

115TH CONGRESS
1ST SESSION

S. 962

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

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2017

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 “Empowering State
5 Forestry to Improve Forest Health Act of 2017”.

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 FOREST LAND.—The term ‘State
5 forest land’ means land that is owned by a State or
6 unit of local government.

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

10 “(c) ESTABLISHMENT.—The Secretary, in consulta-
11 tion with State Foresters or other appropriate State agen-
12 cies, shall establish a landscape-scale restoration pro-
13 gram—

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

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

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

21 “(1) measurably address the national private
22 forest conservation priorities described in section
23 2(c);

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

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

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

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

9 “(A) protecting or improving water quality
10 or quantity;

11 “(B) reducing wildfire risk, including
12 through hazardous fuels treatment;

13 “(C) protecting or enhancing wildlife habi-
14 tat, consistent with wildlife objectives estab-
15 lished by the applicable State fish and wildlife
16 agency;

17 “(D) improving forest health and forest
18 ecosystems, including addressing native, non-
19 native, and invasive pests; or

20 “(E) enhancing opportunities for new and
21 existing markets in which the production and
22 use of wood products strengthens local and re-
23 gional economies.

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

4 “(1) consistently measures the results of land-
5 scape-scale restoration projects described in sub-
6 section (c); and

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

10 “(f) USE OF AMOUNTS.—

11 “(1) ALLOCATION.—Of amounts made available
12 for the landscape-scale restoration program estab-
13 lished under subsection (c), the Secretary shall allo-
14 cate—

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

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

19 “(i) to maximize the achievement of
20 the objectives described in subsection
21 (d)(3); and

22 “(ii) to address the highest national
23 priorities, as identified in—

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

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

4 “(2) MULTIYEAR PROJECTS.—The Secretary
5 may provide amounts under this section for
6 multiyear projects.

7 “(g) COMPETITIVE PROCESS.—

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

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

20 “(A) in accordance with paragraph (3)(A),
21 include priorities identified in—

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

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

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

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

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

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

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

20 “(ii) the benefits of the project justify
21 pursuing the project.

22 “(3) PRIORITIZATION.—The Secretary—

23 “(A) shall give priority to projects that, as
24 determined by the Secretary, best carry out pri-
25 orities identified in State-wide assessments de-

1 scribed in section 2A(a)(1) and long-term
2 State-wide forest resource strategies described
3 in section 2A(a)(2), including—

4 “(i) involvement of public and private
5 partnerships;

6 “(ii) inclusion of cross-boundary ac-
7 tivities on—

8 “(I) Federal forest land;

9 “(II) State forest land; or

10 “(III) private forest land;

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

15 “(iv) protection or improvement of
16 water quality or quantity;

17 “(v) reduction of wildfire risk;

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

22 “(vii) improvement of forest health,
23 including addressing native, nonnative, and
24 invasive pests;

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

6 “(ix) otherwise addressing the na-
7 tional private forest conservation priorities
8 described in section 2(c); and

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

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

20 “(ii) projects on landscape-scale areas
21 designated for insect and disease treatment
22 under section 602 of the Healthy Forests
23 Restoration Act of 2003 (16 U.S.C.
24 6591a);

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

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

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

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

15 “(4) PROPOSAL REVIEW.—

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

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

23 “(ii) the priorities described in para-
24 graph (3)(A).

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

4 “(h) REPORT.—Not later than 3 years after the date
5 of enactment of the Empowering State Forestry to Im-
6 prove Forest Health Act of 2017, the Secretary shall sub-
7 mit to the Committee on Agriculture of the House of Rep-
8 resentatives and the Committee on Agriculture, Nutrition,
9 and Forestry of the Senate a report describing—

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

13 “(2) an accounting of expenditures under the
14 program under this section; and

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

18 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary for the
20 landscape-scale restoration program established under
21 subsection (c) \$30,000,000 for each of fiscal years 2017
22 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.”.

○