

[DISCUSSION DRAFT]

114TH CONGRESS
2D SESSION

H. R. _____

To improve coordination and cooperation between the Forest Service, the Bureau of Land Management, local communities, and Indian tribes regarding the management and use of National Forest System lands and public lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To improve coordination and cooperation between the Forest Service, the Bureau of Land Management, local communities, and Indian tribes regarding the management and use of National Forest System lands and public 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 “Locally-elected Officials Cooperating with Agencies in
6 Land Management Act of 2016”.

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—IMPROVED COOPERATION AND COORDINATION WITH LOCAL COMMUNITIES

- Sec. 101. Federal land management agency participation in business meetings of governing body of greatly affected local communities.
- Sec. 102. Improved Federal land management agency coordination with governing body of affected local communities.
- Sec. 103. Expanded advisory role for resource advisory committees.
- Sec. 104. Study and local consultation requirements as condition of Federal land acquisition.
- Sec. 105. Improved cooperation regarding shared Forest Service roads.
- Sec. 106. Federal land management agency day-use recreation facilities receiving significant use by residents of local communities.
- Sec. 107. Local participation in recreation fee setting under Federal Lands Recreation Enhancement Act.

TITLE II—AGENCY MANAGEMENT IMPROVEMENTS

- Sec. 201. Improved certainty regarding duration of Federal land management agency line officer assignments.
- Sec. 202. Schedules for implementation of community wildfire protection plans.
- Sec. 203. Clarification of Secretary of the Interior authority to make minor boundary adjustments to National Park System units.
- Sec. 204. Protection of survey monuments on Federal land.

TITLE III—TRIBAL FORESTRY

- Sec. 301. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.
- Sec. 302. Management of Indian forest land authorized to include related National Forest System lands and public lands.
- Sec. 303. Tribal forest management demonstration project.

TITLE IV—LAND AND WATER CONSERVATION FUND

- Sec. 401. Requirements related to allocation of Fund amounts for Federal purposes.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) AFFECTED LOCAL COMMUNITY.—The term
6 “affected local community” means a political sub-
7 division of a State whose boundaries contain—

8 (A) Federal land; or

1 (B) in the case of section 5, non-Federal
2 lands that are proposed to be acquired by the
3 United States for management as Federal land.

4 (2) COMMUNITY WILDFIRE PROTECTION
5 PLAN.—The term “community wildfire protection
6 plan” has the meaning given that term in section
7 101(3) of the Healthy Forests Restoration Act of
8 2003 (16 U.S.C. 6511(3)).

9 (3) FEDERAL LAND.—The term “Federal land”
10 means—

11 (A) land of the National Forest System (as
12 defined in section 11(a) of the Forest and
13 Rangeland Renewable Resources Planning Act
14 of 1974 (16 U.S.C. 1609(a))) administered by
15 the Secretary of Agriculture, acting through the
16 Chief of the Forest Service; and

17 (B) public lands (as defined in section 103
18 of the Federal Land Policy and Management
19 Act of 1976 (43 U.S.C. 1702)), the surface of
20 which is administered by the Secretary of the
21 Interior, acting through the Director of the Bu-
22 reau of Land Management.

23 (4) FEDERAL LAND MANAGEMENT AGENCY.—
24 The term “Federal land management agency”

1 means the Forest Service or the Bureau of Land
2 Management Agency.

3 (5) FOREST MANAGEMENT ACTIVITY.—The
4 term “forest management activity” means a project
5 or activity carried out by the Secretary on Federal
6 land in concert with the resource management plan
7 covering the Federal land.

8 (6) GREATLY AFFECTED LOCAL COMMUNITY.—
9 The term “greatly affected local community” means
10 a political subdivision—

11 (A) whose boundaries contain 50,000 or
12 more acres of Federal land; or

13 (B) in which Federal land makes up 33
14 percent or more of the total land and waters in-
15 cluded within its boundaries.

16 (7) INDIAN TRIBE.—The term “Indian tribe”
17 has the meaning given the term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 450b).

20 (8) POLITICAL SUBDIVISION.—The term “polit-
21 ical subdivision” means any county, municipality,
22 city, town, or township of a State created pursuant
23 to State law.

24 (9) RESOURCE ADVISORY COMMITTEE.—The
25 term “resource advisory committee” has the mean-

1 ing given that term in section 201(3) of the Secure
2 Rural Schools and Community Self-Determination
3 Act of 2000 (16 U.S.C. 7121(3)).

4 (10) RESOURCE MANAGEMENT PLAN.—The
5 term “resource management plan” means—

6 (A) a land and resource management plan
7 prepared for a unit of the National Forest Sys-
8 tem under section 6 of the Forest and Range-
9 land Renewable Resources Planning Act of
10 1974 (16 U.S.C. 1604); or

11 (B) a land use plan prepared for a unit of
12 the public lands under section 202 of the Fed-
13 eral Land Policy and Management Act of 1976
14 (43 U.S.C. 1712).

15 (11) SECRETARY.—The term “Secretary”
16 means—

17 (A) the Secretary of Agriculture, acting
18 through the Chief of the Forest Service, with
19 respect to land of the National Forest System
20 described in paragraph (3)(A); and

21 (B) the Secretary of the Interior, acting
22 through the Director of the Bureau of Land
23 Management, with respect to public lands de-
24 scribed in paragraph (3)(B).

1 (12) STATE.—The term “State” means each of
2 the several States and the Commonwealth of Puerto
3 Rico.

4 **TITLE I—IMPROVED COOPERA-**
5 **TION AND COORDINATION**
6 **WITH LOCAL COMMUNITIES**

7 **SEC. 101. FEDERAL LAND MANAGEMENT AGENCY PARTICI-**
8 **PATION IN BUSINESS MEETINGS OF GOV-**
9 **ERNING BODY OF GREATLY AFFECTED**
10 **LOCAL COMMUNITIES.**

11 (a) ATTENDANCE AT BUSINESS MEETINGS.—At the
12 request of the governing body of a greatly affected local
13 community, a Federal land management agency shall seek
14 to enter into an agreement with the governing body of the
15 greatly affected local community pursuant to which one
16 or more employees of the Federal land management agen-
17 cy will attend designated business meetings of the gov-
18 erning body, as an agenda item of the business meeting,
19 for the purposes of—

20 (1) reporting on ongoing and proposed Federal
21 land management agency activities within or affect-
22 ing the greatly affected local community; and

23 (2) responding to concerns raised by members
24 of the governing body and members of the public at-
25 tending the meeting.

1 (b) EXCEPTION.—Subsection (a) does not require a
2 Federal land management agency to enter into an agree-
3 ment under such subsection with the governing body of
4 a greatly affected local community if less than 25 percent
5 of the Federal land within the boundaries of the greatly
6 affected local community is under the jurisdiction of that
7 Federal land management agency. However, the Federal
8 land management agency may still elect to enter into such
9 an agreement under such circumstances.

10 **SEC. 102. IMPROVED FEDERAL LAND MANAGEMENT AGEN-**
11 **CY COORDINATION WITH GOVERNING BODY**
12 **OF AFFECTED LOCAL COMMUNITIES.**

13 (a) COORDINATION REQUIRED.—Subject to the un-
14 derstanding that a Federal land management agency has
15 supremacy regarding management decisions for Federal
16 land, as written in statute, a Federal land management
17 agency shall coordinate with the governing body of an af-
18 fected local community regarding any forest management
19 activity or other major action, including travel manage-
20 ment, of the Federal land management agency that would
21 have a significant impact on the affected local community.

22 (c) OFFER OF COOPERATING AGENCY STATUS.—As
23 part of the environmental review process for any forest
24 management activity or other major action, including trav-
25 el management with significant impact on local commu-

1 nities, of a Federal land management agency, the Sec-
2 retary shall extend an offer, in writing, to the governing
3 body of each affected local community that may have an
4 interest in the activity or action to designate the governing
5 body as a “cooperating agency” under the regulations con-
6 tained in part 1500 of title 40, Code of Federal Regula-
7 tions.

8 **SEC. 103. EXPANDED ADVISORY ROLE FOR RESOURCE AD-**
9 **VISORY COMMITTEES.**

10 (a) PRIMARY ADVISORY BODY REGARDING FOREST
11 MANAGEMENT ACTIVITIES.—Section 205(b) of the Secure
12 Rural Schools and Community Self-Determination Act of
13 2000 (16 U.S.C. 7125(b)) is amended by striking para-
14 graph (2) and inserting the following new paragraph:

15 “(2) to serve as the primary advisory body for
16 the Secretary concerned regarding forest manage-
17 ment activities on Federal land.”.

18 (b) TEMPORARY REDUCTION IN COMPOSITION OF
19 COMMITTEES.—Section 205(d) of the Secure Rural
20 Schools and Community Self-Determination Act of 2000
21 (16 U.S.C. 7125(d)) is amended—

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

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

3 “(6) TEMPORARY REDUCTION IN MINIMUM
4 NUMBER OF MEMBERS.—

5 “(A) TEMPORARY REDUCTION.—During
6 the period beginning on the date of the enact-
7 ment of this paragraph and ending on Sep-
8 tember 30, 2020, a resource advisory committee
9 established under this section may be comprised
10 of nine or more members, of which—

11 “(i) at least three shall be representa-
12 tive of interests described in subparagraph
13 (A) of paragraph (2);

14 “(ii) at least three shall be representa-
15 tive of interests described in subparagraph
16 (B) of paragraph (2); and

17 “(iii) at least three shall be represent-
18 ative of interests described in subpara-
19 graph (C) of paragraph (2).

20 “(B) ADDITIONAL REQUIREMENTS.—In
21 appointing members of a resource advisory com-
22 mittee from the three categories described in
23 paragraph (2), as provided in subparagraph
24 (A), the Secretary concerned shall ensure bal-
25 anced and broad representation in each cat-

1 egory. In the case of a vacancy on a resource
2 advisory committee, the vacancy shall be filled
3 within 90 days after the date on which the va-
4 cancy occurred. Appointments to a new re-
5 source advisory committee shall be made within
6 90 days after the date on which the decision to
7 form the new resource advisory committee was
8 made.

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

23 (c) CONFORMING CHANGE TO PROJECT APPROVAL
24 REQUIREMENTS.—Section 205(e)(3) of the Secure Rural
25 Schools and Community Self-Determination Act of 2000

1 (16 U.S.C. 7125(e)(3)) is amended by adding at the end
2 the following new sentence: “In the case of a resource ad-
3 visory committee consisting of fewer than 15 members, as
4 authorized by subsection (d)(6), a project may be proposed
5 to the Secretary concerned upon approval by a majority
6 of the members of the committee, including at least one
7 member from each of the three categories described in
8 subsection (d)(2).”.

9 (d) EXPANDING LOCAL PARTICIPATION ON COMMIT-
10 TEES.—Section 205(d) of the Secure Rural Schools and
11 Community Self-Determination Act of 2000 (16 U.S.C.
12 7125(d)) is amended—

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

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

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

22 (e) BI-ANNUAL PRESENTATIONS.—Section 205 of the
23 Secure Rural Schools and Community Self-Determination
24 Act of 2000 (16 U.S.C. 7125) is amended by adding at
25 the end the following new subsection:

1 “(g) BI-ANNUAL PRESENTATIONS.—The Secretary
2 concerned shall ensure that each resource advisory com-
3 mittee receives a presentation, at least twice a year, by
4 local line officers of the Federal land management agency
5 concerned for the purposes of—

6 “(1) explaining forest management priorities
7 for Federal land within the jurisdiction of the com-
8 mittee; and

9 “(2) soliciting the advice and recommendations
10 of the committee.”.

11 **SEC. 104. STUDY AND LOCAL CONSULTATION REQUIRE-**
12 **MENTS AS CONDITION OF FEDERAL LAND AC-**
13 **QUISITION.**

14 (a) STUDY REQUIRED.—Prior to the acquisition of
15 non-Federal land by the Secretary for administration as
16 Federal land, the Secretary shall conduct a study to evalu-
17 ate—

18 (1) the potential impacts of Federal acquisition
19 of the non-Federal land on lost property tax reve-
20 nues;

21 (2) other economic impacts of the land acquisi-
22 tion on affected local communities; and

23 (3) such other factors as are agreed to in con-
24 sultation with the governing bodies of such affected
25 local communities.

1 (b) CONSULTATION WITH AFFECTED LOCAL COM-
2 MUNITIES REQUIRED.—As a condition on the acquisition
3 of non-Federal land by the Secretary for administration
4 as Federal land, the Secretary shall—

5 (1) consult with the governing body of each af-
6 fected local community whose boundaries contain the
7 non-Federal land for the purpose of soliciting the
8 input of the affected local community in the prepa-
9 ration of the report required by subsection (a); and

10 (2) request a written response from the gov-
11 erning body of the affected local community indi-
12 cating the position of the governing body on the po-
13 tential land acquisition, which shall accompany the
14 project submittal list provided to Congress.

15 (c) DISCRETION AND DEFERENCE.—The decision re-
16 garding whether or not to proceed with a proposed acqui-
17 sition of non-Federal land for administration as Federal
18 land remains the responsibility of the Secretary, but the
19 Secretary shall give considerable deference to the position
20 of the governing body of each affected local community
21 whose boundaries contain the non-Federal land when mak-
22 ing the decision.

1 **SEC. 105. IMPROVED COOPERATION REGARDING SHARED**
2 **FOREST SERVICE ROADS.**

3 In the case of any Forest Service road that extends
4 from or through, or is directly connected to, a road under
5 the jurisdiction of an affected local community, the Sec-
6 retary shall obtain the concurrence of the governing body
7 of the affected local community regarding any manage-
8 ment direction for the Forest Service road.

9 **SEC. 106. FEDERAL LAND MANAGEMENT AGENCY DAY-USE**
10 **RECREATION FACILITIES RECEIVING SIG-**
11 **NIFICANT USE BY RESIDENTS OF LOCAL**
12 **COMMUNITIES.**

13 In the case of a day-use recreation facility on Federal
14 land that is managed by the Secretary and receives signifi-
15 cant use by local residents, as determined by either the
16 Secretary or the governing body of the affected local com-
17 munity, the Secretary may enter into a memorandum of
18 understanding with the governing body of the affected
19 local community to jointly determine and assign manage-
20 ment responsibilities for the recreation facility.

21 **SEC. 107. LOCAL PARTICIPATION IN RECREATION FEE SET-**
22 **TING UNDER FEDERAL LANDS RECREATION**
23 **ENHANCEMENT ACT.**

24 Section 803 of the Federal Lands Recreation En-
25 hancement Act (16 U.S.C. 6802) is further amended by
26 adding at the end the following new subsection:

1 “(i) SUBMISSION OF RECREATION FEE PROPOSALS
2 TO LOCAL GOVERNMENTS.—

3 “(1) SUBMISSION TO LOCAL GOVERNMENTS
4 AND REQUEST FOR COMMENTS.—Before establishing
5 or increasing a recreation fee, the Secretaries shall
6 provide affected local governments with—

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

10 “(B) a request for comments from the af-
11 fected local government regarding the merits of
12 the recreation fee or increase and the economic
13 impact of the recreation fee or increase on the
14 local community.

15 “(2) TIME FOR SUBMISSION OF COMMENTS.—
16 The period provided for submission of local com-
17 ments under paragraph (1)(B) to the Secretaries
18 may run concurrently with the period for public no-
19 tice required by section 804(b).

20 “(3) INCLUSION OF COMMENTS.—The Secre-
21 taries shall submit to Congress all comments re-
22 ceived from affected local governments in response
23 to the notice provided under paragraph (1).

24 “(4) AFFECTED LOCAL GOVERNMENTS DE-
25 FINED.—In this subsection, the term ‘affected local

1 government’ means the governing body of a political
2 subdivision of a State—

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

7 “(B) that the Secretary determines may be
8 economically impacted by the new or increased
9 fee.”.

10 **TITLE II—AGENCY** 11 **MANAGEMENT IMPROVEMENTS**

12 **SEC. 201. IMPROVED CERTAINTY REGARDING DURATION** 13 **OF FEDERAL LAND MANAGEMENT AGENCY** 14 **LINE OFFICER ASSIGNMENTS.**

15 (a) FOREST SERVICE.—Section 3 of the Act of Feb-
16 ruary 1, 1905 (16 U.S.C. 554) is amended by adding at
17 the end the following new sentence: “The duration of an
18 assignment at a Forest Service duty station should be a
19 minimum of three years, subject to such exceptions as the
20 Secretary of Agriculture may prescribe.”.

21 (b) BUREAU OF LAND MANAGEMENT.—Section 301
22 of the Federal Land Policy and Management Act of 1976
23 (43 U.S.C. 1731) is amended by adding at the end the
24 following new subsection:

1 **SEC. 203. CLARIFICATION OF SECRETARY OF THE INTE-**
2 **RIOR AUTHORITY TO MAKE MINOR BOUND-**
3 **ARY ADJUSTMENTS TO NATIONAL PARK SYS-**
4 **TEM UNITS.**

5 Section 100506(e)(5) of title 54, United States Code,
6 is amended—

7 (1) in the matter preceding subparagraph (A),
8 by striking “paragraph (1)(A)” both places it ap-
9 pears and inserting “paragraph (1)”; and

10 (2) in subparagraph (A), by inserting before the
11 period at the end the following: “, regardless of the
12 method by which the acreage is proposed to be
13 added to the System unit”.

14 **SEC. 204. PROTECTION OF SURVEY MONUMENTS ON FED-**
15 **ERAL LAND.**

16 In managing surface-disturbing activities on Federal
17 land, the Secretary shall take all necessary and reasonable
18 actions to protect and maintain survey monuments located
19 on the impacted Federal land. Such actions may include—

20 (1) identifying and protecting survey monu-
21 ments before the commencement of surface-dis-
22 turbing activities;

23 (2) monitoring surface-disturbing activities to
24 prevent or minimize damage to survey monuments
25 during the activities;

1 (3) inspecting survey monuments and evalu-
2 ating the extent of any damage to survey monu-
3 ments after the conclusions of surface-disturbing ac-
4 tivities; and

5 (4) rehabilitating or reestablishing survey
6 monuments damaged by surface-disturbing activities.

7 **TITLE III—TRIBAL FORESTRY**

8 **SEC. 301. PROTECTION OF TRIBAL FOREST ASSETS** 9 **THROUGH USE OF STEWARDSHIP END RE-** 10 **SULT CONTRACTING AND OTHER AUTHORI-** 11 **TIES.**

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

15 (1) in paragraph (1), by striking “Not later
16 than 120 days after the date on which an Indian
17 tribe submits to the Secretary” and inserting “In re-
18 sponse to the submission by an Indian tribe of”; and

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

21 “(4) TIME PERIODS FOR CONSIDERATION.—

22 “(A) INITIAL RESPONSE.—Not later than
23 120 days after the date on which the Secretary
24 receives a tribal request under paragraph (1),

1 the Secretary shall provide an initial response
2 to the Indian tribe regarding—

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

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

10 “(B) NOTICE OF DENIAL.—Notice under
11 subsection (d) of the denial of a tribal request
12 under paragraph (1) shall be provided not later
13 than 1 year after the date on which the Sec-
14 retary received the request.

15 “(C) COMPLETION.—Not later than 2
16 years after the date on which the Secretary re-
17 ceives a tribal request under paragraph (1),
18 other than a tribal request denied under sub-
19 section (d), the Secretary shall—

20 “(i) complete all environmental re-
21 views necessary in connection with the
22 agreement or contract and proposed activi-
23 ties under the agreement or contract; and

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

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

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

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

20 **SEC. 302. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
21 **IZED TO INCLUDE RELATED NATIONAL FOR-**
22 **EST SYSTEM LANDS AND PUBLIC LANDS.**

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

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

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

16 “(2) REQUIREMENTS.—As part of the agree-
17 ment to treat Federal forest land as Indian forest
18 land under paragraph (1), the Secretary concerned
19 and the Indian tribe making the request shall—

20 “(A) provide for continued public access
21 applicable to the Federal forest land prior to
22 the agreement, except that the Secretary con-
23 cerned may limit or prohibit such access as
24 needed;

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

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

8 “(ii) at the option of the Indian tribe,
9 on terms agreed upon by the Indian tribe,
10 the Secretary concerned, and State and
11 county governments participating in a rev-
12 enue sharing agreement for the Federal
13 forest land;

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

17 “(D) recognize all right-of-way agreements
18 in place on Federal forest land prior to com-
19 mencement of tribal management activities; and

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

23 “(3) LIMITATION.—Treating Federal forest
24 land as Indian forest land for purposes of planning
25 and conducting management activities pursuant to

1 paragraph (1) shall not be construed to designate
2 the Federal forest land as Indian forest lands for
3 any other purpose.

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

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

7 “(i) National Forest System lands;
8 and

9 “(ii) public lands (as defined in sec-
10 tion 103(e) of the Federal Land Policy and
11 Management Act of 1976 (43 U.S.C.
12 1702(e))), including Coos Bay Wagon
13 Road Grant lands reconveyed to the
14 United States pursuant to the first section
15 of the Act of February 26, 1919 (40 Stat.
16 1179), and Oregon and California Railroad
17 Grant lands.

18 “(B) SECRETARY CONCERNED.—The term
19 ‘Secretary concerned’ means—

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

23 “(ii) the Secretary of the Interior,
24 with respect to the Federal forest land re-
25 ferred to in subparagraph (A)(ii).”.

1 **SEC. 303. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
2 **PROJECT.**

3 The Secretary may carry out demonstration projects
4 by which an Indian tribe may contract to perform adminis-
5 trative, management, and other functions of programs of
6 the Tribal Forest Protection Act of 2004 (25 U.S.C.
7 3115a et seq.) through contracts entered into under the
8 Indian Self-Determination and Education Assistance Act
9 (25 U.S.C. 450 et seq.).

10 **TITLE IV—LAND AND WATER**
11 **CONSERVATION FUND**

12 **SEC. 401. REQUIREMENTS RELATED TO ALLOCATION OF**
13 **FUND AMOUNTS FOR FEDERAL PURPOSES.**

14 (a) AUTHORIZED ALLOTMENT PURPOSES.—Section
15 200306(a) of title 54, United States Code, is amended—

16 (1) by redesignating paragraphs (3) and (4) as
17 paragraphs (5) and (5), respectively; and

18 (2) by inserting after paragraph (2) the fol-
19 lowing new paragraphs:

20 “(3) IMPROVED PUBLIC ACCESS.—

21 “(A) IN GENERAL.—Amounts shall be al-
22 lotted for the purpose of securing or enhancing
23 public access on existing Federal lands for
24 hunting, recreational fishing, or recreational
25 shooting where public access for those activities
26 is impracticable. The amount so allotted for a

1 fiscal year may be all amounts appropriated
2 from the Fund pursuant to this section for that
3 fiscal year, but in no case less than 33 percent
4 of such amounts.

5 “(B) DEFINITIONS.—For this paragraph:

6 “(i) HUNTING.—The term ‘hunting’
7 means use of a firearm, bow, or other au-
8 thorized means in the lawful—

9 “(I) pursuit, shooting, capture,
10 collection, trapping, or killing of wild-
11 life;

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

14 “(ii) RECREATIONAL FISHING.—The
15 term ‘recreational fishing’ means the law-
16 ful—

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

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

21 “(iii) RECREATIONAL SHOOTING.—
22 The term ‘recreational shooting’ means
23 any form of sport, training, competition, or
24 pastime, whether formal or informal, that

1 involves the discharge of a rifle, handgun,
2 or shotgun, or the use of a bow.

3 “(4) FACILITATION OF LAND EXCHANGES.—
4 Amounts shall be allotted for covering costs related
5 to the facilitation of land exchanges between the
6 United States and local governments, States, and
7 other entities. Authorized costs that may be covered
8 include the reasonable costs of appraisals, surveys,
9 title activities, and legal fees associated with the fa-
10 cilitation of exchanges.”.

11 (b) ACQUISITION RESTRICTIONS.—Section
12 200306(b) of title 54, United States Code, is amended—

13 (1) by striking “Appropriations from the Fund”
14 and inserting the following:

15 “(1) AUTHORIZATION OF ACQUISITION RE-
16 QUIRED.—Appropriations from the Fund”; and

17 (2) by adding at the end the following new
18 paragraphs:

19 “(2) ABUTMENT OF OTHER FEDERAL LAND RE-
20 QUIRED.—

21 “(A) IN GENERAL.—A parcel of non-Fed-
22 eral land, water, or an interest in land or water
23 acquired with appropriations from the Fund
24 pursuant to this section shall abut Federal land
25 or water on not less than 75 percent of the par-

1 cel’s border and, except as provided in sub-
2 section (a)(2)(B)(ii), shall not be subject to size
3 restrictions.

4 “(B) SPECIAL RULE FOR NATIONAL WILD-
5 LIFE REFUGE SYSTEM.—In the case of areas
6 described in clauses (ii), (iii), and (iv) of sub-
7 section (a)(2)(C), the restriction specified in
8 subparagraph (A) also applies to any acquisi-
9 tion of land, water, or an interest in land or
10 water carried out using funds made available
11 under section 12 of the Migratory Bird Con-
12 servation Act (16 U.S.C. 715k) or any other
13 provision of law.

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