

114TH CONGRESS
1ST SESSION

H. R. 2647

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

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 “Resilient Federal Forests Act of 2015”.

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. Definitions.

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

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

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

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

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

Sec. 105. Clarification of existing categorical exclusion authority related to in-
sect and disease infestation.

Sec. 106. Categorical exclusion to improve, restore, and reduce the risk of wild-
fire.

Sec. 107. Compliance with forest plan.

TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO
CATASTROPHIC EVENTS

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

Sec. 202. Compliance with forest plan.

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

Sec. 204. Exclusion of certain lands.

TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT

Sec. 301. Definitions.

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

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

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

Sec. 402. Resource advisory committees.

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

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

Sec. 405. Treatment as supplemental funding.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

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

Sec. 502. Excess offset value.

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

Sec. 504. Submission of existing annual report.

Sec. 505. Fire liability provision.

TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

Sec. 601. Definitions.

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

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

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

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

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

Sec. 703. Tribal forest management demonstration project.

TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

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

Sec. 802. Conditions on Forest Service road decommissioning.

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

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

Sec. 805. Knutson-Vandenberg Act modifications.

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

Sec. 807. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.

Sec. 808. Management of Bureau of Land Management lands in western Oregon.

Sec. 809. Bureau of Land Management resource management plans.

Sec. 810. Landscape-scale forest restoration project.

TITLE IX—MAJOR DISASTER FOR WILDFIRE ON FEDERAL LAND

Sec. 901. Wildfire on Federal lands.

Sec. 902. Declaration of a major disaster for wildfire on Federal lands.

Sec. 903. Prohibition on transfers.

1 **SEC. 2. DEFINITIONS.**

2 In titles I through VIII:

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

8 (2) CATEGORICAL EXCLUSION.—The term “cat-
9 egorical exclusion” refers to an exception to the re-
10 quirements of the National Environmental Policy
11 Act of 1969 (42 U.S.C. 4331 et seq.) for a project
12 or activity relating to the management of National
13 Forest System lands or public lands.

14 (3) COLLABORATIVE PROCESS.—The term “col-
15 laborative process” refers to a process relating to the
16 management of National Forest System lands or
17 public lands by which a project or activity is devel-
18 oped and implemented by the Secretary concerned
19 through collaboration with interested persons, as de-
20 scribed in section 603(b)(1)(C) of the Healthy For-
21 ests Restoration Act of 2003 (16 U.S.C.
22 6591b(b)(1)(C)).

23 (4) COMMUNITY WILDFIRE PROTECTION
24 PLAN.—The term “community wildfire protection
25 plan” has the meaning given that term in section

1 101(3) of the Healthy Forests Restoration Act of
2 2003 (16 U.S.C. 6511(3)).

3 (5) COOS BAY WAGON ROAD GRANT LANDS.—
4 The term “Coos Bay Wagon Road Grant lands”
5 means the lands reconveyed to the United States
6 pursuant to the first section of the Act of February
7 26, 1919 (40 Stat. 1179).

8 (6) FOREST MANAGEMENT ACTIVITY.—The
9 term “forest management activity” means a project
10 or activity carried out by the Secretary concerned on
11 National Forest System lands or public lands in con-
12 cert with the forest plan covering the lands.

13 (7) FOREST PLAN.—The term “forest plan”
14 means—

15 (A) a land use plan prepared by the Bu-
16 reau of Land Management for public lands pur-
17 suant to section 202 of the Federal Land Policy
18 and Management Act of 1976 (43 U.S.C.
19 1712); or

20 (B) a land and resource management plan
21 prepared by the Forest Service for a unit of the
22 National Forest System pursuant to section 6
23 of the Forest and Rangeland Renewable Re-
24 sources Planning Act of 1974 (16 U.S.C.
25 1604).

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

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

11 (10) OREGON AND CALIFORNIA RAILROAD
12 GRANT LANDS.—The term “Oregon and California
13 Railroad Grant lands” means the following lands:

14 (A) All lands in the State of Oregon re-
15 vested in the United States under the Act of
16 June 9, 1916 (39 Stat. 218), that are adminis-
17 tered by the Secretary of the Interior, acting
18 through the Bureau of Land Management, pur-
19 suant to the first section of the Act of August
20 28, 1937 (43 U.S.C. 1181a).

21 (B) All lands in that State obtained by the
22 Secretary of the Interior pursuant to the land
23 exchanges authorized and directed by section 2
24 of the Act of June 24, 1954 (43 U.S.C. 1181h).

1 (C) All lands in that State acquired by the
2 United States at any time and made subject to
3 the provisions of title II of the Act of August
4 28, 1937 (43 U.S.C. 1181f).

5 (11) PUBLIC LANDS.—The term “public lands”
6 has the meaning given that term in section 103(e)
7 of the Federal Land Policy and Management Act of
8 1976 (43 U.S.C. 1702(e)), except that the term in-
9 cludes Coos Bay Wagon Road Grant lands and Or-
10 regon and California Railroad Grant lands.

11 (12) REFORESTATION ACTIVITY.—The term
12 “reforestation activity” means a project or activity
13 carried out by the Secretary concerned whose pri-
14 mary purpose is the reforestation of impacted lands
15 following a large-scale catastrophic event. The term
16 includes planting, evaluating and enhancing natural
17 regeneration, clearing competing vegetation, and
18 other activities related to reestablishment of forest
19 species on the fire-impacted lands.

20 (13) RESOURCE ADVISORY COMMITTEE.—The
21 term “resource advisory committee” has the mean-
22 ing given that term in section 201(3) of the Secure
23 Rural Schools and Community Self-Determination
24 Act of 2000 (16 U.S.C. 7121(3)).

1 (14) SALVAGE OPERATION.—The term “salvage
2 operation” means a forest management activity un-
3 dertaken in response to a catastrophic event whose
4 primary purpose—

5 (A) is to prevent wildfire as a result of the
6 catastrophic event, or, if the catastrophic event
7 was wildfire, to prevent a re-burn of the fire-im-
8 pacted area;

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

12 (C) is to provide a funding source for re-
13 forestation and other restoration activities for
14 the National Forest System lands or public
15 lands impacted by the catastrophic event.

16 (15) SECRETARY CONCERNED.—The term
17 “Secretary concerned” means—

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

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

1 **TITLE I—EXPEDITED ENVIRON-**
2 **MENTAL ANALYSIS AND**
3 **AVAILABILITY OF CATEGOR-**
4 **ICAL EXCLUSIONS TO EXPE-**
5 **DITE FOREST MANAGEMENT**
6 **ACTIVITIES**

7 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
8 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
9 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

10 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
11 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
12 MENTS.—This section shall apply whenever the Secretary
13 concerned prepares an environmental assessment or an en-
14 vironmental impact statement pursuant to section 102(2)
15 of the National Environmental Policy Act of 1969 (42
16 U.S.C. 4332(2)) for a forest management activity that—

17 (1) is developed through a collaborative process;

18 (2) is proposed by a resource advisory com-
19 mittee; or

20 (3) is covered by a community wildfire protec-
21 tion plan.

22 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
23 ronmental assessment or environmental impact statement
24 described in subsection (a), the Secretary concerned shall

1 study, develop, and describe only the following two alter-
 2 natives:

3 (1) The forest management activity, as pro-
 4 posed pursuant to paragraph (1), (2), or (3) of sub-
 5 section (a).

6 (2) The alternative of no action.

7 (c) ELEMENTS OF NON-ACTION ALTERNATIVE.—In
 8 the case of the alternative of no action, the Secretary con-
 9 cerned shall evaluate—

10 (1) the effect of no action on—

11 (A) forest health;

12 (B) habitat diversity;

13 (C) wildfire potential; and

14 (D) insect and disease potential; and

15 (2) the implications of a resulting decline in
 16 forest health, loss of habitat diversity, wildfire, or in-
 17 sect or disease infestation, given fire and insect and
 18 disease historic cycles, on—

19 (A) domestic water costs;

20 (B) wildlife habitat loss; and

21 (C) other economic and social factors.

22 **SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CER-**
 23 **TAIN CRITICAL RESPONSE ACTIONS.**

24 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
 25 categorical exclusion is available to the Secretary con-

1 cerned to develop and carry out a forest management ac-
2 tivity on National Forest System lands or public lands
3 when the primary purpose of the forest management activ-
4 ity is—

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

6 (2) to reduce hazardous fuel loads;

7 (3) to protect a municipal water source;

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

10 (5) to increase water yield; or

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

13 (b) ACREAGE LIMITATIONS.—

14 (1) IN GENERAL.—Except in the case of a for-
15 est management activity described in paragraph (2),
16 a forest management activity covered by the categor-
17 ical exclusion granted by subsection (a) may not
18 contain harvest units exceeding a total of 5,000
19 acres.

20 (2) LARGER AREAS AUTHORIZED.—A forest
21 management activity covered by the categorical ex-
22 clusion granted by subsection (a) may not contain
23 harvest units exceeding a total of 15,000 acres if the
24 forest management activity—

1 (A) is developed through a collaborative
2 process;

3 (B) is proposed by a resource advisory
4 committee; or

5 (C) is covered by a community wildfire
6 protection plan.

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

10 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
11 categorical exclusion is available to the Secretary con-
12 cerned to develop and carry out a salvage operation as
13 part of the restoration of National Forest System lands
14 or public lands following a catastrophic event.

15 (b) ACREAGE LIMITATIONS.—

16 (1) IN GENERAL.—A salvage operation covered
17 by the categorical exclusion granted by subsection
18 (a) may not contain harvest units exceeding a total
19 of 5,000 acres.

20 (2) HARVEST AREA.—In addition to the limita-
21 tion imposed by paragraph (1), the harvest units
22 covered by the categorical exclusion granted by sub-
23 section (a) may not exceed one-third of the area im-
24 pacted by the catastrophic event.

25 (c) ADDITIONAL REQUIREMENTS.—

1 (1) ROAD BUILDING.—A salvage operation cov-
2 ered by the categorical exclusion granted by sub-
3 section (a) may not include any new permanent
4 roads. Temporary roads constructed as part of the
5 salvage operation shall be retired before the end of
6 the fifth fiscal year beginning after the completion
7 of the salvage operation.

8 (2) STREAM BUFFERS.—A salvage operation
9 covered by the categorical exclusion granted by sub-
10 section (a) shall comply with the standards and
11 guidelines for stream buffers contained in the appli-
12 cable forest plan unless waived by the Regional For-
13 ester, in the case of National Forest System lands,
14 or the State Director of the Bureau of Land Man-
15 agement, in the case of public lands.

16 (3) REFORESTATION PLAN.—A reforestation
17 plan shall be developed under section 3 of the Act
18 of June 9, 1930 (commonly known as the Knutson-
19 Vandenberg Act; 16 U.S.C. 576b), as part of a sal-
20 vage operation covered by the categorical exclusion
21 granted by subsection (a).

1 **SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST**
2 **PLAN GOALS FOR EARLY SUCCESSIONAL**
3 **FORESTS.**

4 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
5 categorical exclusion is available to the Secretary con-
6 cerned to develop and carry out a forest management ac-
7 tivity on National Forest System lands or public lands
8 when the primary purpose of the forest management activ-
9 ity is to modify, improve, enhance, or create early succes-
10 sional forests for wildlife habitat improvement and other
11 purposes, consistent with the applicable forest plan.

12 (b) PROJECT GOALS.—To the maximum extent prac-
13 ticable, the Secretary concerned shall design a forest man-
14 agement activity under this section to meet early succes-
15 sional forest goals in such a manner so as to maximize
16 production and regeneration of priority species, as identi-
17 fied in the forest plan and consistent with the capability
18 of the activity site.

19 (c) ACREAGE LIMITATIONS.—A forest management
20 activity covered by the categorical exclusion granted by
21 subsection (a) may not contain harvest units exceeding a
22 total of 5,000 acres.

1 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**
2 **CLUSION AUTHORITY RELATED TO INSECT**
3 **AND DISEASE INFESTATION.**

4 Section 603(c)(2)(B) of the Healthy Forests Restora-
5 tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended
6 by striking “Fire Regime Groups I, II, or III” and insert-
7 ing “Fire Regime I, Fire Regime II, Fire Regime III, or
8 Fire Regime IV”.

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

11 (a) AVAILABILITY OF CATEGORICAL EXCLUSION.—A
12 categorical exclusion is available to the Secretary con-
13 cerned to carry out a forest management activity described
14 in subsection (c) on National Forest System Lands or
15 public lands when the primary purpose of the activity is
16 to improve, restore, or reduce the risk of wildfire on those
17 lands.

18 (b) ACREAGE LIMITATIONS.—A forest management
19 activity covered by the categorical exclusion granted by
20 subsection (a) may not exceed 5,000 acres.

21 (c) AUTHORIZED ACTIVITIES.—The following activi-
22 ties may be carried out using a categorical exclusion
23 granted by subsection (a):

24 (1) Removal of juniper trees, medusahead rye,
25 conifer trees, piñon pine trees, cheatgrass, and other
26 noxious or invasive weeds specified on Federal or

1 State noxious weeds lists through late-season live-
2 stock grazing, targeted livestock grazing, prescribed
3 burns, and mechanical treatments.

4 (2) Performance of hazardous fuels manage-
5 ment.

6 (3) Creation of fuel and fire breaks.

7 (4) Modification of existing fences in order to
8 distribute livestock and help improve wildlife habitat.

9 (5) Installation of erosion control devices.

10 (6) Construction of new and maintenance of
11 permanent infrastructure, including stock ponds,
12 water catchments, and water spring boxes used to
13 benefit livestock and improve wildlife habitat.

14 (7) Performance of soil treatments, native and
15 non-native seeding, and planting of and trans-
16 planting sagebrush, grass, forb, shrub, and other
17 species.

18 (8) Use of herbicides, so long as the Secretary
19 concerned determines that the activity is otherwise
20 conducted consistently with agency procedures, in-
21 cluding any forest plan applicable to the area cov-
22 ered by the activity.

23 (d) DEFINITIONS.—In this section:

24 (1) HAZARDOUS FUELS MANAGEMENT.—The
25 term “hazardous fuels management” means any

1 vegetation management activities that reduce the
2 risk of wildfire.

3 (2) LATE-SEASON GRAZING.—The term “late-
4 season grazing” means grazing activities that occur
5 after both the invasive species and native perennial
6 species have completed their current-year annual
7 growth cycle until new plant growth begins to ap-
8 pear in the following year.

9 (3) TARGETED LIVESTOCK GRAZING.—The
10 term “targeted livestock grazing” means grazing
11 used for purposes of hazardous fuel reduction.

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

13 A forest management activity covered by a categorical
14 exclusion granted by this title shall be conducted in a man-
15 ner consistent with the forest plan applicable to the Na-
16 tional Forest System land or public lands covered by the
17 forest management activity.

18 **TITLE II—SALVAGE AND REFOR-**
19 **ESTATION IN RESPONSE TO**
20 **CATASTROPHIC EVENTS**

21 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
22 **ESTATION ACTIVITIES FOLLOWING LARGE-**
23 **SCALE CATASTROPHIC EVENTS.**

24 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—
25 Notwithstanding any other provision of law, any environ-

1 mental assessment prepared by the Secretary concerned
2 pursuant to section 102(2) of the National Environmental
3 Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-
4 ation or reforestation activity proposed to be conducted
5 on National Forest System lands or public lands adversely
6 impacted by a large-scale catastrophic event shall be com-
7 pleted within 3 months after the conclusion of the cata-
8 strophic event.

9 (b) EXPEDITED IMPLEMENTATION AND COMPLE-
10 TION.—In the case of reforestation activities conducted on
11 National Forest System lands or public lands adversely
12 impacted by a large-scale catastrophic event, the Secretary
13 concerned shall achieve reforestation of at least 75 percent
14 of the impacted lands during the 5-year period following
15 the conclusion of the catastrophic event.

16 (c) AVAILABILITY OF KNUTSON-VANDENBERG
17 FUNDS.—Amounts in the special fund established pursu-
18 ant to section 3 of the Act of June 9, 1930 (commonly
19 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b)
20 shall be available to the Secretary of Agriculture for refor-
21 estation activities authorized by this title.

22 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—Not-
23 withstanding any other provision of law, in the case of a
24 salvage operation or reforestation activity proposed to be
25 conducted on National Forest System lands or public

1 lands adversely impacted by a large-scale catastrophic
2 event, the Secretary concerned shall allow 30 days for pub-
3 lic scoping and comment, 15 days for filing an objection,
4 and 15 days for the agency response to the filing of an
5 objection. Upon completion of this process and expiration
6 of the period specified in subsection (a), the Secretary con-
7 cerned shall implement the project immediately.

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

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

14 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**
15 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**
16 **PENDING APPEAL.**

17 No restraining order, preliminary injunction, or in-
18 junction pending appeal shall be issued by any court of
19 the United States with respect to any decision to prepare
20 or conduct a salvage operation or reforestation activity in
21 response to a large-scale catastrophic event. Section 705
22 of title 5, United States Code, shall not apply to any chal-
23 lenge to the salvage operation or reforestation activity.

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

2 In applying this title, the Secretary concerned may
3 not carry out salvage operations or reforestation activities
4 on National Forest System lands or public lands—

5 (1) that are included in the National Wilderness
6 Preservation System;

7 (2) that are located within an inventoried
8 roadless area unless the reforestation activity is con-
9 sistent with the forest plan; or

10 (3) on which timber harvesting for any purpose
11 is prohibited by statute.

12 **TITLE III—COLLABORATIVE**
13 **PROJECT LITIGATION RE-**
14 **QUIREMENT**

15 **SEC. 301. DEFINITIONS.**

16 In this title:

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

20 (2) **EXPENSES.**—The term “expenses” includes
21 the expenditures incurred by the staff of the Sec-
22 retary concerned in preparing for and responding to
23 a legal challenge to a collaborative forest manage-
24 ment activity and in participating in litigation that
25 challenges the forest management activity, including
26 such staff time as may be used to prepare the ad-

1 ministrative record, exhibits, declarations, and affi-
2 davits in connection with the litigation.

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

6 (a) BOND REQUIRED.—In the case of a forest man-
7 agement activity developed through a collaborative process
8 or proposed by a resource advisory committee, any plain-
9 tiff or plaintiffs challenging the forest management activ-
10 ity shall be required to post a bond or other security equal
11 to the anticipated costs, expenses, and attorneys fees of
12 the Secretary concerned as defendant, as reasonably esti-
13 mated by the Secretary concerned. All proceedings in the
14 action shall be stayed until the required bond or security
15 is provided.

16 (b) RECOVERY OF LITIGATION COSTS, EXPENSES,
17 AND ATTORNEYS FEES.—

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

1 (2) MAXIMUM AMOUNT RECOVERED.—The
2 amount of costs, expenses, and attorneys fees recov-
3 ered by the Secretary concerned under paragraph
4 (1) as a result of prevailing in an action challenging
5 the forest management activity may not exceed the
6 amount of the bond or other security posted under
7 subsection (a) in such action.

8 (3) RETURN OF REMAINDER.—Any funds re-
9 maining from the bond or other security posted
10 under subsection (a) after the payment of costs, ex-
11 penses, and attorneys fees under paragraph (1) shall
12 be returned to the plaintiff or plaintiffs that posted
13 the bond or security in the action.

14 (c) RETURN OF BOND TO PREVAILING PLAINTIFF.—

15 (1) IN GENERAL.—If the plaintiff ultimately
16 prevails on the merits in every action brought by the
17 plaintiff challenging a forest management activity
18 described in subsection (a), the court shall return to
19 the plaintiff any bond or security provided by the
20 plaintiff under subsection (a), plus interest from the
21 date the bond or security was provided.

22 (2) ULTIMATELY PREVAILS ON THE MERITS.—
23 In this subsection, the phrase “ultimately prevails on
24 the merits” means, in a final enforceable judgment
25 on the merits, a court rules in favor of the plaintiff

1 on every cause of action in every action brought by
2 the plaintiff challenging the forest management ac-
3 tivity.

4 (d) EFFECT OF SETTLEMENT.—If a challenge to a
5 forest management activity described in subsection (a) for
6 which a bond or other security was provided by the plain-
7 tiff under such subsection is resolved by settlement be-
8 tween the Secretary concerned and the plaintiff, the settle-
9 ment agreement shall provide for sharing the costs, ex-
10 penses, and attorneys fees incurred by the parties.

11 (e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
12 standing section 1304 of title 31, United States Code, no
13 award may be made under section 2412 of title 28, United
14 States Code, and no amounts may be obligated or ex-
15 pended from the Claims and Judgment Fund of the
16 United States Treasury to pay any fees or other expenses
17 under such sections to any plaintiff related to an action
18 challenging a forest management activity described in sub-
19 section (a).

1 **TITLE IV—SECURE RURAL**
2 **SCHOOLS AND COMMUNITY**
3 **SELF-DETERMINATION ACT**
4 **AMENDMENTS**

5 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**
6 **PROJECTS ON FEDERAL LAND AND CERTAIN**
7 **NON-FEDERAL LAND.**

8 (a) REPEAL OF MERCHANTABLE TIMBER CON-
9 TRACTING PILOT PROGRAM.—Section 204(e) of the Se-
10 cure Rural Schools and Community Self-Determination
11 Act of 2000 (16 U.S.C. 7124(e)) is amended by striking
12 paragraph (3).

13 (b) REQUIREMENTS FOR PROJECT FUNDS.—Section
14 204 of the Secure Rural Schools and Community Self-De-
15 termination Act of 2000 (16 U.S.C. 7124) is amended by
16 striking subsection (f) and inserting the following new
17 subsection:

18 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 the Secretary concerned shall ensure that at least 50
21 percent of the project funds reserved by a partici-
22 pating county under section 102(d) shall be available
23 only for projects that—

1 “(A) include the sale of timber or other
2 forest products, reduce fire risks, or improve
3 water supplies; and

4 “(B) implement stewardship objectives
5 that enhance forest ecosystems or restore and
6 improve land health and water quality.

7 “(2) APPLICABILITY.—The requirement in
8 paragraph (1) shall apply only to project funds re-
9 served by a participating county whose boundaries
10 include Federal land that the Secretary concerned
11 determines has been subject to a timber or other for-
12 est products program within 5 fiscal years before the
13 fiscal year in which the funds are reserved.”.

14 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

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

20 (b) TEMPORARY REDUCTION IN COMPOSITION OF
21 COMMITTEES.—Section 205(d) of the Secure Rural
22 Schools and Community Self-Determination Act of 2000
23 (16 U.S.C. 7125(d)) is amended—

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

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

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

8 “(A) TEMPORARY REDUCTION.—During
9 the period beginning on the date of the enact-
10 ment of this paragraph and ending on Sep-
11 tember 30, 2020, a resource advisory committee
12 established under this section may be comprised
13 of nine or more members, of which—

14 “(i) at least three shall be representa-
15 tive of interests described in subparagraph
16 (A) of paragraph (2);

17 “(ii) at least three shall be representa-
18 tive of interests described in subparagraph
19 (B) of paragraph (2); and

20 “(iii) at least three shall be represent-
21 ative of interests described in subpara-
22 graph (C) of paragraph (2).

23 “(B) ADDITIONAL REQUIREMENTS.—In
24 appointing members of a resource advisory com-
25 mittee from the three categories described in

1 paragraph (2), as provided in subparagraph
2 (A), the Secretary concerned shall ensure bal-
3 anced and broad representation in each cat-
4 egory. In the case of a vacancy on a resource
5 advisory committee, the vacancy shall be filled
6 within 90 days after the date on which the va-
7 cancy occurred. Appointments to a new re-
8 source advisory committee shall be made within
9 90 days after the date on which the decision to
10 form the new resource advisory committee was
11 made.

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

1 (c) CONFORMING CHANGE TO PROJECT APPROVAL
2 REQUIREMENTS.—Section 205(e)(3) of the Secure Rural
3 Schools and Community Self-Determination Act of 2000
4 (16 U.S.C. 7125(e)(3)) is amended by adding at the end
5 the following new sentence: “In the case of a resource ad-
6 visory committee consisting of fewer than 15 members, as
7 authorized by subsection (d)(6), a project may be proposed
8 to the Secretary concerned upon approval by a majority
9 of the members of the committee, including at least one
10 member from each of the three categories described in
11 subsection (d)(2).”.

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

16 (1) in paragraph (3), by inserting before the pe-
17 riod at the end the following: “, consistent with the
18 requirements of paragraph (4)”; and

19 (2) by striking paragraph (4) and inserting the
20 following new paragraph:

21 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-
22 bers of a resource advisory committee shall reside
23 within the county or counties in which the committee
24 has jurisdiction or an adjacent county.”.

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

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

8 **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**
9 **VISORY COMMITTEE PROJECTS.**

10 “(a) RAC PROGRAM.—The Chief of the Forest Serv-
11 ice shall conduct a program (to be known as the ‘self-sus-
12 taining resource advisory committee program’ or ‘RAC
13 program’) under which 10 resource advisory committees
14 will propose projects authorized by subsection (c) to be
15 carried out using project funds reserved by a participating
16 county under section 102(d).

17 “(b) SELECTION OF PARTICIPATING RESOURCE AD-
18 VISORY COMMITTEES.—The selection of resource advisory
19 committees to participate in the RAC program is in the
20 sole discretion of the Chief of the Forest Service, except
21 that, consistent with section 205(d)(6), a selected resource
22 advisory committee must have a minimum of six members.

23 “(c) AUTHORIZED PROJECTS.—Notwithstanding the
24 project purposes specified in sections 202(b), 203(c), and
25 204(a)(5), projects under the RAC program are intended
26 to—

1 “(1) accomplish forest management objectives
2 or support community development; and

3 “(2) generate receipts.

4 “(d) DEPOSIT AND AVAILABILITY OF REVENUES.—

5 Any revenue generated by a project conducted under the
6 RAC program, including any interest accrued from the
7 revenues, shall be—

8 “(1) deposited in the special account in the
9 Treasury established under section 102(d)(2)(A);
10 and

11 “(2) available, in such amounts as may be pro-
12 vided in advance in appropriation Acts, for addi-
13 tional projects under the RAC program.

14 “(e) TERMINATION OF AUTHORITY.—

15 “(1) IN GENERAL.—The authority to initiate a
16 project under the RAC program shall terminate on
17 September 30, 2020.

18 “(2) DEPOSITS IN TREASURY.—Any funds
19 available for projects under the RAC program and
20 not obligated by September 30, 2021, shall be depos-
21 ited in the Treasury of the United States.”.

22 (b) EXCEPTION TO GENERAL RULE REGARDING
23 TREATMENT OF RECEIPTS.—Section 403(b) of the Secure
24 Rural Schools and Community Self-Determination Act of
25 2000 (16 U.S.C. 7153(b)) is amended by striking “All rev-

1 enues” and inserting “Except as provided in section 209,
2 all revenues”.

3 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**
4 **FUNDS FOR TITLE III COUNTY PROJECTS.**

5 Section 302(a) of the Secure Rural Schools and Com-
6 munity Self-Determination Act of 2000 (16 U.S.C.
7 7142(a)) is amended—

8 (1) in paragraph (2)—

9 (A) by inserting “and law enforcement pa-
10 trols” after “including firefighting”; and

11 (B) by striking “and” at the end;

12 (2) by redesignating paragraph (3) as para-
13 graph (4); and

14 (3) by inserting after paragraph (2) the fol-
15 lowing new paragraph (3):

16 “(3) to cover training costs and equipment pur-
17 chases directly related to the emergency services de-
18 scribed in paragraph (2); and”.

19 **SEC. 405. TREATMENT AS SUPPLEMENTAL FUNDING.**

20 Section 102 of the Secure Rural Schools and Commu-
21 nity Self-Determination Act of 2000 (16 U.S.C. 7112) is
22 amended by adding at the end the following new sub-
23 section:

24 “(f) TREATMENT AS SUPPLEMENTAL FUNDING.—

25 None of the funds made available to a beneficiary county

1 or other political subdivision of a State under this Act
 2 shall be used in lieu of or to otherwise offset State funding
 3 sources for local schools, facilities, or educational pur-
 4 poses.”.

5 **TITLE V—STEWARDSHIP END**
 6 **RESULT CONTRACTING**

7 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**
 8 **END RESULT CONTRACTING PROJECTS.**

9 (a) CANCELLATION CEILINGS.—Section 604 of the
 10 Healthy Forests Restoration Act of 2003 (16 U.S.C.
 11 6591c) is amended—

12 (1) by redesignating subsections (h) and (i) as
 13 subsections (i) and (j), respectively; and

14 (2) by inserting after subsection (g) the fol-
 15 lowing new subsection (h):

16 “(h) CANCELLATION CEILINGS.—

17 “(1) IN GENERAL.—The Chief and the Director
 18 may obligate funds to cover any potential cancella-
 19 tion or termination costs for an agreement or con-
 20 tract under subsection (b) in stages that are eco-
 21 nomically or programmatically viable.

22 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-
 23 CELLATION CEILING IN EXCESS OF \$25 MILLION.—

24 Not later than 30 days before entering into a
 25 multiyear agreement or contract under subsection

1 (b) that includes a cancellation ceiling in excess of
2 \$25 million, but does not include proposed funding
3 for the costs of cancelling the agreement or contract
4 up to such cancellation ceiling, the Chief or the Di-
5 rector, as the case may be, shall submit to the Com-
6 mittee on Energy and Natural Resources and the
7 Committee on Agriculture, Nutrition, and Forestry
8 of the Senate and the Committee on Natural Re-
9 sources and the Committee on Agriculture of the
10 House of Representatives a written notice that in-
11 cludes—

12 “(A) the cancellation ceiling amounts pro-
13 posed for each program year in the agreement
14 or contract;

15 “(B) the reasons why such cancellation
16 ceiling amounts were selected;

17 “(C) the extent to which the costs of con-
18 tract cancellation are not included in the budget
19 for the agreement or contract; and

20 “(D) an assessment of the financial risk of
21 not including budgeting for the costs of agree-
22 ment or contract cancellation.

23 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not
24 later than 14 days after the date on which written
25 notice is provided under paragraph (2) with respect

1 to an agreement or contract under subsection (b),
2 the Chief or the Director, as the case may be, shall
3 transmit a copy of the notice to the Director of the
4 Office of Management and Budget.”.

5 (b) RELATION TO OTHER LAWS.—Section 604(d)(5)
6 of the Healthy Forests Restoration Act of 2003 (16
7 U.S.C. 6591c(d)(5)) is amended by striking “, the Chief
8 may” and inserting “and section 2(a)(1) of the Act of July
9 31, 1947 (commonly known as the Materials Act of 1947;
10 30 U.S.C. 602(a)(1)), the Chief and the Director may”.

11 **SEC. 502. EXCESS OFFSET VALUE.**

12 Section 604(g)(2) of the Healthy Forests Restoration
13 Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by strik-
14 ing subparagraphs (A) and (B) and inserting the following
15 new subparagraphs:

16 “(A) use the excess to satisfy any out-
17 standing liabilities for cancelled agreements or
18 contracts; or

19 “(B) if there are no outstanding liabilities
20 under subparagraph (A), apply the excess to
21 other authorized stewardship projects.”.

1 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**
2 **PROJECT REVENUES TO COUNTY IN WHICH**
3 **STEWARDSHIP PROJECT OCCURS.**

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

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

8 (2) in paragraph (3)(A), by striking “services
9 received by the Chief or the Director” and all that
10 follows through the period at the end and inserting
11 the following: “services and in-kind resources re-
12 ceived by the Chief or the Director under a steward-
13 ship contract project conducted under this section
14 shall not be considered monies received from the Na-
15 tional Forest System or the public lands, but any
16 payments made by the contractor to the Chief or Di-
17 rector under the project shall be considered monies
18 received from the National Forest System or the
19 public lands.”.

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

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

1 congressional committees specified in subsection (h)(2) a
2 report”.

3 **SEC. 505. FIRE LIABILITY PROVISION.**

4 Section 604(d) of the Healthy Forests Restoration
5 Act of 2003 (16 U.S.C. 6591c(d)) is amended by adding
6 at the end the following new paragraph:

7 “(8) MODIFICATION.—Upon the request of the
8 contractor, a contract or agreement under this sec-
9 tion awarded before February 7, 2014, shall be
10 modified by the Chief or Director to include the fire
11 liability provisions described in paragraph (7).”.

12 **TITLE VI—ADDITIONAL FUND-**
13 **ING SOURCES FOR FOREST**
14 **MANAGEMENT ACTIVITIES**

15 **SEC. 601. DEFINITIONS.**

16 In this title:

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

19 (A) a State or political subdivision of a
20 State containing National Forest System lands
21 or public lands;

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

24 (C) a rural electric company; and

1 (D) any other entity determined by the
 2 Secretary concerned to be appropriate for par-
 3 ticipation in the Fund.

4 (2) FUND.—The term “Fund” means the
 5 State-Supported Forest Management Fund estab-
 6 lished by section 603.

7 **SEC. 602. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
 8 **NUES AND COLLABORATIVE FOREST LAND-**
 9 **SCAPE RESTORATION FUND TO COVER FOR-**
 10 **EST MANAGEMENT ACTIVITY PLANNING**
 11 **COSTS.**

12 (a) AVAILABILITY OF STEWARDSHIP PROJECT REVE-
 13 NUES.—Section 604(e)(2)(B) of the Healthy Forests Res-
 14 toration Act of 2003 (16 U.S.C. 6591e(e)(2)(B)), as
 15 amended by section 503, is further amended by striking
 16 “appropriation at the project site from which the monies
 17 are collected or at another project site.” and inserting the
 18 following: “appropriation—

19 “(i) at the project site from which the
 20 monies are collected or at another project
 21 site; and

22 “(ii) to cover not more than 25 per-
 23 cent of the cost of planning additional
 24 stewardship contracting projects.”.

1 (b) AVAILABILITY OF COLLABORATIVE FOREST
2 LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of
3 the Omnibus Public Land Management Act of 2009 (16
4 U.S.C. 7303(f)(1)) is amended by striking “carrying out
5 and” and inserting “planning, carrying out, and”.

6 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**
7 **AGEMENT ACTIVITIES.**

8 (a) STATE-SUPPORTED FOREST MANAGEMENT
9 FUND.—There is established in the Treasury of the
10 United States a fund, to be known as the “State-Sup-
11 ported Forest Management Fund”, to cover the cost of
12 planning (especially related to compliance with section
13 102(2) of the National Environmental Policy Act of 1969
14 (42 U.S.C. 4332(2))), carrying out, and monitoring cer-
15 tain forest management activities on National Forest Sys-
16 tem lands or public lands.

17 (b) CONTENTS.—The State-Supported Forest Man-
18 agement Fund shall consist of such amounts as may be—

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

21 (2) appropriated to the Fund; or

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

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

4 (1) specify the National Forest System lands or
5 public lands for which the contribution may be ex-
6 pended; and

7 (2) limit the types of forest management activi-
8 ties for which the contribution may be expended.

9 (d) AUTHORIZED FOREST MANAGEMENT ACTIVI-
10 TIES.—In such amounts as may be provided in advance
11 in appropriation Acts, the Secretary concerned may use
12 the Fund to plan, carry out, and monitor a forest manage-
13 ment activity that—

14 (1) is developed through a collaborative process;

15 (2) is proposed by a resource advisory com-
16 mittee; or

17 (3) is covered by a community wildfire protec-
18 tion plan.

19 (e) IMPLEMENTATION METHODS.—A forest manage-
20 ment activity carried out using amounts in the Fund may
21 be carried out using a contract or agreement under section
22 604 of the Healthy Forests Restoration Act of 2003 (16
23 U.S.C. 6591e), the good neighbor authority provided by
24 section 8206 of the Agricultural Act of 2014 (16 U.S.C.
25 2113a), a contract under section 14 of the National Forest

1 Management Act of 1976 (16 U.S.C. 472a), or other au-
2 thority available to the Secretary concerned, but revenues
3 generated by the forest management activity shall be used
4 to reimburse the Fund for planning costs covered using
5 amounts in the Fund.

6 (f) RELATION TO OTHER LAWS.—

7 (1) REVENUE SHARING.—Subject to subsection
8 (e), revenues generated by a forest management ac-
9 tivity carried out using amounts from the Fund shall
10 be considered monies received from the National
11 Forest System.

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

17 (g) TERMINATION OF FUND.—

18 (1) TERMINATION.—The Fund shall terminate
19 10 years after the date of the enactment of this Act.

20 (2) EFFECT OF TERMINATION.—Upon the ter-
21 mination of the Fund pursuant to paragraph (1) or
22 pursuant to any other provision of law, unobligated
23 contributions remaining in the Fund shall be re-
24 turned to the eligible entity that made the contribu-
25 tion.

1 **TITLE VII—TRIBAL FORESTRY**
2 **PARTICIPATION AND PRO-**
3 **TECTION**

4 **SEC. 701. PROTECTION OF TRIBAL FOREST ASSETS**
5 **THROUGH USE OF STEWARDSHIP END RE-**
6 **SULT CONTRACTING AND OTHER AUTHORI-**
7 **TIES.**

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

11 (1) in paragraph (1), by striking “Not later
12 than 120 days after the date on which an Indian
13 tribe submits to the Secretary” and inserting “In re-
14 sponse to the submission by an Indian tribe of”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(4) TIME PERIODS FOR CONSIDERATION.—

18 “(A) INITIAL RESPONSE.—Not later than
19 120 days after the date on which the Secretary
20 receives a tribal request under paragraph (1),
21 the Secretary shall provide an initial response
22 to the Indian tribe regarding—

23 “(i) whether the request may meet the
24 selection criteria described in subsection
25 (c); and

1 “(ii) the likelihood of the Secretary
2 entering into an agreement or contract
3 with the Indian tribe under paragraph (2)
4 for activities described in paragraph (3).

5 “(B) NOTICE OF DENIAL.—Notice under
6 subsection (d) of the denial of a tribal request
7 under paragraph (1) shall be provided not later
8 than 1 year after the date on which the Sec-
9 retary received the request.

10 “(C) COMPLETION.—Not later than 2
11 years after the date on which the Secretary re-
12 ceives a tribal request under paragraph (1),
13 other than a tribal request denied under sub-
14 section (d), the Secretary shall—

15 “(i) complete all environmental re-
16 views necessary in connection with the
17 agreement or contract and proposed activi-
18 ties under the agreement or contract; and

19 “(ii) enter into the agreement or con-
20 tract with the Indian tribe under para-
21 graph (2).”.

22 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
23 Section 2 of the Tribal Forest Protection Act of 2004 (25
24 U.S.C. 3115a) is amended—

1 (1) in subsections (b)(1) and (f)(1), by striking
2 “section 347 of the Department of the Interior and
3 Related Agencies Appropriations Act, 1999 (16
4 U.S.C. 2104 note; Public Law 105–277) (as amend-
5 ed by section 323 of the Department of the Interior
6 and Related Agencies Appropriations Act, 2003 (117
7 Stat. 275))” and inserting “section 604 of the
8 Healthy Forests Restoration Act of 2003 (16 U.S.C.
9 6591e)”;

10 (2) in subsection (d), by striking “subsection
11 (b)(1), the Secretary may” and inserting “para-
12 graphs (1) and (4)(B) of subsection (b), the Sec-
13 retary shall”.

14 **SEC. 702. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
15 **IZED TO INCLUDE RELATED NATIONAL FOR-**
16 **EST SYSTEM LANDS AND PUBLIC LANDS.**

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

20 “(c) INCLUSION OF CERTAIN NATIONAL FOREST
21 SYSTEM LAND AND PUBLIC LAND.—

22 “(1) AUTHORITY.—At the request of an Indian
23 tribe, the Secretary concerned may treat Federal
24 forest land as Indian forest land for purposes of
25 planning and conducting forest land management

1 activities under this section if the Federal forest
2 land is located within, or mostly within, a geographic
3 area that presents a feature or involves cir-
4 cumstances principally relevant to that Indian tribe,
5 such as Federal forest land ceded to the United
6 States by treaty, Federal forest land within the
7 boundaries of a current or former reservation, or
8 Federal forest land adjudicated to be tribal home-
9 lands.

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

14 “(A) provide for continued public access
15 applicable to the Federal forest land prior to
16 the agreement, except that the Secretary con-
17 cerned may limit or prohibit such access as
18 needed;

19 “(B) continue sharing revenue generated
20 by the Federal forest land with State and local
21 governments either—

22 “(i) on the terms applicable to the
23 Federal forest land prior to the agreement,
24 including, where applicable, 25-percent
25 payments or 50-percent payments; or

1 “(ii) at the option of the Indian tribe,
2 on terms agreed upon by the Indian tribe,
3 the Secretary concerned, and State and
4 county governments participating in a rev-
5 enue sharing agreement for the Federal
6 forest land;

7 “(C) comply with applicable prohibitions
8 on the export of unprocessed logs harvested
9 from the Federal forest land;

10 “(D) recognize all right-of-way agreements
11 in place on Federal forest land prior to com-
12 mencement of tribal management activities; and

13 “(E) ensure that all commercial timber re-
14 moved from the Federal forest land is sold on
15 a competitive bid basis.

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

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

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

1 “(i) National Forest System lands;
2 and

3 “(ii) public lands (as defined in sec-
4 tion 103(e) of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C.
6 1702(e))), including Coos Bay Wagon
7 Road Grant lands reconveyed to the
8 United States pursuant to the first section
9 of the Act of February 26, 1919 (40 Stat.
10 1179), and Oregon and California Railroad
11 Grant lands.

12 “(B) SECRETARY CONCERNED.—The term
13 ‘Secretary concerned’ means—

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

17 “(ii) the Secretary of the Interior,
18 with respect to the Federal forest land re-
19 ferred to in subparagraph (A)(ii).”.

20 **SEC. 703. TRIBAL FOREST MANAGEMENT DEMONSTRATION**
21 **PROJECT.**

22 The Secretary of the Interior and the Secretary of
23 Agriculture may carry out demonstration projects by
24 which federally recognized Indian tribes or tribal organiza-
25 tions may contract to perform administrative, manage-

1 ment, and other functions of programs of the Tribal For-
 2 est Protection Act of 2004 (25 U.S.C. 3115a et seq.)
 3 through contracts entered into under the Indian Self-De-
 4 termination and Education Assistance Act (25 U.S.C. 450
 5 et seq.).

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

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

12 As part of its weighing the equities while considering
 13 any request for an injunction that applies to any agency
 14 action as part of a forest management activity under titles
 15 I through VIII, the court reviewing the agency action shall
 16 balance the impact to the ecosystem likely affected by the
 17 forest management activity of—

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

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

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

24 (a) **CONSULTATION WITH AFFECTED COUNTY.—**
 25 Whenever any Forest Service defined maintenance level

1 one- or two-system road within a designated high fire
2 prone area of a unit of the National Forest System is con-
3 sidered for decommissioning, the Forest Supervisor of that
4 unit of the National Forest System shall—

5 (1) consult with the government of the county
6 containing the road regarding the merits and pos-
7 sible consequences of decommissioning the road; and

8 (2) solicit possible alternatives to decommis-
9 sioning the road.

10 (b) REGIONAL FORESTER APPROVAL.—A Forest
11 Service road described in subsection (a) may not be de-
12 commissioned without the advance approval of the Re-
13 gional Forester.

14 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**
15 **SCREENS REQUIREMENTS ON NATIONAL**
16 **FOREST SYSTEM LANDS.**

17 On and after the date of the enactment of this Act,
18 the Secretary of Agriculture may not apply to National
19 Forest System lands any of the amendments to forest
20 plans adopted in the Decision Notice for the Revised Con-
21 tinuation of Interim Management Direction Establishing
22 Riparian, Ecosystem and Wildlife Standards for Timber
23 Sales (commonly known as the Eastside Screens require-
24 ments), including all preceding or associated versions of
25 these amendments.

1 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
2 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
3 **TIES.**

4 If the Secretary concerned determines that, in order
5 to conduct a project or carry out an activity implementing
6 a forest plan, an amendment to the forest plan is required,
7 the Secretary concerned shall execute such amendment as
8 a nonsignificant plan amendment through the record of
9 decision or decision notice for the project or activity.

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

11 (a) DEPOSITS OF FUNDS FROM NATIONAL FOREST
12 TIMBER PURCHASERS REQUIRED.—Section 3(a) of the
13 Act of June 9, 1930 (commonly known as the Knutson-
14 Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-
15 ing “The Secretary” and all that follows through “any
16 purchaser” and inserting the following: “The Secretary of
17 Agriculture shall require each purchaser”.

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

21 (1) by striking “Such deposits” and inserting
22 the following:

23 “(b) Amounts deposited under subsection (a)”;

24 (2) by redesignating subsection (c) as sub-
25 section (d); and

1 to be carried out under such authority is consistent
2 with the forest plan applicable to the area; or

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

5 **SEC. 807. APPLICATION OF NORTHWEST FOREST PLAN SUR-**
6 **VEY AND MANAGE MITIGATION MEASURE**
7 **STANDARD AND GUIDELINES.**

8 The Northwest Forest Plan Survey and Manage Miti-
9 gation Measure Standard and Guidelines shall not apply
10 to any National Forest System lands or public lands.

11 **SEC. 808. MANAGEMENT OF BUREAU OF LAND MANAGE-**
12 **MENT LANDS IN WESTERN OREGON.**

13 (a) GENERAL RULE.—All of the public land managed
14 by the Bureau of Land Management in the Salem District,
15 Eugene District, Roseburg District, Coos Bay District,
16 Medford District, and the Klamath Resource Area of the
17 Lakeview District in the State of Oregon shall hereafter
18 be managed pursuant to title I of the of the Act of August
19 28, 1937 (43 U.S.C. 1181a through 1181e). Except as
20 provided in subsection (b), all of the revenue produced
21 from such land shall be deposited in the Treasury of the
22 United States in the Oregon and California land-grant
23 fund and be subject to the provisions of title II of the
24 Act of August 28, 1937 (43 U.S.C. 1181f).

1 (b) CERTAIN LANDS EXCLUDED.—Subsection (a)
2 does not apply to any revenue that is required to be depos-
3 ited in the Coos Bay Wagon Road grant fund pursuant
4 to sections 1 through 4 of the Act of May 24, 1939 (43
5 U.S.C. 1181f–1 through f–4).

6 **SEC. 809. BUREAU OF LAND MANAGEMENT RESOURCE**
7 **MANAGEMENT PLANS.**

8 (a) ADDITIONAL ANALYSIS AND ALTERNATIVES.—To
9 develop a full range of reasonable alternatives as required
10 by the National Environmental Policy Act of 1969, the
11 Secretary of the Interior shall develop and consider in de-
12 tail a reference analysis and two additional alternatives
13 as part of the revisions of the resource management plans
14 for the Bureau of Land Management’s Salem, Eugene,
15 Coos Bay, Roseburg, and Medford Districts and the Klam-
16 ath Resource Area of the Lakeview District.

17 (b) REFERENCE ANALYSIS.—The reference analysis
18 required by subsection (a) shall measure and assume the
19 harvest of the annual growth net of natural mortality for
20 all forested land in the planning area in order to determine
21 the maximum sustained yield capacity of the forested land
22 base and to establish a baseline by which the Secretary
23 of the Interior shall measure incremental effects on the
24 sustained yield capacity and environmental impacts from
25 management prescriptions in all other alternatives.

1 (c) ADDITIONAL ALTERNATIVES.—

2 (1) CARBON SEQUESTRATION ALTERNATIVE.—

3 The Secretary of the Interior shall develop and con-
4 sider an additional alternative with the goal of maxi-
5 mizing the total carbon benefits from forest storage
6 and wood product storage. To the extent practicable,
7 the analysis shall consider—

8 (A) the future risks to forest carbon from
9 wildfires, insects, and disease;

10 (B) the amount of carbon stored in prod-
11 ucts or in landfills;

12 (C) the life cycle benefits of harvested
13 wood products compared to non-renewable
14 products; and

15 (D) the energy produced from wood resi-
16 dues.

17 (2) SUSTAINED YIELD ALTERNATIVE.—The

18 Secretary of the Interior shall develop and consider
19 an additional alternative that produces the greater
20 of 500 million board feet or the annual net growth
21 on the acres classified as timberland, excluding any
22 congressionally reserved areas. The projected harvest
23 levels, as nearly as practicable, shall be distributed
24 among the Districts referred to in subsection (a) in
25 the same proportion as the maximum yield capacity

1 of each such District bears to maximum yield capac-
2 ity of the planning area as a whole.

3 (d) **ADDITIONAL ANALYSIS AND PUBLIC PARTICIPA-**
4 **TION.**—The Secretary of the Interior shall publish the ref-
5 erence analysis and additional alternatives and analyze
6 their environmental and economic consequences in a sup-
7 plemental draft environmental impact statement. The
8 draft environmental impact statement and supplemental
9 draft environmental impact statement shall be made avail-
10 able for public comment for a period of not less than 180
11 days. The Secretary shall respond to any comments re-
12 ceived before making a final decision between all alter-
13 natives.

14 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion shall affect the obligation of the Secretary of the Inte-
16 rior to manage the timberlands as required by the Act of
17 August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a–1181j).

18 **SEC. 810. LANDSCAPE-SCALE FOREST RESTORATION**
19 **PROJECT.**

20 The Secretary of Agriculture shall develop and imple-
21 ment at least one landscape-scale forest restoration project
22 that includes, as a defined purpose of the project, the gen-
23 eration of material that will be used to promote advanced
24 wood products. The project shall be developed through a
25 collaborative process.

1 **TITLE IX—MAJOR DISASTER FOR**
2 **WILDFIRE ON FEDERAL LAND**

3 **SEC. 901. WILDFIRE ON FEDERAL LANDS.**

4 Section 102(2) of the Robert T. Stafford Disaster
5 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))
6 is amended—

7 (1) by striking “(2)” and all that follows
8 through “means” and inserting the following:

9 “(2) MAJOR DISASTER.—

10 “(A) MAJOR DISASTER.—The term ‘major
11 disaster’ means”; and

12 (2) by adding at the end the following:

13 “(B) MAJOR DISASTER FOR WILDFIRE ON
14 FEDERAL LANDS.—The term ‘major disaster
15 for wildfire on Federal lands’ means any wild-
16 fire or wildfires, which in the determination of
17 the President under section 802 warrants as-
18 sistance under section 803 to supplement the
19 efforts and resources of the Department of the
20 Interior or the Department of Agriculture—

21 “(i) on Federal lands; or

22 “(ii) on non-Federal lands pursuant
23 to a fire protection agreement or coopera-
24 tive agreement.”.

1 **SEC. 902. DECLARATION OF A MAJOR DISASTER FOR WILD-**
2 **FIRE ON FEDERAL LANDS.**

3 The Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5170 et seq.) is amended
5 by adding at the end the following:

6 **“TITLE VIII—MAJOR DISASTER**
7 **FOR WILDFIRE ON FEDERAL**
8 **LAND**

9 **“SEC. 801. DEFINITIONS.**

10 “As used in this title—

11 “(1) FEDERAL LAND.—The term ‘Federal land’
12 means—

13 “(A) any land under the jurisdiction of the
14 Department of the Interior; and

15 “(B) any land under the jurisdiction of the
16 United States Forest Service.

17 “(2) FEDERAL LAND MANAGEMENT AGEN-
18 CIES.—The term ‘Federal land management agen-
19 cies’ means—

20 “(A) the Bureau of Land Management;

21 “(B) the National Park Service;

22 “(C) the Bureau of Indian Affairs;

23 “(D) the United States Fish and Wildlife
24 Service; and

25 “(E) the United States Forest Service.

1 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

2 The term ‘wildfire suppression operations’ means the
3 emergency and unpredictable aspects of wildland
4 firefighting, including support, response, emergency
5 stabilization activities, and other emergency manage-
6 ment activities of wildland firefighting on Federal
7 lands (or on non-Federal lands pursuant to a fire
8 protection agreement or cooperative agreement) by
9 the Federal land management agencies covered by
10 the wildfire suppression subactivity of the Wildland
11 Fire Management account or the FLAME Wildfire
12 Suppression Reserve Fund account of the Federal
13 land management agencies.

14 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
15 **DISASTER FOR WILDFIRE ON FEDERAL**
16 **LANDS.**

17 “(a) IN GENERAL.—The Secretary of the Interior or
18 the Secretary of Agriculture may submit a request to the
19 President consistent with the requirements of this title for
20 a declaration by the President that a major disaster for
21 wildfire on Federal lands exists.

22 “(b) REQUIREMENTS.—A request for a declaration
23 by the President that a major disaster for wildfire on Fed-
24 eral lands exists shall—

1 “(1) be made in writing by the respective Sec-
2 retary;

3 “(2) certify that the amount appropriated in
4 the current fiscal year for wildfire suppression oper-
5 ations of the Federal land management agencies
6 under the jurisdiction of the respective Secretary,
7 net of any concurrently enacted rescissions of wild-
8 fire suppression funds, increases the total unobli-
9 gated balance of amounts available for wildfire sup-
10 pression by an amount equal to or greater than the
11 average total costs incurred by the Federal land
12 management agencies per year for wildfire suppres-
13 sion operations, including the suppression costs in
14 excess of appropriated amounts, over the previous
15 ten fiscal years;

16 “(3) certify that the amount available for wild-
17 fire suppression operations of the Federal land man-
18 agement agencies under the jurisdiction of the re-
19 spective Secretary will be obligated not later than 30
20 days after such Secretary notifies the President that
21 wildfire suppression funds will be exhausted to fund
22 ongoing and anticipated wildfire suppression oper-
23 ations related to the wildfire on which the request
24 for the declaration of a major disaster for wildfire
25 on Federal lands pursuant to this title is based; and

1 “(4) specify the amount required in the current
2 fiscal year to fund wildfire suppression operations
3 related to the wildfire on which the request for the
4 declaration of a major disaster for wildfire on Fed-
5 eral lands pursuant to this title is based.

6 “(c) DECLARATION.—Based on the request of the re-
7 spective Secretary under this title, the President may de-
8 clare that a major disaster for wildfire on Federal lands
9 exists.

10 **“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.**

11 “(a) IN GENERAL.—In a major disaster for wildfire
12 on Federal lands, the President may transfer funds, only
13 from the account established pursuant to subsection (b),
14 to the Secretary of the Interior or the Secretary of Agri-
15 culture to conduct wildfire suppression operations on Fed-
16 eral lands (and non-Federal lands pursuant to a fire pro-
17 tection agreement or cooperative agreement).

18 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
19 COUNT.—The President shall establish a specific account
20 for the assistance available pursuant to a declaration
21 under section 802. Such account may only be used to fund
22 assistance pursuant to this title.

23 “(c) LIMITATION.—

24 “(1) LIMITATION OF TRANSFER.—The assist-
25 ance available pursuant to a declaration under sec-

1 tion 802 is limited to the transfer of the amount re-
2 quested pursuant to section 802(b)(4). The assist-
3 ance available for transfer shall not exceed the
4 amount contained in the wildfire suppression oper-
5 ations account established pursuant to subsection
6 (b).

7 “(2) TRANSFER OF FUNDS.—Funds under this
8 section shall be transferred from the wildfire sup-
9 pression operations account to the wildfire suppres-
10 sion subactivity of the Wildland Fire Management
11 Account.

12 “(d) PROHIBITION OF OTHER TRANSFERS.—Except
13 as provided in this section, no funds may be transferred
14 to or from the account established pursuant to subsection
15 (b) to or from any other fund or account.

16 “(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION
17 OPERATIONS ON NON-FEDERAL LAND.—If amounts
18 transferred under subsection (c) are used to conduct wild-
19 fire suppression operations on non-Federal land, the re-
20 spective Secretary shall—

21 “(1) secure reimbursement for the cost of such
22 wildfire suppression operations conducted on the
23 non-Federal land; and

1 “(2) transfer the amounts received as reim-
2 bursement to the wildfire suppression operations ac-
3 count established pursuant to subsection (b).

4 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
5 QUIREMENTS.—Not later than 90 days after the end of
6 each fiscal year for which assistance is received pursuant
7 to this section, the respective Secretary shall submit to
8 the Committees on Agriculture, Appropriations, the Budg-
9 et, Natural Resources, and Transportation and Infrastruc-
10 ture of the House of Representatives and the Committees
11 on Agriculture, Nutrition, and Forestry, Appropriations,
12 the Budget, Energy and Natural Resources, Homeland
13 Security and Governmental Affairs, and Indian Affairs of
14 the Senate, and make available to the public, a report that
15 includes the following:

16 “(1) The risk-based factors that influenced
17 management decisions regarding wildfire suppression
18 operations of the Federal land management agencies
19 under the jurisdiction of the Secretary concerned.

20 “(2) Specific discussion of a statistically signifi-
21 cant sample of large fires, in which each fire is ana-
22 lyzed for cost drivers, effectiveness of risk manage-
23 ment techniques, resulting positive or negative im-
24 pacts of fire on the landscape, impact of investments
25 in preparedness, suggested corrective actions, and

1 such other factors as the respective Secretary con-
2 siders appropriate.

3 “(3) Total expenditures for wildfire suppression
4 operations of the Federal land management agencies
5 under the jurisdiction of the respective Secretary,
6 broken out by fire sizes, cost, regional location, and
7 such other factors as the such Secretary considers
8 appropriate.

9 “(4) Lessons learned.

10 “(5) Such other matters as the respective Sec-
11 retary considers appropriate.

12 “(g) SAVINGS PROVISION.—Nothing in this title shall
13 limit the Secretary of the Interior, the Secretary of Agri-
14 culture, Indian tribe, or a State from receiving assistance
15 through a declaration made by the President under this
16 Act when the criteria for such declaration have been
17 met.”.

18 **SEC. 903. PROHIBITION ON TRANSFERS.**

19 No funds may be transferred to or from the Federal
20 land management agencies’ wildfire suppression oper-
21 ations accounts referred to in section 801(3) of the Robert
22 T. Stafford Disaster Relief and Emergency Assistance Act
23 to or from any account or subactivity of the Federal land
24 management agencies, as defined in section 801(2) of such

1 Act, that is not used to cover the cost of wildfire suppres-
2 sion operations.

Passed the House of Representatives July 9, 2015.

Attest:

Clerk.

114TH CONGRESS
1ST SESSION

H. R. 2647

AN ACT

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.