

108TH CONGRESS
1ST SESSION

H. R. 1904

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2003

Mr. MCINNIS (for himself, Mr. WALDEN of Oregon, Mr. POMBO, Mr. GOODLATTE, Mr. AKIN, Mr. ALEXANDER, Mr. BALLENGER, Mr. BARTON of Texas, Mr. BEAUPREZ, Mr. BERRY, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BOEHNER, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BURGESS, Mr. CALVERT, Mr. CANNON, Mr. COLE, Mr. CRAMER, Mrs. CUBIN, Mr. DAVIS of Alabama, Mr. DOOLITTLE, Mr. DOOLEY of California, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FLAKE, Mr. GALLEGLY, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGREY, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. JANKLOW, Mr. JOHN, Mr. JONES of North Carolina, Mr. KOLBE, Mr. LAHOOD, Mr. LEWIS of California, Mr. LINDER, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. MORAN of Kansas, Mrs. MUSGRAVE, Mr. NETHERCUTT, Mr. NORWOOD, Mr. NUNES, Mr. OBERSTAR, Mr. OTTER, Mr. OSBORNE, Mr. OSE, Mr. PEARCE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. RADANOVICH, Mr. REHBERG, Mr. RENZI, Mr. ROGERS of Alabama, Mr. ROSS, Mr. RYUN of Kansas, Mr. SANDLIN, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHERWOOD, Mr. SIMPSON, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STENHOLM, Mr. STUPAK, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. THOMAS, Mr. THOMPSON of Mississippi, Mr. THORNBERRY, Mr. TIAHRT, Mr. TURNER of Texas, Mr. TAUZIN, Mr. VITTER, Mr. WICKER, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consider-

ation of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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.

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 hazardous fuels reduction projects.

Sec. 107. Standard for 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-

1 based product substitutes and other commercial pur-
2 poses;

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

6 (4) to promote systematic information gath-
7 ering to address the impact of insect infestations on
8 forest and rangeland health;

9 (5) to improve the capacity to detect insect and
10 disease infestations at an early stage, particularly
11 with respect to hardwood forests; and

12 (6) to protect, restore, and enhance degraded
13 forest ecosystem types in order to promote the recov-
14 ery of threatened and endangered species as well as
15 improve biological diversity and enhance carbon se-
16 questration.

17 **TITLE I—HAZARDOUS FUELS RE-**
18 **DUCTION ON FEDERAL**
19 **LANDS**

20 **SEC. 101. DEFINITIONS.**

21 In this title:

22 (1) **AUTHORIZED HAZARDOUS FUELS REDUC-**
23 **TION PROJECT.**—The term “authorized hazardous
24 fuels reduction project” means a hazardous fuels re-
25 duction project described in subsection (a) of section

1 102, subject to the remainder of such section, that
2 is planned and conducted using the process author-
3 ized by section 104.

4 (2) CONDITION CLASS 2.—The term “condition
5 class 2”, with respect to an area of Federal lands,
6 refers to the condition class description developed by
7 the Forest Service Rocky Mountain Research Sta-
8 tion in the general technical report entitled “Devel-
9 opment of Coarse-Scale Spatial Data for Wildland
10 Fire and Fuel Management” (RMRS–87), dated
11 April 2000, under which—

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

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

16 (C) fire frequencies have departed (either
17 increased or decreased) from historical fre-
18 quencies by one or more return interval, which
19 results in moderate changes to fire size, fre-
20 quency, intensity, severity, or landscape pat-
21 terns; and

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

24 (3) CONDITION CLASS 3.—The term “condition
25 class 3”, with respect to an area of Federal lands,

1 refers to the condition class description developed by
2 the Rocky Mountain Research Station in the general
3 technical report referred to in paragraph (2), under
4 which—

5 (A) fire regimes on the lands have been
6 significantly altered from their historical range

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

9 (C) fire frequencies have departed from
10 historical frequencies by multiple return inter-
11 vals, which results in dramatic changes to fire
12 size, frequency, intensity, severity, or landscape
13 patterns; and

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

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

20 (5) DECISION DOCUMENT.—The term “decision
21 document” means a decision notice or a record of
22 decision, as those terms are used in applicable regu-
23 lations of the Council on Environmental Quality and
24 the Forest Service Handbook.

1 (6) FEDERAL LANDS.—The term “Federal
2 lands” means—

3 (A) National Forest System lands; and

4 (B) public lands administered by the Sec-
5 retary of the Interior, acting through the Bu-
6 reau of Land Management.

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

12 (8) IMPLEMENTATION PLAN.—The term “Im-
13 plementation Plan” means the Implementation Plan
14 for the 10-year Comprehensive Strategy for a Col-
15 laborative Approach for Reducing Wildland Fire
16 Risks to Communities and the Environment, dated
17 May 2002, which was developed pursuant to the con-
18 ference report for the Department of the Interior
19 and Related Agencies Appropriations Act, 2001
20 (House Report 106–646).

21 (9) INTERFACE COMMUNITY AND INTERMIX
22 COMMUNITY.—The terms “interface community”
23 and “intermix community” have the meanings given
24 those terms on page 753 of volume 66 of the Fed-
25 eral Register, as published on January 4, 2001.

1 (10) MUNICIPAL WATER SUPPLY SYSTEM.—The
2 term “municipal water supply system” means the
3 reservoirs, canals, ditches, flumes, laterals, pipes,
4 pipelines, or other surface facilities and systems con-
5 structed or installed for the impoundment, storage,
6 transportation, or distribution of drinking water for
7 a community.

8 (11) SECRETARY CONCERNED.—The term
9 “Secretary concerned” means the Secretary of Agri-
10 culture with respect to National Forest System lands
11 and the Secretary of the Interior with respect to
12 public lands administered by the Bureau of Land
13 Management. Any reference in this title to the “Sec-
14 retary concerned”, the Secretary of Agriculture”, or
15 the “Secretary of the Interior” includes the designee
16 of the Secretary concerned.

17 (12) THREATENED AND ENDANGERED SPECIES
18 HABITAT.—The term “threatened and endangered
19 species habitat” means Federal lands identified in
20 the listing decision or critical habitat designation as
21 habitat for a threatened species or an endangered
22 species under the Endangered Species Act of 1973
23 (16 U.S.C. 1531 et seq.).

1 **SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION**
2 **PROJECTS.**

3 (a) AUTHORIZED PROJECTS.—Subject to the remain-
4 der of this section, the Secretary concerned may utilize
5 the process authorized by section 104 to plan and conduct
6 hazardous fuels reduction projects on any of the following
7 Federal lands:

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

10 (2) Federal lands located in such proximity to
11 an interface community or intermix community that
12 there is a significant risk that the spread of a fire
13 disturbance event from those lands would threaten
14 human life and property in the interface community
15 or intermix community.

16 (3) Condition class 3 or condition class 2 Fed-
17 eral lands located in such proximity to a municipal
18 water supply system or a stream feeding a municipal
19 water supply system that a significant risk exists
20 that a fire disturbance event would have adverse ef-
21 fects on the water quality of the municipal water
22 supply, including the risk to water quality posed by
23 erosion following such a fire disturbance event.

24 (4) Condition class 3 or condition class 2 Fed-
25 eral lands identified by the Secretary concerned as
26 an area where windthrow or blowdown, or the exist-

1 ence or threat of disease or insect infestation, pose
2 a significant threat to forest or rangeland health or
3 adjacent private lands.

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

7 (A) natural fire regimes on such lands are
8 identified as being important for, or wildfire is
9 identified as a threat to, an endangered species,
10 a threatened species, or its habitat in a species
11 recovery plan prepared under section 4 of the
12 Endangered Species Act of 1973 (16 U.S.C.
13 1533) or in a decision document under such
14 section determining a species to be an endan-
15 gered species or a threatened species or desig-
16 nating critical habitat;

17 (B) the project will provide enhanced pro-
18 tection from catastrophic wildfire for the spe-
19 cies or its habitat; and

20 (C) the Secretary complies with any appli-
21 cable guidelines specified in the species recovery
22 plan prepared under the Endangered Species
23 Act of 1973 (16 U.S.C. 1531 et seq.).

24 (b) RELATION TO AGENCY PLANS.—An authorized
25 hazardous fuels reduction project shall be planned and

1 conducted in a manner consistent with the land and re-
2 source management plan or land use plan applicable to
3 the Federal lands covered by the project.

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

7 (d) TREE REMOVAL LIMITATION.—The Secretary
8 concerned, in the sole discretion of the Secretary con-
9 cerned, shall plan and conduct an authorized hazardous
10 fuels reduction project so as to maintain species composi-
11 tion, size class distribution, and density of trees, including
12 old and large trees appropriate for each ecosystem type
13 covered by the project, consistent with the purposes of this
14 title.

15 (e) EXCLUSION OF CERTAIN FEDERAL LANDS.—The
16 Secretary concerned may not plan or conduct an author-
17 ized hazardous fuels reduction project that would occur
18 on any of the following Federal lands:

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

21 (2) Federal lands where, by Act of Congress or
22 Presidential proclamation, the removal of vegetation
23 is prohibited or restricted.

24 (3) Wilderness Study Areas.

1 (f) PROTECTION OF ROADLESS AREAS.—The Sec-
2 retary of Agriculture shall not construct any new perma-
3 nent road in any Inventoried Roadless Area as part of any
4 authorized hazardous fuels reduction project.

5 **SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATER-**
6 **SHEDS.**

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

11 **SEC. 104. ENVIRONMENTAL ANALYSIS.**

12 (a) IN GENERAL.—Except as otherwise provided in
13 this title, the Secretary concerned shall plan and conduct
14 authorized hazardous fuels reduction projects in accord-
15 ance with the National Environmental Policy Act of 1969
16 (42 U.S.C. 4331 et seq.) and any other applicable laws.

17 (b) DISCRETIONARY AUTHORITY TO ELIMINATE AL-
18 TERNATIVES.—In the case of an authorized hazardous
19 fuels reduction project, the Secretary concerned is not re-
20 quired to study, develop, or describe any alternative to the
21 proposed agency action in the environmental assessment
22 or environmental impact statement prepared for the pro-
23 posed agency action pursuant to section 102(2) of the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.
25 4332(2)).

1 (c) PUBLIC NOTICE AND MEETING.—

2 (1) PUBLIC NOTICE.—The Secretary concerned
3 shall provide notice of each authorized hazardous
4 fuels reduction project in accordance with applicable
5 regulations and administrative guidelines.

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

15 (d) PUBLIC COLLABORATION.—In order to encourage
16 meaningful public participation in the identification and
17 development of authorized hazardous fuels reduction
18 projects, the Secretary concerned shall facilitate collabora-
19 tion among governments and interested persons during
20 the formulation of each authorized fuels reduction project
21 in a manner consistent with the Implementation Plan.

22 (e) ENVIRONMENTAL ANALYSIS AND PUBLIC COM-
23 MENT.—In accordance with section 102(2) of the National
24 Environmental Policy Act of 1969 (42 U.S.C. 4332(2))
25 and the applicable regulations and administrative guide-

1 lines in effect on the date of the enactment of this Act,
2 the Secretary concerned shall provide an opportunity for
3 public input during the preparation of any environmental
4 assessment or environmental impact statement for pro-
5 posed agency action for an authorized hazardous fuels re-
6 duction project.

7 (f) DECISION DOCUMENT.—The Secretary concerned
8 shall sign a decision document for each authorized haz-
9 ardous fuels reduction project and provide notice of the
10 decision document.

11 (g) PROJECT MONITORING.—As provided for in the
12 Implementation Plan, the Secretary concerned shall mon-
13 itor the implementation of authorized hazardous fuels re-
14 duction projects.

15 **SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE RE-**
16 **VIEW PROCESS.**

17 (a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—
18 Not later than 90 days after the date of the enactment
19 of this Act, the Secretary of Agriculture shall issue final
20 regulations to establish an administrative process that will
21 serve as the sole means by which a person described in
22 subsection (c) can seek administrative redress regarding
23 an authorized hazardous fuels reduction project.

24 (b) ELIGIBLE PERSONS.—To be eligible to partici-
25 pate in the administrative process developed pursuant to

1 subsection (a) regarding an authorized hazardous fuels re-
2 duction project, a person must have submitted specific and
3 substantive written comments during the preparation
4 stage of that authorized hazardous fuels reduction project.

5 (c) RELATION TO APPEALS REFORM ACT.—Section
6 322 of the Department of the Interior and Related Agen-
7 cies Appropriations Act, 1993 (Public Law 102–381; 16
8 U.S.C. 1612 note), does not apply to an authorized haz-
9 ardous fuels reduction project.

10 **SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL**
11 **REVIEW OF AUTHORIZED HAZARDOUS FUELS**
12 **REDUCTION PROJECTS.**

13 (a) FILING DEADLINE.—

14 (1) TIME LIMIT ESTABLISHED FOR FILING.—
15 Notwithstanding any other provision of law, to be
16 timely, an action in a court of the United States
17 challenging an authorized hazardous fuels reduction
18 project shall be filed in the court before the end of
19 the 15-day period beginning on the date on which
20 the Secretary concerned publishes, in the local paper
21 of record, notice of the final agency action regarding
22 the authorized hazardous fuels reduction project.
23 This time limitation supersedes any notice of intent
24 to file suit requirement or filing deadline otherwise
25 applicable to a challenge under any provision of law.

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

5 (b) DURATION OF PRELIMINARY INJUNCTION.—

6 (1) DURATION; EXTENSION.—Any preliminary
7 injunction granted regarding an authorized haz-
8 ardous fuels reduction project shall be limited to 45
9 days. A court may renew the preliminary injunction,
10 taking into consideration the goal expressed in sub-
11 section (c) for the expeditious resolution of cases re-
12 garding authorized hazardous fuels reduction
13 projects.

14 (2) SUBMISSION OF INFORMATION.—As part of
15 a request to renew a preliminary injunction granted
16 regarding an authorized hazardous fuels reduction
17 project, the parties shall present the court with an
18 update on any changes that may have occurred dur-
19 ing the period of the injunction to the forest or
20 rangeland conditions that the authorized hazardous
21 fuels reduction project is intended to address.

22 (3) CONGRESSIONAL NOTIFICATION.—In the
23 event of the renewal of a preliminary injunction re-
24 garding an authorized hazardous fuels reduction
25 project, the Secretary concerned shall submit notice

1 of the renewal to the Committee on Resources and
2 the Committee on Agriculture of the House of Rep-
3 resentatives and the Committee on Energy and Nat-
4 ural Resources and the Committee on Agriculture,
5 Nutrition, and Forestry of the Senate.

6 (c) **EXPEDITIOUS COMPLETION OF JUDICIAL RE-**
7 **VIEW.**—Congress intends and encourages any court in
8 which is filed a lawsuit or appeal of a lawsuit concerning
9 an authorized hazardous fuels reduction project to expe-
10 dite, to the maximum extent practicable, the proceedings
11 in such lawsuit or appeal with the goal of rendering a final
12 determination on jurisdiction, and if jurisdiction exists, a
13 final determination on the merits, within 100 days from
14 the date the complaint or appeal is filed.

15 **SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGEN-**
16 **CY ACTION TO RESTORE FIRE-ADAPTED FOR-**
17 **EST OR RANGELAND ECOSYSTEMS.**

18 If an action brought against the Secretary concerned
19 under section 703 of title 5, United States Code, involves
20 an agency action on Federal lands in which the Secretary
21 concerned found that the agency action is necessary to re-
22 store a fire-adapted forest or rangeland ecosystem, includ-
23 ing an authorized hazardous fuels reduction project, the
24 court reviewing the agency action, in considering a request

1 for a prohibitory or mandatory injunction against the
2 agency action, shall—

3 (1) consider the public interest in avoiding long-
4 term harm to the ecosystem; and

5 (2) give deference to any agency finding, based
6 upon information in the administrative record, that
7 the balance of harm and the public interest in avoid-
8 ing the short-term effects of the agency action is
9 outweighed by the public interest in avoiding long-
10 term harm to the ecosystem.

11 **SEC. 108. RULES OF CONSTRUCTION.**

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

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

TITLE II—BIOMASS

2 SEC. 201. FINDINGS.

3 Congress finds the following:

4 (1) Thousands of communities in the United
5 States, many located near Federal lands, are at risk
6 to wildfire. Approximately 190,000,000 acres of land
7 managed by the Secretary of Agriculture and the
8 Secretary of the Interior are at risk of catastrophic
9 fire in the near future. The accumulation of heavy
10 forest and rangeland fuel loads continues to increase
11 as a result of disease, insect infestations, and
12 drought, further raising the risk of fire each year.

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

22 (3) Preventive treatments such as removing fuel
23 loading, ladder fuels, and hazard trees, planting
24 proper species mix and restoring and protecting
25 early successional habitat, and other specific restora-

1 tion treatments designed to reduce the susceptibility
2 of forest and rangeland to insect outbreaks, disease,
3 and catastrophic fire present the greatest oppor-
4 tunity for long-term forest and rangeland health by
5 creating a mosaic of species-mix and age distribu-
6 tion. Such prevention treatments are widely acknowl-
7 edged to be more successful and cost effective than
8 suppression treatments in the case of insects, dis-
9 ease, and fire.

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

19 (5) The United States should—

20 (A) promote economic and entrepreneurial
21 opportunities in using by-products removed
22 through preventive treatment activities related
23 to hazardous fuels reduction, disease, and insect
24 infestation; and

1 (B) develop and expand markets for tradi-
2 tionally underused wood and biomass as an out-
3 let for by-products of preventive treatment ac-
4 tivities.

5 **SEC. 202. DEFINITIONS.**

6 In this title:

7 (1) BIOMASS.—The term “biomass” means
8 trees and woody plants, including limbs, tops, nee-
9 dles, and other woody parts, and by-products of pre-
10 ventive treatment, such as wood, brush, thinnings,
11 chips, and slash, that are removed—

12 (A) to reduce hazardous fuels; or

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

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

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

20 (A) an individual;

21 (B) a community (as determined by the
22 Secretary concerned);

23 (C) an Indian tribe;

1 (D) a small business, micro-business, or a
2 corporation that is incorporated in the United
3 States; and

4 (E) a nonprofit organization.

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

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

10 (i) has a population of not more than
11 50,000 individuals; and

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

19 (B) any county that—

20 (i) is not contained within a metro-
21 politan statistical area; and

22 (ii) the Secretary concerned, in the
23 sole discretion of the Secretary concerned,
24 determines contains or is located near
25 land, the condition of which is at signifi-

1 cant risk of catastrophic wildfire, disease,
2 or insect infestation or which suffers from
3 disease or insect infestation.

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

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

8 (B) the Secretary of the Interior with re-
9 spect to Federal lands under the jurisdiction of
10 the Secretary of the Interior and Indian lands.

11 **SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE**
12 **OF FOREST BIOMASS FOR ELECTRIC ENERGY,**
13 **USEFUL HEAT, TRANSPORTATION FUELS,**
14 **AND PETROLEUM-BASED PRODUCT SUB-**
15 **STITUTES.**

16 (a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

17 (1) IN GENERAL.—The Secretary concerned
18 may make grants to any person that owns or oper-
19 ates a facility that uses biomass as a raw material
20 to produce electric energy, sensible heat, transpor-
21 tation fuels, or substitutes for petroleum-based prod-
22 ucts to offset the costs incurred to purchase biomass
23 for use by such facility.

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

4 (3) MONITORING OF GRANT RECIPIENT ACTIVI-
5 TIES.—As a condition of a grant under this sub-
6 section, the grant recipient shall keep such records
7 as the Secretary concerned may require to fully and
8 correctly disclose the use of the grant funds and all
9 transactions involved in the purchase of biomass.
10 Upon notice by a representative of the Secretary
11 concerned, the grant recipient shall afford the rep-
12 resentative reasonable access to the facility that pur-
13 chases or uses biomass and an opportunity to exam-
14 ine the inventory and records of the facility.

15 (b) VALUE ADDED GRANT PROGRAM.—

16 (1) IN GENERAL.—The Secretary concerned
17 may make grants to persons to offset the cost of
18 projects to add value to biomass. In making such
19 grants, the Secretary concerned shall give preference
20 to persons in preferred communities.

21 (2) SELECTION.—The Secretary concerned shall
22 select a grant recipient under paragraph (1) after
23 giving consideration to the anticipated public bene-
24 fits of the project, opportunities for the creation or

1 expansion of small businesses and micro-businesses,
2 and the potential for new job creation.

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

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$25,000,000 for each of the
7 fiscal years 2004 through 2008 to carry out this section.

8 **SEC. 204. REPORTING REQUIREMENT.**

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

18 (b) CONTENTS OF REPORT.—The report shall include
19 the following:

20 (1) An identification of the size, type, and the
21 use of biomass by persons that receive grants under
22 section 203.

23 (2) The distance between the land from which
24 the biomass was removed and the facility that used
25 the biomass.

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

4 **TITLE III—WATERSHED** 5 **FORESTRY ASSISTANCE**

6 **SEC. 301. FINDINGS AND PURPOSE.**

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

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

12 (2) It is commonly recognized that the proper
13 stewardship of forest lands is essential to sustaining
14 and restoring the health of watersheds.

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

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

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

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

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

9 (3) enhance and complement forest manage-
10 ment and buffer utilization for watersheds, with an
11 emphasis on urban watersheds;

12 (4) establish new partnerships and collaborative
13 watershed approaches to forest management, stew-
14 ardship, and conservation;

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

22 (6) maximize the proper management and con-
23 servation of wetland forests and to assist in their
24 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;

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 (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 sole discretion of
25 the Secretary concerned, is at risk of infestation by, or

1 is infested with, bark beetles, including Southern pine bee-
2 tles, hemlock woolly adelgids, emerald ash borers, red oak
3 borers, and white oak borers. Any applied silvicultural as-
4 sessments carried out under this section shall be con-
5 ducted 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 (c) PUBLIC NOTICE AND COMMENT.—

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

6 (2) PUBLIC COMMENT.—During the planning
7 stage of each applied silvicultural assessment pro-
8 posed to be carried out under this section, the Sec-
9 retary concerned shall provide an opportunity for
10 public input.

11 (d) CATEGORICAL EXCLUSION.—Applied silvicultural
12 assessments carried out under this section are deemed to
13 be categorically excluded from further analysis under the
14 National Environmental Policy Act of 1969 (42 U.S.C.
15 4321 et seq.). The Secretary concerned need not make any
16 findings as to whether the project, either individually or
17 cumulatively, has a significant effect on the environment.

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

19 The authorities provided to the Secretary concerned
20 by this title are supplemental to their respective authori-
21 ties provided in any other law.

22 **SEC. 405. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated for fiscal years
24 2004 through 2008 such sums as may be necessary to
25 carry out this title.

1 **TITLE V—HEALTHY FORESTS**
2 **RESERVE PROGRAM**

3 **SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RE-**
4 **SERVE PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Agriculture
6 shall establish the healthy forests reserve program as a
7 program within the Forest Service for the purpose of pro-
8 tecting, restoring, and enhancing degraded forest eco-
9 systems to promote the recovery of threatened and endan-
10 gered species as well as improve biodiversity and enhance
11 carbon sequestration.

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

16 **SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN**
17 **PROGRAM.**

18 (a) ELIGIBLE LANDS.—The Secretary of Agriculture,
19 in consultation with the Secretary of the Interior, shall
20 designate rare forest ecosystems to be eligible for the
21 healthy forests reserve program. The following lands are
22 eligible for enrollment in the healthy forests reserve pro-
23 gram:

24 (1) Private lands whose enrollment will protect,
25 restore, enhance, or otherwise measurably increase

1 the likelihood of recovery of an endangered species
2 or threatened species in the wild.

3 (2) Private lands whose enrollment will protect,
4 restore, enhance, or otherwise measurably increase
5 the likelihood of the recovery of an animal or plant
6 species before the species reaches threatened or en-
7 dangered status, such as candidate, State-listed spe-
8 cies, rare, peripheral, and special concern species.

9 (b) OTHER CONSIDERATIONS.—In enrolling lands
10 that satisfy the criteria in paragraph (1) or (2) of sub-
11 section (a), the Secretary of Agriculture shall give addi-
12 tional consideration to those lands whose enrollment will
13 also improve biological diversity and increase carbon se-
14 questration.

15 (c) ENROLLMENT BY WILLING OWNERS.—The Sec-
16 retary of Agriculture shall enroll lands in the healthy for-
17 ests reserve program only with the consent of the owner
18 of the lands.

19 (d) MAXIMUM ENROLLMENT.—The total number of
20 acres enrolled in the healthy forests reserve program shall
21 not exceed 1,000,000 acres.

22 (e) METHODS OF ENROLLMENT.—Lands may be en-
23 rolled in the healthy forests reserve program pursuant to
24 a 10-year cost-share agreement, a 30-year easement, or
25 a permanent easement with buyback option. The extent

1 to which each enrollment method is used shall be based
2 on the approximate proportion of owner interest expressed
3 in that method in comparison to the other methods.

4 (f) ENROLLMENT PRIORITY.—The Secretary of Agri-
5 culture shall give priority to the enrollment of lands that,
6 in the sole discretion of the Secretary, will provide the best
7 opportunity to resolve conflicts between the presence of
8 an animal or plant species referred to in paragraph (1)
9 or (2) of subsection (a) and otherwise lawful land use ac-
10 tivities.

11 **SEC. 503. CONSERVATION PLANS.**

12 (a) PLAN REQUIRED.—Lands enrolled in the healthy
13 forests reserve program shall be subject to a conservation
14 plan, to be developed jointly by the land owner and the
15 United States Fish and Wildlife Service. The conservation
16 plan shall include a description of the land-use activities
17 that are permissible on the enrolled lands.

18 (b) INVOLVEMENT BY OTHER AGENCIES AND ORGA-
19 NIZATIONS.—A State fish and wildlife agency, State for-
20 estry agency, State environmental quality agency, and
21 other State conservation agencies and nonprofit conserva-
22 tion organizations may assist in providing technical or fi-
23 nancial assistance, or both, for the development and imple-
24 mentation of conservation plans.

1 (c) COST EFFECTIVENESS.—The conservation plan
2 shall maximize the environmental benefits per dollar ex-
3 pended.

4 **SEC. 504. FINANCIAL ASSISTANCE.**

5 (a) PERMANENT EASEMENT WITH BUYBACK OP-
6 TION.—

7 (1) PAYMENT AMOUNT.—In the case of land
8 enrolled in the healthy forests reserve program using
9 a permanent easement with a buyback option, the
10 Secretary of Agriculture shall pay the owner of the
11 land an amount equal to—

12 (A) the fair market value of the enrolled
13 land less the fair market value of the land en-
14 cumbered by the easement; plus

15 (B) the actual costs of the approved con-
16 servation practices or the average cost of ap-
17 proved practices, as established by the Sec-
18 retary.

19 (2) BUYBACK OPTION.—Beginning on the 50th
20 anniversary of the enrollment of the land, and every
21 10th-year thereafter, the owner shall be able to pur-
22 chase the easement back from the United States at
23 a rate equal to the fair market value of the easement
24 plus the costs, adjusted for inflation, of the approved
25 conservation practices.

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

5 (1) 75 percent of the fair market value of the
6 land less the fair market value of the land encum-
7 bered by the easement; plus

8 (2) 75 percent of the actual costs of the ap-
9 proved conservation practices or 75 percent of the
10 average cost of approved practices, as established by
11 the Secretary.

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

16 (1) 75 percent of the actual costs of the ap-
17 proved conservation practices; or

18 (2) 75 percent of the average cost of approved
19 practices, as established by the Secretary.

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

23 **SEC. 505. TECHNICAL ASSISTANCE.**

24 The Forest Service and the United States Fish and
25 Wildlife Service shall provide landowners with technical

1 assistance to comply with the terms of agreements and
2 easements under the healthy forests reserve program and
3 conservation plans.

4 **SEC. 506. SAFE HARBOR.**

5 In implementing the healthy forests reserve program,
6 the Secretary of the Interior shall provide safe harbor or
7 similar assurances, through section 7 or other authorities
8 under the Endangered Species Act of 1973 (16 U.S.C.
9 1531 et seq.), consistent with the implementing regula-
10 tions of the United States Fish and Wildlife Service, to
11 landowners who enroll land in the healthy forests reserve
12 program when such enrollment will result in a net con-
13 servation benefit for listed species.

14 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

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

18 **TITLE VI—MISCELLANEOUS**
19 **PROVISIONS**

20 **SEC. 601. FOREST STANDS INVENTORY AND MONITORING**

21 **PROGRAM TO IMPROVE DETECTION OF AND**

22 **RESPONSE TO ENVIRONMENTAL THREATS.**

23 (a) IN GENERAL.—The Secretary of Agriculture shall
24 carry out a comprehensive program to inventory, monitor,
25 characterize, assess, and identify forest stands (with em-

1 phasis on hardwood forest stands) and potential forest
2 stands—

3 (1) in units of the National Forest System
4 (other than those units created from the public do-
5 main); and

6 (2) on private forest land, with the consent of
7 the owner of the land.

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

10 (1) early detection, identification, and assess-
11 ment of environmental threats (including insect, dis-
12 ease, invasive species, fire, and weather-related risks
13 and other episodic events);

14 (2) loss or degradation of forests;

15 (3) degradation of the quality forest stands
16 caused by inadequate forest regeneration practices;

17 (4) quantification of carbon uptake rates; and

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

20 (c) EARLY WARNING SYSTEM.—In carrying out the
21 program, the Secretary shall develop a comprehensive
22 early warning system for potential catastrophic environ-
23 mental threats to forests to increase the likelihood that
24 forest managers will be able to—

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

3 (2) prevent epidemics, such as the American
4 chestnut blight in the first half of the twentieth cen-
5 tury, that could be environmentally and economically
6 devastating to forests.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$5,000,000 for each of the fiscal years 2004 through
10 2008.

○