

109TH CONGRESS
1ST SESSION

S. 2079

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management Land, respectively, to support the recovery of non-Federal land damaged by catastrophic events, to assist impacted communities, to revitalize Forest Service experimental forests, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2005

Mr. SMITH (for himself, Mr. THUNE, Mr. ALLARD, Mr. BURNS, and Mr. THOMAS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management Land, respectively, to support the recovery of non-Federal land damaged by catastrophic events, to assist impacted communities, to revitalize Forest Service experimental forests, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Forests for Future Generations Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL
LAND

Sec. 101. Development of research protocols and use in catastrophic event re-
search projects.
Sec. 102. Catastrophic event recovery evaluations.
Sec. 103. Compliance with National Environmental Policy Act.
Sec. 104. Availability and use of pre-approved management practices.
Sec. 105. Availability and use of alternative arrangements.
Sec. 106. Administrative and judicial review.
Sec. 107. Guidance regarding reforestation in response to catastrophic events.
Sec. 108. Obligations from Trust Fund.
Sec. 109. Revision of land and resource management plans.
Sec. 110. Effect of title.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES
IMPACTED BY CATASTROPHIC EVENTS

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Community protection and recovery funds.

TITLE III—EXPERIMENTAL FORESTS

Sec. 301. Findings.
Sec. 302. Availability and use of pre-approved management practices on Na-
tional Forest experimental forests.
Sec. 303. Availability and use of alternative arrangements for projects on Na-
tional Forest experimental forests.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Regulations.
Sec. 402. Authorization of appropriations.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The number and severity of catastrophic
9 events causing resource damage to Federal land has

1 significantly increased over the last 20 years, and
2 such catastrophic events also create serious adverse
3 environmental, social, and economic consequences
4 for Federal land and adjacent non-Federal land and
5 communities.

6 (2) Catastrophic events often devastate forest
7 or rangeland ecosystems and eliminate sources of
8 seed for desired tree and plant species, which—

9 (A) delays or even precludes the reestab-
10 lishment of appropriate forest or plant cover on
11 millions of acres of Federal land;

12 (B) increases the susceptibility of the dam-
13 aged land to wildfire and noxious or harmful
14 species and reduces the economic value of the
15 damaged land's resources;

16 (C) increases the susceptibility of adjacent
17 undamaged land to insect infestations, disease,
18 and noxious weeds;

19 (D) pollutes municipal water supplies and
20 damages water delivery infrastructure;

21 (E) exacerbates sediment production that
22 adversely impacts native fish habitat and soil
23 productivity;

24 (F) results in unsafe campgrounds, trails,
25 roads, and other infrastructure; and

1 (G) adversely impacts the sustainability of
2 ecosystems and the well-being of adjacent com-
3 munities.

4 (3) Program authorities and funding mecha-
5 nisms currently available to the Secretary of Agri-
6 culture and the Secretary of the Interior to respond
7 to catastrophic events on forested Federal land do
8 not provide for consistent and timely response activi-
9 ties.

10 (4) Alternative arrangements approved by the
11 Council on Environmental Quality have been used on
12 an inconsistent basis to respond to catastrophic
13 events on forested Federal land, but, when used in
14 the past, such alternative arrangements have encour-
15 aged expedited and successful recovery outcomes.

16 (5) A prompt and standardized management re-
17 sponse to a catastrophic event, which is also adapt-
18 ive to the unique characteristics of each catastrophic
19 event, is needed—

20 (A) to effectively recover the area damaged
21 by the catastrophic event;

22 (B) to minimize the impact on the re-
23 sources of the area and adjacent communities
24 adversely affected by the catastrophic event;
25 and

1 (C) to recover damaged, but still mer-
2 chantable, material before it losses economic
3 value.

4 (6) Reforestation treatments on forested Fed-
5 eral land after a catastrophic event helps to restore
6 appropriate forest cover, which provides multiple re-
7 newable resource benefits, including—

8 (A) protecting soil and water resources;

9 (B) providing habitat for wildlife and fish;

10 (C) contributing to aesthetics and enhanc-
11 ing the recreational experience for visitors;

12 (D) providing a future source of timber for
13 domestic use;

14 (E) ensuring the health and resiliency of
15 affected ecosystems for present and future gen-
16 erations; and

17 (F) sequestering carbon.

18 (7) According to the Comptroller General, the
19 reforestation backlog for Federal land has increased
20 since 2000 as a result of natural disturbances, such
21 as wildland fires, insect infestations, and diseases.

22 (8) Additional scientific and monitoring infor-
23 mation is needed regarding the effectiveness of re-
24 covery treatments to improve subsequent recovery
25 proposals in response to future catastrophic events.

(9) State, tribal, and local governments, local communities, and other entities play a critical role in restoring landscapes damaged by a catastrophic event and in reducing the risks associated with the catastrophic event.

(10) Greater resources and adaptive arrangements must be made available to land managers to facilitate the prompt implementation of recovery treatments, including reforestation, following catastrophic events.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ALTERNATIVE ARRANGEMENTS.**—The term “alternative arrangements” means the authority granted to the Council on Environmental Quality under section 1506.11 of title 40, Code of Federal Regulations, to grant alternative arrangements for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the authority to—

(A) reduce processing times for an environmental impact statement; or

(B) if warranted by the emergency, condense the preparation and processing of an environmental impact statement.

1 (2) BURNED AREA EMERGENCY RESPONSE.—

2 The term “burned area emergency response” means
3 the process used by the Secretary concerned to plan
4 and implement emergency stabilization actions on
5 Federal land in response to a catastrophic event in
6 order to minimize threats to life or property or to
7 stabilize and prevent unacceptable degradation to
8 natural and cultural resources resulting from the ef-
9 fects of the catastrophic event.

10 (3) CATASTROPHIC EVENT.—The term “cata-
11 strophic event” means any natural disaster or any
12 fire, flood, or explosion, regardless of cause, that the
13 Secretary determines has caused or will cause dam-
14 age of significant severity and magnitude to Federal
15 land, or for purposes of title II, non-Federal land.

16 (4) CATASTROPHIC EVENT RECOVERY.—The
17 term “catastrophic event recovery”, with respect to
18 an area of Federal land damaged by a catastrophic
19 event, means—

20 (A) if the catastrophic event involved fire,
21 the rehabilitation and restoration activities
22 (other than any emergency stabilization treat-
23 ments undertaken as part of the burned area
24 emergency response) that are undertaken on
25 the damaged Federal land, including any infra-

1 structure or facilities thereon, in response to
2 the catastrophic event;

3 (B) if the catastrophic event did not in-
4 volve fire, the emergency stabilization and reha-
5 bilitation and restoration activities that are un-
6 dertaken on the damaged Federal land, includ-
7 ing infrastructure or facilities thereon, in re-
8 sponse to the catastrophic event; or

9 (C) the reforestation or revegetation of the
10 damaged Federal land in response to the cata-
11 strophic event using, to the extent practicable
12 and preferable, native or beneficial plants to
13 avoid creation of plantation forests and the re-
14 covery of trees on the damaged Federal land
15 through the use of timber harvesting in a man-
16 ner consistent with the applicable land and re-
17 source management plan.

18 (5) CATASTROPHIC EVENT RECOVERY EVALUA-
19 TION.—The term “catastrophic event recovery eval-
20 uation”, with respect to an area of Federal land
21 damaged by a catastrophic event, means an evalua-
22 tion of the damaged Federal land that is conducted
23 in accordance with section 102 for the purpose of
24 developing the catastrophic event recovery proposal
25 for the area.

1 (6) CATASTROPHIC EVENT RECOVERY PRO-
 2 POSAL.—The term “catastrophic event recovery pro-
 3 posal” means the list and brief description of cata-
 4 strophic event recovery projects, catastrophic event
 5 research projects, and pre-approved management
 6 practices that are—

7 (A) prepared or identified as part of the
 8 catastrophic event recovery evaluation of an
 9 area of Federal land damaged by a catastrophic
 10 event; and

11 (B) proposed to be undertaken to facilitate
 12 the catastrophic event recovery of the area or
 13 evaluate the effects and effectiveness of such re-
 14 covery efforts.

15 (7) CATASTROPHIC EVENT RECOVERY
 16 PROJECT.—The term “catastrophic event recovery
 17 project” means an individual activity or a series of
 18 activities identified in a catastrophic event recovery
 19 proposal for an area of Federal land damaged by a
 20 catastrophic event and proposed to be undertaken in
 21 response to the catastrophic event to promote cata-
 22 strophic event recovery.

23 (8) CATASTROPHIC EVENT RESEARCH
 24 PROJECT.—The term “catastrophic event research

project” means a scientifically designed study of the effects and effectiveness of—

(A) any catastrophic event recovery projects undertaken in an area of land damaged by a catastrophic event; and

(B) any emergency stabilization treatments undertaken as part of a burned area emergency response in the area of land damaged by a catastrophic event.

(9) COMMUNITY WILDFIRE PROTECTION PLAN.—The term “community wildfire protection plan” has the meaning given that term in section 101(3) of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511(3)).

(10) FEDERAL LAND.—The term “Federal land” means land in the National Forest System and land managed by the Bureau of Land Management. The term does not include any land contained in a component of the National Wilderness Preservation System or designated as a national monument.

(11) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

1 (12) LAND AND RESOURCE MANAGEMENT
2 PLAN.—The term “land and resource management
3 plan” means—

4 (A) a land and resource management plan
5 developed for a unit of the National Forest Sys-
6 tem under section 6 of the Forest and Range-
7 land Renewable Resources Planning Act of
8 1974 (16 U.S.C. 1604); or

9 (B) a land use plan developed for an area
10 of the public land under section 202 of the Fed-
11 eral Land Policy and Management Act of 1976
12 (43 U.S.C. 1712).

13 (13) LAND-GRANT COLLEGES AND UNIVER-
14 SITIES.—The term “land-grant colleges and univer-
15 sities” has the meaning given that term in section
16 1404(11) of the National Agricultural Research, Ex-
17 tension, and Teaching Policy Act of 1977 (7 U.S.C.
18 3103(11)).

19 (14) LANDSCAPE ASSESSMENT.—The term
20 “landscape assessment” means an assessment de-
21 scribing catastrophic event conditions and recovery
22 needs and opportunities on non-Federal land af-
23 fected by a catastrophic event and including a list of
24 proposed special recovery projects to address those
25 needs and opportunities.

1 (15) NATIONAL FOREST SYSTEM.—The term
2 “National Forest System” has the meaning given
3 that term in section 11(a) of the Forest and Range-
4 land Renewable Resources Planning Act of 1974 (16
5 U.S.C. 1609(a)).

6 (16) NATURAL DISASTER.—The term “natural
7 disaster” includes a hurricane, tornado, windstorm,
8 snow or ice storm, rain storm, high water, wind-driv-
9 en water, tidal wave, earthquake, volcanic eruption,
10 landslide, mudslide, drought, or insect or disease
11 outbreak.

12 (17) PRE-APPROVED MANAGEMENT PRAC-
13 TICE.—The term “pre-approved management prac-
14 tice” means a management practice identified by the
15 Secretary concerned under section 104(a) that may
16 be immediately implemented as part of a cata-
17 strophic event recovery project or catastrophic event
18 research project to facilitate the catastrophic event
19 recovery of an area of Federal land damaged by a
20 catastrophic event.

21 (18) SECRETARY CONCERNED.—The term
22 “Secretary concerned” means—

23 (A) the Secretary of Agriculture, with re-
24 spect to National Forest System land; and

1 (B) the Secretary of the Interior, with re-
 2 spect to land managed by the Bureau of Land
 3 Management, including land held for the benefit
 4 of an Indian tribe.

5 (19) SPECIAL RECOVERY PROJECT.—The term
 6 “special recovery project” means an individual activ-
 7 ity or a series of activities proposed to be under-
 8 taken to rehabilitate, repair, and restore non-Federal
 9 land damaged by a catastrophic event, community
 10 infrastructure and facilities on the land, and eco-
 11 nomic, social, and cultural conditions affected by the
 12 catastrophic event.

13 **TITLE I—RESPONSE TO CATA-** 14 **STROPHIC EVENTS ON FED-** 15 **ERAL LAND**

16 **SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND** 17 **USE IN CATASTROPHIC EVENT RESEARCH** 18 **PROJECTS.**

19 (a) DEVELOPMENT OF PROTOCOLS; PURPOSE.—For
 20 the purpose of collecting and analyzing scientific informa-
 21 tion about the effectiveness and ecological impacts of cata-
 22 strophic event recovery projects and emergency stabiliza-
 23 tion treatments undertaken as part of a burned area emer-
 24 gency response to increase the long-term benefits of man-
 25 agement activities and to decrease short-term impacts, the

1 Secretary concerned shall develop research protocols con-
2 sisting of a research approach that is specifically designed
3 to improve knowledge, understanding, and predictive capa-
4 bilities, including an appropriate and scientifically sound
5 experimental design or set of sampling procedures, and ac-
6 companying methods of data analysis and interpretation.

7 (b) PEER REVIEW REQUIRED.—The research proto-
8 cols developed under subsection (a), and any subsequent
9 modification thereof, shall be subject to independent peer
10 review by scientific and land management experts.

11 (c) TIME FOR COMPLETION; MODIFICATION.—The
12 research protocols required by this section shall be sub-
13 mitted to Congress not later than 180 days after the date
14 of enactment of this Act. The Secretary concerned may
15 modify the research protocols, as the Secretary determines
16 necessary, after their submission to Congress. The Sec-
17 retary concerned shall notify Congress regarding any such
18 modification.

19 (d) CATASTROPHIC EVENT RESEARCH PROJECTS.—
20 In accordance with the research protocols developed under
21 this section, the Secretary concerned may conduct one or
22 more catastrophic event research projects in an area of
23 land damaged by a catastrophic event. The Secretary may
24 develop a proposed catastrophic event research project as
25 part of a catastrophic event recovery proposal or develop

1 a catastrophic event research project independently of the
2 catastrophic event recovery proposal during the cata-
3 strophic event recovery in response to changing conditions
4 in the area damaged by the catastrophic event.

5 (e) PUBLIC ACCESS.—

6 (1) PROTOCOLS.—The Secretary concerned
7 shall make the research protocols developed under
8 subsection (a), including any modification thereof,
9 publicly available, in a form determined to be appro-
10 priate by the Secretary.

11 (2) RESEARCH RESULTS.—After completion of
12 the independent peer review required by subsection
13 (b), the Secretary concerned shall make the results
14 of catastrophic event research projects publicly avail-
15 able, in a form determined to be appropriate by the
16 Secretary.

17 (f) FOREST HEALTH PARTNERSHIPS.—

18 (1) IN GENERAL.—In developing and using the
19 research protocols required by this section, the Sec-
20 retary concerned shall enter into at least 1 coopera-
21 tive agreement with 1 or land-grant colleges or uni-
22 versities in each Forest Service Region to form for-
23 est health partnerships, including regional institutes,
24 to utilize the education, research, and outreach ca-
25 pacity of land-grant colleges and universities to ad-

1 dress the recovery of forested land after a cata-
2 strophic event.

3 (2) ALIGNMENT WITH COOPERATIVE ECO-
4 SYSTEM STUDIES UNITS.—A forest health partner-
5 ship may be aligned with the current network of Co-
6 operative Ecosystem Studies Units.

7 **SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.**

8 (a) COMMENCEMENT.—

9 (1) EVALUATION REQUIRED.—In response to a
10 catastrophic event affecting 1,000 or more acres of
11 Federal land, the Secretary concerned shall conduct
12 a catastrophic event recovery evaluation of the dam-
13 aged Federal land.

14 (2) EVALUATION AUTHORIZED.—If a cata-
15 strophic event affects more than 250 acres of Fed-
16 eral land, but less than 1,000 acres, the Secretary
17 concerned is authorized, but not required, to conduct
18 a catastrophic event recovery evaluation of the dam-
19 aged Federal land.

20 (b) COMPLETION.—When a catastrophic event recov-
21 ery evaluation is required to be conducted under sub-
22 section (a), the Secretary concerned shall commence and
23 complete the catastrophic event recovery evaluation not
24 later than 30 days after the conclusion of the catastrophic
25 event in order to facilitate prompt—

1 (1) decision-making with regard to the cata-
2 strophic event recovery of the Federal land damaged
3 by the catastrophic event; and

4 (2) implementation of catastrophic event recov-
5 ery projects on the damaged Federal land.

6 (c) ELEMENTS OF CATASTROPHIC EVENT EVALUA-
7 TION.—In conducting the catastrophic event recovery eval-
8 uation for an area of Federal land damaged by a cata-
9 strophic event, the Secretary concerned shall prepare the
10 following:

11 (1) A description of catastrophic event condi-
12 tions on the damaged Federal land, recovery needs
13 and opportunities, and the areas where management
14 intervention would be helpful—

15 (A) to repair, maintain, or improve re-
16 source values;

17 (B) to maintain infrastructure;

18 (C) to foster reforestation or other recov-
19 ery of the damaged Federal land; and

20 (D) to achieve the goals and objectives of
21 the applicable land and resource management
22 plan.

23 (2) A preliminary determination of any cata-
24 strophic event research projects that best fit the cir-
25 cumstances of the particular catastrophic event envi-

1 ronment or would enhance scientific understanding
2 relevant to the damaged area.

3 (3) A catastrophic event recovery proposal con-
4 taining possible catastrophic event recovery projects
5 and catastrophic event research projects for the
6 damaged area and describing the anticipated size
7 and scope of these projects.

8 (4) One or more maps detailing the area of
9 damaged Federal land and the location of cata-
10 strophic event recovery proposals.

11 (5) A preliminary estimate of the funding that
12 would be needed to complete the catastrophic event
13 recovery projects and catastrophic event research
14 projects contained in the catastrophic event recovery
15 proposal.

16 (6) A preliminary estimate of the receipts to be
17 derived from the catastrophic event recovery projects
18 and catastrophic event research projects contained in
19 the catastrophic event recovery proposal.

20 (7) A preliminary schedule showing the timing
21 of possible catastrophic event recovery projects and
22 catastrophic event research projects by fiscal year,
23 assuming funding is available to undertake the
24 projects.

1 (d) USE OF PRE-APPROVED MANAGEMENT PRAC-
2 TICES OR ALTERNATIVE ARRANGEMENTS.—

3 (1) DETERMINATION.—In addition to com-
4 plying with the requirements specified in subsection
5 (c) for each catastrophic event recovery evaluation,
6 the Secretary concerned shall make a determination
7 of—

8 (A) whether or not any pre-approved man-
9 agement practices can be immediately imple-
10 mented under section 104 to facilitate the cata-
11 strophic event recovery of the area covered by
12 the catastrophic event recovery evaluation; and

13 (B) whether or not any catastrophic event
14 recovery project or catastrophic event research
15 project, or portion of such a project, contained
16 in the catastrophic event recovery proposal
17 should be developed and carried out using the
18 alternative arrangements authorized by section
19 105.

20 (2) FACTORS.—In making any determination
21 under paragraph (1)(B) to develop and carry out a
22 catastrophic event recovery project or catastrophic
23 event research project, or portion of such a project,
24 using alternative arrangements under section 105,

1 the Secretary concerned shall consider at a min-
2 imum the following:

3 (A) The necessity of promptly responding
4 to the catastrophic event on the damaged Fed-
5 eral land.

6 (B) The recovery needs and opportunities
7 identified under subsection (c)(1) with respect
8 to the damaged Federal land.

9 (C) The lack of pre-approved management
10 practices applicable to the damaged Federal
11 land.

12 (D) The threat to public health and safety.

13 (E) The likelihood of substantial loss of
14 adjacent private and public property or other
15 substantial economic losses.

16 (3) NOTIFICATION AND CONSULTATION.—The
17 Secretary concerned shall make the determinations
18 under paragraph (1) after notification of and in con-
19 sultation with the Council on Environmental Qual-
20 ity, but the determination remains in the sole discre-
21 tion of the Secretary.

22 (e) INTERDISCIPLINARY APPROACH.—To conduct the
23 catastrophic event recovery evaluation of an area of Fed-
24 eral land damaged by a catastrophic event, the Secretary
25 concerned shall use a systematic, interdisciplinary ap-

1 proach that insures the integrated use of appropriate nat-
2 ural and social sciences.

3 (f) COORDINATION WITH OTHER ACTIVITIES.—The
4 Secretary concerned may combine the preparation of a
5 catastrophic event recovery evaluation of Federal land
6 with the preparation of a landscape assessment for non-
7 Federal land in the vicinity of the damaged Federal land
8 prepared under section 203(c)(1)(A).

9 (g) PUBLIC COLLABORATION.—To encourage mean-
10 ingful participation during the preparation of catastrophic
11 event recovery projects, the Secretary concerned shall fa-
12 cilitate collaboration among State and local governments,
13 Indian tribes, land-grant colleges and universities, and in-
14 terested persons during the preparation of catastrophic
15 event recovery evaluations and catastrophic event recovery
16 proposals.

17 (h) PUBLIC NOTICE.—

18 (1) NOTICE OF EVALUATION.—The Secretary
19 concerned shall provide public notice of each cata-
20 strophic event recovery evaluation, including the cat-
21 astrophic event recovery proposal prepared as part
22 of the evaluation. The notice shall be provided in a
23 form determined to be appropriate by the Secretary
24 concerned, such as publication in the Federal Reg-
25 ister.

1 (2) NOTICE OF PUBLIC MEETINGS.—The Sec-
2 retary concerned shall provide notice of public meet-
3 ings conducted in connection with a catastrophic
4 event recovery evaluation and the availability of pre-
5 liminary analyses or documents prepared as part of
6 the evaluation. The notice shall be provided at such
7 times and in such a manner as the Secretary con-
8 cerned considers appropriate.

9 **SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**
10 **POLICY ACT.**

11 (a) COMPLIANCE REQUIRED.—Except as provided in
12 subsection (b), the Secretary concerned shall comply with
13 the National Environmental Policy Act of 1969 (42 U.S.C.
14 4331 et seq.), its implementing regulations, and other ap-
15 plicable laws in designing and conducting catastrophic
16 event recovery projects and catastrophic event research
17 projects.

18 (b) SATISFACTION OF NEPA REQUIREMENTS.—The
19 list of pre-approved management practices prepared under
20 subsection (a) of section 104, the use of pre-approved
21 management practices in the manner provided in such sec-
22 tion as part of the catastrophic event recovery of an area
23 of Federal land damaged by a catastrophic event, and the
24 use of alternative arrangements in the manner provided
25 in section 105 to design or conduct a catastrophic event

1 recovery project or catastrophic event research project, or
 2 portion of such a project, are deemed to satisfy the re-
 3 quirements of section 102 of the National Environmental
 4 Policy Act of 1969 (42 U.S.C. 4332) and its implementing
 5 regulations.

6 **SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
 7 **AGEMENT PRACTICES.**

8 (a) LIST OF AVAILABLE PRE-APPROVED MANAGE-
 9 MENT PRACTICES.—

10 (1) PREPARATION OF LIST.—The Secretary
 11 concerned shall prepare a list of management prac-
 12 tices that may be immediately implemented as part
 13 of a catastrophic event recovery project or cata-
 14 strophic event research project to facilitate the cata-
 15 strophic event recovery of an area of Federal land
 16 damaged by a catastrophic event.

17 (2) RULE MAKING.—The list of pre-approved
 18 management practices shall be prepared using notice
 19 and comment rule making under section 553 of title
 20 5, United States Code.

21 (3) PEER REVIEW REQUIRED.—Before a man-
 22 agement practice may be included on the list of pre-
 23 approved management practices, the management
 24 practice shall be subject to independent peer review
 25 by scientific and land management experts. The re-

1 sults of the review shall be available to the public
2 during the comment period.

3 (4) REVISION OR AMENDMENT.—The Secretary
4 concerned may amend or revise the list of pre-ap-
5 proved management practices as necessary whenever
6 new scientific and managerial information becomes
7 available. Paragraphs (2) and (3) shall apply to the
8 amendment or revision process.

9 (b) USE OF PRE-APPROVED MANAGEMENT PRAC-
10 TICES.—Until the end of the 2-year period beginning on
11 the date on which the catastrophic event recovery evalua-
12 tion is completed for an area of Federal land damaged
13 by a catastrophic event, the Secretary concerned may im-
14 plement and carry out pre-approved management prac-
15 tices to facilitate the catastrophic event recovery of the
16 area.

17 (c) EFFECT OF TERMINATION OF PERIOD.—After
18 the expiration of the applicable time period under sub-
19 section (b), a pre-approved management practice may not
20 be initiated under the authority of such subsection for an
21 area of Federal land damaged by a catastrophic event.
22 Any pre-approved management practice initiated before
23 the date of the expiration of the applicable time period
24 may not be continued after that date.

25 (d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

1 (1) ROAD CONSTRUCTION.—A pre-approved
 2 management practice may not authorize any perma-
 3 nent road building. Any temporary road constructed
 4 as part of a pre-approved management practice shall
 5 be obliterated upon conclusion of the practice and
 6 the road area restored to the extent practicable.

7 (2) TIMBER HARVESTING.—Timber harvesting
 8 carried out as part of a pre-approved management
 9 practice shall be limited to trees—

10 (A) that are already down, dead, broken,
 11 or severely root sprung;

12 (B) regarding which mortality is highly
 13 probable within five years after the end of the
 14 catastrophic event;

15 (C) that are required to be removed for
 16 worker or public safety; or

17 (D) that are not specified for snag reten-
 18 tion by the applicable land and resource man-
 19 agement plan.

20 (e) REQUIRED CONSULTATION.—

21 (1) ESA CONSULTATION.—

22 (A) IN GENERAL.—In the case of the pro-
 23 posed use of a pre-approved management prac-
 24 tice under subsection (b), the Secretary con-
 25 cerned may use the emergency procedures de-

1 scribed in section 402.05 of title 50, Code of
2 Federal Regulations, to comply with section 7
3 of the Endangered Species Act of 1973 (16
4 U.S.C. 1536).

5 (B) INCIDENTAL TAKINGS.—

6 (i) IN GENERAL.—At the conclusion
7 of the consultation, the statement required
8 by section 7(b)(4) of the Endangered Spe-
9 cies Act of 1973 (16 U.S.C. 1536(b)(4))
10 shall be issued for any incidental taking
11 that may occur while using the pre-ap-
12 proved management practice.

13 (ii) APPLICATION.—The statement
14 issued under clause (i) shall—

15 (I) be effective beginning on the
16 date the Secretary concerned initiates
17 the practice; and

18 (II) apply to all persons assisting
19 or cooperating with the Secretary in
20 using the practice.

21 (C) DEADLINE FOR COMPLETION.—If the
22 consultation required under this subsection is
23 not completed by the date on which the decision
24 document is issued under subsection (f), the ap-
25 plicable biological assessment from the land

1 management agency shall be considered to be
2 sufficient for the purposes of section 7 of the
3 Endangered Species Act of 1973 (16 U.S.C.
4 1536).

5 (2) OTHER REQUIRED CONSULTATION.—Any
6 consultation required under other laws, such as the
7 National Historic Preservation Act (16 U.S.C. 470
8 et seq.) or the Federal Water Pollution Control Act
9 (33 U.S.C. 1251 et seq.), may proceed simulta-
10 neously with the implementation of a pre-approved
11 management practice. Results of consultation shall
12 be immediately incorporated into the practice, to the
13 extent feasible, practical, and consistent with the re-
14 sponse, recovery, and rehabilitation objectives of the
15 project.

16 (f) ISSUANCE OF DECISION DOCUMENT.—Not later
17 than 30 days after the date on which the Secretary con-
18 cerned makes the determination under section 102(d) to
19 use a pre-approved management practice to facilitate the
20 catastrophic event recovery of an area of Federal land
21 damaged by a catastrophic event, the Secretary concerned
22 shall issue a concise decision document that contains—

23 (1) a description of the pre-approved manage-
24 ment practice to be implemented;

25 (2) the rationale for the agency decision;

1 (3) an economic analysis and justification; and

2 (4) an analysis of the environmental effects of
 3 the pre-approved management practice and how
 4 such effects will be minimized or mitigated con-
 5 sistent with the applicable land and resource man-
 6 agement plan.

7 (g) IMMEDIATE IMPLEMENTATION.—The Secretary
 8 concerned shall implement a pre-approved management
 9 practice immediately after the issuance of the decision
 10 document under subsection (f), subject only to the avail-
 11 ability of funds for the practice.

12 (h) MONITORING.—To monitor the implementation of
 13 a pre-approved management practice, the Secretary con-
 14 cerned may establish a third-party monitoring group, as
 15 determined to be appropriate by the Secretary.

16 **SEC. 105. AVAILABILITY AND USE OF ALTERNATIVE AR-**
 17 **RANGEMENTS.**

18 (a) LIMITED CONSIDERATION OF ALTERNATIVES.—
 19 If the Secretary concerned determines under section
 20 102(d) to utilize alternative arrangements to conduct a
 21 catastrophic event recovery project or catastrophic event
 22 research project, or portion of such a project, the Sec-
 23 retary concerned is not required to study, develop, or de-
 24 scribe more than the proposed agency action and the alter-
 25 native of no action in designing that project or the portion

1 of the project for which the alternative arrangements are
2 utilized.

3 (b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

4 (1) ROAD CONSTRUCTION.—Alternative ar-
5 rangements under this section may not be used to
6 design or conduct a catastrophic event recovery
7 project or catastrophic event research project, or
8 portion of such a project, that provides for any per-
9 manent road building. Any temporary road con-
10 structed as part of the project shall be obliterated
11 upon completion of the project and the road area re-
12 stored to the extent practicable.

13 (2) TIMBER HARVESTING.—Timber harvesting
14 carried out as part of a catastrophic event recovery
15 project or catastrophic event research project, or
16 portion of such a project, for which alternative ar-
17 rangements under this section were used shall be
18 limited to trees—

19 (A) that are already down, dead, broken,
20 or severely root sprung;

21 (B) regarding which mortality is highly
22 probable;

23 (C) that are required to be removed for
24 worker or public safety; or

1 (D) that are not specified for snag reten-
2 tion by the applicable land and resource man-
3 agement plan.

4 (c) REQUIRED CONSULTATION.—

5 (1) ESA CONSULTATION.—

6 (A) IN GENERAL.—In the case of a cata-
7 strophic event recovery project or catastrophic
8 event research project, or portion of such a
9 project, for which alternative arrangements
10 under this section are used, the Secretary con-
11 cerned may use the emergency procedures de-
12 scribed in section 402.05 of title 50, Code of
13 Federal Regulations, to comply with section 7
14 of the Endangered Species Act of 1973 (16
15 U.S.C. 1536).

16 (B) INCIDENTAL TAKINGS.—

17 (i) IN GENERAL.—At the conclusion
18 of the consultation, the statement required
19 by section 7(b)(4) of the Endangered Spe-
20 cies Act of 1973 (16 U.S.C. 1536(b)(4))
21 shall be issued for any incidental taking
22 that may occur under the project.

23 (ii) APPLICATION.—The statement
24 issued under clause (i) shall—

1 (I) be effective beginning on the
 2 date the Secretary concerned initiates
 3 action under the project; and

4 (II) apply to all persons assisting
 5 or cooperating with the Secretary
 6 under the project.

7 (C) DEADLINE FOR COMPLETION.—If the
 8 consultation required under this subsection is
 9 not completed by the date on which the decision
 10 document is issued under subsection (d), the
 11 applicable biological assessment from the land
 12 management agency shall be considered to be
 13 sufficient for the purposes of section 7 of the
 14 Endangered Species Act of 1973 (16 U.S.C.
 15 1536).

16 (2) OTHER REQUIRED CONSULTATION.—Any
 17 consultation required under other laws, such as the
 18 National Historic Preservation Act (16 U.S.C. 470
 19 et seq.) or the Federal Water Pollution Control Act
 20 (33 U.S.C. 1251 et seq.), may proceed simulta-
 21 neously with the design of a catastrophic event re-
 22 covery project or catastrophic event research project,
 23 or portion of such a project, for which alternative ar-
 24 rangements under this section are used. Results of
 25 consultation shall be immediately incorporated into

1 the project, to the extent feasible, practical, and con-
 2 sistent with the response, recovery, and rehabilita-
 3 tion objectives of the project.

4 (d) COMPLETION OF ALTERNATIVE ARRANGEMENTS
 5 AND ISSUANCE OF DECISION DOCUMENT.—Not later than
 6 90 days after the date on which the Secretary concerned
 7 makes the determination under section 102(d) to develop
 8 and carry out a catastrophic event recovery project or cat-
 9 astrophic event research project, or portion of such a
 10 project, using alternative arrangements, the Secretary
 11 concerned shall—

12 (1) complete the alternative arrangements for
 13 that catastrophic event recovery project or cata-
 14 strophic event research project, or portion thereof,
 15 under this section; and

16 (2) issue a concise decision document that con-
 17 tains—

18 (A) the rationale for the agency decision;

19 (B) an economic analysis and justification;

20 and

21 (C) an analysis of the environmental ef-
 22 fects of the project and how such effects will be
 23 minimized or mitigated consistent with the ap-
 24 plicable land and resource management plan.

1 (e) IMMEDIATE IMPLEMENTATION.—In the case of a
 2 catastrophic event recovery project or catastrophic event
 3 research project, or portion of such a project, for which
 4 the alternative arrangements authorized by this section
 5 are used, the Secretary concerned shall implement the
 6 project, or portion of the project, immediately after the
 7 issuance of the decision document under subsection (d),
 8 subject only to the availability of funds for the project.

9 (f) MONITORING.—To monitor a catastrophic event
 10 recovery project or catastrophic event research project, or
 11 portion of such a project, for which the alternative ar-
 12 rangements authorized by this section were used, the Sec-
 13 retary concerned may establish a third-party monitoring
 14 group, as determined to be appropriate by the Secretary.

15 **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

16 (a) ADMINISTRATIVE REVIEW GENERALLY.—Except
 17 as provided in subsection (b), nothing in this title af-
 18 fects—

19 (1) the notice, comment, and appeal require-
 20 ments of section 322 of the Department of the Inte-
 21 rior and Related Agencies Appropriations Act, 1993
 22 (Public 102-381; 16 U.S.C. 1612 note) and section
 23 215 of title 36, Code of Federal Regulations; or

24 (2) the consideration or disposition of any legal
 25 action brought with respect to such requirements.

1 (b) PREDECISIONAL ADMINISTRATIVE REVIEW.—

2 The predecisional administrative review process estab-
 3 lished by the Secretary of Agriculture by regulation under
 4 section 105 of the Healthy Forests Restoration Act of
 5 2003 (16 U.S.C. 6515), and the Department of the Inte-
 6 rior administrative hearings and appeals procedures re-
 7 ferred to in subsection (c)(1)(B) of such section, shall
 8 serve as the sole means by which a person can seek admin-
 9 istrative review regarding—

10 (1) the proposed use of a pre-approved manage-
 11 ment practice under section 104; or

12 (2) a catastrophic event recovery project or cat-
 13 astrophic event research project, or portion of such
 14 a project, for which the alternative arrangements
 15 under section 105 are used.

16 (c) JUDICIAL REVIEW.—

17 (1) IN GENERAL.—Section 106 of the Healthy
 18 Forests Restoration Act of 2003 (16 U.S.C. 6516)
 19 shall apply with respect to the implementation of a
 20 pre-approved management practice under section
 21 104 or a catastrophic event recovery project or cata-
 22 strophic event research project regarding which the
 23 applicable administrative review process has been ex-
 24 hausted.

1 (2) ATTORNEY FEES.—In any proceeding for
 2 judicial review of agency action under this sub-
 3 section, attorney fees awarded to a prevailing party
 4 may not exceed the hourly rates established in sec-
 5 tion 3006A of title 18, United States Code.

6 (d) MEDIATION AND BINDING ARBITRATION.—

7 (1) IN GENERAL.—In lieu of the administrative
 8 and judicial processes provided for in subsections (b)
 9 and (c), the Secretary concerned is encouraged to es-
 10 tablish procedures for voluntary mediation and bind-
 11 ing arbitration that would accelerate the implemen-
 12 tation of catastrophic event recovery projects.

13 (2) REQUIREMENTS.—Any procedures estab-
 14 lished under paragraph (1) shall provide that—

15 (A) the Federal Government shall bear all
 16 costs of any mediation or binding arbitration
 17 proceedings;

18 (B) the limitation on attorney fees under
 19 subsection (c)(2) shall not apply to the pro-
 20 ceedings;

21 (C) the applicable local government, any
 22 persons economically impacted by the cata-
 23 strophic event recovery project, and any poten-
 24 tial litigants shall be allowed to equally partici-
 25 pate in the proceedings;

1 (D) the proceedings shall be completed
2 within 30 days of the date on which the pro-
3 ceedings were initiated; and

4 (E) the mediator shall be mutually accept-
5 able to all parties to the proceedings.

6 **SEC. 107. GUIDANCE REGARDING REFORESTATION IN RE-**
7 **SPONSE TO CATASTROPHIC EVENTS.**

8 Not later than 180 days after the date of enactment
9 of this Act, the Secretary concerned shall—

10 (1) standardize the collection, reporting, and re-
11 view procedures for data regarding more aggressive,
12 expedited, and comprehensive reforestation in re-
13 sponse to catastrophic events by clarifying agency-
14 wide guidance and developing standard protocols for
15 determining when and how reforestation can be best
16 achieved as part of the response to catastrophic
17 events; and

18 (2) clarify agency-wide guidance regarding re-
19 forestation in response to catastrophic events to en-
20 sure that such guidance is consistent with agency
21 goals and budget constraints.

22 **SEC. 108. OBLIGATIONS FROM TRUST FUND.**

23 Section 303(d) of Public Law 96–451 (16 U.S.C.
24 1606a(d)) is amended—

1 (1) by redesignating paragraphs (1) and (2) as
 2 subparagraphs (A) and (B), respectively, and indent-
 3 ing appropriately;

4 (2) by striking the “(d) The Secretary of Agri-
 5 culture” and inserting the following:

6 “(d) OBLIGATIONS FROM TRUST FUND.—

7 “(2) REFORESTATION AND TIMBER STAND IM-
 8 PROVEMENTS.—The Secretary of Agriculture”;

9 (3) by inserting before paragraph (2) (as des-
 10 ignated by paragraph (2)) the following:

11 “(1) DEFINITIONS.—In this subsection:

12 “(A) APPROPRIATE FOREST COVER.—The
 13 term ‘appropriate forest cover’ means the spe-
 14 cies of trees, the degree of stocking, the rate of
 15 growth, and the conditions of a stand designed
 16 to secure the maximum benefits of multiple use
 17 sustained yield management.

18 “(B) CATASTROPHIC EVENT.—The term
 19 ‘catastrophic event’ means any natural disaster
 20 or any fire, flood, or explosion, regardless of
 21 cause, that the Secretary of Agriculture deter-
 22 mines has caused or will cause damage of sig-
 23 nificant severity and magnitude to National
 24 Forest System land.

1 “(C) NATURAL DISASTER.—The term ‘nat-
 2 ural disaster’ includes a hurricane, tornado,
 3 windstorm, snow or ice storm, rain storm, high
 4 water, wind-driven water, tidal wave, earth-
 5 quake, volcanic eruption, landslide, mudslide,
 6 drought, or insect or disease outbreak.”; and

7 (4) in paragraph (2) (as designated by para-
 8 graph (2))—

9 (A) in subparagraph (A) (as redesignated
 10 by paragraph (1))—

11 (i) by inserting “, subject to subpara-
 12 graph (B),” after “reforestation”; and

13 (ii) by striking “and” at the end;

14 (B) by redesignating subparagraph (B) (as
 15 redesignated by paragraph (1)) as subpara-
 16 graph (C); and

17 (C) by inserting after subparagraph (A)
 18 (as redesignated by paragraph (1)) the fol-
 19 lowing:

20 “(B) reforestation treatment to restore ap-
 21 propriate forest cover on National Forest Sys-
 22 tem land that is capable of growing, and avail-
 23 able for, commercial timber harvest and that
 24 has been affected by a catastrophic event if—

1 “(i) the need for the reforestation
 2 treatment is identified in the report sub-
 3 mitted to Congress under section 3(d)(1)
 4 of the Forest and Rangeland Renewable
 5 Resources Planning Act of 1974 (16
 6 U.S.C. 1601(d)(1)); and

7 “(ii) the reforestation treatment oc-
 8 curs within 5 years of—

9 “(I) if there is no harvest activity
 10 following the wildfire or the nonfire
 11 natural disturbance event, the wildfire
 12 or a nonfire natural disturbance
 13 event;

14 “(II) if a regeneration harvest is
 15 the final cut in a stand in a disturbed
 16 area, the regeneration harvest; or

17 “(III) if a salvage harvest is the
 18 final cut in a stand in a disturbed
 19 area, the salvage harvest; and”.

20 **SEC. 109. REVISION OF LAND AND RESOURCE MANAGE-**
 21 **MENT PLANS.**

22 During the 3-year period beginning on the date of
 23 enactment of this Act, the Secretary concerned shall en-
 24 sure that any revision to a land and resource management

1 plan address forest management and recovery goals after
 2 a catastrophic event.

3 **SEC. 110. EFFECT OF TITLE.**

4 (a) USE OF OTHER AUTHORITIES.—Nothing in this
 5 title affects the use by the Secretary concerned of other
 6 statutory or administrative authority, including categor-
 7 ical exclusions adopted to implement the National Envi-
 8 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
 9 to conduct a catastrophic event recovery project or cata-
 10 strophic event research project, or portion of such a
 11 project, that is not conducted using the alternative ar-
 12 rangements authorized by section 105.

13 (b) ADVISORY COMMITTEES.—The Federal Advisory
 14 Committee Act (5 U.S.C. App.) and title XVIII of the
 15 Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.)
 16 shall not apply to—

17 (1) the independent peer review provided by sci-
 18 entific and land management experts under section
 19 101(b);

20 (2) the monitoring process under section 104(h)
 21 or 105(f); and

22 (3) the preparation of a catastrophic event re-
 23 covery evaluation or catastrophic event recovery pro-
 24 posal.

1 **TITLE II—RESTORING LAND-**
 2 **SCAPES AND COMMUNITIES**
 3 **IMPACTED BY CATASTROPHIC**
 4 **EVENTS**

5 **SEC. 201. FINDINGS.**

6 Congress finds that—

7 (1) there is a relationship between poverty and
 8 Federal land ownership, with households below the
 9 poverty level being located in close proximity to Fed-
 10 eral land;

11 (2) households below the poverty level are more
 12 likely to be located in areas with low or no wildfire
 13 or other catastrophic event response capabilities; and

14 (3) catastrophic events disproportionately affect
 15 low-income communities in the short term and long
 16 term by negatively impacting economic activities
 17 such as recreation, timber and nontraditional forest
 18 product utilization, fisheries, and tourism.

19 **SEC. 202. DEFINITIONS.**

20 In this title:

21 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
 22 ty” means a State Forester or equivalent State offi-
 23 cial, an Indian tribe, local government, community-
 24 based organization, or other person.

1 (2) EXCESS RECEIPTS.—The term “excess re-
 2 ceipts” means any National Forest Fund receipts
 3 derived from the sale of timber under section
 4 105(b)(2), that are identified by the Secretary for
 5 the fiscal year as amounts in excess of the amounts
 6 retained onsite for activities included in an applica-
 7 ble catastrophic event recovery project.

8 (3) FUND.—The term “fund” means a commu-
 9 nity protection and recovery fund established under
 10 section 203(a).

11 (4) SECRETARY.—The term “Secretary” means
 12 the Secretary of Agriculture.

13 **SEC. 203. COMMUNITY PROTECTION AND RECOVERY**
 14 **FUNDS.**

15 (a) ESTABLISHMENT.—The Secretary shall establish
 16 within the Treasury a community protection and recovery
 17 fund for each catastrophic event recovery project, con-
 18 sisting of such amounts as are transferred to the fund
 19 under subsection (b).

20 (b) TRANSFERS TO FUND.—There are appropriated
 21 to each fund amounts equivalent to 5 percent of excess
 22 receipts.

23 (c) USE.—

24 (1) IN GENERAL.—Subject to paragraphs (2)
 25 and (3), amounts in the fund shall be available,

1 without further appropriation, to the Secretary, in
2 cooperation with any eligible entities, for—

3 (A) the preparation of a landscape assess-
4 ment for non-Federal land affected by a cata-
5 strophic event;

6 (B) assistance in the preparation of a com-
7 munity wildfire protection plan or related plan;
8 and

9 (C) implementation of special recovery
10 projects identified in the landscape assessment
11 or community wildfire protection plan, commu-
12 nity assessment, or community action plan, in-
13 cluding—

14 (i) revegetation, tree planting, and
15 other management practices that the Sec-
16 retary determines to be appropriate;

17 (ii) developing products from and
18 markets for fire timber harvest and re-
19 maining forest resources;

20 (iii) training for the local workforce;

21 (iv) repair of public facilities, such as
22 water systems, roads, bridges and trails,
23 affected by a catastrophic event; and

1 (v) any other activities that the Sec-
 2 retary determines to be necessary to un-
 3 dertake the special recovery project.

4 (2) PREFERENCE.—In making expenditures
 5 from a fund, the Secretary shall give priority to low-
 6 income communities.

7 (3) LIMITATION.—Amounts in a fund shall only
 8 be available for expenditure for a specific cata-
 9 strophic event during the 3-year period beginning on
 10 the date on which the catastrophic event occurs.

11 (d) REPROGRAMMING.—Amounts deposited in a fund
 12 or eligible for deposit in a fund shall not be subject to
 13 transfer or reprogramming for wildland fire management
 14 or any other emergency purposes.

15 **TITLE III—EXPERIMENTAL** 16 **FORESTS**

17 **SEC. 301. FINDINGS.**

18 Congress finds the following:

19 (1) The experimental forests established pursu-
 20 ant to section 4 of the Forest and Rangeland Re-
 21 newable Resources Research Act of 1978 (16 U.S.C.
 22 1643) or the organic administrative authorities of
 23 the Secretary of Agriculture (16 U.S.C. 551) serve
 24 as a natural laboratory for the Forest Service to
 25 evaluate management practices generally and spe-

1 cific responses to catastrophic events that can be
 2 eventually used throughout the National Forest Sys-
 3 tem.

4 (2) To build upon the knowledge base to be de-
 5 veloped using catastrophic events research projects
 6 conducted under title I, the Secretary of Agriculture
 7 should be authorized to use the same authorities
 8 provided under sections 104 and 105 to design and
 9 carry out projects in the experimental forests.

10 **SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
 11 **AGEMENT PRACTICES ON NATIONAL FOREST**
 12 **EXPERIMENTAL FORESTS.**

13 Management practices included on the list of pre-ap-
 14 proved management practices prepared under subsection
 15 (a) of section 104 may be implemented, in the manner
 16 provided by such section, in an experimental forest estab-
 17 lished pursuant to section 4 of the Forest and Rangeland
 18 Renewable Resources Research Act of 1978 (16 U.S.C.
 19 1643) or the organic administrative authorities of the Sec-
 20 retary of Agriculture (16 U.S.C. 551).

21 **SEC. 303. AVAILABILITY AND USE OF ALTERNATIVE AR-**
 22 **RANGEMENTS FOR PROJECTS ON NATIONAL**
 23 **FOREST EXPERIMENTAL FORESTS.**

24 Section 105 shall apply with respect to any individual
 25 activity or a series of activities proposed to be undertaken

1 in an experimental forest established pursuant to section
2 4 of the Forest and Rangeland Renewable Resources Re-
3 search Act of 1978 (16 U.S.C. 1643) or the organic ad-
4 ministrative authorities of the Secretary of Agriculture
5 (16 U.S.C. 551).

6 **TITLE IV—GENERAL** 7 **PROVISIONS**

8 **SEC. 401. REGULATIONS.**

9 The Secretary concerned is not required to promul-
10 gate regulations to implement this Act.

11 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as are necessary to carry out this Act.

○