

Calendar No. 175113TH CONGRESS
1ST SESSION**S. 327****[Report No. 113-97]**

To authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. BARRASSO (for himself, Mr. ENZI, Mr. HATCH, Mr. LEE, Mr. JOHNSON of South Dakota, Mr. THUNE, Mr. UDALL of Colorado, Mr. HELLER, Mr. FLAKE, Mr. RISCH, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 10, 2013

Reported by Mr. WYDEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services.

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 “Good Neighbor For-
 5 estry Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ELIGIBLE STATE.**—The term “eligible
 9 State” means a State that contains National Forest
 10 System land or Bureau of Land Management land
 11 located west of the 100th meridian.

12 (2) **SECRETARY.**—The term “Secretary”
 13 means—

14 (A) the Secretary of Agriculture, with re-
 15 spect to National Forest System land; or

16 (B) the Secretary of the Interior, with re-
 17 spect to Bureau of Land Management land.

18 (3) **STATE FORESTER.**—The term “State for-
 19 ester” means the head of a State agency with juris-
 20 diction over State forestry programs in an eligible
 21 State.

22 **SEC. 3. COOPERATIVE AGREEMENTS AND CONTRACTS.**

23 (a) **IN GENERAL.**—The Secretary may enter into a
 24 cooperative agreement or contract (including a sole source
 25 contract) with a State forester to authorize the State for-

1 ester to provide the forest, rangeland, and watershed res-
 2 toration and protection services described in subsection (b)
 3 on National Forest System land or Bureau of Land Man-
 4 agement land, as applicable, in the eligible State.

5 (b) AUTHORIZED SERVICES.—The forest, rangeland,
 6 and watershed restoration and protection services referred
 7 to in subsection (a) include the conduct of—

- 8 (1) activities to treat insect-infected trees;
- 9 (2) activities to reduce hazardous fuels; and
- 10 (3) any other activities to restore or improve
- 11 forest, rangeland, and watershed health, including
- 12 fish and wildlife habitat.

13 (c) STATE AS AGENT.—Except as provided in sub-
 14 section (f), a cooperative agreement or contract entered
 15 into under subsection (a) may authorize the State forester
 16 to serve as the agent for the Secretary in providing the
 17 restoration and protection services authorized under sub-
 18 section (a).

19 (d) SUBCONTRACTS.—In accordance with applicable
 20 contract procedures for the eligible State, a State forester
 21 may enter into subcontracts to provide the restoration and
 22 protection services authorized under a cooperative agree-
 23 ment or contract entered into under subsection (a).

24 (e) TIMBER SALES.—Subsections (d) and (g) of sec-
 25 tion 14 of the National Forest Management Act of 1976

1 ~~(16 U.S.C. 472a)~~ shall not apply to services performed
 2 under a cooperative agreement or contract entered into
 3 under subsection (a).

4 (f) **RETENTION OF NEPA RESPONSIBILITIES.**—Any
 5 decision required to be made under the National Environ-
 6 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with
 7 respect to any restoration and protection services to be
 8 provided under this Act by a State forester on National
 9 Forest System land or Bureau of Land Management land,
 10 as applicable, shall not be delegated to a State forester
 11 or any other officer or employee of the eligible State.

12 (g) **APPLICABLE LAW.**—The restoration and protec-
 13 tion services to be provided under this Act shall be carried
 14 out on a project-to-project basis under existing authorities
 15 of the Forest Service or Bureau of Land Management,
 16 as applicable.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Good Neighbor Forestry*
 19 *Act”.*

20 **SEC. 2. DEFINITIONS.**

21 *In this Act:*

22 (1) **AUTHORIZED RESTORATION SERVICES.**—*The*
 23 *term “authorized restoration services” means similar*
 24 *and complementary forest, rangeland, and watershed*
 25 *restoration services carried out—*

1 (A) on Federal land and non-Federal land;
2 and

3 (B) by either the Secretary or a Governor
4 pursuant to a good neighbor agreement.

5 (2) *FEDERAL LAND.*—

6 (A) *IN GENERAL.*—The term “Federal land”
7 means land in a State located in whole or in
8 part west of the 100th meridian that is—

9 (i) National Forest System land; or

10 (ii) public land (as defined in section
11 103 of the Federal Land Policy and Man-
12 agement Act of 1976 (43 U.S.C. 1702)).

13 (B) *EXCLUSIONS.*—The term “Federal
14 land” does not include—

15 (i) a component of the National Wil-
16 derness Preservation System;

17 (ii) Federal land on which the removal
18 of vegetation is prohibited or restricted by
19 Act of Congress or Presidential proclama-
20 tion (including the applicable implementa-
21 tion plan); or

22 (iii) a wilderness study area.

23 (3) *FOREST, RANGELAND, AND WATERSHED RES-*
24 *TORATION SERVICES.*—

1 (A) *IN GENERAL.*—The term “forest, range-
2 land, and watershed restoration services”
3 means—

4 (i) activities to treat insect- and dis-
5 ease-infected trees;

6 (ii) activities to reduce hazardous fuels;

7 and

8 (iii) any other activities to restore or
9 improve forest, rangeland, and watershed
10 health, including fish and wildlife habitat.

11 (B) *EXCLUSIONS.*—The term “forest, range-
12 land, and watershed restoration services” does
13 not include—

14 (i) construction, reconstruction, repair,
15 or restoration of roads or parking areas; or

16 (ii) construction, alteration, repair or
17 replacement of public buildings or works.

18 (4) *GOOD NEIGHBOR AGREEMENT.*—The term
19 “good neighbor agreement” means a cooperative
20 agreement or contract (including a sole source con-
21 tract) entered into between the Secretary and a Gov-
22 ernor to carry out authorized restoration services
23 under this Act.

1 (5) *GOVERNOR.*—*The term “Governor” means*
 2 *the Governor or any other appropriate executive offi-*
 3 *cial of an affected State.*

4 (6) *ROAD.*—*The term “road” has the meaning*
 5 *given the term in section 212.1 of title 36, Code of*
 6 *Federal Regulations (as in effect on the date of enact-*
 7 *ment of this Act).*

8 (7) *SECRETARY.*—*The term “Secretary means—*

9 (A) *the Secretary of Agriculture, with re-*
 10 *spect to National Forest System land; and*

11 (B) *the Secretary of the Interior, with re-*
 12 *spect to Bureau of Land Management land.*

13 **SEC. 3. GOOD NEIGHBOR AGREEMENTS.**

14 (a) *GOOD NEIGHBOR AGREEMENTS.*—

15 (1) *IN GENERAL.*—*The Secretary may enter into*
 16 *a good neighbor agreement with a Governor to coordi-*
 17 *nate the procurement and implementation of author-*
 18 *ized restoration services in accordance with this sec-*
 19 *tion.*

20 (2) *PUBLIC AVAILABILITY.*—*The Secretary shall*
 21 *make each good neighbor agreement available to the*
 22 *public.*

23 (b) *TIMBER SALES.*—

24 (1) *IN GENERAL.*—*Subsections (d) and (g) of sec-*
 25 *tion 14 of the National Forest Management Act of*

1 *1976 (16 U.S.C. 472a(d) and (g)) shall not apply to*
2 *services performed under a cooperative agreement or*
3 *contract entered into under subsection (a).*

4 *(2) APPROVAL OF SILVICULTURE PRESCRIPTIONS*
5 *AND MARKING GUIDES.—The Secretary shall provide*
6 *or approve all silviculture prescriptions and marking*
7 *guides to be applied on Federal land in all timber*
8 *sale projects conducted under this Act.*

9 *(c) RETENTION OF NEPA RESPONSIBILITIES.—Any*
10 *decision required to be made under the National Environ-*
11 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with*
12 *respect to any authorized restoration services to be provided*
13 *under this Act on Federal land shall not be delegated to*
14 *a Governor.*

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