

115TH CONGRESS  
1ST SESSION

# S. 1991

To reduce the risk posed by wildfires to communities and the most at-risk federally owned forests.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2017

Ms. CANTWELL (for herself, Mr. RISCH, Mr. WYDEN, Mr. CRAPO, Mrs. MURRAY, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To reduce the risk posed by wildfires to communities and the most at-risk federally owned forests.

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 “Wildland Fires Act of 2017”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.
- Sec. 4. Additional accountability.
- Sec. 5. Incentive for cost savings.
- Sec. 6. Definition of at-risk community.

Sec. 7. Community planning assistance for at-risk communities.

Sec. 8. Accelerated restoration program for ponderosa pine forests.

Sec. 9. Increasing certainty for the local workforce and infrastructure necessary for restoration.

Sec. 10. National Forest foundation.

Sec. 11. Termination of authority.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to build on the successes  
3 of the Federal Wildland Fire Management Policy and Na-  
4 tional Cohesive Fire Strategy established pursuant to sec-  
5 tion 503 of the FLAME Act of 2009 (43 U.S.C. 1748b)  
6 (as in effect on the day before the date of enactment of  
7 this Act), as necessary to protect communities from  
8 wildfires on Federal land by—

9           (1) increasing transparency and accountability  
10 for the costs of managing wildfires;

11           (2) requiring the Secretary concerned to treat  
12 the most at-risk forests to protect at-risk commu-  
13 nities and reestablish natural fire regimes; and

14           (3) providing additional funding to communities  
15 to enable them to reduce the risks to the commu-  
16 nities from wildfires.

17 **SEC. 3. DEFINITIONS.**

18       In this Act:

19           (1) **AT-RISK COMMUNITY.**—The term “at-risk  
20 community” has the meaning given the term in sec-  
21 tion 101 of the Healthy Forests Restoration Act of  
22 2003 (16 U.S.C. 6511).

1           (2) CERTIFIED COLLABORATIVE.—The term  
2           “certified collaborative” means a group of interested  
3           persons certified as a collaborative by the National  
4           Forest Foundation under subsection (a) of section  
5           409 of the National Forest Foundation Act (16  
6           U.S.C. 583j–7) (as amended by section 11(a)).

7           (3) COMMUNITY WILDFIRE PROTECTION  
8           PLAN.—

9           (A) IN GENERAL.—The term “community  
10           wildfire protection plan” has the meaning given  
11           the term in section 101 of the Healthy Forests  
12           Restoration Act of 2003 (16 U.S.C. 6511).

13           (B) INCLUSION.—The term “community  
14           wildfire protection plan” includes a land re-  
15           source management plan.

16           (4) FEDERAL LAND.—The term “Federal land”  
17           means the following:

18           (A) National Forest System land reserved  
19           from the public domain.

20           (B) The following land administered by the  
21           Secretary of the Interior:

22           (i) Public lands (as defined in section  
23           103 of the Federal Land Policy and Man-  
24           agement Act of 1976 (43 U.S.C. 1702)).

1 (ii) A unit of the National Park Sys-  
2 tem.

3 (iii) A unit of the National Wildlife  
4 Refuge System.

5 (iv) Land held in trust for an Indian  
6 tribe.

7 (5) INDIAN TRIBE.—The term “Indian tribe”  
8 has the meaning given the term in section 4 of the  
9 Indian Self-Determination and Education Assistance  
10 Act (25 U.S.C. 5304).

11 (6) SECRETARIES.—The term “Secretaries”  
12 means the Secretary of the Interior and the Sec-  
13 retary of Agriculture.

14 (7) SECRETARY CONCERNED.—The term “Sec-  
15 retary concerned” means—

16 (A) the Secretary of the Interior, with re-  
17 spect to activities under the Department of the  
18 Interior; and

19 (B) the Secretary of Agriculture, with re-  
20 spect to activities under the Department of Ag-  
21 riculture.

22 (8) WILDLAND-URBAN INTERFACE.—

23 (A) IN GENERAL.—The term “wildland-  
24 urban interface” has the meaning given the

1 term in section 101 of the Healthy Forests Res-  
2 toration Act of 2003 (16 U.S.C. 6511).

3 (B) EXCLUSION.—The term “wildland-  
4 urban interface” does not include—

5 (i) any forest reserve not created from  
6 the public domain; or

7 (ii) any national grassland or land uti-  
8 lization project administered under title III  
9 of the Bankhead-Jones Farm Tenant Act  
10 (7 U.S.C. 1010 et seq.).

11 **SEC. 4. ADDITIONAL ACCOUNTABILITY.**

12 (a) ACCOUNTING AND REPORTING REQUIRE-  
13 MENTS.—For each fiscal year, the Secretaries shall con-  
14 duct a cost review of each wildfire that covers an area  
15 greater than 100,000 acres.

16 (b) COMPONENTS.—The cost review under subsection  
17 (a) shall document costs and risk-based factors that influ-  
18 enced management decisions for each wildfire, including—

19 (1) a comparison of the total suppression cost  
20 to a stratified cost index;

21 (2) the percentage of acres burned with re-  
22 source benefits;

23 (3) the percentage of Federal land burned and  
24 the percentage of the total suppression costs ulti-  
25 mately paid by the Secretaries;

1           (4) the number of hours of exposure experi-  
2           enced by firefighters;

3           (5) the effectiveness of wildfire management de-  
4           cisions, including—

5                 (A) an analysis of the estimated monetary  
6                 value of the resources protected;

7                 (B) the risk to the resources from the wild-  
8                 fire;

9                 (C) the costs incurred or that would have  
10                been incurred to protect the resources;

11                (D) the impact of any actions taken to  
12                protect the resources; and

13                (E) whether the resources were damaged  
14                by the wildfire;

15           (6) the total cost of aircraft for the wildfire, in-  
16           cluding—

17                 (A) the cost of delivering water or fire re-  
18                 tardant to the wildfire incurred after the initial  
19                 attack; and

20                 (B) the cost of aircraft use incurred after  
21                 the wildfire is contained;

22           (7) whether the fire operations strategy tracked  
23           the relevant spatial wildfire risk assessment and spa-  
24           tial fire management plan; and

1           (8) any other costs or factors that the Secre-  
2           taries determine to be appropriate.

3           (c) SUBMISSION AND PUBLICATION.—The Secre-  
4           taries shall—

5           (1) submit annually to the Committee on Ap-  
6           propriations, the Committee on the Budget, and the  
7           Committee on Natural Resources of the House of  
8           Representatives and the Committee on Appropria-  
9           tions, the Committee on the Budget, and the Com-  
10          mittee on Energy and Natural Resources of the Sen-  
11          ate a report describing the information required  
12          under subsection (a); and

13          (2) make the report submitted under paragraph  
14          (1) available to the public.

15 **SEC. 5. INCENTIVE FOR COST SAVINGS.**

16          (a) IN GENERAL.—Amounts made available in an an-  
17          nual appropriations Act for wildfire management oper-  
18          ations in the Wildland Fire Management account of the  
19          Department of the Interior or the Department of Agri-  
20          culture for a fiscal year that are not expended for that  
21          fiscal year may be available to the Secretary concerned  
22          for wildfire risk reduction projects on Federal land (in-  
23          cluding land held in trust for an Indian tribe with the ap-  
24          proval of the Indian tribe) in accordance with subsection  
25          (b).

1 (b) PROJECT PRIORITIES.—In providing amounts  
2 made available to the Secretary concerned under sub-  
3 section (a), the Secretary concerned shall give priority to  
4 projects that are—

5 (1) conducted in areas that—

6 (A) are within or adjacent to—

7 (i) at-risk communities; or

8 (ii) high-value watersheds;

9 (B) have very high wildfire hazard poten-  
10 tial; and

11 (C) are in Fire Regime Group I, II, or III;

12 and

13 (2) designed to achieve one or more of the goals  
14 established in the report of the Secretaries entitled  
15 “The National Strategy: the Final Phase of the De-  
16 velopment of the National Cohesive Wildland Fire  
17 Management Strategy” and dated April 2014—

18 (A) to create fire-adapted communities;

19 (B) to restore and maintain resilient land-  
20 scapes; and

21 (C) to achieve safe, effective fire response.

22 (c) ANNUAL REPORTS.—The Secretary concerned  
23 shall submit with the annual budget of the United States  
24 submitted by the President under section 1105 of title 31,  
25 United States Code, a list of projects to be implemented



1 using amounts made available to the Secretary concerned  
2 under subsection (a).

3 **SEC. 6. DEFINITION OF AT-RISK COMMUNITY.**

4 Section 101(1)(A) of the Healthy Forests Restoration  
5 Act of 2003 (16 U.S.C. 6511(1)(A)) is amended by strik-  
6 ing “comprised of” in the matter preceding clause (i) and  
7 all that follows through “a group” in clause (ii) and insert-  
8 ing “comprised of a group”.

9 **SEC. 7. COMMUNITY PLANNING ASSISTANCE FOR AT-RISK**  
10 **COMMUNITIES.**

11 (a) DEVELOPMENT OF MAP.—Not later than 180  
12 days after the date of enactment of this Act, and periodi-  
13 cally thereafter, the Secretaries shall develop and publish  
14 a map depicting at-risk communities, including tribal com-  
15 munities.

16 (b) PLANNING AND PREPARING AT-RISK COMMU-  
17 NITIES FOR WILDFIRE.—Subject to the availability of ap-  
18 propriations, the Secretaries shall provide financial assist-  
19 ance to at-risk communities adjacent to Federal land (in-  
20 cluding land held in trust for Indian tribes), including  
21 through States, to assist the at-risk communities in plan-  
22 ning and preparing for wildfire, including—

23 (1) cosponsoring and supporting the expansion  
24 of—

25 (A) the Firewise Program;

- 1 (B) the Ready, Set, Go program;
- 2 (C) the Living with Wildfire program; or
- 3 (D) programs similar to the programs re-
- 4 ferred to in subparagraphs (A) through (C);
- 5 (2) supporting the development, updating, and
- 6 implementation of community wildfire protection
- 7 plans;
- 8 (3) carrying out risk assessments and creating
- 9 maps that depict wildfire risk to assist in planning
- 10 for response and suppression resource needs and im-
- 11 plementing hazardous fuel treatment programs;
- 12 (4) sharing costs to create defensible space for
- 13 a distance of not less than 100 feet around a resi-
- 14 dence that was built before the date of enactment of
- 15 this Act; and
- 16 (5) planning and implementing cross-boundary
- 17 hazardous fuels reduction projects as identified in a
- 18 community wildfire protection plan.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is

20 authorized to be appropriated \$100,000,000 to carry out

21 this section for each fiscal year.

22 **SEC. 8. ACCELERATED RESTORATION PROGRAM FOR PON-**

23 **DEROSA PINE FORESTS.**

24 (a) DEFINITIONS.—In this section:

1           (1) AVERAGE SEVERE FIRE WEATHER.—With  
2           respect to a unit of Federal land, the term “average  
3           severe fire weather” means the 90th percentile of at-  
4           mospheric and fuel conditions under which wildfires  
5           would burn in that unit in a given year.

6           (2) FEDERAL LAND.—The term “Federal land”  
7           means—

8                   (A) public lands (as defined in section 103  
9                   of the Federal Land Policy and Management  
10                  Act of 1976 (43 U.S.C. 1702));

11                   (B) land held in trust for Indian tribes; or

12                   (C) National Forest System land.

13           (3) HAZARDOUS FUEL REDUCTION.—The term  
14           “hazardous fuel reduction” means the removal or  
15           modification of flammable vegetation or woody de-  
16           bris through prescribed fire, thinning, brush re-  
17           moval, mastication, pruning, slash treatment, or a  
18           combination of those methods, on the condition that  
19           the method is ecologically appropriate, cost-effective,  
20           and selected on a site-specific basis.

21           (4) PILOT PROGRAM.—The term “pilot pro-  
22           gram” means the pilot program established under  
23           subsection (b)(1).

24           (b) PILOT PROGRAM.—Subject to the availability of  
25           appropriations, the Secretaries shall—

1           (1) establish a pilot program to reduce the risk  
2 of wildfires to communities in the wildland-urban  
3 interface and reestablish natural fire regimes outside  
4 the wildland-urban interface; and

5           (2) implement the pilot program to treat the  
6 approximately 2,000,000 acres of Federal land de-  
7 scribed in subsection (d), by not later than Sep-  
8 tember 30, 2027.

9 (c) ADMINISTRATION OF PILOT PROGRAM.—

10           (1) PROTECTING COMMUNITIES.—For land lo-  
11 cated in the wildland-urban interface, the Secretaries  
12 shall reduce the risk of wildfire to communities by  
13 removing or modifying vegetation and slash until the  
14 area would only sustain a wildfire that is low-inten-  
15 sity and easy to suppress in average severe fire  
16 weather conditions.

17           (2) RESTORING THE ROLE OF FIRE IN FOR-  
18 ESTS.—For land located outside the wildland-urban  
19 interface, the Secretaries shall reestablish natural  
20 fire regimes by conducting prescribed fires and asso-  
21 ciated activities.

22           (3) ACCOMPLISHMENTS.—The requirement to  
23 treat Federal land under subsection (b)(2) shall be  
24 considered to be met when—

1 (A) for Federal land located in the  
2 wildland-urban interface, the Federal land  
3 would only sustain a wildfire that is low-inten-  
4 sity and easy to suppress in average severe fire  
5 weather conditions; and

6 (B) for Federal land located outside the  
7 wildland-urban interface, the Federal land has  
8 been burned by a prescribed fire conducted by  
9 the Secretaries.

10 (4) BURNED AREAS.—Any Federal land that is  
11 burned by a wildfire after the date on which the doc-  
12 ument described in subsection (d)(2) is published  
13 shall be excluded from the pilot program.

14 (5) PARTNERSHIPS.—The Secretaries shall im-  
15 plement the pilot program cooperatively with part-  
16 ners, including States, local governments, prescribed  
17 fire councils, and other entities.

18 (6) SAVINGS PROVISION.—Nothing in this sub-  
19 section modifies any requirements in applicable law  
20 and policy to which the Secretaries must adhere  
21 while conducting prescribed fires.

22 (d) TREATMENT LOCATIONS.—The Secretaries shall  
23 only carry out the pilot program only on Federal land  
24 that—

1 (1) is, or historically was, composed primarily  
2 of ponderosa pines or Jeffrey pines; and

3 (2) is identified in the document of the Sec-  
4 retary of Agriculture entitled “Wildland Fire Poten-  
5 tial: A Tool for Assessing Wildfire Risk and Fuels  
6 Management Needs”, dated July 2015, and pub-  
7 lished as part of the Proceedings of the Large  
8 Wildland Fires Conference—

9 (A) as being the “highest priority areas”  
10 on National Forest System land; or

11 (B) as having a “very high” wildland fire  
12 potential on—

13 (i) public lands (as defined in section  
14 103 of the Federal Land Policy and Man-  
15 agement Act of 1976 (43 U.S.C. 1702));

16 and

17 (ii) land held in trust for an Indian  
18 tribe.

19 (e) EXCLUDED AREAS.—This section does not apply  
20 to—

21 (1) any component of the National Wilderness  
22 Preservation System;

23 (2) any wilderness study area, if a treatment  
24 required by this section would impair the suitability

1 of the area to be designated a component of the Na-  
2 tional Wilderness Preservation System;

3 (3) any research natural area;

4 (4) any Federal land on which the removal of  
5 vegetation described in this section is prohibited by  
6 law; or

7 (5) any Federal land that is burned by a  
8 wildland fire after the date on which the document  
9 described in subsection (d)(2) is published.

10 (f) CATEGORICAL EXCLUSION TO REDUCE THE RISK  
11 OF WILDFIRES TO COMMUNITIES AND TO REESTABLISH  
12 NATURAL FIRE REGIMES.—

13 (1) AVAILABILITY OF A CATEGORICAL EXCLU-  
14 SION AND EXEMPTION.—Subject to paragraph (2),  
15 the Secretary concerned may use a categorical exclu-  
16 sion for conducting hazardous fuel reduction activi-  
17 ties for a project under the pilot program if the  
18 main purpose of which is to reduce the risk of  
19 wildfires to communities or to reestablish natural  
20 fire regimes on Federal land described in subsection  
21 (d).

22 (2) LIMITATIONS FOR THE USE OF THE CAT-  
23 EGORICAL EXCLUSION.—

1 (A) REQUIREMENT FOR COLLABORA-  
2 TION.—A project covered by a categorical exclu-  
3 sion described in paragraph (1)(A) shall be—

4 (i) developed by a certified collabo-  
5 rative;

6 (ii) included in a selected proposal  
7 under the Collaborative Forest Landscape  
8 Restoration Program established under  
9 section 4003 of the Omnibus Public Land  
10 Management Act of 2009 (16 U.S.C.  
11 7303);

12 (iii) conducted pursuant to the Tribal  
13 Forest Protection Act of 2004 (25 U.S.C.  
14 3115a); or

15 (iv) covered in a community wildfire  
16 protection plan that was developed within  
17 the 5-year period preceding the date on  
18 which the hazardous fuels reduction  
19 project is authorized under this section.

20 (B) SIZE CONSTRAINT IN THE WILDLAND-  
21 URBAN INTERFACE.—A project that is covered  
22 by the categorical exclusion described in para-  
23 graph (1)(A) and conducted in the wildland-  
24 urban interface shall not cover more than 3,000  
25 acres of Federal land.



1 (C) APPLICATION TO PRESCRIBED  
2 FIRES.—The Secretary concerned may use the  
3 categorical exclusion described in paragraph  
4 (1)(A) to conduct a prescribed fire outside the  
5 wildland-urban interface, regardless of the acre-  
6 age covered by the prescribed fire—

- 7 (i) to treat a site initially; or  
8 (ii) to maintain the site.

9 (D) PRESCRIBED FIRE ASSOCIATED AC-  
10 TIVITIES.—A project covered by the categorical  
11 exclusion described in paragraph (1)(A) may in-  
12 clude activities associated with a prescribed fire,  
13 including hazardous fuel reduction activities  
14 and the construction of fire control lines, if—

15 (i) the Secretary concerned conducts  
16 the prescribed fire on the Federal land on  
17 which the Secretary concerned conducted  
18 the associated activities by the date that is  
19 not later than 4 years after the date on  
20 which the Secretary concerned commenced  
21 the associated activities; and

22 (ii) the project is located outside the  
23 wildland-urban interface.

24 (E) PESTICIDES.—A project covered by  
25 the categorical exclusion described in paragraph

1 (1)(A) shall not include the use of herbicide or  
2 insecticide.

3 (F) EXTRAORDINARY CIRCUMSTANCES.—

4 (i) IN GENERAL.—The Secretary con-  
5 cerned shall apply the extraordinary cir-  
6 cumstances procedures under section 220.6  
7 of title 36, Code of Federal Regulations (or  
8 successor regulations) in determining  
9 whether to use the categorical exclusion de-  
10 scribed in paragraph (1)(A).

11 (ii) FURTHER GUIDANCE.—The Sec-  
12 retary concerned may not use the categor-  
13 ical exclusion described in paragraph  
14 (1)(A) for a project located in any des-  
15 igned critical habitat for a species listed  
16 as a threatened species or an endangered  
17 species under the Endangered Species Act  
18 of 1973 (16 U.S.C. 1531 et seq.) unless—

19 (I) the natural fire regimes on  
20 that land are identified as being im-  
21 portant for, or wildfire is identified as  
22 a threat to, an endangered species, a  
23 threatened species, or habitat of an  
24 endangered species or threatened spe-  
25 cies in a species recovery plan pre-

1           pared under section 4 of the Endan-  
2           gered Species Act of 1973 (16 U.S.C.  
3           1533), or a notice published in the  
4           Federal Register determining a spe-  
5           cies to be an endangered species or a  
6           threatened species or designating crit-  
7           ical habitat;

8           (II) the authorized hazardous  
9           fuel reduction project will provide en-  
10          hanced protection from uncharacteris-  
11          tic wildfire for the endangered species,  
12          threatened species, or habitat of the  
13          endangered species or threatened spe-  
14          cies; and

15          (III) the Secretary complies with  
16          any applicable guidelines specified in  
17          any management or recovery plan de-  
18          scribed in subparagraph (A).

19           (3) DECISION MEMORANDUM.—The Secretary  
20          concerned shall document in a decision memo-  
21          randum any decision of the Secretary concerned to  
22          use the categorical exclusion described in paragraph  
23          (1)(A) to carry out hazardous fuel reduction activi-  
24          ties under this section.

1           (4) PUBLIC NOTICE.—With respect to a pro-  
2           posed project to carry out hazardous fuel reduction  
3           activities under this section, the Secretary concerned  
4           shall—

5                   (A) conduct a public scoping process for  
6           the proposed project; and

7                   (B) if the Secretary concerned uses a cat-  
8           egorical exclusion described in paragraph  
9           (1)(A), distribute to any parties interested in  
10          the proposed project the applicable decision  
11          memorandum prepared under paragraph (3).

12          (g) LIMITATIONS ON PILOT PROGRAM ACTIVITIES.—  
13          In conducting a project under the pilot program, the Sec-  
14          retary concerned—

15                   (1) shall seek to maximize the retention of old  
16          trees and medium- and large-sized trees, as appro-  
17          priate for the forest type, to the extent that the  
18          trees promote fire-resilient stands and the objectives  
19          identified in this section can be achieved;

20                   (2) shall seek to remove the appropriate quan-  
21          tity of small diameter trees and to treat accumula-  
22          tions of slash found in the Federal land described in  
23          subsection (d);

24                   (3) shall ensure activities are consistent with  
25          the applicable forest plan; and

1 (4) shall not construct a permanent road.

2 (h) ROADS EXCEPTION.—Notwithstanding sub-  
3 section (g)(4), the Secretary concerned—

4 (1) may include necessary maintenance of, re-  
5 pairs to, or rehabilitation of an existing permanent  
6 road to accomplish the objectives of this section; and

7 (2) shall decommission any temporary road con-  
8 structed in carrying out a project under the pilot  
9 program by not later than 3 years after the earlier  
10 of the date on which—

11 (A) the temporary road is no longer need-  
12 ed; or

13 (B) the project is completed.

14 (i) PROVINCIAL ADVISORY COMMITTEE.—

15 (1) IN GENERAL.—There is established a com-  
16 mittee, to be known as the “Pilot Monitoring Com-  
17 mittee” (referred to in this subsection as the “Com-  
18 mittee”), which shall—

19 (A) monitor the impacts on wildfire risk  
20 and the ecological effects of the projects being  
21 implemented under the pilot program; and

22 (B) provide regular feedback to the Secre-  
23 taries on the implementation of the pilot pro-  
24 gram and suggested timing of the treatments  
25 under the pilot program.

## 1 (2) MEMBERSHIP.—

2 (A) IN GENERAL.—The Committee shall  
3 consist of not more than 12 members, to be ap-  
4 pointed by the Secretaries for a term of not  
5 fewer than two and not more than 4 years.

6 (B) MEMBERSHIP.—The membership of  
7 the Committee shall consist of representatives  
8 of—

9 (i) a wildlife conservation organiza-  
10 tion;

11 (ii) an environmental organization;

12 (iii) the timber industry;

13 (iv) a professional society for natural  
14 resource managers;

15 (v) a fire department in an at-risk  
16 community;

17 (vi) a State forestry agency;

18 (vii) a Firewise community with a  
19 community wildfire protection plan in ef-  
20 fect on the date of the appointment;

21 (viii) a federally recognized Indian  
22 tribe;

23 (ix) a prescribed fire council;

24 (x) scientists researching wildfires;

25 and

1 (xi) a certified collaborative.

2 (C) PAY AND EXPENSES.—

3 (i) COMPENSATION.—A member of  
4 the Committee shall serve without com-  
5 pensation.

6 (ii) TRAVEL EXPENSES.—A member  
7 of the Committee shall be allowed travel  
8 expenses, including per diem in lieu of sub-  
9 sistence, in accordance with section 5703  
10 of title 5, United States Code.

11 (j) REPORTS.—

12 (1) ACCOMPLISHMENT REPORTING.—Once each  
13 fiscal year through fiscal year 2027, the Secretaries  
14 shall submit to the appropriate committees of Con-  
15 gress a concise report describing the accomplish-  
16 ments of the Secretaries in implementing the pilot  
17 program.

18 (2) FINAL REPORT ON PROGRAM.—

19 (A) IN GENERAL.—Not later than 1 year  
20 before the date on which the pilot program ter-  
21 minates under subsection (k), the Secretaries  
22 shall prepare a final report describing the im-  
23 plementation and results of the pilot program.

1 (B) RECOMMENDATIONS.—The final report  
2 shall include recommendations of the Secre-  
3 taries relating to—

4 (i) whether the authorization for the  
5 categorical exclusion described in sub-  
6 section (f)(1)(A) should be extended, let  
7 expire, or made permanent;

8 (ii) the manner in which the pilot pro-  
9 gram should be modified; and

10 (iii) if and how the scope of the pilot  
11 program should be expanded, including  
12 whether the pilot program should be ex-  
13 panded to dry mixed-conifer forests.

14 (C) AVAILABILITY.—The Secretaries shall  
15 submit to the appropriate committees of Con-  
16 gress, and make available to the public, the  
17 final report.

18 (k) TERMINATION OF AUTHORITY.—The authorities  
19 provided by and requirements described in this section  
20 shall terminate on the date that is 10 years after the date  
21 of enactment of this Act.

22 (l) SAVINGS CLAUSE.—Any contract entered into by  
23 the Secretaries under this section before the date de-  
24 scribed in subsection (k) shall not be affected by the termi-  
25 nation of the pilot program.



1 (m) JUDICIAL REVIEW.—Section 106 of the Healthy  
2 Forests Restoration Act of 2003 (16 U.S.C. 6516) shall  
3 apply to a forest management activity carried out under  
4 this section in the same manner as that section applies  
5 to an authorized hazardous fuel reduction project under  
6 that Act.

7 (n) EFFECT OF SECTION.—Nothing in this section—

8 (1) affects, or otherwise biases, the use by the  
9 Secretary concerned of any other statutory or ad-  
10 ministrative authority (including any categorical ex-  
11 clusion available under the National Environmental  
12 Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to  
13 carry out one or more forest management activities  
14 under this section; or

15 (2) prohibits the Secretary concerned from car-  
16 rying out a treatment in an ecologically sensitive  
17 area, if the area is in need of restoration.

18 **SEC. 9. INCREASING CERTAINTY FOR THE LOCAL WORK-**  
19 **FORCE AND INFRASTRUCTURE NECESSARY**  
20 **FOR RESTORATION.**

21 (a) CLARIFICATION ON USE OF STEWARDSHIP AU-  
22 THORITIES.—The Secretary concerned may issue a stew-  
23 ardship contract or enter into a stewardship agreement  
24 under the authority provided in section 604 of the Healthy  
25 Forests Restoration Act of 2003 (16 U.S.C. 6591e) for

1 periods of not longer than 10 years to conduct prescribed  
2 fires on Federal land.

3 (b) PILOT PROGRAM FOR LONG-TERM CONTRACTS  
4 FOR RESTORATION OF FIRE-DEPENDENT FORESTS.—

5 (1) AUTHORIZATION.—Subject to the avail-  
6 ability of appropriations, the Secretaries shall estab-  
7 lish a pilot program to award contracts or agree-  
8 ments for terms of not longer than 20 years to carry  
9 out restoration projects or hazardous fuels reduction  
10 projects on Federal land (referred to in this sub-  
11 section as the “pilot program”).

12 (2) LIMITATIONS.—

13 (A) QUANTITY.—The Secretaries may  
14 enter into not more than 10 contracts or agree-  
15 ments under the pilot program during the pe-  
16 riod beginning on the date of enactment of this  
17 Act and ending on September 30, 2027.

18 (B) TYPES OF CONTRACTS.—Under the  
19 pilot program, the Secretary concerned may  
20 award only—

21 (i) timber contracts under section 14  
22 of the National Forest Management Act of  
23 1976 (16 U.S.C. 472a); or

24 (ii) stewardship contracts and agree-  
25 ments under section 604 of the Healthy

1 Forests Restoration Act of 2003 (16  
2 U.S.C. 6591c).

3 (C) LOCATIONS.—

4 (i) TYPE OF FORESTS.—The Secre-  
5 taries may enter into a contract or agree-  
6 ment under the pilot program to carry out  
7 projects only on Federal land located with-  
8 in Fire Regime Group I.

9 (ii) ADDITIONAL CRITERIA.—The Sec-  
10 retaries may enter into a contract or  
11 agreement under the pilot program only in  
12 a location for which there are fewer than  
13 2 local entities that are able to process for-  
14 est products from the contract or agree-  
15 ment.

16 (D) PREFERENCES.—In awarding a con-  
17 tract or agreement under the pilot program, the  
18 Secretary concerned shall give preference to an  
19 entity that will use forest products to manufac-  
20 ture—

21 (i) wood products that can be used in  
22 green building construction; or

23 (ii) mass timbers, including cross-lam-  
24 inated timber.

1           (3) **TERMINATION.**—The pilot program shall  
2 terminate on September 30, 2027.

3           (4) **SAVINGS CLAUSE.**—Any contract or agree-  
4 ment entered into by the Secretaries under this sub-  
5 section before the termination of the pilot program  
6 shall not be affected by that termination.

7 **SEC. 10. NATIONAL FOREST FOUNDATION.**

8           (a) **IN GENERAL.**—Section 409 of the National For-  
9 est Foundation Act (16 U.S.C. 583j–7) is amended to  
10 read as follows:

11 **“SEC. 409. ACTIVITIES OF THE FOUNDATION AND THE FOR-  
12 EST SERVICE.**

13           “(a) **CERTIFICATION OF COLLABORATIVES.**—Not  
14 later than September 30, 2019, the Foundation shall es-  
15 tablish and administer a program to certify as a collabo-  
16 rative a group of interested persons that—

17           “(1) is interested in assisting the Secretary of  
18 the Interior or the Secretary of Agriculture to in-  
19 crease the quantity of projects or activities carried  
20 out by the applicable Secretary on an individual unit  
21 of National Forest System land or public land ad-  
22 ministered by the Bureau of Land Management, as  
23 applicable, in accordance with the management plan  
24 that covers the land; and

25           “(2) at a minimum—

1           “(A) includes a diverse and balanced rep-  
2           resentation of stakeholders;

3           “(B) establishes clear expectations and  
4           goals;

5           “(C) has a goal of maximum transparency  
6           in the decisionmaking process;

7           “(D) encourages stakeholders to function  
8           as representatives;

9           “(E) recognizes timeframes and resources;  
10          and

11          “(F) enhances agency decisionmaking.

12          “(b) SAVINGS CLAUSE.—The activities of the Foun-  
13          dation shall supplement, and shall not preempt, any au-  
14          thority or responsibility of the Forest Service under any  
15          other law.”.

16          (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
17          410 of the National Forest Foundation Act (16 U.S.C.  
18          583j–8) is amended by adding at the end the following:

19          “(c) ADDITIONAL FUNDS.—

20                 “(1) IN GENERAL.—There are authorized to be  
21                 appropriated to the Secretary of Agriculture to carry  
22                 out section 409(a) \$2,000,000 for fiscal year 2018  
23                 and each fiscal year thereafter.

24                 “(2) USE OF FUNDS.—The Secretary of Agri-  
25                 culture shall make available to the Foundation the

1 amounts appropriated under paragraph (1) to  
2 match, on a 1-for-1 basis, private contributions  
3 made to the Foundation to establish or administer  
4 the certification program required under section  
5 409(a).”.

6 **SEC. 11. TERMINATION OF AUTHORITY.**

7 The authority provided by this Act and the amend-  
8 ments made by this Act terminates on the date that is  
9 10 years after the date of enactment of this Act.

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