

114TH CONGRESS
1ST SESSION

H. R. 2316

To generate dependable economic activity for counties and local governments containing National Forest System land by establishing a demonstration program for local, sustainable forest management, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2015

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

A BILL

To generate dependable economic activity for counties and local governments containing National Forest System land by establishing a demonstration program for local, sustainable forest management, 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 “Self-Sufficient Com-
5 munity Lands Act”.

1 **SEC. 2. PURPOSE AND DEFINITIONS.**

2 (a) PURPOSE.—The purpose of this Act is to generate
3 dependable economic activity for counties and local gov-
4 ernments by establishing a demonstration program for
5 local, sustainable forest management.

6 (b) DEFINITIONS.—In this Act:

7 (1) ADVISORY COMMITTEE.—The term “Advi-
8 sory Committee” means the Advisory Committee ap-
9 pointed by the Governor of a State for the commu-
10 nity forest demonstration area established for the
11 State.

12 (2) COMMUNITY FOREST DEMONSTRATION
13 AREA.—The term “community forest demonstration
14 area” means a community forest demonstration area
15 established for a State under section 3.

16 (3) NATIONAL FOREST SYSTEM.—The term
17 “National Forest System” has the meaning given
18 that term in section 11(a) of the Forest and Range-
19 land Renewable Resources Planning Act of 1974 (16
20 U.S.C. 1609(a)), except that the term does not in-
21 clude the National Grasslands and land utilization
22 projects designated as National Grasslands adminis-
23 tered pursuant to the Act of July 22, 1937 (7
24 U.S.C. 1010–1012).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture or the designee of the
3 Secretary of Agriculture.

4 (5) STATE.—The term “State” includes the
5 Commonwealth of Puerto Rico.

6 **SEC. 3. ESTABLISHMENT OF COMMUNITY FOREST DEM-**
7 **ONSTRATION AREAS.**

8 (a) ESTABLISHMENT REQUIRED; TIME FOR ESTAB-
9 LISHMENT.—Subject to subsection (c) and not later than
10 one year after the date of the enactment of this Act, the
11 Secretary of Agriculture shall establish a community for-
12 est demonstration area at the request of the Advisory
13 Committee appointed to manage community forest dem-
14 onstration area land in that State.

15 (b) COVERED LAND.—

16 (1) INCLUSION OF NATIONAL FOREST SYSTEM
17 LAND.—The community forest demonstration areas
18 of a State shall consist of the National Forest Sys-
19 tem land in the State identified for inclusion by the
20 Advisory Committee of that State.

21 (2) EXCLUSION OF CERTAIN LAND.—A commu-
22 nity forest demonstration area shall not include Na-
23 tional Forest System land—

24 (A) that is a component of the National
25 Wilderness Preservation System;

1 (B) on which the removal of vegetation is
 2 specifically prohibited by Federal statute;

3 (C) National Monuments; or

4 (D) over which administration jurisdiction
 5 was first assumed by the Forest Service under
 6 title III.

7 (c) CONDITIONS ON ESTABLISHMENT.—

8 (1) ACREAGE REQUIREMENT.—A community
 9 forest demonstration area must include at least
 10 200,000 acres of National Forest System land. If
 11 the unit of the National Forest System in which a
 12 community forest demonstration area is being estab-
 13 lished contains more than 5,000,000 acres, the com-
 14 munity forest demonstration area may include
 15 900,000 or more acres of National Forest System
 16 land.

17 (2) MANAGEMENT LAW OR BEST MANAGEMENT
 18 PRACTICES REQUIREMENT.—A community forest
 19 demonstration area may be established in a State
 20 only if the State—

21 (A) has a forest practices law applicable to
 22 State or privately owned forest land in the
 23 State; or

24 (B) has established silvicultural best man-
 25 agement practices or other regulations for for-

1 est management practices related to clean
2 water, soil quality, wildlife or forest health.

3 (3) REVENUE SHARING REQUIREMENT.—As a
4 condition of the inclusion in a community forest
5 demonstration area of National Forest System land
6 located in a particular county in a State, the county
7 must enter into an agreement with the Governor of
8 the State that requires that, in utilizing revenues re-
9 ceived by the county under section 7(b), the county
10 shall continue to meet any obligations under applica-
11 ble State law as provided under title I of the Secure
12 Rural Schools and Community Self-Determination
13 Act of 2000 (16 U.S.C. 7111 et seq.) or as provided
14 in the sixth paragraph under the heading “FOREST
15 SERVICE” in the Act of May 23, 1908 (16 U.S.C.
16 500), and section 13 of the Act of March 1, 1911
17 (16 U.S.C. 500).

18 (d) TREATMENT UNDER CERTAIN OTHER LAWS.—
19 National Forest System land included in a community for-
20 est demonstration area shall not be considered Federal
21 land for purposes of—

22 (1) making payments to counties under the
23 sixth paragraph under the heading “FOREST
24 SERVICE” in the Act of May 23, 1908 (16 U.S.C.

1 500), and section 13 of the Act of March 1, 1911
2 (16 U.S.C. 500); or

3 (2) title I.

4 (e) ACREAGE LIMITATION.—Not more than a total
5 of 4,000,000 acres of National Forest System land may
6 be established as community forest demonstration areas.

7 (f) RECOGNITION OF VALID AND EXISTING
8 RIGHTS.—Nothing in this Act shall be construed to limit
9 or restrict—

10 (1) access to National Forest System land in-
11 cluded in a community forest demonstration area for
12 hunting, fishing, and other related purposes; or

13 (2) valid and existing rights regarding such Na-
14 tional Forest System land, including rights of any
15 federally recognized Indian tribe.

16 **SEC. 4. ADVISORY COMMITTEE.**

17 (a) APPOINTMENT.—A community forest demonstra-
18 tion area for a State shall be managed by an Advisory
19 Committee appointed by the Governor of the State.

20 (b) COMPOSITION.—The Advisory Committee for a
21 community forest demonstration area in a State shall in-
22 clude, but is not limited to, the following members:

23 (1) One member who holds county or local
24 elected office, appointed from each county or local

1 governmental unit in the State containing commu-
2 nity forest demonstration area land.

3 (2) One member who represents the commercial
4 timber, wood products, or milling industry.

5 (3) One member who represents persons hold-
6 ing Federal grazing or other land use permits.

7 (4) One member who represents recreational
8 users of National Forest System land.

9 (c) TERMS.—

10 (1) IN GENERAL.—Except in the case of certain
11 initial appointments required by paragraph (2),
12 members of an Advisory Committee shall serve for
13 a term of three years.

14 (2) INITIAL APPOINTMENTS.—In making initial
15 appointments to an Advisory Committee, the Gov-
16 ernor making the appointments shall stagger terms
17 so that at least one-third of the members will be re-
18 placed every three years.

19 (d) COMPENSATION.—Members of a Advisory Com-
20 mittee shall serve without pay, but may be reimbursed
21 from the funds made available for the management of a
22 community forest demonstration area for the actual and
23 necessary travel and subsistence expenses incurred by
24 members in the performance of their duties.

1 **SEC. 5. MANAGEMENT OF COMMUNITY FOREST DEM-**
2 **ONSTRATION AREAS.**

3 (a) ASSUMPTION OF MANAGEMENT.—

4 (1) CONFIRMATION.—The Advisory Committee
5 appointed for a community forest demonstration
6 area shall assume all management authority with re-
7 gard to the community forest demonstration area as
8 soon as the Secretary confirms that—

9 (A) the National Forest System land to be
10 included in the community forest demonstration
11 area meets the requirements of subsections (b)
12 and (c) of section 3;

13 (B) the Advisory Committee has been duly
14 appointed under section 4 and is able to con-
15 duct business; and

16 (C) provision has been made for essential
17 management services for the community forest
18 demonstration area.

19 (2) SCOPE AND TIME FOR CONFIRMATION.—

20 The determination of the Secretary under paragraph
21 (1) is limited to confirming whether the conditions
22 specified in subparagraphs (A) and (B) of such
23 paragraph have been satisfied. The Secretary shall
24 make the determination not later than 60 days after
25 the date of the appointment of the Advisory Com-
26 mittee.

1 (3) EFFECT OF FAILURE TO CONFIRM.—If the
2 Secretary determines that either or both conditions
3 specified in subparagraphs (A) and (B) of paragraph
4 (1) are not satisfied for confirmation of an Advisory
5 Committee, the Secretary shall—

6 (A) promptly notify the Governor of the af-
7 fected State and the Advisory Committee of the
8 reasons preventing confirmation; and

9 (B) make a new determination under para-
10 graph (2) within 60 days after receiving a new
11 request from the Advisory Committee that ad-
12 dresses the reasons that previously prevented
13 confirmation.

14 (b) MANAGEMENT RESPONSIBILITIES.—Upon as-
15 sumption of management of a community forest dem-
16 onstration area, the Advisory Committee for the commu-
17 nity forest demonstration area shall manage the land and
18 resources of the community forest demonstration area and
19 the occupancy and use thereof in conformity with this Act,
20 and to the extent not in conflict with this Act, the laws
21 and regulations applicable to management of State or pri-
22 vately owned forest lands in the State in which the com-
23 munity forest demonstration area is located.

24 (c) APPLICABILITY OF OTHER FEDERAL LAWS.—

1 (1) IN GENERAL.—The administration and
2 management of a community forest demonstration
3 area, including implementing actions, shall not be
4 considered Federal action and shall be subject to the
5 following only to the extent that such laws apply to
6 the State or private administration and management
7 of forest lands in the State in which the community
8 forest demonstration area is located:

9 (A) The Federal Water Pollution Control
10 Act (33 U.S.C. 1251 note).

11 (B) The Clean Air Act (42 U.S.C. 7401 et
12 seq.).

13 (C) The Endangered Species Act of 1973
14 (16 U.S.C. 1531 et seq.).

15 (D) Federal laws and regulations gov-
16 erning procurement by Federal agencies.

17 (E) Except as provided in paragraph (2),
18 other Federal laws.

19 (2) APPLICABILITY OF NATIVE AMERICAN
20 GRAVES PROTECTION AND REPATRIATION ACT.—
21 Notwithstanding the assumption by an Advisory
22 Committee of management of a community forest
23 demonstration area, the Native American Graves
24 Protection and Repatriation Act (25 U.S.C. 3001 et
25 seq.) shall continue to apply to the National Forest

1 System land included in the community forest dem-
2 onstration area.

3 (d) CONSULTATION.—

4 (1) WITH INDIAN TRIBES.—The Advisory Com-
5 mittee for a community forest demonstration area
6 shall cooperate and consult with Indian tribes on
7 management policies and practices for the commu-
8 nity forest demonstration area that may affect the
9 Indian tribes. The Advisory Committee shall take
10 into consideration the use of lands within the com-
11 munity forest demonstration area for religious and
12 cultural uses by Native Americans.

13 (2) WITH COLLABORATIVE GROUPS.—The Advi-
14 sory Committee for a community forest demonstra-
15 tion area shall consult with any applicable forest col-
16 laborative group.

17 (e) RECREATION.—Nothing in this section shall af-
18 fect public use and recreation within a community forest
19 demonstration area.

20 (f) FIRE MANAGEMENT.—The Secretary shall pro-
21 vide fire presuppression, suppression, and rehabilitation
22 services on and with respect to a community forest dem-
23 onstration area to the same extent generally authorized
24 in other units of the National Forest System.

1 (g) PROHIBITION ON EXPORT.—As a condition on
 2 the sale of timber or other forest products from a commu-
 3 nity forest demonstration area, unprocessed timber har-
 4 vested from a community forest demonstration area may
 5 not be exported in accordance with subpart F of part 223
 6 of title 36, Code of Federal Regulations.

7 **SEC. 6. DISTRIBUTION OF FUNDS FROM COMMUNITY FOR-**
 8 **EST DEMONSTRATION AREA.**

9 (a) RETENTION OF FUNDS FOR MANAGEMENT.—The
 10 Advisory Committee appointed for a community forest
 11 demonstration area may retain such sums as the Advisory
 12 Committee considers to be necessary from amounts gen-
 13 erated from that community forest demonstration area to
 14 fund the management, administration, restoration, oper-
 15 ation and maintenance, improvement, repair, and related
 16 expenses incurred with respect to the community forest
 17 demonstration area.

18 (b) FUNDS TO COUNTIES OR LOCAL GOVERNMENTAL
 19 UNITS.—Subject to subsection (a) and section 8, the Advi-
 20 sory Committee for a community forest demonstration
 21 area in a State shall distribute funds generated from that
 22 community forest demonstration area to each county or
 23 local governmental unit in the State in an amount propor-
 24 tional to the funds received by the county or local govern-
 25 mental unit under title I of the Secure Rural Schools and

1 Community Self-Determination Act of 2000 (16 U.S.C.
2 7111 et seq.).

3 **SEC. 7. INITIAL FUNDING AUTHORITY.**

4 (a) FUNDING SOURCE.—Counties may use such sum
5 as the counties consider to be necessary from the amounts
6 made available to the counties under title I of the Secure
7 Rural Schools and Community Self-Determination Act of
8 2000 (16 U.S.C. 7111 et seq.) to provide initial funding
9 for the management of community forest demonstration
10 areas.

11 (b) NO RESTRICTION ON USE OF NON-FEDERAL
12 FUNDS.—Nothing in this Act restricts the Advisory Com-
13 mittee of a community forest demonstration area from
14 seeking non-Federal loans or other non-Federal funds for
15 management of the community forest demonstration area.

16 **SEC. 8. PAYMENTS TO UNITED STATES TREASURY.**

17 (a) PAYMENT REQUIREMENT.—As soon as prac-
18 ticable after the end of the fiscal year in which a commu-
19 nity forest demonstration area is established and as soon
20 as practicable after the end of each subsequent fiscal year,
21 the Advisory Committee for a community forest dem-
22 onstration area shall make a payment to the United States
23 Treasury.

24 (b) PAYMENT AMOUNT.—The payment for a fiscal
25 year under subsection (a) with respect to a community for-

1 est demonstration area shall be equal to 75 percent of the
2 quotient obtained by dividing—

3 (1) the number obtained by multiplying the
4 number of acres of land in the community forest
5 demonstration area by the average annual receipts
6 generated over the preceding 10-fiscal year period
7 from the unit or units of the National Forest Sys-
8 tem containing that community forest demonstration
9 area; by

10 (2) the total acres of National Forest System
11 land in that unit or units of the National Forest
12 System.

13 **SEC. 9. TERMINATION OF COMMUNITY FOREST DEM-**
14 **ONSTRATION AREA.**

15 (a) **TERMINATION AUTHORITY.**—Subject to approval
16 by the Governor of the State, the Advisory Committee for
17 a community forest demonstration area may terminate the
18 community forest demonstration area by a unanimous
19 vote.

20 (b) **EFFECT OF TERMINATION.**—Upon termination of
21 a community forest demonstration area, the Secretary
22 shall immediately resume management of the National
23 Forest System land that had been included in the commu-
24 nity forest demonstration area, and the Advisory Com-
25 mittee shall be dissolved.

1 (c) TREATMENT OF UNDISTRIBUTED FUNDS.—Any
2 revenues from the terminated area that remain undistrib-
3 uted under section 6 more than 30 days after the date
4 of termination shall be deposited in the general fund of
5 the Treasury for use by the Forest Service in such
6 amounts as may be provided in advance in appropriation
7 Acts.

○