

108TH CONGRESS
1ST SESSION

H. R. 1904

AN ACT

To improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Healthy Forests Restoration Act of 2003”.

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. Purpose.

TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

Sec. 101. Definitions.

Sec. 102. Authorized hazardous fuels reduction projects.

Sec. 103. Prioritization for communities and watersheds.

Sec. 104. Environmental analysis.

Sec. 105. Special Forest Service administrative review process.

Sec. 106. Special requirements regarding judicial review of authorized haz-
 arduous fuels reduction projects.

Sec. 107. Injunctive relief for agency action to restore fire-adapted forest or
 rangeland ecosystems.

Sec. 108. Rules of construction.

TITLE II—BIOMASS

Sec. 201. Findings.

Sec. 202. Definitions.

Sec. 203. Grants to improve the commercial value of forest biomass for electric
 energy, useful heat, transportation fuels, and petroleum-based
 product substitutes.

Sec. 204. Reporting requirement.

TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purpose.

Sec. 302. Establishment of watershed forestry assistance program.

TITLE IV—INSECT INFESTATIONS

Sec. 401. Definitions, findings, and purpose.

Sec. 402. Accelerated information gathering regarding bark beetles, including
 Southern pine beetles, hemlock woolly adelgid, emerald ash
 borers, red oak borers, and white oak borers.

Sec. 403. Applied silvicultural assessments.

Sec. 404. Relation to other laws.

Sec. 405. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

- Sec. 501. Establishment of healthy forests reserve program.
- Sec. 502. Eligibility and enrollment of lands in program.
- Sec. 503. Conservation plans.
- Sec. 504. Financial assistance.
- Sec. 505. Technical assistance.
- Sec. 506. Safe harbor.
- Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is—

3 (1) to reduce the risks of damage to commu-
 4 nities, municipal water supplies, and some at-risk
 5 Federal lands from catastrophic wildfires;

6 (2) to authorize grant programs to improve the
 7 commercial value of forest biomass for electric en-
 8 ergy, useful heat, transportation fuels, petroleum-
 9 based product substitutes and other commercial pur-
 10 poses;

11 (3) to enhance efforts to protect watersheds and
 12 address threats to forest and rangeland health, in-
 13 cluding catastrophic wildfire, across the landscape;

14 (4) to promote systematic information gath-
 15 ering to address the impact of insect infestations on
 16 forest and rangeland health;

17 (5) to improve the capacity to detect insect and
 18 disease infestations at an early stage, particularly
 19 with respect to hardwood forests; and

1 (6) to protect, restore, and enhance degraded
2 forest ecosystem types in order to promote the recov-
3 ery of threatened and endangered species as well as
4 improve biological diversity and enhance carbon se-
5 questration.

6 **TITLE I—HAZARDOUS FUELS RE-**
7 **DUCTION ON FEDERAL**
8 **LANDS**

9 **SEC. 101. DEFINITIONS.**

10 In this title:

11 (1) AUTHORIZED HAZARDOUS FUELS REDUC-
12 TION PROJECT.—The term “authorized hazardous
13 fuels reduction project” means a hazardous fuels re-
14 duction project described in subsection (a) of section
15 102, subject to the remainder of such section, that
16 is planned and conducted using the process author-
17 ized by section 104.

18 (2) CONDITION CLASS 2.—The term “condition
19 class 2”, with respect to an area of Federal lands,
20 refers to the condition class description developed by
21 the Forest Service Rocky Mountain Research Sta-
22 tion in the general technical report entitled “Devel-
23 opment of Coarse-Scale Spatial Data for Wildland
24 Fire and Fuel Management” (RMRS–87), dated
25 April 2000, under which—

1 (A) fire regimes on the lands have been
2 moderately altered from their historical range;

3 (B) there exists a moderate risk of losing
4 key ecosystem components from fire;

5 (C) fire frequencies have departed (either
6 increased or decreased) from historical fre-
7 quencies by one or more return interval, which
8 results in moderate changes to fire size, fre-
9 quency, intensity, severity, or landscape pat-
10 terns; and

11 (D) vegetation attributes have been mod-
12 erately altered from their historical range.

13 (3) CONDITION CLASS 3.—The term “condition
14 class 3”, with respect to an area of Federal lands,
15 refers to the condition class description developed by
16 the Rocky Mountain Research Station in the general
17 technical report referred to in paragraph (2), under
18 which—

19 (A) fire regimes on the lands have been
20 significantly altered from their historical range;

21 (B) there exists a high risk of losing key
22 ecosystem components from fire;

23 (C) fire frequencies have departed from
24 historical frequencies by multiple return inter-
25 vals, which results in dramatic changes to fire

1 size, frequency, intensity, severity, or landscape
2 patterns; and

3 (D) vegetation attributes have been signifi-
4 cantly altered from their historical range.

5 (4) DAY.—The term “day” means a calendar
6 day, except that, if a deadline imposed by this title
7 would expire on a nonbusiness day, the deadline will
8 be extended to the end of the next business day.

9 (5) DECISION DOCUMENT.—The term “decision
10 document” means a decision notice or a record of
11 decision, as those terms are used in applicable regu-
12 lations of the Council on Environmental Quality and
13 the Forest Service Handbook.

14 (6) FEDERAL LANDS.—The term “Federal
15 lands” means—

16 (A) National Forest System lands; and

17 (B) public lands administered by the Sec-
18 retary of the Interior, acting through the Bu-
19 reau of Land Management.

20 (7) HAZARDOUS FUELS REDUCTION
21 PROJECT.—The term “hazardous fuels reduction
22 project” refers to the measures and methods de-
23 scribed in the definition of “appropriate tools” con-
24 tained in the glossary of the Implementation Plan.

1 (8) IMPLEMENTATION PLAN.—The term “Im-
2 plementation Plan” means the Implementation Plan
3 for the 10-year Comprehensive Strategy for a Col-
4 laborative Approach for Reducing Wildland Fire
5 Risks to Communities and the Environment, dated
6 May 2002, which was developed pursuant to the con-
7 ference report for the Department of the Interior
8 and Related Agencies Appropriations Act, 2001
9 (House Report 106–646).

10 (9) INTERFACE COMMUNITY AND INTERMIX
11 COMMUNITY.—The terms “interface community”
12 and “intermix community” have the meanings given
13 those terms on page 753 of volume 66 of the Fed-
14 eral Register, as published on January 4, 2001.

15 (10) MUNICIPAL WATER SUPPLY SYSTEM.—The
16 term “municipal water supply system” means the
17 reservoirs, canals, ditches, flumes, laterals, pipes,
18 pipelines, or other surface facilities and systems con-
19 structed or installed for the impoundment, storage,
20 transportation, or distribution of drinking water for
21 a community.

22 (11) SECRETARY CONCERNED.—The term
23 “Secretary concerned” means the Secretary of Agri-
24 culture with respect to National Forest System lands
25 and the Secretary of the Interior with respect to

1 public lands administered by the Bureau of Land
2 Management. Any reference in this title to the “Sec-
3 retary concerned”, the “Secretary of Agriculture”,
4 or the “Secretary of the Interior” includes the des-
5 ignee of the Secretary concerned.

6 (12) THREATENED AND ENDANGERED SPECIES
7 HABITAT.—The term “threatened and endangered
8 species habitat” means Federal lands identified in
9 the listing decision or critical habitat designation as
10 habitat for a threatened species or an endangered
11 species under the Endangered Species Act of 1973
12 (16 U.S.C. 1531 et seq.).

13 **SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION**
14 **PROJECTS.**

15 (a) AUTHORIZED PROJECTS.—Subject to the remain-
16 der of this section, the Secretary concerned may utilize
17 the process authorized by section 104 to plan and conduct
18 hazardous fuels reduction projects on any of the following
19 Federal lands:

20 (1) Federal lands located in an interface com-
21 munity or intermix community.

22 (2) Federal lands located in such proximity to
23 an interface community or intermix community that
24 there is a significant risk that the spread of a fire
25 disturbance event from those lands would threaten

1 human life and property in the interface community
2 or intermix community.

3 (3) Condition class 3 or condition class 2 Fed-
4 eral lands located in such proximity to a municipal
5 water supply system, or to a perennial stream feed-
6 ing a municipal water supply system, that a signifi-
7 cant risk exists that a fire disturbance event would
8 have substantial adverse effects on the water quality
9 of the municipal water supply, including the risk to
10 water quality posed by erosion following such a fire
11 disturbance event.

12 (4) Condition class 3 or condition class 2 Fed-
13 eral lands identified by the Secretary concerned as
14 an area where windthrow or blowdown, or the exist-
15 ence or threat of disease or insect infestation, pose
16 a significant threat to forest or rangeland health or
17 adjacent private lands.

18 (5) Federal lands not covered by paragraph (1),
19 (2), (3), or (4) that contain threatened and endan-
20 gered species habitat, but only if—

21 (A) natural fire regimes on such lands are
22 identified as being important for, or wildfire is
23 identified as a threat to, an endangered species,
24 a threatened species, or its habitat in a species
25 recovery plan prepared under section 4 of the

1 Endangered Species Act of 1973 (16 U.S.C.
2 1533) or in a decision document under such
3 section determining a species to be an endan-
4 gered species or a threatened species or desig-
5 nating critical habitat;

6 (B) the project will provide enhanced pro-
7 tection from catastrophic wildfire for the spe-
8 cies or its habitat; and

9 (C) the Secretary complies with any appli-
10 cable guidelines specified in the species recovery
11 plan prepared under the Endangered Species
12 Act of 1973 (16 U.S.C. 1531 et seq.).

13 (b) RELATION TO AGENCY PLANS.—An authorized
14 hazardous fuels reduction project shall be planned and
15 conducted in a manner consistent with the land and re-
16 source management plan or land use plan applicable to
17 the Federal lands covered by the project.

18 (c) ACREAGE LIMITATION.—Not more than a total
19 of 20,000,000 acres of Federal lands may be included in
20 authorized hazardous fuels reduction projects.

21 (d) EXCLUSION OF CERTAIN FEDERAL LANDS.—The
22 Secretary concerned may not plan or conduct an author-
23 ized hazardous fuels reduction project that would occur
24 on any of the following Federal lands:

1 (1) A component of the National Wilderness
2 Preservation System.

3 (2) Federal lands where, by Act of Congress or
4 Presidential proclamation, the removal of vegetation
5 is prohibited or restricted.

6 (3) Wilderness Study Areas.

7 **SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATER-**
8 **SHEDS.**

9 As provided for in the Implementation Plan, the Sec-
10 retary concerned shall give priority to authorized haz-
11 ardous fuel reduction projects that provide for the protec-
12 tion of communities and watersheds.

13 **SEC. 104. ENVIRONMENTAL ANALYSIS.**

14 (a) IN GENERAL.—Except as otherwise provided in
15 this title, the Secretary concerned shall plan and conduct
16 authorized hazardous fuels reduction projects in accord-
17 ance with the National Environmental Policy Act of 1969
18 (42 U.S.C. 4331 et seq.) and any other applicable laws.
19 The Secretary concerned shall prepare an environmental
20 assessment or an environmental impact statement for each
21 authorized hazardous fuels reduction project.

22 (b) DISCRETIONARY AUTHORITY TO ELIMINATE AL-
23 TERNATIVES.—In the case of an authorized hazardous
24 fuels reduction project, the Secretary concerned is not re-
25 quired to study, develop, or describe any alternative to the

1 proposed agency action in the environmental assessment
2 or environmental impact statement prepared for the pro-
3 posed agency action pursuant to section 102(2) of the Na-
4 tional Environmental Policy Act of 1969 (42 U.S.C.
5 4332(2)).

6 (c) PUBLIC NOTICE AND MEETING.—

7 (1) PUBLIC NOTICE.—The Secretary concerned
8 shall provide notice of each authorized hazardous
9 fuels reduction project in accordance with applicable
10 regulations and administrative guidelines.

11 (2) PUBLIC MEETING.—During the planning
12 stage of each authorized hazardous fuels reduction
13 project, the Secretary concerned shall conduct a
14 public meeting at an appropriate location proximate
15 to the administrative unit of the Federal lands in
16 which the authorized hazardous fuels reduction
17 project will be conducted. The Secretary concerned
18 shall provide advance notice of the date and time of
19 the meeting.

20 (d) PUBLIC COLLABORATION.—In order to encourage
21 meaningful public participation in the identification and
22 development of authorized hazardous fuels reduction
23 projects, the Secretary concerned shall facilitate collabora-
24 tion among governments and interested persons during

1 the formulation of each authorized fuels reduction project
2 in a manner consistent with the Implementation Plan.

3 (e) ENVIRONMENTAL ANALYSIS AND PUBLIC COM-
4 MENT.—In accordance with section 102(2) of the National
5 Environmental Policy Act of 1969 (42 U.S.C. 4332(2))
6 and the applicable regulations and administrative guide-
7 lines in effect on the date of the enactment of this Act,
8 the Secretary concerned shall provide an opportunity for
9 public input during the preparation of any environmental
10 assessment or environmental impact statement for pro-
11 posed agency action for an authorized hazardous fuels re-
12 duction project.

13 (f) DECISION DOCUMENT.—The Secretary concerned
14 shall sign a decision document for each authorized haz-
15 ardous fuels reduction project and provide notice of the
16 decision document.

17 (g) PROJECT MONITORING.—As provided for in the
18 Implementation Plan, the Secretary concerned shall mon-
19 itor the implementation of authorized hazardous fuels re-
20 duction projects.

21 **SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE RE-**
22 **VIEW PROCESS.**

23 (a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—
24 Not later than 90 days after the date of the enactment
25 of this Act, the Secretary of Agriculture shall issue final

1 regulations to establish an administrative process that will
2 serve as the sole means by which a person described in
3 subsection (b) can seek administrative redress regarding
4 an authorized hazardous fuels reduction project.

5 (b) **ELIGIBLE PERSONS.**—To be eligible to partici-
6 pate in the administrative process developed pursuant to
7 subsection (a) regarding an authorized hazardous fuels re-
8 duction project, a person must have submitted specific and
9 substantive written comments during the preparation
10 stage of that authorized hazardous fuels reduction project.
11 The Secretary of Agriculture shall ensure that, during the
12 preparation stage of each authorized hazardous fuels re-
13 duction project, notice and comment is provided in a man-
14 ner sufficient to permit interested persons a reasonable
15 opportunity to satisfy the requirements of this subsection.

16 (c) **RELATION TO APPEALS REFORM ACT.**—Section
17 322 of the Department of the Interior and Related Agen-
18 cies Appropriations Act, 1993 (Public Law 102–381; 16
19 U.S.C. 1612 note), does not apply to an authorized haz-
20 ardous fuels reduction project.

21 **SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL**
22 **REVIEW OF AUTHORIZED HAZARDOUS FUELS**
23 **REDUCTION PROJECTS.**

24 (a) **FILING DEADLINE.**—

1 (1) TIME LIMIT ESTABLISHED FOR FILING.—

2 Notwithstanding any other provision of law, to be
3 timely, an action in a court of the United States
4 challenging an authorized hazardous fuels reduction
5 project shall be filed in the court before the end of
6 the 15-day period beginning on the date on which
7 the Secretary concerned publishes, in the local paper
8 of record, notice of the final agency action regarding
9 the authorized hazardous fuels reduction project.
10 This time limitation supersedes any notice of intent
11 to file suit requirement or filing deadline otherwise
12 applicable to a challenge under any provision of law.

13 (2) WAIVER PROHIBITED.—The Secretary con-
14 cerned may not agree to, and a district court may
15 not grant, a waiver of the requirements of this sub-
16 section.

17 (b) DURATION OF PRELIMINARY INJUNCTION.—

18 (1) DURATION; EXTENSION.—Any preliminary
19 injunction granted regarding an authorized haz-
20 ardous fuels reduction project shall be limited to 45
21 days. A court may renew the preliminary injunction,
22 taking into consideration the goal expressed in sub-
23 section (c) for the expeditious resolution of cases re-
24 garding authorized hazardous fuels reduction
25 projects.

1 (2) SUBMISSION OF INFORMATION.—As part of
2 a request to renew a preliminary injunction granted
3 regarding an authorized hazardous fuels reduction
4 project, the parties shall present the court with an
5 update on any changes that may have occurred dur-
6 ing the period of the injunction to the forest or
7 rangeland conditions that the authorized hazardous
8 fuels reduction project is intended to address.

9 (3) CONGRESSIONAL NOTIFICATION.—In the
10 event of the renewal of a preliminary injunction re-
11 garding an authorized hazardous fuels reduction
12 project, the Secretary concerned shall submit notice
13 of the renewal to the Committee on Resources and
14 the Committee on Agriculture of the House of Rep-
15 resentatives and the Committee on Energy and Nat-
16 ural Resources and the Committee on Agriculture,
17 Nutrition, and Forestry of the Senate.

18 (c) EXPEDITIOUS COMPLETION OF JUDICIAL RE-
19 VIEW.—Congress intends and encourages any court in
20 which is filed a lawsuit or appeal of a lawsuit concerning
21 an authorized hazardous fuels reduction project to expe-
22 dite, to the maximum extent practicable, the proceedings
23 in such lawsuit or appeal with the goal of rendering a final
24 determination on jurisdiction, and if jurisdiction exists, a

1 final determination on the merits, within 100 days from
2 the date the complaint or appeal is filed.

3 **SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RE-**
4 **STORE FIRE-ADAPTED FOREST OR RANGE-**
5 **LAND ECOSYSTEMS.**

6 (a) COVERED PROJECTS.—This section applies with
7 respect to a motion for an injunction in an action brought
8 against the Secretary concerned under section 703 of title
9 5, United States Code, that involves an agency action on
10 Federal lands, including an authorized hazardous fuels re-
11 duction project, that is necessary to restore a fire-adapted
12 forest or rangeland system.

13 (b) INJUNCTIVE RELIEF.—When considering a mo-
14 tion described in subsection (a), in determining whether
15 there would be harm to the defendant from the injunction
16 and whether the injunction would be in the public interest,
17 the court reviewing the agency action shall—

18 (1) balance the impact to the ecosystem of the
19 short-term and long-term effects of undertaking the
20 agency action against the short-term and long-term
21 effects of not undertaking the agency action; and

22 (2) give weight to a finding by the Secretary
23 concerned in the administrative record of the agency
24 action concerning the short-term and long-term ef-
25 fects of undertaking the agency action and of not

1 undertaking the agency action, unless the court
2 finds that the finding was arbitrary and capricious.

3 **SEC. 108. RULES OF CONSTRUCTION.**

4 (a) **RELATION TO OTHER AUTHORITY.**—Nothing in
5 this title shall be construed to affect, or otherwise bias,
6 the use by the Secretary concerned of other statutory or
7 administrative authorities to plan or conduct a hazardous
8 fuels reduction project on Federal lands, including Federal
9 lands identified in section 102(e), that is not planned or
10 conducted using the process authorized by section 104.

11 (b) **RELATION TO LEGAL ACTION.**—Nothing in this
12 title shall be construed to prejudice or otherwise affect the
13 consideration or disposition of any legal action concerning
14 the Roadless Area Conservation Rule, part 294 of title 36,
15 Code of Federal Regulations, as amended in the final rule
16 and record of decision published in the Federal Register
17 on January 12, 2001 (66 Fed. Reg. 3244).

18 **TITLE II—BIOMASS**

19 **SEC. 201. FINDINGS.**

20 Congress finds the following:

21 (1) Thousands of communities in the United
22 States, many located near Federal lands, are at risk
23 to wildfire. Approximately 190,000,000 acres of land
24 managed by the Secretary of Agriculture and the
25 Secretary of the Interior are at risk of catastrophic

1 fire in the near future. The accumulation of heavy
2 forest and rangeland fuel loads continues to increase
3 as a result of disease, insect infestations, and
4 drought, further raising the risk of fire each year.

5 (2) In addition, more than 70,000,000 acres
6 across all land ownerships are at risk to higher than
7 normal mortality over the next 15 years from insect
8 infestation and disease. High levels of tree mortality
9 from insects and disease result in increased fire risk,
10 loss of old growth, degraded watershed conditions,
11 and changes in species diversity and productivity, as
12 well as diminished fish and wildlife habitat and de-
13 creased timber values.

14 (3) Preventive treatments such as removing fuel
15 loading, ladder fuels, and hazard trees, planting
16 proper species mix and restoring and protecting
17 early successional habitat, and other specific restora-
18 tion treatments designed to reduce the susceptibility
19 of forest and rangeland to insect outbreaks, disease,
20 and catastrophic fire present the greatest oppor-
21 tunity for long-term forest and rangeland health by
22 creating a mosaic of species-mix and age distribu-
23 tion. Such prevention treatments are widely acknowl-
24 edged to be more successful and cost effective than

1 suppression treatments in the case of insects, dis-
2 ease, and fire.

3 (4) The by-products of preventive treatment
4 (wood, brush, thinnings, chips, slash, and other haz-
5 arduous fuels) removed from forest and rangelands
6 represent an abundant supply of biomass for bio-
7 mass-to-energy facilities and raw material for busi-
8 ness. There are currently few markets for the ex-
9 traordinary volumes of by-products being generated
10 as a result of the necessary large-scale preventive
11 treatment activities.

12 (5) The United States should—

13 (A) promote economic and entrepreneurial
14 opportunities in using by-products removed
15 through preventive treatment activities related
16 to hazardous fuels reduction, disease, and insect
17 infestation; and

18 (B) develop and expand markets for tradi-
19 tionally underused wood and biomass as an out-
20 let for by-products of preventive treatment ac-
21 tivities.

22 **SEC. 202. DEFINITIONS.**

23 In this title:

24 (1) **BIOMASS.**—The term “biomass” means
25 trees and woody plants, including limbs, tops, nee-

1 dles, and other woody parts, and by-products of pre-
2 ventive treatment, such as wood, brush, thinnings,
3 chips, and slash, that are removed—

4 (A) to reduce hazardous fuels; or

5 (B) to reduce the risk of or to contain dis-
6 ease or insect infestation.

7 (2) INDIAN TRIBE.—The term “Indian tribe”
8 has the meaning given the term in section 4(e) of
9 the Indian Self-Determination and Education Assist-
10 ance Act (25 U.S.C. 450b(e)).

11 (3) PERSON.—The term “person” includes—

12 (A) an individual;

13 (B) a community (as determined by the
14 Secretary concerned);

15 (C) an Indian tribe;

16 (D) a small business, micro-business, or a
17 corporation that is incorporated in the United
18 States; and

19 (E) a nonprofit organization.

20 (4) PREFERRED COMMUNITY.—The term “pre-
21 ferred community” means—

22 (A) any town, township, municipality, or
23 other similar unit of local government (as deter-
24 mined by the Secretary concerned) that—

1 (i) has a population of not more than
2 50,000 individuals; and

3 (ii) the Secretary concerned, in the
4 sole discretion of the Secretary concerned,
5 determines contains or is located near
6 land, the condition of which is at signifi-
7 cant risk of catastrophic wildfire, disease,
8 or insect infestation or which suffers from
9 disease or insect infestation; or

10 (B) any county that—

11 (i) is not contained within a metro-
12 politan statistical area; and

13 (ii) the Secretary concerned, in the
14 sole discretion of the Secretary concerned,
15 determines contains or is located near
16 land, the condition of which is at signifi-
17 cant risk of catastrophic wildfire, disease,
18 or insect infestation or which suffers from
19 disease or insect infestation.

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

22 (A) the Secretary of Agriculture with re-
23 spect to National Forest System lands; and

1 (B) the Secretary of the Interior with re-
2 spect to Federal lands under the jurisdiction of
3 the Secretary of the Interior and Indian lands.

4 **SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE**
5 **OF FOREST BIOMASS FOR ELECTRIC ENERGY,**
6 **USEFUL HEAT, TRANSPORTATION FUELS,**
7 **AND PETROLEUM-BASED PRODUCT SUB-**
8 **STITUTES.**

9 (a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

10 (1) IN GENERAL.—The Secretary concerned
11 may make grants to any person that owns or oper-
12 ates a facility that uses biomass as a raw material
13 to produce electric energy, sensible heat, transpor-
14 tation fuels, or substitutes for petroleum-based prod-
15 ucts to offset the costs incurred to purchase biomass
16 for use by such facility.

17 (2) GRANT AMOUNTS.—A grant under this sub-
18 section may not exceed \$20 per green ton of biomass
19 delivered.

20 (3) MONITORING OF GRANT RECIPIENT ACTIVI-
21 TIES.—As a condition of a grant under this sub-
22 section, the grant recipient shall keep such records
23 as the Secretary concerned may require to fully and
24 correctly disclose the use of the grant funds and all
25 transactions involved in the purchase of biomass.

1 Upon notice by a representative of the Secretary
2 concerned, the grant recipient shall afford the rep-
3 resentative reasonable access to the facility that pur-
4 chases or uses biomass and an opportunity to exam-
5 ine the inventory and records of the facility.

6 (b) VALUE ADDED GRANT PROGRAM.—

7 (1) IN GENERAL.—The Secretary concerned
8 may make grants to persons to offset the cost of
9 projects to add value to biomass. In making such
10 grants, the Secretary concerned shall give preference
11 to persons in preferred communities.

12 (2) SELECTION.—The Secretary concerned shall
13 select a grant recipient under paragraph (1) after
14 giving consideration to the anticipated public bene-
15 fits of the project, opportunities for the creation or
16 expansion of small businesses and micro-businesses,
17 and the potential for new job creation.

18 (3) GRANT AMOUNT.—A grant under this sub-
19 section may not exceed \$100,000.

20 (c) RELATION TO OTHER ENDANGERED SPECIES
21 AND RIPARIAN PROTECTIONS.—The Secretary concerned
22 shall comply with applicable endangered species and ripar-
23 ian protections in making grants under this section.
24 Projects funded using grant proceeds shall be required to
25 comply with such protections.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$25,000,000 for each of the
3 fiscal years 2004 through 2008 to carry out this section.

4 **SEC. 204. REPORTING REQUIREMENT.**

5 (a) REPORT REQUIRED.—Not later than October 1,
6 2010, the Secretary of Agriculture, in consultation with
7 the Secretary of the Interior, shall submit to the Com-
8 mittee on Resources and the Committee on Agriculture of
9 the House of Representatives and the Committee on En-
10 ergy and Natural Resources and the Committee on Agri-
11 culture, Nutrition, and Forestry of the Senate a report
12 describing the results of the grant programs authorized
13 by section 203.

14 (b) CONTENTS OF REPORT.—The report shall include
15 the following:

16 (1) An identification of the size, type, and the
17 use of biomass by persons that receive grants under
18 section 203.

19 (2) The distance between the land from which
20 the biomass was removed and the facility that used
21 the biomass.

22 (3) The economic impacts, particularly new job
23 creation, resulting from the grants to and operation
24 of the eligible operations.

1 **TITLE III—WATERSHED**
2 **FORESTRY ASSISTANCE**

3 **SEC. 301. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) There has been a dramatic shift in public
6 attitudes and perceptions about forest management,
7 particularly in the understanding and practice of
8 sustainable forest management.

9 (2) It is commonly recognized that the proper
10 stewardship of forest lands is essential to sustaining
11 and restoring the health of watersheds.

12 (3) Forests can provide essential ecological
13 services in filtering pollutants, buffering important
14 rivers and estuaries, and minimizing flooding, which
15 makes its restoration worthy of special focus.

16 (4) Strengthened education, technical assist-
17 ance, and financial assistance to nonindustrial pri-
18 vate forest landowners and communities, relating to
19 the protection of watershed health, is needed to real-
20 ize the expectations of the general public.

21 (b) PURPOSE.—The purpose of this title is to—

22 (1) improve landowner and public under-
23 standing of the connection between forest manage-
24 ment and watershed health;

1 (2) encourage landowners to maintain tree
2 cover on their property and to utilize tree plantings
3 and vegetative treatments as creative solutions to
4 watershed problems associated with varying land
5 uses;

6 (3) enhance and complement forest manage-
7 ment and buffer utilization for watersheds, with an
8 emphasis on urban watersheds;

9 (4) establish new partnerships and collaborative
10 watershed approaches to forest management, stew-
11 ardship, and conservation;

12 (5) provide technical and financial assistance to
13 States to deliver a coordinated program that en-
14 hances State forestry best-management practices
15 programs, as well as conserves and improves for-
16 ested lands and potentially forested lands through
17 technical, financial, and educational assistance to
18 qualifying individuals and entities; and

19 (6) maximize the proper management and con-
20 servation of wetland forests and to assist in their
21 restoration as necessary.

1 **SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY AS-**
2 **SISTANCE PROGRAM.**

3 The Cooperative Forestry Assistance Act of 1978 is
4 amended by inserting after section 5 the following new
5 section:

6 **“SEC. 6. WATERSHED FORESTRY ASSISTANCE.**

7 “(a) GENERAL AUTHORITY AND PURPOSE.—The
8 Secretary, acting through the Forest Service, may provide
9 technical, financial, and related assistance to State for-
10 esters and equivalent State officials for the purpose of ex-
11 panding State forest stewardship capacities and activities
12 through State forestry best-management practices and
13 other means at the State level to address watershed issues
14 on non-Federal forested lands and potentially forested
15 lands.

16 “(b) TECHNICAL ASSISTANCE TO PROTECT WATER
17 QUALITY.—

18 “(1) IN GENERAL.—The Secretary, in coopera-
19 tion with State foresters or equivalent State officials,
20 shall engage interested members of the public, in-
21 cluding nonprofit organizations and local watershed
22 councils, to develop a program of technical assist-
23 ance to protect water quality, as described in para-
24 graph (2).

25 “(2) PURPOSE OF PROGRAM.—The program
26 under this subsection shall be designed—

1 “(A) to build and strengthen watershed
2 partnerships that focus on forested landscapes
3 at the local, State, and regional levels;

4 “(B) to provide State forestry best-man-
5 agement practices and water quality technical
6 assistance directly to nonindustrial private for-
7 est landowners;

8 “(C) to provide technical guidance to land
9 managers and policy makers for water quality
10 protection through forest management;

11 “(D) to complement State and local efforts
12 to protect water quality and provide enhanced
13 opportunities for consultation and cooperation
14 among Federal and State agencies charged with
15 responsibility for water and watershed manage-
16 ment; and

17 “(E) to provide enhanced forest resource
18 data and support for improved implementation
19 and monitoring of State forestry best-manage-
20 ment practices.

21 “(3) IMPLEMENTATION.—The program of tech-
22 nical assistance shall be implemented by State for-
23 esters or equivalent State officials.

24 “(c) WATERSHED FORESTRY COST-SHARE PRO-
25 GRAM.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a watershed forestry cost-share program to be
3 administered by the Forest Service and implemented
4 by State foresters or equivalent State officials.
5 Funds or other support provided under such pro-
6 gram shall be made available for State forestry best-
7 management practices programs and watershed for-
8 estry projects.

9 “(2) WATERSHED FORESTRY PROJECTS.—The
10 State forester or equivalent State official of a State,
11 in coordination with the State Forest Stewardship
12 Coordinating Committee established under section
13 19(b) for that State, shall annually make awards to
14 communities, nonprofit groups, and nonindustrial
15 private forest landowners under the program for wa-
16 tershed forestry projects described in paragraph (3).

17 “(3) PROJECT ELEMENTS AND OBJECTIVES.—A
18 watershed forestry project shall accomplish critical
19 forest stewardship, watershed protection, and res-
20 toration needs within a State by demonstrating the
21 value of trees and forests to watershed health and
22 condition through—

23 “(A) the use of trees as solutions to water
24 quality problems in urban and rural areas;

1 “(B) community-based planning, involve-
2 ment, and action through State, local and non-
3 profit partnerships;

4 “(C) application of and dissemination of
5 monitoring information on forestry best-man-
6 agement practices relating to watershed for-
7 estry;

8 “(D) watershed-scale forest management
9 activities and conservation planning; and

10 “(E) the restoration of wetland (as defined
11 by the States) and stream-side forests and the
12 establishment of riparian vegetative buffers.

13 “(4) COST-SHARING.—Funds provided under
14 this subsection for a watershed forestry project may
15 not exceed 75 percent of the cost of the project.
16 Other Federal funding sources may be used to cover
17 a portion of the remaining project costs, but the
18 total Federal share of the costs may not exceed 90
19 percent. The non-Federal share of the costs of a
20 project may be in the form of cash, services, or other
21 in-kind contributions.

22 “(5) PRIORITIZATION.—The State Forest Stew-
23 ardship Coordinating Committee for a State shall
24 prioritize watersheds in that State to target water-
25 shed forestry projects funded under this subsection.

1 “(6) WATERSHED FORESTER.—Financial and
2 technical assistance shall be made available to the
3 State Forester or equivalent State official to create
4 a State best-management practice forester to lead
5 statewide programs and coordinate small watershed-
6 level projects.

7 “(d) DISTRIBUTION.—

8 “(1) IN GENERAL.—The Secretary shall devote
9 at least 75 percent of the funds appropriated for a
10 fiscal year pursuant to the authorization of appro-
11 priations in subsection (e) to the cost-share program
12 under subsection (c) and the remainder to the task
13 of delivering technical assistance, education, and
14 planning on the ground through the State Forester
15 or equivalent State official.

16 “(2) SPECIAL CONSIDERATIONS.—Distribution
17 of these funds by the Secretary among the States
18 shall be made only after giving appropriate consider-
19 ation to—

20 “(A) the acres of nonindustrial private
21 forestland and highly erodible land in each
22 State;

23 “(B) each State’s efforts to conserve for-
24 ests;

1 “(C) the acres of forests in each State that
2 have been lost or degraded or where forests can
3 play a role in restoring watersheds; and

4 “(D) the number of nonindustrial private
5 forest landowners in each State.

6 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$15,000,000 for each of the fiscal years 2004 through
9 2008.”.

10 **TITLE IV—INSECT** 11 **INFESTATIONS**

12 **SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.**

13 (a) DEFINITIONS.—In this title:

14 (1) APPLIED SILVICULTURAL ASSESSMENT.—

15 The term “applied silvicultural assessment” means
16 any vegetative or other treatment, for the purposes
17 described in section 402, including timber harvest,
18 thinning, prescribed burning, and pruning, as single
19 treatment or any combination of these treatments.

20 (2) FEDERAL LANDS.—The term “Federal
21 lands” means—

22 (A) National Forest System lands; and

23 (B) public lands administered by the Sec-
24 retary of the Interior, acting through the Bu-
25 reau of Land Management.

1 (3) SECRETARY CONCERNED.—The term “Sec-
2 retary concerned” means—

3 (A) the Secretary of Agriculture, acting
4 through the Forest Service, with respect to Na-
5 tional Forest System lands; and

6 (B) the Secretary of the Interior, acting
7 through appropriate offices of the United States
8 Geological Survey, with respect to federally
9 owned land administered by the Secretary of
10 the Interior.

11 (4) 1890 INSTITUTIONS.—The term “1890 In-
12 stitution” means a college or university eligible to
13 receive funds under the Act of August 30, 1890 (7
14 U.S.C. 321 et seq.), including Tuskegee University.

15 (b) FINDINGS.—Congress finds the following:

16 (1) High levels of tree mortality due to insect
17 infestation result in—

18 (A) increased fire risk;

19 (B) loss of old growth;

20 (C) loss of threatened and endangered spe-
21 cies;

22 (D) loss of species diversity;

23 (E) degraded watershed conditions;

1 (F) increased potential for damage from
2 other agents of disturbance, including exotic,
3 invasive species; and

4 (G) decreased timber values.

5 (2) Bark beetles destroy hundreds of thousands
6 of acres of trees each year. In the West, over
7 21,000,000 acres are at high risk of bark beetle in-
8 festation and in the South over 57,000,000 acres are
9 at risk across all land ownerships. Severe drought
10 conditions in many areas of the South and West will
11 increase risk of bark beetle infestations.

12 (3) The hemlock woolly adelgid is destroying
13 streamside forests throughout the mid-Atlantic and
14 Appalachian region, threatening water quality and
15 sensitive aquatic species, and posing a potential
16 threat to valuable commercial timber lands in North-
17 ern New England.

18 (4) The emerald ash borer is a nonnative,
19 invasive pest that has quickly become a major threat
20 to hardwood forests as a emerald ash borer infesta-
21 tion is almost always fatal to the affected trees. This
22 pest threatens to destroy over 692,000,000 ash trees
23 in forests in Michigan and Ohio alone, and between
24 five and ten percent of urban street trees in the
25 Upper Midwest.

1 (5) Epidemic populations of Southern pine bee-
2 tle are ravaging forests in Alabama, Arkansas, Flor-
3 ida, Georgia, Kentucky, Mississippi, North Carolina,
4 South Carolina, Tennessee, and Virginia. In 2001,
5 Florida and Kentucky experienced 146 percent and
6 111 percent increases, respectively, in beetle popu-
7 lations.

8 (6) These epidemic outbreaks of Southern pine
9 beetle have forced private landowners to harvest
10 dead and dying trees, in both rural areas and in-
11 creasingly urbanized settings.

12 (7) According to the Forest Service, recent out-
13 breaks of the red oak borer in Arkansas have been
14 unprecedented, with almost 800,000 acres infested
15 at population levels never seen before.

16 (8) Much of the damage from the red oak borer
17 has taken place in National forests, and the Federal
18 response has been inadequate to protect forest eco-
19 systems and other ecological and economic resources.

20 (9) Previous silvicultural assessments, while
21 useful and informative, have been limited in scale
22 and scope of application, and there has not been suf-
23 ficient resources available to adequately test a full
24 array of individual and combined applied silvicult-
25 tural assessments.

1 (10) Only through the rigorous funding, devel-
2 opment, and assessment of potential applied silvicultural
3 assessments over specific time frames across
4 an array of environmental and climatic conditions
5 can the most innovative and cost effective manage-
6 ment applications be determined that will help re-
7 duce the susceptibility of forest ecosystems to attack
8 by forest pests.

9 (11) Funding and implementation of an initia-
10 tive to combat forest pest infestations should not
11 come at the expense of supporting other programs
12 and initiatives of the Secretary concerned.

13 (c) PURPOSE.—It is the purpose of this title—

14 (1) to require the Secretary concerned to de-
15 velop an accelerated basic and applied assessment
16 program to combat infestations by bark beetles, in-
17 cluding Southern pine beetles, hemlock woolly
18 adelgids, emerald ash borers, red oak borers, and
19 white oak borers;

20 (2) to enlist the assistance of universities and
21 forestry schools, including Land Grant Colleges and
22 Universities and 1890 Institutions, to carry out the
23 program; and

24 (3) to carry out applied silvicultural assess-
25 ments.

1 **SEC. 402. ACCELERATED INFORMATION GATHERING RE-**
2 **GARDING BARK BEETLES, INCLUDING**
3 **SOUTHERN PINE BEETLES, HEMLOCK WOOL-**
4 **LY ADELGIDS, EMERALD ASH BORERS, RED**
5 **OAK BORERS, AND WHITE OAK BORERS.**

6 (a) INFORMATION GATHERING.—The Secretary con-
7 cerned shall establish, acting through the Forest Service
8 and United States Geological Survey, as appropriate, an
9 accelerated program—

10 (1) to plan, conduct, and promote comprehen-
11 sive and systematic information gathering on bark
12 beetles, including Southern pine beetles, hemlock
13 woolly adelgids, emerald ash borers, red oak borers,
14 and white oak borers, including an evaluation of—

15 (A) infestation prevention and control
16 methods;

17 (B) effects of infestations on forest eco-
18 systems;

19 (C) restoration of the forest ecosystem ef-
20 forts;

21 (D) utilization options regarding infested
22 trees; and

23 (E) models to predict the occurrence, dis-
24 tribution, and impact of outbreaks of bark bee-
25 tles, including Southern pine beetles, hemlock

1 woolly adelgids, emerald ash borers, red oak
2 borers, and white oak borers;

3 (2) to assist land managers in the development
4 of treatments and strategies to improve forest health
5 and reduce the susceptibility of forest ecosystems to
6 severe infestations of bark beetles, including South-
7 ern pine beetles, hemlock woolly adelgids, emerald
8 ash borers, red oak borers, and white oak borers on
9 Federal lands and State and private lands; and

10 (3) to disseminate the results of such informa-
11 tion gathering, treatments, and strategies.

12 (b) COOPERATION AND ASSISTANCE.—The Secretary
13 concerned shall establish and carry out the program in co-
14 operation with scientists from universities and forestry
15 schools, State agencies, and private and industrial land
16 owners. The Secretary concerned shall designate univer-
17 sities and forestry schools, including Land Grant Colleges
18 and Universities and 1890 Institutions, to assist in car-
19 rying out the program.

20 **SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.**

21 (a) ASSESSMENT EFFORTS.—For information gath-
22 ering purposes, the Secretary concerned may conduct ap-
23 plied silvicultural assessments on Federal lands that the
24 Secretary concerned determines, in the discretion of the
25 Secretary concerned, is at risk of infestation by, or is in-

1 fested with, bark beetles, including Southern pine beetles,
2 hemlock woolly adelgids, emerald ash borers, red oak bor-
3 ers, and white oak borers. Any applied silvicultural assess-
4 ments carried out under this section shall be conducted
5 on not more than 1,000 acres per assessment.

6 (b) LIMITATIONS.—

7 (1) EXCLUSION OF CERTAIN AREAS.—Sub-
8 section (a) does not apply to—

9 (A) a component of the National Wilder-
10 ness Preservation System;

11 (B) Federal lands where, by Act of Con-
12 gress or Presidential proclamation, the removal
13 of vegetation is restricted or prohibited; or

14 (C) congressionally designated wilderness
15 study areas.

16 (2) CERTAIN TREATMENT PROHIBITED.—Sub-
17 section (a) does not authorize the application of in-
18 secticides in municipal watersheds and associated ri-
19 parian areas.

20 (3) ACREAGE LIMITATION.—Applied silvicol-
21 tural assessments may be implemented on not more
22 than 250,000 acres using the authorities provided by
23 this title.

24 (4) PEER REVIEW.—Each applied silvicultural
25 assessment under this title, prior to being carried

1 out, shall be peer reviewed by scientific experts se-
2 lected by the Secretary concerned, which shall in-
3 clude non-Federal experts. The Secretary concerned
4 may use existing peer review processes to the extent
5 they comply with the preceding sentence.

6 (c) PUBLIC NOTICE AND COMMENT.—

7 (1) PUBLIC NOTICE.—The Secretary concerned
8 shall provide notice of each applied silvicultural as-
9 sessment proposed to be carried out under this sec-
10 tion in accordance with applicable regulations and
11 administrative guidelines.

12 (2) PUBLIC COMMENT.—During the planning
13 stage of each applied silvicultural assessment pro-
14 posed to be carried out under this section, the Sec-
15 retary concerned shall provide an opportunity for
16 public input.

17 (d) CATEGORICAL EXCLUSION.—Applied silvicultural
18 assessments carried out under this section are deemed to
19 be categorically excluded from further analysis under the
20 National Environmental Policy Act of 1969 (42 U.S.C.
21 4321 et seq.). The Secretary concerned need not make any
22 findings as to whether the project, either individually or
23 cumulatively, has a significant effect on the environment.

1 **SEC. 404. RELATION TO OTHER LAWS.**

2 The authorities provided to the Secretary concerned
3 by this title are supplemental to their respective authori-
4 ties provided in any other law.

5 **SEC. 405. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for fiscal years
7 2004 through 2008 such sums as may be necessary to
8 carry out this title.

9 **TITLE V—HEALTHY FORESTS**
10 **RESERVE PROGRAM**

11 **SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RE-**
12 **SERVE PROGRAM.**

13 (a) ESTABLISHMENT.—The Secretary of Agriculture
14 shall establish the healthy forests reserve program as a
15 program within the Forest Service for the purpose of pro-
16 tecting, restoring, and enhancing degraded forest eco-
17 systems to promote the recovery of threatened and endan-
18 gered species as well as improve biodiversity and enhance
19 carbon sequestration.

20 (b) COOPERATION.—The Secretary of Agriculture
21 shall carry out the healthy forests reserve program in co-
22 operation with the Secretary of the Interior, acting
23 through the United States Fish and Wildlife Service.

1 **SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN**
2 **PROGRAM.**

3 (a) **ELIGIBLE LANDS.**—The Secretary of Agriculture,
4 in consultation with the Secretary of the Interior, shall
5 designate rare forest ecosystems to be eligible for the
6 healthy forests reserve program. The following lands are
7 eligible for enrollment in the healthy forests reserve pro-
8 gram:

9 (1) Private lands whose enrollment will protect,
10 restore, enhance, or otherwise measurably increase
11 the likelihood of recovery of an endangered species
12 or threatened species in the wild.

13 (2) Private lands whose enrollment will protect,
14 restore, enhance, or otherwise measurably increase
15 the likelihood of the recovery of an animal or plant
16 species before the species reaches threatened or en-
17 dangered status, such as candidate, State-listed spe-
18 cies, rare, peripheral, and special concern species.

19 (b) **OTHER CONSIDERATIONS.**—In enrolling lands
20 that satisfy the criteria in paragraph (1) or (2) of sub-
21 section (a), the Secretary of Agriculture shall give addi-
22 tional consideration to those lands whose enrollment will
23 also improve biological diversity and increase carbon se-
24 questration.

25 (c) **ENROLLMENT BY WILLING OWNERS.**—The Sec-
26 retary of Agriculture shall enroll lands in the healthy for-

1 ests reserve program only with the consent of the owner
2 of the lands.

3 (d) **MAXIMUM ENROLLMENT.**—The total number of
4 acres enrolled in the healthy forests reserve program shall
5 not exceed 1,000,000 acres.

6 (e) **METHODS OF ENROLLMENT.**—Lands may be en-
7 rolled in the healthy forests reserve program pursuant to
8 a 10-year cost-share agreement, a 30-year easement, or
9 a permanent easement with buyback option. The extent
10 to which each enrollment method is used shall be based
11 on the approximate proportion of owner interest expressed
12 in that method in comparison to the other methods.

13 (f) **ENROLLMENT PRIORITY.**—The Secretary of Agri-
14 culture shall give priority to the enrollment of lands that,
15 in the sole discretion of the Secretary, will provide the best
16 opportunity to resolve conflicts between the presence of
17 an animal or plant species referred to in paragraph (1)
18 or (2) of subsection (a) and otherwise lawful land use ac-
19 tivities.

20 **SEC. 503. CONSERVATION PLANS.**

21 (a) **PLAN REQUIRED.**—Lands enrolled in the healthy
22 forests reserve program shall be subject to a conservation
23 plan, to be developed jointly by the land owner and the
24 United States Fish and Wildlife Service. The conservation

1 plan shall include a description of the land-use activities
2 that are permissible on the enrolled lands.

3 (b) INVOLVEMENT BY OTHER AGENCIES AND ORGA-
4 NIZATIONS.—A State fish and wildlife agency, State for-
5 estry agency, State environmental quality agency, and
6 other State conservation agencies and nonprofit conserva-
7 tion organizations may assist in providing technical or fi-
8 nancial assistance, or both, for the development and imple-
9 mentation of conservation plans.

10 (c) COST EFFECTIVENESS.—The conservation plan
11 shall maximize the environmental benefits per dollar ex-
12 pended.

13 **SEC. 504. FINANCIAL ASSISTANCE.**

14 (a) PERMANENT EASEMENT WITH BUYBACK OP-
15 TION.—

16 (1) PAYMENT AMOUNT.—In the case of land
17 enrolled in the healthy forests reserve program using
18 a permanent easement with a buyback option, the
19 Secretary of Agriculture shall pay the owner of the
20 land an amount equal to—

21 (A) the fair market value of the enrolled
22 land less the fair market value of the land en-
23 cumbered by the easement; plus

24 (B) the actual costs of the approved con-
25 servation practices or the average cost of ap-

1 proved practices, as established by the Sec-
2 retary.

3 (2) BUYBACK OPTION.—Beginning on the 50th
4 anniversary of the enrollment of the land, and every
5 10th-year thereafter, the owner shall be able to pur-
6 chase the easement back from the United States at
7 a rate equal to the fair market value of the easement
8 plus the costs, adjusted for inflation, of the approved
9 conservation practices.

10 (b) 30-YEAR EASEMENT.—In the case of land en-
11 rolled in the healthy forests reserve program using a 30-
12 year easement, the Secretary of Agriculture shall pay the
13 owner of the land an amount equal to—

14 (1) 75 percent of the fair market value of the
15 land less the fair market value of the land encum-
16 bered by the easement; plus

17 (2) 75 percent of the actual costs of the ap-
18 proved conservation practices or 75 percent of the
19 average cost of approved practices, as established by
20 the Secretary.

21 (c) 10-YEAR AGREEMENT.—In the case of land en-
22 rolled in the healthy forests reserve program using a 10-
23 year cost-share agreement, the Secretary of Agriculture
24 shall pay the owner of the land an amount equal to—

1 (1) 75 percent of the actual costs of the ap-
2 proved conservation practices; or

3 (2) 75 percent of the average cost of approved
4 practices, as established by the Secretary.

5 (d) ACCEPTANCE OF CONTRIBUTIONS.—The Sec-
6 retary of Agriculture may accept and use contributions of
7 non-Federal funds to make payments under this section.

8 **SEC. 505. TECHNICAL ASSISTANCE.**

9 The Forest Service and the United States Fish and
10 Wildlife Service shall provide landowners with technical
11 assistance to comply with the terms of agreements and
12 easements under the healthy forests reserve program and
13 conservation plans.

14 **SEC. 506. SAFE HARBOR.**

15 In implementing the healthy forests reserve program,
16 the Secretary of the Interior shall provide safe harbor or
17 similar assurances, through section 7 or other authorities
18 under the Endangered Species Act of 1973 (16 U.S.C.
19 1531 et seq.), consistent with the implementing regula-
20 tions of the United States Fish and Wildlife Service, to
21 landowners who enroll land in the healthy forests reserve
22 program when such enrollment will result in a net con-
23 servation benefit for listed species.

1 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated \$15,000,000
3 for each of the fiscal years 2004 through 2008 to carry
4 out this title.

5 **TITLE VI—MISCELLANEOUS**
6 **PROVISIONS**

7 **SEC. 601. FOREST STANDS INVENTORY AND MONITORING**
8 **PROGRAM TO IMPROVE DETECTION OF AND**
9 **RESPONSE TO ENVIRONMENTAL THREATS.**

10 (a) IN GENERAL.—The Secretary of Agriculture shall
11 carry out a comprehensive program to inventory, monitor,
12 characterize, assess, and identify forest stands (with em-
13 phasis on hardwood forest stands) and potential forest
14 stands—

15 (1) in units of the National Forest System
16 (other than those units created from the public do-
17 main); and

18 (2) on private forest land, with the consent of
19 the owner of the land.

20 (b) ISSUES TO BE ADDRESSED.—In carrying out the
21 program, the Secretary shall address issues including—

22 (1) early detection, identification, and assess-
23 ment of environmental threats (including insect, dis-
24 ease, invasive species, fire, and weather-related risks
25 and other episodic events);

26 (2) loss or degradation of forests;

1 (3) degradation of the quality forest stands
2 caused by inadequate forest regeneration practices;

3 (4) quantification of carbon uptake rates; and

4 (5) management practices that focus on pre-
5 venting further forest degradation.

6 (c) EARLY WARNING SYSTEM.—In carrying out the
7 program, the Secretary shall develop a comprehensive
8 early warning system for potential catastrophic environ-
9 mental threats to forests to increase the likelihood that
10 forest managers will be able to—

11 (1) isolate and treat a threat before the threat
12 gets out of control; and

13 (2) prevent epidemics, such as the American
14 chestnut blight in the first half of the twentieth cen-
15 tury, that could be environmentally and economically
16 devastating to forests.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$5,000,000 for each of the fiscal years 2004 through
20 2008.

Passed the House of Representatives May 20, 2003.

Attest:

Clerk.