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### OREGON EASTSIDE FORESTS RESTORATION, OLD GROWTH PROTECTION, AND JOBS

JUNE 2, 2014.—Ordered to be printed

Ms. LANDRIEU, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 1301]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1301) to provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—FOREST RESTORATION, OLD GROWTH PROTECTION, AND JOBS

- Sec. 101. Definitions.
- Sec. 102. Forest management.
- Sec. 103. Restoration goals.
- Sec. 104. Aquatic and riparian resources management.
- Sec. 105. Eastside Forest Scientific and Technical Advisory Panel.
- Sec. 106. Ecological restoration projects.
- Sec. 107. Collaboration.
- Sec. 108. Large-scale environmental impact statement.
- Sec. 109. Administration.
- Sec. 110. Authorization of appropriations.

#### TITLE II—COOPERATIVE PARTNERSHIP FUNDING

- Sec. 201. Forest planning.
- Sec. 202. Cooperative forest innovation partnership projects.

## TITLE I—FOREST RESTORATION, OLD GROWTH PROTECTION, AND JOBS

### SEC. 101. DEFINITIONS.

In this title:

- (1) **ADVISORY PANEL.**—The term “advisory panel” means the Eastside Forest Scientific and Technical Advisory Panel established under section 105(a).
- (2) **COLLABORATIVE GROUP.**—The term “collaborative group” means a group of individuals that meets the requirements of section 107(b).
- (3) **COVERED AREA.**—The term “covered area” means the national forests within the State that are not within the area covered by the document entitled “Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl” and dated April 1994.
- (4) **FOREST HEALTH.**—The term “forest health” means conditions that enable a forest to be resistant and resilient to disturbance events and to support natural ecosystem and hydrologic processes, functions, and structures, including viable populations of native wildlife and ecosystem services.
- (5) **INVENTORIED ROADLESS AREA.**—The term “inventoried roadless area” means 1 of the areas identified in the set of inventoried roadless area maps contained in the document entitled “Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2” and dated November 2000.
- (6) **NATIONAL FOREST SYSTEM.**—The term “National Forest System” has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).
- (7) **PLANT ASSOCIATION GROUP.**—
- (A) **IN GENERAL.**—The term “plant association group” means a description of a plant community that—
- (i) would potentially, in the absence of a disturbance, occupy a site; and
- (ii) may be aggregated into 1 or more groups based on similarities in plant species, composition, environment, and productivity.
- (B) **INCLUSION.**—The term “plant association group” includes, with respect to a forested site, species representing tree, shrub, and herbaceous layers.
- (8) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture (acting through the Chief of the Forest Service).
- (9) **SPATIAL HETEROGENEITY.**—The term “spatial heterogeneity” means trees and other structural elements of the forest landscape that have a nonuniform, diversely clustered spatial arrangement.
- (10) **STATE.**—The term “State” means the State of Oregon.
- (11) **VEGETATION MANAGEMENT PROJECT.**—
- (A) **IN GENERAL.**—The term “vegetation management project” means a project involving activities that manipulate vegetation.
- (B) **INCLUSIONS.**—The term “vegetation management project” includes—
- (i) ecological restoration or fuel reduction projects;
- (ii) harvesting timber;
- (iii) prescribed burning; and
- (iv) thinning trees, brush, weeds, or grass.
- (12) **WATERSHED AREA.**—The term “watershed area” means 1 or more sub-watersheds (also known as 6th code hydrologic units).
- (13) **WATERSHED HEALTH.**—The term “watershed health” means the range of landscape conditions that enable riparian, aquatic, and wetland ecosystems to create and sustain functional habitats capable of supporting diverse populations of native aquatic- and riparian-dependent species.

### SEC. 102. FOREST MANAGEMENT.

- (a) **APPLICATION.**—The Secretary shall implement this title in the covered area during the 15-year period beginning on the date of enactment of this Act.
- (b) **LAND MANAGEMENT GOALS.**—
- (1) **IN GENERAL.**—Taking into consideration the best available science, the Secretary shall seek in the covered area—
- (A) to conserve and restore forest and watershed health;
- (B) to reduce the risk of, and increase the resistance and resiliency of the land to, uncharacteristic disturbances;
- (C) to allow for characteristic natural disturbances; and

- (D) to harvest wood to maintain the appropriate scale of industry infrastructure to accomplish the goals described in subparagraphs (A), (B), and (C).
- (2) FOREST MANAGEMENT.—To achieve the goals of paragraph (1) in the forested land in the covered area, the Secretary shall consider opportunities—
  - (A) to reduce the basal area in overstocked forest stands;
  - (B) to increase the mean diameter of forest stands;
  - (C) to maintain or create a forest composition that focuses on more fire- and drought-tolerant species;
  - (D) to restore historic levels of within-forest stand spatial heterogeneity;
  - (E) to conserve and restore old growth;
  - (F) to conserve and restore population levels of older trees;
  - (G) to conserve and restore ecologically sustainable forest stands and landscapes to incorporate characteristic forest stand structures and older tree populations;
  - (H) to harvest wood and use the value of merchantable sawlogs and biomass to help offset the cost of improving forest health and watershed health;
  - (I) to restore or maintain sustainable and fire-resilient conditions in perpetuity through active management (including management through prescribed or wildland fire and mechanical treatments);
  - (J) to restore or maintain ecologically appropriate spatial complexity (including a range of open to dense forest patches at scales from the forest stand to the landscape);
  - (K) to conduct vegetation management projects that create an uneven-aged mosaic of isolated individual trees, clumps of trees, and openings to enhance the spatial heterogeneity of the forest landscape;
  - (L) to restore or maintain understory plant communities that reflect a composition and condition that is appropriate for the forest type, including native ground cover and limiting exotic and invasive species;
  - (M) to increase stakeholder participation through collaborative groups; and
  - (N) to restore and maintain the historic complement of aspen, willows, and other native hardwoods in riparian and upland ecosystems, including by—
    - (i) removing conifers that have invaded hardwood sites and overtopped hardwoods or have invaded wet and dry meadow systems;
    - (ii) restoring fire to hardwood ecosystems; and
    - (iii) creating barriers around hardwood sites to reduce ungulate pressure.
- (c) PLANNING.—To achieve the goals described in subsection (b), the Secretary shall—
  - (1) use landscape-scale planning based on watershed boundaries as a tool to implement vegetation management and ecological restoration projects in the covered area; and
  - (2) seek to achieve planning and implementation efficiencies on projects carried out under this title by working with—
    - (A) the relevant collaborative group;
    - (B) the advisory panel; and
    - (C) other partners.
- (d) OLDER TREE RETENTION.—
  - (1) IN GENERAL.—In developing and implementing any project in the covered area, the Secretary shall—
    - (A) identify, based on the protocols developed under paragraph (2), trees that are 150 years of age or older, as measured at breast height; and
    - (B) retain the trees described in subparagraph (A).
  - (2) PROTOCOL.—The Secretary, in collaboration with the advisory panel, based on the best available science, shall develop protocols for identifying trees that are 150 years of age or older, as measured at breast height.
  - (3) EXCEPTIONS.—
    - (A) IN GENERAL.—The retention objectives described in paragraph (1)(B) shall not apply if the Secretary determines that 1 of the following applies:
      - (i) ADMINISTRATIVE EXCEPTIONS.—There is no reasonable alternative to the cutting or removal of trees that are 150 years of age or older, as measured at breast height, to provide for public safety, administrative necessity, or special uses, such as rights of way.
      - (ii) RESTORATION PROJECT EXCEPTIONS.—The Secretary determines that the cutting or removal of trees that are 150 years of age or older,

as measured at breast height, is needed to help implement and fund restoration projects, subject to the conditions that—

(I) no tree that is 200 years of age or older, as measured at breast height, may be cut;

(II) only as many trees as are needed to fund restoration work that protects and enhances the resiliency of trees that are 200 years of age or older, as measured at breast height, may be cut;

(III) the removal of trees that are 150 years of age or older, as measured at breast height, and less than 200 years of age, as measured at breast height, shall not exceed 50 percent of the population of those trees in the project area; and

(IV) there would be sufficient old-growth tree replacements remaining in the project area.

(B) NOTICE REQUIREMENT.—The Secretary shall provide to the public and collaborative groups notice and an opportunity to comment before making a determination under subparagraph (A), unless the Secretary determines that the cutting or removal of the tree is necessary to respond to an emergency condition.

(4) APPLICATION.—The retention requirements of this subsection shall not—

(A) apply to any other forests in the National Forest System outside of the covered area; or

(B) establish a precedent for setting age limits on trees that may be cut on any National Forest System land.

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

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

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

(f) MONITORING AND ADAPTIVE MANAGEMENT.—In carrying out this title, the Secretary—

(1) shall ensure that the projects developed pursuant to this title include monitoring to inform an assessment of the effectiveness of treatments and adaptive management of future projects; and

(2) in consultation with the relevant collaborative groups, may develop for a vegetation management project carried out under this title a multiparty monitoring plan, which shall take into consideration the recommendations of the advisory panel.

### SEC. 103. RESTORATION GOALS.

(a) PERFORMANCE GOALS.—

(1) IN GENERAL.—Not later than 60 days after the date on which the Secretary selects the covered area, the Secretary, in consultation with the relevant collaborative groups, may establish performance objectives, in addition to the goals established by section 102(b), which the Secretary shall seek to achieve for the covered area, consistent with those goals and the purposes of this title.

(2) TERM.—Subject to paragraph (4), each performance goal established under paragraph (1) shall be measured annually for a period of 15 years.

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

(4) PRIORITIZATION.—Subject to the limitations described in section 110(c), the Secretary shall prioritize the vegetation management project and hazardous fuels reduction program activities in the covered area to achieve the performance goals established under this subsection.

(b) RESTORATION GOALS.—

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

(A) projects that—

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

(ii) are conducted on—

(I) for the first fiscal year after the date of enactment of this Act, not less than 60,000 acres;

- (II) for the subsequent fiscal year, not less than 80,000 acres; and
  - (III) for each fiscal year thereafter until the fiscal year in which at least 1 ecological restoration project for each National Forest is initiated under section 106, not less than 100,000 acres; and
  - (B) for each fiscal year after the fiscal year specified in subparagraph (A)(ii)(III), an ecological restoration project on each National Forest in the covered area with a gross planning area of not less than 25,000 acres.
- (2) ANNUAL GOALS.—
- (A) IN GENERAL.—Beginning in the first fiscal year after the date on which at least 1 ecological restoration project is initiated for each National Forest under section 106 and each fiscal year thereafter until the date on which the project is completed, the Secretary may establish, subject to subparagraph (B), annual acreage performance goals for each project that is predominantly comprised of mechanical treatment in the covered area that emphasize sawtimber as a byproduct consistent with the goals, and after considering the opportunities, described in subsection (b).
  - (B) CONSIDERATIONS.—In establishing the goals under subparagraph (A), the Secretary shall take into consideration—
    - (i) any specific recommendations of the advisory panel relating to acreage treatment needs; and
    - (ii) advice provided by a collaborative group relating to acreage treatment needs.
- (3) PRIORITY FOR RESTORATION GOALS.—In seeking to meet the restoration goals established under paragraph (2), the Secretary shall prioritize for treatment any area that has opportunities for reduced planning and implementation costs because of—
- (A) opportunities to work with a collaborative group on the project; or
  - (B) opportunities to use non-Federal resources to complete the project.

**SEC. 104. AQUATIC AND RIPARIAN RESOURCES MANAGEMENT.**

- (a) PRIMARY FOCUS.—The primary focus of aquatic and riparian protection activities in the covered area shall be to protect, maintain, and restore natural ecological functions and processes beneficial to water quality and quantity, including temperature and turbidity, native fish and wildlife, and watershed resilience.
- (b) DESIRED WATERSHED CONDITIONS.—Desired watershed conditions shall include maintaining or enhancing riparian processes and conditions, including stable slopes, wood and nutrient delivery to aquatic and terrestrial systems, stream shade, microclimate, water quantity, and water quality, to ensure that the watersheds—
  - (1) operate consistently with local disturbance regimes; and
  - (2) support native flora and fauna.
- (c) STRATEGY.—The Secretary shall—
  - (1) develop an aquatic and riparian conservation strategy that incorporates—
    - (A) riparian management areas;
    - (B) key watersheds;
    - (C) watershed analysis;
    - (D) watershed restoration; and
    - (E) monitoring; and
  - (2) use as the basis for watershed, aquatic, and riparian ecosystem management and restoration the interaction of the elements described in paragraph (1) at the watershed or landscape scale.
- (d) MODIFICATIONS.—The Secretary may modify the aquatic and riparian protection standards under subsection (a) if the Secretary determines, taking into consideration the best available science, that the modifications would meet or exceed the goals and standards of the aquatic and riparian protection requirements of subsection (e).
- (e) REQUIREMENT.—The management activities carried out within the covered area shall not retard or prevent the attainment of—
  - (1) the aquatic, riparian, and watershed goals described in this section; and
  - (2) the goals of applicable resource management plans, biological opinions, and water quality standards in effect on the date of enactment of this Act.

**SEC. 105. EASTSIDE FOREST SCIENTIFIC AND TECHNICAL ADVISORY PANEL.**

- (a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an advisory panel, to be known as the “Eastside Forest Scientific and Technical Advisory Panel”, to advise the Secretary, collaborative groups, and the public regarding the development and implementation of—
  - (1) goals and performance measures to improve forest health, watershed health, and related social and economic goals in the covered area; and
  - (2) projects needed to accomplish the goals of this title.

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

- (1) Silviculture.
- (2) Timber economics.
- (3) Road and logging engineering.
- (4) Soil science and geology.
- (5) Ecosystem services or natural resources economics.
- (6) Community economics or ecosystem workforce development.
- (7) Forest ecology.
- (8) Aquatic and riparian ecology.
- (9) Wildlife ecology.
- (10) Fish ecology.
- (11) Ecological restoration.
- (12) Invasive species control and eradication.
- (13) Wildland fire.
- (14) Hydrology.
- (15) Forest carbon lifecycle and sequestration.
- (16) Social science.

(c) APPOINTMENTS.—The Secretary shall—

- (1) ensure that the advisory panel includes experts in a broad array of the fields described in subsection (b); and
- (2) give consideration to the recommendations of institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), professional societies, and other interested organizations and individuals.

(d) DUTIES.—

(1) RECOMMENDATIONS REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary appoints the members of the advisory panel, the advisory panel, taking into consideration the best available science and information, shall submit to the Secretary, who shall make available to the public a report that contains recommendations regarding the manner by which the Secretary can best achieve the purposes and goals, and consider the opportunities, described in section 102(b).

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

- (i) the size and scope of projects needed to accomplish the goals and consider the opportunities described in section 102(b);
- (ii) increasing local capacity to accomplish the goals and consider the opportunities described in section 102(b);
- (iii) hydrologically and ecologically restoring land and water by—
  - (I) decommissioning unnecessary and undesirable roads; and
  - (II) reducing the environmental impact of necessary and desirable roads; and
- (iv) actions for each relevant plant association group, taking into account current or future potential vegetation and soil types that—
  - (I) protect and restore terrestrial, aquatic, riparian, wildlife, fish, vegetation, soil, carbon, and other resources; and
  - (II) would be necessary and desirable to restore forest health and watershed health (including thinning, prescribed, and natural fire and other appropriate activities); and
- (v) monitoring protocols to evaluate the success of the vegetation management projects and ecological restoration projects on the covered area in meeting the goals and objectives of this title.

(C) ADMINISTRATION.—

- (i) IN GENERAL.—To the maximum extent practicable, the advisory panel shall achieve a consensus with respect to each recommendation included in the report under this paragraph.
- (ii) INCLUSION OF DISSENTING OPINIONS.—If the advisory panel fails to achieve a consensus with respect to any recommendation included in the report under this paragraph, the report shall include each dissenting opinion relating to the recommendation.

(2) REVIEW REPORT.—Not later than 5 years after the date on which the Secretary appoints the members of the advisory panel, the advisory panel shall submit to the Secretary and make available to the public a report providing—

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

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

**SEC. 106. ECOLOGICAL RESTORATION PROJECTS.**

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall implement, taking into consideration the annual goals described in section 103(b)(2), ecological restoration projects in the covered area to support the land management goals described in section 102(b).

(b) **LANDSCAPE-SCALE PROJECTS.**—Subject to the availability of appropriations under section 110, the Secretary shall implement, to the maximum extent practicable, 1 or more ecological restoration projects with a gross planning area of 50,000 acres for each National Forest in the covered area that provide landscape-scale work within a watershed area by not later than 3 years after the date on which the Secretary selects the covered area.

(c) **CRITERIA.**—In developing and implementing ecological restoration projects under this section, the Secretary shall consider—

- (1) the best available science and data;
- (2) the recommendations of the advisory panel;
- (3) the views of collaborative groups; and
- (4) dry and moist forest plant association groups.

(d) **NET ROAD REDUCTION.**—In developing ecological restoration projects under this section, the Secretary shall examine opportunities for, and achieve, a net reduction in the permanent road system to improve forest and watershed health, to the maximum extent practicable.

(e) **PRIORITIZATION.**—

(1) **IN GENERAL.**—The Secretary shall prioritize ecological restoration projects in the covered area, taking into consideration—

- (A) the criteria described in subsection (c); and
- (B) the degree to which the ecological restoration projects would improve forest health and watershed health.

(2) **PRIORITIES.**—In selecting and planning ecological restoration projects, the Secretary shall prioritize projects that—

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

(i) communities located in the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)); and

(ii) valuable forest structures (including old growth and older mature trees);

(B) restore the structure and composition of forest stands at a high or moderate departure from the historic range of variability;

(C) sustain the appropriate scale of industry infrastructure to accomplish the goals described in section 102(b);

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

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

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

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

(F) use the value of merchantable sawlogs and biomass to help offset the cost of ecological restoration projects;

(G) meet local and rural community needs through a source that is selected on a best-value basis;

(H) reduce the permanent road system to improve forest health and watershed health; and

(I) help recover aspen, willows, and other native hardwoods in riparian and upland ecosystems.

**SEC. 107. COLLABORATION.**

(a) **IN GENERAL.**—To assist in the development of the projects needed to accomplish the purposes of this title in the covered area, the Secretary shall consult with, and consider the recommendations of, any collaborative group that meets the criteria described in subsection (b).

(b) **CRITERIA.**—A collaborative group referred to in subsection (a) is a group that—

- (1) is interested in the implementation of this title;
- (2) includes multiple individuals representing diverse interests, including—

- (A) environmental organizations;
- (B) timber and forest products industry representatives; and
- (C) county governments;
- (3) operates—
  - (A) in a transparent and nonexclusive manner; and
  - (B) by consensus or in accordance with voting procedures to ensure a high degree of agreement among participants and across various interests; and
  - (4) requires a level of participation sufficient to ensure that members of the collaborative group are adequately informed before making each decision.

**SEC. 108. LARGE-SCALE ENVIRONMENTAL IMPACT STATEMENT.**

(a) **IN GENERAL.**—The Secretary shall carry out vegetation management projects and ecological restoration projects under this section in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **ENVIRONMENTAL IMPACT STATEMENT.**—

(1) **IN GENERAL.**—The Secretary shall prepare 1 landscape-scale environmental impact statement for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for vegetation management projects and ecological restoration projects carried out under this title in National Forests in the eastern part of the State that share ecological conditions and resource issues, including projects—

- (A) that are located wholly in dry ponderosa pine and dry mixed conifer forests types;
- (B) that are endorsed by, or are the product of, a collaborative group; and
- (C) no portion of which are located in an inventoried roadless area.

(2) **USE.**—The large-scale environmental impact statement under paragraph (1) shall be used as the basis for decisions on covered vegetation management projects and ecological restoration projects, except for limited projects—

- (A) that are developed after the completion of the environmental impact statement; and
- (B) for which the environmental impact statement does not adequately analyze the work to be performed.

(c) **COMPLETION DATE.**—The Secretary shall complete the record of decision for the large-scale environmental impact statement under subsection (b) by not later than 1 year after the date of enactment of this Act.

(d) **TIMELINESS.**—A legal challenge to the environmental impact statement and record of decision under this section shall be filed by not later than 120 days after the date on which the record of decision is signed by the Secretary.

**SEC. 109. ADMINISTRATION.**

(a) **EFFECT OF TITLE.**—Nothing in this title affects—

- (1) any right described in a treaty between an Indian tribe and the United States; or
- (2) any biological opinion, including any opinion associated with the aquatic and riparian protection requirements of applicable land and resource management plans.

(b) **NO RETROACTIVE EFFECT.**—

(1) **VEGETATION MANAGEMENT PROJECTS.**—This title shall not apply to a vegetation management project that is—

- (A) initiated, through a scoping notice or a notice of intent, more than 180 days before the date of enactment of this Act; or
- (B) approved or under contract before the date of enactment of this Act.

(2) **RECOMMENDATIONS REPORT.**—The completion of the recommendations report of the advisory panel under section 105(d)(2) shall not automatically compel an amendment or revision to—

- (A) any vegetation management project initiated, approved, or under contract before the date on which the recommendations report is completed; or
- (B) any existing forest plan.

(c) **APPLICABLE LAW.**—The Secretary shall carry out this title in accordance with applicable law (including regulations).

(d) **PRINCIPAL AGENCY CONTACT.**—

(1) **SELECTION.**—The Secretary shall select a principal agency contact for the implementation of this title.

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

- (A) serve as the point-of-contact for the advisory panel;
- (B) facilitate communications among—
  - (i) the advisory panel;
  - (ii) collaborative groups;
  - (iii) employees of the Forest Service; and
  - (iv) any other stakeholders (including the public).



## (e) REPORTING.—

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

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

(B) not earlier than 2 years before the date described in subparagraph (A).

(2) CONTENTS.—The reports required under paragraph (1) shall assess, for each National Forest in the covered area, the progress achieved in accomplishing—

(A) the purposes of this title; and

(B) the performance goals established under section 103.

## (f) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided by this title shall terminate on the date that is 15 years after the date of enactment of this Act.

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

**SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Subject to subsection (c), there is authorized to be appropriated \$50,000,000 to carry out this title, to remain available until expended.

(b) USE.—Any amounts appropriated to the Secretary under subsection (a) may be used to support implementation of any cost-sharing authorities provided by this title.

(c) EFFECT ON OTHER FUNDS.—The Secretary may not divert funding from a National Forest or grassland outside of the State to meet the performance requirements of this title.

## (d) REPROGRAMMING AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), after submitting to the Committees on Appropriations of the House of Representatives and the Senate a notice, the Secretary may reprogram any funds—

(A) made available to the Secretary through an appropriation for the National Forest System; and

(B) allocated to be used on the National Forests in the covered area.

(2) EXCEPTION.—No funds appropriated for a recreation or grazing activity may be subject to reprogramming under paragraph (1).

## **TITLE II—COOPERATIVE PARTNERSHIP FUNDING**

**SEC. 201. FOREST PLANNING.**

Section 327(b)(2) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 1611 note; Public Law 104–134) is amended by inserting “expenditures for forest planning activities necessary for timber sales for projects that are located on any landscape that receives funding under section 4004 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7304) and” after “may include”.

**SEC. 202. COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.**

Section 13B of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109b) is amended by adding at the end the following:

“(d) REGULATIONS.—Not later than 90 days after the date of enactment of the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013, the Secretary shall promulgate regulations to implement the authority of the Secretary under that Act.

## “(e) COOPERATION WITH STATE GOVERNMENTS.—

“(1) PROJECTS AUTHORIZED.—Not later than 180 days after the date of enactment of the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013, the Secretary, in cooperation with the States, shall carry out projects to support the ability of the Department of Agriculture to address the restoration of National Forests in eligible areas.

“(2) ELIGIBLE AREAS.—A project under paragraph (1) may be carried out on—

“(A) the covered area (as defined in section 101 of the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013); and

“(B) any additional areas of the National Forest System that the Secretary selects to carry out paragraph (1).

“(3) FUNDING.—For each fiscal year, the Secretary shall use not more than 5 percent of the funds made available for forest health on Federal land under

the heading ‘STATE AND PRIVATE FORESTRY’ of title III of an appropriations Act making funds available to the Department of the Interior to pay for not more than 50 percent of the total cost of carrying out paragraph (1).”.

#### PURPOSE

The purpose of S. 1301 is to restore forest landscapes, protect old-growth forests, and improve the management of National Forests in eastern Oregon.

#### BACKGROUND AND NEED

The National Forests on the eastside of the Cascade Range in Oregon cover approximately 10 million acres, much of which contains dry ponderosa and mixed conifer forests that are adapted to frequent wildfires, along with rivers that support endangered salmon and other sensitive fish species. These forests play an active role in the State’s economy and support a number of forest products businesses that have been hard-hit by the recent decline in the timber market and federal forest policies that have reduced timber sale offerings over the last decade. Many of these forests also have been impacted by years of fire suppression, logging, road building, and other land management practices, and by climatic conditions resulting in hotter and drier conditions. They now pose a risk of uncharacteristically intense wildfires and further natural resource degradation.

The management of these forests has been the subject of considerable study and debate for years. In July 1993, President Clinton directed the Forest Service to “develop a scientifically sound and ecosystem-based strategy for management of eastside forests,” launching a decade-long effort that has produced an array of studies, land management plans, and strategies. In the early 1990s, a number of interim strategies were developed to protect aquatic and terrestrial species and old-growth habitat during the development of the long-term strategy. These interim strategies included the “eastside screens” (which generally prohibited the harvesting of trees larger than 21 inches in diameter in dry forests), PACFISH (which established protections for anadromous fish habitat), and INFISH (which established protections for inland native fish habitat). These strategies remain a part of the long-term management strategy.

Meanwhile, the debate over forest management in these forests has continued. The legislation would set up a 15-year pilot program with a goal to accelerate and guide restoration and fuels reduction, provide a reliable supply of timber to local businesses, protect old-growth and wildlife habitat, promote collaboration, and achieve other objectives.

#### LEGISLATIVE HISTORY

Senator Wyden introduced S. 1301 on July 16, 2013. A hearing was held by the Subcommittee on Public Lands, Forests, and Mining on July 30, 2013. At its business meeting on December 19, 2013, S. 1301 was reported favorably with an amendment in the nature of a substitute.

Related bills, S. 220 and S. 2895, were introduced by Senator Wyden in the 112th and 111th Congresses, respectively. The Sub-

committee on Public Lands and Forests held a hearing on S. 220 on May 18, 2011 (S. Hrg. 112–39) and on S. 2895 on March 10, 2010 (S. Hrg. 111–565), and held a field hearing on June 4, 2010 (S. Hrg. 111–682).

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on December 19, 2013, by a voice vote of a quorum present, recommends that the Senate pass S. 1301, if amended as described herein. Senators Lee and Scott asked to be recorded as voting no.

#### COMMITTEE AMENDMENT

During its consideration of S. 1301, the committee adopted an amendment in the nature of a substitute. The amendment adds a table of contents; strikes the list of purposes; strikes several definitions, modifies several others, and adds two new definitions; modifies and redesignates most of section 4 as section 102; modifies and redesignates section 4(d) as section 103; replaces section 5 on watershed management with a new section 104 on aquatic and riparian resources management; modifies and redesignates section 6 as section 105; modifies and redesignates section 7 as section 106; modifies and redesignates section 8 as section 107; modifies and redesignates section 9 as section 108; strikes section 10 on cooperative partnership projects; modifies and redesignates section 11 as section 109; modifies and redesignates section 12 as section 110; and adds a new title II on cooperative partnership funding.

The amendment is explained in detail in the section-by-section analysis, below.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides a short title and table of contents.

##### TITLE I—FOREST RESTORATION, OLD GROWTH PROTECTION AND JOBS

*Section 101* defines key terms used in title I.

*Section 102* provides forest management direction to the Forest Service for the National Forests east of the Cascades in Oregon.

Subsection (a) directs the Secretary to implement title I in the covered area (defined as the national forests in Oregon not within the range of the Northern Spotted Owl during the 15-year period beginning on the date of enactment).

Subsection (b) sets forth the land management goals of restoring forest health and watershed health, reducing the risk posed to forests by unnaturally severe disturbances, and timber harvesting to retain forest products infrastructure.

Subsection (c) directs the Secretary to use landscape-scale planning based on watershed boundaries and work with partners to achieve the goals described in subsection (b).

Subsection (d) directs the Secretary to develop protocols to identify trees over 150 years of age and to retain these trees when implementing projects in the covered area.

Subsection (e) prohibits construction of permanent roads unless necessary to realign an existing road.

Subsection (f) requires the Secretary to monitor projects.

*Section 103 (a)* directs the Secretary to establish performance objectives in consultation with collaborative groups, consistent with the land management goals in section 102(b). Subsection (b) directs the Secretary, to the maximum extent practicable, to implement projects that are predominantly comprised of mechanical treatment that emphasizes sawtimber as a byproduct on not less than 60,000 acres in the first fiscal year after the date of enactment, not less than 80,000 acres in the second fiscal year after the date of enactment, and not less than 100,000 acres in each fiscal year thereafter.

*Section 104* requires the primary focus of aquatic and riparian protection activities in the covered area to be to protect, maintain, and restore natural ecological functions and processes beneficial to water quality and quantity, and directs the Secretary to develop an aquatic and riparian conservation strategy.

*Section 105* directs the Secretary to establish the Eastside Forest Scientific and Technical Advisory Panel to advise the Secretary, collaborative groups, and the public on the development and implementation of goals, performance measures, and projects. Subsection (b) prescribes the composition of the panel. Subsection (c) ensures that the panel includes experts from a broad array of fields. Subsection (d) requires the panel to report recommendations on the manner by which the Secretary can best achieve the purposes and land management goals listed in section 102(b).

*Section 106(a)* directs the Secretary to implement ecological restoration projects in the covered area to support the land management goals described in section 103(b). Subsection (b) directs the Secretary to implement one or more ecological restoration projects with a gross planning area of 50,000 acres for each national Forest in the covered area that provide landscape-scale work within a watershed area within 3 years after the selection of the covered area. Subsection (c) prescribes criteria for the Secretary to consider in developing and implementing ecological restoration projects. Subsection (d) requires the Secretary, to the maximum extent practicable, to examine opportunities for, and achieve, a net reduction in the permanent road system. Subsection (e) requires the Secretary to prioritize ecological restoration projects, taking into account the criteria in subsection (c) and the degree to which the ecological restoration projects would improve forest and watershed health and the considerations listed in subsection (e)(2).

*Section 107* requires the Secretary to consult with, and consider the recommendations of, any collaborative group that meets the criteria listed in section 107(b).

*Section 108* requires the Secretary to carry out vegetation management projects and ecological restoration projects in accordance with the National Environmental Policy Act. Subsection (b) requires the Secretary to prepare a landscape-scale environmental impact statement for vegetation management projects and ecological restoration projects carried out under title I in areas of National Forests in eastern Oregon that share ecological conditions and resource issues. Subsection (c) requires the Secretary to complete the record of decision within one year after the date of enactment. Subsection (d) requires any legal challenge to the environmental impact statement and record of decision to be filed within 120 days after the record of decision is signed by the Secretary.

*Section 109(a)* provides that nothing in the title affects Indian treaty rights or any biological opinions. Subsection (b)(1) provides that the title does not apply to certain vegetation management projects approved before the date of enactment. Subsection (b)(2) provides that the advisory panel's recommendations report will not automatically require an amendment or revision to a vegetation management project under contract or existing forest plans. Subsection (c) requires the Secretary to carry out the title in accordance with applicable laws and regulations. Subsection (d) requires the Secretary to designate a principal agency contact for implementation of the title. Subsection (e) requires the Secretary to prepare a report on the implementation of the title not earlier than 3 years after he selects the covered area nor later than 5 years after he selects the covered area. Subsection (f) provides that the authority provided by the title terminates 15 years after the date of enactment.

*Subsection 110* authorizes the appropriation of \$50 million to carry out the title. This subsection prohibits the Secretary from diverting funds from National Forests located outside the State of Oregon to meet the performance requirements of this title, and instead, authorizes the Secretary to reprogram certain funds to meet the performance requirements.

#### TITLE II—COOPERATIVE PARTNERSHIP FUNDING

*Section 201* amends section 327(b)(2) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 1611 note) to permit expenditures for forest planning activities for projects funded under the Collaborative Forest Landscape Restoration Program (16 U.S.C. 7301–7304) to be considered as expenditures for the preparation of timber sales.

*Section 202* amends section 13B of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109b) to require the Secretary to issue regulations for cost-sharing innovative projects authorized under the Cooperative Forestry Assistance Act; to direct the Secretary to carry out projects, in cooperation with the States, to restore National Forests in eligible areas; and to limit the amount of funding that the Secretary can use on these projects.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

##### *S. 1301—Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013*

Summary: S. 1301 would authorize appropriations totaling \$50 million for the Forest Service to carry out vegetation management and ecological restoration projects in national forests in eastern Oregon. The bill also would establish a panel of experts to advise the Forest Service on managing those forests.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$48 million over the 2015–2019 period. Implementing H.R. 1301 could affect offsetting receipts; however, any increase in receipts would be contingent on future appropriations and not directly attributable to

this bill. Enacting S. 1301 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1301 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1301 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2015	2016	2017	2018	2019	2015–2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level .....	10	10	10	10	10	50
Estimated Outlays .....	8	10	10	10	10	48

Basis of estimate: For this estimate, CBO assumes that S. 1301 will be enacted near the end of 2014, that the authorized amounts will be appropriated evenly over the 2015–2019 period, and that spending will follow historical patterns for similar activities of the Forest Service.

S. 1301 would authorize the appropriation of \$50 million for the Forest Service to carry out projects aimed at restoring forest lands and increasing the amount of timber harvested in national forests in eastern Oregon. The bill also would establish a panel to advise the Secretary of Agriculture on managing those forests. Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$48 million over the 2015–2019 period.

Implementing S. 1301 could affect offsetting receipts; however, any increase in receipts, which CBO estimates could total a few million dollars annually, would be contingent on future appropriations and not directly attributable to this bill.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: S. 1301 contains no intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Jeff LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1301.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1301, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

Section 110(a) of S. 1301, as introduced by Senator Wyden and reported by the Committee, authorize appropriation of \$50 million to the Secretary of Agriculture to carry out activities on National Forests in the State of Oregon.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by Forest Service at the July 30, 2013, Subcommittee on Public Lands, Forests, and Mining hearing on S. 1301 follows:

#### STATEMENT OF LESLIE WELDON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman, and Members of the Subcommittee, I am Leslie Weldon, Deputy Chief for the U.S. Forest Service. Thank you for the opportunity to share the Administration's views on S. 1301, Oregon Eastside Forests Restoration, Old Growth Protection and Jobs Act of 2013. We would like to express our appreciation to Chairman Wyden for the leadership, energy and effort that went into developing this legislation and for his work to bring diverse interests together.

The Administration supports S. 1301; however, we are concerned that the agency may not have the capacity required to achieve the management targets prescribed in the bill. We want to continue to work with the Committee and the Chairman on this and other issues. USDA also has reservations about legislating forest management decisions and would hope that the work the Forest Service is doing to increase the pace and scale of forest restoration and management of the National Forests will make this type of legislation unnecessary in the future.

There are numerous concepts in the legislation that the Department strongly supports including: conducting assessments at a broad landscape scale to focus our efforts to achieve restoration results on the ground, reducing our road system to what is needed, maintaining a much needed wood products industry and infrastructure, promoting sustainable use of biomass as an energy source, and collaborating with interested parties. We recognize the need to substantially increase the number of treatment acres for ecological reasons. We look forward to working with the Chairman and the Committee to ensure good alignment between the legislation and our current efforts to achieve our common goal of restoration that provides ecological, social and economic benefits.

S. 1301 would authorize the Secretary to select all or part of one or more National Forests in Oregon as part of the Initiative. The provisions of the bill would apply to the covered area selected by the Secretary for a period of 15

years. In the covered area, the Secretary would be directed to seek accomplishment of certain land management goals, consider opportunities to carry out certain objectives, use landscape scale planning, prioritize vegetative management and hazardous fuel reduction to achieve performance goals, and carry out projects that would, to the maximum extent practicable, mechanically treat not less than 60,000 acres in the first fiscal year following enactment, not less than 80,000 acres in the second fiscal year; and not less than 100,000 acres in each of the subsequent years.

S. 1301 also would direct the Secretary to delineate areas of aquatic and riparian resources in the covered area and would provide that vegetative management projects in the delineated areas protect and restore those resources and comply with aquatic and riparian protection requirements in the existing land management plans. The Secretary would be directed to have an advisory panel prepare a restoration report of the covered area to establish land management goals and carry out ecological restoration projects including projects at a landscape scale.

In implementing these provisions, the Secretary would seek advice from the scientific advisory panel established under the bill. The Secretary also would consult with collaborative groups. On National Forests in Oregon and Washington, we are currently engaged in an eastside restoration strategy and are engaged in numerous efforts to encourage and expand programs and activities that embrace many of the concepts in this legislation.

When Secretary Vilsack articulated his vision for America's forests, he underscored the overriding importance of forest restoration by calling for complete commitment to restoration. He also highlighted the need for pursuing an "all-lands" approach to forest restoration and for close coordination with other landowners to encourage collaborative solutions.

To that end, the President's FY 14 budget proposal includes a \$757 million Integrated Resource Restoration line-item. This integrated funding approach will allow the Forest Service to apply the landscape scale concept, similar to the landscape scale efforts envisioned in this bill, across the entire National Forest System. In addition, the FY 14 budget provides \$40 million, the full authorized amount, for the Collaborative Forest Landscape Restoration Program (CFLRP).

Three notable and selected CFLRP projects in eastern Oregon include the Skyline Project, the Lakeview Stewardship Project, and the Southern Blue Mtn. Projects. These three projects represent over 1,600,000 acres of landscapes in eastern Oregon in desperate need of restoration work, which has begun. On all three projects, the Forest Service is working with the associated collaboratives to prioritize accomplishment of restoration work. CFLRP funding for these three projects is over \$5 million per year for the next 8 years. This funding is combined with matching National Forest System funding to increase the pace of restoration



implementation in the project areas and doubles the amount of acres we can restore.

The Forest Service is very interested in expanding collaborative restoration efforts within the State of Oregon and throughout the country. We are focusing on advancing several principles we believe are paramount to accomplishing restoration on the entire National Forest System. These principles include collaboration with diverse stakeholders, efficient implementation of the National Environmental Policy Act, greater dialogue areas of conflict prior to the decision, ensuring opportunities for local contractors, expansion of the use of stewardship contracting if reauthorized, and monitoring to track our results on the ground.

As Secretary Vilsack has noted previously, the Forest Service has reservations about legislating specific treatment levels and other aspects of our forest plans and identified several items of concern with the legislation. However, the Senator's office, Committee staff, and the Forest Service worked together and made significant progress in addressing these concerns. The Agency has a meaningful national approach to management of the national forests that takes into account local conditions and circumstances through the development and implementation of Land and Resource Management Plans. Achieving performance levels proposed in this bill may be outside agency current capacity. USDA wants to ensure that this does not negatively impact other Forest Service priorities in Region 6 as well as shift funds from other areas of the country where high priority work is also underway and important to achieve. In addition, specific levels of treatment may also result in unrealistic expectations on the part of the communities and forest product stakeholders that the agency would accomplish the quantity of treatment required. In addition, we have various corrections, clarifications, and modifications to suggest and would be happy to work with the Committee staff to address these matters. They include the number of forests covered by this legislation, suggested planning area acres thresholds, the setting of age limits for harvest, compatibility with PACfish and Infish, Environmental Impact Statement timelines, and budgets.

We have a strong interest in accelerating our restoration activities to achieve resilient landscapes and ecologically and economically healthy communities and we look forward to working with you to achieve these common objectives.

I want to again thank Chairman Wyden for his leadership and strong commitment to Oregon's national forests, their surrounding communities, and forest products infrastructure. I look forward to working with the Senator, his staff, and the Committee, and all interested stakeholders to help ensure sustainable communities and provide the best land stewardship for our national forests. This con-

cludes my prepared statement and I would be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1301, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**DEPARTMENT OF THE INTERIOR AND RELATED  
AGENCIES APPROPRIATIONS ACT, 1996**

**OMNIBUS CONSOLIDATED RECISSIONS AND  
APPROPRIATIONS ACT OF 1996**

Public Law 104-134

AN ACT Making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

\* \* \* \* \*

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

\* \* \* \* \*

**TITLE III—GENERAL PROVISIONS**

\* \* \* \* \*

**SEC. 327. TIMBER SALES PIPELINE RESTORATION FUNDS.**

\* \* \* \* \*

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include *expenditures for forest planning activities necessary for timber sales for projects that are located on any landscape that receives funding under section 4004 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7304)* and expenditures for Forest Service activities within the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

\* \* \* \* \*

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 1996”.

\* \* \* \* \*

**COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978**

Public Law 95–313, as amended

AN ACT To authorize the Secretary of Agriculture to provide cooperative forestry assistance to States and others, and for other purposes.

\* \* \* \* \*

**SEC. 13B. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.**

(a) **COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.**—The Secretary may competitively allocate not more than 5 percent of the funds made available under this Act to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c).

(b) **ELIGIBILITY.**—Notwithstanding the eligibility limitations contained in this Act, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible to compete for funds to be competitively allocated under subsection (a).

(c) **COST-SHARE REQUIREMENT.**—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.

(d) **REGULATIONS.**—*Not later than 90 days after the date of enactment of the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013, the Secretary shall promulgate regulations to implement the authority of the Secretary under that Act.*

(e) **COOPERATION WITH STATE GOVERNMENTS.**—

(1) **PROJECTS AUTHORIZED.**—*Not later than 180 days after the date of enactment of the Oregon Eastside Forests Restoration,*

*Old Growth Protection, and Jobs Act of 2013, the Secretary shall carry out projects to support the ability of the Department of Agriculture to address the restoration of National Forests in eligible areas.*

*(2) ELIGIBLE AREAS.—A project under paragraph (1) may be carried out on—*

*(A) the covered area (as defined in section 101 of the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013); and*

*(B) any additional areas of the National Forest System that the Secretary selects to carry out paragraph (1).*

*(3) FUNDING.—For each fiscal year, the Secretary shall use not more than 5 percent of the funds made available for forest health on Federal land under the heading “STATE AND PRIVATE FORESTRY” of title III of an appropriations Act making funds available to the Department of the Interior to pay for not more than 50 percent of the total cost of carrying out paragraph (1).*

\* \* \* \* \*

