

110TH CONGRESS
2D SESSION

H. R. 5263

To encourage the collaborative, science-based ecosystem restoration of priority forest landscapes on Federal lands under the jurisdiction of the Bureau of Land Management and the Forest Service through a joint Collaborative Forest Landscape Restoration Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2008

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 encourage the collaborative, science-based ecosystem restoration of priority forest landscapes on Federal lands under the jurisdiction of the Bureau of Land Management and the Forest Service through a joint Collaborative Forest Landscape Restoration Program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Forest Landscape Res-
5 toration Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to encourage the collabo-
3 rative, science-based ecosystem restoration of priority for-
4 est landscapes through a process that—

5 (1) encourages ecological, economic, and social
6 sustainability;

7 (2) leverages local resources with national and
8 private resources;

9 (3) facilitates the reduction of wildfire manage-
10 ment costs, including through reestablishing natural
11 fire regimes and reducing the risk of
12 uncharacteristic wildfire; and

13 (4) demonstrates the degree to which—

14 (A) various ecological restoration tech-
15 niques—

16 (i) achieve ecological health objectives;

17 and

18 (ii) affect wildfire activity and man-
19 agement costs; and

20 (B) the use of forest restoration byprod-
21 ucts can offset treatment costs while benefitting
22 rural economies and improving forest health.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

25 (1) **COVERED FEDERAL LANDS.**—The term
26 “covered Federal lands” means Federal lands under

1 the jurisdiction of the Bureau of Land Management
2 and National Forest System lands.

3 (2) FUND.—The term “Fund” means the Col-
4 laborative Forest Landscape Restoration Fund es-
5 tablished by section 4(g).

6 (3) PROGRAM.—The term “program” means
7 the Collaborative Forest Landscape Restoration Pro-
8 gram established under section 4(a).

9 (4) SECRETARIES.—The term “Secretaries”
10 means the Secretary of the Interior and the Sec-
11 retary of Agriculture, acting jointly.

12 **SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
13 **TION PROGRAM.**

14 (a) ESTABLISHMENT.—The Secretary of the Interior
15 and the Secretary of Agriculture, acting jointly, shall es-
16 tablish a Collaborative Forest Landscape Restoration Pro-
17 gram to select and fund ecological restoration treatments
18 for priority forest landscapes in accordance with applicable
19 law.

20 (b) COMPLIANCE WITH EXISTING LAWS.—All activi-
21 ties carried out under the program shall be carried out
22 in compliance with section 7 of the Endangered Species
23 Act of 1973 (16 U.S.C. 1536) and the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

1 (c) ELIGIBILITY CRITERIA.—To be eligible for nomi-
2 nation under subsection (d) for selection and funding
3 under the program, a collaborative forest landscape res-
4 toration proposal shall—

5 (1) be based on a landscape restoration strategy
6 that—

7 (A) is complete or substantially complete;

8 (B) identifies and prioritizes ecological res-
9 toration treatments for a 10-year period across
10 a landscape that is—

11 (i) at least 50,000 acres;

12 (ii) comprised primarily of forested
13 covered Federal lands, but may also in-
14 clude other Federal, State, tribal, or pri-
15 vate land;

16 (iii) in need of active ecosystem res-
17 toration; and

18 (iv) accessible by existing or proposed
19 wood-processing infrastructure at an ap-
20 propriate scale to use woody biomass and
21 small-diameter wood removed in ecological
22 restoration treatments;

23 (C) incorporates—

1 (i) the best available science and sci-
2 entific application tools in ecological res-
3 toration strategies; and

4 (ii) the requirements for old-growth
5 maintenance, restoration, and management
6 direction of paragraphs (2), (3), and (4) of
7 subsection (f) and the requirements for
8 large-tree retention of subsection (f) of sec-
9 tion 102 of Public Law 108–148 (16
10 U.S.C. 6512); and

11 (D) does not include the establishment of
12 permanent roads;

13 (2) be developed and implemented through a
14 collaborative process that—

15 (A) includes multiple interested persons
16 representing diverse interests;

17 (B) is transparent and nonexclusive or
18 meets the requirements for a resource advisory
19 committee under section 205 of Public Law
20 106–393 (16 U.S.C. 500 note); and

21 (C) has an established record of successful
22 planning and implementation of ecological res-
23 toration projects on covered Federal lands;

24 (3) describe plans to—

1 (A) use fire for ecological restoration and
2 maintenance, where appropriate;

3 (B) improve fish and wildlife habitat, in-
4 cluding for endangered, threatened, and sen-
5 sitive species;

6 (C) maintain or improve water quality;

7 (D) prevent, remediate, or control inva-
8 sions of exotic species;

9 (E) maintain or decommission roads;

10 (F) use woody biomass and small-diameter
11 trees produced from projects implementing the
12 landscape restoration strategy;

13 (G) report annually on performance, in-
14 cluding through performance measures from the
15 plan entitled the “10 Year Comprehensive
16 Strategy Implementation Plan” and dated De-
17 cember 2006;

18 (H) develop small business incubators and
19 provide employment and training opportunities
20 to people in rural communities, including con-
21 tracts for monitoring activities, through—

22 (i) local private, nonprofit, or coopera-
23 tive entities;

1 (ii) Youth Conservation Corps crews
2 or related partnerships, with State, local,
3 and non-profit youth groups;

4 (iii) small or micro-businesses; or

5 (iv) other entities that will hire or
6 train a significant percentage of local peo-
7 ple to complete such contracts; and

8 (I) take into account any applicable com-
9 munity wildfire protection plan (as defined in
10 section 101 of Public Law 108–148 (16 U.S.C.
11 6511));

12 (4) analyze the anticipated cost savings result-
13 ing from—

14 (A) reduced wildfire management costs;
15 and

16 (B) a decrease in the unit costs of imple-
17 menting ecological restoration treatments over
18 time;

19 (5) estimate—

20 (A) the annual Federal funding necessary
21 to implement the proposal; and

22 (B) the amount of new non-Federal invest-
23 ment for carrying out the proposal that would
24 be leveraged by Federal funding for ecological
25 restoration treatments; and

1 (6) be subject to any other requirements that
2 the Secretaries determines to be necessary for the
3 efficient and effective administration of the program.

4 (d) NOMINATION PROCESS.—

5 (1) SUBMISSION.—A collaborative forest land-
6 scape restoration proposal shall be submitted to the
7 Director of the Bureau of Land Management for
8 each State in which the covered Federal lands in-
9 cluded in the proposal are located and to the Re-
10 gional Forester for the Forest Service Region in
11 which the covered Federal lands included in the pro-
12 posal are located.

13 (2) NOMINATION.—A State Director of the Bu-
14 reau of Land Management or a Regional Forester
15 may nominate collaborative forest landscape restora-
16 tion proposals for selection by the Secretaries.

17 (3) DOCUMENTATION.—With respect to each
18 collaborative forest landscape restoration proposal
19 that is nominated under paragraph (2)—

20 (A) the State Director of the Bureau of
21 Land Management or Regional Forester mak-
22 ing the nomination shall—

23 (i) include a proposal to use Federal
24 funds allocated to the State Director of the
25 Bureau of Land Management or Regional

1 Forester to fund those costs of planning
2 and carrying out ecological restoration
3 treatments on covered Federal lands con-
4 sistent with the landscape restoration
5 strategy that would not be covered by
6 amounts transferred to the Secretaries
7 from the Fund; and

8 (ii) provide evidence that amounts
9 proposed to be transferred to the Secre-
10 taries from the Fund during the first 2
11 years following selection would be used to
12 carry out ecological restoration treatments
13 consistent with the landscape restoration
14 strategy during the same fiscal year in
15 which the funds are transferred to the Sec-
16 retaries; and

17 (B) if the collaborative forest landscape
18 restoration proposal includes activities that
19 would be carried out on land that is not under
20 the jurisdiction of the Secretaries, the State Di-
21 rector of the Bureau of Land Management or
22 Regional Forester making the nomination shall
23 provide evidence that the owner of the non-cov-
24 ered Federal land intends to participate in, and

1 provide appropriate funding to carry out, the
2 activities on the non-covered Federal land.

3 (e) SELECTION PROCESS.—

4 (1) IN GENERAL.—After consulting with any
5 scientific and technical advisory panels established
6 under subsection (f), the Secretaries shall, subject to
7 paragraph (2), select the best collaborative forest
8 landscape restoration proposals that—

9 (A) have been nominated under subsection
10 (d)(2); and

11 (B) meet the eligibility criteria established
12 by subsection (c).

13 (2) CRITERIA.—In selecting collaborative forest
14 landscape restoration proposals under paragraph
15 (1), the Secretaries shall give special consideration
16 to—

17 (A) the strength of the ecological case of
18 the proposal for landscape restoration and the
19 proposed restoration strategies;

20 (B) the strength of the collaborative proc-
21 ess;

22 (C) whether the proposal would reduce the
23 relative costs of carrying out treatments as a
24 result of the use of woody biomass and small-
25 diameter trees;

1 (D) whether the proposal is likely to
2 achieve reductions in long-term wildfire man-
3 agement costs;

4 (E) the strength of the landscape restora-
5 tion proposal and strategy; and

6 (F) whether an appropriate level of non-
7 Federal investment would be leveraged in car-
8 rying out the proposal.

9 (3) LIMITATION.—The Secretaries may select
10 not more than—

11 (A) 10 collaborative forest landscape res-
12 toration proposals to be funded during any fis-
13 cal year; and

14 (B) 2 collaborative forest landscape res-
15 toration proposals in any 1 region of the Na-
16 tional Forest System to be funded during any
17 fiscal year.

18 (f) ADVISORY PANELS.—

19 (1) SCIENTIFIC ADVISORY PANEL.—The Secre-
20 taries shall establish a scientific advisory panel com-
21 prised of not more than 12 experts in ecological for-
22 est restoration and fire ecology to evaluate, and pro-
23 vide recommendations on, any proposal that has
24 been nominated under subsection (d)(2) and meets

1 the eligibility criteria established by subsection (c)
2 with respect to—

3 (A) the strength of the ecological case of
4 the proposal for landscape restoration and the
5 proposed restoration strategies; and

6 (B) whether the proposal is likely to
7 achieve reductions in long-term wildfire man-
8 agement costs.

9 (2) TECHNICAL ADVISORY PANEL.—The Secre-
10 taries may establish a technical advisory panel com-
11 prised of experts in rural business development and
12 the use of woody biomass and small-diameter trees
13 to evaluate, and provide recommendations on, any
14 proposal that has been nominated under subsection
15 (d)(2) and meets the eligibility criteria established
16 by subsection (c) with respect to whether the pro-
17 posal is likely to reduce the relative costs of carrying
18 out treatments as a result of the use of woody bio-
19 mass and small-diameter trees and provide local eco-
20 nomic benefit.

21 (g) COLLABORATIVE FOREST LANDSCAPE RESTORA-
22 TION FUND.—

23 (1) ESTABLISHMENT.—There is established in
24 the Treasury of the United States a fund, to be
25 known as the “Collaborative Forest Landscape Res-

1 toration Fund”, to be used to pay up to 50 percent
2 of the cost of carrying out ecological restoration
3 treatments on covered Federal lands for each col-
4 laborative forest landscape restoration proposal se-
5 lected to be carried out under subsection (e), con-
6 sisting of—

7 (A) such amounts as are appropriated to
8 the Fund under paragraph (5); and

9 (B) any interest earned on investment of
10 amounts in the Fund under paragraph (3).

11 (2) EXPENDITURES FROM FUND.—On request
12 by the Secretaries, the Secretary of the Treasury
13 shall transfer from the Fund to the Secretaries such
14 amounts as the Secretaries determines are necessary
15 to carry out ecological restoration treatments under
16 paragraph (1).

17 (3) ACCOUNTING AND REPORTING SYSTEM.—
18 The Secretaries shall establish an accounting and re-
19 porting system for the Fund.

20 (4) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated to the Fund
22 \$40,000,000 for each of fiscal years 2008 through
23 2018, to remain available until expended.

24 (h) PROGRAM IMPLEMENTATION AND MONI-
25 TORING.—

1 (1) WORK PLAN.—Not later than 180 days
2 after the date on which a collaborative forest land-
3 scape restoration proposal is selected to be carried
4 out, the Secretaries shall create, in collaboration
5 with the interested persons, an implementation work
6 plan and budget to implement the collaborative for-
7 est landscape restoration proposal that includes—

8 (A) a description of the manner in which
9 the proposal would be implemented to achieve
10 ecological and community economic benefit, in-
11 cluding capacity building to accomplish restora-
12 tion;

13 (B) a business plan that addresses—

14 (i) the anticipated unit treatment cost
15 reductions over 10 years;

16 (ii) the anticipated costs for infra-
17 structure needed for the proposal;

18 (iii) the projected sustainability of the
19 supply of woody biomass and small-diame-
20 ter trees removed in ecological restoration
21 treatments; and

22 (iv) the projected local economic bene-
23 fits of the proposal; and

1 (C) documentation of the non-Federal in-
2 vestment in the priority landscape, including
3 the sources and uses of the investments.

4 (2) PROJECT IMPLEMENTATION.—Amounts
5 transferred to the Secretaries from the Fund shall
6 be used to carry out ecological restoration treat-
7 ments that are—

8 (A) consistent with the landscape restora-
9 tion proposal and strategy; and

10 (B) identified through the collaborative
11 process described in subsection (c)(2).

12 (3) ANNUAL REPORT.—The Secretaries, in col-
13 laboration with interested persons, shall prepare an
14 annual report on the accomplishments of each se-
15 lected collaborative forest landscape restoration pro-
16 posal that includes—

17 (A) a description of all acres (or other ap-
18 propriate unit) treated and restored through
19 projects implementing the landscape restoration
20 strategy;

21 (B) an evaluation of progress, including
22 performance measures and how prior year eval-
23 uations have contributed to improved project
24 performance;

1 (C) a description of community benefits
2 achieved, including any local economic benefits;

3 (D) the results of the multiparty moni-
4 toring, evaluation, and accountability process
5 under paragraph (4); and

6 (E) a summary of the costs of—

7 (i) treatments; and

8 (ii) relevant fire management activi-
9 ties.

10 (4) MULTIPARTY MONITORING.—The Secre-
11 taries, in collaboration with interested persons, shall
12 use a multiparty monitoring, evaluation, and ac-
13 countability process to assess the positive or negative
14 ecological, social, and economic effects of each
15 project implementing a selected collaborative forest
16 landscape restoration proposal for not less than 15
17 years after project implementation commences.

18 (i) REPORT.—Not later than 5 years after the first
19 fiscal year in which funding is made available to carry out
20 ecological restoration projects under the program, and
21 every 5 years thereafter, the Secretaries shall submit a
22 report on the program, including an assessment of wheth-
23 er, and to what extent, the program is fulfilling the pur-
24 poses of this Act, to—

1 (1) the Committee on Energy and Natural Re-
2 sources of the Senate;

3 (2) the Committee on Appropriations of the
4 Senate;

5 (3) the Committee on Natural Resources of the
6 House of Representatives; and

7 (4) the Committee on Appropriations of the
8 House of Representatives.

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