

114TH CONGRESS  
1ST SESSION

# H. R. 2647

To expedite under the National Environmental Policy Act and improve forest management activities in units of the National Forest System derived from the public domain, 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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2015

Mr. WESTERMAN (for himself, Mrs. KIRKPATRICK, Mr. THOMPSON of Pennsylvania, and Mr. ZINKE) 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

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## A BILL

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

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Resilient Federal Forests Act of 2015”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

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

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

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

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

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

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

Sec. 106. Compliance with forest plan.

**TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO  
CATASTROPHIC EVENTS**

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

Sec. 202. Compliance with forest plan.

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

Sec. 204. Exclusion of certain lands.

**TITLE III—COLLABORATIVE PROJECT LITIGATION REQUIREMENT**

Sec. 301. Definitions.

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

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

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

Sec. 402. Resource advisory committees.

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

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

**TITLE V—STEWARDSHIP END RESULT CONTRACTING**

- Sec. 501. Cancellation ceilings for stewardship end result contracting projects.  
 Sec. 502. Excess offset value.  
 Sec. 503. Payment of portion of stewardship project revenues to county in which stewardship project occurs.  
 Sec. 504. Submission of existing annual report.

#### TITLE VI—ADDITIONAL FUNDING SOURCES FOR FOREST MANAGEMENT ACTIVITIES

- Sec. 601. Definitions.  
 Sec. 602. Availability of stewardship project revenues and Collaborative Forest Landscape Restoration Fund to cover forest management activity planning costs.  
 Sec. 603. State-supported planning of forest management activities.

#### TITLE VII—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Sec. 701. Protection of tribal forest assets through use of stewardship end result contracting and other authorities.  
 Sec. 702. Management of Indian forest land authorized to include related National Forest System lands and public lands.

#### TITLE VIII—MISCELLANEOUS FOREST MANAGEMENT PROVISIONS

- Sec. 801. Balancing short- and long-term effects of forest management activities in considering injunctive relief.  
 Sec. 802. Conditions on Forest Service road decommissioning.  
 Sec. 803. Prohibition on application of Eastside Screens requirements on National Forest System lands.  
 Sec. 804. Use of site-specific forest plan amendments for certain projects and activities.  
 Sec. 805. Knutson-Vandenberg Act modifications.  
 Sec. 806. Exclusion of certain National Forest System lands and public lands.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

10 (2) CATEGORICAL EXCLUSION.—The term “cat-  
 11 egorical exclusion” refers to an exception to the re-

quirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) for a project or activity relating to the management of National Forest System lands or public lands.

(3) COLLABORATIVE PROCESS.—The term “collaborative process” refers to a process relating to the management of National Forest System lands or public lands by which a project or activity is developed and implemented by the Secretary concerned through collaboration with interested persons, as described in section 603(b)(1)(C) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(b)(1)(C)).

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

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

(6) FOREST MANAGEMENT ACTIVITY.—The term “forest management activity” means a project

1 or activity carried out by the Secretary concerned on  
2 National Forest System lands or public lands in con-  
3 cert with the forest plan covering the lands.

4 (7) FOREST PLAN.—The term “forest plan”  
5 means—

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

11 (B) a land and resource management plan  
12 prepared by the Forest Service for a unit of the  
13 National Forest System pursuant to section 6  
14 of the Forest and Rangeland Renewable Re-  
15 sources Planning Act of 1974 (16 U.S.C.  
16 1604).

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

22 (9) NATIONAL FOREST SYSTEM.—The term  
23 “National Forest System” has the meaning given  
24 that term in section 11(a) of the Forest and Range-

1 land Renewable Resources Planning Act of 1974 (16  
2 U.S.C. 1609(a)), except that the term—

3 (A) includes only National Forest System  
4 lands derived from the public domain; and

5 (B) does not include the National Grass-  
6 lands and land utilization projects designated as  
7 National Grasslands administered pursuant to  
8 the Act of July 22, 1937 (7 U.S.C. 1010–  
9 1012).

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

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

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

24 (C) All lands in that State acquired by the  
25 United States at any time and made subject to

1           the provisions of title II of the Act of August  
2           28, 1937 (43 U.S.C. 1181f).

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

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

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

23          (14) SALVAGE OPERATION.—The term “salvage  
24          operation” means a forest management activity un-

1       dertaken in response to a catastrophic event whose  
2       primary purpose—

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

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

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

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

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

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



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

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

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

- 17 (1) is developed through a collaborative process;  
18 (2) is proposed by a resource advisory com-  
19 mittee; or  
20 (3) is covered by a community wildfire protec-  
21 tion plan.

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

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

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

6 (2) The alternative of no action.

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

10 (1) the effect of no action on—

11 (A) forest health;

12 (B) habitat diversity;

13 (C) wildfire potential; and

14 (D) insect and disease potential; and

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

19 (A) domestic water costs;

20 (B) wildlife habitat loss; and

21 (C) other economic and social factors.

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

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

cerned to develop and carry out a forest management activity on National Forest System lands or public lands when the primary purpose of the forest management activity is—

- (1) to address an insect or disease infestation;
- (2) to reduce hazardous fuel loads;
- (3) to protect a municipal water source;
- (4) to maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances;
- (5) to increase water yield; or
- (6) any combination of the purposes specified in paragraphs (1) through (5).

(b) ACREAGE LIMITATIONS.—

(1) IN GENERAL.—Except in the case of a forest management activity described in paragraph (2), a forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 5,000 acres.

(2) LARGER AREAS AUTHORIZED.—A forest management activity covered by the categorical exclusion granted by subsection (a) may not contain harvest units exceeding a total of 15,000 acres if the forest management activity—

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

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

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

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

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

15 (b) ACREAGE LIMITATIONS.—

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

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

25 (c) ADDITIONAL REQUIREMENTS.—

1           (1) ROAD BUILDING.—A salvage operation cov-  
2       ered by the categorical exclusion granted by sub-  
3       section (a) may not include any permanent road  
4       building. Temporary roads constructed as part of  
5       the salvage operation may not exceed one mile per  
6       square mile and shall be decommissioned upon com-  
7       pletion of the salvage operation.

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

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

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

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

12 (b) ACREAGE LIMITATIONS.—A forest management  
13 activity covered by the categorical exclusion granted by  
14 subsection (a) may not contain harvest units exceeding a  
15 total of 5,000 acres.

16 **SEC. 105. CLARIFICATION OF EXISTING CATEGORICAL EX-**  
17 **CLUSION AUTHORITY RELATED TO INSECT**  
18 **AND DISEASE INFESTATION.**

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

24 **SEC. 106. COMPLIANCE WITH FOREST PLAN.**

25 A forest management activity covered by a categorical  
26 exclusion granted by this title shall be conducted in a man-

1 ner consistent with the forest plan applicable to the Na-  
2 tional Forest System land or public lands covered by the  
3 forest management activity.

4 **TITLE II—SALVAGE AND REFOR-**  
5 **ESTATION IN RESPONSE TO**  
6 **CATASTROPHIC EVENTS**

7 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**  
8 **ESTATION ACTIVITIES FOLLOWING LARGE-**  
9 **SCALE CATASTROPHIC EVENTS.**

10 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—  
11 Notwithstanding any other provision of law, any environ-  
12 mental assessment prepared by the Secretary concerned  
13 pursuant to section 102(2) of the National Environmental  
14 Policy Act of 1969 (42 U.S.C. 4332(2)) for a salvage oper-  
15 ation or reforestation activity proposed to be conducted  
16 on National Forest System lands or public lands adversely  
17 impacted by a large-scale catastrophic event shall be com-  
18 pleted within three months after the conclusion of the cat-  
19 astrophic event.

20 (b) EXPEDITED IMPLEMENTATION AND COMPLE-  
21 TION.—In the case of reforestation activities conducted on  
22 National Forest System lands or public lands adversely  
23 impacted by a large-scale catastrophic event, the Secretary  
24 concerned shall achieve reforestation of at least 75 percent

1 of the impacted lands during the five-year period following  
2 the conclusion of the catastrophic event.

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

4 A salvage operation or reforestation activity author-  
5 ized by this title shall be conducted in a manner consistent  
6 with the forest plan applicable to the National Forest Sys-  
7 tem lands or public lands covered by the salvage operation  
8 or reforestation activity.

9 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**  
10 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**  
11 **PENDING APPEAL.**

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

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

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

23 (1) that are included in the National Wilderness  
24 Preservation System;



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

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

6       **TITLE           III—COLLABORATIVE**  
7       **PROJECT   LITIGATION   RE-**  
8       **QUIREMENT**

9       **SEC. 301. DEFINITIONS.**

10       In this title:

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

14           (2) **EXPENSES.**—The term “expenses” includes  
15       the expenditures incurred by the staff of the Sec-  
16       retary concerned in preparing for and responding to  
17       a legal challenge to a collaborative forest manage-  
18       ment activity and in participating in litigation that  
19       challenges the forest management activity, including  
20       such staff time as may be used to prepare the ad-  
21       ministrative record, exhibits, declarations, and affi-  
22       davits in connection with the litigation.

1 **SEC. 302. BOND REQUIREMENT AS PART OF LEGAL CHAL-**  
2 **LENCE OF CERTAIN FOREST MANAGEMENT**  
3 **ACTIVITIES.**

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

14 (b) RECOVERY OF LITIGATION COSTS, EXPENSES,  
15 AND ATTORNEYS FEES.—

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

24 (2) MAXIMUM AMOUNT RECOVERED.—The  
25 amount of costs, expenses, and attorneys fees recov-  
26 ered by the Secretary concerned under paragraph

(1) as a result of prevailing in an action challenging the forest management activity may not exceed the amount of the bond or other security posted under subsection (a) in such action.

(3) RETURN OF REMAINDER.—Any funds remaining from the bond or other security posted under subsection (a) after the payment of costs, expenses, and attorneys fees under paragraph (1) shall be returned to the plaintiff or plaintiffs that posted the bond or security in the action.

(c) RETURN OF BOND TO PREVAILING PLAINTIFF.—

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

(2) ULTIMATELY PREVAILS ON THE MERITS.—

In this subsection, the phrase “ultimately prevails on the merits” means, in a final enforceable judgment on the merits, a court rules in favor of the plaintiff on every cause of action in every action brought by the plaintiff challenging the forest management activity.

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

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

17 **TITLE IV—SECURE RURAL**  
 18 **SCHOOLS AND COMMUNITY**  
 19 **SELF-DETERMINATION ACT**  
 20 **AMENDMENTS**

21 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**  
 22 **PROJECTS ON FEDERAL LAND AND CERTAIN**  
 23 **NON-FEDERAL LAND.**

24 (a) REPEAL OF MERCHANTABLE TIMBER CON-  
 25 TRACTING PILOT PROGRAM.—Section 204(e) of the Se-

1 cure Rural Schools and Community Self-Determination  
2 Act of 2000 (16 U.S.C. 7124(e)) is amended by striking  
3 paragraph (3).

4 (b) REQUIREMENTS FOR PROJECT FUNDS.—Section  
5 204 of the Secure Rural Schools and Community Self-De-  
6 termination Act of 2000 (16 U.S.C. 7124) is amended by  
7 striking subsection (f) and inserting the following new  
8 subsection:

9 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

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

15 “(A) include the sale of timber or other  
16 forest products; and

17 “(B) implement stewardship objectives  
18 that enhance forest ecosystems or restore and  
19 improve land health and water quality.

20 “(2) APPLICABILITY.—The requirement in  
21 paragraph (1) shall apply only to project funds re-  
22 served by a participating county whose boundaries  
23 include Federal land that the Secretary concerned  
24 determines has been subject to a timber or other for-

1 est products program within 5 fiscal years before the  
 2 fiscal year in which the funds are reserved.”.

3 **SEC. 402. RESOURCE ADVISORY COMMITTEES.**

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

9 (b) TEMPORARY REDUCTION IN COMPOSITION OF  
 10 COMMITTEES.—Section 205(d) of the Secure Rural  
 11 Schools and Community Self-Determination Act of 2000  
 12 (16 U.S.C. 7125(d)) is amended—

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

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

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

20 “(A) TEMPORARY 6-MEMBER MINIMUM.—

21 During the period beginning on the date of the  
 22 enactment of this paragraph and ending on  
 23 September 30, 2020, a resource advisory com-  
 24 mittee established under this section may be  
 25 comprised of 6 or more members, of which—

1 “(i) at least 2 shall be representative  
2 of interests described in subparagraph (A)  
3 of paragraph (2);

4 “(ii) at least 2 shall be representative  
5 of interests described in subparagraph (B)  
6 of paragraph (2); and

7 “(iii) at least 2 shall be representative  
8 of interests described in subparagraph (C)  
9 of paragraph (2).

10 “(B) ADDITIONAL REQUIREMENT.—In ap-  
11 pointing members of a resource advisory com-  
12 mittee from the 3 categories described in para-  
13 graph (2), as provided in subparagraph (A), the  
14 Secretary concerned shall ensure balanced and  
15 broad representation in each category.

16 “(C) CHARTER.—A charter for a resource  
17 advisory committee with 15 members that was  
18 filed on or before the date of the enactment of  
19 this paragraph shall be considered to be filed  
20 for a resource advisory committee described in  
21 this paragraph.”.

22 (c) CONFORMING CHANGE TO PROJECT APPROVAL  
23 REQUIREMENTS.—Section 205(e)(3) of the Secure Rural  
24 Schools and Community Self-Determination Act of 2000  
25 (16 U.S.C. 7125(e)(3)) is amended by adding at the end

1 the following new sentence: “In the case of a resource ad-  
 2 visory committee consisting of fewer than 15 members, as  
 3 authorized by subsection (d)(6), a project may be proposed  
 4 to the Secretary concerned upon approval by a majority  
 5 of the members of the committee.”.

6 (d) EXPANDING LOCAL PARTICIPATION ON COMMIT-  
 7 TEES.—Section 205(d) of the Secure Rural Schools and  
 8 Community Self-Determination Act of 2000 (16 U.S.C.  
 9 7125(d)) is amended—

10 (1) in paragraph (3), by inserting before the pe-  
 11 riod at the end the following: “, consistent with the  
 12 requirements of paragraph (4)”;

13 (2) by striking paragraph (4) and inserting the  
 14 following new paragraph:

15 “(4) GEOGRAPHIC DISTRIBUTION.—The mem-  
 16 bers of a resource advisory committee shall reside  
 17 within the county or counties in which the committee  
 18 has jurisdiction or an adjacent county.”.

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

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



1   **“SEC. 209. PROGRAM FOR SELF-SUSTAINING RESOURCE AD-**  
2                   **VISORY COMMITTEE PROJECTS.**

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

10          “(b) SELECTION OF PARTICIPATING RESOURCE AD-  
11   VISORY COMMITTEES.—The selection of resource advisory  
12   committees to participate in the RAC program is in the  
13   sole discretion of the Chief of the Forest Service, except  
14   that, consistent with section 205(d)(6), a selected resource  
15   advisory committee must have a minimum of 6 members.

16          “(c) AUTHORIZED PROJECTS.—Notwithstanding the  
17   project purposes specified in sections 202(b), 203(c), and  
18   204(a)(5), projects under the RAC program are intended  
19   to—

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

22               “(2) generate receipts.

23          “(d) DEPOSIT AND AVAILABILITY OF REVENUES.—  
24   Any revenue generated by a project conducted under the  
25   RAC program, including any interest accrued from the  
26   revenues, shall be—

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

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

7 “(e) TERMINATION OF AUTHORITY.—

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

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

15 (b) EXCEPTION TO GENERAL RULE REGARDING  
 16 TREATMENT OF RECEIPTS.—Section 403(b) of the Secure  
 17 Rural Schools and Community Self-Determination Act of  
 18 2000 (16 U.S.C. 7153(b)) is amended by striking “All rev-  
 19 enues” and inserting “Except as provided in section 209,  
 20 all revenues”.

21 **SEC. 404. ADDITIONAL AUTHORIZED USE OF RESERVED**  
 22 **FUNDS FOR TITLE III COUNTY PROJECTS.**

23 Section 302(a) of the Secure Rural Schools and Com-  
 24 munity Self-Determination Act of 2000 (16 U.S.C.  
 25 7142(a)) is amended—

1 (1) in paragraph (2)—

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

4 (B) by striking “and” at the end of para-  
5 graph (2);

6 (2) by redesignating paragraph (3) as para-  
7 graph (4); and

8 (3) by inserting after paragraph (2) the fol-  
9 lowing new paragraph (3):

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

13 **TITLE V—STEWARDSHIP END**  
14 **RESULT CONTRACTING**

15 **SEC. 501. CANCELLATION CEILINGS FOR STEWARDSHIP**  
16 **END RESULT CONTRACTING PROJECTS.**

17 (a) CANCELLATION CEILINGS.—Section 604 of the  
18 Healthy Forests Restoration Act of 2003 (16 U.S.C.  
19 6591c) is amended—

20 (1) by redesignating subsections (h) and (i) as  
21 subsections (i) and (j), respectively; and

22 (2) by inserting after subsection (g) the fol-  
23 lowing new subsection (h):

24 “(h) CANCELLATION CEILINGS.—

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

6           “(2) ADVANCE NOTICE TO CONGRESS OF CAN-  
7           CELLATION CEILING IN EXCESS OF \$25,000,000.—Not  
8           later than 30 days before entering into a multiyear  
9           agreement or contract under subsection (b) that in-  
10          cludes a cancellation ceiling in excess of  
11          \$25,000,000, but does not include proposed funding  
12          for the costs of cancelling the agreement or contract  
13          up to such cancellation ceiling, the Chief or the Di-  
14          rector, as the case may be, shall submit to the Com-  
15          mittee on Energy and Natural Resources and the  
16          Committee on Agriculture, Nutrition, and Forestry  
17          of the Senate and the Committee on Natural Re-  
18          sources and the Committee on Agriculture of the  
19          House of Representatives a written notice that in-  
20          cludes—

21               “(A) the cancellation ceiling amounts pro-  
22               posed for each program year in the agreement  
23               or contract;

24               “(B) the reasons why such cancellation  
25               ceiling amounts were selected;

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

4                   “(D) an assessment of the financial risk of  
 5                   not including budgeting for the costs of agree-  
 6                   ment or contract cancellation.

7                   “(3) TRANSMITTAL OF NOTICE TO OMB.—Not  
 8                   later than 14 days after the date on which written  
 9                   notice is provided under paragraph (2) with respect  
 10                  to an agreement or contract under subsection (b),  
 11                  the Chief or the Director, as the case may be, shall  
 12                  transmit a copy of the notice to the Director of the  
 13                  Office of Management and Budget.”.

14                  (b) RELATION TO OTHER LAWS.—Section 604(d)(5)  
 15                  of the Healthy Forests Restoration Act of 2003 (16  
 16                  U.S.C. 6591c(d)(5)) is amended by striking “, the Chief  
 17                  may” and inserting “and section 2(a)(1) of the Act of July  
 18                  31, 1947 (commonly known as the Materials Act of 1947;  
 19                  30 U.S.C. 602(a)(1)), the Chief and the Director may”.

20                  **SEC. 502. EXCESS OFFSET VALUE.**

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

1           “(A) use the excess to satisfy any out-  
 2           standing liabilities for cancelled agreements or  
 3           contracts; or

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

7 **SEC. 503. PAYMENT OF PORTION OF STEWARDSHIP**  
 8 **PROJECT REVENUES TO COUNTY IN WHICH**  
 9 **STEWARDSHIP PROJECT OCCURS.**

10       Section 604(e) of the Healthy Forest Restoration Act  
 11 of 2003 (16 U.S.C. 6591c(e)) is amended—

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

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

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

2 Subsection (j) of section 604 of the Healthy Forests  
 3 Restoration Act of 2003 (16 U.S.C. 6591c), as redesign-  
 4 nated by section 501(a)(1), is amended by striking “report  
 5 to the Committee on Agriculture, Nutrition, and Forestry  
 6 of the Senate and the Committee on Agriculture of the  
 7 House of Representatives” and inserting “submit to the  
 8 congressional committees specified in subsection (h)(2) a  
 9 report”.

10 **TITLE VI—ADDITIONAL FUND-**  
 11 **ING SOURCES FOR FOREST**  
 12 **MANAGEMENT ACTIVITIES**

13 **SEC. 601. DEFINITIONS.**

14 In this title:

15 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-  
 16 ty” means—

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

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

22 (C) a rural electric company; and

23 (D) any other entity determined by the  
 24 Secretary concerned to be appropriate for par-  
 25 ticipation in the Fund.

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

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

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

16                       “(i) at the project site from which the  
 17                       monies are collected or at another project  
 18                       site; and

19                       “(ii) to cover not more than 25 per-  
 20                       cent of the cost of planning additional  
 21                       stewardship contracting projects.”.

22       (b) AVAILABILITY OF COLLABORATIVE FOREST  
 23 LANDSCAPE RESTORATION FUND.—Section 4003(f)(1) of  
 24 the Omnibus Public Land Management Act of 2009 (16



1 U.S.C. 7303(f)(1)) is amended by striking “carrying out  
2 and” and inserting “planning, carrying out, and”.

3 **SEC. 603. STATE-SUPPORTED PLANNING OF FOREST MAN-**  
4 **AGEMENT ACTIVITIES.**

5 (a) STATE-SUPPORTED FOREST MANAGEMENT  
6 FUND.—There is established in the Treasury of the  
7 United States a fund, to be known as the “State-Sup-  
8 ported Forest Management Fund”, to cover the cost of  
9 planning, carrying out, and monitoring certain forest man-  
10 agement activities on National Forest System lands or  
11 public lands.

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

14 (1) contributed by an eligible entity for deposit  
15 in the Fund;

16 (2) appropriated to the Fund; or

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

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

22 (1) specify the National Forest System lands or  
23 public lands for which the contribution may be ex-  
24 pended; and

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

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

8           (1) is developed through a collaborative process;

9           (2) is proposed by a resource advisory com-  
10          mittee; or

11          (3) is covered by a community wildfire protec-  
12          tion plan.

13          (e) IMPLEMENTATION METHODS.—A forest manage-  
14 ment activity carried out using amounts in the Fund may  
15 be carried out using a contract or agreement under section  
16 604 of the Healthy Forests Restoration Act of 2003 (16  
17 U.S.C. 6591c), the good neighbor authority provided by  
18 section 8206 of the Agricultural Act of 2014 (16 U.S.C.  
19 2113a), a contract under section 14 of the National Forest  
20 Management Act of 1976 (16 U.S.C. 472a), or other au-  
21 thority available to the Secretary concerned, but revenues  
22 generated by the forest management activity shall be used  
23 to reimburse the Fund for planning costs covered using  
24 amounts in the Fund.

25          (f) RELATION TO OTHER LAWS.—

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

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

11          (g) TERMINATION OF FUND.—

12           (1) TERMINATION.—The Fund shall terminate  
13          on September 30, 2025.

14           (2) EFFECT OF TERMINATION.—Upon the ter-  
15          mination of the Fund pursuant to paragraph (1) or  
16          pursuant to any other provision of law, unobligated  
17          contributions remaining in the Fund shall be re-  
18          turned to the eligible entity that made the contribu-  
19          tion.

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

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

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

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

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

17 “(4) TIME PERIODS FOR CONSIDERATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(2) DEFINITIONS.—In this subsection:

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

13 “(i) National Forest System lands de-  
14 rived from the public domain; and

15 “(ii) public lands (as defined in sec-  
16 tion 103(e) of the Federal Land Policy and  
17 Management Act of 1976 (43 U.S.C.  
18 1702(e))), including Coos Bay Wagon  
19 Road Grant lands reconveyed to the  
20 United States pursuant to the first section  
21 of the Act of February 26, 1919 (40 Stat.  
22 1179), and Oregon and California Railroad  
23 Grant lands.

24 “(B) SECRETARY CONCERNED.—The term  
25 ‘Secretary concerned’ means—

1 “(i) the Secretary of Agriculture, with  
 2 respect to the Federal forest land referred  
 3 to in subparagraph (A)(i); and

4 “(ii) the Secretary of the Interior,  
 5 with respect to the Federal forest land re-  
 6 ferred to in subparagraph (A)(ii).”.

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

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

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

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

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



1 **SEC. 802. CONDITIONS ON FOREST SERVICE ROAD DECOM-**  
2 **MISSIONING.**

3 (a) CONSULTATION WITH AFFECTED COUNTY.—

4 Whenever any Forest Service defined maintenance level  
5 one or two system road within a designated high fire prone  
6 area of a unit of the National Forest System is considered  
7 for decommissioning, the Forest Supervisor of that unit  
8 of the National Forest System shall—

9 (1) consult with the government of the county  
10 containing the road regarding the merits and pos-  
11 sible consequences of decommissioning the road; and

12 (2) solicit possible alternatives to decommis-  
13 sioning the road.

14 (b) REGIONAL FORESTER APPROVAL.—A Forest  
15 Service road described in subsection (a) may not be de-  
16 commissioned without the advance approval of the Re-  
17 gional Forester.

18 **SEC. 803. PROHIBITION ON APPLICATION OF EASTSIDE**  
19 **SCREENS REQUIREMENTS ON NATIONAL**  
20 **FOREST SYSTEM LANDS.**

21 On and after the date of the enactment of this Act,  
22 the Secretary of Agriculture may not apply to National  
23 Forest System lands any of the amendments to forest  
24 plans adopted in the Decision Notice for the Revised Con-  
25 tinuation of Interim Management Direction Establishing  
26 Riparian, Ecosystem and Wildlife Standards for Timber

1 Sales (commonly known as the Eastside Screens require-  
 2 ments), including all preceding or associated versions of  
 3 these amendments.

4 **SEC. 804. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**  
 5 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**  
 6 **TIES.**

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

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

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

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

24 (1) by striking “Such deposits” and inserting  
 25 the following:

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

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

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

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

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

10 “(B) may be used anywhere within the Forest  
11 Service Region from which the original deposits were  
12 collected.

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

18 **SEC. 806. EXCLUSION OF CERTAIN NATIONAL FOREST SYS-**  
19 **TEM LANDS AND PUBLIC LANDS.**

20 Unless specifically provided by a provision of this Act,  
21 the authorities provided by this Act do not apply with re-  
22 spect to any National Forest System lands or public  
23 lands—

24 (1) that are included in the National Wilderness  
25 Preservation System;

- 1           (2) that are located within an inventoried  
2 roadless area unless the forest management activity  
3 to be carried out under such authority is consistent  
4 with the forest plan applicable to the area; or  
5           (3) on which timber harvesting for any purpose  
6 is prohibited by statute.

