall revise section 402.13 of title 50, Code of Federal Regulations, to—

(1) authorize Federal agencies to enter into alternative consultation agreements under which the Federal agency may determine if an action such agency authorizes is likely to adversely affect listed species or critical habitat; and

(2) if an agency determines such action will not likely adversely affect listed species or critical habitat pursuant to paragraph (1), not require such agency to complete a formal consultation, informal consultation, or written concurrence of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service with respect to such action.
SEC. 904. BALANCING SHORT- AND LONG-TERM EFFECTS OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING INJUNCTIVE RELIEF.

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

(1) the short- and long-term effects of undertaking the agency action; against

(2) the short- and long-term effects of not undertaking the action.

SEC. 905. CONDITIONS ON FOREST SERVICE ROAD DECOMMISSIONING.

(a) CONSULTATION WITH AFFECTED COUNTY.—

Whenever any Forest Service defined maintenance level one- or two-system road within a designated high fire prone area of a unit of the National Forest System is considered for decommissioning, the Forest Supervisor of that unit of the National Forest System shall—

(1) consult with the government of the county containing the road regarding the merits and possible consequences of decommissioning the road; and

(2) solicit possible alternatives to decommissioning the road.
(b) Period Prior to Decommission.—A Forest Service road described in subsection (a) may not be de-
commissioned without the advance approval of the Regional Forester.

SEC. 906. Prohibition on Application of Eastside Screens Requirements on National Forest System Lands.

(a) Repeal of Eastside Screens Requirements.—Notwithstanding any other provision of law, the Secretary of Agriculture shall immediately withdraw the Interim Management Direction Establishing Riparian, Ecosystem, and Wildlife Standards for Timber Sales (commonly known as the Eastside Screens requirements), including all preceding or associated versions of these amendments.

(b) Effect of Repeal.—On and after the date of the enactment of this Act, the Secretary of Agriculture may not apply to National Forest System lands any of the amendments repealed under subsection (a).

SEC. 907. Use of Site-Specific Forest Plan Amendments for Certain Projects and Activities.

If the Secretary concerned determines that, in order to conduct a project or carry out an activity implementing a forest plan, an amendment to the forest plan is required,
the Secretary concerned shall execute such amendment as
a nonsignificant plan amendment through the record of
decision or decision notice for the project or activity.

SEC. 908. KNUTSON-VANDENBERG ACT MODIFICATIONS.

(a) Deposits of Funds From National Forest
Timber Purchasers Required.—Section 3(a) of the
Act of June 9, 1930 (commonly known as the Knutson-
Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-
ing “The Secretary” and all that follows through “any
purchaser” and inserting the following: “The Secretary of
Agriculture shall require each purchaser”.

(b) Conditions on Use of Deposits.—Section 3
of the Act of June 9, 1930 (commonly known as the
Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

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

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

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

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

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

“(A) shall be used exclusively to implement ac-
tivities authorized by subsection (a); and
“(B) may be used anywhere within the Forest Service Region from which the original deposits were collected.

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

SEC. 909. EXCLUSION OF CERTAIN NATIONAL FOREST SYSTEM LANDS AND PUBLIC LANDS.

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

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

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

(3) on which timber harvesting for any purpose is prohibited by statute.
SEC. 910. APPLICATION OF NORTHWEST FOREST PLAN SURVEY AND MANAGE MITIGATION MEASURE STANDARD AND GUIDELINES.

The Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines shall not apply to any National Forest System lands or public lands.

SEC. 911. LANDSCAPE-SCALE FOREST RESTORATION PROJECT.

The Secretary of Agriculture shall develop and implement at least one landscape-scale forest restoration project that includes, as a defined purpose of the project, the generation of material that will be used to promote advanced wood products. The project shall be developed through a collaborative process.

SEC. 912. RECONSTRUCTION AND REPAIR INCLUDED IN GOOD NEIGHBOR AGREEMENTS.

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

(1) by striking “SERVICES.” and all that follows through “IN GENERAL.—The” and inserting “SERVICES.—The”;

(2) by striking subparagraph (B);

(3) in subparagraph (A)—

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

(B) in clause (iii), by striking the period at the end and inserting a semicolon;
(C) by redesignating clauses (i), (ii), and
(iii) as subparagraphs (A), (B), and (C), re-
spectively, and moving the margin of each sub-
paragraph two ems to the left; and
(4) by adding at the end the following:
“(D) construction, reconstruction, repair,
or restoration of paved or permanent roads or
parking areas; and
“(E) construction, alteration, repair or re-
placement of public buildings or works.”.

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

(a) Creation of Permanent Rights of Access
Required.—Notwithstanding any other provision of law,
on the date of the enactment of this section, reciprocal
road right-of-way permits, grants, and agreements issued
to a private landowner by the Secretary of the Interior
pursuant to subpart 2812 of part 2810 of title 43, Code
of Federal Regulations, or its predecessor regulation shall
become permanent rights of access that are recordable and
that shall run with the land.

(b) Records Updated.—Not later than 60 days
after the date of the enactment of this Act, the reciprocal
road right-of-way permits, grants, and agreements de-
scribed in subsection (a) shall be amended to reflect the
permanent rights of access required under subsection (a) and recorded by the Secretary of the Interior in each county where the lands are located. No other amendments shall be made to such right-of-way permits, grants, and agreements.

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

SEC. 1001. WILDFIRE ON FEDERAL LANDS.

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

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

“(2) MAJOR DISASTER.—

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

(2) by adding at the end the following:

“(B) MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.—The term ‘major disaster for wildfire on Federal lands’ means any wildfire or wildfires, which in the determination of the President under section 802 warrants assistance under section 803 to supplement the efforts and resources of the Department of the Interior or the Department of Agriculture—
“(i) on Federal lands; or
“(ii) on non-Federal lands pursuant to a fire protection agreement or cooperative agreement.”.

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

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

“TITLE VIII—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

“SEC. 801. DEFINITIONS.

“As used in this title—
“(1) FEDERAL LAND.—The term ‘Federal land’ means—
“(A) any land under the jurisdiction of the Department of the Interior; and
“(B) any land under the jurisdiction of the United States Forest Service.
“(2) FEDERAL LAND MANAGEMENT AGENCIES.—The term ‘Federal land management agencies’ means—
“(A) the Bureau of Land Management;
“(B) the National Park Service;
“(C) the Bureau of Indian Affairs;
“(D) the United States Fish and Wildlife Service; and
“(E) the United States Forest Service.

“(3) WILDFIRE SUPPRESSION OPERATIONS.—
The term ‘wildfire suppression operations’ means the emergency and unpredictable aspects of wildland firefighting, including support, response, emergency stabilization activities, and other emergency management activities of wildland firefighting on Federal lands (or on non-Federal lands pursuant to a fire protection agreement or cooperative agreement) by the Federal land management agencies covered by the wildfire suppression subactivity of the Wildland Fire Management account or the FLAME Wildfire Suppression Reserve Fund account of the Federal land management agencies.

“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR DISASTER FOR WILDFIRE ON FEDERAL LANDS.

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

“(1) be made in writing by the respective Secretary;

“(2) certify that the amount appropriated in the current fiscal year for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary, net of any concurrently enacted rescissions of wildfire suppression funds, increases the total unobligated balance of amounts available for wildfire suppression by an amount equal to or greater than the average total costs incurred by the Federal land management agencies per year for wildfire suppression operations, including the suppression costs in excess of appropriated amounts, over the previous ten fiscal years;

“(3) certify that the amount available for wildfire suppression operations of the Federal land management agencies under the jurisdiction of the respective Secretary will be obligated not later than 30 days after such Secretary notifies the President that wildfire suppression funds will be exhausted to fund ongoing and anticipated wildfire suppression oper-
ations related to the wildfire on which the request
for the declaration of a major disaster for wildfire
on Federal lands pursuant to this title is based; and
“(4) specify the amount required in the current
fiscal year to fund wildfire suppression operations
related to the wildfire on which the request for the
declaration of a major disaster for wildfire on Fed-
eral lands pursuant to this title is based.
“(e) DECLARATION.—Based on the request of the re-
spective Secretary under this title, the President may de-
clare that a major disaster for wildfire on Federal lands
exists.
“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.
“(a) In general.—In a major disaster for wildfire
on Federal lands, the President may transfer funds, only
from the account established pursuant to subsection (b),
to the Secretary of the Interior or the Secretary of Agri-
culture to conduct wildfire suppression operations on Fed-
eral lands (and non-Federal lands pursuant to a fire pro-
tection agreement or cooperative agreement).
“(b) Wildfire suppression operations account.—The President shall establish a specific account
for the assistance available pursuant to a declaration
under section 802. Such account may only be used to fund
assistance pursuant to this title.
“(c) LIMITATION.—

“(1) LIMITATION OF TRANSFER.—The assistance available pursuant to a declaration under section 802 is limited to the transfer of the amount requested pursuant to section 802(b)(4). The assistance available for transfer shall not exceed the amount contained in the wildfire suppression operations account established pursuant to subsection (b).

“(2) TRANSFER OF FUNDS.—Funds under this section shall be transferred from the wildfire suppression operations account to the wildfire suppression subactivity of the Wildland Fire Management Account.

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

“(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION OPERATIONS ON NON-FEDERAL LAND.—If amounts transferred under subsection (c) are used to conduct wildfire suppression operations on non-Federal land, the respective Secretary shall—
“(1) secure reimbursement for the cost of such wildfire suppression operations conducted on the non-Federal land; and

“(2) transfer the amounts received as reimbursement to the wildfire suppression operations account established pursuant to subsection (b).

“(f) Annual Accounting and Reporting Requirements.—Not later than 90 days after the end of each fiscal year for which assistance is received pursuant to this section, the respective Secretary shall submit to the Committees on Agriculture, Appropriations, the Budget, Natural Resources, and Transportation and Infrastructure of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Appropriations, the Budget, Energy and Natural Resources, Homeland Security and Governmental Affairs, and Indian Affairs of the Senate, and make available to the public, a report that includes the following:

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

“(2) Specific discussion of a statistically significant sample of large fires, in which each fire is analyzed for cost drivers, effectiveness of risk manage-
ment techniques, resulting positive or negative im-
pacts of fire on the landscape, impact of investments
in preparedness, suggested corrective actions, and
such other factors as the respective Secretary con-
siders appropriate.

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

“(4) Lessons learned.

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

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

SEC. 1003. PROHIBITION ON TRANSFERS.

No funds may be transferred to or from the Federal
land management agencies' wildfire suppression oper-
ations accounts referred to in section 801(3) of the Robert
T. Stafford Disaster Relief and Emergency Assistance Act
to or from any account or subactivity of the Federal land
management agencies, as defined in section 801(2) of such
Act, that is not used to cover the cost of wildfire suppres-
sion operations.