

Union Calendar No. 271

115TH CONGRESS
1ST SESSION

H. R. 2936

[Report No. 115–370, Parts I and II]

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

JUNE 20, 2017

Mr. WESTERMAN (for himself, Mr. NOLAN, Mr. TIPTON, Mr. LABRADOR, Mr. MCCLINTOCK, Mr. PETERSON, and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Natural Resources, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 25, 2017

Additional sponsors: Mr. THOMPSON of Pennsylvania, Mr. STEWART, Mr. VALADAO, Mr. WALDEN, Mr. GIANFORTE, Mr. SMITH of Missouri, Mr. LAMALFA, Ms. CHENEY, Mr. NEWHOUSE, Mr. BYRNE, Mr. ABRAHAM, and Mr. SESSIONS

OCTOBER 25, 2017

Reported from the Committee on Agriculture with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 25, 2017

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in **boldface roman**]

OCTOBER 25, 2017

The Committees on Education and the Workforce and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 20, 2017]

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 “Re-*
 5 *silient Federal Forests Act of 2017”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Rule of application for National Forest System lands and public lands.

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

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

Subtitle B—Categorical Exclusions

Sec. 111. Categorical exclusion to expedite certain critical response actions.

Sec. 112. Categorical exclusion to expedite salvage operations in response to catastrophic events.

Sec. 113. Categorical exclusion to meet forest plan goals for early successional forests.

Sec. 114. Categorical exclusion for road side projects.

Sec. 115. Categorical exclusion to improve or restore National Forest System Lands or public land or reduce the risk of wildfire.

Subtitle C—General Provisions for Forest Management Activities

Sec. 121. Compliance with forest plans.

Sec. 122. Consultation under the National Historic Preservation Act.

Sec. 123. Consultation under the Endangered Species Act.

Sec. 124. Forest management activities considered non-discretionary actions.

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.

TITLE III—FOREST MANAGEMENT LITIGATION

Subtitle A—General Litigation Provisions

- Sec. 301. No attorney fees for forest management activity challenges.*
Sec. 302. Injunctive relief.

Subtitle B—Forest Management Activity Arbitration Pilot Program

- Sec. 311. Use of arbitration instead of litigation to address challenges to 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.
Sec. 704. Rule of application.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

Subtitle A—Forest Plans Not Considered Major Federal Actions

- Sec. 801. Forest plans not considered major Federal actions.*

Subtitle B—Agency Consultation

Sec. 811. Consultation under Forest and Rangeland Renewable Resources Planning Act of 1974.

Sec. 812. Consultation under Federal Land Policy and Management Act of 1976.

TITLE IX—MISCELLANEOUS

Subtitle A—Forest Management Provisions

Sec. 901. Clarification of existing categorical exclusion authority related to insect and disease infestation.

Sec. 902. Revision of alternate consultation agreement regulations.

Sec. 903. Revision of extraordinary circumstances regulations.

Sec. 904. Conditions on Forest Service road decommissioning.

Sec. 905. Prohibition on application of Eastside Screens requirements on National Forest System lands.

Sec. 906. Use of site-specific forest plan amendments for certain projects and activities.

Sec. 907. Knutson-Vandenberg Act modifications.

Sec. 908. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.

Sec. 909. Reconstruction and repair included in good neighbor agreements.

Sec. 910. Logging and mechanized operations.

Subtitle B—Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant Lands

Sec. 911. Amendments to the Act of August 28, 1937.

Sec. 912. Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant lands permanent rights of access.

Sec. 913. Management of Bureau of Land Management lands in Western Oregon.

Subtitle C—Timber Innovation

Sec. 921. Definitions.

Sec. 922. Clarification of research and development program for wood building construction.

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

Sec. 1001. Wildfire on Federal lands.

Sec. 1002. Declaration of a major disaster for wildfire on Federal lands.

Sec. 1003. Prohibition on transfers.

1 SEC. 2. DEFINITIONS.

2 In titles I through IX:

3 (1) CATASTROPHIC EVENT.—*The term “cata-*
**4 strophic event” means any natural disaster (such as
**5 hurricane, tornado, windstorm, snow or ice storm,
6 rain storm, high water, wind-driven water, tidal****

1 *wave, earthquake, volcanic eruption, landslide,*
 2 *mudslide, drought, or insect or disease outbreak) or*
 3 *any fire, flood, or explosion, regardless of cause.*

4 (2) *COLLABORATIVE PROCESS.*—*The term “col-*
 5 *laborative process” refers to a process relating to the*
 6 *management of National Forest System lands or pub-*
 7 *lic lands by which a project or forest management ac-*
 8 *tivity is developed and implemented by the Secretary*
 9 *concerned through collaboration with interested per-*
 10 *sons, as described in section 603(b)(1)(C) of the*
 11 *Healthy Forests Restoration Act of 2003 (16 U.S.C.*
 12 *6591b(b)(1)(C)).*

13 (3) *COMMUNITY WILDFIRE PROTECTION PLAN.*—
 14 *The term “community wildfire protection plan” has*
 15 *the meaning given that term in section 101 of the*
 16 *Healthy Forests Restoration Act of 2003 (16 U.S.C.*
 17 *6511).*

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

23 (5) *FOREST MANAGEMENT ACTIVITY.*—*The term*
 24 *“forest management activity” means a project or ac-*
 25 *tivity carried out by the Secretary concerned on Na-*

1 *tional Forest System lands or public lands consistent*
2 *with the forest plan covering the lands.*

3 (6) *FOREST PLAN.*—*The term “forest plan”*
4 *means—*

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

9 (B) *a land and resource management plan*
10 *prepared by the Forest Service for a unit of the*
11 *National Forest System pursuant to section 6 of*
12 *the Forest and Rangeland Renewable Resources*
13 *Planning Act of 1974 (16 U.S.C. 1604).*

14 (7) *LARGE-SCALE CATASTROPHIC EVENT.*—*The*
15 *term “large-scale catastrophic event” means a cata-*
16 *strophic event that adversely impacts at least 5,000*
17 *acres of reasonably contiguous National Forest Sys-*
18 *tem lands or public lands, as determined by the Sec-*
19 *retary concerned.*

20 (8) *NATIONAL FOREST SYSTEM.*—*The term “Na-*
21 *tional Forest System” has the meaning given that*
22 *term in section 11(a) of the Forest and Rangeland*
23 *Renewable Resources Planning Act of 1974 (16*
24 *U.S.C. 1609(a)).*

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

4 (A) *All lands in the State of Oregon re-*
 5 *vested in the United States under the Act of*
 6 *June 9, 1916 (39 Stat. 218), that are adminis-*
 7 *tered by the Secretary of the Interior, acting*
 8 *through the Bureau of Land Management, pur-*
 9 *suant to the first section of the Act of August 28,*
 10 *1937 (43 U.S.C. 1181a).*

11 (B) *All lands in that State obtained by the*
 12 *Secretary of the Interior pursuant to the land ex-*
 13 *changes authorized and directed by section 2 of*
 14 *the Act of June 24, 1954 (43 U.S.C. 1181h).*

15 (C) *All lands in that State acquired by the*
 16 *United States at any time and made subject to*
 17 *the provisions of title II of the Act of August 28,*
 18 *1937 (43 U.S.C. 1181f).*

19 (10) PUBLIC LANDS.—*The term “public lands”*
 20 *has the meaning given that term in section 103 of the*
 21 *Federal Land Policy and Management Act of 1976*
 22 *(43 U.S.C. 1702), except that the term includes Coos*
 23 *Bay Wagon Road Grant lands and Oregon and Cali-*
 24 *fornia Railroad Grant lands.*

1 (11) *REFORESTATION ACTIVITY*.—The term “re-
2 *forestation activity*” means a project or forest man-
3 *agement activity* carried out by the Secretary con-
4 *cerned* whose primary purpose is the reforestation of
5 *impacted lands* following a large-scale catastrophic
6 *event*. The term includes planting, evaluating and en-
7 *hancing* natural regeneration, clearing competing
8 *vegetation*, and other activities related to reestablish-
9 *ment of forest species on the impacted lands*.

10 (12) *RESOURCE ADVISORY COMMITTEE*.—The
11 *term “resource advisory committee”* has the meaning
12 *given that term in section 201 of the Secure Rural*
13 *Schools and Community Self-Determination Act of*
14 *2000 (16 U.S.C. 7121)*.

15 (13) *SALVAGE OPERATION*.—The term “salvage
16 *operation”* means a forest management activity and
17 *restoration activities* carried out in response to a cat-
18 *astrophic event where the primary purpose is—*

19 (A) *to prevent wildfire as a result of the*
20 *catastrophic event, or, if the catastrophic event*
21 *was wildfire, to prevent a re-burn of the fire-im-*
22 *pacted area;*

23 (B) *to provide an opportunity for utiliza-*
24 *tion of forest materials damaged as a result of*
25 *the catastrophic event; or*

1 (C) to provide a funding source for reforest-
 2 ation and other restoration activities for the Na-
 3 tional Forest System lands or public lands im-
 4 pacted by the catastrophic event.

5 (14) SECRETARY CONCERNED.—The term “Sec-
 6 retary concerned” means—

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

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

11 **SEC. 3. RULE OF APPLICATION FOR NATIONAL FOREST SYS-**
 12 **TEM LANDS AND PUBLIC LANDS.**

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

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

19 (2) that are located within a national or State-
 20 specific inventoried roadless area established by the
 21 Secretary of Agriculture through regulation, unless—

22 (A) the forest management activity to be
 23 carried out under such authority is consistent
 24 with the forest plan applicable to the area; or

1 (B) the Secretary concerned determines the
 2 activity is allowed under the applicable roadless
 3 rule governing such lands; or
 4 (3) on which timber harvesting for any purpose
 5 is prohibited by Federal statute.

6 **TITLE I—EXPEDITED ENVIRON-**
 7 **MENTAL ANALYSIS AND**
 8 **AVAILABILITY OF CATEGOR-**
 9 **ICAL EXCLUSIONS TO EXPE-**
 10 **DITE FOREST MANAGEMENT**
 11 **ACTIVITIES**

12 **Subtitle A—Analysis of Proposed**
 13 **Collaborative Forest Manage-**
 14 **ment Activities**

15 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
 16 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
 17 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

18 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
 19 SESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS.—
 20 This section shall apply whenever the Secretary concerned
 21 prepares an environmental assessment or an environmental
 22 impact statement pursuant to section 102 of the National
 23 Environmental Policy Act of 1969 (42 U.S.C. 4332) for a
 24 forest management activity that—

25 (1) is developed through a collaborative process;

1 (2) *is proposed by a resource advisory com-*
2 *mittee;*

3 (3) *will occur on lands identified by the Sec-*
4 *retary concerned as suitable for timber production;*

5 (4) *will occur on lands designated by the Sec-*
6 *retary (or designee thereof) pursuant to section 602(b)*
7 *of the Healthy Forests Restoration Act of 2003 (16*
8 *U.S.C. 6591a(b)), notwithstanding whether such forest*
9 *management activity is initiated prior to September*
10 *30, 2018; or*

11 (5) *is covered by a community wildfire protec-*
12 *tion plan.*

13 (b) *CONSIDERATION OF ALTERNATIVES.—In an envi-*
14 *ronmental assessment or environmental impact statement*
15 *described in subsection (a), the Secretary concerned shall*
16 *study, develop, and describe only the following two alter-*
17 *natives:*

18 (1) *The forest management activity.*

19 (2) *The alternative of no action.*

20 (c) *ELEMENTS OF NO ACTION ALTERNATIVE.—In the*
21 *case of the alternative of no action, the Secretary concerned*
22 *shall consider whether to evaluate—*

23 (1) *the effect of no action on—*

24 (A) *forest health;*

25 (B) *habitat diversity;*

- 1 (C) wildfire potential;
- 2 (D) insect and disease potential; and
- 3 (E) timber production; and
- 4 (2) the implications of a resulting decline in for-
- 5 est health, loss of habitat diversity, wildfire, or insect
- 6 or disease infestation, given fire and insect and dis-
- 7 ease historic cycles, on—
- 8 (A) domestic water supply in the project
- 9 area;
- 10 (B) wildlife habitat loss; and
- 11 (C) other economic and social factors.

12 ***Subtitle B—Categorical Exclusions***

13 ***SEC. 111. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN*** 14 ***CRITICAL RESPONSE ACTIONS.***

15 (a) *CATEGORICAL EXCLUSION ESTABLISHED.*—Forest

16 management activities described in subsection (b) are a cat-

17 egory of actions hereby designated as being categorically ex-

18 cluded from the preparation of an environmental assess-

19 ment or an environmental impact statement under section

20 102 of the National Environmental Policy Act of 1969 (42

21 U.S.C. 4332).

22 (b) *FOREST MANAGEMENT ACTIVITIES DESIGNATED*

23 *FOR CATEGORICAL EXCLUSION.*—The forest management

24 activities designated under this section for a categorical ex-

25 clusion are forest management activities carried out by the

1 *Secretary concerned on National Forest System lands or*
 2 *public lands where the primary purpose of such activity*
 3 *is—*

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

13 *(c) AVAILABILITY OF CATEGORICAL EXCLUSION.—On*
 14 *and after the date of the enactment of this Act, the Secretary*
 15 *concerned may use the categorical exclusion established*
 16 *under subsection (a) in accordance with this section.*

17 *(d) ACREAGE LIMITATIONS.—*

18 *(1) IN GENERAL.—Except in the case of a forest*
 19 *management activity described in paragraph (2), a*
 20 *forest management activity covered by the categorical*
 21 *exclusion established under subsection (a) may not*
 22 *contain treatment units exceeding a total of 10,000*
 23 *acres.*

24 *(2) LARGER AREAS AUTHORIZED.—A forest*
 25 *management activity covered by the categorical exclu-*

1 *sion established under subsection (a) may contain*
 2 *treatment units exceeding a total of 10,000 acres but*
 3 *not more than a total of 30,000 acres if the forest*
 4 *management activity—*

5 *(A) is developed through a collaborative*
 6 *process;*

7 *(B) is proposed by a resource advisory com-*
 8 *mittee; or*

9 *(C) is covered by a community wildfire pro-*
 10 *tection plan.*

11 **SEC. 112. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE**
 12 **OPERATIONS IN RESPONSE TO CATA-**
 13 **STROPHIC EVENTS.**

14 *(a) CATEGORICAL EXCLUSION ESTABLISHED.—Sal-*
 15 *vage operations carried out by the Secretary concerned on*
 16 *National Forest System lands or public lands are a cat-*
 17 *egory of actions hereby designated as being categorically ex-*
 18 *cluded from the preparation of an environmental assess-*
 19 *ment or an environmental impact statement under section*
 20 *102 of the National Environmental Policy Act of 1969 (42*
 21 *U.S.C. 4332).*

22 *(b) AVAILABILITY OF CATEGORICAL EXCLUSION.—On*
 23 *and after the date of the enactment of this Act, the Secretary*
 24 *concerned may use the categorical exclusion established*
 25 *under subsection (a) in accordance with this section.*

1 (c) *ACREAGE LIMITATION.*—A salvage operation cov-
 2 ered by the categorical exclusion established under sub-
 3 section (a) may not contain treatment units exceeding a
 4 total of 10,000 acres.

5 (d) *ADDITIONAL REQUIREMENTS.*—

6 (1) *STREAM BUFFERS.*—A salvage operation cov-
 7 ered by the categorical exclusion established under
 8 subsection (a) shall comply with the standards and
 9 guidelines for stream buffers contained in the applica-
 10 ble forest plan unless waived by the Regional Forester,
 11 in the case of National Forest System lands, or the
 12 State Director of the Bureau of Land Management, in
 13 the case of public lands.

14 (2) *REFORESTATION PLAN.*—A reforestation plan
 15 shall be developed under section 3 of the Act of June
 16 9, 1930 (commonly known as the Knutson-Vanden-
 17 berg Act; 16 U.S.C. 576b), as part of a salvage oper-
 18 ation covered by the categorical exclusion established
 19 under subsection (a).

20 **SEC. 113. CATEGORICAL EXCLUSION TO MEET FOREST**
 21 **PLAN GOALS FOR EARLY SUCCESSIONAL FOR-**
 22 **ESTS.**

23 (a) *CATEGORICAL EXCLUSION ESTABLISHED.*—Forest
 24 management activities described in subsection (b) are a cat-
 25 egory of actions hereby designated as being categorically ex-

1 cluded from the preparation of an environmental assess-
2 ment or an environmental impact statement under section
3 102 of the National Environmental Policy Act of 1969 (42
4 U.S.C. 4332).

5 (b) *FOREST MANAGEMENT ACTIVITIES DESIGNATED*
6 *FOR CATEGORICAL EXCLUSION.*—The forest management
7 activities designated under this section for a categorical ex-
8 clusion are forest management activities carried out by the
9 Secretary concerned on National Forest System lands or
10 public lands where the primary purpose of such activity
11 is to modify, improve, enhance, or create early successional
12 forests for wildlife habitat improvement and other purposes,
13 consistent with the applicable forest plan.

14 (c) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—On
15 and after the date of the enactment of this Act, the Secretary
16 concerned may use the categorical exclusion established
17 under subsection (a) in accordance with this section.

18 (d) *PROJECT GOALS.*—To the maximum extent prac-
19 ticable, the Secretary concerned shall design a forest man-
20 agement activity under this section to meet early succes-
21 sional forest goals in such a manner so as to maximize pro-
22 duction and regeneration of priority species, as identified
23 in the forest plan and consistent with the capability of the
24 activity site.

1 (e) *ACREAGE LIMITATIONS.*—A forest management ac-
 2 tivity covered by the categorical exclusion established under
 3 subsection (a) may not contain treatment units exceeding
 4 a total of 10,000 acres.

5 **SEC. 114. CATEGORICAL EXCLUSION FOR ROAD SIDE**
 6 **PROJECTS.**

7 (a) *CATEGORICAL EXCLUSION ESTABLISHED.*—
 8 Projects carried out by the Secretary concerned to remove
 9 hazard trees or to salvage timber for purposes of the protec-
 10 tion of public health or safety, water supply, or public in-
 11 frastructure are a category of actions hereby designated as
 12 being categorically excluded from the preparation of an en-
 13 vironmental assessment or an environmental impact state-
 14 ment under section 102 of the National Environmental Pol-
 15 icy Act of 1969 (42 U.S.C. 4332).

16 (b) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—On
 17 and after the date of the enactment of this Act, the Secretary
 18 concerned may use the categorical exclusion established
 19 under subsection (a) in accordance with this section.

20 (c) *HEALTHY FORESTS RESTORATION ACT REQUIRE-*
 21 *MENTS.*—

22 (1) *ADMINISTRATIVE REVIEW.*—A project that is
 23 categorically excluded under this section shall be sub-
 24 ject to the requirements of subsections (d), (e), and (f)

1 *of section 603 of the Healthy Forests Restoration Act*
 2 *of 2003 (16 U.S.C. 6591).*

3 (2) *HAZARDOUS FUEL REDUCTION ON FEDERAL*
 4 *LAND.—A project that is categorically excluded under*
 5 *this section shall be subject to the requirements of sec-*
 6 *tions 102, 104, 105, and 106 of title I of the Healthy*
 7 *Forests Restoration Act of 2003 (16 U.S.C. 6511 et*
 8 *seq.).*

9 **SEC. 115. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**
 10 **STORE NATIONAL FOREST SYSTEM LANDS OR**
 11 **PUBLIC LAND OR REDUCE THE RISK OF WILD-**
 12 **FIRE.**

13 (a) *CATEGORICAL EXCLUSION ESTABLISHED.—Forest*
 14 *management activities described in subsection (b) are a cat-*
 15 *egory of actions hereby designated as being categorically ex-*
 16 *cluded from the preparation of an environmental assess-*
 17 *ment or an environmental impact statement under section*
 18 *102 of the National Environmental Policy Act of 1969 (42*
 19 *U.S.C. 4332).*

20 (b) *FOREST MANAGEMENT ACTIVITIES DESIGNATED*
 21 *FOR CATEGORICAL EXCLUSION.—*

22 (1) *DESIGNATION.—The forest management ac-*
 23 *tivities designated under this section for a categorical*
 24 *exclusion are forest management activities described*
 25 *in paragraph (2) that are carried out by the Sec-*

1 *retary concerned on National Forest System Lands or*
2 *public lands where the primary purpose of such activ-*
3 *ity is to improve or restore such lands or reduce the*
4 *risk of wildfire on those lands.*

5 (2) *ACTIVITIES AUTHORIZED.—The follow activi-*
6 *ties may be carried out pursuant to the categorical*
7 *exclusion established under subsection (a):*

8 (A) *Removal of juniper trees, medusahead*
9 *rye, conifer trees, piñon pine trees, cheatgrass,*
10 *and other noxious or invasive weeds specified on*
11 *Federal or State noxious weeds lists through late-*
12 *season livestock grazing, targeted livestock graz-*
13 *ing, prescribed burns, and mechanical treat-*
14 *ments.*

15 (B) *Performance of hazardous fuels manage-*
16 *ment.*

17 (C) *Creation of fuel and fire breaks.*

18 (D) *Modification of existing fences in order*
19 *to distribute livestock and help improve wildlife*
20 *habitat.*

21 (E) *Installation of erosion control devices.*

22 (F) *Construction of new and maintenance*
23 *of permanent infrastructure, including stock*
24 *ponds, water catchments, and water spring boxes*

1 *used to benefit livestock and improve wildlife*
2 *habitat.*

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

7 *(H) Use of herbicides, so long as the Sec-*
8 *retary concerned determines that the activity is*
9 *otherwise conducted consistently with agency*
10 *procedures, including any forest plan applicable*
11 *to the area covered by the activity.*

12 *(c) AVAILABILITY OF CATEGORICAL EXCLUSION.—On*
13 *and after the date of the enactment of this Act, the Secretary*
14 *concerned may use the categorical exclusion established*
15 *under subsection (a) in accordance with this section.*

16 *(d) ACREAGE LIMITATIONS.—A forest management ac-*
17 *tivity covered by the categorical exclusion established under*
18 *subsection (a) may not exceed 10,000 acres.*

19 *(e) DEFINITIONS.—In this section:*

20 *(1) HAZARDOUS FUELS MANAGEMENT.—The*
21 *term “hazardous fuels management” means any vege-*
22 *tation management activities that reduce the risk of*
23 *wildfire.*

24 *(2) LATE-SEASON GRAZING.—The term “late-sea-*
25 *son grazing” means grazing activities that occur after*

1 *both the invasive species and native perennial species*
 2 *have completed their current-year annual growth*
 3 *cycle until new plant growth begins to appear in the*
 4 *following year.*

5 (3) *TARGETED LIVESTOCK GRAZING.*—*The term*
 6 *“targeted livestock grazing” means grazing used for*
 7 *purposes of hazardous fuel reduction.*

8 ***Subtitle C—General Provisions for***
 9 ***Forest Management Activities***

10 ***SEC. 121. COMPLIANCE WITH FOREST PLANS.***

11 *A forest management activity carried out pursuant to*
 12 *this Act shall be conducted in a manner consistent with*
 13 *the forest plan applicable to the National Forest System*
 14 *land or public lands covered by the forest management ac-*
 15 *tivity.*

16 ***SEC. 122. CONSULTATION UNDER THE NATIONAL HISTORIC***
 17 ***PRESERVATION ACT.***

18 (a) *EFFECT OF UNDERTAKING ON HISTORIC PROP-*
 19 *ERTY.*—*With respect to a forest management activity car-*
 20 *ried out pursuant to this Act, in taking into account the*
 21 *effect of a Federal undertaking on any historic property*
 22 *under section 306108 of title 54, United States Code, the*
 23 *Secretary concerned may, without consultation with the*
 24 *State Historic Preservation Officer, Tribal Historic Preser-*
 25 *vation 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) EXPEDITED CONSULTATION.—

(1) *IN GENERAL.—In the case of a forest management activity carried out pursuant to this Act that is not the subject of a phased identification and evaluation under subsection (a), consultation under section 106 of the National Historic Preservation Act (54 U.S.C. 306108) shall be concluded within the 90-day period beginning on the date on which such consultation was requested by the Secretary concerned.*

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

(A) shall be considered to have not violated section 106 of the National Historic Preservation Act (54 U.S.C. 306108); and

1 (B) may be carried out.

2 **SEC. 123. CONSULTATION UNDER THE ENDANGERED SPE-**
3 **CIES ACT.**

4 (a) *NO CONSULTATION IF ACTION NOT LIKELY TO AD-*
5 *VERSELY AFFECT A LISTED SPECIES OR DESIGNATED*
6 *CRITICAL HABITAT.*—*With respect to a forest management*
7 *activity carried out pursuant to this Act, consultation*
8 *under section 7 of the Endangered Species Act of 1973 (16*
9 *U.S.C. 1536) shall not be required if the Secretary con-*
10 *cerned determines that the such forest management activity*
11 *is not likely to adversely affect a listed species or designated*
12 *critical habitat.*

13 (b) *EXPEDITED CONSULTATION.*—

14 (1) *IN GENERAL.*—*With respect to a forest man-*
15 *agement activity carried out pursuant to this Act,*
16 *consultation required under section 7 of the Endan-*
17 *gered Species Act of 1973 (16 U.S.C. 1536) shall be*
18 *concluded within the 90-day period beginning on the*
19 *date on which such consultation was requested by the*
20 *Secretary concerned.*

21 (2) *NO CONCLUSION.*—*In the case of a consulta-*
22 *tion described in paragraph (1) that is not concluded*
23 *within the 90-day period, the forest management ac-*
24 *tivity for which such consultation was initiated—*

1 (A) shall be considered to have not violated
 2 section 7 of the Endangered Species Act of 1973
 3 (16 U.S.C. 1536(a)(2)); and
 4 (B) may be carried out.

5 **SEC. 124. FOREST MANAGEMENT ACTIVITIES CONSIDERED**
 6 **NON-DISCRETIONARY ACTIONS.**

7 For purposes of the Endangered Species Act of 1973
 8 (16 U.S.C. 1531 et seq.), a forest management activity car-
 9 ried out by the Secretary concerned pursuant to this Act
 10 shall be considered a non-discretionary action.

11 **TITLE II—SALVAGE AND REFOR-**
 12 **ESTATION IN RESPONSE TO**
 13 **CATASTROPHIC EVENTS**

14 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
 15 **ESTATION ACTIVITIES FOLLOWING LARGE-**
 16 **SCALE CATASTROPHIC EVENTS.**

17 (a) *EXPEDITED ENVIRONMENTAL ASSESSMENT.*—Not-
 18 withstanding any other provision of law, an environmental
 19 assessment prepared by the Secretary concerned pursuant
 20 to section 102 of the National Environmental Policy Act
 21 of 1969 (42 U.S.C. 4332) for a salvage operation or reforest-
 22 ation activity proposed to be conducted on National Forest
 23 System lands or public lands adversely impacted by a
 24 large-scale catastrophic event shall be completed within 60
 25 days after the conclusion of the catastrophic event.

1 (b) *EXPEDITED IMPLEMENTATION AND COMPLE-*
2 *TION.*—*In the case of reforestation activities conducted on*
3 *National Forest System lands or public lands adversely im-*
4 *pacted by a large-scale catastrophic event, the Secretary*
5 *concerned shall, to the maximum extent practicable, achieve*
6 *reforestation of at least 75 percent of the impacted lands*
7 *during the 5-year period following the conclusion of the cat-*
8 *astrophic event.*

9 (c) *AVAILABILITY OF KNUTSON-VANDENBERG*
10 *FUNDS.*—*Amounts in the special fund established pursuant*
11 *to section 3 of the Act of June 9, 1930 (commonly known*
12 *as the Knutson-Vandenberg Act; 16 U.S.C. 576b) shall be*
13 *available to the Secretary of Agriculture for reforestation*
14 *activities authorized by this title.*

15 (d) *TIMELINE FOR PUBLIC INPUT PROCESS.*—*Not-*
16 *withstanding any other provision of law, in the case of a*
17 *salvage operation or reforestation activity proposed to be*
18 *conducted on National Forest System lands or public lands*
19 *adversely impacted by a large-scale catastrophic event, the*
20 *Secretary concerned shall allow 30 days for public scoping*
21 *and comment, 15 days for filing an objection, and 15 days*
22 *for the agency response to the filing of an objection. Upon*
23 *completion of this process and expiration of the period spec-*
24 *ified in subsection (a), the Secretary concerned shall imple-*
25 *ment the project immediately.*

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

2 *A salvage operation or reforestation activity author-*
 3 *ized by this title shall be conducted in a manner consistent*
 4 *with the forest plan applicable to the National Forest Sys-*
 5 *tem lands or public lands covered by the salvage operation*
 6 *or reforestation activity.*

7 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
 8 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
 9 **PENDING APPEAL.**

10 *No restraining order, preliminary injunction, or in-*
 11 *junction pending appeal shall be issued by any court of the*
 12 *United States with respect to any decision to prepare or*
 13 *conduct a salvage operation or reforestation activity in re-*
 14 *sponse to a large-scale catastrophic event. Section 705 of*
 15 *title 5, United States Code, shall not apply to any challenge*
 16 *to the salvage operation or reforestation activity.*

17 **TITLE III—FOREST**
 18 **MANAGEMENT LITIGATION**
 19 **Subtitle A—General Litigation**
 20 **Provisions**

21 **SEC. 301. NO ATTORNEY FEES FOR FOREST MANAGEMENT**
 22 **ACTIVITY CHALLENGES.**

23 *Notwithstanding section 1304 of title 31, United States*
 24 *Code, no award may be made under section 2412 of title*
 25 *28, United States Code, and no amounts may be obligated*
 26 *or expended from the Claims and Judgment Fund of the*

1 *United States Treasury to pay any fees or other expenses*
 2 *under such sections to any plaintiff related to an action*
 3 *challenging a forest management activity carried out pur-*
 4 *suant to this Act.*

5 **SEC. 302. INJUNCTIVE RELIEF.**

6 *(a) BALANCING SHORT- AND LONG-TERM EFFECTS OF*
 7 *FOREST MANAGEMENT ACTIVITIES IN CONSIDERING IN-*
 8 *JUNCTIVE RELIEF.—As part of its weighing the equities*
 9 *while considering any request for an injunction that applies*
 10 *to any agency action as part of a forest management activ-*
 11 *ity under titles I through IX, the court reviewing the agency*
 12 *action shall balance the impact to the ecosystem likely af-*
 13 *ected by the forest management activity of—*

14 *(1) the short- and long-term effects of under-*
 15 *taking the agency action; against*

16 *(2) the short- and long-term effects of not under-*
 17 *taking the action.*

18 *(b) TIME LIMITATIONS FOR INJUNCTIVE RELIEF.—*

19 *(1) IN GENERAL.—Subject to paragraph (2) the*
 20 *length of any preliminary injunctive relief and stays*
 21 *pending appeal that applies to any agency action as*
 22 *part of a forest management activity under titles I*
 23 *through IX, shall not exceed 60 days.*

24 *(2) RENEWAL.—*

1 (A) *IN GENERAL*.—A court of competent ju-
 2 isdiction may issue one or more renewals of any
 3 preliminary injunction, or stay pending appeal,
 4 granted under paragraph (1).

5 (B) *UPDATES*.—In each renewal of an in-
 6 junction in an action, the parties to the action
 7 shall present the court with updated information
 8 on the status of the authorized forest manage-
 9 ment activity.

10 ***Subtitle B—Forest Management***
 11 ***Activity Arbitration Pilot Program***

12 ***SEC. 311. USE OF ARBITRATION INSTEAD OF LITIGATION TO***
 13 ***ADDRESS CHALLENGES TO FOREST MANAGE-***
 14 ***MENT ACTIVITIES.***

15 (a) *DISCRETIONARY ARBITRATION PROCESS PILOT*
 16 *PROGRAM*.—

17 (1) *IN GENERAL*.—The Secretary of Agriculture,
 18 with respect to National Forest System lands, and the
 19 Secretary of the Interior, with respect to public lands,
 20 shall each establish a discretionary arbitration pilot
 21 program as an alternative dispute resolution process
 22 in lieu of judicial review for the activities described
 23 in paragraph (2).

24 (2) *ACTIVITIES DESCRIBED*.—The Secretary con-
 25 cerned, at the sole discretion of the Secretary, may

1 *designate objections or protests to forest management*
 2 *activities for arbitration under the arbitration pilot*
 3 *program established under paragraph (1).*

4 (3) *MAXIMUM AMOUNT OF ARBITRATIONS.—*
 5 *Under the arbitration pilot program, the Secretary*
 6 *concerned may not arbitrate more than 10 objections*
 7 *or protests to forest management activities in a fiscal*
 8 *year in—*

9 (A) *each Forest Service Region; and*

10 (B) *each State Region of the Bureau of*
 11 *Land Management.*

12 (4) *DETERMINING AMOUNT OF ARBITRATIONS.—*
 13 *An objection or protest to a forest management activ-*
 14 *ity shall not be counted towards the limitation on*
 15 *number of arbitrations under paragraph (3) unless—*

16 (A) *on the date such objection or protest is*
 17 *designated for arbitration, the forest manage-*
 18 *ment activity for which such objection or protest*
 19 *is filed has not been the subject of arbitration*
 20 *proceedings under the pilot program; and*

21 (B) *the arbitration proceeding has com-*
 22 *menced with respect to such objection or protest.*

23 (5) *TERMINATION.—The pilot programs estab-*
 24 *lished pursuant to paragraph (1) shall terminate on*

1 *the date that is 7 years after the date of the enact-*
2 *ment of this Act.*

3 **(b) INTERVENING PARTIES.—**

4 **(1) REQUIREMENTS.—***Any person that submitted*
5 *a public comment on the forest management activity*
6 *that is subject to arbitration may intervene in the ar-*
7 *bitration—*

8 **(A) by endorsing—**

9 *(i) the forest management activity; or*

10 *(ii) the modification proposal sub-*
11 *mitted under subparagraph (B); or*

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

14 **(2) DEADLINE FOR SUBMISSION.—***With respect*
15 *to an objection or protest that is designated for arbi-*
16 *tration under this subsection (a), a request to inter-*
17 *vene in an arbitration must be submitted not later*
18 *than the date that is 30 days after the date on which*
19 *such objection or protest was designated for arbitra-*
20 *tion.*

21 **(3) MULTIPLE PARTIES.—***Multiple intervening*
22 *parties may submit a joint proposal so long as each*
23 *intervening party meets the eligibility requirements of*
24 *paragraph (1).*

25 **(c) APPOINTMENT OF ARBITRATOR.—**

1 (1) *APPOINTMENT.*—*The Secretary of Agri-*
 2 *culture and the Secretary of the Interior shall jointly*
 3 *develop and publish a list of not fewer than 20 indi-*
 4 *viduals eligible to serve as arbitrators for the pilot*
 5 *programs under this section.*

6 (2) *QUALIFICATIONS.*—*In order to be eligible to*
 7 *serve as an arbitrator under this subsection, an indi-*
 8 *vidual shall be, on the date of the appointment of*
 9 *such arbitrator—*

10 (A) *certified by the American Arbitration*
 11 *Association; and*

12 (B) *not a registered lobbyist.*

13 (3) *SELECTION OF ARBITRATOR.*—

14 (A) *IN GENERAL.*—*For each arbitration*
 15 *commenced under this section, the Secretary con-*
 16 *cerned and each applicable objector or protestor*
 17 *shall agree, not later than 14 days after the*
 18 *agreement process is initiated, on a mutually ac-*
 19 *ceptable arbitrator from the list published under*
 20 *subsection.*

21 (B) *APPOINTMENT AFTER 14-DAYS.*—*In the*
 22 *case of an agreement with respect to a mutually*
 23 *acceptable arbitrator not being reached within*
 24 *the 14-day limit described in subparagraph (A),*
 25 *the Secretary concerned shall appoint an arbi-*

1 *trator from the list published under this sub-*
 2 *section.*

3 *(d) SELECTION OF PROPOSALS.—*

4 *(1) IN GENERAL.—The arbitrator appointed*
 5 *under subsection (c)—*

6 *(A) may not modify any of the proposals*
 7 *submitted with the objection, protest, or request*
 8 *to intervene; and*

9 *(B) shall select to be conducted—*

10 *(i) the forest management activity, as*
 11 *approved by the Secretary; or*

12 *(ii) a proposal submitted by an objec-*
 13 *tor or an intervening party.*

14 *(2) SELECTION CRITERIA.—An arbitrator shall,*
 15 *when selecting a proposal, consider—*

16 *(A) whether the proposal is consistent with*
 17 *the applicable forest plan, laws, and regulations;*

18 *(B) whether the proposal can be carried out*
 19 *by the Secretary concerned; and*

20 *(C) the effect of each proposal on—*

21 *(i) forest health;*

22 *(ii) habitat diversity;*

23 *(iii) wildfire potential;*

24 *(iv) insect and disease potential;*

25 *(v) timber production; and*

1 (vi) the implications of a resulting de-
2 cline in forest health, loss of habitat diver-
3 sity, wildfire, or insect or disease infesta-
4 tion, given fire and insect and disease his-
5 toric cycles, on—

6 (I) domestic water costs;
7 (II) wildlife habitat loss; and
8 (III) other economic and social
9 factors.

10 (e) *EFFECT OF DECISION.*—The decision of an arbi-
11 trator with respect to the forest management activity—

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

14 (2) shall be binding; and

15 (3) shall not be subject to judicial review, except
16 as provided in section 10(a) of title 9, United States
17 Code.

18 (f) *DEADLINE FOR COMPLETION.*—Not later than 90
19 days after the date on which the arbitration is filed with
20 respect to the forest management activity, the arbitration
21 process shall be completed.

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

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

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

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

17 “(f) *REQUIREMENTS FOR PROJECT FUNDS.*—

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

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

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

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

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

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

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

21 (1) in paragraph (1), by striking “15 members”
 22 and inserting “9 members”; and

23 (2) by striking “5 persons” each place it appears
 24 and inserting “3 persons”.

1 (c) *EXPANDING LOCAL PARTICIPATION ON COMMIT-*
 2 *TEES.*—Section 205(d) of the Secure Rural Schools and
 3 *Community Self-Determination Act of 2000* (16 U.S.C.
 4 7125(d)) is amended—

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

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

10 “(4) *GEOGRAPHIC DISTRIBUTION.*—The members
 11 of a resource advisory committee shall reside within
 12 the county or counties in which the committee has ju-
 13 risdiction or an adjacent county.”.

14 (d) *APPOINTMENT OF RESOURCE ADVISORY COMMIT-*
 15 *TEES BY APPLICABLE DESIGNEE.*—

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

19 (A) in subsection (a)—

20 (i) in paragraph (1), by inserting “(or
 21 applicable designee)” after “The Secretary
 22 concerned”;

23 (ii) in paragraph (3), by inserting
 24 “(or applicable designee)” after “the Sec-
 25 retary concerned”; and

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

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

7 (C) in subsection (c)—

8 (i) in the subsection heading, by insert-
 9 ing “OR APPLICABLE DESIGNEE” after “BY
 10 THE SECRETARY”;

11 (ii) in paragraph (1), by inserting
 12 “(or applicable designee)” after “The Sec-
 13 retary concerned” both places it appears;

14 (iii) in paragraph (2), by inserting
 15 “(or applicable designee)” after “The Sec-
 16 retary concerned”;

17 (iv) in paragraph (4), by inserting
 18 “(or applicable designee)” after “The Sec-
 19 retary concerned”; and

20 (v) by adding at the end the following
 21 new paragraph:

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

1 “(A) with respect to Federal land described
2 in section 3(7)(A), the applicable Regional For-
3 ester; and

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

7 (D) in subsection (d)(3), by inserting “(or
8 applicable designee)” after “the Secretary con-
9 cerned”; and

10 (E) in subsection (f)(1)—

11 (i) by inserting “(or applicable des-
12 ignee)” after “the Secretary concerned”; and

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

15 (2) CONFORMING AMENDMENT.—Section 201(3)
16 of the Secure Rural Schools and Community Self-De-
17 termination Act of 2000 (16 U.S.C. 7121(3)) is
18 amended by inserting “(or applicable designee (as de-
19 fined in section 205(c)(6)))” after “Secretary con-
20 cerned” both places it appears.

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

23 (a) SELF-SUSTAINING RESOURCE ADVISORY COM-
24 MITTEE PROJECTS.—Title II of the Secure Rural Schools
25 and Community Self-Determination Act of 2000 (16 U.S.C.

1 7121 et seq.) is amended by adding at the end the following
 2 new section:

3 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
 4 **VISORY COMMITTEE PROJECTS.**

5 “(a) *RAC PROGRAM.*—The Chief of the Forest Service
 6 shall conduct a program (to be known as the ‘self-sustaining
 7 resource advisory committee program’ or ‘RAC program’)
 8 under which 10 resource advisory committees will propose
 9 projects authorized by subsection (c) to be carried out using
 10 project funds reserved by a participating county under sec-
 11 tion 102(d).

12 “(b) *SELECTION OF PARTICIPATING RESOURCE ADVI-*
 13 *SORY COMMITTEES.*—The selection of resource advisory
 14 committees to participate in the RAC program is in the
 15 sole discretion of the Chief of the Forest Service.

16 “(c) *AUTHORIZED PROJECTS.*—Notwithstanding the
 17 project purposes specified in sections 202(b), 203(c), and
 18 204(a)(5), projects under the RAC program are intended
 19 to—

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

22 “(2) generate receipts.

23 “(d) *DEPOSIT AND AVAILABILITY OF REVENUES.*—
 24 Any revenue generated by a project conducted under the

1 *RAC program, including any interest accrued from the rev-*
 2 *enues, shall be—*

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

5 “(2) *available, in such amounts as may be pro-*
 6 *vided in advance in appropriation Acts, for addi-*
 7 *tional projects under the RAC program.*

8 “(e) *TERMINATION OF AUTHORITY.—*

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

12 “(2) *DEPOSITS IN TREASURY.—Any funds avail-*
 13 *able for projects under the RAC program and not ob-*
 14 *ligated by September 30, 2023, shall be deposited in*
 15 *the Treasury of the United States.”.*

16 (b) *EXCEPTION TO GENERAL RULE REGARDING*
 17 *TREATMENT OF RECEIPTS.—Section 403(b) of the Secure*
 18 *Rural Schools and Community Self-Determination Act of*
 19 *2000 (16 U.S.C. 7153(b)) is amended by striking “All reve-*
 20 *nues” and inserting “Except as provided in section 209,*
 21 *all revenues”.*

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

3 *Section 302(a) of the Secure Rural Schools and Com-*
 4 *munity Self-Determination Act of 2000 (16 U.S.C. 7142(a))*
 5 *is amended—*

6 *(1) in paragraph (2)—*

7 *(A) by inserting “and law enforcement pa-*
 8 *trols” after “including firefighting”; and*

9 *(B) by striking “and” at the end;*

10 *(2) in paragraph (3), by inserting “and carry*
 11 *out” after “develop”;*

12 *(3) by redesignating paragraph (3) as para-*
 13 *graph (4); and*

14 *(4) by inserting after paragraph (2) the fol-*
 15 *lowing new paragraph (3):*

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

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

20 *(a) IN GENERAL.—Section 102 of the Secure Rural*
 21 *Schools and Community Self-Determination Act of 2000*
 22 *(16 U.S.C. 7112) is amended by adding at the end the fol-*
 23 *lowing new subsection:*

24 *“(f) TREATMENT AS SUPPLEMENTAL FUNDING.—None*
 25 *of the funds made available to a beneficiary county or other*
 26 *political subdivision of a State under this Act shall be used*

1 *in lieu of or to otherwise offset State funding sources for*
 2 *local schools, facilities, or educational purposes.”.*

3 (b) *CONTINUATION OF DIRECT PAYMENTS.—Payments*
 4 *to States made under the Secure Rural Schools and Com-*
 5 *munity Self-Determination Act of 2000 (16 U.S.C. 7101 et*
 6 *seq.) and 25-percent payments made to States and Terri-*
 7 *ories under the Acts of May 23, 1908, and March 1, 1911*
 8 *(16 U.S.C. 500), shall continue to be made as direct pay-*
 9 *ments.*

10 **TITLE V—STEWARDSHIP END** 11 **RESULT CONTRACTING**

12 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP** 13 **END RESULT CONTRACTING PROJECTS.**

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

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

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

21 “(h) *CANCELLATION CEILINGS.—*

22 “(1) *IN GENERAL.—Notwithstanding section*
 23 *3903(b)(1) of title 41, United States Code, the Chief*
 24 *and the Director may obligate funds in stages that*
 25 *are economically or programmatically viable to cover*

1 *any potential cancellation or termination costs for an*
2 *agreement or contract under subsection (b) in stages*
3 *that are economically or programmatically viable.*

4 “(2) *ADVANCE NOTICE TO CONGRESS OF CAN-*
5 *CELLATION CEILING IN EXCESS OF \$25 MILLION.—Not*
6 *later than 30 days before entering into a multiyear*
7 *agreement or contract under subsection (b) that in-*
8 *cludes a cancellation ceiling in excess of \$25 million,*
9 *but does not include proposed funding for the costs of*
10 *cancelling the agreement or contract up to such can-*
11 *cellation ceiling, the Chief or the Director, as the case*
12 *may be, shall submit to the Committee on Energy and*
13 *Natural Resources and the Committee on Agriculture,*
14 *Nutrition, and Forestry of the Senate and the Com-*
15 *mittee on Natural Resources and the Committee on*
16 *Agriculture of the House of Representatives a written*
17 *notice that includes—*

18 “(A) *the cancellation ceiling amounts pro-*
19 *posed for each program year in the agreement or*
20 *contract;*

21 “(B) *the reasons why such cancellation ceil-*
22 *ing amounts were selected;*

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

1 “(D) an assessment of the financial risk of
 2 not including budgeting for the costs of agree-
 3 ment or contract cancellation.

4 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not
 5 later than 14 days after the date on which written no-
 6 tice is provided under paragraph (2) with respect to
 7 an agreement or contract under subsection (b), the
 8 Chief or the Director, as the case may be, shall trans-
 9 mit a copy of the notice to the Director of the Office
 10 of Management and Budget.”.

11 (b) RELATION TO OTHER LAWS.—Section 604(d)(5) of
 12 the Healthy Forests Restoration Act of 2003 (16 U.S.C.
 13 6591c(d)(5)) is amended—

14 (1) by striking “, the Chief may” and inserting
 15 “and section 2(a)(1) of the Act of July 31, 1947 (com-
 16 monly known as the Materials Act of 1947; 30 U.S.C.
 17 602(a)(1)), the Chief and the Director may”; and

18 (2) by striking the last sentence.

19 **SEC. 502. EXCESS OFFSET VALUE.**

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

1 “(A) use the excess to satisfy any out-
 2 standing liabilities for cancelled agreements or
 3 contracts; or

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

7 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
 8 **PROJECT REVENUES TO COUNTY IN WHICH**
 9 **STEWARDSHIP PROJECT OCCURS.**

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

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

14 (2) in paragraph (3)(A), by striking “services re-
 15 ceived by the Chief or the Director” and all that fol-
 16 lows through the period at the end and inserting the
 17 following: “services and in-kind resources received by
 18 the Chief or the Director under a stewardship con-
 19 tract project conducted under this section shall not be
 20 considered monies received from the National Forest
 21 System or the public lands, but any payments made
 22 by the contractor to the Chief or Director under the
 23 project shall be considered monies received from the
 24 National Forest System or the public lands.”.

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

2 *Subsection (j) of section 604 of the Healthy Forests*
 3 *Restoration Act of 2003 (16 U.S.C. 6591c), as redesignated*
 4 *by section 501(a)(1), is amended by striking “report to the*
 5 *Committee on Agriculture, Nutrition, and Forestry of the*
 6 *Senate and the Committee on Agriculture of the House of*
 7 *Representatives” and inserting “submit to the congressional*
 8 *committees specified in subsection (h)(2) a report”.*

9 **SEC. 505. FIRE LIABILITY PROVISION.**

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

13 *“(8) MODIFICATION.—Upon the request of the*
 14 *contractor, a contract or agreement under this section*
 15 *awarded before February 7, 2014, shall be modified*
 16 *by the Chief or Director to include the fire liability*
 17 *provisions described in paragraph (7).”.*

18 **SEC. 506. EXTENSION OF STEWARDSHIP CONTRACTING**
 19 **MAXIMUM TERM LIMITS.**

20 *(a) HEALTH FORESTS RESTORATION ACT.—Section*
 21 *604(d)(3)(B) of the Healthy Forests Restoration Act of 2003*
 22 *(16 U.S.C. 6591c(d)(3)(B)) is amended by striking “10*
 23 *years” and inserting “20 years”.*

24 *(b) NATIONAL FOREST MANAGEMENT ACT.—Section*
 25 *14(c) of the National Forest Management Act of 1976 (16*

1 *U.S.C. 472a(c)) is amended by striking “ten years” and*
 2 *inserting “20 years”.*

3 ***TITLE VI—ADDITIONAL FUNDING***
 4 ***SOURCES FOR FOREST MAN-***
 5 ***AGEMENT ACTIVITIES***

6 ***SEC. 601. DEFINITIONS.***

7 *In this title:*

8 (1) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
 9 *ty” means—*

10 (A) *a State or political subdivision of a*
 11 *State containing National Forest System lands*
 12 *or public lands;*

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

15 (C) *a rural electric company; and*

16 (D) *any other entity determined by the Sec-*
 17 *retary concerned to be appropriate for participa-*
 18 *tion in the Fund.*

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

1 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
 2 **NUES AND COLLABORATIVE FOREST LAND-**
 3 **SCAPE RESTORATION FUND TO COVER FOR-**
 4 **EST MANAGEMENT ACTIVITY PLANNING**
 5 **COSTS.**

6 (a) *AVAILABILITY OF STEWARDSHIP PROJECT REVE-*
 7 *NUES.*—Section 604(e)(2)(B) of the *Healthy Forests Res-*
 8 *toration Act of 2003* (16 U.S.C. 6591c(e)(2)(B)), as amend-
 9 *ed by section 503, is further amended by striking “appro-*
 10 *priation at the project site from which the monies are col-*
 11 *lected or at another project site.” and inserting the fol-*
 12 *lowing: “appropriation—*

13 *“(i) at the project site from which the*
 14 *monies are collected or at another project*
 15 *site; and*

16 *“(ii) to cover not more than 25 percent*
 17 *of the cost of planning additional steward-*
 18 *ship contracting projects.”.*

19 (b) *AVAILABILITY OF COLLABORATIVE FOREST LAND-*
 20 *SCAPE RESTORATION FUND.*—Section 4003(f)(1) of the *Om-*
 21 *nibus Public Land Management Act of 2009* (16 U.S.C.
 22 7303(f)(1)) is amended by striking “carrying out and” and
 23 inserting “planning, carrying out, and”.

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

3 (a) *STATE-SUPPORTED FOREST MANAGEMENT*
 4 *FUND.*—*There is established in the Treasury of the United*
 5 *States a fund, to be known as the “State-Supported Forest*
 6 *Management Fund”, to cover the cost of planning (espe-*
 7 *cially related to compliance with section 102 of the National*
 8 *Environmental Policy Act of 1969 (42 U.S.C. 4332)), car-*
 9 *rying out, and monitoring certain forest management ac-*
 10 *tivities on National Forest System lands or public lands.*

11 (b) *CONTENTS.*—*The State-Supported Forest Manage-*
 12 *ment Fund shall consist of such amounts as may be—*

13 (1) *contributed by an eligible entity for deposit*
 14 *in the Fund;*

15 (2) *appropriated to the Fund; or*

16 (3) *generated by forest management activities*
 17 *carried out using amounts in the Fund.*

18 (c) *GEOGRAPHICAL AND USE LIMITATIONS.*—*In mak-*
 19 *ing a contribution under subsection (b)(1), an eligible enti-*
 20 *ty may—*

21 (1) *specify the National Forest System lands or*
 22 *public lands for which the contribution may be ex-*
 23 *pended; and*

24 (2) *limit the types of forest management activi-*
 25 *ties for which the contribution may be expended.*

1 (d) *AUTHORIZED FOREST MANAGEMENT ACTIVI-*
 2 *TIES.*—*In such amounts as may be provided in advance*
 3 *in appropriation Acts, the Secretary concerned may use the*
 4 *Fund to plan, carry out, and monitor a forest management*
 5 *activity that—*

6 (1) *is developed through a collaborative process;*

7 (2) *is proposed by a resource advisory com-*
 8 *mittee;*

9 (3) *is covered by a community wildfire protec-*
 10 *tion plan.*

11 (e) *IMPLEMENTATION METHODS.*—*A forest manage-*
 12 *ment activity carried out using amounts in the Fund may*
 13 *be carried out using a contract or agreement under section*
 14 *604 of the Healthy Forests Restoration Act of 2003 (16*
 15 *U.S.C. 6591c), the good neighbor authority provided by sec-*
 16 *tion 8206 of the Agricultural Act of 2014 (16 U.S.C.*
 17 *2113a), a contract under section 14 of the National Forest*
 18 *Management Act of 1976 (16 U.S.C. 472a), or other author-*
 19 *ity available to the Secretary concerned, but revenues gen-*
 20 *erated by the forest management activity shall be used to*
 21 *reimburse the Fund for planning costs covered using*
 22 *amounts in the Fund.*

23 (f) *RELATION TO OTHER LAWS.*—

24 (1) *REVENUE SHARING.*—*Subject to subsection*

25 (e), *revenues generated by a forest management activ-*

1 *ity carried out using amounts from the Fund shall be*
2 *considered monies received from the National Forest*
3 *System.*

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

9 (g) *TERMINATION OF FUND.—*

10 (1) *TERMINATION.—The Fund shall terminate*
11 *10 years after the date of the enactment of this Act.*

12 (2) *EFFECT OF TERMINATION.—Upon the termi-*
13 *nation of the Fund pursuant to paragraph (1) or*
14 *pursuant to any other provision of law, unobligated*
15 *contributions remaining in the Fund shall be re-*
16 *turned to the eligible entity that made the contribu-*
17 *tion.*

1 **TITLE VII—TRIBAL FORESTRY**
 2 **PARTICIPATION AND PROTEC-**
 3 **TION**

4 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
 5 **THROUGH USE OF STEWARDSHIP END RE-**
 6 **SULT CONTRACTING AND OTHER AUTHORI-**
 7 **TIES.**

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

11 (1) in paragraph (1), by striking “Not later than
 12 120 days after the date on which an Indian tribe sub-
 13 mits to the Secretary” and inserting “In response to
 14 the submission by an Indian Tribe of”; and

15 (2) by adding at the end the following new para-
 16 graph:

17 “(4) *TIME PERIODS FOR CONSIDERATION.*—

18 “(A) *INITIAL RESPONSE.*—Not later than
 19 120 days after the date on which the Secretary
 20 receives a Tribal request under paragraph (1),
 21 the Secretary shall provide an initial response to
 22 the Indian Tribe regarding—

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

1 “(ii) the likelihood of the Secretary en-
 2 tering into an agreement or contract with
 3 the Indian Tribe under paragraph (2) for
 4 activities described in paragraph (3).

5 “(B) NOTICE OF DENIAL.—Notice under
 6 subsection (d) of the denial of a Tribal request
 7 under paragraph (1) shall be provided not later
 8 than 1 year after the date on which the Sec-
 9 retary received the request.

10 “(C) COMPLETION.—Not later than 2 years
 11 after the date on which the Secretary receives a
 12 Tribal request under paragraph (1), other than
 13 a Tribal request denied under subsection (d), the
 14 Secretary shall—

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

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

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

1 (1) in subsections (b)(1) and (f)(1), by striking
 2 “section 347 of the Department of the Interior and
 3 Related Agencies Appropriations Act, 1999 (16
 4 U.S.C. 2104 note; Public Law 105–277) (as amended
 5 by section 323 of the Department of the Interior and
 6 Related Agencies Appropriations Act, 2003 (117 Stat.
 7 275))” and inserting “section 604 of the Healthy For-
 8 ests Restoration Act of 2003 (16 U.S.C. 6591c)”; and
 9 (2) in subsection (d), by striking “subsection
 10 (b)(1), the Secretary may” and inserting “paragraphs
 11 (1) and (4)(B) of subsection (b), the Secretary shall”.

12 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
 13 **IZED TO INCLUDE RELATED NATIONAL FOR-**
 14 **EST SYSTEM LANDS AND PUBLIC LANDS.**

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

18 “(c) **INCLUSION OF CERTAIN NATIONAL FOREST SYS-**
 19 **TEM LAND AND PUBLIC LAND.**—

20 “(1) **AUTHORITY.**—At the request of an Indian
 21 Tribe, the Secretary concerned may agree to treat
 22 Federal forest land as Indian forest land for purposes
 23 of planning and conducting forest land management
 24 activities under this section if the Federal forest land
 25 is located within, or mostly within, a geographic area

1 *that presents a feature or involves circumstances*
2 *principally relevant to that Indian Tribe, such as*
3 *Federal forest land ceded to the United States by trea-*
4 *ty, Federal forest land within the boundaries of a cur-*
5 *rent or former reservation, or Federal forest land ad-*
6 *judicated to be Tribal homelands.*

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

11 “(A) *provide for continued public access ap-*
12 *plicable to the Federal forest land prior to the*
13 *agreement, except that the Secretary concerned*
14 *may limit or prohibit such access as needed;*

15 “(B) *continue sharing revenue generated by*
16 *the Federal forest land with State and local gov-*
17 *ernments either—*

18 “(i) *on the terms applicable to the Fed-*
19 *eral forest land prior to the agreement, in-*
20 *cluding, where applicable, 25-percent pay-*
21 *ments or 50-percent payments; or*

22 “(ii) *at the option of the Indian Tribe,*
23 *on terms agreed upon by the Indian Tribe,*
24 *the Secretary concerned, and State and*
25 *county governments participating in a rev-*

1 *enue sharing agreement for the Federal for-*
2 *est land;*

3 “(C) *comply with applicable prohibitions*
4 *on the export of unprocessed logs harvested from*
5 *the Federal forest land;*

6 “(D) *recognize all right-of-way agreements*
7 *in place on Federal forest land prior to com-*
8 *mencement of Tribal management activities;*

9 “(E) *ensure that all commercial timber re-*
10 *moved from the Federal forest land is sold on a*
11 *competitive bid basis; and*

12 “(F) *cooperate with the appropriate State*
13 *fish and wildlife agency to achieve mutual agree-*
14 *ment on the management of fish and wildlife.*

15 “(3) *LIMITATION.—Treating Federal forest land*
16 *as Indian forest land for purposes of planning and*
17 *conducting management activities pursuant to para-*
18 *graph (1) shall not be construed to designate the Fed-*
19 *eral forest land as Indian forest lands for any other*
20 *purpose.*

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

22 “(A) *FEDERAL FOREST LAND.—The term*
23 *‘Federal forest land’ means—*

24 “(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 en-

1 *tered into under the Indian Self-Determination and Edu-*
 2 *cation Assistance Act (25 U.S.C. 5304 et seq.).*

3 **SEC. 704. RULE OF APPLICATION.**

4 *Nothing in this title, or the amendments made by this*
 5 *title, shall be construed as interfering with, diminishing,*
 6 *or conflicting with the authority, jurisdiction, or responsi-*
 7 *bility of any State to exercise primary management, con-*
 8 *trol, or regulation of fish and wildlife on land or water*
 9 *within the State (including on public land) under State*
 10 *law.*

11 **TITLE VIII—EXPEDITING**
 12 **INTERAGENCY CONSULTATION**
 13 **Subtitle A—Forest Plans Not**
 14 **Considered Major Federal Actions**

15 **SEC. 801. FOREST PLANS NOT CONSIDERED MAJOR FED-**
 16 **ERAL ACTIONS.**

17 *The development, maintenance, amendment, and revi-*
 18 *sion of a forest plan shall not be considered a major Federal*
 19 *action for purposes of section 102 of the National Environ-*
 20 *mental Policy Act of 1969 (42 U.S.C. 4332).*

1 ***Subtitle B—Agency Consultation***

2 ***SEC. 811. CONSULTATION UNDER FOREST AND RANGELAND***
 3 ***RENEWABLE RESOURCES PLANNING ACT OF***
 4 ***1974.***

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

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

10 *“(d) PUBLIC PARTICIPATION AND CONSULTATION.—*

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

12 *(2) by adding at the end the following:*

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

15 *“(A) IN GENERAL.—Notwithstanding any*
 16 *other provision of law, the Secretary shall not be*
 17 *required to engage in consultation under this*
 18 *subsection or any other provision of law (includ-*
 19 *ing section 7 of the Endangered Species Act (16*
 20 *U.S.C. 1536) and section 402.16 of title 50, Code*
 21 *of Federal Regulations (or a successor regula-*
 22 *tion)) with respect to—*

23 *“(i) if a land management plan ap-*
 24 *proved by the Secretary—*

1 “(I) the listing of a species as
2 threatened or endangered, or a designa-
3 tion of critical habitat pursuant to the
4 Endangered Species Act (16 U.S.C.
5 1531 *et seq.*);

6 “(II) whether the amount or ex-
7 tent of taking specified in the inci-
8 dental take statement is exceeded;

9 “(III) whether new information
10 reveals effects of the action that may
11 affect listed species or critical habitat
12 in a manner or to an extent not pre-
13 viously considered; or

14 “(IV) whether the identified ac-
15 tion is subsequently modified in a
16 manner that causes an effect to the list-
17 ed species or critical habitat that was
18 not considered in the biological opin-
19 ion; or

20 “(ii) any provision of a land manage-
21 ment plan adopted as described in clause
22 (i).

23 “(B) EFFECT OF PARAGRAPH.—Nothing in
24 this paragraph affects any applicable require-

ment of the Secretary to consult with the head of
any other Federal department or agency—

“(i) regarding any project, including a
project carried out, or proposed to be car-
ried out, in an area designated as critical
habitat pursuant to the Endangered Species
Act (16 U.S.C. 1531 *et seq.*); or

“(ii) with respect to the development of
an amendment to a land management plan
that would result in a significant change in
the land management plan.

“(3) LAND MANAGEMENT PLAN CONSIDERED A
NON-DISCRETIONARY ACTION.—For purposes of the
Endangered Species Act of 1973 (16 U.S.C. 1531 *et*
seq.), a forest management activity carried out by the
Secretary concerned pursuant to this Act shall be con-
sidered a non-discretionary action.”.

(b) DEFINITION OF SECRETARY; CONFORMING AMEND-
MENTS.—

(1) DEFINITION OF SECRETARY.—Section 3(a) of
the Forest and Rangeland Renewable Resources Plan-
ning 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 ‘Sec-
retary’)” after “Secretary of Agriculture”.

1 (2) *CONFORMING AMENDMENTS.*—*The Forest and*
 2 *Rangeland Renewable Resources Planning Act of*
 3 *1974 (16 U.S.C. 1600 et seq.) is amended, in sections*
 4 *4 through 9, 12, 13, and 15, by striking “Secretary*
 5 *of Agriculture” each place it appears and inserting*
 6 *“Secretary”.*

7 **SEC. 812. CONSULTATION UNDER FEDERAL LAND POLICY**
 8 **AND MANAGEMENT ACT OF 1976.**

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

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

13 *“(f) PUBLIC INVOLVEMENT.—*

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

15 *(2) by adding at the end the following:*

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

18 *“(A) IN GENERAL.—Notwithstanding any*
 19 *other provision of law, the Secretary shall not be*
 20 *required to engage in consultation under this*
 21 *subsection or any other provision of law (includ-*
 22 *ing section 7 of the Endangered Species Act (16*
 23 *U.S.C. 1536) and section 402.16 of title 50, Code*
 24 *of Federal Regulations (or a successor regula-*
 25 *tion)), with respect to—*

1 “(i) the listing of a species as threat-
2 ened or endangered, or a designation of crit-
3 ical habitat, pursuant to the Endangered
4 Species Act (16 U.S.C. 1531 et seq.), if a
5 land use plan has been adopted by the Sec-
6 retary as of the date of listing or designa-
7 tion; or

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

10 “(B) EFFECT OF PARAGRAPH.—

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

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

23 “(II) any reference contained in
24 that section to the Forest Service shall

1 *be deemed to be a reference to the Bu-*
2 *reau of Land Management; and*

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

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

12 *“(I) regarding a project carried*
13 *out, or proposed to be carried out, with*
14 *respect to a species listed as threatened*
15 *or endangered, or in an area des-*
16 *ignated as critical habitat, pursuant to*
17 *the Endangered Species Act (16 U.S.C.*
18 *1531 et seq.); or*

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

23 *“(3) LAND USE PLAN CONSIDERED NON-DISCRE-*
24 *TIONARY ACTION.—For purposes of the Endangered*
25 *Species Act of 1973 (16 U.S.C. 1531 et seq.), a forest*

1 *management activity carried out by the Secretary*
 2 *concerned pursuant to this Act shall be considered a*
 3 *non-discretionary action.”.*

4 ***TITLE IX—MISCELLANEOUS***
 5 ***Subtitle A—Forest Management***
 6 ***Provisions***

7 ***SEC. 901. CLARIFICATION OF EXISTING CATEGORICAL EX-***
 8 ***CLUSION AUTHORITY RELATED TO INSECT***
 9 ***AND DISEASE INFESTATION.***

10 *Section 603(c)(2)(B) of the Healthy Forests Restora-*
 11 *tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended by*
 12 *striking “Fire Regime Groups I, II, or III” and inserting*
 13 *“Fire Regime I, Fire Regime II, Fire Regime III, Fire Re-*
 14 *gime IV, or Fire Regime V”.*

15 ***SEC. 902. REVISION OF ALTERNATE CONSULTATION AGREE-***
 16 ***MENT REGULATIONS.***

17 *Not later than 90 days after the date of the enactment*
 18 *of this section, the Secretary of the Interior and the Sec-*
 19 *retary of Commerce shall revise section 402.13 of title 50,*
 20 *Code of Federal Regulations, to—*

21 *(1) authorize Federal agencies to enter into alter-*
 22 *native consultation agreements under which the Fed-*
 23 *eral agency may determine if an action such agency*
 24 *authorizes is likely to adversely affect listed species or*
 25 *critical habitat; and*

1 (2) *if an agency determines such action will not*
 2 *likely adversely affect listed species or critical habitat*
 3 *pursuant to paragraph (1), not require such agency*
 4 *to complete a formal consultation, informal consulta-*
 5 *tion, or written concurrence of the U.S. Fish and*
 6 *Wildlife Service or the National Marine Fisheries*
 7 *Service with respect to such action.*

8 **SEC. 903. REVISION OF EXTRAORDINARY CIRCUMSTANCES**
 9 **REGULATIONS.**

10 (a) *DETERMINATIONS OF EXTRAORDINARY CIR-*
 11 *CUMSTANCES.—In determining whether extraordinary cir-*
 12 *cumstances related to a proposed action preclude use of a*
 13 *categorical exclusion, the Forest Service shall not be re-*
 14 *quired to—*

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

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

19 (3) *conduct an analysis under section 220.4(f) of*
 20 *title 36, Code of Federal Regulations, of the proposed*
 21 *action's cumulative impact (as the term is defined in*
 22 *section 1508.7 of title 40, Code of Federal Regula-*
 23 *tions);*

24 (4) *consider a determination under section 7 of*
 25 *the Endangered Species Act of 1973 (16 U.S.C. 1536)*

1 that a proposed action may affect, but is not likely
2 to adversely affect, threatened, endangered, or can-
3 didate species, or designated critical habitats; or

4 (5) consider a determination under section 7 of
5 the Endangered Species Act of 1973 (16 U.S.C. 1536)
6 that a proposed action may affect, and is likely to ad-
7 versely affect threatened, endangered, candidate spe-
8 cies, or designated critical habitat if the agency is in
9 compliance with the applicable provisions of the bio-
10 logical opinion.

11 (b) *PROPOSED RULEMAKING.*—Not later than 60 days
12 after the date of enactment of this Act, the Secretary of Ag-
13 riculture shall publish a notice of proposed rulemaking to
14 revise section 220.6(b) of title 36, Code of Federal Regula-
15 tions to conform such section with subsection (a).

16 (c) *ADDITIONAL REVISION.*—As part of the proposed
17 rulemaking described in subsection (b), the Secretary of Ag-
18 riculture shall revise section 220.5(a)(2) of title 36, Code
19 of Federal Regulations, to provide that the Forest Service
20 shall not be required to consider proposals that would sub-
21 stantially alter a potential wilderness area as a class of
22 actions normally requiring environmental impact state-
23 ments.

24 (d) *ADDITIONAL ACTIONS.*—Not later than 120 days
25 after the date of enactment of this Act, the Secretary of Ag-

1 *riculture shall issue final regulations to carry out the revi-*
 2 *sions described in subsections (b) and (c).*

3 **SEC. 904. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
 4 **MISSIONING.**

5 *(a) CONSULTATION WITH AFFECTED COUNTY.—When-*
 6 *ever any Forest Service defined maintenance level one- or*
 7 *two-system road within a designated high-fire prone area*
 8 *of a unit of the National Forest System is considered for*
 9 *decommissioning, the Forest Supervisor of that unit of the*
 10 *National Forest System shall—*

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

14 *(2) solicit possible alternatives to decommis-*
 15 *sioning the road.*

16 *(b) PERIOD PRIOR TO DECOMMISSION.—A Forest*
 17 *Service road described in subsection (a) may not be decom-*
 18 *missioned without the advance approval of the Regional*
 19 *Forester.*

20 **SEC. 905. PROHIBITION ON APPLICATION OF EASTSIDE**
 21 **SCREENS REQUIREMENTS ON NATIONAL FOR-**
 22 **EST SYSTEM LANDS.**

23 *(a) REPEAL OF EASTSIDE SCREENS REQUIRE-*
 24 *MENTS.—Notwithstanding any other provision of law, the*
 25 *Secretary of Agriculture shall immediately withdraw the*

1 *Interim Management Direction Establishing Riparian,*
 2 *Ecosystem, and Wildlife Standards for Timber Sales (com-*
 3 *monly known as the Eastside Screens requirements), in-*
 4 *cluding all preceding or associated versions of these amend-*
 5 *ments.*

6 (b) *EFFECT OF REPEAL.*—*On and after the date of the*
 7 *enactment of this Act, the Secretary of Agriculture may not*
 8 *apply to National Forest System lands any of the amend-*
 9 *ments repealed under subsection (a).*

10 **SEC. 906. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
 11 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
 12 **TIES.**

13 *If the Secretary concerned determines that, in order*
 14 *to conduct a project or carry out an activity implementing*
 15 *a forest plan, an amendment to the forest plan is required,*
 16 *the Secretary concerned shall execute such amendment as*
 17 *a nonsignificant plan amendment through the record of de-*
 18 *cision or decision notice for the project or activity.*

19 **SEC. 907. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

20 (a) *DEPOSITS OF FUNDS FROM NATIONAL FOREST*
 21 *TIMBER PURCHASERS REQUIRED.*—*Section 3(a) of the Act*
 22 *of June 9, 1930 (commonly known as the Knutson-Vanden-*
 23 *berg Act; 16 U.S.C. 576b(a)), is amended by striking “The*
 24 *Secretary” and all that follows through “any purchaser”*

1 *and inserting the following: “The Secretary of Agriculture*
 2 *shall require each purchaser”.*

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

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

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

9 *(2) by redesignating subsection (c) as subsection*
 10 *(d); and*

11 *(3) by inserting before subsection (d), as so redes-*
 12 *ignated, the following new subsection (c):*

13 *“(c)(1) Amounts in the special fund established pursu-*
 14 *ant to this section—*

15 *“(A) shall be used exclusively to implement ac-*
 16 *tivities authorized by subsection (a); and*

17 *“(B) may be used anywhere within the Forest*
 18 *Service Region from which the original deposits were*
 19 *collected.*

20 *“(2) The Secretary of Agriculture may not deduct over-*
 21 *head costs from the funds collected under subsection (a), ex-*
 22 *cept as needed to fund personnel of the responsible Ranger*
 23 *District for the planning and implementation of the activi-*
 24 *ties authorized by subsection (a).”.*

1 **SEC. 908. APPLICATION OF NORTHWEST FOREST PLAN SUR-**
 2 **VEY AND MANAGE MITIGATION MEASURE**
 3 **STANDARD AND GUIDELINES.**

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

7 **SEC. 909. RECONSTRUCTION AND REPAIR INCLUDED IN**
 8 **GOOD NEIGHBOR AGREEMENTS.**

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

11 *(1) in subparagraph (A)—*

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

13 *(B) by redesignating clause (iii) as clause*
 14 *(iv); and*

15 *(C) by inserting after clause (ii) the fol-*
 16 *lowing new clause:*

17 *“(iii) construction, reconstruction, re-*
 18 *pair or restoration of roads as necessary to*
 19 *achieve project objectives; and”;* and

20 *(2) by amending subparagraph (B) to read as*
 21 *follows:*

22 *“(B) EXCLUSIONS.—The term ‘forest, range-*
 23 *land, and watershed restoration services’ does not*
 24 *include construction, alteration, repair or re-*
 25 *placement of public buildings or works.”.*

1 **SEC. 910. LOGGING AND MECHANIZED OPERATIONS.**

2 *The Fair Labor Standards Act of 1938 (29 U.S.C. 201*
3 *et seq.) is amended—*

4 *(1) in section 3 (29 U.S.C. 203)—*

5 *(A) in subsection (l), by striking “well-*
6 *being.” and inserting “well-being, and that em-*
7 *ployment of employees ages sixteen or seventeen*
8 *years in a logging or mechanized operation in*
9 *an occupation that the Secretary of Labor finds*
10 *and declares to be particularly hazardous for the*
11 *employment of individuals of such ages shall not*
12 *be deemed to constitute oppressive child labor if*
13 *such employee is employed by his parent or by*
14 *a person standing in the place of his parent in*
15 *a logging or mechanized operation owned or op-*
16 *erated by such parent or person.”; and*

17 *(B) by adding at the end the following:*

18 *“(z)(1) ‘Logging’—*

19 *“(A) means—*

20 *“(i) the felling, skidding, yarding, loading*
21 *and processing of timber by equipment other*
22 *than manually operated chainsaws and cable*
23 *skidders;*

24 *“(ii) the felling of timber in mechanized op-*
25 *erations;*

1 “(iii) the bucking or converting of timber
2 into logs, poles, ties, bolts, pulpwood, chemical
3 wood, excelsior wood, cordwood, fence posts, or
4 similar products;

5 “(iv) the collecting, skidding, yarding, load-
6 ing, transporting and unloading of such prod-
7 ucts in connection with logging;

8 “(v) the constructing, repairing and main-
9 taining of roads or camps used in connection
10 with logging; the constructing, repairing, and
11 maintenance of machinery or equipment used in
12 logging; and

13 “(vi) other work performed in connection
14 with logging; and

15 “(B) does not include the manual use of chain
16 saws to fell and process timber and the use of cable
17 skidders to bring the timber to the landing.

18 “(2) ‘Mechanized operation’—

19 “(A) means the felling, skidding, yarding, load-
20 ing and processing of timber by equipment other than
21 manually operated chainsaws and cable skidders; and

22 “(B) includes whole tree processors, cut-to-length
23 processors, stroke boom delimiters, wheeled and track
24 feller-bunchers, pull thru delimiters, wheeled and track
25 forwarders, chippers, grinders, mechanical debarkers,

1 *wheeled and track grapple skidders, yarders, bull-*
 2 *dozers, excavators, and log loaders.”; and*

3 *(2) in section 13(c) (29 U.S.C. 211(c)), by add-*
 4 *ing at the end the following:*

5 *“(8) The provisions of section 12 relating to child labor*
 6 *shall apply to an employee who is 16 or 17 years old em-*
 7 *ployed in a logging or mechanized operation in an occupa-*
 8 *tion that the Secretary of Labor finds and declares to be*
 9 *particularly hazardous for the employment of children ages*
 10 *16 or 17, except where such employee is employed by his*
 11 *parent or by a person standing in the place of his parent*
 12 *in a logging or mechanized operation owned or operated*
 13 *by such parent or person.”.*

14 ***Subtitle B—Oregon and California***
 15 ***Railroad Grant Lands and Coos***
 16 ***Bay Wagon Road Grant Lands***

17 ***SEC. 911. AMENDMENTS TO THE ACT OF AUGUST 28, 1937.***

18 *The first section of the Act of August 28, 1937 (50 Stat.*
 19 *874; 43 U.S.C. 2601 et seq.), is amended—*

20 *(1) by striking “principal of sustained yield”*
 21 *and inserting “principle of sustained yield”;*

22 *(2) by striking “facilties” and inserting “facili-*
 23 *ties”;* and

1 (3) by striking “That timber from said lands in
 2 an amount” and inserting “That timber from said
 3 lands in the amount that is the greater of:”.

4 **SEC. 912. OREGON AND CALIFORNIA RAILROAD GRANT**
 5 **LANDS AND COOS BAY WAGON ROAD GRANT**
 6 **LANDS PERMANENT RIGHTS OF ACCESS.**

7 (a) *CREATION OF PERMANENT RIGHTS OF ACCESS RE-*
 8 *QUIRED.*—Notwithstanding any other provision of law, on
 9 the date of the enactment of this section, reciprocal road
 10 right-of-way permits, grants, and agreements issued to a
 11 private landowner by the Secretary of the Interior pursuant
 12 to subpart 2812 of part 2810 of title 43, Code of Federal
 13 Regulations, or its predecessor regulation shall become per-
 14 manent rights of access that are recordable and that shall
 15 run with the land.

16 (b) *RECORDS UPDATED.*—Not later than 60 days after
 17 the date of the enactment of this Act, the reciprocal road
 18 right-of-way permits, grants, and agreements described in
 19 subsection (a) shall be amended to reflect the permanent
 20 rights of access required under subsection (a) and recorded
 21 by the Secretary of the Interior in each county where the
 22 lands are located. No other amendments shall be made to
 23 such right-of-way permits, grants, and agreements.

1 **SEC. 913. MANAGEMENT OF BUREAU OF LAND MANAGE-**
 2 **MENT LANDS IN WESTERN OREGON.**

3 (a) *IN GENERAL.*—All of the public land managed by
 4 the Bureau of Land Management in the Northwest District,
 5 Roseburg District, Coos Bay District, Medford District, and
 6 the Klamath Resource Area of the Lakeview District in the
 7 State of Oregon shall hereafter be managed pursuant to title
 8 I of the of the Act of August 28, 1937 (43 U.S.C. 1181a
 9 through 1181e). Except as provided in subsection (b), all
 10 of the revenue produced from such land shall be deposited
 11 in the Treasury of the United States in the Oregon and
 12 California land-grant fund and be subject to the provisions
 13 of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

14 (b) *CERTAIN LANDS EXCLUDED.*—Subsection (a) does
 15 not apply to any revenue that is required to be deposited
 16 in the Coos Bay Wagon Road grant fund pursuant to sec-
 17 tions 1 through 4 of the Act of May 24, 1939 (43 U.S.C.
 18 1181f et seq.).

19 **Subtitle C—Timber Innovation**

20 **SEC. 921. DEFINITIONS.**

21 *In this subtitle:*

22 (1) *INNOVATIVE WOOD PRODUCT.*—The term “in-
 23 novative wood product” means a type of building
 24 component or system that uses large panelized wood
 25 construction, including mass timber.

1 (2) *MASS TIMBER.*—*The term “mass timber” in-*
 2 *cludes—*

3 *(A) cross-laminated timber;*

4 *(B) nail laminated timber;*

5 *(C) glue laminated timber;*

6 *(D) laminated strand lumber; and*

7 *(E) laminated veneer lumber.*

8 (3) *SECRETARY.*—*The term “Secretary” means*
 9 *the Secretary of Agriculture, acting through the Re-*
 10 *search and Development deputy area and the State*
 11 *and Private Forestry deputy area of the Forest Serv-*
 12 *ice.*

13 (4) *TALL WOOD BUILDING.*—*The term “tall wood*
 14 *building” means a building designed to be—*

15 *(A) constructed with mass timber; and*

16 *(B) more than 85 feet in height.*

17 **SEC. 922. CLARIFICATION OF RESEARCH AND DEVELOP-**
 18 **MENT PROGRAM FOR WOOD BUILDING CON-**
 19 **STRUCTION.**

20 (a) *IN GENERAL.*—*The Secretary shall conduct per-*
 21 *formance-driven research and development, education, and*
 22 *technical assistance for the purpose of facilitating the use*
 23 *of innovative wood products in wood building construction*
 24 *in the United States.*

1 (b) *ACTIVITIES.*—*In carrying out subsection (a), the*
2 *Secretary shall—*

3 (1) *after receipt of input and guidance from,*
4 *and collaboration with, the wood products industry,*
5 *conservation organizations, and institutions of higher*
6 *education, conduct research and development, edu-*
7 *cation, and technical assistance at the Forest Prod-*
8 *ucts Laboratory or through the State and Private*
9 *Forestry deputy area that meets measurable perform-*
10 *ance goals for the achievement of the priorities de-*
11 *scribed in subsection (c); and*

12 (2) *after coordination and collaboration with the*
13 *wood products industry and conservation organiza-*
14 *tions, make competitive grants to institutions of high-*
15 *er education to conduct research and development,*
16 *education, and technical assistance that meets meas-*
17 *urable performance goals for the achievement of the*
18 *priorities described in subsection (c).*

19 (c) *PRIORITIES.*—*The research and development, edu-*
20 *cation, and technical assistance conducted under subsection*
21 *(a) shall give priority to—*

22 (1) *ways to improve the commercialization of in-*
23 *novative wood products;*

24 (2) *analyzing the safety of tall wood building*
25 *materials;*

1 (3) *calculations by the Forest Products Labora-*
 2 *tory of the life cycle environmental footprint, from ex-*
 3 *traction of raw materials through the manufacturing*
 4 *process, of tall wood building construction;*

5 (4) *analyzing methods to reduce the life cycle en-*
 6 *vironmental footprint of tall wood building construc-*
 7 *tion;*

8 (5) *analyzing the potential implications of the*
 9 *use of innovative wood products in building construc-*
 10 *tion on wildlife; and*

11 (6) *one or more other research areas identified*
 12 *by the Secretary, in consultation with conservation*
 13 *organizations, institutions of higher education, and*
 14 *the wood products industry.*

15 (d) *TIMEFRAME.—To the maximum extent practicable,*
 16 *the measurable performance goals for the research and de-*
 17 *velopment, education, and technical assistance conducted*
 18 *under subsection (a) shall be achievable within a 5-year*
 19 *timeframe.*

20 ***TITLE X—MAJOR DISASTER FOR*** 21 ***WILDFIRE ON FEDERAL LAND***

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

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

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

3 “(2) *MAJOR DISASTER.—*

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

6 (2) *by adding at the end the following:*

7 *“(B) MAJOR DISASTER FOR WILDFIRE ON*
 8 *FEDERAL LANDS.—The term ‘major disaster for*
 9 *wildfire on Federal lands’ means any wildfire or*
 10 *wildfires, which in the determination of the*
 11 *President under section 802 warrants assistance*
 12 *under section 803 to supplement the efforts and*
 13 *resources of the Department of the Interior or the*
 14 *Department of Agriculture—*

15 *“(i) on Federal lands; or*

16 *“(ii) on non-Federal lands pursuant to*
 17 *a fire protection agreement or cooperative*
 18 *agreement.”.*

19 **SEC. 1002. DECLARATION OF A MAJOR DISASTER FOR WILD-**
 20 **FIRE ON FEDERAL LANDS.**

21 *The Robert T. Stafford Disaster Relief and Emergency*
 22 *Assistance Act (42 U.S.C. 5170 et seq.) is amended by add-*
 23 *ing at the end the following:*

1 **“TITLE VIII—MAJOR DISASTER**
 2 **FOR WILDFIRE ON FEDERAL**
 3 **LAND**

4 **“SEC. 801. DEFINITIONS.**

5 *“As used in this title—*

6 *“(1) FEDERAL LAND.—The term ‘Federal land’*
 7 *means—*

8 *“(A) any land under the jurisdiction of the*
 9 *Department of the Interior; and*

10 *“(B) any land under the jurisdiction of the*
 11 *United States Forest Service.*

12 *“(2) FEDERAL LAND MANAGEMENT AGENCIES.—*
 13 *The term ‘Federal land management agencies’*
 14 *means—*

15 *“(A) the Bureau of Land Management;*

16 *“(B) the National Park Service;*

17 *“(C) the Bureau of Indian Affairs;*

18 *“(D) the United States Fish and Wildlife*
 19 *Service; and*

20 *“(E) the United States Forest Service.*

21 *“(3) WILDFIRE SUPPRESSION OPERATIONS.—The*
 22 *term ‘wildfire suppression operations’ means the*
 23 *emergency and unpredictable aspects of wildland fire-*
 24 *fighting, including support, response, emergency sta-*
 25 *bilization activities, and other emergency manage-*

1 *ment activities of wildland firefighting on Federal*
 2 *lands (or on non-Federal lands pursuant to a fire*
 3 *protection agreement or cooperative agreement) by the*
 4 *Federal land management agencies covered by the*
 5 *wildfire suppression subactivity of the Wildland Fire*
 6 *Management account or the FLAME Wildfire Sup-*
 7 *pression Reserve Fund account of the Federal land*
 8 *management agencies.*

9 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
 10 **DISASTER FOR WILDFIRE ON FEDERAL**
 11 **LANDS.**

12 *“(a) IN GENERAL.—The Secretary of the Interior or*
 13 *the Secretary of Agriculture may submit a request to the*
 14 *President consistent with the requirements of this title for*
 15 *a declaration by the President that a major disaster for*
 16 *wildfire on Federal lands exists.*

17 *“(b) REQUIREMENTS.—A request for a declaration by*
 18 *the President that a major disaster for wildfire on Federal*
 19 *lands exists shall—*

20 *“(1) be made in writing by the respective Sec-*
 21 *retary;*

22 *“(2) certify that the amount appropriated in the*
 23 *current fiscal year for wildfire suppression operations*
 24 *of the Federal land management agencies under the*
 25 *jurisdiction of the respective Secretary, net of any*

1 *concurrently enacted rescissions of wildfire suppres-*
2 *sion funds, increases the total unobligated balance of*
3 *amounts available for wildfire suppression by an*
4 *amount equal to or greater than the average total*
5 *costs incurred by the Federal land management agen-*
6 *cies per year for wildfire suppression operations, in-*
7 *cluding the suppression costs in excess of appro-*
8 *priated amounts, over the previous ten fiscal years;*

9 *“(3) certify that the amount available for wild-*
10 *fire suppression operations of the Federal land man-*
11 *agement agencies under the jurisdiction of the respec-*
12 *tive Secretary will be obligated not later than 30 days*
13 *after such Secretary notifies the President that wild-*
14 *fire suppression funds will be exhausted to fund ongo-*
15 *ing and anticipated wildfire suppression operations*
16 *related to the wildfire on which the request for the*
17 *declaration of a major disaster for wildfire on Federal*
18 *lands pursuant to this title is based; and*

19 *“(4) specify the amount required in the current*
20 *fiscal year to fund wildfire suppression operations re-*
21 *lated to the wildfire on which the request for the dec-*
22 *laration of a major disaster for wildfire on Federal*
23 *lands pursuant to this title is based.*

24 *“(c) DECLARATION.—Based on the request of the re-*
25 *spective Secretary under this title, the President may de-*

1 *clare that a major disaster for wildfire on Federal lands*
 2 *exists.*

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

4 “(a) *IN GENERAL.*—*In a major disaster for wildfire*
 5 *on Federal lands, the President may transfer funds, only*
 6 *from the account established pursuant to subsection (b), to*
 7 *the Secretary of the Interior or the Secretary of Agriculture*
 8 *to conduct wildfire suppression operations on Federal lands*
 9 *(and non-Federal lands pursuant to a fire protection agree-*
 10 *ment or cooperative agreement).*

11 “(b) *WILDFIRE SUPPRESSION OPERATIONS AC-*
 12 *COUNT.*—*The President shall establish a specific account for*
 13 *the assistance available pursuant to a declaration under*
 14 *section 802. Such account may only be used to fund assist-*
 15 *ance pursuant to this title.*

16 “(c) *LIMITATION.*—

17 “(1) *LIMITATION OF TRANSFER.*—*The assistance*
 18 *available pursuant to a declaration under section 802*
 19 *is limited to the transfer of the amount requested pur-*
 20 *suant to section 802(b)(4). The assistance available*
 21 *for transfer shall not exceed the amount contained in*
 22 *the wildfire suppression operations account estab-*
 23 *lished pursuant to subsection (b).*

24 “(2) *TRANSFER OF FUNDS.*—*Funds under this*
 25 *section shall be transferred from the wildfire suppres-*

1 *sion operations account to the wildfire suppression*
 2 *subactivity of the Wildland Fire Management Ac-*
 3 *count.*

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

8 “(e) *REIMBURSEMENT FOR WILDFIRE SUPPRESSION*
 9 *OPERATIONS ON NON-FEDERAL LAND.—If amounts trans-*
 10 *ferred under subsection (c) are used to conduct wildfire sup-*
 11 *pression operations on non-Federal land, the respective Sec-*
 12 *retary shall—*

13 “(1) *secure reimbursement for the cost of such*
 14 *wildfire suppression operations conducted on the non-*
 15 *Federal land; and*

16 “(2) *transfer the amounts received as reimburse-*
 17 *ment to the wildfire suppression operations account*
 18 *established pursuant to subsection (b).*

19 “(f) *ANNUAL ACCOUNTING AND REPORTING REQUIRE-*
 20 *MENTS.—Not later than 90 days after the end of each fiscal*
 21 *year for which assistance is received pursuant to this sec-*
 22 *tion, the respective Secretary shall submit to the Committees*
 23 *on Agriculture, Appropriations, the Budget, Natural Re-*
 24 *sources, and Transportation and Infrastructure of the*
 25 *House of Representatives and the Committees on Agri-*

1 *culture, Nutrition, and Forestry, Appropriations, the Budg-*
2 *et, Energy and Natural Resources, Homeland Security and*
3 *Governmental Affairs, and Indian Affairs of the Senate,*
4 *and make available to the public, a report that includes*
5 *the following:*

6 “(1) *The risk-based factors that influenced man-*
7 *agement decisions regarding wildfire suppression op-*
8 *erations of the Federal land management agencies*
9 *under the jurisdiction of the Secretary concerned.*

10 “(2) *Specific discussion of a statistically signifi-*
11 *cant sample of large fires, in which each fire is ana-*
12 *lyzed for cost drivers, effectiveness of risk management*
13 *techniques, resulting positive or negative impacts of*
14 *fire on the landscape, impact of investments in pre-*
15 *paredness, suggested corrective actions, and such other*
16 *factors as the respective Secretary considers appro-*
17 *priate.*

18 “(3) *Total expenditures for wildfire suppression*
19 *operations of the Federal land management agencies*
20 *under the jurisdiction of the respective Secretary, bro-*
21 *ken out by fire sizes, cost, regional location, and such*
22 *other factors as the such Secretary considers appro-*
23 *priate.*

24 “(4) *Lessons learned.*

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

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

8 **SEC. 1003. PROHIBITION ON TRANSFERS.**

9 *No funds may be transferred to or from the Federal*
10 *land management agencies’ wildfire suppression operations*
11 *accounts referred to in section 801(3) of the Robert T. Staf-*
12 *ford Disaster Relief and Emergency Assistance Act to or*
13 *from any account or subactivity of the Federal land man-*
14 *agement agencies, as defined in section 801(2) of such Act,*
15 *that is not used to cover the cost of wildfire suppression*
16 *operations.*

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

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

20 **(b) TABLE OF CONTENTS.—The table of con-**
21 **tents for this Act is as follows:**

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Rule of application for National Forest System lands and public lands.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

Subtitle B—Categorical Exclusions

Sec. 111. Categorical exclusion to expedite certain critical response actions.

Sec. 112. Categorical exclusion to expedite salvage operations in response to catastrophic events.

Sec. 113. Categorical exclusion to meet forest plan goals for early successional forests.

Sec. 114. Categorical exclusion for road side projects.

Sec. 115. Categorical exclusion to improve or restore National Forest System Lands or public land or reduce the risk of wildfire.

Subtitle C—General Provisions for Forest Management Activities

Sec. 121. Compliance with forest plans.

Sec. 122. Consultation under the National Historic Preservation Act.

Sec. 123. Consultation under the Endangered Species Act.

Sec. 124. Forest management activities considered non-discretionary actions.

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.

TITLE III—FOREST MANAGEMENT LITIGATION

Subtitle A—General Litigation Provisions

Sec. 301. No attorney fees for forest management activity challenges.

Sec. 302. Injunctive relief.

Subtitle B—Forest Management Activity Arbitration Pilot Program

Sec. 311. Use of arbitration instead of litigation to address challenges to 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.

Sec. 704. Rule of application.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

Subtitle A—Forest Plans Not Considered Major Federal Actions

Sec. 801. Forest plans not considered major Federal actions.

Subtitle B—Agency Consultation

- Sec. 811. Consultation under Forest and Rangeland Renewable Resources Planning Act of 1974.
- Sec. 812. Consultation under Federal Land Policy and Management Act of 1976.

TITLE IX—MISCELLANEOUS

Subtitle A—Forest Management Provisions

- Sec. 901. Clarification of existing categorical exclusion authority related to insect and disease infestation.
- Sec. 902. Revision of alternate consultation agreement regulations.
- Sec. 903. Revision of extraordinary circumstances regulations.
- Sec. 904. Conditions on Forest Service road decommissioning.
- Sec. 905. Prohibition on application of Eastside Screens requirements on National Forest System lands.
- Sec. 906. Use of site-specific forest plan amendments for certain projects and activities.
- Sec. 907. Knutson-Vandenberg Act modifications.
- Sec. 908. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.
- Sec. 909. Reconstruction and repair included in good neighbor agreements.
- Sec. 910. Logging and mechanized operations.

Subtitle B—Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant Lands

- Sec. 911. Amendments to the Act of August 28, 1937.
- Sec. 912. Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant lands permanent rights of access.
- Sec. 913. Management of Bureau of Land Management lands in Western Oregon.

TITLE X—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

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

1 SEC. 2. DEFINITIONS.

2 In titles I through IX:

- 3 (1) CATASTROPHIC EVENT.—The term
- 4 “catastrophic event” means any natural
- 5 disaster (such as hurricane, tornado,
- 6 windstorm, snow or ice storm, rain storm,

1 high water, wind-driven water, tidal
2 wave, earthquake, volcanic eruption,
3 landslide, mudslide, drought, or insect or
4 disease outbreak) or any fire, flood, or ex-
5 plosion, regardless of cause.

6 (2) COLLABORATIVE PROCESS.—The
7 term “collaborative process” refers to a
8 process relating to the management of
9 National Forest System lands or public
10 lands by which a project or forest man-
11 agement activity is developed and imple-
12 mented by the Secretary concerned
13 through collaboration with interested
14 persons, as described in section
15 603(b)(1)(C) of the Healthy Forests Res-
16 toration Act of 2003 (16 U.S.C.
17 6591b(b)(1)(C)).

18 (3) COMMUNITY WILDFIRE PROTECTION
19 PLAN.—The term “community wildfire
20 protection plan” has the meaning given
21 that term in section 101 of the Healthy
22 Forests Restoration Act of 2003 (16 U.S.C.
23 6511).

24 (4) COOS BAY WAGON ROAD GRANT
25 LANDS.—The term “Coos Bay Wagon Road

1 **Grant lands” means the lands reconveyed**
2 **to the United States pursuant to the first**
3 **section of the Act of February 26, 1919 (40**
4 **Stat. 1179).**

5 **(5) FOREST MANAGEMENT ACTIVITY.—**
6 **The term “forest management activity”**
7 **means a project or activity carried out by**
8 **the Secretary concerned on National For-**
9 **est System lands or public lands con-**
10 **sistent with the forest plan covering the**
11 **lands.**

12 **(6) FOREST PLAN.—The term “forest**
13 **plan” means—**

14 **(A) a land use plan prepared by**
15 **the Bureau of Land Management for**
16 **public lands pursuant to section 202**
17 **of the Federal Land Policy and Man-**
18 **agement Act of 1976 (43 U.S.C. 1712);**
19 **or**

20 **(B) a land and resource manage-**
21 **ment plan prepared by the Forest**
22 **Service for a unit of the National For-**
23 **est System pursuant to section 6 of**
24 **the Forest and Rangeland Renewable**

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

3 **(7) LARGE-SCALE CATASTROPHIC**
4 **EVENT.—The term “large-scale cata-**
5 **strophic event” means a catastrophic**
6 **event that adversely impacts at least**
7 **5,000 acres of reasonably contiguous Na-**
8 **tional Forest System lands or public**
9 **lands, as determined by the Secretary**
10 **concerned.**

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

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

21 **(A) All lands in the State of Or-**
22 **egon revested in the United States**
23 **under the Act of June 9, 1916 (39 Stat.**
24 **218), that are administered by the**
25 **Secretary of the Interior, acting**

1 through the Bureau of Land Manage-
2 ment, pursuant to the first section of
3 the Act of August 28, 1937 (43 U.S.C.
4 1181a).

5 (B) All lands in that State ob-
6 tained by the Secretary of the Inte-
7 rior pursuant to the land exchanges
8 authorized and directed by section 2
9 of the Act of June 24, 1954 (43 U.S.C.
10 1181h).

11 (C) All lands in that State ac-
12 quired by the United States at any
13 time and made subject to the provi-
14 sions of title II of the Act of August
15 28, 1937 (43 U.S.C. 1181f).

16 (10) PUBLIC LANDS.—The term “public
17 lands” has the meaning given that term
18 in section 103 of the Federal Land Policy
19 and Management Act of 1976 (43 U.S.C.
20 1702), except that the term includes Coos
21 Bay Wagon Road Grant lands and Oregon
22 and California Railroad Grant lands.

23 (11) REFORESTATION ACTIVITY.—The
24 term “reforestation activity” means a
25 project or forest management activity

1 carried out by the Secretary concerned
2 whose primary purpose is the reforest-
3 ation of impacted lands following a large-
4 scale catastrophic event. The term in-
5 cludes planting, evaluating and enhanc-
6 ing natural regeneration, clearing com-
7 peting vegetation, and other activities re-
8 lated to reestablishment of forest species
9 on the impacted lands.

10 (12) RESOURCE ADVISORY COMMITTEE.—
11 The term “resource advisory committee”
12 has the meaning given that term in sec-
13 tion 201 of the Secure Rural Schools and
14 Community Self-Determination Act of
15 2000 (16 U.S.C. 7121).

16 (13) SALVAGE OPERATION.—The term
17 “salvage operation” means a forest man-
18 agement activity and restoration activi-
19 ties carried out in response to a cata-
20 strophic event where the primary pur-
21 pose is—

22 (A) to prevent wildfire as a result
23 of the catastrophic event, or, if the
24 catastrophic event was wildfire, to

1 **prevent a re-burn of the fire-impacted**
2 **area;**

3 **(B) to provide an opportunity for**
4 **utilization of forest materials dam-**
5 **aged as a result of the catastrophic**
6 **event; or**

7 **(C) to provide a funding source**
8 **for reforestation and other restora-**
9 **tion activities for the National Forest**
10 **System lands or public lands im-**
11 **pacted by the catastrophic event.**

12 **(14) SECRETARY CONCERNED.—The term**
13 **“Secretary concerned” means—**

14 **(A) the Secretary of Agriculture,**
15 **with respect to National Forest Sys-**
16 **tem lands; and**

17 **(B) the Secretary of the Interior,**
18 **with respect to public lands.**

19 **SEC. 3. RULE OF APPLICATION FOR NATIONAL FOREST**
20 **SYSTEM LANDS AND PUBLIC LANDS.**

21 **Unless specifically provided by a provi-**
22 **sion of titles I through IX, the authorities pro-**
23 **vided by such titles do not apply with respect**
24 **to any National Forest System lands or public**
25 **lands—**

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

3 **(2) that are located within a national**
4 **or State-specific inventoried roadless**
5 **area established by the Secretary of Agri-**
6 **culture through regulation, unless—**

7 **(A) the forest management activ-**
8 **ity to be carried out under such au-**
9 **thority is consistent with the forest**
10 **plan applicable to the area; or**

11 **(B) the Secretary concerned de-**
12 **termines the activity is allowed under**
13 **the applicable roadless rule gov-**
14 **erning such lands; or**

15 **(3) on which timber harvesting for**
16 **any purpose is prohibited by Federal**
17 **statute.**

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

7 **Subtitle A—Analysis of Proposed**
8 **Collaborative Forest Manage-**
9 **ment Activities**

10 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
11 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
12 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

13 **(a) APPLICATION TO CERTAIN ENVIRON-**
14 **MENTAL ASSESSMENTS AND ENVIRONMENTAL IM-**
15 **PACT STATEMENTS.—This section shall apply**
16 **whenever the Secretary concerned prepares**
17 **an environmental assessment or an environ-**
18 **mental impact statement pursuant to section**
19 **102 of the National Environmental Policy Act**
20 **of 1969 (42 U.S.C. 4332) for a forest manage-**
21 **ment activity that—**

22 **(1) is developed through a collabo-**
23 **rative process;**

24 **(2) is proposed by a resource advisory**
25 **committee;**

1 (3) will occur on lands identified by
2 the Secretary concerned as suitable for
3 timber production;

4 (4) will occur on lands designated by
5 the Secretary (or designee thereof) pur-
6 suant to section 602(b) of the Healthy
7 Forests Restoration Act of 2003 (16 U.S.C.
8 6591a(b)), notwithstanding whether such
9 forest management activity is initiated
10 prior to September 30, 2018; or

11 (5) is covered by a community wild-
12 fire protection plan.

13 (b) CONSIDERATION OF ALTERNATIVES.—In
14 an environmental assessment or environ-
15 mental impact statement described in sub-
16 section (a), the Secretary concerned shall
17 study, develop, and describe only the fol-
18 lowing two alternatives:

19 (1) The forest management activity.

20 (2) The alternative of no action.

21 (c) ELEMENTS OF NO ACTION ALTER-
22 NATIVE.—In the case of the alternative of no
23 action, the Secretary concerned shall con-
24 sider whether to evaluate—

25 (1) the effect of no action on—

- 1 (A) forest health;
2 (B) habitat diversity;
3 (C) wildfire potential;
4 (D) insect and disease potential;
5 and
6 (E) timber production; and
7 (2) the implications of a resulting de-
8 cline in forest health, loss of habitat di-
9 versity, wildfire, or insect or disease in-
10 festation, given fire and insect and dis-
11 ease historic cycles, on—
12 (A) domestic water supply in the
13 project area;
14 (B) wildlife habitat loss; and
15 (C) other economic and social fac-
16 tors.

17 **Subtitle B—Categorical Exclusions**

18 SEC. 111. CATEGORICAL EXCLUSION TO EXPEDITE CER-
19 TAIN CRITICAL RESPONSE ACTIONS.

20 (a) CATEGORICAL EXCLUSION ESTAB-
21 LISHED.—Forest management activities de-
22 scribed in subsection (b) are a category of ac-
23 tions hereby designated as being categori-
24 cally excluded from the preparation of an en-
25 vironmental assessment or an environmental

1 impact statement under section 102 of the Na-
2 tional Environmental Policy Act of 1969 (42
3 U.S.C. 4332).

4 (b) FOREST MANAGEMENT ACTIVITIES DES-
5 IGNATED FOR CATEGORICAL EXCLUSION.—The
6 forest management activities designated
7 under this section for a categorical exclusion
8 are forest management activities carried out
9 by the Secretary concerned on National For-
10 est System lands or public lands where the
11 primary purpose of such activity is—

12 (1) to address an insect or disease in-
13 festation;

14 (2) to reduce hazardous fuel loads;

15 (3) to protect a municipal water
16 source;

17 (4) to maintain, enhance, or modify
18 critical habitat to protect it from cata-
19 strophic disturbances;

20 (5) to increase water yield;

21 (6) produce timber; or

22 (7) any combination of the purposes
23 specified in paragraphs (1) through (6).

24 (c) AVAILABILITY OF CATEGORICAL EXCLU-
25 SION.—On and after the date of the enactment

1 of this Act, the Secretary concerned may use
2 the categorical exclusion established under
3 subsection (a) in accordance with this section.

4 (d) ACREAGE LIMITATIONS.—

5 (1) IN GENERAL.—Except in the case of
6 a forest management activity described
7 in paragraph (2), a forest management ac-
8 tivity covered by the categorical exclu-
9 sion established under subsection (a) may
10 not contain treatment units exceeding a
11 total of 10,000 acres.

12 (2) LARGER AREAS AUTHORIZED.—A for-
13 est management activity covered by the
14 categorical exclusion established under
15 subsection (a) may contain treatment
16 units exceeding a total of 10,000 acres but
17 not more than a total of 30,000 acres if
18 the forest management activity—

19 (A) is developed through a col-
20 laborative process;

21 (B) is proposed by a resource ad-
22 visory committee; or

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

1 SEC. 112. CATEGORICAL EXCLUSION TO EXPEDITE SAL-
2 VAGE OPERATIONS IN RESPONSE TO CATA-
3 STROPHIC EVENTS.

4 (a) CATEGORICAL EXCLUSION ESTAB-
5 LISHED.—Salvage operations carried out by
6 the Secretary concerned on National Forest
7 System lands or public lands are a category
8 of actions hereby designated as being cat-
9 egorically excluded from the preparation of
10 an environmental assessment or an environ-
11 mental impact statement under section 102 of
12 the National Environmental Policy Act of 1969
13 (42 U.S.C. 4332).

14 (b) AVAILABILITY OF CATEGORICAL EXCLU-
15 SION.—On and after the date of the enactment
16 of this Act, the Secretary concerned may use
17 the categorical exclusion established under
18 subsection (a) in accordance with this section.

19 (c) ACREAGE LIMITATION.—A salvage oper-
20 ation covered by the categorical exclusion es-
21 tablished under subsection (a) may not con-
22 tain treatment units exceeding a total of
23 10,000 acres.

24 (d) ADDITIONAL REQUIREMENTS.—

25 (1) STREAM BUFFERS.—A salvage oper-
26 ation covered by the categorical exclu-

1 sion established under subsection (a)
2 shall comply with the standards and
3 guidelines for stream buffers contained
4 in the applicable forest plan unless
5 waived by the Regional Forester, in the
6 case of National Forest System lands, or
7 the State Director of the Bureau of Land
8 Management, in the case of public lands.

9 (2) REFORESTATION PLAN.—A reforest-
10 ation plan shall be developed under sec-
11 tion 3 of the Act of June 9, 1930 (com-
12 monly known as the Knutson-Vandenberg
13 Act; 16 U.S.C. 576b), as part of a salvage
14 operation covered by the categorical ex-
15 clusion established under subsection (a).

16 SEC. 113. CATEGORICAL EXCLUSION TO MEET FOREST
17 PLAN GOALS FOR EARLY SUCCESSIONAL
18 FORESTS.

19 (a) CATEGORICAL EXCLUSION ESTAB-
20 LISHED.—Forest management activities de-
21 scribed in subsection (b) are a category of ac-
22 tions hereby designated as being categori-
23 cally excluded from the preparation of an en-
24 vironmental assessment or an environmental
25 impact statement under section 102 of the Na-

1 tional Environmental Policy Act of 1969 (42
2 U.S.C. 4332).

3 **(b) FOREST MANAGEMENT ACTIVITIES DES-**
4 **IGNATED FOR CATEGORICAL EXCLUSION.—The**
5 **forest management activities designated**
6 **under this section for a categorical exclusion**
7 **are forest management activities carried out**
8 **by the Secretary concerned on National For-**
9 **est System lands or public lands where the**
10 **primary purpose of such activity is to modify,**
11 **improve, enhance, or create early succes-**
12 **sional forests for wildlife habitat improve-**
13 **ment and other purposes, consistent with the**
14 **applicable forest plan.**

15 **(c) AVAILABILITY OF CATEGORICAL EXCLU-**
16 **SION.—On and after the date of the enactment**
17 **of this Act, the Secretary concerned may use**
18 **the categorical exclusion established under**
19 **subsection (a) in accordance with this section.**

20 **(d) PROJECT GOALS.—To the maximum ex-**
21 **tent practicable, the Secretary concerned**
22 **shall design a forest management activity**
23 **under this section to meet early successional**
24 **forest goals in such a manner so as to maxi-**
25 **mize production and regeneration of priority**

1 species, as identified in the forest plan and
2 consistent with the capability of the activity
3 site.

4 (e) ACREAGE LIMITATIONS.—A forest man-
5 agement activity covered by the categorical
6 exclusion established under subsection (a)
7 may not contain treatment units exceeding a
8 total of 10,000 acres.

9 SEC. 114. CATEGORICAL EXCLUSION FOR ROAD SIDE
10 PROJECTS.

11 (a) CATEGORICAL EXCLUSION ESTAB-
12 LISHED.—Projects carried out by the Secretary
13 concerned to remove hazard trees or to sal-
14 vage timber for purposes of the protection of
15 public health or safety, water supply, or pub-
16 lic infrastructure are a category of actions
17 hereby designated as being categorically ex-
18 cluded from the preparation of an environ-
19 mental assessment or an environmental im-
20 pact statement under section 102 of the Na-
21 tional Environmental Policy Act of 1969 (42
22 U.S.C. 4332).

23 (b) AVAILABILITY OF CATEGORICAL EXCLU-
24 SION.—On and after the date of the enactment
25 of this Act, the Secretary concerned may use

1 the categorical exclusion established under
2 subsection (a) in accordance with this section.

3 (c) **HEALTHY FORESTS RESTORATION ACT RE-**
4 **QUIREMENTS.—**

5 (1) **ADMINISTRATIVE REVIEW.—**A project
6 that is categorically excluded under this
7 section shall be subject to the require-
8 ments of subsections (d), (e), and (f) of
9 section 603 of the Healthy Forests Res-
10 toration Act of 2003 (16 U.S.C. 6591).

11 (2) **HAZARDOUS FUEL REDUCTION ON**
12 **FEDERAL LAND.—**A project that is categori-
13 cally excluded under this section shall be
14 subject to the requirements of sections
15 102, 104, 105, and 106 of title I of the
16 Healthy Forests Restoration Act of 2003
17 (16 U.S.C. 6511 et seq.).

18 **SEC. 115. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**
19 **STORE NATIONAL FOREST SYSTEM LANDS OR**
20 **PUBLIC LAND OR REDUCE THE RISK OF**
21 **WILDFIRE.**

22 (a) **CATEGORICAL EXCLUSION ESTAB-**
23 **LISHED.—**Forest management activities de-
24 scribed in subsection (b) are a category of ac-
25 tions hereby designated as being categori-

1 cally excluded from the preparation of an en-
2 vironmental assessment or an environmental
3 impact statement under section 102 of the Na-
4 tional Environmental Policy Act of 1969 (42
5 U.S.C. 4332).

6 (b) FOREST MANAGEMENT ACTIVITIES DES-
7 IGNATED FOR CATEGORICAL EXCLUSION.—

8 (1) DESIGNATION.—The forest manage-
9 ment activities designated under this sec-
10 tion for a categorical exclusion are forest
11 management activities described in para-
12 graph (2) that are carried out by the Sec-
13 retary concerned on National Forest Sys-
14 tem Lands or public lands where the pri-
15 mary purpose of such activity is to im-
16 prove or restore such lands or reduce the
17 risk of wildfire on those lands.

18 (2) ACTIVITIES AUTHORIZED.—The fol-
19 low activities may be carried out pursu-
20 ant to the categorical exclusion estab-
21 lished under subsection (a):

22 (A) Removal of juniper trees,
23 medusahead rye, conifer trees, piñon
24 pine trees, cheatgrass, and other nox-
25 ious or invasive weeds specified on

1 **Federal or State noxious weeds lists**
2 **through late-season livestock grazing,**
3 **targeted livestock grazing, prescribed**
4 **burns, and mechanical treatments.**

5 **(B) Performance of hazardous**
6 **fuels management.**

7 **(C) Creation of fuel and fire**
8 **breaks.**

9 **(D) Modification of existing fences**
10 **in order to distribute livestock and**
11 **help improve wildlife habitat.**

12 **(E) Installation of erosion control**
13 **devices.**

14 **(F) Construction of new and**
15 **maintenance of permanent infra-**
16 **structure, including stock ponds,**
17 **water catchments, and water spring**
18 **boxes used to benefit livestock and**
19 **improve wildlife habitat.**

20 **(G) Performance of soil treat-**
21 **ments, native and non-native seeding,**
22 **and planting of and transplanting**
23 **sagebrush, grass, forb, shrub, and**
24 **other species.**

1 **(H) Use of herbicides, so long as**
2 **the Secretary concerned determines**
3 **that the activity is otherwise con-**
4 **ducted consistently with agency pro-**
5 **cedures, including any forest plan ap-**
6 **plicable to the area covered by the**
7 **activity.**

8 **(c) AVAILABILITY OF CATEGORICAL EXCLU-**
9 **SION.—On and after the date of the enactment**
10 **of this Act, the Secretary concerned may use**
11 **the categorical exclusion established under**
12 **subsection (a) in accordance with this section.**

13 **(d) ACREAGE LIMITATIONS.—A forest man-**
14 **agement activity covered by the categorical**
15 **exclusion established under subsection (a)**
16 **may not exceed 10,000 acres.**

17 **(e) DEFINITIONS.—In this section:**

18 **(1) HAZARDOUS FUELS MANAGEMENT.—**
19 **The term “hazardous fuels management”**
20 **means any vegetation management ac-**
21 **tivities that reduce the risk of wildfire.**

22 **(2) LATE-SEASON GRAZING.—The term**
23 **“late-season grazing” means grazing ac-**
24 **tivities that occur after both the invasive**
25 **species and native perennial species have**

1 completed their current-year annual
2 growth cycle until new plant growth be-
3 gins to appear in the following year.

4 (3) TARGETED LIVESTOCK GRAZING.—
5 The term “targeted livestock grazing”
6 means grazing used for purposes of haz-
7 ardous fuel reduction.

8 **Subtitle C—General Provisions for**
9 **Forest Management Activities**

10 SEC. 121. COMPLIANCE WITH FOREST PLANS.

11 A forest management activity carried out
12 pursuant to this Act shall be conducted in a
13 manner consistent with the forest plan appli-
14 cable to the National Forest System land or
15 public lands covered by the forest manage-
16 ment activity.

17 SEC. 122. CONSULTATION UNDER THE NATIONAL HISTORIC
18 PRESERVATION ACT.

19 (a) EFFECT OF UNDERTAKING ON HISTORIC
20 PROPERTY.—With respect to a forest manage-
21 ment activity carried out pursuant to this Act,
22 in taking into account the effect of a Federal
23 undertaking on any historic property under
24 section 306108 of title 54, United States Code,
25 the Secretary concerned may, without con-

1 sultation with the State Historic Preservation
2 Officer, Tribal Historic Preservation Officer,
3 or any other entity—

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

8 (2) with respect to the phased identi-
9 fication and evaluation described in
10 paragraph (1), apply the criteria of ad-
11 verse effect consistent with phased iden-
12 tification and evaluation under section
13 800.5(a)(3) of title 36, Code of Federal
14 Regulations, or successor regulation.

15 (b) EXPEDITED CONSULTATION.—

16 (1) IN GENERAL.—In the case of a for-
17 est management activity carried out pur-
18 suant to this Act that is not the subject of
19 a phased identification and evaluation
20 under subsection (a), consultation under
21 section 106 of the National Historic Pres-
22 ervation Act (54 U.S.C. 306108) shall be
23 concluded within the 90-day period be-
24 ginning on the date on which such con-

1 sultation was requested by the Secretary
2 concerned.

3 (2) NO CONCLUSION.—In the case of a
4 consultation described in paragraph (1)
5 that is not concluded within the 90-day
6 period, the forest management activity
7 for which such consultation was initi-
8 ated—

9 (A) shall be considered to have
10 not violated section 106 of the Na-
11 tional Historic Preservation Act (54
12 U.S.C. 306108); and

13 (B) may be carried out.

14 SEC. 123. CONSULTATION UNDER THE ENDANGERED SPE-
15 CIES ACT.

16 (a) NO CONSULTATION IF ACTION NOT LIKE-
17 LY TO ADVERSELY AFFECT A LISTED SPECIES OR
18 DESIGNATED CRITICAL HABITAT.—With respect
19 to a forest management activity carried out
20 pursuant to this Act, consultation under sec-
21 tion 7 of the Endangered Species Act of 1973
22 (16 U.S.C. 1536) shall not be required if the
23 Secretary concerned determines that the such
24 forest management activity is not likely to ad-

1 **versely affect a listed species or designated**
2 **critical habitat.**

3 **(b) EXPEDITED CONSULTATION.—**

4 **(1) IN GENERAL.—With respect to a for-**
5 **est management activity carried out pur-**
6 **suant to this Act, consultation required**
7 **under section 7 of the Endangered Spe-**
8 **cies Act of 1973 (16 U.S.C. 1536) shall be**
9 **concluded within the 90-day period be-**
10 **ginning on the date on which such con-**
11 **sultation was requested by the Secretary**
12 **concerned.**

13 **(2) NO CONCLUSION.—In the case of a**
14 **consultation described in paragraph (1)**
15 **that is not concluded within the 90-day**
16 **period, the forest management activity**
17 **for which such consultation was initi-**
18 **ated—**

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

23 **(B) may be carried out.**

1 SEC. 124. FOREST MANAGEMENT ACTIVITIES CONSIDERED
2 NON-DISCRETIONARY ACTIONS.

3 For purposes of the Endangered Species
4 Act of 1973 (16 U.S.C. 1531 et seq.), a forest
5 management activity carried out by the Sec-
6 retary concerned pursuant to this Act shall be
7 considered a non-discretionary action.

8 **TITLE II—SALVAGE AND REFOR-**
9 **ESTATION IN RESPONSE TO**
10 **CATASTROPHIC EVENTS**

11 SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-
12 ESTATION ACTIVITIES FOLLOWING LARGE-
13 SCALE CATASTROPHIC EVENTS.

14 (a) EXPEDITED ENVIRONMENTAL ASSESS-
15 MENT.—Notwithstanding any other provision
16 of law, an environmental assessment pre-
17 pared by the Secretary concerned pursuant to
18 section 102 of the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4332) for a sal-
20 vage operation or reforestation activity pro-
21 posed to be conducted on National Forest Sys-
22 tem lands or public lands adversely impacted
23 by a large-scale catastrophic event shall be
24 completed within 60 days after the conclusion
25 of the catastrophic event.

1 **(b) EXPEDITED IMPLEMENTATION AND COM-**
2 **PLETION.—In the case of reforestation activi-**
3 **ties conducted on National Forest System**
4 **lands or public lands adversely impacted by**
5 **a large-scale catastrophic event, the Secretary**
6 **concerned shall achieve reforestation of at**
7 **least 75 percent of the impacted lands during**
8 **the 5-year period following the conclusion of**
9 **the catastrophic event.**

10 **(c) AVAILABILITY OF KNUTSON-VANDENBERG**
11 **FUNDS.—Amounts in the special fund estab-**
12 **lished pursuant to section 3 of the Act of June**
13 **9, 1930 (commonly known as the Knutson-Van-**
14 **denberg Act; 16 U.S.C. 576b) shall be available**
15 **to the Secretary of Agriculture for reforest-**
16 **ation activities authorized by this title.**

17 **(d) TIMELINE FOR PUBLIC INPUT PROCESS.—**
18 **Notwithstanding any other provision of law,**
19 **in the case of a salvage operation or reforest-**
20 **ation activity proposed to be conducted on**
21 **National Forest System lands or public lands**
22 **adversely impacted by a large-scale cata-**
23 **strophic event, the Secretary concerned shall**
24 **allow 30 days for public scoping and com-**
25 **ment, 15 days for filing an objection, and 15**

1 days for the agency response to the filing of
2 an objection. Upon completion of this process
3 and expiration of the period specified in sub-
4 section (a), the Secretary concerned shall im-
5 plement the project immediately.

6 SEC. 202. COMPLIANCE WITH FOREST PLAN.

7 A salvage operation or reforestation activ-
8 ity authorized by this title shall be conducted
9 in a manner consistent with the forest plan
10 applicable to the National Forest System
11 lands or public lands covered by the salvage
12 operation or reforestation activity.

13 SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-
14 LIMINARY INJUNCTIONS, AND INJUNCTIONS
15 PENDING APPEAL.

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

1 **TITLE III—FOREST**
2 **MANAGEMENT LITIGATION**
3 **Subtitle A—General Litigation**
4 **Provisions**

5 **SEC. 301. NO ATTORNEY FEES FOR FOREST MANAGEMENT**
6 **ACTIVITY CHALLENGES.**

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

17 **SEC. 302. INJUNCTIVE RELIEF.**

18 **(a) BALANCING SHORT- AND LONG-TERM EF-**
19 **FECTS OF FOREST MANAGEMENT ACTIVITIES IN**
20 **CONSIDERING INJUNCTIVE RELIEF.—As part of**
21 **its weighing the equities while considering**
22 **any request for an injunction that applies to**
23 **any agency action as part of a forest manage-**
24 **ment activity under titles I through IX, the**
25 **court reviewing the agency action shall bal-**

1 ance the impact to the ecosystem likely af-
2 fected by the forest management activity of—

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

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

7 (b) TIME LIMITATIONS FOR INJUNCTIVE RE-
8 LIEF.—

9 (1) IN GENERAL.—Subject to paragraph
10 (2) the length of any preliminary injunc-
11 tive relief and stays pending appeal that
12 applies to any agency action as part of a
13 forest management activity under titles I
14 through IX, shall not exceed 60 days.

15 (2) RENEWAL.—

16 (A) IN GENERAL.—A court of com-
17 petent jurisdiction may issue one or
18 more renewals of any preliminary in-
19 junction, or stay pending appeal,
20 granted under paragraph (1).

21 (B) UPDATES.—In each renewal of
22 an injunction in an action, the parties
23 to the action shall present the court
24 with updated information on the sta-

1 tus of the authorized forest manage-
2 ment activity.

3 **Subtitle B—Forest Management**
4 **Activity Arbitration Pilot Program**

5 SEC. 311. USE OF ARBITRATION INSTEAD OF LITIGATION
6 TO ADDRESS CHALLENGES TO FOREST MAN-
7 AGEMENT ACTIVITIES.

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

10 **(1) IN GENERAL.—**The Secretary of Ag-
11 riculture, with respect to National Forest
12 System lands, and the Secretary of the In-
13 terior, with respect to public lands, shall
14 each establish a discretionary arbitration
15 pilot program as an alternative dispute
16 resolution process in lieu of judicial re-
17 view for the activities described in para-
18 graph (2).

19 **(2) ACTIVITIES DESCRIBED.—**The Sec-
20 retary concerned, at the sole discretion of
21 the Secretary, may designate objections
22 or protests to forest management activi-
23 ties for arbitration under the arbitration
24 pilot program established under para-
25 graph (1).

1 **(3) MAXIMUM AMOUNT OF ARBITRA-**
2 **TIONS.—Under the arbitration pilot pro-**
3 **gram, the Secretary concerned may not**
4 **arbitrate more than 10 objections or pro-**
5 **tests to forest management activities in a**
6 **fiscal year in—**

7 **(A) each Forest Service Region;**
8 **and**

9 **(B) each State Region of the Bu-**
10 **reau of Land Management.**

11 **(4) DETERMINING AMOUNT OF ARBITRA-**
12 **TIONS.—An objection or protest to a forest**
13 **management activity shall not be counted**
14 **towards the limitation on number of arbi-**
15 **trations under paragraph (3) unless—**

16 **(A) on the date such objection or**
17 **protest is designated for arbitration,**
18 **the forest management activity for**
19 **which such objection or protest is**
20 **filed has not been the subject of arbi-**
21 **tration proceedings under the pilot**
22 **program; and**

23 **(B) the arbitration proceeding has**
24 **commenced with respect to such ob-**
25 **jection or protest.**

1 **(5) TERMINATION.—**The pilot programs
2 established pursuant to paragraph (1)
3 shall terminate on the date that is 7 years
4 after the date of the enactment of this
5 Act.

6 **(b) INTERVENING PARTIES.—**

7 **(1) REQUIREMENTS.—**Any person that
8 submitted a public comment on the forest
9 management activity that is subject to ar-
10 bitration may intervene in the arbitra-
11 tion—

12 **(A) by endorsing—**

13 **(i) the forest management ac-**
14 **tivity; or**

15 **(ii) the modification proposal**
16 **submitted under subparagraph**
17 **(B); or**

18 **(B) by submitting a proposal to**
19 further modify the forest manage-
20 ment activity.

21 **(2) DEADLINE FOR SUBMISSION.—**With
22 respect to an objection or protest that is
23 designated for arbitration under this sub-
24 section (a), a request to intervene in an
25 arbitration must be submitted not later

1 than the date that is 30 days after the
2 date on which such objection or protest
3 was designated for arbitration.

4 (3) **MULTIPLE PARTIES.**—Multiple inter-
5 vening parties may submit a joint pro-
6 posal so long as each intervening party
7 meets the eligibility requirements of
8 paragraph (1).

9 **(c) APPOINTMENT OF ARBITRATOR.**—

10 (1) **APPOINTMENT.**—The Secretary of
11 Agriculture and the Secretary of the Inte-
12 rior shall jointly develop and publish a
13 list of not fewer than 20 individuals eligi-
14 ble to serve as arbitrators for the pilot
15 programs under this section.

16 (2) **QUALIFICATIONS.**—In order to be el-
17 igible to serve as an arbitrator under this
18 subsection, an individual shall be, on the
19 date of the appointment of such arbi-
20 trator—

21 (A) certified by the American Ar-
22 bitration Association; and

23 (B) not a registered lobbyist.

24 (3) **SELECTION OF ARBITRATOR.**—

1 **(A) IN GENERAL.—**For each arbitra-
2 **tion commenced under this section,**
3 **the Secretary concerned and each ap-**
4 **licable objector or protestor shall**
5 **agree, not later than 14 days after the**
6 **agreement process is initiated, on a**
7 **mutually acceptable arbitrator from**
8 **the list published under subsection.**

9 **(B) APPOINTMENT AFTER 14-DAYS.—**
10 **In the case of an agreement with re-**
11 **spect to a mutually acceptable arbi-**
12 **trator not being reached within the**
13 **14-day limit described in subpara-**
14 **graph (A), the Secretary concerned**
15 **shall appoint an arbitrator from the**
16 **list published under this subsection.**

17 **(d) SELECTION OF PROPOSALS.—**

18 **(1) IN GENERAL.—**The arbitrator ap-
19 **pointed under subsection (c)—**

20 **(A) may not modify any of the**
21 **proposals submitted with the objec-**
22 **tion, protest, or request to intervene;**
23 **and**

24 **(B) shall select to be conducted—**

1 (i) the forest management ac-
2 tivity, as approved by the Sec-
3 retary; or

4 (ii) a proposal submitted by
5 an objector or an intervening
6 party.

7 (2) **SELECTION CRITERIA.**—An arbi-
8 trator shall, when selecting a proposal,
9 consider—

10 (A) whether the proposal is con-
11 sistent with the applicable forest
12 plan, laws, and regulations;

13 (B) whether the proposal can be
14 carried out by the Secretary con-
15 cerned; and

16 (C) the effect of each proposal
17 on—

18 (i) forest health;

19 (ii) habitat diversity;

20 (iii) wildfire potential;

21 (iv) insect and disease poten-
22 tial;

23 (v) timber production; and

24 (vi) the implications of a re-
25 sulting decline in forest health,

1 loss of habitat diversity, wildfire,
2 or insect or disease infestation,
3 given fire and insect and disease
4 historic cycles, on—

5 (I) domestic water costs;

6 (II) wildlife habitat loss;

7 and

8 (III) other economic and
9 social factors.

10 (e) **EFFECT OF DECISION.**—The decision of
11 an arbitrator with respect to the forest man-
12 agement activity—

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

15 (2) shall be binding; and

16 (3) shall not be subject to judicial re-
17 view, except as provided in section 10(a)
18 of title 9, United States Code.

19 (f) **DEADLINE FOR COMPLETION.**—Not later
20 than 90 days after the date on which the arbi-
21 tration is filed with respect to the forest man-
22 agement activity, the arbitration process shall
23 be completed.

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

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

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

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

17 **“(f) REQUIREMENTS FOR PROJECT FUNDS.—**

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

1 “(A) include the sale of timber or
2 other forest products, reduce fire
3 risks, or improve water supplies; and

4 “(B) implement stewardship ob-
5 jectives that enhance forest eco-
6 systems or restore and improve land
7 health and water quality.

8 “(2) APPLICABILITY.—The requirement
9 in paragraph (1) shall apply only to
10 project funds reserved by a participating
11 county whose boundaries include Federal
12 land that the Secretary concerned deter-
13 mines has been subject to a timber or
14 other forest products program within 5
15 fiscal years before the fiscal year in
16 which the funds are reserved.”.

17 SEC. 402. RESOURCE ADVISORY COMMITTEES.

18 (a) RECOGNITION OF RESOURCE ADVISORY
19 COMMITTEES.—Section 205(a)(4) of the Secure
20 Rural Schools and Community Self-Deter-
21 mination Act of 2000 (16 U.S.C. 7125(a)(4)) is
22 amended by striking “2012” each place it ap-
23 pears and inserting “2022”.

24 (b) REDUCTION IN COMPOSITION OF COMMIT-
25 TEES.—Section 205(d) of the Secure Rural

1 **Schools and Community Self-Determination**
2 **Act of 2000 (16 U.S.C. 7125(d)) is amended—**

3 (1) in paragraph (1), by striking “15
4 members” and inserting “9 members”;
5 and

6 (2) by striking “5 persons” each place
7 it appears and inserting “3 persons”.

8 (c) **EXPANDING LOCAL PARTICIPATION ON**
9 **COMMITTEES.—Section 205(d) of the Secure**
10 **Rural Schools and Community Self-Deter-**
11 **mination Act of 2000 (16 U.S.C. 7125(d)) is**
12 **amended—**

13 (1) in paragraph (3), by inserting be-
14 fore the period at the end the following:
15 “, consistent with the requirements of
16 paragraph (4)”; and

17 (2) by striking paragraph (4) and in-
18 serting the following new paragraph:

19 “(4) **GEOGRAPHIC DISTRIBUTION.—The**
20 **members of a resource advisory com-**
21 **mittee shall reside within the county or**
22 **counties in which the committee has ju-**
23 **risdiction or an adjacent county.”.**

24 (d) **APPOINTMENT OF RESOURCE ADVISORY**
25 **COMMITTEES BY APPLICABLE DESIGNEE.—**

1 **(1) IN GENERAL.—Section 205 of the Se-**
2 **cure Rural Schools and Community Self-**
3 **Determination Act of 2000 (16 U.S.C. 7125)**
4 **is further amended—**

5 **(A) in subsection (a)—**

6 **(i) in paragraph (1), by insert-**
7 **ing “(or applicable designee)”**
8 **after “The Secretary concerned”;**

9 **(ii) in paragraph (3), by in-**
10 **serting “(or applicable designee)”**
11 **after “the Secretary concerned”;**
12 **and**

13 **(iii) in paragraph (4), by in-**
14 **serting “(or applicable designee)”**
15 **after “the Secretary concerned”**
16 **both places it appears;**

17 **(B) in subsection (b)(6), by insert-**
18 **ing “(or applicable designee)” after**
19 **“the Secretary concerned”;**

20 **(C) in subsection (c)—**

21 **(i) in the subsection heading,**
22 **by inserting “OR APPLICABLE DES-**
23 **IGNEE” after “BY THE SECRETARY”;**

24 **(ii) in paragraph (1), by in-**
25 **serting “(or applicable designee)”**

1 after “The Secretary concerned”
2 both places it appears;

3 (iii) in paragraph (2), by in-
4 serting “(or applicable designee)”
5 after “The Secretary concerned”;

6 (iv) in paragraph (4), by in-
7 serting “(or applicable designee)”
8 after “The Secretary concerned”;
9 and

10 (v) by adding at the end the
11 following new paragraph:

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

15 “(A) with respect to Federal land
16 described in section 3(7)(A), the appli-
17 cable Regional Forester; and

18 “(B) with respect to Federal land
19 described in section 3(7)(B), the appli-
20 cable Bureau of Land Management
21 State Director.”;

22 (D) in subsection (d)(3), by insert-
23 ing “(or applicable designee)” after
24 “the Secretary concerned”; and

25 (E) in subsection (f)(1)—

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

4 (ii) by inserting “(or applica-
5 ble designee)” after “of the Sec-
6 retary”.

7 (2) CONFORMING AMENDMENT.—Section
8 201(3) of the Secure Rural Schools and
9 Community Self-Determination Act of
10 2000 (16 U.S.C. 7121(3)) is amended by in-
11 serting “(or applicable designee (as de-
12 fined in section 205(c)(6)))” after “Sec-
13 retary concerned” both places it appears.

14 SEC. 403. PROGRAM FOR TITLE II SELF-SUSTAINING RE-
15 SOURCE ADVISORY COMMITTEE PROJECTS.

16 (a) SELF-SUSTAINING RESOURCE ADVISORY
17 COMMITTEE PROJECTS.—Title II of the Secure
18 Rural Schools and Community Self-Deter-
19 mination Act of 2000 (16 U.S.C. 7121 et seq.)
20 is amended by adding at the end the following
21 new section:

22 “SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-
23 VISORY COMMITTEE PROJECTS.

24 “(a) RAC PROGRAM.—The Chief of the For-
25 est Service shall conduct a program (to be

1 known as the ‘self-sustaining resource advi-
2 sory committee program’ or ‘RAC program’)
3 under which 10 resource advisory committees
4 will propose projects authorized by sub-
5 section (c) to be carried out using project
6 funds reserved by a participating county
7 under section 102(d).

8 “(b) SELECTION OF PARTICIPATING RE-
9 SOURCE ADVISORY COMMITTEES.—The selection
10 of resource advisory committees to partici-
11 pate in the RAC program is in the sole discre-
12 tion of the Chief of the Forest Service.

13 “(c) AUTHORIZED PROJECTS.—Notwith-
14 standing the project purposes specified in sec-
15 tions 202(b), 203(c), and 204(a)(5), projects
16 under the RAC program are intended to—

17 “(1) accomplish forest management
18 objectives or support community devel-
19 opment; and

20 “(2) generate receipts.

21 “(d) DEPOSIT AND AVAILABILITY OF REVE-
22 NUES.—Any revenue generated by a project
23 conducted under the RAC program, including
24 any interest accrued from the revenues, shall
25 be—

1 “(1) deposited in the special account
2 in the Treasury established under section
3 102(d)(2)(A); and

4 “(2) available, in such amounts as
5 may be provided in advance in appro-
6 priation Acts, for additional projects
7 under the RAC program.

8 “(e) TERMINATION OF AUTHORITY.—

9 “(1) IN GENERAL.—The authority to ini-
10 tiate a project under the RAC program
11 shall terminate on September 30, 2022.

12 “(2) DEPOSITS IN TREASURY.—Any
13 funds available for projects under the
14 RAC program and not obligated by Sep-
15 tember 30, 2023, shall be deposited in the
16 Treasury of the United States.”.

17 (b) EXCEPTION TO GENERAL RULE REGARD-
18 ING TREATMENT OF RECEIPTS.—Section 403(b)
19 of the Secure Rural Schools and Community
20 Self-Determination Act of 2000 (16 U.S.C.
21 7153(b)) is amended by striking “All revenues”
22 and inserting “Except as provided in section
23 209, all revenues”.

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

3 Section 302(a) of the Secure Rural Schools
4 and Community Self-Determination Act of
5 2000 (16 U.S.C. 7142(a)) is amended—

6 (1) in paragraph (2)—

7 (A) by inserting “and law enforce-
8 ment patrols” after “including fire-
9 fighting”; and

10 (B) by striking “and” at the end;

11 (2) in paragraph (3), by inserting “and
12 carry out” after “develop”;

13 (3) by redesignating paragraph (3) as
14 paragraph (4); and

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

17 “(3) to cover training costs and equip-
18 ment purchases directly related to the
19 emergency services described in para-
20 graph (2); and”.

21 SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.

22 (a) IN GENERAL.—Section 102 of the Secure
23 Rural Schools and Community Self-Deter-
24 mination Act of 2000 (16 U.S.C. 7112) is amend-
25 ed by adding at the end the following new
26 subsection:

1 “(f) **TREATMENT AS SUPPLEMENTAL FUND-**
 2 **ING.**—None of the funds made available to a
 3 **beneficiary county or other political subdivi-**
 4 **sion of a State under this Act shall be used in**
 5 **lieu of or to otherwise offset State funding**
 6 **sources for local schools, facilities, or edu-**
 7 **cational purposes.”.**

8 **(b) CONTINUATION OF DIRECT PAYMENTS.—**
 9 **Payments to States made under the Secure**
 10 **Rural Schools and Community Self-Deter-**
 11 **mination Act of 2000 (16 U.S.C. 7101 et seq.)**
 12 **and 25-percent payments made to States and**
 13 **Territories under the Acts of May 23, 1908,**
 14 **and March 1, 1911 (16 U.S.C. 500), shall con-**
 15 **tinue to be made as direct payments.**

16 **TITLE V—STEWARDSHIP END**
 17 **RESULT CONTRACTING**

18 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**
 19 **END RESULT CONTRACTING PROJECTS.**

20 **(a) CANCELLATION CEILINGS.—Section 604**
 21 **of the Healthy Forests Restoration Act of 2003**
 22 **(16 U.S.C. 6591c) is amended—**

23 **(1) by redesignating subsections (h)**
 24 **and (i) as subsections (i) and (j), respec-**
 25 **tively; and**

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

3 “(h) CANCELLATION CEILINGS.—

4 “(1) IN GENERAL.—Notwithstanding
5 section 3903(b)(1) of title 41, United
6 States Code, the Chief and the Director
7 may obligate funds in stages that are eco-
8 nomically or programmatically viable to
9 cover any potential cancellation or termi-
10 nation costs for an agreement or contract
11 under subsection (b) in stages that are
12 economically or programmatically viable.

13 “(2) ADVANCE NOTICE TO CONGRESS OF
14 CANCELLATION CEILING IN EXCESS OF \$25
15 MILLION.—Not later than 30 days before
16 entering into a multiyear agreement or
17 contract under subsection (b) that in-
18 cludes a cancellation ceiling in excess of
19 \$25 million, but does not include pro-
20 posed funding for the costs of cancelling
21 the agreement or contract up to such
22 cancellation ceiling, the Chief or the Di-
23 rector, as the case may be, shall submit to
24 the Committee on Energy and Natural
25 Resources and the Committee on Agri-

1 **culture, Nutrition, and Forestry of the**
2 **Senate and the Committee on Natural Re-**
3 **sources and the Committee on Agri-**
4 **culture of the House of Representatives a**
5 **written notice that includes—**

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

9 **“(B) the reasons why such can-**
10 **cancellation ceiling amounts were se-**
11 **lected;**

12 **“(C) the extent to which the costs**
13 **of contract cancellation are not in-**
14 **cluded in the budget for the agree-**
15 **ment or contract; and**

16 **“(D) an assessment of the finan-**
17 **cial risk of not including budgeting**
18 **for the costs of agreement or contract**
19 **cancellation.**

20 **“(3) TRANSMITTAL OF NOTICE TO OMB.—**

21 **Not later than 14 days after the date on**
22 **which written notice is provided under**
23 **paragraph (2) with respect to an agree-**
24 **ment or contract under subsection (b),**
25 **the Chief or the Director, as the case may**

1 **be, shall transmit a copy of the notice to**
2 **the Director of the Office of Management**
3 **and Budget.”.**

4 **(b) RELATION TO OTHER LAWS.—Section**
5 **604(d)(5) of the Healthy Forests Restoration**
6 **Act of 2003 (16 U.S.C. 6591c(d)(5)) is amend-**
7 **ed—**

8 **(1) by striking “, the Chief may” and**
9 **inserting “and section 2(a)(1) of the Act of**
10 **July 31, 1947 (commonly known as the**
11 **Materials Act of 1947; 30 U.S.C. 602(a)(1)),**
12 **the Chief and the Director may”; and**

13 **(2) by striking the last sentence.**

14 **SEC. 502. EXCESS OFFSET VALUE.**

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

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

23 **“(B) if there are no outstanding li-**
24 **abilities under subparagraph (A),**

1 **apply the excess to other authorized**
2 **stewardship projects.”.**

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

6 **Section 604(e) of the Healthy Forests Res-**
7 **toration Act of 2003 (16 U.S.C. 6591c(e)) is**
8 **amended—**

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

12 **(2) in paragraph (3)(A), by striking**
13 **“services received by the Chief or the Di-**
14 **rector” and all that follows through the**
15 **period at the end and inserting the fol-**
16 **lowing: “services and in-kind resources**
17 **received by the Chief or the Director**
18 **under a stewardship contract project**
19 **conducted under this section shall not be**
20 **considered monies received from the Na-**
21 **tional Forest System or the public lands,**
22 **but any payments made by the contractor**
23 **to the Chief or Director under the project**
24 **shall be considered monies received from**

1 the National Forest System or the public
2 lands.”.

3 SEC. 504. SUBMISSION OF EXISTING ANNUAL REPORT.

4 Subsection (j) of section 604 of the
5 Healthy Forests Restoration Act of 2003 (16
6 U.S.C. 6591c), as redesignated by section
7 501(a)(1), is amended by striking “report to
8 the Committee on Agriculture, Nutrition, and
9 Forestry of the Senate and the Committee on
10 Agriculture of the House of Representatives”
11 and inserting “submit to the congressional
12 committees specified in subsection (h)(2) a re-
13 port”.

14 SEC. 505. FIRE LIABILITY PROVISION.

15 Section 604(d) of the Healthy Forests Res-
16 toration Act of 2003 (16 U.S.C. 6591c(d)) is
17 amended by adding at the end the following
18 new paragraph:

19 “(8) MODIFICATION.—Upon the request
20 of the contractor, a contract or agree-
21 ment under this section awarded before
22 February 7, 2014, shall be modified by the
23 Chief or Director to include the fire li-
24 ability provisions described in paragraph
25 (7).”.

1 SEC. 506. EXTENSION OF STEWARDSHIP CONTRACTING
2 MAXIMUM TERM LIMITS.

3 (a) HEALTH FORESTS RESTORATION ACT.—
4 Section 604(d)(3)(B) of the Healthy Forests
5 Restoration Act of 2003 (16 U.S.C.
6 6591c(d)(3)(B)) is amended by striking “10
7 years” and inserting “20 years”.

8 (b) NATIONAL FOREST MANAGEMENT ACT.—
9 Section 14(c) of the National Forest Manage-
10 ment Act of 1976 (16 U.S.C. 472a(c)) is amend-
11 ed by striking “ten years” and inserting “20
12 years”.

13 **TITLE VI—ADDITIONAL FUND-**
14 **ING SOURCES FOR FOREST**
15 **MANAGEMENT ACTIVITIES**

16 SEC. 601. DEFINITIONS.

17 In this title:

18 (1) ELIGIBLE ENTITY.—The term “eligi-
19 ble entity” means—

20 (A) a State or political subdivision
21 of a State containing National Forest
22 System lands or public lands;

23 (B) a publicly chartered utility
24 serving one or more States or a polit-
25 ical subdivision thereof;

26 (C) a rural electric company; and

1 **(D) any other entity determined**
2 **by the Secretary concerned to be ap-**
3 **propriate for participation in the**
4 **Fund.**

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

8 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
9 **NUES AND COLLABORATIVE FOREST LAND-**
10 **SCAPE RESTORATION FUND TO COVER FOR-**
11 **EST MANAGEMENT ACTIVITY PLANNING**
12 **COSTS.**

13 **(a) AVAILABILITY OF STEWARDSHIP PROJECT**
14 **REVENUES.—Section 604(e)(2)(B) of the**
15 **Healthy Forests Restoration Act of 2003 (16**
16 **U.S.C. 6591c(e)(2)(B)), as amended by section**
17 **503, is further amended by striking “appro-**
18 **priation at the project site from which the**
19 **monies are collected or at another project**
20 **site.” and inserting the following: “appropria-**
21 **tion—**

22 **“(i) at the project site from**
23 **which the monies are collected or**
24 **at another project site; and**

1 “(ii) to cover not more than 25
2 percent of the cost of planning
3 additional stewardship con-
4 tracting projects.”.

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

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

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

23 (b) CONTENTS.—The State-Supported For-
24 est Management Fund shall consist of such
25 amounts as may be—

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

3 (2) appropriated to the Fund; or

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

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

10 (1) specify the National Forest System
11 lands or public lands for which the con-
12 tribution may be expended; and

13 (2) limit the types of forest manage-
14 ment activities for which the contribu-
15 tion may be expended.

16 (d) AUTHORIZED FOREST MANAGEMENT AC-
17 TIVITIES.—In such amounts as may be pro-
18 vided in advance in appropriation Acts, the
19 Secretary concerned may use the Fund to
20 plan, carry out, and monitor a forest manage-
21 ment activity that—

22 (1) is developed through a collabo-
23 rative process;

24 (2) is proposed by a resource advisory
25 committee;

1 **(3) is covered by a community wild-**
2 **fire protection plan.**

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

18 **(f) RELATION TO OTHER LAWS.—**

19 **(1) REVENUE SHARING.—Subject to sub-**
20 **section (e), revenues generated by a for-**
21 **est management activity carried out**
22 **using amounts from the Fund shall be**
23 **considered monies received from the Na-**
24 **tional Forest System.**

1 **(2) KNUTSON-VANDERBERG ACT.—The**
2 **Act of June 9, 1930 (commonly known as**
3 **the Knutson-Vanderberg Act; 16 U.S.C.**
4 **576 et seq.), shall apply to any forest man-**
5 **agement activity carried out using**
6 **amounts in the Fund.**

7 **(g) TERMINATION OF FUND.—**

8 **(1) TERMINATION.—The Fund shall ter-**
9 **minate 10 years after the date of the en-**
10 **actment of this Act.**

11 **(2) EFFECT OF TERMINATION.—Upon the**
12 **termination of the Fund pursuant to**
13 **paragraph (1) or pursuant to any other**
14 **provision of law, unobligated contribu-**
15 **tions remaining in the Fund shall be re-**
16 **turned to the eligible entity that made**
17 **the contribution.**

1 **TITLE VII—TRIBAL FORESTRY**
2 **PARTICIPATION AND PRO-**
3 **TECTION**

4 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
5 **THROUGH USE OF STEWARDSHIP AND RE-**
6 **SULT CONTRACTING AND OTHER AUTHORI-**
7 **TIES.**

8 **(a) PROMPT CONSIDERATION OF TRIBAL RE-**
9 **QUESTS.—Section 2(b) of the Tribal Forest Pro-**
10 **tection Act of 2004 (25 U.S.C. 3115a(b)) is**
11 **amended—**

12 **(1) in paragraph (1), by striking “Not**
13 **later than 120 days after the date on**
14 **which an Indian tribe submits to the Sec-**
15 **retary” and inserting “In response to the**
16 **submission by an Indian Tribe of”; and**

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

19 **“(4) TIME PERIODS FOR CONSIDER-**
20 **ATION.—**

21 **“(A) INITIAL RESPONSE.—Not later**
22 **than 120 days after the date on which**
23 **the Secretary receives a Tribal re-**
24 **quest under paragraph (1), the Sec-**
25 **retary shall provide an initial re-**

1 sponse to the Indian Tribe regard-
2 ing—

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

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

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

17 “(C) COMPLETION.—Not later than
18 2 years after the date on which the
19 Secretary receives a Tribal request
20 under paragraph (1), other than a
21 Tribal request denied under sub-
22 section (d), the Secretary shall—

23 “(i) complete all environ-
24 mental reviews necessary in con-
25 nection with the agreement or

1 **contract and proposed activities**
2 **under the agreement or contract;**
3 **and**

4 **“(ii) enter into the agreement**
5 **or contract with the Indian tribe**
6 **under paragraph (2).”.**

7 **(b) CONFORMING AND TECHNICAL AMEND-**
8 **MENTS.—Section 2 of the Tribal Forest Protec-**
9 **tion Act of 2004 (25 U.S.C. 3115a) is amended—**

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

21 **(2) in subsection (d), by striking “sub-**
22 **section (b)(1), the Secretary may” and in-**
23 **serting “paragraphs (1) and (4)(B) of sub-**
24 **section (b), the Secretary shall”.**

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

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

8 “(c) INCLUSION OF CERTAIN NATIONAL FOR-
9 EST SYSTEM LAND AND PUBLIC LAND.—

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

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

6 **“(A) provide for continued public**
7 **access applicable to the Federal for-**
8 **est land prior to the agreement, ex-**
9 **cept that the Secretary concerned**
10 **may limit or prohibit such access as**
11 **needed;**

12 **“(B) continue sharing revenue**
13 **generated by the Federal forest land**
14 **with State and local governments ei-**
15 **ther—**

16 **“(i) on the terms applicable to**
17 **the Federal forest land prior to**
18 **the agreement, including, where**
19 **applicable, 25-percent payments**
20 **or 50-percent payments; or**

21 **“(ii) at the option of the In-**
22 **dian Tribe, on terms agreed upon**
23 **by the Indian Tribe, the Secretary**
24 **concerned, and State and county**
25 **governments participating in a**

1 **revenue sharing agreement for**
2 **the Federal forest land;**

3 **“(C) comply with applicable pro-**
4 **hibitions on the export of unproc-**
5 **essed logs harvested from the Federal**
6 **forest land;**

7 **“(D) recognize all right-of-way**
8 **agreements in place on Federal forest**
9 **land prior to commencement of Trib-**
10 **al management activities;**

11 **“(E) ensure that all commercial**
12 **timber removed from the Federal for-**
13 **est land is sold on a competitive bid**
14 **basis; and**

15 **“(F) cooperate with the appro-**
16 **priate State fish and wildlife agency**
17 **to achieve mutual agreement on the**
18 **management of fish and wildlife.**

19 **“(3) LIMITATION.—Treating Federal**
20 **forest land as Indian forest land for pur-**
21 **poses of planning and conducting man-**
22 **agement activities pursuant to paragraph**
23 **(1) shall not be construed to designate**
24 **the Federal forest land as Indian forest**
25 **lands for any other purpose.**

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

2 **“(A) FEDERAL FOREST LAND.—The**
3 **term ‘Federal forest land’ means—**

4 **“(i) National Forest System**
5 **lands; and**

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

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

19 **“(i) the Secretary of Agri-**
20 **culture, with respect to the Fed-**
21 **eral forest land referred to in sub-**
22 **paragraph (A)(i); and**

23 **“(ii) the Secretary of the Inte-**
24 **rior, with respect to the Federal**

1 **forest land referred to in subpara-**
2 **graph (A)(ii).”.**

3 **SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
4 **PROJECT.**

5 **The Secretary of the Interior and the Sec-**
6 **retary of Agriculture may carry out dem-**
7 **onstration projects by which federally recog-**
8 **nized Indian Tribes or Tribal organizations**
9 **may contract to perform administrative, man-**
10 **agement, and other functions of programs of**
11 **the Tribal Forest Protection Act of 2004 (25**
12 **U.S.C. 3115a et seq.) through contracts en-**
13 **tered into under the Indian Self-Determina-**
14 **tion and Education Assistance Act (25 U.S.C.**
15 **5304 et seq.).**

16 **SEC. 704. RULE OF APPLICATION.**

17 **Nothing in this title, or the amendments**
18 **made by this title, shall be construed as inter-**
19 **fering with, diminishing, or conflicting with**
20 **the authority, jurisdiction, or responsibility of**
21 **any State to exercise primary management,**
22 **control, or regulation of fish and wildlife on**
23 **land or water within the State (including on**
24 **public land) under State law.**

**TITLE VIII— EXPEDITING
INTERAGENCY CONSULTATION**

**Subtitle A—Forest Plans Not
Considered Major Federal Actions**

SEC. 801. FOREST PLANS NOT CONSIDERED MAJOR FEDERAL ACTIONS.

The development, maintenance, amendment, and revision of a forest plan shall not be considered a major Federal action for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

Subtitle B—Agency Consultation

**SEC. 811. CONSULTATION UNDER FOREST AND RANGELAND
RENEWABLE RESOURCES PLANNING ACT OF
1974.**

(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

1 (2) by adding at the end the fol-
2 lowing:

3 “(2) NO ADDITIONAL CONSULTATION RE-
4 QUIRED AFTER APPROVAL OF LAND MANAGE-
5 MENT PLANS.—

6 “(A) IN GENERAL.—Notwith-
7 standing any other provision of law,
8 the Secretary shall not be required to
9 engage in consultation under this
10 subsection or any other provision of
11 law (including section 7 of the Endan-
12 gered Species Act (16 U.S.C. 1536) and
13 section 402.16 of title 50, Code of Fed-
14 eral Regulations (or a successor regu-
15 lation)) with respect to—

16 “(i) if a land management plan
17 approved by the Secretary—

18 “(I) the listing of a species
19 as threatened or endangered,
20 or a designation of critical
21 habitat pursuant to the En-
22 dangered Species Act (16
23 U.S.C. 1531 et seq.);

24 “(II) whether the amount
25 or extent of taking specified

1 in the incidental take state-
2 ment is exceeded;

3 “(III) whether new infor-
4 mation reveals effects of the
5 action that may affect listed
6 species or critical habitat in a
7 manner or to an extent not
8 previously considered; or

9 “(IV) whether the identi-
10 fied action is subsequently
11 modified in a manner that
12 causes an effect to the listed
13 species or critical habitat that
14 was not considered in the bio-
15 logical opinion; or

16 “(ii) any provision of a land
17 management plan adopted as de-
18 scribed in clause (i).

19 “(B) EFFECT OF PARAGRAPH.—Noth-
20 ing in this paragraph affects any ap-
21 plicable requirement of the Secretary
22 to consult with the head of any other
23 Federal department or agency—

24 “(i) regarding any project, in-
25 cluding a project carried out, or

1 **proposed to be carried out, in an**
2 **area designated as critical habitat**
3 **pursuant to the Endangered Spe-**
4 **cies Act (16 U.S.C. 1531 et seq.); or**

5 **“(ii) with respect to the devel-**
6 **opment of an amendment to a**
7 **land management plan that**
8 **would result in a significant**
9 **change in the land management**
10 **plan.**

11 **“(3) LAND MANAGEMENT PLAN CONSID-**
12 **ERED A NON-DISCRETIONARY ACTION.—For**
13 **purposes of the Endangered Species Act**
14 **of 1973 (16 U.S.C. 1531 et seq.), a forest**
15 **management activity carried out by the**
16 **Secretary concerned pursuant to this Act**
17 **shall be considered a non-discretionary**
18 **action.”.**

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

21 **(1) DEFINITION OF SECRETARY.—Section**
22 **3(a) of the Forest and Rangeland Renew-**
23 **able Resources Planning Act of 1974 (16**
24 **U.S.C. 1601(a)) is amended, in the first**
25 **sentence of the matter preceding para-**

1 **graph (1), by inserting “(referred to in**
2 **this Act as the ‘Secretary’)” after “Sec-**
3 **retary of Agriculture”.**

4 **(2) CONFORMING AMENDMENTS.—The**
5 **Forest and Rangeland Renewable Re-**
6 **sources Planning Act of 1974 (16 U.S.C.**
7 **1600 et seq.) is amended, in sections 4**
8 **through 9, 12, 13, and 15, by striking “Sec-**
9 **retary of Agriculture” each place it ap-**
10 **pears and inserting “Secretary”.**

11 **SEC. 812. CONSULTATION UNDER FEDERAL LAND POLICY**
12 **AND MANAGEMENT ACT OF 1976.**

13 **Section 202(f) of the Federal Land Policy**
14 **and Management Act of 1976 (43 U.S.C.**
15 **1712(f)) is amended—**

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

18 **“(f) PUBLIC INVOLVEMENT.—**

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

20 **(2) by adding at the end the fol-**
21 **lowing:**

22 **“(2) NO ADDITIONAL CONSULTATION RE-**
23 **QUIRED AFTER APPROVAL OF LAND USE**
24 **PLANS.—**

1 “(A) IN GENERAL.—Notwith-
2 standing any other provision of law,
3 the Secretary shall not be required to
4 engage in consultation under this
5 subsection or any other provision of
6 law (including section 7 of the Endan-
7 gered Species Act (16 U.S.C. 1536) and
8 section 402.16 of title 50, Code of Fed-
9 eral Regulations (or a successor regu-
10 lation)), with respect to—

11 “(i) the listing of a species as
12 threatened or endangered, or a
13 designation of critical habitat,
14 pursuant to the Endangered Spe-
15 cies Act (16 U.S.C. 1531 et seq.), if
16 a land use plan has been adopted
17 by the Secretary as of the date of
18 listing or designation; or

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

22 “(B) EFFECT OF PARAGRAPH.—

23 “(i) DEFINITION OF SIGNIFICANT
24 CHANGE.—In this subparagraph,
25 the term ‘significant change’

1 means a significant change within
2 the meaning of section
3 219.13(b)(3) of title 36, Code of
4 Federal Regulations (as in effect
5 on the date of enactment of this
6 subparagraph), except that—

7 “(I) any reference con-
8 tained in that section to a
9 land management plan shall
10 be deemed to be a reference
11 to a land use plan;

12 “(II) any reference con-
13 tained in that section to the
14 Forest Service shall be
15 deemed to be a reference to
16 the Bureau of Land Manage-
17 ment; and

18 “(III) any reference con-
19 tained in that section to the
20 National Forest Management
21 Act of 1976 (Public Law 94-
22 588; 90 Stat. 2949) shall be
23 deemed to be a reference to
24 this Act.

1 **“(ii) EFFECT.—Nothing in this**
2 **paragraph affects any applicable**
3 **requirement of the Secretary to**
4 **consult with the head of any**
5 **other Federal department or**
6 **agency—**

7 **“(I) regarding a project**
8 **carried out, or proposed to be**
9 **carried out, with respect to a**
10 **species listed as threatened or**
11 **endangered, or in an area des-**
12 **ignated as critical habitat,**
13 **pursuant to the Endangered**
14 **Species Act (16 U.S.C. 1531 et**
15 **seq.); or**

16 **“(II) with respect to the**
17 **development of a new land**
18 **use plan or the revision of or**
19 **other significant change to an**
20 **existing land use plan.**

21 **“(3) LAND USE PLAN CONSIDERED NON-**
22 **DISCRETIONARY ACTION.—For purposes of**
23 **the Endangered Species Act of 1973 (16**
24 **U.S.C. 1531 et seq.), a forest management**
25 **activity carried out by the Secretary con-**

1 cerned pursuant to this Act shall be con-
2 sidered a non-discretionary action.”.

3 **TITLE IX—MISCELLANEOUS**
4 **Subtitle A—Forest Management**
5 **Provisions**

6 SEC. 901. CLARIFICATION OF EXISTING CATEGORICAL EX-
7 CLUSION AUTHORITY RELATED TO INSECT
8 AND DISEASE INFESTATION.

9 Section 603(c)(2)(B) of the Healthy Forests
10 Restoration Act of 2003 (16 U.S.C.
11 6591b(c)(2)(B)) is amended by striking “Fire
12 Regime Groups I, II, or III” and inserting
13 “Fire Regime I, Fire Regime II, Fire Regime
14 III, Fire Regime IV, or Fire Regime V”.

15 SEC. 902. REVISION OF ALTERNATE CONSULTATION
16 AGREEMENT REGULATIONS.

17 Not later than 90 days after the date of the
18 enactment of this section, the Secretary of the
19 Interior and the Secretary of Commerce shall
20 revise section 402.13 of title 50, Code of Fed-
21 eral Regulations, to—

22 (1) authorize Federal agencies to
23 enter into alternative consultation agree-
24 ments under which the Federal agency
25 may determine if an action such agency

1 authorizes is likely to adversely affect
2 listed species or critical habitat; and

3 (2) if an agency determines such ac-
4 tion will not likely adversely affect listed
5 species or critical habitat pursuant to
6 paragraph (1), not require such agency to
7 complete a formal consultation, informal
8 consultation, or written concurrence of
9 the U.S. Fish and Wildlife Service or the
10 National Marine Fisheries Service with
11 respect to such action.

12 SEC. 903. REVISION OF EXTRAORDINARY CIRCUMSTANCES
13 REGULATIONS.

14 (a) DETERMINATIONS OF EXTRAORDINARY
15 CIRCUMSTANCES.—In determining whether ex-
16 traordinary circumstances related to a pro-
17 posed action preclude use of a categorical ex-
18 clusion, the Forest Service shall not be re-
19 quired to—

20 (1) consider whether a proposed ac-
21 tion is within a potential wilderness area;

22 (2) consider whether a proposed ac-
23 tion affects a Forest Service sensitive
24 species;

1 **(3) conduct an analysis under section**
2 **220.4(f) of title 36, Code of Federal Regu-**
3 **lations, of the proposed action’s cumu-**
4 **lative impact (as the term is defined in**
5 **section 1508.7 of title 40, Code of Federal**
6 **Regulations);**

7 **(4) consider a determination under**
8 **section 7 of the Endangered Species Act**
9 **of 1973 (16 U.S.C. 1536) that a proposed**
10 **action may affect, but is not likely to ad-**
11 **versely affect, threatened, endangered, or**
12 **candidate species, or designated critical**
13 **habitats; or**

14 **(5) consider a determination under**
15 **section 7 of the Endangered Species Act**
16 **of 1973 (16 U.S.C. 1536) that a proposed**
17 **action may affect, and is likely to ad-**
18 **versely affect threatened, endangered,**
19 **candidate species, or designated critical**
20 **habitat if the agency is in compliance**
21 **with the applicable provisions of the bio-**
22 **logical opinion.**

23 **(b) PROPOSED RULEMAKING.—Not later**
24 **than 60 days after the date of enactment of**
25 **this Act, the Secretary of Agriculture shall**

1 **publish a notice of proposed rulemaking to re-**
2 **vis** **section 220.6(b) of title 36, Code of Fed-**
3 **eral Regulations to conform such section with**
4 **subsection (a).**

5 **(c) ADDITIONAL REVISION.—As part of the**
6 **proposed rulemaking described in subsection**
7 **(b), the Secretary of Agriculture shall revise**
8 **section 220.5(a)(2) of title 36, Code of Federal**
9 **Regulations, to provide that the Forest Serv-**
10 **ice shall not be required to consider proposals**
11 **that would substantially alter a potential wil-**
12 **derness area as a class of actions normally re-**
13 **quiring environmental impact statements.**

14 **(d) ADDITIONAL ACTIONS.—Not later than**
15 **120 days after the date of enactment of this**
16 **Act, the Secretary of Agriculture shall issue**
17 **final regulations to carry out the revisions de-**
18 **scribed in subsections (b) and (c).**

19 **SEC. 904. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
20 **MISSIONING.**

21 **(a) CONSULTATION WITH AFFECTED COUN-**
22 **TY.—Whenever any Forest Service defined**
23 **maintenance level one- or two-system road**
24 **within a designated high-fire prone area of a**
25 **unit of the National Forest System is consid-**

1 **ered for decommissioning, the Forest Super-**
2 **visor of that unit of the National Forest Sys-**
3 **tem shall—**

4 **(1) consult with the government of**
5 **the county containing the road regarding**
6 **the merits and possible consequences of**
7 **decommissioning the road; and**

8 **(2) solicit possible alternatives to de-**
9 **commissioning the road.**

10 **(b) PERIOD PRIOR TO DECOMMISSION.—A**
11 **Forest Service road described in subsection**
12 **(a) may not be decommissioned without the**
13 **advance approval of the Regional Forester.**

14 **SEC. 905. PROHIBITION ON APPLICATION OF EASTSIDE**
15 **SCREENS REQUIREMENTS ON NATIONAL**
16 **FOREST SYSTEM LANDS.**

17 **(a) REPEAL OF EASTSIDE SCREENS REQUIRE-**
18 **MENTS.—Notwithstanding any other provision**
19 **of law, the Secretary of Agriculture shall im-**
20 **mediately withdraw the Interim Management**
21 **Direction Establishing Riparian, Ecosystem,**
22 **and Wildlife Standards for Timber Sales (com-**
23 **monly known as the Eastside Screens require-**
24 **ments), including all preceding or associated**
25 **versions of these amendments.**

1 **(b) EFFECT OF REPEAL.—**On and after the
2 **date of the enactment of this Act, the Sec-**
3 **retary of Agriculture may not apply to Na-**
4 **tional Forest System lands any of the amend-**
5 **ments repealed under subsection (a).**

6 **SEC. 906. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
7 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
8 **TIES.**

9 **If the Secretary concerned determines**
10 **that, in order to conduct a project or carry**
11 **out an activity implementing a forest plan, an**
12 **amendment to the forest plan is required, the**
13 **Secretary concerned shall execute such**
14 **amendment as a nonsignificant plan amend-**
15 **ment through the record of decision or deci-**
16 **sion notice for the project or activity.**

17 **SEC. 907. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

18 **(a) DEPOSITS OF FUNDS FROM NATIONAL**
19 **FOREST TIMBER PURCHASERS REQUIRED.—Sec-**
20 **tion 3(a) of the Act of June 9, 1930 (commonly**
21 **known as the Knutson-Vandenberg Act; 16**
22 **U.S.C. 576b(a)), is amended by striking “The**
23 **Secretary” and all that follows through “any**
24 **purchaser” and inserting the following: “The**

1 Secretary of Agriculture shall require each
2 purchaser”.

3 (b) CONDITIONS ON USE OF DEPOSITS.—Sec-
4 tion 3 of the Act of June 9, 1930 (commonly
5 known as the Knutson-Vandenberg Act; 16
6 U.S.C. 576b), is amended—

7 (1) by striking “Such deposits” and in-
8 serting the following:

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

11 (2) by redesignating subsection (c) as
12 subsection (d); and

13 (3) by inserting before subsection (d),
14 as so redesignated, the following new
15 subsection (c):

16 “(c)(1) Amounts in the special fund estab-
17 lished pursuant to this section—

18 “(A) shall be used exclusively to im-
19 plement activities authorized by sub-
20 section (a); and

21 “(B) may be used anywhere within
22 the Forest Service Region from which the
23 original deposits were collected.

24 “(2) The Secretary of Agriculture may not
25 deduct overhead costs from the funds col-

1 lected under subsection (a), except as needed
2 to fund personnel of the responsible Ranger
3 District for the planning and implementation
4 of the activities authorized by subsection
5 (a).”.

6 SEC. 908. APPLICATION OF NORTHWEST FOREST PLAN SUR-
7 VEY AND MANAGE MITIGATION MEASURE
8 STANDARD AND GUIDELINES.

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

13 SEC. 909. RECONSTRUCTION AND REPAIR INCLUDED IN
14 GOOD NEIGHBOR AGREEMENTS.

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

17 (1) in subparagraph (A)—

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

20 (B) by redesignating clause (iii) as
21 clause (iv); and

22 (C) by inserting after clause (ii)
23 the following new clause:

24 “(iii) construction, reconstruc-
25 tion, repair or restoration of

1 roads as necessary to achieve
2 project objectives; and”.

3 (2) by amending subparagraph (B) to
4 read as follows:

5 “(B) EXCLUSIONS.—The term ‘for-
6 est, rangeland, and watershed res-
7 toration services’ does not include
8 construction, alteration, repair or re-
9 placement of public buildings or
10 works.”.

11 SEC. 910. LOGGING AND MECHANIZED OPERATIONS.

12 The Fair Labor Standards Act of 1938 (29
13 U.S.C. 201 et seq.) is amended—

14 (1) in section 3 (29 U.S.C. 203)—

15 (A) in subsection (l), by striking
16 “well-being.” and inserting “well-
17 being, and that employment of em-
18 ployees ages sixteen or seventeen
19 years in a logging or mechanized op-
20 eration in an occupation that the Sec-
21 retary of Labor finds and declares to
22 be particularly hazardous for the em-
23 ployment of individuals of such ages
24 shall not be deemed to constitute op-
25 pressive child labor if such employee

1 is employed by his parent or by a per-
2 son standing in the place of his par-
3 ent in a logging or mechanized oper-
4 ation owned or operated by such par-
5 ent or person.”; and

6 (B) by adding at the end the fol-
7 lowing:

8 “(z)(1) ‘Logging’—

9 “(A) means—

10 “(i) the felling, skidding, yarding,
11 loading and processing of timber by
12 equipment other than manually oper-
13 ated chainsaws and cable skidders;

14 “(ii) the felling of timber in
15 mechanized operations;

16 “(iii) the bucking or converting of
17 timber into logs, poles, ties, bolts,
18 pulpwood, chemical wood, excelsior
19 wood, cordwood, fence posts, or simi-
20 lar products;

21 “(iv) the collecting, skidding,
22 yarding, loading, transporting and
23 unloading of such products in con-
24 nection with logging;

1 “(v) the constructing, repairing
2 and maintaining of roads or camps
3 used in connection with logging; the
4 constructing, repairing, and maintenance
5 of machinery or equipment
6 used in logging; and

7 “(vi) other work performed in
8 connection with logging; and

9 “(B) does not include the manual use
10 of chain saws to fell and process timber
11 and the use of cable skidders to bring the
12 timber to the landing.

13 “(2) ‘Mechanized operation’—

14 “(A) means the felling, skidding,
15 yarding, loading and processing of timber
16 by equipment other than manually operated
17 chainsaws and cable skidders; and

18 “(B) includes whole tree processors,
19 cut-to-length processors, stroke boom
20 delimbers, wheeled and track feller-
21 bunchers, pull thru delimbers, wheeled
22 and track forwarders, chippers, grinders,
23 mechanical debarkers, wheeled and track
24 grapple skidders, yarders, bulldozers, excavators,
25 and log loaders.”; and

1 (2) in section 13(c) (29 U.S.C. 211(c)),
2 by adding at the end the following:

3 “(8) The provisions of section 12 relating
4 to child labor shall apply to an employee who
5 is 16 or 17 years old employed in a logging or
6 mechanized operation in an occupation that
7 the Secretary of Labor finds and declares to
8 be particularly hazardous for the employment
9 of children ages 16 or 17, except where such
10 employee is employed by his parent or by a
11 person standing in the place of his parent in
12 a logging or mechanized operation owned or
13 operated by such parent or person.”.

14 **Subtitle B—Oregon and California**
15 **Railroad Grant Lands and Coos**
16 **Bay Wagon Road Grant Lands**

17 SEC. 911. AMENDMENTS TO THE ACT OF AUGUST 28, 1937.

18 The first section of the Act of August 28,
19 1937 (50 Stat. 874; 43 U.S.C. 2601 et seq.), is
20 amended—

21 (1) by striking “principal of sustained
22 yield” and inserting “principle of sus-
23 tained yield”;

24 (2) by striking “facilties” and insert-
25 ing “facilities”; and

1 (3) by striking “That timber from said
2 lands in an amount” and inserting “That
3 timber from said lands in the amount
4 that is the greater of:”.

5 SEC. 912. OREGON AND CALIFORNIA RAILROAD GRANT
6 LANDS AND COOS BAY WAGON ROAD GRANT
7 LANDS PERMANENT RIGHTS OF ACCESS.

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

19 (b) RECORDS UPDATED.—Not later than 60
20 days after the date of the enactment of this
21 Act, the reciprocal road right-of-way permits,
22 grants, and agreements described in sub-
23 section (a) shall be amended to reflect the per-
24 manent rights of access required under sub-
25 section (a) and recorded by the Secretary of

1 the Interior in each county where the lands
2 are located. No other amendments shall be
3 made to such right-of-way permits, grants,
4 and agreements.

5 SEC. 913. MANAGEMENT OF BUREAU OF LAND MANAGE-
6 MENT LANDS IN WESTERN OREGON.

7 (a) IN GENERAL.—All of the public land
8 managed by the Bureau of Land Management
9 in the Northwest District, Roseburg District,
10 Coos Bay District, Medford District, and the
11 Klamath Resource Area of the Lakeview Dis-
12 trict in the State of Oregon shall hereafter be
13 managed pursuant to title I of the of the Act
14 of August 28, 1937 (43 U.S.C. 1181a through
15 1181e). Except as provided in subsection (b),
16 all of the revenue produced from such land
17 shall be deposited in the Treasury of the
18 United States in the Oregon and California
19 land-grant fund and be subject to the provi-
20 sions of title II of the Act of August 28, 1937
21 (43 U.S.C. 1181f).

22 (b) CERTAIN LANDS EXCLUDED.—Subsection
23 (a) does not apply to any revenue that is re-
24 quired to be deposited in the Coos Bay Wagon
25 Road grant fund pursuant to sections 1

1 through 4 of the Act of May 24, 1939 (43 U.S.C.
2 1181f et seq.).

3 **TITLE X—MAJOR DISASTER FOR**
4 **WILDFIRE ON FEDERAL LAND**

5 SEC. 1001. WILDFIRE ON FEDERAL LANDS.

6 Section 102(2) of the Robert T. Stafford
7 Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5122(2)) is amended—

9 (1) by striking “(2)” and all that fol-
10 lows through “means” and inserting the
11 following:

12 “(2) MAJOR DISASTER.—

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

15 (2) by adding at the end the fol-
16 lowing:

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

1 the Department of the Interior or the
2 Department of Agriculture—

3 “(i) on Federal lands; or

4 “(ii) on non-Federal lands pur-
5 suant to a fire protection agree-
6 ment or cooperative agreement.”.

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

9 The Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5170 et
11 seq.) is amended by adding at the end the fol-
12 lowing:

13 **“TITLE VIII—MAJOR DISASTER**
14 **FOR WILDFIRE ON FEDERAL**
15 **LAND**

16 “SEC. 801. DEFINITIONS.

17 “As used in this title—

18 “(1) FEDERAL LAND.—The term ‘Fed-
19 eral land’ means—

20 “(A) any land under the jurisdic-
21 tion of the Department of the Inte-
22 rior; and

23 “(B) any land under the jurisdic-
24 tion of the United States Forest Serv-
25 ice.

1 **“(2) FEDERAL LAND MANAGEMENT AGEN-**
2 **CIES.—The term ‘Federal land manage-**
3 **ment agencies’ means—**

4 **“(A) the Bureau of Land Manage-**
5 **ment;**

6 **“(B) the National Park Service;**

7 **“(C) the Bureau of Indian Affairs;**

8 **“(D) the United States Fish and**
9 **Wildlife Service; and**

10 **“(E) the United States Forest**
11 **Service.**

12 **“(3) WILDFIRE SUPPRESSION OPER-**
13 **ATIONS.—The term ‘wildfire suppression**
14 **operations’ means the emergency and un-**
15 **predictable aspects of wildland fire-**
16 **fighting, including support, response,**
17 **emergency stabilization activities, and**
18 **other emergency management activities**
19 **of wildland firefighting on Federal lands**
20 **(or on non-Federal lands pursuant to a**
21 **fire protection agreement or cooperative**
22 **agreement) by the Federal land manage-**
23 **ment agencies covered by the wildfire**
24 **suppression subactivity of the Wildland**
25 **Fire Management account or the FLAME**

1 **Wildfire Suppression Reserve Fund ac-**
2 **count of the Federal land management**
3 **agencies.**

4 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
5 **DISASTER FOR WILDFIRE ON FEDERAL**
6 **LANDS.**

7 **“(a) IN GENERAL.—The Secretary of the In-**
8 **terior or the Secretary of Agriculture may**
9 **submit a request to the President consistent**
10 **with the requirements of this title for a dec-**
11 **laration by the President that a major dis-**
12 **aster for wildfire on Federal lands exists.**

13 **“(b) REQUIREMENTS.—A request for a dec-**
14 **laration by the President that a major dis-**
15 **aster for wildfire on Federal lands exists**
16 **shall—**

17 **“(1) be made in writing by the respec-**
18 **tive Secretary;**

19 **“(2) certify that the amount appro-**
20 **priated in the current fiscal year for**
21 **wildfire suppression operations of the**
22 **Federal land management agencies under**
23 **the jurisdiction of the respective Sec-**
24 **retary, net of any concurrently enacted**
25 **rescissions of wildfire suppression funds,**

1 **increases the total unobligated balance of**
2 **amounts available for wildfire suppres-**
3 **sion by an amount equal to or greater**
4 **than the average total costs incurred by**
5 **the Federal land management agencies**
6 **per year for wildfire suppression oper-**
7 **ations, including the suppression costs in**
8 **excess of appropriated amounts, over the**
9 **previous ten fiscal years;**

10 **“(3) certify that the amount available**
11 **for wildfire suppression operations of the**
12 **Federal land management agencies under**
13 **the jurisdiction of the respective Sec-**
14 **retary will be obligated not later than 30**
15 **days after such Secretary notifies the**
16 **President that wildfire suppression funds**
17 **will be exhausted to fund ongoing and**
18 **anticipated wildfire suppression oper-**
19 **ations related to the wildfire on which**
20 **the request for the declaration of a major**
21 **disaster for wildfire on Federal lands**
22 **pursuant to this title is based; and**

23 **“(4) specify the amount required in**
24 **the current fiscal year to fund wildfire**
25 **suppression operations related to the**

1 wildfire on which the request for the dec-
2 laration of a major disaster for wildfire
3 on Federal lands pursuant to this title is
4 based.

5 “(c) DECLARATION.—Based on the request
6 of the respective Secretary under this title,
7 the President may declare that a major dis-
8 aster for wildfire on Federal lands exists.

9 “SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.

10 “(a) IN GENERAL.—In a major disaster for
11 wildfire on Federal lands, the President may
12 transfer funds, only from the account estab-
13 lished pursuant to subsection (b), to the Sec-
14 retary of the Interior or the Secretary of Agri-
15 culture to conduct wildfire suppression oper-
16 ations on Federal lands (and non-Federal
17 lands pursuant to a fire protection agreement
18 or cooperative agreement).

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

25 “(c) LIMITATION.—

1 **“(1) LIMITATION OF TRANSFER.—The as-**
2 **sistance available pursuant to a declara-**
3 **tion under section 802 is limited to the**
4 **transfer of the amount requested pursu-**
5 **ant to section 802(b)(4). The assistance**
6 **available for transfer shall not exceed the**
7 **amount contained in the wildfire sup-**
8 **pression operations account established**
9 **pursuant to subsection (b).**

10 **“(2) TRANSFER OF FUNDS.—Funds**
11 **under this section shall be transferred**
12 **from the wildfire suppression operations**
13 **account to the wildfire suppression sub-**
14 **activity of the Wildland Fire Management**
15 **Account.**

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

21 **“(e) REIMBURSEMENT FOR WILDFIRE SUP-**
22 **PRESSION OPERATIONS ON NON-FEDERAL**
23 **LAND.—If amounts transferred under sub-**
24 **section (c) are used to conduct wildfire sup-**

1 **pression operations on non-Federal land, the**
2 **respective Secretary shall—**

3 **“(1) secure reimbursement for the**
4 **cost of such wildfire suppression oper-**
5 **ations conducted on the non-Federal**
6 **land; and**

7 **“(2) transfer the amounts received as**
8 **reimbursement to the wildfire suppres-**
9 **sion operations account established pur-**
10 **suant to subsection (b).**

11 **“(f) ANNUAL ACCOUNTING AND REPORTING**
12 **REQUIREMENTS.—Not later than 90 days after**
13 **the end of each fiscal year for which assist-**
14 **ance is received pursuant to this section, the**
15 **respective Secretary shall submit to the Com-**
16 **mittees on Agriculture, Appropriations, the**
17 **Budget, Natural Resources, and Transpor-**
18 **tation and Infrastructure of the House of Rep-**
19 **resentatives and the Committees on Agri-**
20 **culture, Nutrition, and Forestry, Appropria-**
21 **tions, the Budget, Energy and Natural Re-**
22 **sources, Homeland Security and Govern-**
23 **mental Affairs, and Indian Affairs of the Sen-**
24 **ate, and make available to the public, a report**
25 **that includes the following:**

1 **“(1) The risk-based factors that influ-**
2 **enced management decisions regarding**
3 **wildfire suppression operations of the**
4 **Federal land management agencies under**
5 **the jurisdiction of the Secretary con-**
6 **cerned.**

7 **“(2) Specific discussion of a statis-**
8 **tically significant sample of large fires, in**
9 **which each fire is analyzed for cost driv-**
10 **ers, effectiveness of risk management**
11 **techniques, resulting positive or negative**
12 **impacts of fire on the landscape, impact**
13 **of investments in preparedness, sug-**
14 **gested corrective actions, and such other**
15 **factors as the respective Secretary con-**
16 **siders appropriate.**

17 **“(3) Total expenditures for wildfire**
18 **suppression operations of the Federal**
19 **land management agencies under the ju-**
20 **risdiction of the respective Secretary,**
21 **broken out by fire sizes, cost, regional lo-**
22 **cation, and such other factors as the such**
23 **Secretary considers appropriate.**

24 **“(4) Lessons learned.**

1 **“(5) Such other matters as the respec-**
2 **tive Secretary considers appropriate.**

3 **“(g) SAVINGS PROVISION.—Nothing in this**
4 **title shall limit the Secretary of the Interior,**
5 **the Secretary of Agriculture, Indian Tribe, or**
6 **a State from receiving assistance through a**
7 **declaration made by the President under this**
8 **Act when the criteria for such declaration**
9 **have been met.”.**

10 **SEC. 1003. PROHIBITION ON TRANSFERS.**

11 **No funds may be transferred to or from**
12 **the Federal land management agencies’ wild-**
13 **fire suppression operations accounts referred**
14 **to in section 801(3) of the Robert T. Stafford**
15 **Disaster Relief and Emergency Assistance Act**
16 **to or from any account or subactivity of the**
17 **Federal land management agencies, as de-**
18 **finied in section 801(2) of such Act, that is not**
19 **used to cover the cost of wildfire suppression**
20 **operations.**

Union Calendar No. 271

115TH CONGRESS
1ST Session

H. R. 2936

[Report No. 115-370, Parts I and II]

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.

OCTOBER 25, 2017

Reported from the Committee on Agriculture with an amendment

OCTOBER 25, 2017

Reported from the Committee on Natural Resources with an amendment

OCTOBER 25, 2017

The Committees on Education and the Workforce and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed