

115TH CONGRESS  
2D SESSION

# H. R. 4976

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2018

Mr. WELCH (for himself and Mr. THOMPSON of Pennsylvania) 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 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 “Empowering State  
5 Forestry to Improve Forest Health Act of 2018”.

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

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

6 **“SEC. 13A. STATE AND PRIVATE FOREST LANDSCAPE-SCALE**  
7 **RESTORATION PROGRAM.**

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

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

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

17 “(b) DEFINITIONS.—In this section:

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

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

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

22 “(B) is owned by—

23 “(i) an Indian tribe (as defined in sec-  
24 tion 4 of the Indian Self-Determination  
25 and Education Assistance Act (25 U.S.C.  
26 5304)); or

1 “(ii) any private individual or entity.

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

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

8 “(4) STATE FOREST LAND.—The term ‘State  
9 forest land’ means land that is owned by a State or  
10 unit of local government.

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

14 “(c) ESTABLISHMENT.—The Secretary, in consulta-  
15 tion with State Foresters or other appropriate State agen-  
16 cies, shall establish a landscape-scale restoration pro-  
17 gram—

18 “(1) to provide financial and technical assist-  
19 ance for landscape-scale restoration projects on  
20 State forest land or private forest land; and

21 “(2) that maintains or improves benefits from  
22 trees and forests on that land.

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

1           “(1) measurably address the national private  
2 forest conservation priorities described in section  
3 2(c);

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

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

8                 “(B) a long-term State-wide forest re-  
9 source strategy described in section 2A(a)(2);  
10 and

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

14                 “(A) protecting or improving water quality  
15 or quantity;

16                 “(B) reducing wildfire risk, including  
17 through hazardous fuels treatment;

18                 “(C) protecting or enhancing wildlife habi-  
19 tat, consistent with wildlife objectives estab-  
20 lished by the applicable State fish and wildlife  
21 agency;

22                 “(D) improving forest health and forest  
23 ecosystems, including addressing native, non-  
24 native, and invasive pests; or

1           “(E) enhancing opportunities for new and  
2           existing markets in which the production and  
3           use of wood products strengthens local and re-  
4           gional economies.

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

8           “(1) consistently measures the results of land-  
9           scape-scale restoration projects described in sub-  
10          section (c); and

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

14          “(f) USE OF AMOUNTS.—

15          “(1) ALLOCATION.—Of amounts made available  
16          for the landscape-scale restoration program estab-  
17          lished under subsection (c), the Secretary shall allo-  
18          cate—

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

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

23                          “(i) to maximize the achievement of  
24                          the objectives described in subsection  
25                          (d)(3); and

1 “(ii) to address the highest national  
2 priorities, as identified in—

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

5 “(II) long-term State-wide forest  
6 resource strategies described in sec-  
7 tion 2A(a)(2).

8 “(2) MULTIYEAR PROJECTS.—The Secretary  
9 may provide amounts under this section for multi-  
10 year projects.

11 “(g) COMPETITIVE PROCESS.—

12 “(1) IN GENERAL.—The Secretary shall dis-  
13 tribute amounts described in subsection (f)(1)(A)  
14 through a competitive process for landscape-scale  
15 restoration projects described in subsection (c) to  
16 maximize the achievement of the objectives described  
17 in subsection (d)(3).

18 “(2) ELIGIBILITY.—To be eligible for funding  
19 through the competitive process described in para-  
20 graph (1), a State Forester, or another entity on ap-  
21 proval of the State Forester, shall submit to the Sec-  
22 retary one or more landscape-scale restoration pro-  
23 posals that—

24 “(A) in accordance with paragraph (3)(A),  
25 include priorities identified in—

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

3                   “(ii) long-term State-wide forest re-  
4                   source strategies described in section  
5                   2A(a)(2);

6                   “(B) identify one or more measurable re-  
7                   sults to be achieved through the project;

8                   “(C) to the maximum extent practicable,  
9                   include activities on all land necessary to ac-  
10                  complish the measurable results in the applica-  
11                  ble landscape;

12                  “(D) to the maximum extent practicable,  
13                  are developed in collaboration with other public  
14                  and private sector organizations and local com-  
15                  munities; and

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

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

22                         “(ii) the benefits of the project justify  
23                         pursuing the project.

24                  “(3) PRIORITIZATION.—The Secretary—

1           “(A) shall give priority to projects that, as  
2           determined by the Secretary, best carry out pri-  
3           orities identified in State-wide assessments de-  
4           scribed in section 2A(a)(1) and long-term  
5           State-wide forest resource strategies described  
6           in section 2A(a)(2), including—

7                   “(i) involvement of public and private  
8                   partnerships;

9                   “(ii) inclusion of cross-boundary ac-  
10                  tivities on—

11                           “(I) Federal forest land;

12                           “(II) State forest land; or

13                           “(III) private forest land;

14                   “(iii) involvement of areas also identi-  
15                  fied for cost-share funding by the Natural  
16                  Resources Conservation Service or any  
17                  other relevant Federal agency;

18                   “(iv) protection or improvement of  
19                  water quality or quantity;

20                   “(v) reduction of wildfire risk;

21                   “(vi) protection or enhancement of  
22                  wildlife habitat, consistent with wildlife ob-  
23                  jectives established by the applicable State  
24                  fish and wildlife agency;



1           “(vii) improvement of forest health,  
2           including addressing native, nonnative, and  
3           invasive pests;

4           “(viii) enhancement of opportunities  
5           for new and existing markets in which the  
6           production and use of wood products  
7           strengthens local and regional economies;  
8           and

9           “(ix) otherwise addressing the na-  
10          tional private forest conservation priorities  
11          described in section 2(c); and

12          “(B) may give priority to projects in prox-  
13          imity to other landscape-scale projects on other  
14          land under the jurisdiction of the Secretary, the  
15          Secretary of the Interior, or a Governor of a  
16          State, including—

17               “(i) ecological restoration treatments  
18               under the Collaborative Forest Landscape  
19               Restoration Program established under  
20               section 4003 of the Omnibus Public Land  
21               Management Act of 2009 (16 U.S.C.  
22               7303);

23               “(ii) projects on landscape-scale areas  
24               designated for insect and disease treatment  
25               under section 602 of the Healthy Forests

1 Restoration Act of 2003 (16 U.S.C.  
2 6591a);

3 “(iii) authorized restoration services  
4 under section 8206 of the Agricultural Act  
5 of 2014 (16 U.S.C. 2113a);

6 “(iv) watershed restoration and pro-  
7 tection services under section 331 of the  
8 Department of the Interior and Related  
9 Agencies Appropriations Act, 2001 (Public  
10 Law 106–291; 16 U.S.C. 1011 note);

11 “(v) stewardship end result con-  
12 tracting projects under section 604 of the  
13 Healthy Forests Restoration Act of 2003  
14 (16 U.S.C. 6591c); or

15 “(vi) projects under other relevant  
16 programs, as determined by the Secretary.

17 “(4) PROPOSAL REVIEW.—

18 “(A) IN GENERAL.—The Secretary shall  
19 establish a process for the review of proposals  
20 submitted under paragraph (2) that ranks each  
21 proposal based on—

22 “(i) the extent to which the proposal  
23 would achieve the requirements described  
24 in subsection (d); and

1                   “(ii) the priorities described in para-  
2                   graph (3)(A).

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

6                   “(h) REPORT.—Not later than 3 years after the date  
7 of enactment of the Empowering State Forestry to Im-  
8 prove Forest Health Act of 2018, the Secretary shall sub-  
9 mit to the Committee on Agriculture of the House of Rep-  
10 resentatives and the Committee on Agriculture, Nutrition,  
11 and Forestry of the Senate a report describing—

12                   “(1) the status of the development, execution,  
13                   and administration of landscape-scale projects se-  
14                   lected under the program under this section;

15                   “(2) an accounting of expenditures under the  
16                   program under this section; and

17                   “(3) specific accomplishments that have re-  
18                   sulted from landscape-scale projects under the pro-  
19                   gram under this section.

20                   “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to the Secretary for the  
22 landscape-scale restoration program established under  
23 subsection (c) \$30,000,000 for each of fiscal years 2018  
24 through 2021, to remain available until expended.”.

1 **SEC. 3. PROMOTING CROSS-BOUNDARY WILDFIRE MITIGA-**  
2 **TION.**

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

5 (1) in subsection (d), by adding at the end the  
6 following:

7 “(3) **CROSS-BOUNDARY CONSIDERATIONS.**—For  
8 any fiscal year for which the amount appropriated  
9 for hazardous fuels reduction is in excess of  
10 \$300,000,000, the Secretary—

11 “(A) is encouraged to use the excess  
12 amounts for projects that include cross-bound-  
13 ary consideration; and

14 “(B) of that excess amount, may use,  
15 through grants to State Foresters, to support  
16 hazardous fuel reduction projects on non-Fed-  
17 eral land in accordance with subsection (e) an  
18 amount equal to the greater of—

19 “(i) 20 percent; and

20 “(ii) \$20,000,000.”; and

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

22 “(e) **CROSS-BOUNDARY FUELS REDUCTION**  
23 **PROJECTS.**—

24 “(1) **IN GENERAL.**—To the maximum extent  
25 practicable, the Secretary shall use the funds de-  
26 scribed in subsection (d)(3) to support hazardous

1 fuel reduction projects that incorporate treatments  
2 in landscapes across ownership boundaries on Fed-  
3 eral, State, county, or tribal land, private land, and  
4 other non-Federal land, particularly in areas identi-  
5 fied as priorities in applicable State-wide forest re-  
6 source assessments or strategies under section 2A(a)  
7 of the Cooperative Forestry Assistance Act of 1978  
8 (16 U.S.C. 2101a(a)), as mutually agreed to by the  
9 State Forester and the Regional Forester.

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

13 “(A) use the authorities of the Secretary  
14 relating to cooperation and technical and finan-  
15 cial assistance, including the good neighbor au-  
16 thority under—

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

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

23 “(B) allocate cross-boundary wildfire miti-  
24 gation funds, in accordance with subsection

1 (d)(3) and paragraph (1), for projects carried  
2 out pursuant to that section (16 U.S.C. 2113a).

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

6 “(A) shall consult with the owners of  
7 State, county, tribal, and private land and other  
8 non-Federal land with respect to hazardous  
9 fuels reduction projects; and

10 “(B) shall not implement any project on  
11 non-Federal land without the consent of the  
12 owner of the non-Federal land.

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

○