

112TH CONGRESS
2D SESSION

H. R. 6009

To establish a program that will generate dependable economic activity for counties and local governments containing National Forest System land through a management-focused approach, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2012

Mr. LABRADOR (for himself, Mr. YOUNG of Alaska, and Mrs. McMORRIS RODGERS) 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 establish a program that will generate dependable economic activity for counties and local governments containing National Forest System land through a management-focused approach, 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 “Self-Sufficient Community Lands Act of 2012”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.
- Sec. 4. Establishment of community forest demonstration areas.
- Sec. 5. Board of Trustees.
- Sec. 6. Management of community forest demonstration areas.
- Sec. 7. Distribution of funds from Community Forest Demonstration Area.
- Sec. 8. Initial funding authority.

3 **SEC. 2. PURPOSE.**

4 The purpose of this Act is to generate dependable
 5 economic activity for counties and local governments
 6 through sustainable forest management.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) BOARD OF TRUSTEES.—The term “Board
 10 of Trustees” means the Board of Trustees appointed
 11 by the Governor of a State for the community forest
 12 demonstration area established for the State.

13 (2) COMMUNITY FOREST DEMONSTRATION
 14 AREA.—The term “community forest demonstration
 15 area” means a community forest demonstration area
 16 established for a State under section 4.

17 (3) NATIONAL FOREST SYSTEM.—The term
 18 “National Forest System” has the meaning given
 19 that term in section 11(a) of the Forest and Range-
 20 land Renewable Resources Planning Act of 1974 (16
 21 U.S.C. 1609(a)), except that the term does not in-

1 clude the National Grasslands and land utilization
2 projects designated as National Grasslands adminis-
3 tered pursuant to the Act of July 22, 1937 (7
4 U.S.C. 1010–1012).

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Agriculture or the designee of the
7 Secretary of Agriculture.

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

10 **SEC. 4. ESTABLISHMENT OF COMMUNITY FOREST DEM-**
11 **ONSTRATION AREAS.**

12 (a) ESTABLISHMENT REQUIRED; TIME FOR ESTAB-
13 LISHMENT.—Not later than one year after the date of the
14 enactment of this Act, the Secretary of Agriculture shall
15 establish the community forest demonstration area or
16 areas of a State at the request of the Board of Trustees
17 appointed to manage community forest demonstration
18 area land in that State.

19 (b) COVERED LAND.—

20 (1) INCLUSION OF NATIONAL FOREST SYSTEM
21 LAND.—The community forest demonstration areas
22 of a State shall consist of the National Forest Sys-
23 tem land in the State identified for inclusion by the
24 Board of Trustees of that State.

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

4 (A) that is a component of the National
5 Wilderness Preservation System; or

6 (B) on which the removal of vegetation is
7 specifically prohibited by Federal law.

8 (c) CONDITIONS ON ESTABLISHMENT.—

9 (1) ACREAGE REQUIREMENT.—A community
10 forest demonstration area must include at least
11 200,000 acres of National Forest System land.

12 (2) MANAGEMENT LAW REQUIREMENT.—A
13 community forest demonstration area may be estab-
14 lished in a State only if the State has a forest prac-
15 tices law or regulatory structure applicable to State
16 or privately owned forest land in the State.

17 (3) REVENUE SHARING REQUIREMENT.—As a
18 condition of the inclusion in a community forest
19 demonstration area of National Forest System land
20 located in a particular county in a State, the county
21 must enter into an agreement with the Governor of
22 the State that requires that, in utilizing revenues re-
23 ceived by the county under section 7, the county
24 shall continue to meet any obligations under applica-
25 ble State law as provided under title I of the Secure

1 Rural Schools and Community Self-Determination
2 Act of 2000 (16 U.S.C. 7111 et seq.) or as provided
3 in the sixth paragraph under the heading “FOREST
4 SERVICE” in the Act of May 23, 1908 (16 U.S.C.
5 500) and section 13 of the Act of March 1, 1911
6 (16 U.S.C. 500).

7 (d) TREATMENT UNDER CERTAIN OTHER LAWS.—
8 National Forest System land included in a community for-
9 est demonstration area shall not be considered Federal
10 land for purposes of making payments to counties under
11 the sixth paragraph under the heading “FOREST SERV-
12 ICE” in the Act of May 23, 1908 (16 U.S.C. 500) and
13 section 13 of the Act of March 1, 1911 (16 U.S.C. 500).

14 (e) RECOGNITION OF VALID AND EXISTING
15 RIGHTS.—Nothing in this Act shall be construed to limit
16 or restrict—

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

20 (2) valid and existing rights regarding such Na-
21 tional Forest System land.

22 **SEC. 5. BOARD OF TRUSTEES.**

23 (a) APPOINTMENT.—A community forest demonstra-
24 tion area for a State shall be managed by a Board of
25 Trustees appointed by the Governor of the State.

1 (b) COMPOSITION.—The Board of Trustees for a
2 community forest demonstration area in a State shall in-
3 clude, but is not limited to, the following members:

4 (1) One member who holds county or local
5 elected office, appointed from each county or local
6 governmental unit in the State containing commu-
7 nity forest demonstration area land.

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

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

12 (4) One member who represents recreational
13 users of National Forest System land.

14 (c) TERMS.—

15 (1) IN GENERAL.—Except in the case of certain
16 initial appointments required by paragraph (2),
17 members of a Board of Trustees shall serve for a
18 term of three years.

19 (2) INITIAL APPOINTMENTS.—In making initial
20 appointments to a Board of Trustees, the Governor
21 making the appointments shall stagger terms so that
22 at least one-third of the members will be replaced
23 every three years.

24 (d) COMPENSATION.—Members of a Board of Trust-
25 ees shall serve without pay, but may be reimbursed from

1 the funds made available for the management of a commu-
2 nity forest demonstration area for the actual and nec-
3 essary travel and subsistence expenses incurred by mem-
4 bers in the performance of their duties.

5 **SEC. 6. MANAGEMENT OF COMMUNITY FOREST DEM-**
6 **ONSTRATION AREAS.**

7 (a) ASSUMPTION OF MANAGEMENT.—

8 (1) CONFIRMATION.—The Board of Trustees
9 appointed for a community forest demonstration
10 area shall assume all management authority with re-
11 gard to the community forest demonstration area as
12 soon as the Secretary confirms that—

13 (A) the National Forest System land to be
14 included in the community forest demonstration
15 area meets the requirements of subsections (b)
16 and (c) of section 4; and

17 (B) the Board of Trustees has been duly
18 appointed under section 5 and is able to con-
19 duct business.

20 (2) SCOPE AND TIME FOR CONFIRMATION.—

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

1 the date of the appointment of the Board of Trust-
2 ees.

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

8 (A) promptly notify the Governor of the af-
9 fected State and the Board of Trustees of the
10 reasons preventing confirmation; and

11 (B) make a new determination under para-
12 graph (2) within 60 days after receiving a new
13 request from the Board of Trustees that ad-
14 dresses the reasons that previously prevented
15 confirmation.

16 (b) MANAGEMENT RESPONSIBILITIES.—Upon as-
17 sumption of management of a community forest dem-
18 onstration area, the Board of Trustees for the community
19 forest demonstration area shall manage the land and re-
20 sources of the community forest demonstration area and
21 the occupancy and use thereof in conformity with this Act,
22 and to the extent not in conflict with this Act, the laws
23 and regulations applicable to management of State forest
24 lands in the State in which the community forest dem-
25 onstration area is located.

1 (c) APPLICABILITY OF OTHER FEDERAL LAWS.—

2 The administration and management of a community for-
3 est demonstration area, including implementing actions,
4 shall not be considered Federal action and shall be subject
5 to the following only to the extent that such laws apply
6 to the State administration and management of forest
7 lands in the State in which the community forest dem-
8 onstration area is located:

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

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

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

14 (4) Federal laws and regulations governing pro-
15 curement by Federal agencies.

16 (5) Other Federal laws.

17 (d) CONSULTATION.—

18 (1) WITH INDIAN TRIBES.—The Board of
19 Trustees for a community forest demonstration area
20 shall cooperate and consult with Indian tribes on
21 management policies and practices for the commu-
22 nity forest demonstration area that may affect the
23 Indian tribes. The Board of Trustees may allow the
24 use of lands within the community forest demonstra-

1 tion area for religious and cultural uses by Native
2 Americans.

3 (2) WITH COLLABORATIVE GROUPS.—The
4 Board of Trustees for a community forest dem-
5 onstration area shall consult with any applicable for-
6 est collaborative group.

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

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

15 **SEC. 7. DISTRIBUTION OF FUNDS FROM COMMUNITY FOR-**
16 **EST DEMONSTRATION AREA.**

17 (a) RETENTION OF FUNDS FOR MANAGEMENT.—The
18 Board of Trustees of a community forest demonstration
19 area may retain such sums as the Board of Trustees con-
20 siders to be necessary from amounts generated from that
21 community forest demonstration area to fund the manage-
22 ment, administration, restoration, operation and mainte-
23 nance, improvement, repair, and related expenses incurred
24 with respect to the community forest demonstration area.

1 (b) FUNDS TO COUNTIES OR LOCAL GOVERNMENTAL
2 UNITS.—Subject to subsection (a), the Board of Trustees
3 of a community forest demonstration area in a State shall
4 distribute funds received by the Board of Trustees under
5 section 6 to each county or local governmental unit in the
6 State in an amount proportional to the funds received by
7 the county or local governmental unit under title I of the
8 Secure Rural Schools and Community Self-Determination
9 Act of 2000 (16 U.S.C. 7111 et seq.).

10 **SEC. 8. INITIAL FUNDING AUTHORITY.**

11 (a) FUNDING SOURCE.—Counties may use such sums
12 as the counties consider to be necessary from amounts
13 made available to the counties under title I of the Secure
14 Rural Schools and Community Self-Determination Act of
15 2000 (16 U.S.C. 7111 et seq.) to provide initial funding
16 for the management of community forest demonstration
17 areas.

18 (b) NO RESTRICTION ON USE OF NON-FEDERAL
19 FUNDS.—Nothing in this Act restricts the Board of
20 Trustees of a community forest demonstration area from
21 seeking non-Federal loans or other non-Federal funds for
22 management of the community forest demonstration area.

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