To provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2011

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2011”.

SEC. 2. PURPOSES.

The purposes of this Act are—
(1) to conserve and restore the eastside National Forests of the State;

(2) to create an immediate, predictable, and increased timber flow to support locally based restoration economies in the communities of the eastside National Forests of the State;

(3) to make the eastside National Forests of the State more resistant and resilient to, and to mitigate the effects of, climate change;

(4) to protect, restore, and increase old-growth forest stands and trees in the eastside National Forests of the State;

(5) to promote collaboration in the communities of the eastside National Forests of the State to respond to critical threats to forest and watershed health and to support natural resource- and restoration-based economies;

(6) to prioritize, strategically target, and accelerate projects to improve forest health and watershed health in old growth forests located in the eastside National Forests of the State; and

(7) to provide the Secretary, collaborative groups, and the public with independent scientific advice for restoring forest health and watershed health in the eastside National Forests of the State.
SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY PANEL.—The term “advisory panel” means the Eastside Forest Scientific and Technical Advisory Panel established under section 6(a).

(2) COLLABORATIVE GROUP.—The term “collaborative group” means a group of individuals that meets the requirements of section 9(a)(2).

(3) COVERED AREA.—The term “covered area” means the area selected by the Secretary under section 4(a)(1) that is—

(A) within the State; and

(B) not within the area covered by the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, dated April 1994.

(4) EMERGENCY CONDITION.—The term “emergency condition” means a condition—

(A) that results in an—

(i) imminent risk to life or property;

or

(ii) immediate impairment of the public use and enjoyment of a trail, road, highway, public facility, or public land; and
(B) with respect to subparagraph (A)(ii),
the urgency to address the emergency of which
outweighs the benefits of full notice and com-
ment.

(5) Forest health.—The term “forest
health” means conditions that enable forested
land—

(A) to be durable, resilient, and less prone
to uncharacteristic wildfire, insect, or pathogen
outbreaks, while—

(i) supporting ecosystem services and
populations of native species; and

(ii) allowing for natural disturbances;

(B) to maintain or develop species com-
position, ecosystem function and structure, hy-
drologic function, and sediment regimes that
are within an acceptable range that considers—

(i) historic variability; and

(ii) anticipated future conditions; and

(C) to be resistant and resilient to
uncharacteristic events.

(6) Forest stand.—The term “forest stand”
means a contiguous group of trees that are suffi-
ciently uniform in age-class distribution, composi-
tion, and structure and that are growing on a site
of sufficiently uniform quality to be a distinguishable unit.

(7) INITIATIVE.—The term “Initiative” means an initiative established by the Secretary—

(A) to restore and improve the ecological structure, composition, and function and the natural processes of watersheds within the National Forest System;

(B) to preserve and create local jobs in rural communities that are located in or near National Forest System land;

(C) to sustain the local wood products infrastructure and community capacity that is necessary for the appropriate management and restoration of National Forest System land;

(D) to promote cooperation and collaboration in the management of National Forest System land;

(E) to carry out collaborative projects to restore forest health and watershed health and to reduce the risk of uncharacteristic disturbances from fire, insects, and disease to communities, watersheds, and natural resources through a collaborative process of planning, prioritizing, and implementing ecological res-
(F) to collect information from the projects carried out under this Act in an effort to better understand the manner in which to improve forest restoration and management activities; and

(G) under which not more than 15 National Forests may be selected to participate.

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

(9) PLANT ASSOCIATION.—

(A) IN GENERAL.—The term “plant association” means a description of a plant community that—

(i) would potentially, in the absence of a disturbance, occupy a site; and

(ii) may be aggregated into 1 or more groups based on similarities in plant species, composition, environment, and productivity.

(B) INCLUSION.—The term “plant association” includes, with respect to a forested site,
species representing tree, shrub, and herbaceous layers.

(10) RESTORATION ASSESSMENT.—The term “restoration assessment” means the Eastside Landscape Forest Restoration Assessment prepared under section 7(a).

(11) SECRETARY.—The term “Secretary” means the Secretary of Agriculture (acting through the Chief of the Forest Service).

(12) STATE.—The term “State” means the State of Oregon.

(13) UNCHARACTERISTIC.—The term “uncharacteristic” means a wildfire, insect, or pathogen outbreak or level of forest fuel, the severity, size, frequency, or quantity of which exceeds the historic range of variability.

(14) WATERSHED AREA.—The term “watershed area” means 1 or more subwatersheds (also known as 6th code hydrologic units).

(15) WATERSHED HEALTH.—The term “watershed health” means landscape conditions that enable riparian and aquatic ecosystems—

(A) to capture, store, and release water, sediment, wood, and nutrients;
(B) to provide for water temperatures that are within the range of variability of the natural regimes for the processes described in subparagraph (A); and

(C) to create and sustain functional riparian, aquatic, and wetland habitats that are capable of supporting diverse populations of native aquatic- and riparian-dependent species.

SEC. 4. LAND MANAGEMENT.

(a) Selection of Covered Area.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary may select all or part of 1 or more National Forests in the State as part of the Initiative.

(2) Term.—The selection under paragraph (1) shall be for a period of 15 years.

(3) Effect.—The provisions of this Act shall apply to the covered area.

(b) Land Management Goals.—

(1) In general.—In the covered area, the Secretary shall, considering the best available science, seek—

(A) to conserve and restore forest health, watershed health, and other ecosystems;
(B) to reduce the risk of, and increase the resistance and resiliency of the land to, uncharacteristic disturbances;

(C) to allow for characteristic natural disturbances; and

(D) to harvest wood to maintain adequate levels of industry infrastructure to accomplish the goals described in subparagraphs (A), (B), and (C).

(2) Forest Management.—To achieve the goals of paragraph (1) in the forested land in the covered area, the Secretary shall consider opportunities—

(A) to reduce the basal area in overstocked forest stands;

(B) to increase the mean diameter of forest stands;

(C) to maintain or create a forest composition that focuses on more fire- and drought-tolerant species;

(D) to restore historic levels of within-forest stand spatial heterogeneity;

(E) to conserve and restore old growth;

(F) to conserve and restore population levels of older trees;
(G) to conserve and restore ecologically sustainable forest stands and landscapes to incorporate characteristic forest stand structures and older tree populations;

(H) to harvest wood and use the value of merchantable sawlogs and biomass to help offset the cost of improving forest health and watershed health;

(I) to restore or maintain sustainable and fire-resilient conditions in perpetuity through active management (including management through prescribed or wildland fire and mechanical treatments);

(J) to restore or maintain ecologically appropriate spatial complexity (including a range of open to dense forest patches at scales from the forest stand to the landscape);

(K) to create nonuniform effects in carrying out vegetation management projects by avoiding extensive areas of uniform treatment, except for certain treatments (such as broadcast burns) that are carried out to enhance the spatial heterogeneity of the forest site;
(L) to restore or maintain ecologically appropriate understory plant community composition and condition, including—

(i) by restoring and maintaining native ground cover; and

(ii) by reducing the impacts of, and potential for, exotic and other invasive species; and

(M) to increase stakeholder participation through collaborative groups.

(c) PLANNING.—To help to achieve the goals described in subsection (b), the Secretary shall use landscape scale planning based on watershed areas as a tool to implement ecological restoration projects in the covered area.

(d) PERFORMANCE GOALS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the Secretary selects the covered area, the Secretary, in consultation with the relevant collaborative groups, may establish performance goals, in addition to the goals that are established by subsection (b), that the Secretary shall seek to achieve consistent with the purposes of this Act and the goals and opportunities described in subsection (b) for the covered area.
(2) TERM.—Subject to paragraph (3), each performance goal established under paragraph (1) shall be measured annually for a period of 15 years.

(3) ADDITIONS.—The Secretary may develop additional performance goals that the Secretary determines to be appropriate during the period established by paragraph (2).

(4) PRIORITIZATION.—Subject to the limitations described in section 11(b), the Secretary shall prioritize the vegetation management and hazardous fuels reduction program activities in the covered area to achieve the performance goals established under this subsection.

(5) RESTORATION GOALS.—

(A) IN GENERAL.—Within the covered area, consistent with the goals, and after considering the opportunities, described in subsection (b), the Secretary shall, to the maximum extent practicable, prepare, offer, and promptly implement projects, that—

(i) are predominantly comprised of mechanical treatment in the covered area that emphasize sawtimber as a byproduct; and

(ii) are conducted on—
(I) for the first fiscal year after the date of enactment of this Act, not less than 39,000 acres;

(II) for the subsequent fiscal year, not less than 58,000 acres; and

(III) for each fiscal year thereafter until the fiscal year in which at least 1 ecological restoration project for each National Forest is initiated under section 8, not less than 80,000 acres.

(B) ANNUAL GOALS.—

(i) IN GENERAL.—Beginning in the first fiscal year after the date on which at least 1 ecological restoration project is initiated for each National Forest under section 8 and each fiscal year thereafter until the date on which the Initiative is completed, the Secretary may, subject to clause (ii), set annual acreage performance goals for projects that are predominantly comprised of mechanical treatment in the covered area that emphasize sawtimber as a byproduct consistent with the goals, and
after considering the opportunities, described in subsection (b).

(ii) CONSIDERATIONS.—In setting goals under clause (i), the Secretary shall consider—

(I) the restoration assessment;

(II) any specific recommendations of the advisory panel relating to acreage treatment needs; and

(III) advice provided by a collaborative group relating to acreage treatment needs.

(e) PROHIBITIONS ON REMOVAL OF CERTAIN TREES.—

(1) LARGER TREES.—Except as provided in paragraph (3), the Secretary shall prohibit the cutting or removal of any live tree located in the covered area, the diameter of which is 21 inches or greater measured at breast height.

(2) SMALLER TREES.—Except as provided in paragraph (3)(B), the Secretary shall prohibit the cutting or removal of any live tree located in the covered area, the diameter of which is less than 21 inches measured at breast height, if the Secretary determines, after considering the recommendations.
of the advisory panel, that prohibiting the cutting or removal is required to meet the goals described in subsection (b).

(3) EXCEPTIONS.—

(A) ECOLOGICAL EXCEPTION.—The prohibitions described in paragraph (1) shall not apply if the Secretary, after considering the recommendations of the advisory panel and consulting with each relevant collaborative group, determines that the cutting or removal of the tree would be consistent with the goals described in subsection (b)(1).

(B) ADMINISTRATIVE EXCEPTION.—

(i) IN GENERAL.—The prohibitions described in paragraphs (1) and (2) shall not apply if the Secretary determines that there is no reasonable alternative to the cutting or removal of the tree to provide for a safe administrative, public, or special use.

(ii) NOTICE REQUIREMENT.—The Secretary shall provide to the public and each relevant collaborative group notice and an opportunity to comment before making a determination under clause (i),
unless the Secretary determines that the cutting or removal of the tree is necessary to respond to an emergency condition.

(f) LIMITATIONS ON ROAD CONSTRUCTION.—In carrying out any vegetation management project in the covered area, the Secretary shall—

(1) not construct any permanent road, unless the Secretary determines that the road is a justifiable realignment of a permanent road to restore or improve the ecological structure, composition, and function and the natural processes of the affected forest or watershed; and

(2) by the earlier of the date on which the vegetation management project is completed or the date that is 1 year after the activities for which the road was constructed are complete, decommission any temporary road constructed to carry out the vegetation management project by—

(A) reestablishing vegetation on the road; and

(B) restoring any natural drainage, watershed function, or other ecological processes that are disrupted or adversely impacted by the road, including by removing or hydrologically disconnecting the road prism.
SEC. 5. WATERSHED MANAGEMENT.

(a) AQUATIC AND RIPARIAN RESOURCES MANAGEMENT.—

(1) IN GENERAL.—Within the covered area, each vegetation management project in an area delineated under subsection (b) shall protect and restore the aquatic and riparian-dependent resources of the delineated area.

(2) EFFECTS.—A project described in paragraph (1) may result in short-term negative effects on the aquatic and riparian-dependent resources of the delineated area if the Secretary determines, after considering the best available science, that the project would result in a net improvement to the condition of those resources over the long-term.

(b) DELINEATION OF AREAS.—

(1) FISH-BEARING STREAMS.—The Secretary shall delineate each permanently flowing fishbearing stream and the area extending away from each edge of the active stream channel to include—

(A) the top of the inner gorge;

(B) the outer edges of the 100-year floodplain;

(C) the outer edges of riparian vegetation;

(D) a distance equal to the height of 2 site-potential trees; and
(E) a slope distance of not less than 300 feet.

(2) PERMANENTLY FLOWING NON-FISHBEARING STREAMS.—The Secretary shall delineate each permanently flowing non-fishbearing stream and the area extending away from each edge of the active stream channel to include—

(A) the top of the inner gorge;

(B) the outer edges of the 100-year flood plain;

(C) the outer edges of riparian vegetation;

(D) a distance equal to the height of 1 site-potential tree; and

(E) a slope distance of not less than 150 feet.

(3) PONDS, LAKES, RESERVOIRS, AND WETLANDS LARGER THAN 1 ACRE.—The Secretary shall delineate each pond, lake, reservoir, and wetland larger than 1 acre and the area extending away from the high-water edges to include—

(A) the outer edges of the riparian vegetation;

(B) the extent of the seasonally saturated soil;
(C) the extent of moderately and highly unstable areas;

(D) a distance equal to the height of 1 site-potential tree; and

(E) a slope distance of—

(i) if the area located in a watershed identified as key or priority under the applicable land and resource management plan, not less than 100 feet; or

(ii) not less than 50 feet.

(4) INTERMITTENT STREAMS, WETLANDS LESS THAN 1 ACRE, LANDSLIDES, AND LANDSLIDE-PRONE AREAS.—The Secretary shall delineate each wetland smaller than 1 acre, landslide, landslide-prone area, intermittent stream channel, and the area extending away from the edges of the wetland, landslide, landslide-prone area, or intermittent stream channel to include—

(A) the top of the inner gorge;

(B) the outer edges of the riparian vegetation;

(C) a distance equal to the height of 1 site-potential tree; and

(D) a slope distance of—
(i) if the area is located in a watershed identified as key or priority under the applicable land and resource management plan, not less than 100 feet; or

(ii) not less than 50 feet.

(c) AQUATIC AND RIPARIAN PROTECTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall comply with the aquatic and riparian protection requirements of the applicable land and resource management plan in existence on the date of enactment of this Act in carrying out each vegetation management project in the covered area.

(2) MODIFICATIONS.—The Secretary may modify the aquatic and riparian protection requirements described in paragraph (1) if the Secretary determines, after considering the best available science, that the modifications would meet or exceed the goals of the aquatic and riparian protection requirements.

SEC. 6. EASTSIDE FOREST SCIENTIFIC AND TECHNICAL ADVISORY PANEL.

(a) IN GENERAL.—Not later than 120 days after the date on which the Secretary selects the covered area, the Secretary shall establish an advisory panel—
(1) to be known as the “Eastside Forest Scientific and Technical Advisory Panel”; and

(2) to advise the Secretary, collaborative groups, and the public regarding the development and implementation of—

(A) goals to improve forest health, watershed health, and related social and economic goals in the covered area;

(B) the restoration assessment; and

(C) projects needed to accomplish the purposes of this Act.

(b) COMPOSITION.—The advisory panel shall be composed of 9 members, each of whom shall have expertise in 1 or more of the following:

(1) Silviculture.

(2) Timber economics.

(3) Road and logging engineering.

(4) Soil science and geology.

(5) Ecosystem services or natural resources economics.

(6) Community economics or ecosystem workforce development.

(7) Forest ecology.

(8) Aquatic and riparian ecology.

(9) Wildlife ecology.
(10) Ecological restoration.

(11) Invasive species control and eradication.

(12) Wildland fire.

(13) Water quantity and water quality.

(14) Hydrology.

(15) Forest carbon life-cycle and sequestration.

(16) Social science.

(c) APPOINTMENTS.—The Secretary shall—

(1) ensure that the advisory panel includes experts in a broad array of the fields described in subsection (b); and

(2) give consideration to the recommendations of institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), professional societies, and other interested organizations and persons.

(d) DUTIES.—

(1) RECOMMENDATIONS REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary appoints the members of the advisory panel, the advisory panel shall submit to the Secretary and make available to the public a report that contains recommendations regarding the manner by which the Secretary may best achieve
the purposes and goals and consider the opportuni-
ties described in section 4(b).

(B) REQUIREMENTS.—The report shall provide recommendations based on the best available science—

(i) for the size and scope of projects needed to accomplish the goals and consider the opportunities described in section 4(b);

(ii) for potential protocols that could be used to efficiently identify trees older than 150 years in carrying out experimental ecological restoration projects under section 8(b);

(iii) for increasing local capacity to accomplish the goals and consider the opportunities described in section 4(b); and

(iv) for each relevant plant association group—

(I) for protecting and restoring terrestrial, aquatic, riparian, wildlife, fish, vegetation, soil, carbon, and other resources;

(II) for the types of activities necessary and desirable to restore for-
est health and watershed health (including thinning, prescribed, and natural fire, and other appropriate activities); (III) for cases in which the cutting or removal of trees described in section 4(e)(1) would generally be considered to be ecologically appropriate; and (IV) for cases in which prohibiting the cutting or removal of trees described in section 4(e)(2) would generally be considered to be ecologically appropriate.

(C) ADMINISTRATION.—

(i) IN GENERAL.—To the maximum extent practicable, the advisory panel shall achieve a consensus with respect to each recommendation included in the report.

(ii) INCLUSION OF DISSENTING OPINIONS.—If the advisory panel fails to achieve a consensus with respect to any recommendation included in the report, the report shall include each dissenting opinion relating to the recommendation.
(2) Review report.—Not later than 5 years after the date on which the Secretary appoints the members of the advisory panel, the advisory panel shall submit to the Secretary and make available to the public a report providing—

(A) a quantitative and qualitative assessment of the status of, and changes to, forest health and watershed health in the covered area, including the resiliency, aquatic function, and plant composition, structure, and function; and

(B) an assessment of the implementation of the recommendations made under paragraph (1).

SEC. 7. ASSESSMENT AND STRATEGY.

(a) Eastside Landscape Forest Restoration Assessment.—

(1) In general.—The Secretary shall prepare an assessment of the covered area to be known as the “Eastside Landscape Forest Restoration Assessment”.

(2) Requirements.—The restoration assessment shall—
(A) compile the best available scientific assessments of, and relating to, the covered area concerning—

(i) forest health and watershed health, including measures necessary to restore forest health and watershed health;

(ii) the road system, including—

(I) travel management; and

(II) the funding levels necessary to maintain the road system;

(iii) the local infrastructure and workforce capacity needs and the potential value to the local economy resulting from comprehensive forest restoration;

(iv) baseline ecological conditions in the forests and watersheds;

(v) baseline economic conditions in the communities;

(vi) the volume of biomass that—

(I) consists of slash, brush, and any tree that does not exceed the minimum size standards for sawtimber; and
(II) can be supplied consistent with the goals and considering the opportunities described in section 4(b); and

(vii) the volume of sawtimber that can be supplied consistent with the goals and considering the opportunities described in section 4(b); and

(viii) methods to hydrologically and ecologically restore land and water by—

(I) decommissioning unnecessary and undesirable roads; and

(II) reducing the environmental impact of necessary and desirable roads; and

(B) to the extent practicable and using the best available science, develop and provide the information described in subparagraph (A) that is not available in any existing assessment.

(3) TIMING.—

(A) IN GENERAL.—As soon as practicable after the date on which the Secretary selects the covered area, the Secretary shall make available to the public the information required under paragraph (2).
(B) COMPLETION.—Not later than 2 years after the date on which the Secretary selects the covered area, the Secretary shall complete the restoration assessment.

(4) REVIEW AND UPDATE.—The Secretary shall periodically review and update the information compiled and developed under paragraph (2).

(b) STRATEGY.—

(1) IN GENERAL.—Using the restoration assessment, the Secretary shall develop a strategy to assist in the development and implementation of projects needed to accomplish the purposes of this Act.

(2) REQUIREMENTS.—The strategy required under paragraph (1) shall include—

(A) methods to identify and prioritize areas within the covered area in which projects would address the restoration needs and opportunities described in the restoration assessment;

(B) recommendations for possible projects within the covered area, consistent with the priorities described in section 8; and

(C) recommendations for improving the commercial use of biomass and other byproducts of projects within the covered area.
(c) **Public Availability.**—The Secretary shall make available to the public draft and final copies of the restoration assessment and the strategy required by subsection (b).

**SEC. 8. ECOLOGICAL RESTORATION PROJECTS.**

(a) **Ecological Restoration Projects.**—

(1) **In general.**—As soon as practicable after the date on which the Secretary selects the covered area, the Secretary shall, considering the opportunities described in section 4(b)(2), implement ecological restoration projects in the covered area to further the goals described in section 4(b).

(2) **Landscape-scale projects.**—Subject to the availability of appropriations in accordance with section 11, the Secretary shall, to the maximum extent practicable, implement 1 or more ecological restoration projects for each National Forest in the covered area that provide landscape-scale work within a watershed area by the earlier of the date that is—

(A) 1 year after the date of completion of the restoration assessment; or

(B) 3 years after the date on which the Secretary selects the covered area.
(3) Requirements.—In developing and implementing ecological restoration projects under this section, the Secretary shall consider—

(A) the best available science and data;

(B) the recommendations of the advisory panel;

(C) the restoration needs and opportunities described in the restoration assessment;

(D) the strategy developed under section 7(b); and

(E) the views of the relevant collaborative groups.

(4) Net Road Reduction.—In developing ecological restoration projects under this Act, the Secretary shall examine opportunities for, and achieve, a net reduction in the permanent road system to improve forest and watershed health to the maximum extent practicable.

(5) Prioritization.—

(A) In General.—The Secretary shall prioritize ecological restoration projects in the covered area considering the requirements in paragraph (3) and based on the degree to which the ecological restoration projects would im-
prove forest health and watershed health, based
on—

(i) dry and moist forest plant association groups; and

(ii) the need to sustain adequate levels
of industry infrastructure to accomplish
the goals described in section 4(b).

(B) INCLUSIONS.—In carrying out this
section, the types of projects the Secretary shall
consider to be priority projects include projects
that—

(i) reduce the risk of, and increase the
resistance and resiliency of the land to,
uncharacteristic disturbances, particularly
if critical components or values are at risk,
including—

(I) communities located in the
wildland-urban interface (as defined
in section 101 of the Healthy Forests
6511)); and

(II) valuable forest structures
(including old growth and older mature trees);
(ii) restore the structure and composition of forest stands at a high or moderate departure from the historic range of variability;

(iii) accelerate the development of complex forest structure in a young forest that has been simplified through past management, such as by—

(I) creating spatial heterogeneity (including the creation of skips and gaps) using mechanical treatments to create wildlife habitat; and

(II) retaining biological legacies (including large standing, downed, live, and dead trees);

(iv) assist in the implementation of community wildfire protection plans developed by at-risk communities (as those terms are defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(v) use the value of merchantable sawlogs and biomass to help offset the cost of ecological restoration projects;
(vi) meet local and rural community needs through a source that is selected on a best-value basis; and

(vii) reduce the permanent road system to improve forest health and watershed health.

(b) EXPERIMENTAL ECOLOGICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—As soon as practicable after final agency action, but not later than 5 years after the date on which the Secretary selects the covered area, the Secretary shall implement experimental ecological restoration projects in the covered area that are designed to use an age limitation that prohibits the cutting or removal of any tree older than 150 years.

(2) APPLICABILITY OF CUTTING LIMITATION.— The prohibitions described in section 4(e)(1) shall not apply to any experimental ecological restoration project carried out under this subsection.

(3) PROTOCOL.—The Secretary shall establish a protocol to efficiently identify trees older than 150 years in carrying out each experimental ecological restoration project under this subsection, such as by—
(A) sampling trees within forest stands; or

(B) establishing standards for determining which forest stands contain trees older than 150 years.

(4) Use of data.—The Secretary shall use data from experimental ecological restoration projects—

(A) to examine the feasibility of implementing age limits at a broader scale; and

(B) to provide recommendations regarding the manner by which future vegetation management projects designed to protect trees older than 150 years may be carried out more efficiently.

(c) Review.—Each project carried out under this section may be subject to—

(1) the predecisional administrative review process established in part 218 of title 36, Code of Federal Regulations, except that the Secretary shall provide notice of, and distribute, a proposed decision before or with the environmental assessment or final environmental impact statement for any project subject to review under this paragraph; and
(2) subsections (b) and (c)(3) of section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516).

SEC. 9. COLLABORATION.

(a) COLLABORATIVE GROUPS.—

(1) IN GENERAL.—To assist in the development of the restoration assessment and the projects needed to accomplish the purposes of this Act in the covered area, the Secretary shall consult with, and consider the recommendations of, any collaborative group that meets the criteria described in paragraph (2).

(2) COLLABORATIVE GROUPS.—A collaborative group under paragraph (1) means a group that—

(A) is interested in the implementation of this Act;

(B) includes multiple individuals representing diverse interests that include—

(i) environmental organizations;

(ii) timber and forest products industry representatives; and

(iii) county governments;

(C) operates—

(i) in a transparent and nonexclusive manner; and
(ii) by consensus or in accordance with voting procedures to ensure a high degree of agreement among participants and across various interests; and

(D) requires a level of participation sufficient to ensure that members of the collaborative group are adequately informed before each decision.

(b) MULTIPARTY MONITORING.—The Secretary, in consultation with the relevant collaborative groups, may develop a multiparty monitoring plan for any vegetation management project carried out under this Act.

SEC. 10. ADMINISTRATION.

(a) EFFECT.—Nothing in this Act affects—

(1) any right described in a treaty between an Indian tribe and the United States; or

(2) any biological opinion, including any opinion associated with the aquatic and riparian protection requirements of applicable land and resource management plans.

(b) APPLICABLE LAW.—Except as provided in section 8(c), the Secretary shall carry out this Act in accordance with applicable law (including regulations).

(c) PRINCIPAL AGENCY CONTACT.—
(1) **SELECTION.**—The Secretary shall select a principal agency contact for the implementation of this Act.

(2) **DUTIES.**—The principal agency contact shall—

(A) serve as the point-of-contact for the advisory panel;

(B) facilitate communications among—

(i) the advisory panel;

(ii) collaborative groups;

(iii) employees of the Forest Service;

and

(iv) any other stakeholders (including the public).

(d) **REPORTING.**—

(1) **IN GENERAL.**—The Secretary shall prepare a report on the implementation of this Act—

(A) not later than 5 years after the date on which the Secretary selects the covered area;

and

(B) 2 years before the date referred to in subsection (e)(1).

(2) **CONTENTS.**—The reports required under subparagraph (A) shall, for each National Forest in
the covered area, assess the progress toward accomplishing—

(A) the purposes of this Act; and

(B) the performance goals established under section 4(d).

(e) Termination of Authority.—

(1) In general.—The authorities under this Act shall terminate on the date that is 15 years after the date of enactment of this Act.

(2) Effect.—Nothing in this subsection affects a valid contract in effect on the date described in paragraph (1).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—Subject to subsection (b), there is authorized to be appropriated $50,000,000 to carry out this Act, to remain available until expended.

(b) Limitation.—

(1) Other allocations.—Amounts expended to carry out this Act shall not reduce the allocations of appropriated funds to the Secretary for use in—

(A) other National Forests not included in the covered area;

(B) other States; or

(C) other Regions of the Forest Service.
(2) REDUCTION.—The amount authorized to be appropriated under subsection (a) shall be reduced by any Federal funds allocated to, and expended by, a National Forest in the covered area under the program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) to implement a proposal under subsection (d) of that section.