

113TH CONGRESS
2D SESSION

S. 2916

To amend the Omnibus Public Land Management Act of 2009 to promote watershed health, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 12, 2014

Mr. HEINRICH (for himself, Mrs. MURRAY, and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Omnibus Public Land Management Act of 2009 to promote watershed health, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring America’s
5 Watersheds Act of 2014”.

6 **SEC. 2. WATER SOURCE PROTECTION PROGRAM.**

7 Subtitle A of title III of the Omnibus Public Land
8 Management Act of 2009 (Public Law 111–11; 123 Stat.
9 1126) is amended by adding at the end the following:

1 **“SEC. 3002. WATER SOURCE PROTECTION PROGRAM.**

2 “(a) IN GENERAL.—The Secretary of Agriculture,
3 acting through the Chief of the Forest Service (referred
4 to in this section as the ‘Secretary’), shall establish and
5 maintain a Water Source Protection Program (referred to
6 in this section as the ‘Program’) within the National For-
7 est System west of the 100th Meridian.

8 “(b) WATER SOURCE INVESTMENT PARTNER-
9 SHIPS.—

10 “(1) IN GENERAL.—In carrying out the Pro-
11 gram, the Secretary may enter into water source in-
12 vestment partnerships with end water users (includ-
13 ing States, political subdivisions, Indian tribes, utili-
14 ties, municipal water systems, irrigation districts,
15 nonprofit organizations, and corporations) to protect
16 and restore the condition of National Forest water-
17 sheds that provide water to the non-Federal part-
18 ners.

19 “(2) FORM.—A partnership described in para-
20 graph (1) may take the form of memoranda of un-
21 derstanding, cost-share or collection agreements,
22 long-term match funding commitments, or other ap-
23 propriate instruments.

24 “(c) WATER SOURCE MANAGEMENT PLAN.—

25 “(1) IN GENERAL.—In carrying out the Pro-
26 gram, the Secretary may produce a water source

1 management plan in cooperation with the water
2 source investment partnership participants and
3 State, local, and tribal governments.

4 “(2) FIREWOOD.—A water source management
5 plan may give priority to projects that facilitate the
6 gathering of firewood for personal use pursuant to
7 section 223.5 of title 36, Code of Federal Regula-
8 tions (or successor regulations).

9 “(3) ENVIRONMENTAL ANALYSIS.—The Sec-
10 retary may conduct—

11 “(A) a single environmental impact state-
12 ment or similar analysis required under the Na-
13 tional Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.) for all or part of the res-
15 toration projects in the water source manage-
16 ment plan; and

17 “(B) a statement or analysis described in
18 subparagraph (A) as part of the development of
19 the water source management plan or after the
20 finalization of the plan.

21 “(4) ENDANGERED SPECIES ACT.—In carrying
22 out the Program, the Secretary may use the Manual
23 on Adaptive Management of the Department of the
24 Interior, including any associated guidance, for pur-
25 poses of fulfilling any requirements under the En-

1 dangered Species Act of 1973 (16 U.S.C. 1531 et
2 seq.).

3 “(5) FUNDS AND SERVICES.—

4 “(A) IN GENERAL.—In carrying out the
5 Program, the Secretary may accept and use
6 funding, services, and other forms of investment
7 and assistance from water source investment
8 partnership participants to implement the water
9 source management plan.

10 “(B) MANNER OF USE.—The Secretary
11 may accept and use investments described in
12 subparagraph (A) directly or indirectly through
13 the National Forest Foundation.

14 “(C) WATER SOURCE PROTECTION
15 FUND.—

16 “(i) IN GENERAL.—Subject to the
17 availability of appropriations, the Secretary
18 may establish a Water Source Protection
19 Fund to match funds or in-kind support
20 contributed by water source investment
21 partnership participants under subpara-
22 graph (A).

23 “(ii) USE OF APPROPRIATED
24 FUNDS.—The Secretary may use funds ap-
25 propriated to carry out this subparagraph

1 to make multiyear commitments, if nec-
2 essary, to implement 1 or more water
3 source investment partnership agree-
4 ments.”.

5 **SEC. 3. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**
6 **MEDIATION PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Agriculture shall
8 establish and maintain a Forest Service Legacy Roads and
9 Trails Remediation Program (referred to in this section
10 as the “Program”) within the National Forest System
11 west of the 100th Meridian—

12 (1) to carry out critical maintenance and urgent
13 repairs and improvements on National Forest Sys-
14 tem roads, trails, and bridges;

15 (2) to restore fish and other aquatic organism
16 passage by removing or replacing unnatural barriers
17 to the passage of fish and other aquatic organisms;

18 (3) to decommission unneeded roads and trails;
19 and

20 (4) to carry out associated activities.

21 (b) PRIORITY.—In implementing the Program, the
22 Secretary shall give priority to projects that protect or re-
23 store—

24 (1) water quality;

1 (2) watersheds that feed public drinking water
2 systems; or

3 (3) habitat for threatened, endangered, and
4 sensitive fish and wildlife species.

5 (c) NATIONAL FOREST SYSTEM.—Except as author-
6 ized under section 323 of title III of the Department of
7 the Interior and Related Agencies Appropriations Act,
8 1999 (16 U.S.C. 1011a), all projects carried out under
9 the Program shall be on National Forest System roads.

10 (d) NATIONAL PROGRAM STRATEGY.—Not later than
11 180 days after the date of enactment of this Act, the Chief
12 of the Forest Service shall develop a national strategy for
13 implementing the Program.

14 **SEC. 4. WATERSHED CONDITION FRAMEWORK.**

15 Subtitle A of title III of the Omnibus Public Land
16 Management Act of 2009 (as amended by section 2) is
17 amended by adding at the end the following:

18 **“SEC. 3003. WATERSHED CONDITION FRAMEWORK.**

19 “(a) IN GENERAL.—The Secretary of Agriculture,
20 acting through the Chief of the Forest Service (referred
21 to in this section as the ‘Secretary’), shall establish and
22 maintain a Watershed Condition Framework within the
23 National Forest System west of the 100th Meridian—

24 “(1) to evaluate and classify the condition of
25 watersheds, taking into consideration—

1 “(A) water quality and quantity;

2 “(B) aquatic habitat and biota;

3 “(C) riparian and wetland vegetation;

4 “(D) the presence of roads and trails;

5 “(E) soil type and condition;

6 “(F) groundwater-dependent ecosystems;

7 “(G) relevant terrestrial indicators, such as

8 fire regime, risk of catastrophic fire, forest and

9 rangeland vegetation, invasive species, and in-

10 sects and disease; and

11 “(H) other significant factors, as deter-
12 mined by the Secretary;

13 “(2) to identify for restoration up to 5 priority
14 watersheds in each National Forest, and up to 2 pri-
15 ority watersheds in each national grassland, taking
16 into consideration the impact of the condition of the
17 watershed condition on—

18 “(A) wildfire behavior;

19 “(B) flood risk;

20 “(C) fish and wildlife;

21 “(D) drinking water supplies;

22 “(E) irrigation water supplies;

23 “(F) forest-dependent communities; and

24 “(G) other significant impacts, as deter-
25 mined by the Secretary;

1 “(3) to develop a watershed restoration action
2 plan for each priority watershed that—

3 “(A) takes into account existing restora-
4 tion activities being implemented in the water-
5 shed; and

6 “(B) includes, at a minimum—

7 “(i) the major stressors responsible
8 for the impaired condition of the water-
9 shed;

10 “(ii) a set of essential projects that,
11 once completed, will address the identified
12 stressors and improve watershed condi-
13 tions;

14 “(iii) a proposed implementation
15 schedule;

16 “(iv) potential partners and funding
17 sources; and

18 “(v) a monitoring and evaluation pro-
19 gram;

20 “(4) to prioritize restoration activities for each
21 watershed restoration action plan;

22 “(5) to implement each watershed restoration
23 action plan; and

24 “(6) to monitor the effectiveness of restoration
25 actions and indicators of watershed health.

1 “(b) COORDINATION.—Throughout the process de-
 2 scribed in subsection (a), the Secretary shall—

3 “(1) coordinate with interested non-Federal
 4 landowners and with State, tribal, and local govern-
 5 ments within the relevant watershed; and

6 “(2) provide for an active and ongoing public
 7 engagement process.

8 “(c) EMERGENCY DESIGNATION.—Notwithstanding
 9 subsection (a)(2), the Secretary may identify a watershed
 10 as a priority for rehabilitation in the Watershed Condition
 11 Framework without using the process described in sub-
 12 section (a), if a Forest Supervisor determines that—

13 “(1) a wildfire has significantly diminished the
 14 condition of the watershed; and

15 “(2) the emergency stabilization activities of the
 16 Burned Area Emergency Response Team are insuffi-
 17 cient to return the watershed to proper function.”.

18 **SEC. 5. REAUTHORIZATION OF THE COLLABORATIVE FOR-**
 19 **EST LANDSCAPE RESTORATION FUND.**

20 Section 4003(f)(6) of the Omnibus Public Land Man-
 21 agement Act of 2009 (16 U.S.C. 7303(f)(6)) is amended
 22 by striking “2019, to remain available until expended”
 23 and inserting “2014, and \$80,000,000 for each of fiscal

1 years 2015 through 2024, to remain available until ex-
2 pended”.

