

117TH CONGRESS
1ST SESSION

H. R. 4614

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2021

Mr. WESTERMAN (for himself, Mr. MCCARTHY, Mr. CUELLAR, Mr. AMODEI, Mr. BABIN, Mr. BAIRD, Mr. BENTZ, Mr. BERGMAN, Mrs. BOEBERT, Mr. BOST, Mr. BURCHETT, Mr. CALVERT, Mrs. CAMMACK, Mr. CARL, Mr. CARTER of Georgia, Ms. CHENEY, Mr. COLE, Mr. CRAWFORD, Mr. CRENSHAW, Mr. CURTIS, Mr. FLEISCHMANN, Mr. FULCHER, Mr. GARCIA of California, Mr. GOHMERT, Miss GONZÁLEZ-COLÓN, Mr. GOOD of Virginia, Mr. GOSAR, Mr. GRAVES of Louisiana, Mr. GROTHMAN, Ms. HERRELL, Ms. HERRERA BEUTLER, Mr. HICE of Georgia, Mr. ISSA, Mr. JOHNSON of South Dakota, Mr. JOYCE of Ohio, Mr. KELLY of Mississippi, Mr. KELLY of Pennsylvania, Mr. LAMALFA, Mr. LAMBORN, Mr. LUCAS, Ms. MALLIOTAKIS, Mr. MCCLINTOCK, Mr. MCKINLEY, Mrs. RODGERS of Washington, Mr. MELJER, Mrs. MILLER-MEEKS, Mr. MOORE of Utah, Mr. NEWHOUSE, Mr. OBERNOLTE, Mr. PALMER, Mrs. RADEWAGEN, Mr. REED, Mr. RICE of South Carolina, Mr. ROGERS of Alabama, Mr. ROSENDALE, Ms. SALAZAR, Mr. SCALISE, Mr. SCHWEIKERT, Mr. SIMPSON, Mr. SMITH of Missouri, Mr. STAUBER, Mrs. STEEL, Mr. THOMPSON of Pennsylvania, Mr. TIFFANY, Mr. VALADAO, Mr. WEBER of Texas, Mr. WEBSTER of Florida, Mr. WITTMAN, Mr. YOUNG, Mrs. KIM of California, and Mr. TIMMONS) 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 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,*

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

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Resilient Federal Forests Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Rule of application for National Forest System lands and public lands.

TITLE I—EMERGENCY FIRESHED MANAGEMENT

Sec. 101. Emergency freshed management.

TITLE II—STREAMLINED ENVIRONMENTAL ANALYSIS AND AVAILABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST MANAGEMENT ACTIVITIES

Subtitle A—Analysis of Proposed Collaborative Forest Management Activities

Sec. 201. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

Subtitle B—Categorical Exclusions

Sec. 211. Categorical exclusion to expedite certain critical response actions.

Sec. 212. Categorical exclusion for early successional forests.

Sec. 213. Categorical exclusion for outdoor recreation.

Sec. 214. Categorical exclusion for infrastructure improvements.

Sec. 215. Categorical exclusion for road side projects.

Sec. 216. Categorical exclusion to improve or restore National Forest System lands or public land or reduce the risk of wildfire.

Sec. 217. Categorical exclusion for wildfire prevention and drought mitigation.

- Sec. 218. Clarification of existing categorical exclusion authority related to insect and disease infestation.
- Sec. 219. Clarification of existing categorical exclusion authority related to wildfire resilience projects.
- Sec. 220. Categorical exclusion for joint projects.
- Sec. 221. Use of established categorical exclusions.

Subtitle C—General Provisions for Forest Management Activities

- Sec. 231. Compliance with forest plans.
- Sec. 232. Consultation under the National Historic Preservation Act.
- Sec. 233. Consultation under the Endangered Species Act.
- Sec. 234. Forest management activities considered non-discretionary actions.

TITLE III—SALVAGE AND REFORESTATION IN RESPONSE TO CATASTROPHIC EVENTS

- Sec. 301. Categorical exclusion to expedite salvage operations in response to catastrophic events.
- Sec. 302. Expedited salvage operations and reforestation activities following large-scale catastrophic events.
- Sec. 303. Compliance with forest plan.
- Sec. 304. Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.

TITLE IV—FOREST MANAGEMENT LITIGATION

- Sec. 401. No attorney fees for forest management activity challenges.
- Sec. 402. Injunctive relief.
- Sec. 403. Use of arbitration instead of litigation to address challenges to forest management activities.

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

- Sec. 501. Use of reserved funds for title II projects on Federal land and certain non-Federal land.

TITLE VI—STEWARDSHIP END RESULT CONTRACTING

- Sec. 601. Payment of portion of stewardship project revenues to county in which stewardship project occurs.
- Sec. 602. Fire liability provision.
- Sec. 603. Extension of stewardship contracting maximum term limits.

TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Sec. 701. Management of Indian Forest Land authorized to include related National Forest System lands and public lands.
- Sec. 702. Tribal and Alaska Native biochar demonstration project.
- Sec. 703. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.
- Sec. 704. Rule of application.

TITLE VIII—EXPEDITING INTERAGENCY CONSULTATION

- Sec. 801. Forest plans not considered major Federal actions.
- Sec. 802. Agency consultation requirements.

TITLE IX—MISCELLANEOUS

Subtitle A—Forest Management Provisions

- Sec. 901. Revision of alternate consultation agreement regulations.
 Sec. 902. Revision of extraordinary circumstances regulations.
 Sec. 903. Conditions on forest service road decommissioning.
 Sec. 904. Prohibition on application of Eastside Screens requirements on National Forest System lands.
 Sec. 905. Use of site-specific forest plan amendments for certain projects and activities.
 Sec. 906. Knutson-Vandenberg Act.
 Sec. 907. Application of northwest forest plan survey and manage mitigation measure standard and guidelines.
 Sec. 908. Designation of certain treatment areas.
 Sec. 909. Good neighbor agreements.
 Sec. 910. Giant sequoia trees protection plan.

Subtitle B—Oregon and California Railroad Grant Lands and Coos Bay
 Wagon Road Grant Lands

- Sec. 921. Amendments to the Act of August 28, 1937.
 Sec. 922. Oregon and California Railroad Grant Lands and Coos Bay Wagon Road Grant Lands Permanent Rights of Access.
 Sec. 923. Management of Bureau of Land Management Lands in Western Oregon.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CATASTROPHIC EVENT.—The term “cata-
4 strophic event” means—5 (A) any natural disaster (such as a hurri-
6 cane, tornado, windstorm, snow or ice storm,
7 rain storm, high water, wind-driven water, tidal
8 wave, earthquake, volcanic eruption, landslide,
9 mudslide, drought, or insect or disease out-
10 break); or11 (B) any fire, flood, or explosion, regardless
12 of cause.13 (2) COLLABORATIVE PROCESS.—The term “col-
14 laborative process” means a process relating to the

1 management of National Forest System lands or
2 public lands by which a project or forest manage-
3 ment activity is developed and implemented by the
4 Secretary concerned through collaboration with mul-
5 tiple interested persons representing diverse inter-
6 ests.

7 (3) COMMUNITY WILDFIRE PROTECTION
8 PLAN.—The term “community wildfire protection
9 plan” has the meaning given that term in section
10 101 of the Healthy Forests Restoration Act of 2003
11 (16 U.S.C. 6511).

12 (4) COOS BAY WAGON ROAD GRANT LANDS.—
13 The term “Coos Bay Wagon Road Grant lands”
14 means the lands reconveyed to the United States
15 pursuant to the first section of the Act of February
16 26, 1919 (40 Stat. 1179).

17 (5) FOREST MANAGEMENT ACTIVITY.—The
18 term “forest management activity” means a project
19 or activity carried out by the Secretary concerned on
20 National Forest System lands or public lands con-
21 sistent with the forest plan covering such lands.

22 (6) FOREST PLAN.—The term “forest plan”
23 means—

24 (A) a land use plan prepared by the Bu-
25 reau of Land Management for public lands pur-

1 suant to section 202 of the Federal Land Policy
2 and Management Act of 1976 (43 U.S.C.
3 1712); or

4 (B) a land and resource management plan
5 prepared by the Forest Service for a unit of the
6 National Forest System pursuant to section 6
7 of the Forest and Rangeland Renewable Re-
8 sources Planning Act of 1974 (16 U.S.C.
9 1604).

10 (7) LARGE-SCALE CATASTROPHIC EVENT.—The
11 term “large-scale catastrophic event” means a cata-
12 strophic event that adversely impacts at least 5,000
13 acres of reasonably contiguous National Forest Sys-
14 tem lands or public lands, as determined by the Sec-
15 retary concerned.

16 (8) 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)).

21 (9) OREGON AND CALIFORNIA RAILROAD GRANT
22 LANDS.—The term “Oregon and California Railroad
23 Grant lands” means the following lands:

24 (A) All lands in the State of Oregon re-
25 vested in the United States under the Act of

1 June 9, 1916 (39 Stat. 218), that are adminis-
2 tered by the Secretary of the Interior, acting
3 through the Bureau of Land Management, pur-
4 suant to the first section of the Act of August
5 28, 1937 (43 U.S.C. 1181a).

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

10 (C) All lands in that State acquired by the
11 United States at any time and made subject to
12 the provisions of title II of the Act of August
13 28, 1937 (43 U.S.C. 1181f).

14 (10) PUBLIC LANDS.—The term “public lands”
15 has the meaning given that term in section 103 of
16 the Federal Land Policy and Management Act of
17 1976 (43 U.S.C. 1702), except that the term in-
18 cludes Coos Bay Wagon Road Grant lands and Or-
19 egon and California Railroad Grant lands.

20 (11) REFORESTATION ACTIVITY.—The term
21 “reforestation activity”—

22 (A) means a project or forest management
23 activity carried out by the Secretary concerned
24 that has the primary purpose of reforestation of

1 lands impacted by a large-scale catastrophic
2 event; and

3 (B) includes planting, evaluating and en-
4 hancing natural regeneration, clearing com-
5 peting vegetation, and other activities related to
6 reestablishment of forest species on such im-
7 pacted lands.

8 (12) RESOURCE ADVISORY COMMITTEE.—The
9 term “resource advisory committee” has the mean-
10 ing given that term in section 201 of the Secure
11 Rural Schools and Community Self-Determination
12 Act of 2000 (16 U.S.C. 7121).

13 (13) SALVAGE OPERATION.—The term “salvage
14 operation” means a forest management activity or
15 restoration activity carried out in response to a cata-
16 strophic event for which the primary purpose is—

17 (A) to prevent wildfire as a result of the
18 catastrophic event, or, if the catastrophic event
19 was wildfire, to prevent a re-burn of the fire-im-
20 pacted area;

21 (B) to provide an opportunity for utiliza-
22 tion of forest materials damaged as a result of
23 the catastrophic event; or

24 (C) to provide a funding source for refor-
25 estation and other restoration activities for the

1 National Forest System lands or public lands
2 impacted by the catastrophic event.

3 (14) SECRETARY CONCERNED.—The term
4 “Secretary concerned” means—

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

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

9 **SEC. 3. RULE OF APPLICATION FOR NATIONAL FOREST**
10 **SYSTEM LANDS AND PUBLIC LANDS.**

11 Unless otherwise specifically provided by a provision
12 of titles I through IX, the authorities provided by such
13 titles do not apply with respect to any National Forest
14 System lands or public lands—

15 (1) that are included in the National Wilderness
16 Preservation System;

17 (2) that are located within a national or State-
18 specific inventoried roadless area established by the
19 Secretary of Agriculture through regulation, un-
20 less—

21 (A) the forest management activity to be
22 carried out under such authority is consistent
23 with the forest plan applicable to the area; or

1 (B) the Secretary concerned determines
2 the activity is allowed under the applicable
3 roadless rule governing such lands; or
4 (3) on which timber harvesting for any purpose
5 is prohibited by Federal statute.

6 **TITLE I—EMERGENCY FIRESHED**
7 **MANAGEMENT**

8 **SEC. 101. EMERGENCY FIRESHED MANAGEMENT.**

9 Title VI of the Healthy Forests Restoration Act of
10 2003 (16 U.S.C. 6591 et seq.) is amended by adding at
11 the end the following:

12 **“SEC. 607. EMERGENCY FIRESHED MANAGEMENT.**

13 “(a) ESTABLISHMENT OF FIRESHED MANAGEMENT
14 AREAS.—

15 “(1) IN GENERAL.—

16 “(A) JOINT AGREEMENTS.—Not later than
17 90 days after receiving a request from a Gov-
18 ernor of a State, the Secretary shall enter into
19 an agreement with such Governor to jointly—

20 “(i) designate 1 or more fireshed
21 management areas within such State; and

22 “(ii) conduct fireshed management
23 projects in accordance with subsection (c)
24 on such fireshed management areas.

1 “(B) ADDITIONAL FIRESHED MANAGE-
2 MENT AREAS.—With respect to an agreement
3 with a Governor of a State under subparagraph
4 (A), the Secretary, if requested by such Gov-
5 ernor, may—

6 “(i) designate additional fireshed
7 management areas under such agreement;
8 and

9 “(ii) update such agreement to ad-
10 dress new wildfire threats.

11 “(C) SHARED STEWARDSHIP.—A pre-
12 viously signed shared stewardship agreement
13 between a Governor of a State and the Sec-
14 retary (or an update or successor agreement to
15 such shared stewardship agreement) may be
16 treated as an agreement under subparagraph
17 (A) if such Governor approves such treatment.

18 “(2) DESIGNATION OF FIRESHED MANAGEMENT
19 AREAS.—

20 “(A) IN GENERAL.—A fireshed manage-
21 ment area designated under an agreement
22 under paragraph (1)—

23 “(i) shall be—

24 “(I) a landscape-scale area; and

1 “(II) identified on the date of
2 such designation as a fireshed ranked
3 in the top 10 percent of wildfire expo-
4 sure, as determined by the most re-
5 cently published models of fireshed
6 risk exposure published by the Forest
7 Service;

8 “(ii) may not overlap with any other
9 fireshed management area; and

10 “(iii) may contain Federal and non-
11 Federal land.

12 “(B) APPLICABILITY OF NEPA.—The des-
13 ignation of a fireshed management area under
14 an agreement under paragraph (1) shall not be
15 subject to the requirements of the National En-
16 vironmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.).

18 “(b) STEWARDSHIP AND FIRESHED ASSESS-
19 MENTS.—

20 “(1) IN GENERAL.—Not later than 90 days
21 after entering into an agreement with a Governor of
22 a State under subsection (a)(1), the Secretary and
23 such Governor shall, with respect to the fireshed
24 management areas designated under such agree-

1 ment, jointly conduct a stewardship and firehatched as-
2 sessment that—

3 “(A) identifies—

4 “(i) using the best available data,
5 wildfire exposure risks within each such
6 firehatched management area, including sce-
7 nario planning and wildfire hazard map-
8 ping and models; and

9 “(ii) each at-risk community within
10 each firehatched management area;

11 “(B) identifies potential firehatched manage-
12 ment projects to be carried out in such firehatched
13 management areas, giving priority—

14 “(i) primarily, to projects with the
15 purpose of reducing threats to public
16 health and safety from catastrophic wild-
17 fire;

18 “(ii) secondarily, to projects with the
19 purpose of protecting—

20 “(I) critical infrastructure;

21 “(II) wildlife habitats;

22 “(III) watersheds or improving
23 water yield; or

1 “(IV) any combination of pur-
2 poses described in subclauses (I)
3 through (III);

4 “(C) includes—

5 “(i) a strategy for reducing the threat
6 of wildfire to at-risk communities in the
7 wildland-urban interface;

8 “(ii) recommended fireshed manage-
9 ment project size limitations based on the
10 best available data;

11 “(iii) a timeline for the implementa-
12 tion of fireshed management projects; and

13 “(iv) long-term benchmark goals for
14 the completion of fireshed management
15 projects in the highest wildfire exposure
16 areas; and

17 “(D) shall be regularly updated based on
18 the best available data, as determined by the
19 Secretary.

20 “(2) INFORMATION IMPROVEMENT.—

21 “(A) MEMORANDUMS OF UNDER-
22 STANDING.—In carrying out a stewardship and
23 fireshed assessment under this subsection, the
24 Secretary may enter into memorandums of un-
25 derstanding with other Federal agencies or de-

1 partments, States, private entities, or research
2 or educational institutions to improve, with re-
3 spect to such assessment, the use and integra-
4 tion of—

5 “(i) advanced remote sensing and
6 geospatial technologies;

7 “(ii) statistical modeling and analysis;
8 or

9 “(iii) any other technology the Sec-
10 retary determines will benefit the quality of
11 information of such an assessment.

12 “(B) STATE INFORMATION.—To the max-
13 imum extent practicable, the Secretary shall in-
14 corporate data from State forest action plans,
15 State wildfire risk assessments, and other State
16 sources in conducting an assessment under
17 paragraph (1).

18 “(c) FIRESHED MANAGEMENT PROJECTS.—

19 “(1) IN GENERAL.—The Secretary shall carry
20 out fireshed management projects in fireshed man-
21 agement areas designated under an agreement under
22 subsection (a)(1) in accordance with the timeline
23 and project size limitations included in the steward-
24 ship and fireshed assessment relating to such areas
25 under subsection (b)(1)(C).

1 “(2) REQUIREMENTS.—A fireshed management
2 project shall—

3 “(A) be carried out—

4 “(i) in accordance with paragraph (3);

5 and

6 “(ii) in accordance with the applicable
7 forest management plan; and

8 “(B) be—

9 “(i) developed through a collaborative
10 process;

11 “(ii) proposed by a resource advisory
12 committee (as defined in section 201 of the
13 Secure Rural Schools and Community Self-
14 Determination Act of 2000 (16 U.S.C.
15 7121)); or

16 “(iii) covered by a community wildfire
17 protection plan.

18 “(3) AUTHORIZED ACTIVITIES.—A fireshed
19 management project shall have the primary purpose
20 of—

21 “(A) creating fuel breaks and fire breaks;

22 “(B) conducting hazardous fuels manage-
23 ment;

24 “(C) conducting prescribed burns;

1 “(D) removing dead trees, dying trees, or
2 trees at high-risk of dying; or

3 “(E) carrying out any combination of the
4 activities described in subparagraphs (A)
5 through (D).

6 “(4) CATEGORICAL EXCLUSION FOR FIRESHED
7 MANAGEMENT PROJECTS.—Fireshed management
8 projects under this subsection shall be—

9 “(A) considered an action categorically ex-
10 cluded from the from the preparation of an en-
11 vironmental assessment or an environmental
12 impact statement under section 102 of the Na-
13 tional Environmental Policy Act of 1969 (42
14 U.S.C. 4332); and

15 “(B) exempt from the special administra-
16 tive review process under section 105.

17 “(5) EXCLUSIONS.—A fireshed management
18 project may not be carried out on lands—

19 “(A) that are included in the National Wil-
20 derness Preservation System;

21 “(B) that are located within a national or
22 State-specific inventoried roadless area estab-
23 lished by the Secretary of Agriculture through
24 regulation, unless—

1 “(i) the forest management activity to
2 be carried out under such authority is con-
3 sistent with the forest plan applicable to
4 the area; or

5 “(ii) the activity is allowed under the
6 applicable roadless rule governing such
7 lands, including—

8 “(I) the Idaho roadless rule
9 under subpart C of part 294 or title
10 36, Code of Federal Regulations;

11 “(II) the Colorado roadless rule
12 under subpart D of part 294 of title
13 36, Code of Federal Regulations; or

14 “(III) any other roadless rule de-
15 veloped after the date of the enact-
16 ment of this section by the Secretary
17 with respect to a specific State; or

18 “(C) on which timber harvesting for any
19 purpose is prohibited by Federal statute.

20 “(6) RULE OF CONSTRUCTION FOR CERTAIN
21 ROADLESS RULES.—Nothing in this section shall be
22 construed to affect the roadless rules described in
23 subclauses (I) and (II) of paragraph (5)(B)(ii).

24 “(7) USE OF OTHER AUTHORITIES.—To the
25 maximum extent practicable, the Secretary shall use

1 existing statutory and administrative authorities, in-
2 cluding a good neighbor agreement entered into
3 under section 8206 of the Agricultural Act of 2014
4 (16 U.S.C. 2113a), to carry out each fireshed man-
5 agement project.

6 “(d) JUDICIAL REVIEW.—Section 106 shall apply to
7 fireshed management projects conducted under this sec-
8 tion in the same manner as such section applies to an au-
9 thorized hazardous fuels reduction project conducted
10 under title I, except that no restraining order, preliminary
11 injunction, or injunction pending appeal shall be issued
12 by any court of the United States with respect to any deci-
13 sion to prepare or conduct a fireshed management project
14 in the wildland-urban interface.

15 “(e) REPORT REQUIRED.—Not later than 2 years
16 after the date of the enactment of this section and annu-
17 ally thereafter, the Secretary shall submit to Congress a
18 report evaluating the progress and implementation of
19 fireshed management projects under this section.

20 “(f) DEFINITIONS.—In this section:

21 “(1) COLLABORATIVE PROCESS.—The term
22 ‘collaborative process’ means a process relating to
23 the management of National Forest System lands or
24 public lands by which a project or forest manage-
25 ment activity is developed and implemented by the

1 Secretary through collaboration with interested per-
2 sons, as described in section 603(b)(1)(C).

3 “(2) FIRESHED.—The term ‘fireshed’ means a
4 landscape-scale area that faces similar wildfire
5 threat where a response strategy could influence the
6 wildfire outcome.

7 “(3) FOREST PLAN.—The term ‘forest plan’
8 means—

9 “(A) a land use plan prepared by the Bu-
10 reau of Land Management for public lands pur-
11 suant to section 202 of the Federal Land Policy
12 and Management Act of 1976 (43 U.S.C.
13 1712); or

14 “(B) a land and resource management
15 plan prepared by the Forest Service for a unit
16 of the National Forest System pursuant to sec-
17 tion 6 of the Forest and Rangeland Renewable
18 Resources Planning Act of 1974 (16 U.S.C.
19 1604).

20 “(4) HAZARDOUS FUELS MANAGEMENT.—The
21 term ‘hazardous fuels management’ means any vege-
22 tation management activities that reduce the risk of
23 wildfire, including mechanical treatments and live-
24 stock grazing.

1 “(5) PUBLIC LANDS.—The term ‘public lands’
2 has the meaning given that term in section 103 of
3 the Federal Land Policy and Management Act of
4 1976 (43 U.S.C. 1702), except that the term in-
5 cludes Coos Bay Wagon Road Grant lands and Or-
6 egon and California Railroad Grant lands.

7 “(6) RESOURCE ADVISORY COMMITTEE.—The
8 term ‘resource advisory committee’ has the meaning
9 given that term in section 201 of the Secure Rural
10 Schools and Community Self-Determination Act of
11 2000 (16 U.S.C. 7121).

12 “(7) SECRETARY.—The term ‘Secretary’
13 means—

14 “(A) the Secretary of Agriculture, with re-
15 spect to National Forest System lands; and

16 “(B) the Secretary of the Interior, with re-
17 spect to public lands.

18 “(8) SECTION 101 TERMS.—The terms ‘at-risk
19 community’, ‘community wildfire protection plan’,
20 and ‘wildland-urban interface’ have the meanings
21 given such terms, respectively, in section 101.”.

1 **TITLE II—STREAMLINED ENVI-**
2 **RONMENTAL ANALYSIS AND**
3 **AVAILABILITY OF CATEGOR-**
4 **ICAL EXCLUSIONS TO EXPE-**
5 **DITE FOREST MANAGEMENT**
6 **ACTIVITIES**

7 **Subtitle A—Analysis of Proposed**
8 **Collaborative Forest Manage-**
9 **ment Activities**

10 **SEC. 201. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**
11 **VERSUS NO ACTION) IN PROPOSED COLLABO-**
12 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

13 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
14 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
15 MENTS.—This section shall apply whenever the Secretary
16 concerned prepares an environmental assessment or an en-
17 vironmental impact statement pursuant to section 102 of
18 the National Environmental Policy Act of 1969 (42 U.S.C.
19 4332) for a forest management activity that—

20 (1) will occur on lands identified as the Sec-
21 retary concerned as suitable for timber production;
22 and

23 (2) meets at least one of the following condi-
24 tions:

1 (A) The forest management activity will
2 occur on lands designated by the Secretary (or
3 designee thereof) pursuant to section 602(b) of
4 the Healthy Forests Restoration Act of 2003
5 (16 U.S.C. 6591a(b)), notwithstanding whether
6 such forest management activity is initiated
7 prior to the date of enactment of this Act.

8 (B) The forest management activity is de-
9 veloped through a collaborative process.

10 (C) The forest management activity is pro-
11 posed by a resource advisory committee.

12 (D) The forest management activity is cov-
13 ered by a community wildfire protection plan.

14 (b) CONSIDERATION OF ALTERNATIVES.—In the case
15 of an environmental assessment or environmental impact
16 statement described in subsection (a), the Secretary con-
17 cerned shall study, develop, and describe only the following
18 two alternatives:

19 (1) The forest management activity.

20 (2) The alternative of no action.

21 (c) ELEMENTS OF NO ACTION ALTERNATIVE.—In
22 the case of the alternative of no action described in sub-
23 section (b)(2), the Secretary concerned shall consider
24 whether to evaluate—

25 (1) the effect of no action on—

- 1 (A) forest health;
- 2 (B) potential losses of life and property;
- 3 (C) habitat diversity;
- 4 (D) wildfire potential;
- 5 (E) insect and disease potential; and
- 6 (F) timber production; and
- 7 (2) the implications of a resulting decline in
- 8 forest health, loss of habitat diversity, wildfire, or in-
- 9 sect or disease infestation (given fire and insect and
- 10 disease historic cycles) on—
- 11 (A) potential losses of life and property;
- 12 (B) domestic water supply in the project
- 13 area;
- 14 (C) wildlife habitat loss; and
- 15 (D) other economic and social factors.

16 **Subtitle B—Categorical Exclusions**

17 **SEC. 211. CATEGORICAL EXCLUSION TO EXPEDITE CER-**

18 **TAIN CRITICAL RESPONSE ACTIONS.**

19 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-

20 est management activities described in subsection (b) are

21 a category of actions hereby designated as being categori-

22 cally excluded from the preparation of an environmental

23 assessment or an environmental impact statement under

24 section 102 of the National Environmental Policy Act of

25 1969 (42 U.S.C. 4332).

1 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
2 FOR CATEGORICAL EXCLUSION.—The forest management
3 activities designated under this section for a categorical
4 exclusion are forest management activities carried out by
5 the Secretary concerned on National Forest System lands
6 or public lands where the primary purpose of such activity
7 is—

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

9 (2) to reduce hazardous fuel loads;

10 (3) to protect a municipal water source;

11 (4) to maintain, enhance, or modify critical
12 habitat to protect such habitat from catastrophic
13 disturbances;

14 (5) to increase water yield;

15 (6) to remove dead or dying trees or trees at
16 high risk of dying;

17 (7) to facilitate native species restoration; or

18 (8) any combination of the purposes specified in
19 paragraphs (1) through (7).

20 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
21 On and after the date of the enactment of this Act, the
22 Secretary concerned may use the categorical exclusion es-
23 tablished under subsection (a) in accordance with this sec-
24 tion.

25 (d) ACREAGE LIMITATIONS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), a forest management activity covered by
3 the categorical exclusion established under sub-
4 section (a) may not contain treatment units exceed-
5 ing a total of 10,000 acres.

6 (2) LARGER AREAS AUTHORIZED.—A forest
7 management activity covered by the categorical ex-
8 clusion established under subsection (a) may contain
9 treatment units exceeding a total of 10,000 acres
10 but not more than a total of 30,000 acres if the for-
11 est management activity—

12 (A) is developed through a collaborative
13 process;

14 (B) is proposed by a resource advisory
15 committee; or

16 (C) is covered by a community wildfire
17 protection plan.

18 **SEC. 212. CATEGORICAL EXCLUSION FOR EARLY SUCCES-**
19 **SIONAL FORESTS.**

20 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
21 est management activities described in subsection (b) are
22 a category of actions hereby designated as being categori-
23 cally excluded from the preparation of an environmental
24 assessment or an environmental impact statement under

1 section 102 of the National Environmental Policy Act of
2 1969 (42 U.S.C. 4332).

3 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
4 FOR CATEGORICAL EXCLUSION.—The forest management
5 activities designated under this section for a categorical
6 exclusion are forest management activities carried out by
7 the Secretary concerned on National Forest System lands
8 or public lands where the primary purpose of such activity
9 is, consistent with the applicable forest plan, to modify,
10 improve, enhance, or create early successional forests for
11 wildlife habitat improvement and other purposes.

12 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
13 On and after the date of the enactment of this Act, the
14 Secretary concerned may use the categorical exclusion es-
15 tablished under subsection (a) in accordance with this sec-
16 tion.

17 (d) PROJECT GOALS.—To the maximum extent prac-
18 ticable, the Secretary concerned shall design forest man-
19 agement activities described in subsection (b)—

- 20 (1) to meet early successional forest goals; and
21 (2) to maximize production and regeneration of
22 priority species, as identified in the forest plan and
23 consistent with the capability of the treatment units.

24 (e) ACREAGE LIMITATIONS.—A forest management
25 activity covered by the categorical exclusion established

1 under subsection (a) may not contain treatment units ex-
2 ceeding a total of 10,000 acres.

3 **SEC. 213. CATEGORICAL EXCLUSION FOR OUTDOOR RECRE-**
4 **ATION.**

5 (a) CATEGORICAL EXCLUSION ESTABLISHED.—Ac-
6 tivities described in subsection (b) are a category of ac-
7 tions hereby designated as being categorically excluded
8 from the preparation of an environmental assessment or
9 an environmental impact statement under section 102 of
10 the National Environmental Policy Act of 1969 (42 U.S.C.
11 4332).

12 (b) ACTIVITIES DESIGNATED FOR CATEGORICAL EX-
13 CLUSION.—The activities designated under this section for
14 a categorical exclusion are activities carried out by the
15 Secretary concerned on National Forest System lands or
16 public lands where the primary purpose of such activity
17 is to—

18 (1) issue, amend, replace, or extend the admin-
19 istrative terms of an existing or expired special use
20 authorization, if the holder or applicant of such spe-
21 cial use authorization is in full compliance with the
22 terms and conditions of such special use authoriza-
23 tion;

1 (2) modify, remove, repair, maintain, recon-
2 struct, or replace a facility for an existing special
3 use authorization;

4 (3) issue a new special use authorization or
5 amendment to an existing special use authorization
6 for activities that will occur on existing roads, trails,
7 facilities, or areas approved for use in an applicable
8 forest plan or other documented decision;

9 (4) approve, modify, or continue special uses of
10 National Forest System lands or public lands for
11 less than 5 years;

12 (5) approve, modify, or continue special use au-
13 thorizations on National Forest System land that re-
14 quire less than 20 acres of contiguous land;

15 (6) operate, maintain, modify, construct, recon-
16 struct, improve, decommission, relocate, or dispose
17 of buildings, infrastructure, or other improvements
18 at developed recreation sites;

19 (7) remove hazard trees for the purpose of pro-
20 tecting public health or safety or improving access to
21 a recreation site; or

22 (8) any combination of the purposes specified in
23 paragraphs (1) through (7).

24 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

25 On and after the date of the enactment of this Act, the

1 Secretary concerned may use the categorical exclusion es-
2 tablished under subsection (a) in accordance with this sec-
3 tion.

4 **SEC. 214. CATEGORICAL EXCLUSION FOR INFRASTRUC-**
5 **TURE IMPROVEMENTS.**

6 (a) CATEGORICAL EXCLUSION ESTABLISHED.—Ac-
7 tivities described in subsection (b) are a category of ac-
8 tions hereby designated as being categorically excluded
9 from the preparation of an environmental assessment or
10 an environmental impact statement under section 102 of
11 the National Environmental Policy Act of 1969 (42 U.S.C.
12 4332).

13 (b) ACTIVITIES DESIGNATED FOR CATEGORICAL EX-
14 CLUSION.—The activities designated under this section for
15 a categorical exclusion are activities carried out by the
16 Secretary concerned on National Forest System lands or
17 public lands where the primary purpose of such activity
18 is to—

19 (1) convert an unauthorized road or trail into
20 a National Forest System road or trail;

21 (2) construct or realign segments of National
22 Forest System roads or roads on Federal land not
23 exceeding 5 miles;

24 (3) construct segments of National Forest Sys-
25 tem roads not exceeding 10 miles;

1 (4) reclassify a National Forest System road or
2 roads on Federal lands at a different maintenance
3 level;

4 (5) reconstruct or rehabilitate bridges;

5 (6) approve new or additional communications
6 facilities, associated improvements, or communica-
7 tion uses at a site already identified as available for
8 such purposes;

9 (7) maintain, construct, reconstruct, improve,
10 decommission, relocate, or dispose of buildings, in-
11 frastructure, or other improvements at administra-
12 tive sites;

13 (8) approve the use of land for a utility corridor
14 that crosses a National Forest; or

15 (9) any combination of the purposes specified in
16 paragraphs (1) through (8).

17 (c) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—

18 On and after the date of the enactment of this Act, the
19 Secretary concerned may use the categorical exclusion es-
20 tablished under subsection (a) in accordance with this sec-
21 tion.

22 **SEC. 215. CATEGORICAL EXCLUSION FOR ROAD SIDE**
23 **PROJECTS.**

24 (a) **CATEGORICAL EXCLUSION ESTABLISHED.**—

25 Projects carried out by the Secretary concerned to remove

1 hazard trees or to salvage timber for purposes of the pro-
2 tection of public health or safety, water supply, or public
3 infrastructure are a category of actions hereby designated
4 as being categorically excluded from the preparation of an
5 environmental assessment or an environmental impact
6 statement under section 102 of the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4332).

8 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—
9 On and after the date of the enactment of this Act, the
10 Secretary concerned may use the categorical exclusion es-
11 tablished under subsection (a) in accordance with this sec-
12 tion.

13 (c) HEALTHY FORESTS RESTORATION ACT RE-
14 QUIREMENTS.—

15 (1) ADMINISTRATIVE REVIEW.—A project that
16 is categorically excluded under this section shall be
17 subject to the requirements of subsections (d), (e),
18 and (f) of section 603 of the Healthy Forests Res-
19 toration Act of 2003 (16 U.S.C. 6591).

20 (2) HAZARDOUS FUEL REDUCTION ON FED-
21 ERAL LAND.—A project that is categorically ex-
22 cluded under this section shall be subject to the re-
23 quirements of sections 102, 104, 105, and 106 of
24 title I of the Healthy Forests Restoration Act of
25 2003 (16 U.S.C. 6511 et seq.).

1 **SEC. 216. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**
2 **STORE NATIONAL FOREST SYSTEM LANDS OR**
3 **PUBLIC LAND OR REDUCE THE RISK OF**
4 **WILDFIRE.**

5 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
6 est management activities described in subsection (b) are
7 a category of actions hereby designated as being categori-
8 cally excluded from the preparation of an environmental
9 assessment or an environmental impact statement under
10 section 102 of the National Environmental Policy Act of
11 1969 (42 U.S.C. 4332).

12 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
13 FOR CATEGORICAL EXCLUSION.—

14 (1) DESIGNATION.—The forest management ac-
15 tivities designated under this section for a categori-
16 cal exclusion are forest management activities de-
17 scribed in paragraph (2) that are carried out by the
18 Secretary concerned on National Forest System
19 Lands or public lands where the primary purpose of
20 such activity is to improve or restore such lands or
21 reduce the risk of wildfire on such lands.

22 (2) ACTIVITIES AUTHORIZED.—The following
23 activities may be carried out pursuant to the cat-
24 egorical exclusion established under subsection (a):

25 (A) Removal of noxious weeds through
26 late-season livestock grazing, targeted livestock

1 grazing, prescribed burns, or mechanical treat-
2 ments.

3 (B) Performance of hazardous fuels man-
4 agement.

5 (C) Creation of fuel and fire breaks.

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

9 (E) Installation of erosion control devices.

10 (F) Construction of new permanent infra-
11 structure and maintenance of existing perma-
12 nent infrastructure, including stock ponds,
13 water catchments, and water spring boxes used
14 to benefit livestock and improve wildlife habitat.

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

19 (H) Use of herbicides, so long as the Sec-
20 retary concerned determines that the activity is
21 otherwise conducted consistently with the forest
22 plan applicable to the area covered by the activ-
23 ity.

24 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

25 On and after the date of the enactment of this Act, the

1 Secretary concerned may use the categorical exclusion es-
2 tablished under subsection (a) in accordance with this sec-
3 tion.

4 (d) ACREAGE LIMITATIONS.—A forest management
5 activity covered by the categorical exclusion established
6 under subsection (a) may not exceed 10,000 acres.

7 (e) DEFINITIONS.—In this section:

8 (1) HAZARDOUS FUELS MANAGEMENT.—The
9 term “hazardous fuels management” means any
10 vegetation management activities that reduce the
11 risk of wildfire.

12 (2) LATE-SEASON GRAZING.—The term “late-
13 season grazing” means grazing activities that
14 occur—

15 (A) after both the invasive species and na-
16 tive perennial species have completed their cur-
17 rent-year annual growth cycle; and

18 (B) before new plant growth begins to ap-
19 pear in the following year.

20 (3) NOXIOUS WEEDS.—The term “noxious
21 weeds” includes juniper trees, medusahead rye, conifer
22 trees, piñon pine trees, cheatgrass, and other
23 noxious or invasive weeds specified on a Federal or
24 State noxious weed list.

1 (4) TARGETED LIVESTOCK GRAZING.—The
2 term “targeted livestock grazing” means grazing
3 used for purposes of hazardous fuel management.

4 **SEC. 217. CATEGORICAL EXCLUSION FOR WILDFIRE PRE-**
5 **VENTION AND DROUGHT MITIGATION.**

6 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
7 est management activities described in subsection (b) are
8 a category of actions hereby designated as being categori-
9 cally excluded from the preparation of an environmental
10 assessment or an environmental impact statement under
11 section 102 of the National Environmental Policy Act of
12 1969 (42 U.S.C. 4332).

13 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
14 FOR CATEGORICAL EXCLUSION.—The forest management
15 activities designated under this section for a categorical
16 exclusion are forest management activities carried out by
17 the Secretary concerned on National Forest System lands
18 or public lands where the primary purpose of such activity
19 is to—

20 (1) protect a municipal or Tribal water source
21 from damage caused by wildfire;

22 (2) improve ecosystem health, resilience, and
23 other watershed and habitat conditions;

24 (3) improve, maintain, or restore water yield or
25 quality;

1 (4) improve, maintain, or restore snowpack;

2 (5) adapt the forest landscape to an increased
3 threat of drought; or

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

6 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

7 On and after the date of the enactment of this Act, the
8 Secretary concerned may use the categorical exclusion es-
9 tablished under subsection (a) in accordance with this sec-
10 tion.

11 (d) ACREAGE LIMITATIONS.—

12 (1) IN GENERAL.—Except in the case of a for-
13 est management activity described in paragraph (2),
14 a forest management activity covered by the categor-
15 ical exclusion established under subsection (a) may
16 not contain treatment units exceeding a total of
17 10,000 acres.

18 (2) LARGER AREAS AUTHORIZED.—A forest
19 management activity covered by the categorical ex-
20 clusion established under subsection (a) may contain
21 treatment units exceeding a total of 10,000 acres
22 but not more than a total of 30,000 acres if the for-
23 est management activity is located in an area that,
24 at the time of such activity—

1 (A) is in a severe, extreme, or exceptional
2 drought; or

3 (B) has been in a severe, extreme, or ex-
4 ceptional drought in the previous 5 years.

5 **SEC. 218. CLARIFICATION OF EXISTING CATEGORICAL EX-**
6 **CLUSION AUTHORITY RELATED TO INSECT**
7 **AND DISEASE INFESTATION.**

8 (a) INSECT AND DISEASE CATEGORICAL EXCLU-
9 SION.—Section 603(c) of the Healthy Forests Restoration
10 Act of 2003 (16 U.S.C. 6591b(c)) is amended—

11 (1) in paragraph (1), by striking “3000 acres”
12 and inserting “10,000 acres”; and

13 (2) in paragraph (2)(B), by striking “Fire Re-
14 gime Groups I, II, or III,” and inserting “Fire Re-
15 gime I, Fire Regime II, Fire Regime III, Fire Re-
16 gime IV, or Fire Regime V,”.

17 **SEC. 219. CLARIFICATION OF EXISTING CATEGORICAL EX-**
18 **CLUSION AUTHORITY RELATED TO WILDFIRE**
19 **RESILIENCE PROJECTS.**

20 Section 605(c) of the Healthy Forests Restoration
21 Act of 2003 (16 U.S.C. 6591d(c)) is amended—

22 (1) in paragraph (1), by striking “3000 acres”
23 and inserting “10,000 acres”; and

24 (2) in paragraph (2)(B), by striking “Fire Re-
25 gime Groups I, II, or III” and inserting “Fire Re-

1 gime I, Fire Regime II, Fire Regime III, Fire Re-
2 gime IV, or Fire Regime V”.

3 **SEC. 220. CATEGORICAL EXCLUSION FOR JOINT PROJECTS.**

4 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
5 est management activities described in subsection (b) are
6 a category of actions hereby designated as being categori-
7 cally excluded from the preparation of an environmental
8 assessment or an environmental impact statement under
9 section 102 of the National Environmental Policy Act of
10 1969 (42 U.S.C. 4332).

11 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
12 FOR CATEGORICAL EXCLUSION.—The forest management
13 activities designated under this section for a categorical
14 exclusion are forest management activities—

15 (1) carried out by the Secretary concerned
16 jointly with the head of another Federal agency on
17 National Forest System lands or public lands;

18 (2) for which a categorical exclusion applies
19 with respect to such other Federal agency.

20 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
21 On and after the date of the enactment of this Act, the
22 Secretary concerned may use the categorical exclusion es-
23 tablished under subsection (a) in accordance with this sec-
24 tion after obtaining written confirmation from the other

1 Federal agency that the categorical exclusion applies to
2 the proposed forest management activity.

3 **SEC. 221. USE OF ESTABLISHED CATEGORICAL EXCLU-**
4 **SIONS.**

5 Title I of the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.) is amended by adding at
7 the end the following:

8 **“SEC. 106. USE OF ESTABLISHED CATEGORICAL EXCLU-**
9 **SIONS.**

10 “(a) IN GENERAL.—

11 “(1) AUTHORITY ESTABLISHED.—A Federal
12 agency may designate any covered category of ac-
13 tions as being categorically excluded from the prepa-
14 ration of an environmental assessment or an envi-
15 ronmental impact statement under section 102 of
16 the National Environmental Policy Act of 1969 (42
17 U.S.C. 4332) without further substantiation.

18 “(2) COVERED CATEGORY OF ACTIONS.—For
19 purposes of paragraph (1), the term ‘covered cat-
20 egory of actions’ means, with respect to a Federal
21 agency, a category of action identified by another
22 Federal agency as being categorically excluded from
23 the preparation of an environmental assessment or
24 an environmental impact statement under section

1 102 of the National Environmental Policy Act of
2 1969 (42 U.S.C. 4332).

3 “(b) JUDICIAL REVIEW.—A categorical exclusion es-
4 tablished pursuant to subsection (a)(1) shall not be sub-
5 ject to judicial review.

6 “(c) EXCLUSION.—The authorities provided by this
7 section do not apply with respect to any National Forest
8 System lands or public lands—

9 “(1) that are included in the National Wilder-
10 ness Preservation System;

11 “(2) that are located within a national or State
12 specific inventoried roadless area established by the
13 Secretary of Agriculture through regulation, un-
14 less—

15 “(A) the forest management activity to be
16 carried out under such authority is consistent
17 with the forest plan applicable to the area; or

18 “(B) the Secretary concerned determines
19 the activity is allowed under the applicable
20 roadless rule governing such lands; or

21 “(3) on which timber harvesting for any pur-
22 pose is prohibited by Federal statute.”.

1 **Subtitle C—General Provisions for**
2 **Forest Management Activities**

3 **SEC. 231. COMPLIANCE WITH FOREST PLANS.**

4 A forest management activity carried out pursuant
5 to this Act shall be conducted in a manner consistent with
6 the forest plan applicable to the National Forest System
7 land or public lands covered by the forest management ac-
8 tivity.

9 **SEC. 232. CONSULTATION UNDER THE NATIONAL HISTORIC**
10 **PRESERVATION ACT.**

11 (a) **IN GENERAL.**—Not later than 12 months after
12 the date of enactment of this Act, the Secretary of the
13 Interior and the Secretary of Agriculture shall each de-
14 velop, in consultation with relevant consulting parties, a
15 programmatic agreement or other appropriate program al-
16 ternative pursuant to section 800.14 of title 36, Code of
17 Federal Regulations (or successor regulations) for expe-
18 diting reviews under section 306108 of title 54, United
19 States Code, for forest management activities carried out
20 pursuant to this Act.

21 (b) **REQUIREMENT.**—A programmatic agreement or
22 other appropriate program alternative developed under
23 subsection (a) shall incorporate the concepts of phased
24 identification and evaluation in accordance with section

1 800.4(b)(2) of title 36, Code of Federal Regulations (or
2 successor regulations).

3 **SEC. 233. CONSULTATION UNDER THE ENDANGERED SPE-**
4 **CIES ACT.**

5 (a) NO CONSULTATION IF ACTION NOT LIKELY TO
6 ADVERSELY AFFECT A LISTED SPECIES OR DESIGNATED
7 CRITICAL HABITAT.—With respect to a forest manage-
8 ment activity carried out pursuant to this Act, consulta-
9 tion under section 7 of the Endangered Species Act of
10 1973 (16 U.S.C. 1536) shall not be required if the Sec-
11 retary concerned determines that the such forest manage-
12 ment activity is not likely to adversely affect a species list-
13 ed under section 4 of such Act (16 U.S.C. 1533) or a crit-
14 ical habitat (as defined in section 3 of such Act (16 U.S.C.
15 1532)).

16 (b) EXPEDITED CONSULTATION.—

17 (1) IN GENERAL.—With respect to a forest
18 management activity carried out pursuant to this
19 Act, consultation required under section 7 of the En-
20 dangered Species Act of 1973 (16 U.S.C. 1536)
21 shall be concluded before the last day of the 90-day
22 period beginning on the date on which such con-
23 sultation was requested by the Secretary concerned.

24 (2) NO CONCLUSION.—In the case of a con-
25 sultation described in paragraph (1) that is not con-

1 cluded before the last day of the 90-day period de-
 2 scribed in such paragraph, the forest management
 3 activity for which such consultation was initiated—

4 (A) shall be deemed to be in compliance
 5 with section 7 of the Endangered Species Act of
 6 1973 (16 U.S.C. 1536(a)(2)); and

7 (B) may be carried out.

8 **SEC. 234. FOREST MANAGEMENT ACTIVITIES CONSIDERED**
 9 **NON-DISCRETIONARY ACTIONS.**

10 For purposes of the Endangered Species Act of 1973
 11 (16 U.S.C. 1531 et seq.), a forest management activity
 12 carried out by the Secretary concerned pursuant to this
 13 Act shall be considered a non-discretionary action.

14 **TITLE III—SALVAGE AND REFOR-**
 15 **ESTATION IN RESPONSE TO**
 16 **CATASTROPHIC EVENTS**

17 **SEC. 301. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**
 18 **VAGE OPERATIONS IN RESPONSE TO CATA-**
 19 **STROPHIC EVENTS.**

20 (a) CATEGORICAL EXCLUSION ESTABLISHED.—Sal-
 21 vage operations carried out by the Secretary concerned on
 22 National Forest System lands or public lands are a cat-
 23 egory of actions hereby designated as being categorically
 24 excluded from the preparation of an environmental assess-
 25 ment or an environmental impact statement under section

1 102 of the National Environmental Policy Act of 1969 (42
2 U.S.C. 4332).

3 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—

4 On and after the date of the enactment of this Act, the
5 Secretary concerned may use the categorical exclusion es-
6 tablished under subsection (a) in accordance with this sec-
7 tion.

8 (c) ACREAGE LIMITATION.—A salvage operation cov-
9 ered by the categorical exclusion established under sub-
10 section (a) may not contain treatment units exceeding a
11 total of 10,000 acres.

12 (d) ADDITIONAL REQUIREMENTS.—

13 (1) STREAM BUFFERS.—A salvage operation
14 covered by the categorical exclusion established
15 under subsection (a) shall comply with the standards
16 and guidelines for stream buffers contained in the
17 applicable forest plan unless waived by the Regional
18 Forester, in the case of National Forest System
19 lands, or the State Director of the Bureau of Land
20 Management, in the case of public lands.

21 (2) REFORESTATION PLAN.—A reforestation
22 plan shall be developed under section 3 of the Act
23 of June 9, 1930 (commonly known as the Knutson-
24 Vandenberg Act; 16 U.S.C. 576b), as part of a sal-

1 vage operation covered by the categorical exclusion
2 established under subsection (a).

3 **SEC. 302. EXPEDITED SALVAGE OPERATIONS AND REFOR-**
4 **ESTATION ACTIVITIES FOLLOWING LARGE-**
5 **SCALE CATASTROPHIC EVENTS.**

6 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—
7 Notwithstanding any other provision of law, an environ-
8 mental assessment prepared by the Secretary concerned
9 pursuant to section 102 of the National Environmental
10 Policy Act of 1969 (42 U.S.C. 4332) for a salvage oper-
11 ation or reforestation activity proposed to be conducted
12 on National Forest System lands or public lands adversely
13 impacted by a large-scale catastrophic event shall be com-
14 pleted within 60 days after the conclusion of the cata-
15 strophic event.

16 (b) EXPEDITED IMPLEMENTATION AND COMPLE-
17 TION.—In the case of reforestation activities conducted on
18 National Forest System lands or public lands adversely
19 impacted by a large-scale catastrophic event, the Secretary
20 concerned shall, to the maximum extent practicable,
21 achieve reforestation of at least 75 percent of the impacted
22 lands during the 5-year period following the conclusion of
23 the catastrophic event.

24 (c) AVAILABILITY OF KNUTSON-VANDENBERG
25 FUNDS.—Amounts in the special fund established pursu-

1 ant to section 3 of the Act of June 9, 1930 (commonly
2 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b)
3 shall be available to the Secretary of Agriculture for refor-
4 estation activities authorized by this section.

5 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, in the case of a salvage operation
8 or reforestation activity proposed to be conducted on
9 National Forest System lands or public lands ad-
10 versely impacted by a large-scale catastrophic event,
11 the Secretary concerned shall allow—

12 (A) 30 days for public scoping and com-
13 ment;

14 (B) 15 days for filing an objection; and

15 (C) 15 days for the agency response to the
16 filing of an objection.

17 (2) IMPLEMENTATION.—On the final day of the
18 process required in paragraph (1), the Secretary
19 concerned shall implement the project for which the
20 process was initiated.

21 (e) CONVERSION OF TIMBER SALES.—

22 (1) IN GENERAL.—Not later than 60 days after
23 a wildfire is contained on National Forest System
24 lands, the Secretary of Agriculture shall convert any

1 timber sales on lands impacted by such wildfire to
2 salvage sales.

3 (2) ANALYSIS DEEMED SUFFICIENT.—If the
4 Regional Forester determines that a proposed timber
5 sale has been sufficiently analyzed under the Na-
6 tional Environmental Policy Act, such analysis shall
7 be deemed to fulfill the requirements of section
8 102(2)(C) of the National Environmental Policy Act
9 of 1969 (42 U.S.C. 4332(2)(C)) with respect to such
10 salvage sale.

11 **SEC. 303. COMPLIANCE WITH FOREST PLAN.**

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

17 **SEC. 304. PROHIBITION ON RESTRAINING ORDERS, PRE-**

18 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**

19 **PENDING APPEAL.**

20 No restraining order, preliminary injunction, or in-
21 junction pending appeal shall be issued by any court of
22 the United States with respect to any decision to prepare
23 or conduct a salvage operation or reforestation activity in
24 response to a large-scale catastrophic event.

1 **TITLE IV—FOREST**
2 **MANAGEMENT LITIGATION**

3 **SEC. 401. NO ATTORNEY FEES FOR FOREST MANAGEMENT**
4 **ACTIVITY CHALLENGES.**

5 Notwithstanding section 1304 of title 31, United
6 States Code, no award may be made under section 2412
7 of title 28, United States Code, and no amounts may be
8 obligated or expended from the Claims and Judgment
9 Fund of the United States Treasury to pay any fees or
10 other expenses under such sections to any plaintiff related
11 to an action challenging a forest management activity
12 under this Act.

13 **SEC. 402. INJUNCTIVE RELIEF.**

14 (a) **BALANCING SHORT- AND LONG-TERM EFFECTS**
15 **OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING**
16 **INJUNCTIVE RELIEF.**—As part of its weighing the equities
17 while considering any request for an injunction that ap-
18 plies to any agency action as part of a forest management
19 activity under this Act, the court reviewing the agency ac-
20 tion shall balance the impact to the ecosystem likely af-
21 fected by the forest management activity of—

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

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

1 (b) TIME LIMITATIONS FOR INJUNCTIVE RELIEF.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 the length of any preliminary injunctive relief and
4 stays pending appeal that applies to any agency ac-
5 tion as part of a forest management activity under
6 this Act, shall not exceed 60 days.

7 (2) RENEWAL.—

8 (A) IN GENERAL.—A court of competent
9 jurisdiction may issue one or more renewals of
10 any preliminary injunction, or stay pending ap-
11 peal, granted under paragraph (1).

12 (B) UPDATES.—In each renewal of an in-
13 junction in an action, the parties to the action
14 shall present the court with updated informa-
15 tion on the status of the authorized forest man-
16 agement activity.

17 **SEC. 403. USE OF ARBITRATION INSTEAD OF LITIGATION**
18 **TO ADDRESS CHALLENGES TO FOREST MAN-**
19 **AGEMENT ACTIVITIES.**

20 (a) DISCRETIONARY ARBITRATION PROCESS PILOT
21 PROGRAM.—

22 (1) IN GENERAL.—The Secretary of Agri-
23 culture, with respect to National Forest System
24 lands, and the Secretary of the Interior, with respect
25 to public lands, shall each establish a discretionary

1 arbitration pilot program as an alternative dispute
2 resolution process for the activities described in
3 paragraph (2). Such arbitration pilot program shall
4 take place in lieu of judicial review for the activities
5 described in paragraph (2).

6 (2) ACTIVITIES DESCRIBED.—The Secretary
7 concerned, at the sole discretion of the Secretary,
8 may designate objections or protests to forest man-
9 agement activities under this Act for arbitration
10 under the arbitration pilot program established
11 under paragraph (1).

12 (3) MAXIMUM AMOUNT OF ARBITRATIONS.—

13 (A) IN GENERAL.—Under the arbitration
14 pilot program, the Secretary concerned may not
15 arbitrate more than 10 objections or protests to
16 forest management activities under this Act in
17 a fiscal year in—

18 (i) each Forest Service Region; and

19 (ii) each State Region of the Bureau
20 of Land Management.

21 (B) NOT SUBJECT TO JUDICIAL REVIEW.—

22 A determination made by the Secretary con-
23 cerned that an objection or protest to a forest
24 management activity under this Act is an activ-

1 ity described under paragraph (2) shall not be
2 subject to judicial review.

3 (4) DETERMINING AMOUNT OF ARBITRA-
4 TIONS.—An objection or protest to a forest manage-
5 ment activity under this Act shall not be counted to-
6 wards the limitation on number of arbitrations
7 under paragraph (3) unless—

8 (A) on the date such objection or protest
9 is designated for arbitration, the forest manage-
10 ment activity for which such objection or pro-
11 test is filed has not been the subject of arbitra-
12 tion proceedings under the pilot program; and

13 (B) the arbitration proceeding has com-
14 menced with respect to such objection or pro-
15 test.

16 (5) TERMINATION.—

17 (A) IN GENERAL.—The pilot programs es-
18 tablished pursuant to paragraph (1) shall ter-
19 minate on the date that is 7 years after the
20 date of the enactment of this Act.

21 (B) ACTIVITY IN ARBITRATION.—An objec-
22 tion or protest to a forest management activity
23 under this Act that has commenced but has not
24 completed arbitration on the date of termi-

1 nation under subparagraph (A) shall continue
2 until such arbitration is completed.

3 (b) INTERVENING PARTIES.—

4 (1) REQUIREMENTS.—Any person that sub-
5 mitted a public comment on a forest management
6 activity under this Act that is subject to arbitration
7 may intervene in the arbitration—

8 (A) by endorsing—

9 (i) the forest management activity; or

10 (ii) the modification proposal sub-
11 mitted under subparagraph (B); or

12 (B) by submitting a proposal to further
13 modify the forest management activity.

14 (2) DEADLINE FOR SUBMISSION.—With respect
15 to an objection or protest that is designated for arbi-
16 tration under this subsection (a), a request to inter-
17 vene in an arbitration must be submitted not later
18 than the date that is 30 days after the date on
19 which such objection or protest was designated for
20 arbitration.

21 (3) MULTIPLE PARTIES.—Multiple intervening
22 parties may submit a joint proposal so long as each
23 intervening party meets the eligibility requirements
24 of paragraph (1).

25 (c) APPOINTMENT OF ARBITRATOR.—

1 (1) APPOINTMENT.—The Secretary of Agri-
2 culture and the Secretary of the Interior shall jointly
3 develop and publish a list of not fewer than 20 indi-
4 viduals eligible to serve as arbitrators for the pilot
5 programs under this section.

6 (2) QUALIFICATIONS.—In order to be eligible to
7 serve as an arbitrator under this subsection, an indi-
8 vidual shall be, on the date of the appointment of
9 such arbitrator—

10 (A) certified by the American Arbitration
11 Association; and

12 (B) not a registered lobbyist.

13 (3) SELECTION OF ARBITRATOR.—

14 (A) IN GENERAL.—For each arbitration
15 commenced under this section, the Secretary
16 concerned and each applicable objector or
17 protestor shall agree, not later than 14 days
18 after the agreement process is initiated, on a
19 mutually acceptable arbitrator from the list
20 published under this subsection.

21 (B) APPOINTMENT AFTER 14 DAYS.—In
22 the case of an agreement with respect to a mu-
23 tually acceptable arbitrator not being reached
24 within the 14-day limit described in subpara-
25 graph (A), the Secretary concerned shall ap-

1 point an arbitrator from the list published
2 under this subsection.

3 (d) SELECTION OF PROPOSALS.—

4 (1) IN GENERAL.—The arbitrator appointed
5 under subsection (c)—

6 (A) may not modify any of the proposals
7 submitted with the objection, protest, or request
8 to intervene; and

9 (B) shall select to be conducted—

10 (i) the forest management activity, as
11 approved by the Secretary; or

12 (ii) a proposal submitted by an objec-
13 tor or an intervening party.

14 (2) SELECTION CRITERIA.—An arbitrator shall,
15 when selecting a proposal, consider—

16 (A) whether the proposal is consistent with
17 the applicable forest plan, laws, and regula-
18 tions;

19 (B) whether the proposal can be carried
20 out by the Secretary concerned; and

21 (C) the effect of each proposal on—

22 (i) forest health;

23 (ii) potential losses of life and prop-
24 erty;

25 (iii) habitat diversity;

- 1 (iv) wildfire potential;
- 2 (v) insect and disease potential;
- 3 (vi) timber production; and
- 4 (vii) the implications of a resulting de-
- 5 cline in forest health, loss of habitat diver-
- 6 sity, wildfire, or insect or disease infesta-
- 7 tion, given fire and insect and disease his-
- 8 toric cycles, on—
- 9 (I) potential losses of life and
- 10 property;
- 11 (II) domestic water costs;
- 12 (III) wildlife habitat loss; and
- 13 (IV) other economic and social
- 14 factors.

15 (e) EFFECT OF DECISION.—The decision of an arbi-

16 trator with respect to a forest management activity under

17 this Act shall—

- 18 (1) not be considered a major Federal action;
- 19 (2) be binding; and
- 20 (3) not be subject to judicial review, except as
- 21 provided in section 10(a) of title 9, United States
- 22 Code.

23 (f) DEADLINE FOR COMPLETION.—Not later than 90

24 days after the date on which the arbitration is filed with

1 respect to a forest management activity under this Act,
 2 the arbitration process shall be completed.

3 **TITLE V—SECURE RURAL**
 4 **SCHOOLS AND COMMUNITY**
 5 **SELF-DETERMINATION ACT**
 6 **AMENDMENTS**

7 **SEC. 501. USE OF RESERVED FUNDS FOR TITLE II**
 8 **PROJECTS ON FEDERAL LAND AND CERTAIN**
 9 **NON-FEDERAL LAND.**

10 Section 204(f) of the Secure Rural Schools and Com-
 11 munity Self-Determination Act of 2000 (16 U.S.C.
 12 7124(f)) is amended to read as follows:

13 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

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

19 “(A) include the sale of timber or other
 20 forest products, reduce fire risks, or improve
 21 water supplies; and

22 “(B) implement stewardship objectives
 23 that enhance forest ecosystems or restore and
 24 improve land health and water quality.

1 “(2) APPLICABILITY.—The requirement in
 2 paragraph (1) shall apply only to project funds re-
 3 served by a participating county with boundaries
 4 that include Federal land that the Secretary con-
 5 cerned determines has been subject to a timber or
 6 other forest products program in the 5 fiscal years
 7 preceding the fiscal year in which the funds are re-
 8 served.”.

9 **TITLE VI—STEWARDSHIP END**
 10 **RESULT CONTRACTING**

11 **SEC. 601. PAYMENT OF PORTION OF STEWARDSHIP**
 12 **PROJECT REVENUES TO COUNTY IN WHICH**
 13 **STEWARDSHIP PROJECT OCCURS.**

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

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

18 (2) in paragraph (3)(A), by striking “the value
 19 of services received by the Chief or the Director”
 20 and all that follows through the period at the end
 21 and inserting the following: “the value of—

22 “(i) services and in-kind resources re-
 23 ceived by the Chief or the Director under
 24 a stewardship contract project conducted
 25 under this section shall not be considered

1 monies received from the National Forest
2 System or the public lands; and

3 “(ii) any payments made by the con-
4 tractor to the Chief or Director under a
5 stewardship contract project conducted
6 under this section shall be considered mon-
7 ies received from the National Forest Sys-
8 tem or the public lands.”.

9 **SEC. 602. FIRE LIABILITY PROVISION.**

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

13 “(8) MODIFICATION.—In the case of a contract
14 or agreement between the Chief or Director and the
15 private persons or other public or private entities de-
16 scribed in subsection (b) entered into before Feb-
17 ruary 7, 2014, at the request of such private persons
18 or other public or private entities, the Chief or Di-
19 rector, as applicable, shall modify such contract or
20 agreement to include the fire liability provisions de-
21 scribed in paragraph (7).”.

22 **SEC. 603. EXTENSION OF STEWARDSHIP CONTRACTING**
23 **MAXIMUM TERM LIMITS.**

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

1 (1) in subsection (d)(3)(B), by striking “10
2 years” and inserting “20 years”; and

3 (2) in subsection (h), by adding at the end the
4 following:

5 “(4) SPECIAL RULE FOR LONG-TERM STEWARD-
6 SHIP CONTRACTS.—

7 “(A) IN GENERAL.—A long-term agree-
8 ment or contract entered into with an entity
9 under subsection (b) by the Chief or the Direc-
10 tor shall provide that in the case of the can-
11 cellation or termination by the Chief or the Di-
12 rector of such long-term agreement or contract,
13 the Chief or the Director, as applicable, shall
14 provide 10 percent of the agreement or contract
15 amount to such entity as cancellation or termi-
16 nation costs.

17 “(B) DEFINITION OF LONG-TERM AGREE-
18 MENT OR CONTRACT.—In this paragraph, the
19 term ‘long-term agreement or contract’ means
20 an agreement or contract under subsection
21 (b)—

22 “(i) with a term of more than 5 years;

23 and

24 “(ii) entered into on or after the date
25 of the enactment of this paragraph.”.

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

4 **SEC. 701. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**
5 **IZED TO INCLUDE RELATED NATIONAL FOR-**
6 **EST SYSTEM LANDS AND PUBLIC LANDS.**

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

10 “(c) INCLUSION OF CERTAIN NATIONAL FOREST
11 SYSTEM LAND AND PUBLIC LAND.—

12 “(1) AUTHORITY.—At the request of an Indian
13 Tribe, the Secretary concerned may agree to treat
14 Federal forest land as Indian forest land for pur-
15 poses of planning and conducting forest land man-
16 agement activities under this section if the Federal
17 forest land is located within, or mostly within, a geo-
18 graphic area that presents a feature or involves cir-
19 cumstances principally relevant to that Indian Tribe,
20 such as Federal forest land ceded to the United
21 States by treaty, Federal forest land within the
22 boundaries of a current or former reservation, or
23 Federal forest land adjudicated to be Tribal home-
24 lands.

1 “(2) REQUIREMENTS.—As part of the agree-
2 ment to treat Federal forest land as Indian forest
3 land under paragraph (1), the Secretary concerned
4 and the Indian Tribe making the request shall—

5 “(A) provide for continued public access
6 applicable to the Federal forest land prior to
7 the agreement, except that the Secretary con-
8 cerned may limit or prohibit such access as
9 needed;

10 “(B) continue sharing revenue generated
11 by the Federal forest land with State and local
12 governments either—

13 “(i) on the terms applicable to the
14 Federal forest land prior to the agreement,
15 including, where applicable, 25-percent
16 payments or 50-percent payments; or

17 “(ii) at the option of the Indian Tribe,
18 on terms agreed upon by the Indian Tribe,
19 the Secretary concerned, and State and
20 county governments participating in a rev-
21 enue sharing agreement for the Federal
22 forest land;

23 “(C) comply with applicable prohibitions
24 on the export of unprocessed logs harvested
25 from the Federal forest land;

1 “(D) recognize all right-of-way agreements
2 in place on Federal forest land prior to com-
3 mencement of Tribal management activities;

4 “(E) ensure that all commercial timber re-
5 moved from the Federal forest land is sold on
6 a competitive bid basis; and

7 “(F) cooperate with the appropriate State
8 fish and wildlife agency to achieve mutual
9 agreement on the management of fish and wild-
10 life.

11 “(3) LIMITATION.—Treating Federal forest
12 land as Indian forest land for purposes of planning
13 and conducting management activities pursuant to
14 paragraph (1) shall not be construed to designate
15 the Federal forest land as Indian forest lands for
16 any other purpose.

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

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

20 “(i) National Forest System lands;
21 and

22 “(ii) public lands (as defined in sec-
23 tion 103(e) of the Federal Land Policy and
24 Management Act of 1976 (43 U.S.C.
25 1702(e))), including Coos Bay Wagon

1 Road Grant lands reconveyed to the
2 United States pursuant to the first section
3 of the Act of February 26, 1919 (40 Stat.
4 1179), and Oregon and California Railroad
5 Grant lands.

6 “(B) SECRETARY CONCERNED.—The term
7 ‘Secretary concerned’ means—

8 “(i) the Secretary of Agriculture, with
9 respect to the Federal forest land referred
10 to in subparagraph (A)(i); and

11 “(ii) the Secretary of the Interior,
12 with respect to the Federal forest land re-
13 ferred to in subparagraph (A)(ii).”.

14 **SEC. 702. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-**
15 **ONSTRATION PROJECT.**

16 The Tribal Forest Protection Act of 2004 (25 U.S.C.
17 3115a et seq.) is amended as follows:

18 (1) In section 2—

19 (A) by striking subsection (a);

20 (B) by redesignating subsections (b)
21 through (g) as subsections (a) through (f), re-
22 spectively,

23 (C) by striking “subsection (b)” each place
24 it appears and inserting “subsection (a)”; and

1 (D) by striking “subsection (c)” each place
2 it appears and inserting “subsection (b)”.

3 (2) By adding at the end the following:

4 **“SEC. 3. TRIBAL AND ALASKA NATIVE BIOCHAR DEM-**
5 **ONSTRATION PROJECT.**

6 “(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREE-
7 MENTS.—For each of fiscal years 2021 through 2030, the
8 Secretary shall enter into stewardship contracts or similar
9 agreements (excluding direct service contracts) with In-
10 dian Tribes or Tribal organizations to carry out dem-
11 onstration projects to support the development and com-
12 mercialization of biochar on Indian forest land or range-
13 land and in nearby communities by providing reliable sup-
14 plies of feedstock from Federal land.

15 “(b) DEMONSTRATION PROJECTS.—In each fiscal
16 year for which demonstration projects are authorized
17 under this section, not less than 4 new demonstration
18 projects that meet the eligibility criteria described in sub-
19 section (c) shall be carried out under contracts or agree-
20 ments described in subsection (a).

21 “(c) ELIGIBILITY CRITERIA.—To be eligible to enter
22 into a contract or agreement under this section, an Indian
23 Tribe shall submit to the Secretary an application that
24 includes—

25 “(1) a description of—

1 “(A) the Indian forest land or rangeland
2 under the jurisdiction of the Indian Tribe; and

3 “(B) the demonstration project proposed
4 to be carried out by the Indian Tribe; and

5 “(2) such other information as the Secretary
6 may require.

7 “(d) SELECTION.—In evaluating the applications
8 submitted under subsection (c), the Secretary shall—

9 “(1) take into consideration whether a proposed
10 project—

11 “(A) creates new jobs and enhances the
12 economic development of the Indian Tribe;

13 “(B) demonstrates new and innovative
14 uses of biochar, viable markets for cost effective
15 biochar-based products, or ecosystem services of
16 biochar;

17 “(C) improves the forest health or water-
18 sheds of Federal land or Indian forest land or
19 rangeland;

20 “(D) demonstrates new investments in
21 biochar infrastructure or otherwise promotes
22 the development and commercialization of
23 biochar;

24 “(E) is located in an area with—

1 “(i) nearby lands identified as having
2 a high, very high, or extreme risk of wild-
3 fire;

4 “(ii) availability of sufficient quan-
5 tities of feedstock; or

6 “(iii) a high level of demand for
7 biochar or other commercial byproducts of
8 biochar; or

9 “(F) any combination of purposes specified
10 in subparagraphs (A) through (E); and

11 “(2) exclude from consideration any merchant-
12 able logs that have been identified by the Secretary
13 for commercial sale.

14 “(e) IMPLEMENTATION.—The Secretary shall—

15 “(1) ensure that the criteria described in sub-
16 section (c) are publicly available by not later than
17 120 days after the date of the enactment of this sec-
18 tion; and

19 “(2) to the maximum extent practicable, consult
20 with Indian Tribes and appropriate intertribal orga-
21 nizations likely to be affected in developing the ap-
22 plication and otherwise carrying out this section.

23 “(f) REPORT.—Not later than 2 years after the date
24 of the enactment of this section and every year thereafter,

1 the Secretary shall submit to Congress a report that de-
2 scribes, with respect to the reporting period—

3 “(1) each individual Tribal application received
4 under this section; and

5 “(2) each contract and agreement entered into
6 pursuant to this section.

7 “(g) INCORPORATION OF MANAGEMENT PLANS.—To
8 the maximum extent practicable, on receipt of a request
9 from an Indian Tribe, the Secretary shall incorporate into
10 a contract or agreement with that Indian Tribe entered
11 into pursuant to this section, management plans (includ-
12 ing forest management and integrated resource manage-
13 ment plans and Indian Trust Asset Management Plans)
14 in effect on the Indian forest land or rangeland of that
15 Indian Tribe.

16 “(h) TERM.—A contract or agreement entered into
17 under this section—

18 “(1) shall be for a term of not more than 20
19 years; and

20 “(2) may be renewed in accordance with this
21 section for not more than an additional 10 years.

22 **“SEC. 4. DEFINITIONS.**

23 “In this Act:

24 “(1) BIOCHAR.—The term ‘biochar’ means car-
25 bonized biomass produced by converting feedstock

1 through reductive thermal processing for non-fuel
2 uses.

3 “(2) FEDERAL LAND.—The term ‘Federal land’
4 means—

5 “(A) land of the National Forest System
6 (as defined in section 11(a) of the Forest and
7 Rangeland Renewable Resources Planning Act
8 of 1974 (16 U.S.C. 1609(a)) administered by
9 the Secretary of Agriculture, acting through the
10 Chief of the Forest Service; and

11 “(B) public lands (as defined in section
12 103 of the Federal Land Policy and Manage-
13 ment Act of 1976 (43 U.S.C. 1702)), the sur-
14 face of which is administered by the Secretary
15 of the Interior, acting through the Director of
16 the Bureau of Land Management.

17 “(3) FEEDSTOCK.—The term ‘feedstock’ means
18 excess biomass in the form of plant matter or mate-
19 rials that serves as the raw material for the produc-
20 tion of biochar.

21 “(4) INDIAN FOREST LAND OR RANGELAND.—
22 The term ‘Indian forest land or rangeland’ means
23 land that—

24 “(A) is held in trust by, or with a restric-
25 tion against alienation by, the United States for

1 an Indian Tribe or a member of an Indian
2 Tribe; and

3 “(B)(i)(I) is Indian forest land (as defined
4 in section 304 of the National Indian Forest
5 Resources Management Act (25 U.S.C. 3103));
6 or

7 “(II) has a cover of grasses, brush, or any
8 similar vegetation; or

9 “(ii) formerly had a forest cover or vegeta-
10 tive cover that is capable of restoration.

11 “(5) INDIAN TRIBE.—The term ‘Indian Tribe’
12 has the meaning given that term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 5304).

15 “(6) SECRETARY.—The term ‘Secretary’
16 means—

17 “(A) the Secretary of Agriculture, with re-
18 spect to land under the jurisdiction of the For-
19 est Service; and

20 “(B) the Secretary of the Interior, with re-
21 spect to land under the jurisdiction of the Bu-
22 reau of Land Management.

23 “(7) TRIBAL ORGANIZATION.—The term ‘Tribal
24 organization’ has the meaning given that term in

1 section 4 of the Indian Self-Determination and Edu-
2 cation Assistance Act (25 U.S.C. 5304).”.

3 **SEC. 703. PROTECTION OF TRIBAL FOREST ASSETS**
4 **THROUGH USE OF STEWARDSHIP END RE-**
5 **SULT CONTRACTING AND OTHER AUTHORI-**
6 **TIES.**

7 (a) PROMPT CONSIDERATION OF TRIBAL RE-
8 QUESTS.—Subsection (a) of section 2 of the Tribal Forest
9 Protection Act of 2004 (25 U.S.C. 3115a), as redesi-
10 gnated by section 702, 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”;
15 and

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

18 “(4) TIME PERIODS FOR CONSIDERATION.—

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

1 “(i) whether the request may meet the
2 selection criteria described in subsection
3 (c); and

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

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

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

18 “(i) complete all environmental re-
19 views necessary to enter into an agreement
20 or contract and carry out the proposed ac-
21 tivities under such agreement or contract;
22 and

23 “(ii) enter into an agreement or con-
24 tract with the Indian tribe under para-
25 graph (2).”.

1 (b) CONFORMING AND TECHNICAL AMENDMENTS.—
2 Section 2 of the Tribal Forest Protection Act of 2004 (25
3 U.S.C. 3115a), as amended by section 702, is further
4 amended—

5 (1) in subsections (a)(1) and (e)(1), by striking
6 “section 347 of the Department of the Interior and
7 Related Agencies Appropriations Act, 1999 (16
8 U.S.C. 2104 note; Public Law 105–277) (as amend-
9 ed by section 323 of the Department of the Interior
10 and Related Agencies Appropriations Act, 2003 (117
11 Stat. 275))” in both places it appears and inserting
12 “section 604 of the Healthy Forests Restoration Act
13 of 2003 (16 U.S.C. 6591c)”; and

14 (2) in subsection (c), by striking “denies” and
15 all that follows through “the Secretary may” and in-
16 serting “denies a tribal request under paragraph (1)
17 or (4)(B) of subsection (b), the Secretary shall”.

18 **SEC. 704. RULE OF APPLICATION.**

19 Nothing in this title, or the amendments made by this
20 title, shall be construed as interfering with, diminishing,
21 or conflicting with the authority, jurisdiction, or responsi-
22 bility of any State to exercise primary management, con-
23 trol, or regulation of fish and wildlife on land or water
24 within the State (including on public land) under State
25 law.

1 **TITLE VIII—EXPEDITING**
2 **INTERAGENCY CONSULTATION**

3 **SEC. 801. FOREST PLANS NOT CONSIDERED MAJOR FED-**
4 **ERAL ACTIONS.**

5 The development, maintenance, amendment, and re-
6 vision of a forest plan shall not be considered a major Fed-
7 eral action for purposes of section 102 of the National En-
8 vironmental Policy Act of 1969 (42 U.S.C. 4332).

9 **SEC. 802. AGENCY CONSULTATION REQUIREMENTS.**

10 (a) **FOREST SERVICE PLANS.**—Section 6(d)(2) of the
11 Forest and Rangeland Renewable Resources Planning Act
12 of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as
13 follows:

14 “(2) **NO ADDITIONAL CONSULTATION RE-**
15 **QUIRED UNDER CERTAIN CIRCUMSTANCES.**—Not-
16 withstanding any other provision of law, the Sec-
17 retary shall not be required to reinitiate consultation
18 under section 7(a)(2) of the Endangered Species Act
19 of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of
20 title 50, Code of Federal Regulations (or successor
21 regulations), on a land management plan approved,
22 amended, or revised under this section when a spe-
23 cies is listed, critical habitat is designated, or new
24 information concerning a listed species or critical
25 habitat becomes available.”.

1 (b) BUREAU OF LAND MANAGEMENT PLANS.—Sec-
 2 tion 202 of the Federal Land Policy and Management Act
 3 of 1976 (43 U.S.C. 1712) is amended by adding at the
 4 end the following:

5 “(g) NO ADDITIONAL CONSULTATION REQUIRED
 6 UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding
 7 any other provision of law, the Secretary shall not be re-
 8 quired to reinitiate consultation under section 7(a)(2) of
 9 the Endangered Species Act of 1973 (16 U.S.C.
 10 1536(a)(2)) or section 402.16 of title 50, Code of Federal
 11 Regulations (or successor regulations), on a land use plan
 12 approved, amended, or revised under this section when a
 13 species is listed, critical habitat is designated, or new in-
 14 formation concerning a listed species or critical habitat be-
 15 comes available.”.

16 **TITLE IX—MISCELLANEOUS**
 17 **Subtitle A—Forest Management**
 18 **Provisions**

19 **SEC. 901. REVISION OF ALTERNATE CONSULTATION**
 20 **AGREEMENT REGULATIONS.**

21 Not later than 90 days after the date of the enact-
 22 ment of this section, the Secretary of the Interior and the
 23 Secretary of Commerce shall revise section 402.13 of title
 24 50, Code of Federal Regulations (or successor regula-
 25 tions), to—

1 (1) authorize alternative consultation agree-
2 ments among Federal agencies, under which a Fed-
3 eral agency may determine if an action such Federal
4 agency authorizes is likely to adversely affect listed
5 species or critical habitat; and

6 (2) if such Federal agency determines such ac-
7 tion is not likely to adversely affect listed species or
8 critical habitat pursuant to paragraph (1), not re-
9 quire such Federal agency to complete a formal con-
10 sultation, informal consultation, or written concur-
11 rence of the United States Fish and Wildlife Service
12 or the National Marine Fisheries Service with re-
13 spect to such action.

14 **SEC. 902. REVISION OF EXTRAORDINARY CIRCUMSTANCES**
15 **REGULATIONS.**

16 (a) PROPOSED RULEMAKING; REVISION.—Not later
17 than 60 days after the date of enactment of this section,
18 the Secretary of Agriculture shall—

19 (1) publish a notice of proposed rulemaking to
20 revise section 220.6(b) of title 36, Code of Federal
21 Regulations (or successor regulations), to conform
22 with subsection (b); and

23 (2) revise section 220.5(a)(2) of title 36, Code
24 of Federal Regulations (or successor regulations), to
25 exclude proposals that would substantially alter a

1 potential wilderness area from the classes of actions
2 normally requiring environmental impact statements.

3 (b) DETERMINATIONS OF EXTRAORDINARY CIR-
4 CUMSTANCES.—In determining whether extraordinary cir-
5 cumstances related to a proposed action preclude use of
6 a categorical exclusion, the Forest Service shall not be re-
7 quired to—

8 (1) consider whether a proposed action is within
9 a potential wilderness area;

10 (2) consider whether a proposed action affects
11 a Forest Service sensitive species;

12 (3) conduct an analysis under section 220.4(f)
13 of title 36, Code of Federal Regulations (or suc-
14 cessor regulations), of the proposed action’s cumu-
15 lative impact (as the term is defined in section
16 1508.7 of title 40, Code of Federal Regulations (or
17 successor regulations);

18 (4) consider a determination under section 7 of
19 the Endangered Species Act of 1973 (16 U.S.C.
20 1536) that a proposed action may affect, but is not
21 likely to adversely affect, threatened, endangered, or
22 candidate species, or designated critical habitats; or

23 (5) consider a determination under section 7 of
24 the Endangered Species Act of 1973 (16 U.S.C.
25 1536) that a proposed action may affect, and is like-

1 ly to adversely affect threatened, endangered, can-
2 didate species, or designated critical habitat if the
3 agency is in compliance with the applicable provi-
4 sions of the biological opinion.

5 (c) ADDITIONAL ACTIONS.—Not later than 120 days
6 after the date of enactment of this Act, the Secretary of
7 Agriculture shall issue final regulations to carry out the
8 revisions described in subsection (a).

9 **SEC. 903. CONDITIONS ON FOREST SERVICE ROAD DECOM-**
10 **MISSIONING.**

11 If a maintenance level 1 or a maintenance level 2
12 road (as defined by the Forest Service) is considered for
13 decommissioning and the road is within a designated high
14 fire-prone area of a unit of the National Forest System—

15 (1) the Forest Supervisor of such unit shall—

16 (A) consult with the government of the
17 county containing the road regarding the merits
18 and possible consequences of decommissioning
19 the road; and

20 (B) solicit possible alternatives to decom-
21 missioning the road; and

22 (2) such road may not be decommissioned with-
23 out the advance approval of the Regional Forester.

1 **SEC. 904. PROHIBITION ON APPLICATION OF EASTSIDE**
2 **SCREENS REQUIREMENTS ON NATIONAL**
3 **FOREST SYSTEM LANDS.**

4 (a) REPEAL OF EASTSIDE SCREENS REQUIRE-
5 MENTS.—Notwithstanding any other provision of law, not
6 later than 1 day after the date of the enactment of this
7 section, the Secretary of Agriculture shall repeal the In-
8 terim Management Direction Establishing Riparian, Eco-
9 system, and Wildlife Standards for Timber Sales (com-
10 monly known as the “Eastside Screens”), including all
11 predecessor or associated versions of these amendments.

12 (b) EFFECT OF REPEAL.—On and after the date of
13 the enactment of this section, the Secretary of Agriculture
14 may not apply any of the amendments repealed under sub-
15 section (a) with respect to National Forest System lands.

16 **SEC. 905. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**
17 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**
18 **TIES.**

19 If the Secretary concerned determines that, in order
20 to conduct a project or carry out an activity implementing
21 a forest plan, an amendment to the forest plan is required,
22 the Secretary concerned shall execute such amendment as
23 a non-significant plan amendment through the record of
24 decision or decision notice for the project or activity.

1 **SEC. 906. KNUTSON-VANDENBERG ACT.**

2 (a) DEPOSITS OF FUNDS FROM NATIONAL FOREST
3 TIMBER PURCHASERS REQUIRED.—Section 3(a) of the
4 Act of June 9, 1930 (commonly known as the “Knutson-
5 Vandenberg Act”; 16 U.S.C. 576b(a)), is amended by
6 striking “The Secretary” and all that follows through
7 “any purchaser” and inserting the following: “The Sec-
8 retary of Agriculture shall require each purchaser”.

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

12 (1) by striking “Such deposits” and inserting
13 the following:

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

15 (2) by redesignating subsection (c) as sub-
16 section (d); and

17 (3) by inserting before subsection (d), as so re-
18 designated, the following new subsection (c):

19 “(c)(1) Amounts in the special fund established pur-
20 suant to this section—

21 “(A) shall be used exclusively to implement ac-
22 tivities authorized by subsection (a); and

23 “(B) may be used with respect to any unit
24 within the Forest Service Region from which the
25 original deposits were collected.

1 “(2) The Secretary of Agriculture may not deduct
2 overhead costs from the funds collected under subsection
3 (a), except as needed to fund personnel of the responsible
4 Ranger District for the planning and implementation of
5 the activities authorized by subsection (a).”.

6 (c) TECHNICAL CORRECTION.—In section 318(1) of
7 division E of the Consolidated Appropriations Act, 2005
8 (Public Law 108–447), the following is repealed: “(b)
9 Amounts deposited under subsection (a)’;”.

10 **SEC. 907. APPLICATION OF NORTHWEST FOREST PLAN SUR-**
11 **VEY AND MANAGE MITIGATION MEASURE**
12 **STANDARD AND GUIDELINES.**

13 The Northwest Forest Plan Survey and Manage Miti-
14 gation Measure Standards and Guidelines shall not apply
15 with respect to any National Forest System lands or pub-
16 lic lands.

17 **SEC. 908. DESIGNATION OF CERTAIN TREATMENT AREAS.**

18 Section 602 of the Healthy Forests Restoration Act
19 of 2003 (16 U.S.C. 6591a) is amended—

20 (1) in the heading, by striking “**DESIGNATION**
21 **OF**”;

22 (2) by amending subsection (a) to read as fol-
23 lows:

24 “(a) DEFINITIONS.—In this section:

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

6 “(2) DECLINING FOREST HEALTH.—The term
7 ‘declining forest health’ means a qualified forest that
8 is experiencing—

9 “(A) substantially increased tree mortality
10 due to insect or disease infestation; or

11 “(B) dieback due to infestation or defolia-
12 tion by insects or disease.

13 “(3) OREGON AND CALIFORNIA RAILROAD
14 GRANT LANDS.—The term ‘Oregon and California
15 Railroad Grant lands’ means the following lands:

16 “(A) All lands in the State of Oregon re-
17 vested in the United States under the Act of
18 June 9, 1916 (39 Stat. 218), that are adminis-
19 tered by the Secretary of the Interior, acting
20 through the Bureau of Land Management, pur-
21 suant to the first section of the Act of August
22 28, 1937 (43 U.S.C. 1181a).

23 “(B) All lands in that State obtained by
24 the Secretary of the Interior pursuant to the
25 land exchanges authorized and directed by sec-

1 tion 2 of the Act of June 24, 1954 (43 U.S.C.
2 1181h).

3 “(C) All lands in that State acquired by
4 the United States at any time and made subject
5 to the provisions of title II of the Act of August
6 28, 1937 (43 U.S.C. 1181f).

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

13 “(5) QUALIFIED FOREST.—The term ‘qualified
14 forest’ means a forest located in—

15 “(A) National Forest System lands; or

16 “(B) public lands.

17 “(6) SECRETARY CONCERNED.—The term ‘Sec-
18 retary concerned’ means—

19 “(A) with respect to National Forest Sys-
20 tem lands, the Secretary of Agriculture; and

21 “(B) with respect to public lands, the Sec-
22 retary of the Interior.”;

23 (3) by amending subsection (b) to read as fol-
24 lows:

1 “(b) AUTHORITY.—The Secretary concerned may
2 carry out insect and disease treatment programs in a
3 qualified forest that meets the requirements specified in
4 subsection (e).”;

5 (4) in subsection (e), by striking “To be des-
6 ignated a landscape-scale area under subsection (b),
7 the area shall be” and inserting “The Secretary con-
8 cerned may only carry out projects under subsection
9 (b) in a qualified forest that is”; and

10 (5) in subsection (d)(1), by striking “on Fed-
11 eral land in the areas designated”.

12 **SEC. 909. GOOD NEIGHBOR AGREEMENTS.**

13 (a) RECONSTRUCTION AND REPAIR.—Section
14 8206(a)(4) of the Agricultural Act of 2014 (16 U.S.C.
15 2113a(a)(4)) is amended—

16 (1) in subparagraph (A)—

17 (A) in clause (ii), by striking “and”;

18 (B) by redesignating clause (iii) as clause
19 (v);

20 (C) by inserting after clause (ii) the fol-
21 lowing:

22 “(iii) construction, reconstruction, re-
23 pair, or restoration of roads as necessary
24 to achieve project objectives;

1 “(iv) activities conducted under sec-
2 tion 607 of the Healthy Forests Restora-
3 tion Act of 2003;”;

4 (D) in clause (v), as so redesignated, by
5 striking the period at the end and inserting “;
6 and”; and

7 (E) by adding at the end the following:

8 “(vi) any combination of activities
9 specified in clauses (i) through (v).”; and

10 (2) by amending subparagraph (B) to read as
11 follows:

12 “(B) EXCLUSIONS.—The term ‘forest,
13 rangeland, and watershed restoration services’
14 does not include construction, alteration, repair,
15 or replacement of public buildings or works.”.

16 (b) TREATMENT OF REVENUE.—Section
17 8206(b)(2)(C) of the Agricultural Act of 2014 (16 U.S.C.
18 2113a) is amended to read as follows:

19 “(C) TREATMENT OF REVENUE.—Funds
20 received from the sale of timber by a Governor
21 of a State under a good neighbor agreement
22 shall be retained and used by the Governor—

23 “(i) to carry out authorized restora-
24 tion services under such good neighbor
25 agreement; and

1 “(ii) if funds are remaining after car-
2 rying out the services under clause (i), to
3 carry out authorized restoration services
4 within the State under other good neighbor
5 agreements.”.

6 **SEC. 910. GIANT SEQUOIA TREES PROTECTION PLAN.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Giant sequoia trees only naturally grow in
9 California on the western slopes of the Sierra Ne-
10 vada Mountains.

11 (2) Mature giant sequoia trees can be up to
12 2,000 years old.

13 (3) Thirty of the largest giant sequoia trees in
14 the world are located in Sequoia and Kings Canyon
15 National Parks, with many other large, old-growth
16 trees in the Sequoia National Forest.

17 (4) On August 19, 2020, the lightning-ignited
18 Castle Fire and another fire were discovered in the
19 Sequoia National Forest, ultimately named the SQF
20 Complex Fire.

21 (5) The SQF Complex Fire burned over
22 170,000 acres, primarily in the Sequoia National
23 Forest.

24 (6) According to a Federal interagency report,
25 between 7,500 and 10,600 large giant sequoia trees,

1 representing 10 to 14 percent of the world's giant
2 sequoia tree population, were killed in the SQF
3 Complex Fire.

4 (7) According to the San Francisco Chronicle,
5 the world's ninth largest giant sequoia tree, the
6 King Arthur Tree, was destroyed by the SQF Com-
7 plex Fire.

8 (8) Giant sequoia trees play an important role
9 in the region's ecosystem.

10 (9) Many communities near giant sequoia
11 groves depend on these unique natural wonders to
12 help support their local economies through tourism.

13 (10) It is critical to protect the unique and an-
14 cient giant sequoia trees for current and future gen-
15 erations to see and enjoy.

16 (b) PROTECTION PLAN.—Not later than 1 year after
17 date of the enactment of this section, the Secretary con-
18 cerned shall develop a protection plan for giant sequoia
19 trees across their natural range in California, on National
20 Forest System lands and public lands, that includes rec-
21 ommendations to increase the health and resiliency of
22 giant sequoia trees with respect to threats including—

23 (1) catastrophic wildfire;

24 (2) insect and disease infestation; and

25 (3) drought.

1 (c) PLAN COMPONENTS.—In developing the protec-
2 tion plan under subsection (b), the Secretary concerned
3 may—

4 (1) conduct research and identify knowledge
5 gaps on giant sequoia tree health and resiliency;

6 (2) establish protocols for monitoring and sur-
7 veying giant sequoia trees, including through
8 geospatial and remote sensing technologies;

9 (3) identify innovative, experimental, or cutting-
10 edge technologies or management practices to pro-
11 tect individual giant sequoia trees or giant sequoia
12 groves from destruction by wildfires;

13 (4) develop guidelines, protocols, or practices
14 for reducing the risk of catastrophic wildfire to giant
15 sequoia trees;

16 (5) consult with State, Tribal, and local govern-
17 ment officials and other interested local stakeholders
18 in implementing this section; and

19 (6) develop materials to educate and promote
20 awareness with respect to the importance of pro-
21 tecting giant sequoia trees from catastrophic
22 wildfires.

23 (d) REPORT TO CONGRESS.—Not later than 1 year
24 after the date of the enactment of this section, the Sec-
25 retary concerned shall submit to the Committees on Agri-

1 culture and Natural Resources of the House of Represent-
2 atives, and the Committees on Agriculture, Nutrition, and
3 Forestry and Energy and Natural Resources of the Sen-
4 ate, a report that includes the following:

5 (1) The protection plan developed under sub-
6 section (b).

7 (2) A description of any additional authorities
8 necessary to protect giant sequoia trees.

9 (3) A description of any barriers to protecting
10 giant sequoia trees from catastrophic wildfire.

11 (e) IMPLEMENTATION.—Not later than 30 days after
12 submitting the report to Congress under subsection (d),
13 the Secretary concerned shall begin to implement the rec-
14 ommendations of the protection plan developed under sub-
15 section (b).

16 **Subtitle B—Oregon and California**
17 **Railroad Grant Lands and Coos**
18 **Bay Wagon Road Grant Lands**

19 **SEC. 921. AMENDMENTS TO THE ACT OF AUGUST 28, 1937.**

20 The first paragraph of the first section of the Act
21 of August 28, 1937 (50 Stat. 874; 43 U.S.C. 2601), is
22 amended—

23 (1) by striking “conformity with the principal”
24 and inserting “conformity with the principle”;

1 (2) by striking “facilities” and inserting “facili-
2 ties”; and

3 (3) by striking “That timber from said lands in
4 an amount” and inserting “That timber from said
5 lands in the amount that is the greater of”.

6 **SEC. 922. OREGON AND CALIFORNIA RAILROAD GRANT**
7 **LANDS AND COOS BAY WAGON ROAD GRANT**
8 **LANDS PERMANENT RIGHTS OF ACCESS.**

9 (a) CREATION OF PERMANENT RIGHTS OF ACCESS
10 REQUIRED.—Notwithstanding any other provision of law,
11 reciprocal road right-of-way permits, grants, and agree-
12 ments issued to a private landowner by the Secretary of
13 the Interior pursuant to subpart 2812 of part 2810 of title
14 43, Code of Federal Regulations (or any predecessor or
15 successor regulations), are deemed permanent rights of ac-
16 cess that—

17 (1) are recordable; and

18 (2) shall run with the land.

19 (b) RECORDS UPDATED.—Not later than 60 days
20 after the date of the enactment of this Act, the Secretary
21 of the Interior shall—

22 (1) amend the reciprocal road right-of-way per-
23 mits, grants, and agreements described in subsection

24 (a) to reflect the permanent rights of access deemed
25 as such under subsection (a); and

1 (c) EXCLUSIONS.—

2 (1) CERTAIN LANDS EXCLUDED.—Subsections
3 (a) and (b) shall not apply to—

4 (A) the Yaquina Head Outstanding Nat-
5 ural Area established under section 119 of Pub-
6 lic Law 96–199 (43 U.S.C. 1783);

7 (B) lands managed under the Wild and
8 Scenic Rivers Act (Public Law 90–542; 16
9 U.S.C. 1271 et seq.);

10 (C) lands managed under the Wilderness
11 Act (Public Law 88–577; 16 U.S.C. 1131 et
12 seq.); and

13 (D) lands managed under the National
14 Trails System Act (Public Law 90–543; 16
15 U.S.C. 1241 et seq.).

16 (2) CERTAIN REVENUE EXCLUDED.—Sub-
17 sections (a) and (b) shall not apply to any revenue
18 that is required to be deposited in the Coos Bay
19 Wagon Road grant fund pursuant to sections 1
20 through 4 of the Act of May 24, 1939 (53 Stat. 753;
21 43 U.S.C. 2621 through 2624).

○