

114TH CONGRESS
2D SESSION

S. 3310

To establish a grant program to support landscape-scale restoration and management, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2016

Ms. KLOBUCHAR (for herself and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To establish a grant program to support landscape-scale restoration and management, 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 “Environmental and
5 Economic Benefits Restoration Act of 2016”.

6 **SEC. 2. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
7 **RESTORATION PROGRAM.**

8 (a) IN GENERAL.—Section 13A of the Cooperative
9 Forestry Assistance Act of 1978 (16 U.S.C. 2109a) is
10 amended to read as follows:

1 **“SEC. 13A. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**
 2 **RESTORATION PROGRAM.**

3 “(a) PURPOSE.—The purpose of this section is to es-
 4 tablish a landscape-scale restoration program to support
 5 landscape-scale restoration and management that results
 6 in measurable improvements to public benefits derived
 7 from State and private forest land, as identified in—

8 “(1) a State-wide assessment described in sec-
 9 tion 2A(a)(1); and

10 “(2) a long-term State-wide forest resource
 11 strategy described in section 2A(a)(2).

12 “(b) DEFINITIONS.—In this section:

13 “(1) PRIVATE FOREST LAND.—The term ‘pri-
 14 vate forest land’ means land that—

15 “(A)(i) has existing tree cover; or

16 “(ii) is suitable for growing trees; and

17 “(B) is owned by—

18 “(i) an Indian tribe (as defined in sec-
 19 tion 4 of the Indian Self-Determination
 20 and Education Assistance Act (25 U.S.C.
 21 5304)); or

22 “(ii) any private individual or entity.

23 “(2) REGIONAL.—The term ‘regional’ means of
 24 any region of the National Association of State For-
 25 esters.

1 “(3) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Agriculture, acting through the
3 Chief of the Forest Service.

4 “(4) STATE FORESTER.—The term ‘State For-
5 ester’ means a State Forester or equivalent State of-
6 ficial.

7 “(c) ESTABLISHMENT.—The Secretary, in consulta-
8 tion with State Foresters, shall establish a landscape-scale
9 restoration program to provide financial and technical as-
10 sistance for landscape-scale restoration projects on State,
11 political subdivision, or private forest land that maintain
12 or improve benefits from trees and forests on the land.

13 “(d) REQUIREMENTS.—The landscape-scale restora-
14 tion program established under subsection (c) shall—

15 “(1) measurably address the national private
16 forest conservation priorities described in section
17 2(c);

18 “(2) enhance public benefits from trees and for-
19 ests, as identified in—

20 “(A) a State-wide assessment described in
21 section 2A(a)(1); and

22 “(B) a long-term State-wide forest re-
23 source strategy described in section 2A(a)(2);

24 and

1 “(3) in accordance with the purposes described
2 in section 2(b), have 1 or more objectives includ-
3 ing—

4 “(A) protecting or improving water quality
5 or quantity;

6 “(B) reducing wildfire risk;

7 “(C) protecting or enhancing wildlife habi-
8 tat, consistent with wildlife objectives estab-
9 lished by the applicable State fish and wildlife
10 agency;

11 “(D) improving forest health, including ad-
12 dressing native, nonnative, and invasive pests;
13 or

14 “(E) enhancing opportunities for new and
15 existing markets in which the production and
16 use of wood products strengthens local and re-
17 gional economies.

18 “(e) MEASUREMENT.—The Secretary, in consultation
19 with State Foresters, shall establish a measurement sys-
20 tem, including measurement tools, that—

21 “(1) consistently measures the results of land-
22 scape-scale restoration projects described in sub-
23 section (c); and

1 “(2) is consistent with the measurement sys-
2 tems of other Federal programs delivered by State
3 Foresters.

4 “(f) USE OF AMOUNTS.—

5 “(1) ALLOCATION.—Of amounts made available
6 for the landscape-scale restoration program estab-
7 lished under subsection (c), the Secretary shall allo-
8 cate—

9 “(A) 50 percent for the competitive process
10 in accordance with subsection (g); and

11 “(B) 50 percent proportionally to States,
12 in consultation with State Foresters—

13 “(i) to maximize the achievement of
14 the objectives described in subsection
15 (d)(3); and

16 “(ii) to address the highest national
17 priorities, as identified in—

18 “(I) State-wide assessments de-
19 scribed in section 2A(a)(1); and

20 “(II) long-term State-wide forest
21 resource strategies described in sec-
22 tion 2A(a)(2).

23 “(2) MULTIYEAR PROJECTS.—The Secretary
24 may provide amounts under this section for
25 multiyear projects.

1 “(g) COMPETITIVE PROCESS.—

2 “(1) IN GENERAL.—The Secretary shall dis-
3 tribute amounts described in subsection (f)(1)(A)
4 through a competitive process for landscape-scale
5 restoration projects described in subsection (c) to
6 maximize the achievement of the objectives described
7 in subsection (d)(3).

8 “(2) ELIGIBILITY.—To be eligible for funding
9 through the competitive process described in para-
10 graph (1), a State Forester, or another entity on ap-
11 proval of the State Forester, shall submit to the Sec-
12 retary 1 or more landscape-scale restoration pro-
13 posals that—

14 “(A) in accordance with paragraph (3), in-
15 clude priorities identified in—

16 “(i) State-wide assessments described
17 in section 2A(a)(1); and

18 “(ii) long-term State-wide forest re-
19 source strategies described in section
20 2A(a)(2);

21 “(B) identify 1 or more measurable results
22 to be achieved through the project;

23 “(C) to the maximum extent practicable,
24 include activities on all land necessary to ac-

1 accomplish the measurable results in the applica-
2 ble landscape;

3 “(D) to the maximum extent practicable,
4 are developed in collaboration with other public
5 and private sector organizations and local com-
6 munities; and

7 “(E) derive not less than 50 percent of the
8 funding for the project from non-Federal
9 sources, unless the Secretary determines—

10 “(i) the applicant is unable to derive
11 not less than 50 percent of the funding for
12 the project from non-Federal sources; and

13 “(ii) the benefits of the project justify
14 pursuing the project.

15 “(3) PRIORITIZATION.—The Secretary shall
16 give priority to projects that, as determined by the
17 Secretary, best carry out priorities identified in
18 State-wide assessments described in section 2A(a)(1)
19 and long-term State-wide forest resource strategies
20 described in section 2A(a)(2), including—

21 “(A) involvement of public and private
22 partnerships;

23 “(B) inclusion of cross-boundary activities
24 on Federal, State, local, or private forest land;

1 “(C) involvement of areas also identified
2 for cost-share funding by the Natural Resources
3 Conservation Service or any other relevant Fed-
4 eral agency;

5 “(D) protection or improvement of water
6 quality or quantity;

7 “(E) reduction of wildfire risk;

8 “(F) protection or enhancement of wildlife
9 habitat, consistent with wildlife objectives estab-
10 lished by the applicable State fish and wildlife
11 agency;

12 “(G) improvement of forest health, includ-
13 ing addressing native, nonnative, and invasive
14 pests;

15 “(H) enhancement of opportunities for new
16 and existing markets in which the production
17 and use of wood products strengthens local and
18 regional economies; and

19 “(I) otherwise addressing the national pri-
20 vate forest conservation priorities described in
21 section 2(c).

22 “(4) PROPOSAL REVIEW.—

23 “(A) IN GENERAL.—The Secretary shall
24 establish a process for the review of proposals

1 submitted under paragraph (2) that ranks each
2 proposal based on—

3 “(i) the extent to which the proposal
4 would achieve the requirements described
5 in subsection (d); and

6 “(ii) the priorities described in para-
7 graph (3).

8 “(B) REGIONAL REVIEW.—The Secretary
9 may carry out the process described in subpara-
10 graph (A) at a regional level.

11 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated to the Secretary for the
13 landscape-scale restoration program established under
14 subsection (c) \$30,000,000 for each of fiscal years 2016
15 through 2020, to remain available until expended.”.

16 **SEC. 3. PROMOTING CROSS-BOUNDARY WILDFIRE MITIGA-**
17 **TION.**

18 Section 103 of the Healthy Forests Restoration Act
19 of 2003 (16 U.S.C. 6513) is amended—

20 (1) in subsection (d), by adding at the end the
21 following:

22 “(3) CROSS-BOUNDARY CONSIDERATIONS.—For
23 any fiscal year for which the amount appropriated
24 for hazardous fuels reduction is in excess of
25 \$300,000,000, the Secretary—

1 “(A) is encouraged to use the excess
2 amounts for projects that include cross-bound-
3 ary consideration; and

4 “(B) of that excess amount, may use,
5 through grants to State Foresters, to support
6 hazardous fuel reduction projects on non-Fed-
7 eral land in accordance with subsection (e) an
8 amount equal to the greater of—

9 “(i) 20 percent; and

10 “(ii) \$20,000,000.”; and

11 (2) by adding at the end the following:

12 “(e) CROSS-BOUNDARY FUELS REDUCTION
13 PROJECTS.—

14 “(1) IN GENERAL.—To the maximum extent
15 practicable, the Secretary shall use the funds de-
16 scribed in subsection (d)(3) to support hazardous
17 fuel reduction projects that incorporate treatments
18 in landscapes across ownership boundaries on Fed-
19 eral, State, county, or tribal land, private land, and
20 other non-Federal land, particularly in areas identi-
21 fied as priorities in applicable State-wide forest re-
22 source assessments or strategies under section 2A(a)
23 of the Cooperative Forestry Assistance Act of 1978
24 (16 U.S.C. 2101a(a)), as mutually agreed to by the
25 State Forester and the Regional Forester.

1 “(2) LAND TREATMENTS.—To conduct and
2 fund treatments for projects that include Federal
3 and non-Federal land, the Secretary may—

4 “(A) use the authorities of the Secretary
5 relating to cooperation and technical and finan-
6 cial assistance, including the good neighbor au-
7 thority under—

8 “(i) section 8206 of the Agricultural
9 Act of 2014 (16 U.S.C. 2113a); and

10 “(ii) section 331 of the Department of
11 the Interior and Related Agencies Appro-
12 priations Act, 2001 (16 U.S.C. 1011 note;
13 Public Law 106–291); and

14 “(B) allocate cross-boundary wildfire miti-
15 gation funds, in accordance with subsection
16 (d)(3) and paragraph (1), for projects carried
17 out pursuant to that section (16 U.S.C. 2113a).

18 “(3) COOPERATION.—In carrying out this sub-
19 section, the State Forester, in consultation with the
20 Secretary (or a designee)—

21 “(A) shall consult with the owners of
22 State, county, tribal, and private land and other
23 non-Federal land with respect to hazardous
24 fuels reduction projects; and

1 “(B) shall not implement any project on
2 non-Federal land without the consent of the
3 owner of the non-Federal land.

4 “(4) EXISTING LAWS.—Regardless of the indi-
5 vidual or entity implementing a project on non-Fed-
6 eral land under this subsection, only the laws and
7 regulations that apply to non-Federal land shall be
8 applicable with respect to the project.”.

○