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114TH CONGRESS
1ST SESSION

H. R. 2647

[Report No. 114–185, Parts I and II]

To expedite under the National Environmental Policy Act and improve forest management activities in units of the National Forest System derived from the public domain, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2015

Mr. WESTERMAN (for himself, Mrs. KIRKPATRICK, Mr. THOMPSON of Pennsylvania, and Mr. ZINKE) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 25, 2015

Additional sponsors: Mr. GOSAR, Mr. LAMALFA, Mr. ABRAHAM, Mr. RIBBLE, Mr. TIPTON, Mr. MCCLINTOCK, Mrs. McMORRIS RODGERS, Mr. BENISHEK, Mr. SIMPSON, and Mr. PALMER

JUNE 25, 2015

Reported from the Committee on Agriculture with amendments
[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 25, 2015

Reported from the Committee on Natural Resources with amendments
[Strike out all after the enacting clause and insert the part printed in boldface roman]
[For text of introduced bill, see copy of bill as introduced on June 4, 2015]

A BILL

To expedite under the National Environmental Policy Act and improve forest management activities in units of the National Forest System derived from the public domain, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Re-*
 5 *silient Federal Forests Act of 2015”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

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

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

Sec. 102. Categorical exclusion to expedite certain critical response actions.

Sec. 103. Categorical exclusion to expedite salvage operations in response to cata-
strophic events.

Sec. 104. Categorical exclusion to meet forest plan goals for early successional for-
ests.

Sec. 105. Clarification of existing categorical exclusion authority related to insect
and disease infestation.

Sec. 106. Categorical exclusion to improve, restore, and reduce the risk of wildfire.

Sec. 107. Compliance with forest plan.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO
CATASTROPHIC EVENTS

Sec. 201. Expedited salvage operations and reforestation activities following
large-scale catastrophic events.

Sec. 202. Compliance with forest plan.

Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunc-
tions pending appeal.

Sec. 204. Exclusion of certain lands.

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

Sec. 301. Definitions.

Sec. 302. Bond requirement as part of legal challenge of certain forest manage-
ment activities.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-
DETERMINATION ACT AMENDMENTS

Sec. 401. Use of reserved funds for title II projects on Federal land and certain
non-Federal land.

Sec. 402. Resource advisory committees.

Sec. 403. Program for title II self-sustaining resource advisory committee projects.

Sec. 404. Additional authorized use of reserved funds for title III county projects.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

Sec. 501. Cancellation ceilings for stewardship end result contracting projects.

Sec. 502. Excess offset value.

Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.

Sec. 504. Submission of existing annual report.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Sec. 601. Definitions.

Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.

Sec. 603. State-supported planning of forest management activities.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 701. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.

Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.

TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

Sec. 801. Balancing short- and long-term effects of forest management activities in considering injunctive relief.

Sec. 802. Conditions on Forest Service road decommissioning.

Sec. 803. Prohibition on application of Eastside Screens requirements on National Forest System lands.

Sec. 804. Use of site-specific forest plan amendments for certain projects and activities.

Sec. 805. Knutson-Vandenberg Act modifications.

Sec. 806. Exclusion of certain National Forest System lands and public lands.

1 SEC. 2. DEFINITIONS.

2 In this Act:

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

1 *mudslide, drought, or insect or disease outbreak) or*
2 *any fire, flood, or explosion, regardless of cause.*

3 (2) *CATEGORICAL EXCLUSION.—The term “cat-*
4 *egorical exclusion” refers to an exception to the re-*
5 *quirements of the National Environmental Policy Act*
6 *of 1969 (42 U.S.C. 4331 et seq.) for a project or activ-*
7 *ity relating to the management of National Forest*
8 *System lands or public lands.*

9 (3) *COLLABORATIVE PROCESS.—The term “col-*
10 *laborative process” refers to a process relating to the*
11 *management of National Forest System lands or pub-*
12 *lic lands by which a project or activity is developed*
13 *and implemented by the Secretary concerned through*
14 *collaboration with interested persons, as described in*
15 *section 603(b)(1)(C) of the Healthy Forests Restora-*
16 *tion Act of 2003 (16 U.S.C. 6591b(b)(1)(C)).*

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

22 (5) *COOS BAY WAGON ROAD GRANT LANDS.—The*
23 *term “Coos Bay Wagon Road Grant lands” means*
24 *the lands reconveyed to the United States pursuant to*

1 *the first section of the Act of February 26, 1919 (40*
2 *Stat. 1179).*

3 (6) *FOREST MANAGEMENT ACTIVITY.*—*The term*
4 *“forest management activity” means a project or ac-*
5 *tivity carried out by the Secretary concerned on Na-*
6 *tional Forest System lands or public lands in concert*
7 *with the forest plan covering the lands.*

8 (7) *FOREST PLAN.*—*The term “forest plan”*
9 *means—*

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

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

19 (8) *LARGE-SCALE CATASTROPHIC EVENT.*—*The*
20 *term “large-scale catastrophic event” means a cata-*
21 *strophic event that adversely impacts at least 5,000*
22 *acres of reasonably contiguous National Forest Sys-*
23 *tem lands or public lands.*

24 (9) *NATIONAL FOREST SYSTEM.*—*The term “Na-*
25 *tional Forest System” has the meaning given that*

1 *term in section 11(a) of the Forest and Rangeland*
2 *Renewable Resources Planning Act of 1974 (16*
3 *U.S.C. 1609(a)).*

4 (10) *OREGON AND CALIFORNIA RAILROAD GRANT*
5 *LANDS.—The term “Oregon and California Railroad*
6 *Grant lands” means the following lands:*

7 (A) *All lands in the State of Oregon re-*
8 *vested in the United States under the Act of*
9 *June 9, 1916 (39 Stat. 218), that are adminis-*
10 *tered by the Secretary of the Interior, acting*
11 *through the Bureau of Land Management, pur-*
12 *suant to the first section of the Act of August 28,*
13 *1937 (43 U.S.C. 1181a).*

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

18 (C) *All lands in that State acquired by the*
19 *United States at any time and made subject to*
20 *the provisions of title II of the Act of August 28,*
21 *1937 (43 U.S.C. 1181f).*

22 (11) *PUBLIC LANDS.—The term “public lands”*
23 *has the meaning given that term in section 103(e) of*
24 *the Federal Land Policy and Management Act of*
25 *1976 (43 U.S.C. 1702(e)), except that the term in-*

1 *cludes Coos Bay Wagon Road Grant lands and Or-*
2 *regon and California Railroad Grant lands.*

3 (12) *REFORESTATION ACTIVITY.*—*The term “re-*
4 *forestation activity” means a project or activity car-*
5 *ried out by the Secretary concerned whose primary*
6 *purpose is the reforestation of fire-impacted lands fol-*
7 *lowing a large-scale wildfire. The term includes*
8 *planting, evaluating and enhancing natural regenera-*
9 *tion, clearing competing vegetation, and other activi-*
10 *ties related to reestablishment of forest species on the*
11 *fire-impacted lands.*

12 (13) *RESOURCE ADVISORY COMMITTEE.*—*The*
13 *term “resource advisory committee” has the meaning*
14 *given that term in section 201(3) of the Secure Rural*
15 *Schools and Community Self-Determination Act of*
16 *2000 (16 U.S.C. 7121(3)).*

17 (14) *SALVAGE OPERATION.*—*The term “salvage*
18 *operation” means a forest management activity un-*
19 *dertaken in response to a catastrophic event whose*
20 *primary purpose—*

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

1 (B) is to provide an opportunity for utiliza-
2 tion of forest materials damaged as a result of
3 the catastrophic event; or

4 (C) is to provide a funding source for refor-
5 estation and other restoration activities for the
6 National Forest System lands or public lands
7 impacted by the catastrophic event.

8 (15) SECRETARY CONCERNED.—The term “Sec-
9 retary concerned” means—

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

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

14 **TITLE I—EXPEDITED ENVIRON-**
15 **MENTAL ANALYSIS AND**
16 **AVAILABILITY OF CATEGOR-**
17 **ICAL EXCLUSIONS TO EXPE-**
18 **DITE FOREST MANAGEMENT**
19 **ACTIVITIES**

20 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
21 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
22 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

23 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
24 SESSMENTS AND ENVIRONMENTAL IMPACT STATEMENTS.—
25 This section shall apply whenever the Secretary concerned

1 *prepares an environmental assessment or an environmental*
2 *impact statement pursuant to section 102(2) of the National*
3 *Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for*
4 *a forest management activity that—*

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

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

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

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

15 *(1) The forest management activity, as proposed*
16 *pursuant to paragraph (1), (2), or (3) of subsection*
17 *(a).*

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

19 *(c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In the*
20 *case of the alternative of no action, the Secretary concerned*
21 *shall evaluate—*

22 *(1) the effect of no action on—*

23 *(A) forest health;*

24 *(B) habitat diversity;*

25 *(C) wildfire potential; and*

1 (D) insect and disease potential; and
2 (2) the implications of a resulting decline in for-
3 est health, loss of habitat diversity, wildfire, or insect
4 or disease infestation, given fire and insect and dis-
5 ease historic cycles, on—

6 (A) domestic water costs;

7 (B) wildlife habitat loss; and

8 (C) other economic and social factors.

9 **SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN**
10 **CRITICAL RESPONSE ACTIONS.**

11 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—A
12 categorical exclusion is available to the Secretary concerned
13 to develop and carry out a forest management activity on
14 National Forest System lands or public lands when the pri-
15 mary purpose of the forest management activity is—

16 (1) to address an insect or disease infestation;

17 (2) to reduce hazardous fuel loads;

18 (3) to protect a municipal water source;

19 (4) to maintain, enhance, or modify critical
20 habitat to protect it from catastrophic disturbances;

21 (5) to increase water yield; or

22 (6) any combination of the purposes specified in
23 paragraphs (1) through (5).

24 (b) *ACREAGE LIMITATIONS.*—

1 (1) *IN GENERAL.*—*Except in the case of a forest*
2 *management activity described in paragraph (2), a*
3 *forest management activity covered by the categorical*
4 *exclusion granted by subsection (a) may not contain*
5 *harvest units exceeding a total of 5,000 acres.*

6 (2) *LARGER AREAS AUTHORIZED.*—*A forest*
7 *management activity covered by the categorical exclu-*
8 *sion granted by subsection (a) may not contain har-*
9 *vest units exceeding a total of 15,000 acres if the for-*
10 *est management activity—*

11 (A) *is developed through a collaborative*
12 *process;*

13 (B) *is proposed by a resource advisory com-*
14 *mittee; or*

15 (C) *is covered by a community wildfire pro-*
16 *tection plan.*

17 **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE**
18 **OPERATIONS IN RESPONSE TO CATA-**
19 **STROPHIC EVENTS.**

20 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—*A*
21 *categorical exclusion is available to the Secretary concerned*
22 *to develop and carry out a salvage operation as part of the*
23 *restoration of National Forest System lands or public lands*
24 *following a catastrophic event.*

25 (b) *ACREAGE LIMITATIONS.*—

1 (1) *IN GENERAL.*—A salvage operation covered
2 by the categorical exclusion granted by subsection (a)
3 may not contain harvest units exceeding a total of
4 5,000 acres.

5 (2) *HARVEST AREA.*—In addition to the limita-
6 tion imposed by paragraph (1), the harvest units cov-
7 ered by the categorical exclusion granted by subsection
8 (a) may not exceed one-third of the area impacted by
9 the catastrophic event.

10 (c) *ADDITIONAL REQUIREMENTS.*—

11 (1) *ROAD BUILDING.*—A salvage operation cov-
12 ered by the categorical exclusion granted by subsection
13 (a) may not include any new permanent roads. Tem-
14 porary roads constructed as part of the salvage oper-
15 ation shall be retired before the end of the second fis-
16 cal year beginning after the completion of the salvage
17 operation.

18 (2) *STREAM BUFFERS.*—A salvage operation cov-
19 ered by the categorical exclusion granted by subsection
20 (a) shall comply with the standards and guidelines
21 for stream buffers contained in the applicable forest
22 plan unless waived by the Regional Forester, in the
23 case of National Forest System lands, or the State Di-
24 rector of the Bureau of Land Management, in the case
25 of public lands.

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

7 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**
8 **PLAN GOALS FOR EARLY SUCCESSIONAL FOR-**
9 **ESTS.**

10 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION*.—A
11 categorical exclusion is available to the Secretary concerned
12 to develop and carry out a forest management activity on
13 National Forest System lands or public lands when the pri-
14 mary purpose of the forest management activity is to mod-
15 ify, improve, enhance, or create early successional forests
16 for wildlife habitat improvement and other purposes, con-
17 sistent with the applicable forest plan.

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

1 (c) *ACREAGE LIMITATIONS.*—A forest management ac-
2 tivity covered by the categorical exclusion granted by sub-
3 section (a) may not contain harvest units exceeding a total
4 of 5,000 acres.

5 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**
6 **CLUSION AUTHORITY RELATED TO INSECT**
7 **AND DISEASE INFESTATION.**

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

13 **SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RE-**
14 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

15 (a) *AVAILABILITY OF CATEGORICAL EXCLUSION.*—A
16 categorical exclusion is available to the Secretary concerned
17 to carry out a forest management activity described in sub-
18 section (c) on National Forest System Lands or public
19 lands when the primary purpose of the activity is to im-
20 prove, restore, or reduce the risk of wildfire on those lands.

21 (b) *ACREAGE LIMITATIONS.*—A forest management ac-
22 tivity covered by the categorical exclusion granted by sub-
23 section (a) may not exceed 5,000 acres.

1 (c) *AUTHORIZED ACTIVITIES.*—*The following activi-*
2 *ties may be carried out using a categorical exclusion grant-*
3 *ed by subsection (a):*

4 (1) *Removal of juniper trees, medusahead rye,*
5 *conifer trees, piñon pine trees, cheatgrass, and other*
6 *noxious or invasive weeds specified on Federal or*
7 *State noxious weeds lists through late-season livestock*
8 *grazing, targeted livestock grazing, prescribed burns,*
9 *and mechanical treatments.*

10 (2) *Performance of hazardous fuels management.*

11 (3) *Creation of fuel and fire breaks.*

12 (4) *Modification of existing fences in order to*
13 *distribute livestock and help improve wildlife habitat.*

14 (5) *Installation of erosion control devices.*

15 (6) *Construction of new and maintenance of per-*
16 *manent infrastructure, including stock ponds, water*
17 *catchments, and water spring boxes used to benefit*
18 *livestock and improve wildlife habitat.*

19 (7) *Performance of soil treatments, native and*
20 *non-native seeding, and planting of and trans-*
21 *planting sagebrush, grass, forb, shrub, and other spe-*
22 *cies.*

23 (8) *Use of herbicides, so long as the Secretary*
24 *concerned determines that the activity is otherwise*
25 *conducted consistently with agency procedures, in-*

1 *cluding any forest plan applicable to the area covered*
2 *by the activity.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) HAZARDOUS FUELS MANAGEMENT.—The*
5 *term “hazardous fuels management” means any vege-*
6 *tation management activities that reduce the risk of*
7 *wildfire.*

8 *(2) LATE-SEASON GRAZING.—The term “late-sea-*
9 *son grazing” means grazing activities that occur after*
10 *both the invasive species and native perennial species*
11 *have completed their current-year annual growth*
12 *cycle until new plant growth begins to appear in the*
13 *following year.*

14 *(3) TARGETED LIVESTOCK GRAZING.—The term*
15 *“targeted livestock grazing” means grazing used to for*
16 *purposes of hazardous fuel reduction.*

17 **SEC. 107. COMPLIANCE WITH FOREST PLAN.**

18 *A forest management activity covered by a categorical*
19 *exclusion granted by this title shall be conducted in a man-*
20 *ner consistent with the forest plan applicable to the Na-*
21 *tional Forest System land or public lands covered by the*
22 *forest management activity.*

1 **TITLE II—SALVAGE AND REFOR-**
2 **ESTATION IN RESPONSE TO**
3 **CATASTROPHIC EVENTS**

4 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
5 **ESTATION ACTIVITIES FOLLOWING LARGE-**
6 **SCALE CATASTROPHIC EVENTS.**

7 (a) *EXPEDITED ENVIRONMENTAL ASSESSMENT.*—Not-
8 *withstanding any other provision of law, any environ-*
9 *mental assessment prepared by the Secretary concerned*
10 *pursuant to section 102(2) of the National Environmental*
11 *Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-*
12 *ation or reforestation activity proposed to be conducted on*
13 *National Forest System lands or public lands adversely im-*
14 *acted by a large-scale catastrophic event shall be completed*
15 *within three months after the conclusion of the catastrophic*
16 *event.*

17 (b) *EXPEDITED IMPLEMENTATION AND COMPLE-*
18 *TION.*—*In the case of reforestation activities conducted on*
19 *National Forest System lands or public lands adversely im-*
20 *acted by a large-scale catastrophic event, the Secretary*
21 *concerned shall achieve reforestation of at least 75 percent*
22 *of the impacted lands during the five-year period following*
23 *the conclusion of the catastrophic event.*

24 (c) *AVAILABILITY OF KNUTSON-VANDENBERG*
25 *FUNDS.*—*Amounts in the special fund established pursuant*

1 *to section 3 of the Act of June 9, 1930 (commonly known*
2 *as the Knutson-Vandenberg Act; 16 U.S.C. 576b) shall be*
3 *available to the Secretary of Agriculture for reforestation*
4 *activities authorized by this title.*

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

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

11 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
12 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
13 **PENDING APPEAL.**

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

21 **SEC. 204. EXCLUSION OF CERTAIN LANDS.**

22 *In applying this title, the Secretary concerned may not*
23 *carry out salvage operations or reforestation activities on*
24 *National Forest System lands or public lands—*

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

3 (2) *that are located within an inventoried*
4 *roadless area unless the reforestation activity is con-*
5 *sistent with the forest plan; or*

6 (3) *on which timber harvesting for any purpose*
7 *is prohibited by statute.*

8 **TITLE III—COLLABORATIVE**
9 **PROJECT LITIGATION RE-**
10 **QUIREMENT**

11 **SEC. 301. DEFINITIONS.**

12 *In this title:*

13 (1) *COSTS.—The term “costs” refers to the fees*
14 *and costs described in section 1920 of title 28, United*
15 *States Code.*

16 (2) *EXPENSES.—The term “expenses” includes*
17 *the expenditures incurred by the staff of the Secretary*
18 *concerned in preparing for and responding to a legal*
19 *challenge to a collaborative forest management activ-*
20 *ity and in participating in litigation that challenges*
21 *the forest management activity, including such staff*
22 *time as may be used to prepare the administrative*
23 *record, exhibits, declarations, and affidavits in con-*
24 *nection with the litigation.*

1 **SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHAL-**
2 **LENGE OF CERTAIN FOREST MANAGEMENT**
3 **ACTIVITIES.**

4 (a) *BOND REQUIRED.*—*In the case of a forest manage-*
5 *ment activity developed through a collaborative process or*
6 *proposed by a resource advisory committee, any plaintiff*
7 *or plaintiffs challenging the forest management activity*
8 *shall be required to post a bond or other security equal to*
9 *the anticipated costs, expenses, and attorneys fees of the Sec-*
10 *retary concerned as defendant, as reasonably estimated by*
11 *the Secretary concerned. All proceedings in the action shall*
12 *be stayed until the required bond or security is provided.*

13 (b) *RECOVERY OF LITIGATION COSTS, EXPENSES, AND*
14 *ATTORNEYS FEES.*—

15 (1) *MOTION FOR PAYMENT.*—*If the Secretary*
16 *concerned prevails in an action challenging a forest*
17 *management activity described in subsection (a), the*
18 *Secretary concerned shall submit to the court a mo-*
19 *tion for payment, from the bond or other security*
20 *posted under subsection (a) in such action, of the rea-*
21 *sonable costs, expenses, and attorneys fees incurred by*
22 *the Secretary concerned.*

23 (2) *MAXIMUM AMOUNT RECOVERED.*—*The*
24 *amount of costs, expenses, and attorneys fees recovered*
25 *by the Secretary concerned under paragraph (1) as a*
26 *result of prevailing in an action challenging the forest*

1 *management activity may not exceed the amount of*
2 *the bond or other security posted under subsection (a)*
3 *in such action.*

4 (3) *RETURN OF REMAINDER.—Any funds re-*
5 *maining from the bond or other security posted under*
6 *subsection (a) after the payment of costs, expenses,*
7 *and attorneys fees under paragraph (1) shall be re-*
8 *turned to the plaintiff or plaintiffs that posted the*
9 *bond or security in the action.*

10 (c) *RETURN OF BOND TO PREVAILING PLAINTIFF.—*

11 (1) *IN GENERAL.—If the plaintiff ultimately pre-*
12 *vails on the merits in every action brought by the*
13 *plaintiff challenging a forest management activity de-*
14 *scribed in subsection (a), the court shall return to the*
15 *plaintiff any bond or security provided by the plain-*
16 *tiff under subsection (a), plus interest from the date*
17 *the bond or security was provided.*

18 (2) *ULTIMATELY PREVAILS ON THE MERITS.—In*
19 *this subsection, the phrase “ultimately prevails on the*
20 *merits” means, in a final enforceable judgment on the*
21 *merits, a court rules in favor of the plaintiff on every*
22 *cause of action in every action brought by the plain-*
23 *tiff challenging the forest management activity.*

24 (d) *EFFECT OF SETTLEMENT.—If a challenge to a for-*
25 *est management activity described in subsection (a) for*

1 *which a bond or other security was provided by the plaintiff*
 2 *under such subsection is resolved by settlement between the*
 3 *Secretary concerned and the plaintiff, the settlement agree-*
 4 *ment shall provide for sharing the costs, expenses, and at-*
 5 *torneys fees incurred by the parties.*

6 *(e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-*
 7 *standing section 1304 of title 31, United States Code, no*
 8 *award may be made under section 2412 of title 28, United*
 9 *States Code, and no amounts may be obligated or expended*
 10 *from the Claims and Judgment Fund of the United States*
 11 *Treasury to pay any fees or other expenses under such sec-*
 12 *tions to any plaintiff related to an action challenging a*
 13 *forest management activity described in subsection (a).*

14 **TITLE IV—SECURE RURAL**
 15 **SCHOOLS AND COMMUNITY**
 16 **SELF-DETERMINATION ACT**
 17 **AMENDMENTS**

18 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
 19 **PROJECTS ON FEDERAL LAND AND CERTAIN**
 20 **NON-FEDERAL LAND.**

21 *(a) REPEAL OF MERCHANTABLE TIMBER CON-*
 22 *TRACTING PILOT PROGRAM.—Section 204(e) of the Secure*
 23 *Rural Schools and Community Self-Determination Act of*
 24 *2000 (16 U.S.C. 7124(e)) is amended by striking paragraph*
 25 *(3).*

1 (b) *REQUIREMENTS FOR PROJECT FUNDS.*—Section
2 204 of the Secure Rural Schools and Community Self-De-
3 termination Act of 2000 (16 U.S.C. 7124) is amended by
4 striking subsection (f) and inserting the following new sub-
5 section:

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

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

12 “(A) include the sale of timber or other for-
13 est products; and

14 “(B) implement stewardship objectives that
15 enhance forest ecosystems or restore and improve
16 land health and water quality.

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

1 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

2 (a) *RECOGNITION OF RESOURCE ADVISORY COMMIT-*
3 *TEES.*—Section 205(a)(4) of the Secure Rural Schools and
4 *Community Self-Determination Act of 2000* (16 U.S.C.
5 7125(a)(4)) is amended by striking “2012” each place it
6 appears and inserting “2020”.

7 (b) *TEMPORARY REDUCTION IN COMPOSITION OF COM-*
8 *MITTEES.*—Section 205(d) of the Secure Rural Schools and
9 *Community Self-Determination Act of 2000* (16 U.S.C.
10 7125(d)) is amended—

11 (1) in paragraph (1), by striking “Each” and
12 inserting “Except during the period specified in
13 paragraph (6), each”; and

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

16 “(6) *TEMPORARY REDUCTION IN MINIMUM NUM-*
17 *BER OF MEMBERS.*—

18 “(A) *TEMPORARY 6-MEMBER MINIMUM.*—
19 *During the period beginning on the date of the*
20 *enactment of this paragraph and ending on Sep-*
21 *tember 30, 2020, a resource advisory committee*
22 *established under this section may be comprised*
23 *of 6 or more members, of which—*

24 “(i) *at least 2 shall be representative of*
25 *interests described in subparagraph (A) of*
26 *paragraph (2);*

1 “(ii) at least 2 shall be representative
2 of interests described in subparagraph (B)
3 of paragraph (2); and

4 “(iii) at least 2 shall be representative
5 of interests described in subparagraph (C)
6 of paragraph (2).

7 “(B) *ADDITIONAL REQUIREMENTS.*—In ap-
8 pointing members of a resource advisory com-
9 mittee from the 3 categories described in para-
10 graph (2), as provided in subparagraph (A), the
11 Secretary concerned shall ensure balanced and
12 broad representation in each category. In the
13 case of a vacancy on a resource advisory com-
14 mittee, the vacancy shall be filled within 90 days
15 after the date on which the vacancy occurred.
16 Appointments to a new resource advisory com-
17 mittee shall be made within 90 days after the
18 date on which the decision to form the new re-
19 source advisory committee was made.

20 “(C) *CHARTER.*—A charter for a resource
21 advisory committee with 15 members that was
22 filed on or before the date of the enactment of
23 this paragraph shall be considered to be filed for
24 a resource advisory committee described in this
25 paragraph. The charter of a resource advisory

1 *committee shall be reapproved before the expira-*
2 *tion of the existing charter of the resource advi-*
3 *sory committee. In the case of a new resource ad-*
4 *visory committee, the charter of the resource ad-*
5 *visory committee shall be approved within 90*
6 *days after the date on which the decision to form*
7 *the new resource advisory committee was made.”.*

8 *(c) CONFORMING CHANGE TO PROJECT APPROVAL RE-*
9 *QUIREMENTS.—Section 205(e)(3) of the Secure Rural*
10 *Schools and Community Self-Determination Act of 2000*
11 *(16 U.S.C. 7125(e)(3)) is amended by adding at the end*
12 *the following new sentence: “In the case of a resource advi-*
13 *sory committee consisting of fewer than 15 members, as au-*
14 *thorized by subsection (d)(6), a project may be proposed to*
15 *the Secretary concerned upon approval by a majority of*
16 *the members of the committee.”.*

17 *(d) EXPANDING LOCAL PARTICIPATION ON COMMIT-*
18 *TEES.—Section 205(d) of the Secure Rural Schools and*
19 *Community Self-Determination Act of 2000 (16 U.S.C.*
20 *7125(d)) is amended—*

21 *(1) in paragraph (3), by inserting before the pe-*
22 *riod at the end the following: “, consistent with the*
23 *requirements of paragraph (4)”;* and

24 *(2) by striking paragraph (4) and inserting the*
25 *following new paragraph:*

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

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

7 (a) *SELF-SUSTAINING RESOURCE ADVISORY COM-*
8 *MITTEE PROJECTS.*—*Title II of the Secure Rural Schools*
9 *and Community Self-Determination Act of 2000 (16 U.S.C.*
10 *7121 et seq.) is amended by adding at the end the following*
11 *new section:*

12 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
13 **VISORY COMMITTEE PROJECTS.**

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

21 “(b) *SELECTION OF PARTICIPATING RESOURCE ADVI-*
22 *SORY COMMITTEES.*—*The selection of resource advisory*
23 *committees to participate in the RAC program is in the*
24 *sole discretion of the Chief of the Forest Service, except that,*

1 *consistent with section 205(d)(6), a selected resource advi-*
2 *sory committee must have a minimum of 6 members.*

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

7 “(1) *accomplish forest management objectives or*
8 *support community development; and*

9 “(2) *generate receipts.*

10 “(d) *DEPOSIT AND AVAILABILITY OF REVENUES.—*
11 *Any revenue generated by a project conducted under the*
12 *RAC program, including any interest accrued from the rev-*
13 *enues, shall be—*

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

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

19 “(e) *TERMINATION OF AUTHORITY.—*

20 “(1) *IN GENERAL.—The authority to initiate a*
21 *project under the RAC program shall terminate on*
22 *September 30, 2020.*

23 “(2) *DEPOSITS IN TREASURY.—Any funds avail-*
24 *able for projects under the RAC program and not ob-*

1 *ligated by September 30, 2021, shall be deposited in*
 2 *the Treasury of the United States.”.*

3 (b) *EXCEPTION TO GENERAL RULE REGARDING*
 4 *TREATMENT OF RECEIPTS.—Section 403(b) of the Secure*
 5 *Rural Schools and Community Self-Determination Act of*
 6 *2000 (16 U.S.C. 7153(b)) is amended by striking “All reve-*
 7 *nues” and inserting “Except as provided in section 209,*
 8 *all revenues”.*

9 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
 10 **FUNDS FOR TITLE III COUNTY PROJECTS.**

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

14 (1) *in paragraph (2)—*

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

17 (B) *by striking “and” at the end;*

18 (2) *by redesignating paragraph (3) as para-*
 19 *graph (4); and*

20 (3) *by inserting after paragraph (2) the fol-*
 21 *lowing new paragraph (3):*

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

1 **TITLE V—STEWARDSHIP END**
2 **RESULT CONTRACTING**

3 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**
4 **END RESULT CONTRACTING PROJECTS.**

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

8 (1) *by redesignating subsections (h) and (i) as*
9 *subsections (i) and (j), respectively; and*

10 (2) *by inserting after subsection (g) the following*
11 *new subsection (h):*

12 “(h) *CANCELLATION CEILINGS.*—

13 “(1) *IN GENERAL.*—*The Chief and the Director*
14 *may obligate funds to cover any potential cancella-*
15 *tion or termination costs for an agreement or contract*
16 *under subsection (b) in stages that are economically*
17 *or programmatically viable.*

18 “(2) *ADVANCE NOTICE TO CONGRESS OF CAN-*
19 *CELLATION CEILING IN EXCESS OF \$25,000,000.*—*Not*
20 *later than 30 days before entering into a multiyear*
21 *agreement or contract under subsection (b) that in-*
22 *cludes a cancellation ceiling in excess of \$25,000,000,*
23 *but does not include proposed funding for the costs of*
24 *cancelling the agreement or contract up to such can-*
25 *cellation ceiling, the Chief or the Director, as the case*

1 *may be, shall submit to the Committee on Energy and*
2 *Natural Resources and the Committee on Agriculture,*
3 *Nutrition, and Forestry of the Senate and the Com-*
4 *mittee on Natural Resources and the Committee on*
5 *Agriculture of the House of Representatives a written*
6 *notice that includes—*

7 *“(A) the cancellation ceiling amounts pro-*
8 *posed for each program year in the agreement or*
9 *contract;*

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

12 *“(C) the extent to which the costs of contract*
13 *cancellation are not included in the budget for*
14 *the agreement or contract; and*

15 *“(D) an assessment of the financial risk of*
16 *not including budgeting for the costs of agree-*
17 *ment or contract cancellation.*

18 *“(3) TRANSMITTAL OF NOTICE TO OMB.—Not*
19 *later than 14 days after the date on which written no-*
20 *tice is provided under paragraph (2) with respect to*
21 *an agreement or contract under subsection (b), the*
22 *Chief or the Director, as the case may be, shall trans-*
23 *mit a copy of the notice to the Director of the Office*
24 *of Management and Budget.”.*

1 (b) *RELATION TO OTHER LAWS.*—Section 604(d)(5) of
2 *the Healthy Forests Restoration Act of 2003 (16 U.S.C.*
3 *6591c(d)(5)) is amended by striking “, the Chief may” and*
4 *inserting “and section 2(a)(1) of the Act of July 31, 1947*
5 *(commonly known as the Materials Act of 1947; 30 U.S.C.*
6 *602(a)(1)), the Chief and the Director may”.*

7 **SEC. 502. EXCESS OFFSET VALUE.**

8 Section 604(g)(2) of the *Healthy Forests Restoration*
9 *Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by striking*
10 *subparagraphs (A) and (B) and inserting the following new*
11 *subparagraphs:*

12 “(A) *use the excess to satisfy any out-*
13 *standing liabilities for cancelled agreements or*
14 *contracts; or*

15 “(B) *if there are no outstanding liabilities*
16 *under subparagraph (A), apply the excess to*
17 *other authorized stewardship projects.”.*

18 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
19 **PROJECT REVENUES TO COUNTY IN WHICH**
20 **STEWARDSHIP PROJECT OCCURS.**

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

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

1 (2) *in paragraph (3)(A), by striking “services re-*
2 *ceived by the Chief or the Director” and all that fol-*
3 *lows through the period at the end and inserting the*
4 *following: “services and in-kind resources received by*
5 *the Chief or the Director under a stewardship con-*
6 *tract project conducted under this section shall not be*
7 *considered monies received from the National Forest*
8 *System or the public lands, but any payments made*
9 *by the contractor to the Chief or Director under the*
10 *project shall be considered monies received from the*
11 *National Forest System or the public lands.”.*

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

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

20 **TITLE VI—ADDITIONAL FUNDING**
21 **SOURCES FOR FOREST MAN-**
22 **AGEMENT ACTIVITIES**

23 **SEC. 601. DEFINITIONS.**

24 *In this title:*

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

3 (A) a State or political subdivision of a
4 State containing National Forest System lands
5 or public lands;

6 (B) a publicly chartered utility serving one
7 or more States or a political subdivision thereof;

8 (C) a rural electric company; and

9 (D) any other entity determined by the Sec-
10 retary concerned to be appropriate for participa-
11 tion in the Fund.

12 (2) *FUND*.—The term “Fund” means the State-
13 Supported Forest Management Fund established by
14 section 603.

15 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
16 **NUES AND COLLABORATIVE FOREST LAND-**
17 **SCAPE RESTORATION FUND TO COVER FOR-**
18 **EST MANAGEMENT ACTIVITY PLANNING**
19 **COSTS.**

20 (a) *AVAILABILITY OF STEWARDSHIP PROJECT REVE-*
21 *NUES*.—Section 604(e)(2)(B) of the Healthy Forests Res-
22 *toration Act of 2003 (16 U.S.C. 6591c(e)(2)(B)), as amend-*
23 *ed by section 503, is further amended by striking “appro-*
24 *priation at the project site from which the monies are col-*

1 lected or at another project site.” and inserting the fol-
2 lowing: “appropriation—

3 “(i) at the project site from which the
4 monies are collected or at another project
5 site; and

6 “(ii) to cover not more than 25 percent
7 of the cost of planning additional steward-
8 ship contracting projects.”.

9 (b) *AVAILABILITY OF COLLABORATIVE FOREST LAND-*
10 *SCAPE RESTORATION FUND.*—Section 4003(f)(1) of the Om-
11 *nibus Public Land Management Act of 2009 (16 U.S.C.*
12 *7303(f)(1)) is amended by striking “carrying out and” and*
13 *inserting “planning, carrying out, and”.*

14 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**
15 **AGEMENT ACTIVITIES.**

16 (a) *STATE-SUPPORTED FOREST MANAGEMENT*
17 *FUND.*—There is established in the Treasury of the United
18 States a fund, to be known as the “State-Supported Forest
19 Management Fund”, to cover the cost of planning (espe-
20 cially related to compliance with section 102(2) of the Na-
21 tional Environmental Policy Act of 1969 (42 U.S.C.
22 4332(2))), carrying out, and monitoring certain forest
23 management activities on National Forest System lands or
24 public lands.

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

3 (1) *contributed by an eligible entity for deposit*
4 *in the Fund;*

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

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

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

11 (1) *specify the National Forest System lands or*
12 *public lands for which the contribution may be ex-*
13 *pended; and*

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

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

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

22 (2) *is proposed by a resource advisory com-*
23 *mittee; or*

24 (3) *is covered by a community wildfire protec-*
25 *tion plan.*

1 (e) *IMPLEMENTATION METHODS.*—A forest manage-
2 ment activity carried out using amounts in the Fund may
3 be carried out using a contract or agreement under section
4 604 of the *Healthy Forests Restoration Act of 2003* (16
5 U.S.C. 6591c), the good neighbor authority provided by sec-
6 tion 8206 of the *Agricultural Act of 2014* (16 U.S.C.
7 2113a), a contract under section 14 of the *National Forest*
8 *Management Act of 1976* (16 U.S.C. 472a), or other author-
9 ity available to the Secretary concerned, but revenues gen-
10 erated by the forest management activity shall be used to
11 reimburse the Fund for planning costs covered using
12 amounts in the Fund.

13 (f) *RELATION TO OTHER LAWS.*—

14 (1) *REVENUE SHARING.*—Subject to subsection
15 (e), revenues generated by a forest management activ-
16 ity carried out using amounts from the Fund shall be
17 considered monies received from the *National Forest*
18 *System*.

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

24 (g) *TERMINATION OF FUND.*—

1 (1) *TERMINATION.*—*The Fund shall terminate*
2 *10 years after the date of the enactment of this Act.*

3 (2) *EFFECT OF TERMINATION.*—*Upon the termi-*
4 *nation of the Fund pursuant to paragraph (1) or*
5 *pursuant to any other provision of law, unobligated*
6 *contributions remaining in the Fund shall be re-*
7 *turned to the eligible entity that made the contribu-*
8 *tion.*

9 **TITLE VII—TRIBAL FORESTRY**
10 **PARTICIPATION AND PROTEC-**
11 **TION**

12 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
13 **THROUGH USE OF STEWARDSHIP END RE-**
14 **SULT CONTRACTING AND OTHER AUTHORI-**
15 **TIES.**

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

19 (1) *in paragraph (1), by striking “Not later than*
20 *120 days after the date on which an Indian tribe sub-*
21 *mits to the Secretary” and inserting “In response to*
22 *the submission by an Indian tribe of”;* and

23 (2) *by adding at the end the following new para-*
24 *graph:*

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

1 “(A) *INITIAL RESPONSE.*—Not later than
2 120 days after the date on which the Secretary
3 receives a tribal request under paragraph (1), the
4 Secretary shall provide an initial response to the
5 Indian tribe regarding—

6 “(i) whether the request may meet the
7 selection criteria described in subsection (c);
8 and

9 “(ii) the likelihood of the Secretary en-
10 tering into an agreement or contract with
11 the Indian tribe under paragraph (2) for
12 activities described in paragraph (3).

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

18 “(C) *COMPLETION.*—Not later than two
19 years after the date on which the Secretary re-
20 ceives a tribal request under paragraph (1),
21 other than a tribal request denied under sub-
22 section (d), the Secretary shall—

23 “(i) complete all environmental reviews
24 necessary in connection with the agreement

1 or contract and proposed activities under
2 the agreement or contract; and

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

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

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

17 (2) in subsection (d), by striking “subsection
18 (b)(1), the Secretary may” and inserting “paragraphs
19 (1) and (4)(B) of subsection (b), the Secretary shall”.

20 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
21 **IZED TO INCLUDE RELATED NATIONAL FOR-**
22 **EST SYSTEM LANDS AND PUBLIC LANDS.**

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

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

3 “(1) *AUTHORITY.*—*At the request of an Indian*
4 *tribe, the Secretary concerned may treat Federal for-*
5 *est land as Indian forest land for purposes of plan-*
6 *ning and conducting forest land management activi-*
7 *ties under this section if the Federal forest land is lo-*
8 *cated within, or mostly within, a geographic area*
9 *that presents a feature or involves circumstances*
10 *principally relevant to that Indian tribe, such as Fed-*
11 *eral forest land ceded to the United States by treaty,*
12 *Federal forest land within the boundaries of a current*
13 *or former reservation, or Federal forest land adju-*
14 *dicated to be tribal homelands.*

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

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

23 “(B) *continue sharing revenue generated by*
24 *the Federal forest land with State and local gov-*
25 *ernments either—*

1 “(i) on the terms applicable to the Fed-
2 eral forest land prior to the agreement, in-
3 cluding, where applicable, 25-percent pay-
4 ments or 50 percent payments; or

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

11 “(C) comply with applicable prohibitions
12 on the export of unprocessed logs harvested from
13 the Federal forest land; and

14 “(D) recognize all right-of-way agreements
15 in place on Federal forest land prior to com-
16 mencement of tribal management activities.

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

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

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

1 “(i) *National Forest System lands; and*
 2 “(ii) *public lands (as defined in sec-*
 3 *tion 103(e) of the Federal Land Policy and*
 4 *Management Act of 1976 (43 U.S.C.*
 5 *1702(e))), including Coos Bay Wagon Road*
 6 *Grant lands reconveyed to the United States*
 7 *pursuant to the first section of the Act of*
 8 *February 26, 1919 (40 Stat. 1179), and Or-*
 9 *egon and California Railroad Grant lands.*

10 “(B) *SECRETARY CONCERNED.—The term*
 11 *‘Secretary concerned’ means—*

12 “(i) *the Secretary of Agriculture, with*
 13 *respect to the Federal forest land referred to*
 14 *in subparagraph (A)(i); and*

15 “(ii) *the Secretary of the Interior, with*
 16 *respect to the Federal forest land referred to*
 17 *in subparagraph (A)(ii).”.*

18 **TITLE VIII—MISCELLANEOUS**
 19 **FOREST MANAGEMENT PRO-**
 20 **VISIONS**

21 **SEC. 801. BALANCING SHORT- AND LONG-TERM EFFECTS OF**
 22 **FOREST MANAGEMENT ACTIVITIES IN CON-**
 23 **SIDERING INJUNCTIVE RELIEF.**

24 *As part of its weighing the equities while considering*
 25 *any request for an injunction that applies to any agency*

1 *action as part of a forest management activity under this*
2 *Act, the court reviewing the agency action shall balance the*
3 *impact to the ecosystem likely affected by the forest manage-*
4 *ment activity of—*

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

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

9 **SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
10 **MISSIONING.**

11 (a) *CONSULTATION WITH AFFECTED COUNTY.—When-*
12 *ever any Forest Service defined maintenance level one or*
13 *two system road within a designated high fire prone area*
14 *of a unit of the National Forest System is considered for*
15 *decommissioning, the Forest Supervisor of that unit of the*
16 *National Forest System shall—*

17 (1) *consult with the government of the county*
18 *containing the road regarding the merits and possible*
19 *consequences of decommissioning the road; and*

20 (2) *solicit possible alternatives to decommis-*
21 *sioning the road.*

22 (b) *REGIONAL FORESTER APPROVAL.—A Forest Serv-*
23 *ice road described in subsection (a) may not be decommis-*
24 *sioned without the advance approval of the Regional For-*
25 *ester.*

1 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**
2 **SCREENS REQUIREMENTS ON NATIONAL FOR-**
3 **EST SYSTEM LANDS.**

4 *On and after the date of the enactment of this Act,*
5 *the Secretary of Agriculture may not apply to National*
6 *Forest System lands any of the amendments to forest plans*
7 *adopted in the Decision Notice for the Revised Continuation*
8 *of Interim Management Direction Establishing Riparian,*
9 *Ecosystem and Wildlife Standards for Timber Sales (com-*
10 *monly known as the Eastside Screens requirements), in-*
11 *cluding all preceding or associated versions of these amend-*
12 *ments.*

13 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
14 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
15 **TIES.**

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

22 **SEC. 805. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

23 *(a) DEPOSITS OF FUNDS FROM NATIONAL FOREST*
24 *TIMBER PURCHASERS REQUIRED.—Section 3(a) of the Act*
25 *of June 9, 1930 (commonly known as the Knutson-Vanden-*
26 *berg Act; 16 U.S.C. 576b(a)), is amended by striking “The*

1 *Secretary” and all that follows through “any purchaser”*
2 *and inserting the following: “The Secretary of Agriculture*
3 *shall require each purchaser”.*

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

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

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

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

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

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

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

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

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

1 **SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**
 2 **TEM LANDS AND PUBLIC LANDS.**

3 *Unless specifically provided by a provision of this Act,*
 4 *the authorities provided by this Act do not apply with re-*
 5 *spect to any National Forest System lands or public*
 6 *lands—*

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

9 *(2) that are located within an inventoried*
 10 *roadless area unless the forest management activity to*
 11 *be carried out under such authority is consistent with*
 12 *the forest plan applicable to the area; or*

13 *(3) on which timber harvesting for any purpose*
 14 *is prohibited by statute.*

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

16 **(a) SHORT TITLE.—This Act may be cited as**
 17 **the “Resilient Federal Forests Act of 2015”.**

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND
AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPE-
DITE FOREST MANAGEMENT ACTIVITIES

Sec. 101. Analysis of only two alternatives (action versus no ac-
tion) in proposed collaborative forest manage-
ment activities.

Sec. 102. Categorical exclusion to expedite certain critical re-
sponse actions.

Sec. 103. Categorical exclusion to expedite salvage operations
in response to catastrophic events.

- Sec. 104. **Categorical exclusion to meet forest plan goals for early successional forests.**
- Sec. 105. **Clarification of existing categorical exclusion authority related to insect and disease infestation.**
- Sec. 106. **Categorical exclusion to improve, restore, and reduce the risk of wildfire.**
- Sec. 107. **Compliance with forest plan.**

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

- Sec. 201. **Expedited salvage operations and reforestation activities following large-scale catastrophic events.**
- Sec. 202. **Compliance with forest plan.**
- Sec. 203. **Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.**
- Sec. 204. **Exclusion of certain lands.**

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

- Sec. 301. **Definitions.**
- Sec. 302. **Bond requirement as part of legal challenge of certain forest management activities.**

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

- Sec. 401. **Use of reserved funds for title II projects on Federal land and certain non-Federal land.**
- Sec. 402. **Resource advisory committees.**
- Sec. 403. **Program for title II self-sustaining resource advisory committee projects.**
- Sec. 404. **Additional authorized use of reserved funds for title III county projects.**

TITLE V—STEWARDSHIP END RESULT CONTRACTING

- Sec. 501. **Cancellation ceilings for stewardship end result contracting projects.**
- Sec. 502. **Excess offset value.**
- Sec. 503. **Payment of portion of stewardship project revenues to county in which stewardship project occurs.**
- Sec. 504. **Submission of existing annual report.**

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

- Sec. 601. **Definitions.**
- Sec. 602. **Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.**
- Sec. 603. **State-supported planning of forest management activities.**

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

Sec. 701. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.

Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.

TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

Sec. 801. Balancing short- and long-term effects of forest management activities in considering injunctive relief.

Sec. 802. Conditions on Forest Service road decommissioning.

Sec. 803. Prohibition on application of Eastside Screens requirements on National Forest System lands.

Sec. 804. Use of site-specific forest plan amendments for certain projects and activities.

Sec. 805. Knutson-Vandenberg Act modifications.

Sec. 806. Exclusion of certain National Forest System lands and public lands.

1 **SEC. 2. DEFINITIONS.**

2 **In this Act:**

3 (1) **CATASTROPHIC EVENT.**—The term
 4 **“catastrophic event”** means any natural
 5 **disaster** (such as hurricane, tornado,
 6 **windstorm, snow or ice storm, rain storm,**
 7 **high water, wind-driven water, tidal**
 8 **wave, earthquake, volcanic eruption,**
 9 **landslide, mudslide, drought, or insect or**
 10 **disease outbreak) or any fire, flood, or ex-**
 11 **plosion, regardless of cause.**

12 (2) **CATEGORICAL EXCLUSION.**—The
 13 **term “categorical exclusion”** refers to an
 14 **exception to the requirements of the Na-**
 15 **tional Environmental Policy Act of 1969**
 16 **(42 U.S.C. 4331 et seq.) for a project or ac-**

1 **tivity relating to the management of Na-**
2 **tional Forest System lands or public**
3 **lands.**

4 **(3) COLLABORATIVE PROCESS.—The**
5 **term “collaborative process” refers to a**
6 **process relating to the management of**
7 **National Forest System lands or public**
8 **lands by which a project or activity is de-**
9 **veloped and implemented by the Sec-**
10 **retary concerned through collaboration**
11 **with interested persons, as described in**
12 **section 603(b)(1)(C) of the Healthy For-**
13 **ests Restoration Act of 2003 (16 U.S.C.**
14 **6591b(b)(1)(C)).**

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

21 **(5) COOS BAY WAGON ROAD GRANT**
22 **LANDS.—The term “Coos Bay Wagon Road**
23 **Grant lands” means the lands reconveyed**
24 **to the United States pursuant to the first**

1 **section of the Act of February 26, 1919 (40**
2 **Stat. 1179).**

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

10 **(7) FOREST PLAN.—The term “forest**
11 **plan” means—**

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

18 **(B) a land and resource manage-**
19 **ment plan prepared by the Forest**
20 **Service for a unit of the National For-**
21 **est System pursuant to section 6 of**
22 **the Forest and Rangeland Renewable**
23 **Resources Planning Act of 1974 (16**
24 **U.S.C. 1604).**

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

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

14 **(10) OREGON AND CALIFORNIA RAILROAD**
15 **GRANT LANDS.—The term “Oregon and**
16 **California Railroad Grant lands” means**
17 **the following lands:**

18 **(A) All lands in the State of Or-**
19 **egon revested in the United States**
20 **under the Act of June 9, 1916 (39 Stat.**
21 **218), that are administered by the**
22 **Secretary of the Interior, acting**
23 **through the Bureau of Land Manage-**
24 **ment, pursuant to the first section of**

1 **the Act of August 28, 1937 (43 U.S.C.**
2 **1181a).**

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

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

14 **(11) PUBLIC LANDS.—The term “public**
15 **lands” has the meaning given that term**
16 **in section 103(e) of the Federal Land Pol-**
17 **icy and Management Act of 1976 (43**
18 **U.S.C. 1702(e)), except that the term in-**
19 **cludes Coos Bay Wagon Road Grant lands**
20 **and Oregon and California Railroad**
21 **Grant lands.**

22 **(12) REFORESTATION ACTIVITY.—The**
23 **term “reforestation activity” means a**
24 **project or activity carried out by the Sec-**
25 **retary concerned whose primary purpose**

1 is the reforestation of fire-impacted lands
2 following a large-scale wildfire. The term
3 includes planting, evaluating and en-
4 hancing natural regeneration, clearing
5 competing vegetation, and other activi-
6 ties related to reestablishment of forest
7 species on the fire-impacted lands.

8 (13) **RESOURCE ADVISORY COMMITTEE.**—
9 The term “resource advisory committee”
10 has the meaning given that term in sec-
11 tion 201(3) of the Secure Rural Schools
12 and Community Self-Determination Act
13 of 2000 (16 U.S.C. 7121(3)).

14 (14) **SALVAGE OPERATION.**—The term
15 “salvage operation” means a forest man-
16 agement activity undertaken in response
17 to a catastrophic event whose primary
18 purpose—

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

24 (B) is to provide an opportunity
25 for utilization of forest materials

1 **damaged as a result of the cata-**
2 **strophic event; or**

3 **(C) is to provide a funding source**
4 **for reforestation and other restora-**
5 **tion activities for the National Forest**
6 **System lands or public lands im-**
7 **pacted by the catastrophic event.**

8 **(15) SECRETARY CONCERNED.—The term**
9 **“Secretary concerned” means—**

10 **(A) the Secretary of Agriculture,**
11 **with respect to National Forest Sys-**
12 **tem lands; and**

13 **(B) the Secretary of the Interior,**
14 **with respect to public lands.**

15 **TITLE I—EXPEDITED ENVIRON-**
16 **MENTAL ANALYSIS AND**
17 **AVAILABILITY OF CATEGOR-**
18 **ICAL EXCLUSIONS TO EXPE-**
19 **DITE FOREST MANAGEMENT**
20 **ACTIVITIES**

21 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
22 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
23 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

24 **(a) APPLICATION TO CERTAIN ENVIRON-**
25 **MENTAL ASSESSMENTS AND ENVIRONMENTAL IM-**

1 **PACT STATEMENTS.—This section shall apply**
2 **whenever the Secretary concerned prepares**
3 **an environmental assessment or an environ-**
4 **mental impact statement pursuant to section**
5 **102(2) of the National Environmental Policy**
6 **Act of 1969 (42 U.S.C. 4332(2)) for a forest man-**
7 **agement activity that—**

8 (1) **is developed through a collabo-**
9 **rative process;**

10 (2) **is proposed by a resource advisory**
11 **committee; or**

12 (3) **is covered by a community wild-**
13 **fire protection plan.**

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

20 (1) **The forest management activity,**
21 **as proposed pursuant to paragraph (1),**
22 **(2), or (3) of subsection (a).**

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

24 **(c) ELEMENTS OF NON-ACTION ALTER-**
25 **NATIVE.—In the case of the alternative of no**

1 **action, the Secretary concerned shall evalu-**
2 **ate—**

3 **(1) the effect of no action on—**

4 **(A) forest health;**

5 **(B) habitat diversity;**

6 **(C) wildfire potential; and**

7 **(D) insect and disease potential;**

8 **and**

9 **(2) the implications of a resulting de-**
10 **cline in forest health, loss of habitat di-**
11 **versity, wildfire, or insect or disease in-**
12 **festation, given fire and insect and dis-**
13 **ease historic cycles, on—**

14 **(A) domestic water costs;**

15 **(B) wildlife habitat loss; and**

16 **(C) other economic and social fac-**
17 **tors.**

18 **SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CER-**

19 **TAIN CRITICAL RESPONSE ACTIONS.**

20 **(a) AVAILABILITY OF CATEGORICAL EXCLU-**
21 **SION.—A categorical exclusion is available to**
22 **the Secretary concerned to develop and carry**
23 **out a forest management activity on National**
24 **Forest System lands or public lands when the**

1 **primary purpose of the forest management**
2 **activity is—**

3 **(1) to address an insect or disease in-**
4 **festation;**

5 **(2) to reduce hazardous fuel loads;**

6 **(3) to protect a municipal water**
7 **source;**

8 **(4) to maintain, enhance, or modify**
9 **critical habitat to protect it from cata-**
10 **strophic disturbances;**

11 **(5) to increase water yield; or**

12 **(6) any combination of the purposes**
13 **specified in paragraphs (1) through (5).**

14 **(b) ACREAGE LIMITATIONS.—**

15 **(1) IN GENERAL.—Except in the case of**
16 **a forest management activity described**
17 **in paragraph (2), a forest management ac-**
18 **tivity covered by the categorical exclu-**
19 **sion granted by subsection (a) may not**
20 **contain harvest units exceeding a total of**
21 **5,000 acres.**

22 **(2) LARGER AREAS AUTHORIZED.—A for-**
23 **est management activity covered by the**
24 **categorical exclusion granted by sub-**
25 **section (a) may not contain harvest units**

1 **exceeding a total of 15,000 acres if the**
2 **forest management activity—**

3 **(A) is developed through a col-**
4 **laborative process;**

5 **(B) is proposed by a resource ad-**
6 **visory committee; or**

7 **(C) is covered by a community**
8 **wildfire protection plan.**

9 **SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**
10 **VAGE OPERATIONS IN RESPONSE TO CATA-**
11 **STROPHIC EVENTS.**

12 **(a) AVAILABILITY OF CATEGORICAL EXCLU-**
13 **SION.—A categorical exclusion is available to**
14 **the Secretary concerned to develop and carry**
15 **out a salvage operation as part of the restora-**
16 **tion of National Forest System lands or public**
17 **lands following a catastrophic event.**

18 **(b) ACREAGE LIMITATIONS.—**

19 **(1) IN GENERAL.—A salvage operation**
20 **covered by the categorical exclusion**
21 **granted by subsection (a) may not con-**
22 **tain harvest units exceeding a total of**
23 **5,000 acres.**

24 **(2) HARVEST AREA.—In addition to the**
25 **limitation imposed by paragraph (1), the**

1 harvest units covered by the categorical
2 exclusion granted by subsection (a) may
3 not exceed one-third of the area impacted
4 by the catastrophic event.

5 **(c) ADDITIONAL REQUIREMENTS.—**

6 (1) **ROAD BUILDING.—**A salvage oper-
7 ation covered by the categorical exclu-
8 sion granted by subsection (a) may not
9 include any new permanent roads. Tem-
10 porary roads constructed as part of the
11 salvage operation shall be retired before
12 the end of the second fiscal year begin-
13 ning after the completion of the salvage
14 operation.

15 (2) **STREAM BUFFERS.—**A salvage oper-
16 ation covered by the categorical exclu-
17 sion granted by subsection (a) shall com-
18 ply with the standards and guidelines for
19 stream buffers contained in the applica-
20 ble forest plan unless waived by the Re-
21 gional Forester, in the case of National
22 Forest System lands, or the State Direc-
23 tor of the Bureau of Land Management,
24 in the case of public lands.

1 **(3) REFORESTATION PLAN.**—A reforest-
2 **ation plan shall be developed under sec-**
3 **tion 3 of the Act of June 9, 1930 (com-**
4 **monly known as the Knutson-Vandenberg**
5 **Act; 16 U.S.C. 576b), as part of a salvage**
6 **operation covered by the categorical ex-**
7 **clusion granted by subsection (a).**

8 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**
9 **PLAN GOALS FOR EARLY SUCCESSIONAL**
10 **FORESTS.**

11 **(a) AVAILABILITY OF CATEGORICAL EXCLU-**
12 **SION.**—A categorical exclusion is available to
13 **the Secretary concerned to develop and carry**
14 **out a forest management activity on National**
15 **Forest System lands or public lands when the**
16 **primary purpose of the forest management**
17 **activity is to modify, improve, enhance, or**
18 **create early successional forests for wildlife**
19 **habitat improvement and other purposes,**
20 **consistent with the applicable forest plan.**

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

1 **mize production and regeneration of priority**
2 **species, as identified in the forest plan and**
3 **consistent with the capability of the activity**
4 **site.**

5 **(c) ACREAGE LIMITATIONS.—A forest man-**
6 **agement activity covered by the categorical**
7 **exclusion granted by subsection (a) may not**
8 **contain harvest units exceeding a total of**
9 **5,000 acres.**

10 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**
11 **CLUSION AUTHORITY RELATED TO INSECT**
12 **AND DISEASE INFESTATION.**

13 **Section 603(c)(2)(B) of the Healthy Forests**
14 **Restoration Act of 2003 (16 U.S.C.**
15 **6591b(c)(2)(B)) is amended by striking “Fire**
16 **Regime Groups I, II, or III” and inserting**
17 **“Fire Regime I, Fire Regime II, Fire Regime**
18 **III, or Fire Regime IV”.**

19 **SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE, RE-**
20 **STORE, AND REDUCE THE RISK OF WILDFIRE.**

21 **(a) AVAILABILITY OF CATEGORICAL EXCLU-**
22 **SION.—A categorical exclusion is available to**
23 **the Secretary concerned to carry out a forest**
24 **management activity described in subsection**
25 **(c) on National Forest System Lands or public**

1 lands when the primary purpose of the activ-
2 ity is to improve, restore, or reduce the risk
3 of wildfire on those lands.

4 (b) **ACREAGE LIMITATIONS.**—A forest man-
5 agement activity covered by the categorical
6 exclusion granted by subsection (a) may not
7 exceed 5,000 acres.

8 (c) **AUTHORIZED ACTIVITIES.**—The following
9 activities may be carried out using a categor-
10 ical exclusion granted by subsection (a):

11 (1) **Removal of juniper trees,**
12 **medusahead rye, conifer trees, piñon**
13 **pine trees, cheatgrass, and other noxious**
14 **or invasive weeds specified on Federal or**
15 **State noxious weeds lists through late-**
16 **season livestock grazing, targeted live-**
17 **stock grazing, prescribed burns, and me-**
18 **chanical treatments.**

19 (2) **Performance of hazardous fuels**
20 **management.**

21 (3) **Creation of fuel and fire breaks.**

22 (4) **Modification of existing fences in**
23 **order to distribute livestock and help im-**
24 **prove wildlife habitat.**

1 **(5) Installation of erosion control de-**
2 **vices.**

3 **(6) Construction of new and mainte-**
4 **nance of permanent infrastructure, in-**
5 **cluding stock ponds, water catchments,**
6 **and water spring boxes used to benefit**
7 **livestock and improve wildlife habitat.**

8 **(7) Performance of soil treatments,**
9 **native and non-native seeding, and plant-**
10 **ing of and transplanting sagebrush,**
11 **grass, forb, shrub, and other species.**

12 **(8) Use of herbicides, so long as the**
13 **Secretary concerned determines that the**
14 **activity is otherwise conducted consist-**
15 **ently with agency procedures, including**
16 **any forest plan applicable to the area**
17 **covered by the activity.**

18 **(d) DEFINITIONS.—In this section:**

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

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

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

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

9 SEC. 107. COMPLIANCE WITH FOREST PLAN.

10 A forest management activity covered by
11 a categorical exclusion granted by this title
12 shall be conducted in a manner consistent
13 with the forest plan applicable to the National
14 Forest System land or public lands covered by
15 the forest management activity.

16 **TITLE II—SALVAGE AND REFOR-**
17 **ESTATION IN RESPONSE TO**
18 **CATASTROPHIC EVENTS**

19 SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-
20 ESTATION ACTIVITIES FOLLOWING LARGE-
21 SCALE CATASTROPHIC EVENTS.

22 (a) EXPEDITED ENVIRONMENTAL ASSESS-
23 MENT.—Notwithstanding any other provision
24 of law, any environmental assessment pre-
25 pared by the Secretary concerned pursuant to

1 **section 102(2) of the National Environmental**
2 **Policy Act of 1969 (42 U.S.C. 4332(2)) for a sal-**
3 **vage operation or reforestation activity pro-**
4 **posed to be conducted on National Forest Sys-**
5 **tem lands or public lands adversely impacted**
6 **by a large-scale catastrophic event shall be**
7 **completed within three months after the con-**
8 **clusion of the catastrophic event.**

9 **(b) EXPEDITED IMPLEMENTATION AND COM-**
10 **PLETION.—In the case of reforestation activi-**
11 **ties conducted on National Forest System**
12 **lands or public lands adversely impacted by**
13 **a large-scale catastrophic event, the Secretary**
14 **concerned shall achieve reforestation of at**
15 **least 75 percent of the impacted lands during**
16 **the five-year period following the conclusion**
17 **of the catastrophic event.**

18 **(c) AVAILABILITY OF KNUTSON-VANDENBERG**
19 **FUNDS.—Amounts in the special fund estab-**
20 **lished pursuant to section 3 of the Act of June**
21 **9, 1930 (commonly known as the Knutson-Van-**
22 **denberg Act; 16 U.S.C. 576b) shall be available**
23 **to the Secretary of Agriculture for reforest-**
24 **ation activities authorized by this title.**

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

2 **A salvage operation or reforestation activ-**
3 **ity authorized by this title shall be conducted**
4 **in a manner consistent with the forest plan**
5 **applicable to the National Forest System**
6 **lands or public lands covered by the salvage**
7 **operation or reforestation activity.**

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

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

20 **SEC. 204. EXCLUSION OF CERTAIN LANDS.**

21 **In applying this title, the Secretary con-**
22 **cerned may not carry out salvage operations**
23 **or reforestation activities on National Forest**
24 **System lands or public lands—**

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

1 (2) that are located within an inven-
2 toried roadless area unless the reforest-
3 ation activity is consistent with the forest
4 plan; or

5 (3) on which timber harvesting for
6 any purpose is prohibited by statute.

7 **TITLE III—COLLABORATIVE**
8 **PROJECT LITIGATION RE-**
9 **QUIREMENT**

10 **SEC. 301. DEFINITIONS.**

11 **In this title:**

12 (1) **COSTS.**—The term “costs” refers to
13 the fees and costs described in section
14 1920 of title 28, United States Code.

15 (2) **EXPENSES.**—The term “expenses”
16 includes the expenditures incurred by
17 the staff of the Secretary concerned in
18 preparing for and responding to a legal
19 challenge to a collaborative forest man-
20 agement activity and in participating in
21 litigation that challenges the forest man-
22 agement activity, including such staff
23 time as may be used to prepare the ad-
24 ministrative record, exhibits, declara-

1 security posted under subsection (a) in
2 such action, of the reasonable costs, ex-
3 penses, and attorneys fees incurred by
4 the Secretary concerned.

5 (2) **MAXIMUM AMOUNT RECOVERED.—**

6 The amount of costs, expenses, and attor-
7 neys fees recovered by the Secretary con-
8 cerned under paragraph (1) as a result of
9 prevailing in an action challenging the
10 forest management activity may not ex-
11 ceed the amount of the bond or other se-
12 curity posted under subsection (a) in
13 such action.

14 (3) **RETURN OF REMAINDER.—**Any funds

15 remaining from the bond or other secu-
16 rity posted under subsection (a) after the
17 payment of costs, expenses, and attorneys
18 fees under paragraph (1) shall be re-
19 turned to the plaintiff or plaintiffs that
20 posted the bond or security in the action.

21 (c) **RETURN OF BOND TO PREVAILING PLAIN-**

22 **TIFF.—**

23 (1) **IN GENERAL.—**If the plaintiff ulti-

24 mately prevails on the merits in every ac-
25 tion brought by the plaintiff challenging

1 **a forest management activity described**
2 **in subsection (a), the court shall return**
3 **to the plaintiff any bond or security pro-**
4 **vided by the plaintiff under subsection**
5 **(a), plus interest from the date the bond**
6 **or security was provided.**

7 **(2) ULTIMATELY PREVAILS ON THE MER-**
8 **ITS.—In this subsection, the phrase “ulti-**
9 **mately prevails on the merits” means, in**
10 **a final enforceable judgment on the mer-**
11 **its, a court rules in favor of the plaintiff**
12 **on every cause of action in every action**
13 **brought by the plaintiff challenging the**
14 **forest management activity.**

15 **(d) EFFECT OF SETTLEMENT.—If a challenge**
16 **to a forest management activity described in**
17 **subsection (a) for which a bond or other secu-**
18 **rity was provided by the plaintiff under such**
19 **subsection is resolved by settlement between**
20 **the Secretary concerned and the plaintiff, the**
21 **settlement agreement shall provide for shar-**
22 **ing the costs, expenses, and attorneys fees in-**
23 **curred by the parties.**

24 **(e) LIMITATION ON CERTAIN PAYMENTS.—**
25 **Notwithstanding section 1304 of title 31,**

1 **United States Code, no award may be made**
2 **under section 2412 of title 28, United States**
3 **Code, and no amounts may be obligated or ex-**
4 **pended from the Claims and Judgment Fund**
5 **of the United States Treasury to pay any fees**
6 **or other expenses under such sections to any**
7 **plaintiff related to an action challenging a**
8 **forest management activity described in sub-**
9 **section (a).**

10 **TITLE IV—SECURE RURAL**
11 **SCHOOLS AND COMMUNITY**
12 **SELF-DETERMINATION ACT**
13 **AMENDMENTS**

14 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
15 **PROJECTS ON FEDERAL LAND AND CERTAIN**
16 **NON-FEDERAL LAND.**

17 **(a) REPEAL OF MERCHANTABLE TIMBER CON-**
18 **TRACTING PILOT PROGRAM.—Section 204(e) of**
19 **the Secure Rural Schools and Community**
20 **Self-Determination Act of 2000 (16 U.S.C.**
21 **7124(e)) is amended by striking paragraph (3).**

22 **(b) REQUIREMENTS FOR PROJECT FUNDS.—**
23 **Section 204 of the Secure Rural Schools and**
24 **Community Self-Determination Act of 2000 (16**
25 **U.S.C. 7124) is amended by striking sub-**

1 section (f) and inserting the following new
2 subsection:

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

4 **“(1) IN GENERAL.—**Subject to para-
5 **graph (2), the Secretary concerned shall**
6 **ensure that at least 50 percent of the**
7 **project funds reserved by a participating**
8 **county under section 102(d) shall be**
9 **available only for projects that—**

10 **“(A) include the sale of timber or**
11 **other forest products; and**

12 **“(B) implement stewardship ob-**
13 **jectives that enhance forest eco-**
14 **systems or restore and improve land**
15 **health and water quality.**

16 **“(2) APPLICABILITY.—**The requirement
17 **in paragraph (1) shall apply only to**
18 **project funds reserved by a participating**
19 **county whose boundaries include Federal**
20 **land that the Secretary concerned deter-**
21 **mines has been subject to a timber or**
22 **other forest products program within 5**
23 **fiscal years before the fiscal year in**
24 **which the funds are reserved.”.**

1 SEC. 402. RESOURCE ADVISORY COMMITTEES.

2 (a) RECOGNITION OF RESOURCE ADVISORY
3 COMMITTEES.—Section 205(a)(4) of the Secure
4 Rural Schools and Community Self-Deter-
5 mination Act of 2000 (16 U.S.C. 7125(a)(4)) is
6 amended by striking “2012” each place it ap-
7 pears and inserting “2020”.

8 (b) TEMPORARY REDUCTION IN COMPOSITION
9 OF COMMITTEES.—Section 205(d) of the Secure
10 Rural Schools and Community Self-Deter-
11 mination Act of 2000 (16 U.S.C. 7125(d)) is
12 amended—

13 (1) in paragraph (1), by striking
14 “Each” and inserting “Except during the
15 period specified in paragraph (6), each”;
16 and

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

19 “(6) TEMPORARY REDUCTION IN MINIMUM
20 NUMBER OF MEMBERS.—

21 “(A) TEMPORARY 6-MEMBER MIN-
22 IMUM.—During the period beginning
23 on the date of the enactment of this
24 paragraph and ending on September
25 30, 2020, a resource advisory com-
26 mittee established under this section

1 **may be comprised of 6 or more mem-**
2 **bers, of which—**

3 **“(i) at least 2 shall be rep-**
4 **resentative of interests described**
5 **in subparagraph (A) of paragraph**
6 **(2);**

7 **“(ii) at least 2 shall be rep-**
8 **resentative of interests described**
9 **in subparagraph (B) of paragraph**
10 **(2); and**

11 **“(iii) at least 2 shall be rep-**
12 **resentative of interests described**
13 **in subparagraph (C) of paragraph**
14 **(2).**

15 **“(B) ADDITIONAL REQUIREMENTS.—**

16 **In appointing members of a resource**
17 **advisory committee from the 3 cat-**
18 **egories described in paragraph (2), as**
19 **provided in subparagraph (A), the**
20 **Secretary concerned shall ensure bal-**
21 **anced and broad representation in**
22 **each category. In the case of a va-**
23 **cancy on a resource advisory com-**
24 **mittee, the vacancy shall be filled**
25 **within 90 days after the date on**

1 **which the vacancy occurred. Appoint-**
2 **ments to a new resource advisory**
3 **committee shall be made within 90**
4 **days after the date on which the deci-**
5 **sion to form the new resource advi-**
6 **sory committee was made.**

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

1 **(c) CONFORMING CHANGE TO PROJECT AP-**
2 **PROVAL REQUIREMENTS.—Section 205(e)(3) of**
3 **the Secure Rural Schools and Community**
4 **Self-Determination Act of 2000 (16 U.S.C.**
5 **7125(e)(3)) is amended by adding at the end**
6 **the following new sentence: “In the case of a**
7 **resource advisory committee consisting of**
8 **fewer than 15 members, as authorized by sub-**
9 **section (d)(6), a project may be proposed to**
10 **the Secretary concerned upon approval by a**
11 **majority of the members of the committee.”.**

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

17 **(1) in paragraph (3), by inserting be-**
18 **fore the period at the end the following:**
19 **“, consistent with the requirements of**
20 **paragraph (4)”;** and

21 **(2) by striking paragraph (4) and in-**
22 **serting the following new paragraph:**

23 **“(4) GEOGRAPHIC DISTRIBUTION.—The**
24 **members of a resource advisory com-**
25 **mittee shall reside within the county or**

1 tion of the Chief of the Forest Service, except
2 that, consistent with section 205(d)(6), a se-
3 lected resource advisory committee must
4 have a minimum of 6 members.

5 “(c) **AUTHORIZED PROJECTS.—**Notwith-
6 standing the project purposes specified in sec-
7 tions 202(b), 203(c), and 204(a)(5), projects
8 under the RAC program are intended to—

9 “(1) accomplish forest management
10 objectives or support community devel-
11 opment; and

12 “(2) generate receipts.

13 “(d) **DEPOSIT AND AVAILABILITY OF REVE-**
14 **NUES.—**Any revenue generated by a project
15 conducted under the RAC program, including
16 any interest accrued from the revenues, shall
17 be—

18 “(1) deposited in the special account
19 in the Treasury established under section
20 102(d)(2)(A); and

21 “(2) available, in such amounts as
22 may be provided in advance in appro-
23 priation Acts, for additional projects
24 under the RAC program.

25 “(e) **TERMINATION OF AUTHORITY.—**

1 **(2) by redesignating paragraph (3) as**
2 **paragraph (4); and**

3 **(3) by inserting after paragraph (2)**
4 **the following new paragraph (3):**

5 **“(3) to cover training costs and equip-**
6 **ment purchases directly related to the**
7 **emergency services described in para-**
8 **graph (2); and”.**

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

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

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

16 **(1) by redesignating subsections (h)**
17 **and (i) as subsections (i) and (j), respec-**
18 **tively; and**

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

21 **“(h) CANCELLATION CEILINGS.—**

22 **“(1) IN GENERAL.—The Chief and the**
23 **Director may obligate funds to cover any**
24 **potential cancellation or termination**
25 **costs for an agreement or contract under**

1 subsection (b) in stages that are economi-
2 cally or programmatically viable.

3 “(2) ADVANCE NOTICE TO CONGRESS OF
4 CANCELLATION CEILING IN EXCESS OF
5 \$25,000,000.—Not later than 30 days before
6 entering into a multiyear agreement or
7 contract under subsection (b) that in-
8 cludes a cancellation ceiling in excess of
9 \$25,000,000, but does not include pro-
10 posed funding for the costs of cancelling
11 the agreement or contract up to such
12 cancellation ceiling, the Chief or the Di-
13 rector, as the case may be, shall submit to
14 the Committee on Energy and Natural
15 Resources and the Committee on Agri-
16 culture, Nutrition, and Forestry of the
17 Senate and the Committee on Natural Re-
18 sources and the Committee on Agri-
19 culture of the House of Representatives a
20 written notice that includes—

21 “(A) the cancellation ceiling
22 amounts proposed for each program
23 year in the agreement or contract;

1 **“(B) the reasons why such can-**
2 **cellation ceiling amounts were se-**
3 **lected;**

4 **“(C) the extent to which the costs**
5 **of contract cancellation are not in-**
6 **cluded in the budget for the agree-**
7 **ment or contract; and**

8 **“(D) an assessment of the finan-**
9 **cial risk of not including budgeting**
10 **for the costs of agreement or contract**
11 **cancellation.**

12 **“(3) TRANSMITTAL OF NOTICE TO OMB.—**
13 **Not later than 14 days after the date on**
14 **which written notice is provided under**
15 **paragraph (2) with respect to an agree-**
16 **ment or contract under subsection (b),**
17 **the Chief or the Director, as the case may**
18 **be, shall transmit a copy of the notice to**
19 **the Director of the Office of Management**
20 **and Budget.”.**

21 **(b) RELATION TO OTHER LAWS.—Section**
22 **604(d)(5) of the Healthy Forests Restoration**
23 **Act of 2003 (16 U.S.C. 6591c(d)(5)) is amended**
24 **by striking “, the Chief may” and inserting**
25 **“and section 2(a)(1) of the Act of July 31, 1947**

1 (commonly known as the Materials Act of
2 1947; 30 U.S.C. 602(a)(1)), the Chief and the Di-
3 rector may”.

4 SEC. 502. EXCESS OFFSET VALUE.

5 Section 604(g)(2) of the Healthy Forests
6 Restoration Act of 2003 (16 U.S.C. 6591c(g)(2))
7 is amended by striking subparagraphs (A) and
8 (B) and inserting the following new subpara-
9 graphs:

10 “(A) use the excess to satisfy any
11 outstanding liabilities for cancelled
12 agreements or contracts; or

13 “(B) if there are no outstanding li-
14 abilities under subparagraph (A),
15 apply the excess to other authorized
16 stewardship projects.”.

17 SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP
18 PROJECT REVENUES TO COUNTY IN WHICH
19 STEWARDSHIP PROJECT OCCURS.

20 Section 604(e) of the Healthy Forests Res-
21 toration Act of 2003 (16 U.S.C. 6591c(e)) is
22 amended—

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

1 **(2) in paragraph (3)(A), by striking**
2 **“services received by the Chief or the Di-**
3 **rector” and all that follows through the**
4 **period at the end and inserting the fol-**
5 **lowing: “services and in-kind resources**
6 **received by the Chief or the Director**
7 **under a stewardship contract project**
8 **conducted under this section shall not be**
9 **considered monies received from the Na-**
10 **tional Forest System or the public lands,**
11 **but any payments made by the contractor**
12 **to the Chief or Director under the project**
13 **shall be considered monies received from**
14 **the National Forest System or the public**
15 **lands.”.**

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

17 **Subsection (j) of section 604 of the**
18 **Healthy Forests Restoration Act of 2003 (16**
19 **U.S.C. 6591c), as redesignated by section**
20 **501(a)(1), is amended by striking “report to**
21 **the Committee on Agriculture, Nutrition, and**
22 **Forestry of the Senate and the Committee on**
23 **Agriculture of the House of Representatives”**
24 **and inserting “submit to the congressional**

1 committees specified in subsection (h)(2) a re-
2 port”.

3 **TITLE VI—ADDITIONAL FUND-**
4 **ING SOURCES FOR FOREST**
5 **MANAGEMENT ACTIVITIES**

6 **SEC. 601. DEFINITIONS.**

7 **In this title:**

8 (1) **ELIGIBLE ENTITY.**—The term “**eligi-**
9 **ble entity**” means—

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

13 (B) **a publicly chartered utility**
14 **servicing one or more States or a polit-**
15 **ical subdivision thereof;**

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

17 (D) **any other entity determined**
18 **by the Secretary concerned to be ap-**
19 **propriate for participation in the**
20 **Fund.**

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

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

6 **(a) AVAILABILITY OF STEWARDSHIP PROJECT**
7 **REVENUES.—Section 604(e)(2)(B) of the**
8 **Healthy Forests Restoration Act of 2003 (16**
9 **U.S.C. 6591c(e)(2)(B)), as amended by section**
10 **503, is further amended by striking “appro-**
11 **priation at the project site from which the**
12 **monies are collected or at another project**
13 **site.” and inserting the following: “appropria-**
14 **tion—**

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

18 **“(ii) to cover not more than 25**
19 **percent of the cost of planning**
20 **additional stewardship con-**
21 **tracting projects.”.**

22 **(b) AVAILABILITY OF COLLABORATIVE FOR-**
23 **EST LANDSCAPE RESTORATION FUND.—Section**
24 **4003(f)(1) of the Omnibus Public Land Man-**
25 **agement Act of 2009 (16 U.S.C. 7303(f)(1)) is**

1 amended by striking “carrying out and” and
2 inserting “planning, carrying out, and”.

3 SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-
4 AGEMENT ACTIVITIES.

5 (a) STATE-SUPPORTED FOREST MANAGEMENT
6 FUND.—There is established in the Treasury of
7 the United States a fund, to be known as the
8 “State-Supported Forest Management Fund”,
9 to cover the cost of planning (especially re-
10 lated to compliance with section 102(2) of the
11 National Environmental Policy Act of 1969 (42
12 U.S.C. 4332(2))), carrying out, and monitoring
13 certain forest management activities on Na-
14 tional Forest System lands or public lands.

15 (b) CONTENTS.—The State-Supported For-
16 est Management Fund shall consist of such
17 amounts as may be—

18 (1) contributed by an eligible entity
19 for deposit in the Fund;

20 (2) appropriated to the Fund; or

21 (3) generated by forest management
22 activities carried out using amounts in
23 the Fund.

1 **(c) GEOGRAPHICAL AND USE LIMITATIONS.—**
2 **In making a contribution under subsection**
3 **(b)(1), an eligible entity may—**

4 **(1) specify the National Forest System**
5 **lands or public lands for which the con-**
6 **tribution may be expended; and**

7 **(2) limit the types of forest manage-**
8 **ment activities for which the contribu-**
9 **tion may be expended.**

10 **(d) AUTHORIZED FOREST MANAGEMENT AC-**
11 **TIVITIES.—In such amounts as may be pro-**
12 **vided in advance in appropriation Acts, the**
13 **Secretary concerned may use the Fund to**
14 **plan, carry out, and monitor a forest manage-**
15 **ment activity that—**

16 **(1) is developed through a collabo-**
17 **rative process;**

18 **(2) is proposed by a resource advisory**
19 **committee; or**

20 **(3) is covered by a community wild-**
21 **fire protection plan.**

22 **(e) IMPLEMENTATION METHODS.—A forest**
23 **management activity carried out using**
24 **amounts in the Fund may be carried out using**
25 **a contract or agreement under section 604 of**

1 **the Healthy Forests Restoration Act of 2003**
2 **(16 U.S.C. 6591c), the good neighbor authority**
3 **provided by section 8206 of the Agricultural**
4 **Act of 2014 (16 U.S.C. 2113a), a contract under**
5 **section 14 of the National Forest Management**
6 **Act of 1976 (16 U.S.C. 472a), or other authority**
7 **available to the Secretary concerned, but rev-**
8 **enues generated by the forest management**
9 **activity shall be used to reimburse the Fund**
10 **for planning costs covered using amounts in**
11 **the Fund.**

12 **(f) RELATION TO OTHER LAWS.—**

13 **(1) REVENUE SHARING.—Subject to sub-**
14 **section (e), revenues generated by a for-**
15 **est management activity carried out**
16 **using amounts from the Fund shall be**
17 **considered monies received from the Na-**
18 **tional Forest System.**

19 **(2) KNUTSON-VANDERBERG ACT.—The**
20 **Act of June 9, 1930 (commonly known as**
21 **the Knutson-Vanderberg Act; 16 U.S.C.**
22 **576 et seq.), shall apply to any forest man-**
23 **agement activity carried out using**
24 **amounts in the Fund.**

25 **(g) TERMINATION OF FUND.—**

1 **(1) TERMINATION.—The Fund shall ter-**
2 **minate 10 years after the date of the en-**
3 **actment of this Act.**

4 **(2) EFFECT OF TERMINATION.—Upon the**
5 **termination of the Fund pursuant to**
6 **paragraph (1) or pursuant to any other**
7 **provision of law, unobligated contribu-**
8 **tions remaining in the Fund shall be re-**
9 **turned to the eligible entity that made**
10 **the contribution.**

11 **TITLE VII—TRIBAL FORESTRY**
12 **PARTICIPATION AND PRO-**
13 **TECTION**

14 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
15 **THROUGH USE OF STEWARDSHIP END RE-**
16 **SULT CONTRACTING AND OTHER AUTHORI-**
17 **TIES.**

18 **(a) PROMPT CONSIDERATION OF TRIBAL RE-**
19 **QUESTS.—Section 2(b) of the Tribal Forest Pro-**
20 **tection Act of 2004 (25 U.S.C. 3115a(b)) is**
21 **amended—**

22 **(1) in paragraph (1), by striking “Not**
23 **later than 120 days after the date on**
24 **which an Indian tribe submits to the Sec-**

1 retary” and inserting “In response to the
2 submission by an Indian tribe of”; and

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

5 “(4) TIME PERIODS FOR CONSIDER-
6 ATION.—

7 “(A) INITIAL RESPONSE.—Not later
8 than 120 days after the date on which
9 the Secretary receives a tribal re-
10 quest under paragraph (1), the Sec-
11 retary shall provide an initial re-
12 sponse to the Indian tribe regard-
13 ing—

14 “(i) whether the request may
15 meet the selection criteria de-
16 scribed in subsection (c); and

17 “(ii) the likelihood of the Sec-
18 retary entering into an agreement
19 or contract with the Indian tribe
20 under paragraph (2) for activities
21 described in paragraph (3).

22 “(B) NOTICE OF DENIAL.—Notice
23 under subsection (d) of the denial of
24 a tribal request under paragraph (1)
25 shall be provided not later than one

1 year after the date on which the Sec-
2 retary received the request.

3 “(C) COMPLETION.—Not later than
4 two years after the date on which the
5 Secretary receives a tribal request
6 under paragraph (1), other than a
7 tribal request denied under sub-
8 section (d), the Secretary shall—

9 “(i) complete all environ-
10 mental reviews necessary in con-
11 nection with the agreement or
12 contract and proposed activities
13 under the agreement or contract;
14 and

15 “(ii) enter into the agreement
16 or contract with the Indian tribe
17 under paragraph (2).”.

18 (b) CONFORMING AND TECHNICAL AMEND-
19 MENTS.—Section 2 of the Tribal Forest Protec-
20 tion Act of 2004 (25 U.S.C. 3115a) is amended—

21 (1) in subsections (b)(1) and (f)(1), by
22 striking “section 347 of the Department
23 of the Interior and Related Agencies Ap-
24 propriations Act, 1999 (16 U.S.C. 2104
25 note; Public Law 105–277) (as amended by

1 **section 323 of the Department of the Inte-**
2 **rior and Related Agencies Appropriations**
3 **Act, 2003 (117 Stat. 275))” and inserting**
4 **“section 604 of the Healthy Forests Res-**
5 **toration Act of 2003 (16 U.S.C. 6591c);**
6 **and**

7 **(2) in subsection (d), by striking “sub-**
8 **section (b)(1), the Secretary may” and in-**
9 **serting “paragraphs (1) and (4)(B) of sub-**
10 **section (b), the Secretary shall”.**

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

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

18 **“(c) INCLUSION OF CERTAIN NATIONAL FOR-**
19 **EST SYSTEM LAND AND PUBLIC LAND.—**

20 **“(1) AUTHORITY.—At the request of an**
21 **Indian tribe, the Secretary concerned**
22 **may treat Federal forest land as Indian**
23 **forest land for purposes of planning and**
24 **conducting forest land management ac-**
25 **tivities under this section if the Federal**

1 forest land is located within, or mostly
2 within, a geographic area that presents a
3 feature or involves circumstances prin-
4 cipally relevant to that Indian tribe, such
5 as Federal forest land ceded to the
6 United States by treaty, Federal forest
7 land within the boundaries of a current
8 or former reservation, or Federal forest
9 land adjudicated to be tribal homelands.

10 “(2) REQUIREMENTS.—As part of the
11 agreement to treat Federal forest land as
12 Indian forest land under paragraph (1),
13 the Secretary concerned and the Indian
14 tribe making the request shall—

15 “(A) provide for continued public
16 access applicable to the Federal for-
17 est land prior to the agreement, ex-
18 cept that the Secretary concerned
19 may limit or prohibit such access as
20 needed;

21 “(B) continue sharing revenue
22 generated by the Federal forest land
23 with State and local governments ei-
24 ther—

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

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

13 “(C) comply with applicable pro-
14 hibitions on the export of unproc-
15 essed logs harvested from the Federal
16 forest land; and

17 “(D) recognize all right-of-way
18 agreements in place on Federal forest
19 land prior to commencement of tribal
20 management activities.

21 “(3) LIMITATION.—Treating Federal
22 forest land as Indian forest land for pur-
23 poses of planning and conducting man-
24 agement activities pursuant to paragraph
25 (1) shall not be construed to designate

1 the Federal forest land as Indian forest
2 lands for any other purpose.

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

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

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

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

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

21 “(i) the Secretary of Agri-
22 culture, with respect to the Fed-
23 eral forest land referred to in sub-
24 paragraph (A)(i); and

1 “(ii) the Secretary of the Inte-
2 rior, with respect to the Federal
3 forest land referred to in subpara-
4 graph (A)(ii).”.

5 **TITLE VIII—MISCELLANEOUS**
6 **FOREST MANAGEMENT PRO-**
7 **VISIONS**

8 **SEC. 801. BALANCING SHORT- AND LONG-TERM EFFECTS**
9 **OF FOREST MANAGEMENT ACTIVITIES IN**
10 **CONSIDERING INJUNCTIVE RELIEF.**

11 **As part of its weighing the equities while**
12 **considering any request for an injunction**
13 **that applies to any agency action as part of**
14 **a forest management activity under this Act,**
15 **the court reviewing the agency action shall**
16 **balance the impact to the ecosystem likely af-**
17 **ected by the forest management activity of—**

18 **(1) the short- and long-term effects of**
19 **undertaking the agency action; against**

20 **(2) the short- and long-term effects of**
21 **not undertaking the action.**

22 **SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
23 **MISSIONING.**

24 **(a) CONSULTATION WITH AFFECTED COUN-**
25 **TY.—Whenever any Forest Service defined**

1 **maintenance level one or two system road**
2 **within a designated high fire prone area of a**
3 **unit of the National Forest System is consid-**
4 **ered for decommissioning, the Forest Super-**
5 **visor of that unit of the National Forest Sys-**
6 **tem shall—**

7 **(1) consult with the government of**
8 **the county containing the road regarding**
9 **the merits and possible consequences of**
10 **decommissioning the road; and**

11 **(2) solicit possible alternatives to de-**
12 **commissioning the road.**

13 **(b) REGIONAL FORESTER APPROVAL.—A For-**
14 **est Service road described in subsection (a)**
15 **may not be decommissioned without the ad-**
16 **vance approval of the Regional Forester.**

17 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**
18 **SCREENS REQUIREMENTS ON NATIONAL**
19 **FOREST SYSTEM LANDS.**

20 **On and after the date of the enactment of**
21 **this Act, the Secretary of Agriculture may not**
22 **apply to National Forest System lands any of**
23 **the amendments to forest plans adopted in**
24 **the Decision Notice for the Revised Continu-**
25 **ation of Interim Management Direction Estab-**

1 **lishing Riparian, Ecosystem and Wildlife**
2 **Standards for Timber Sales (commonly**
3 **known as the Eastside Screens requirements),**
4 **including all preceding or associated versions**
5 **of these amendments.**

6 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
7 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
8 **TIES.**

9 **If the Secretary concerned determines**
10 **that, in order to conduct a project or carry**
11 **out an activity implementing a forest plan, an**
12 **amendment to the forest plan is required, the**
13 **Secretary concerned shall execute such**
14 **amendment as a nonsignificant plan amend-**
15 **ment through the record of decision or deci-**
16 **sion notice for the project or activity.**

17 **SEC. 805. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

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

1 **Secretary of Agriculture shall require each**
2 **purchaser”.**

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

7 **(1) by striking “Such deposits” and in-**
8 **serting the following:**

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

11 **(2) by redesignating subsection (c) as**
12 **subsection (d); and**

13 **(3) by inserting before subsection (d),**
14 **as so redesignated, the following new**
15 **subsection (c):**

16 **“(c)(1) Amounts in the special fund estab-**
17 **lished pursuant to this section—**

18 **“(A) shall be used exclusively to im-**
19 **plement activities authorized by sub-**
20 **section (a); and**

21 **“(B) may be used anywhere within**
22 **the Forest Service Region from which the**
23 **original deposits were collected.**

24 **“(2) The Secretary of Agriculture may not**
25 **deduct overhead costs from the funds col-**

1 lected under subsection (a), except as needed
2 to fund personnel of the responsible Ranger
3 District for the planning and implementation
4 of the activities authorized by subsection
5 (a).”.

6 SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-
7 TEM LANDS AND PUBLIC LANDS.

8 Unless specifically provided by a provi-
9 sion of this Act, the authorities provided by
10 this Act do not apply with respect to any Na-
11 tional Forest System lands or public lands—

12 (1) that are included in the National
13 Wilderness Preservation System;

14 (2) that are located within an inven-
15 toried roadless area unless the forest
16 management activity to be carried out
17 under such authority is consistent with
18 the forest plan applicable to the area; or

19 (3) on which timber harvesting for
20 any purpose is prohibited by statute.

Amend the title so as to read: “A bill to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.”.

Union Calendar No. 137

114TH CONGRESS
1ST Session

H. R. 2647

[Report No. 114-185, Parts I and II]

A BILL

To expedite under the National Environmental Policy Act and improve forest management activities in units of the National Forest System derived from the public domain, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

JUNE 25, 2015

Reported from the Committee on Agriculture with
amendments

JUNE 25, 2015

Reported from the Committee on Natural Resources with
amendments