

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide certain forest wildfire funding and forest management provisions.

IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.

S. 2012

To provide for the modernization of the energy policy of the United States, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WYDEN

Viz:

1 At the end, add the following:

2 **TITLE VI—FOREST WILDFIRE**
 3 **FUNDING AND FOREST MAN-**
 4 **AGEMENT**

5 **Subtitle A—Major Disaster for**
 6 **Wildfire on Federal Land**

7 **SEC. 6001. WILDFIRE ON FEDERAL LAND.**

8 Section 102(2) of the Robert T. Stafford Disaster
 9 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))
 10 is amended—

11 (1) by striking “(2)” and all that follows
 12 through “means” and inserting the following:

1 “(2) MAJOR DISASTER.—

2 “(A) MAJOR DISASTER.—The term ‘major
3 disaster’ means”; and

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

5 “(B) MAJOR DISASTER FOR WILDFIRE ON
6 FEDERAL LAND.—The term ‘major disaster for
7 wildfire on Federal land’ means any wildfire or
8 wildfires, which in the determination of the
9 President under section 802 warrants assist-
10 ance under section 803 to supplement the ef-
11 forts and resources of the Department of the
12 Interior or the Department of Agriculture—

13 “(i) on Federal land; or

14 “(ii) on non-Federal land pursuant to
15 a fire protection agreement or cooperative
16 agreement.”.

17 **SEC. 6002. DECLARATION OF A MAJOR DISASTER FOR**
18 **WILDFIRE ON FEDERAL LAND.**

19 The Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 5170 et seq.) is amended
21 by adding at the end the following:

1 **“TITLE VIII—MAJOR DISASTER**
2 **FOR WILDFIRE ON FEDERAL**
3 **LAND**

4 **“SEC. 801. DEFINITIONS.**

5 “In this title:

6 “(1) FEDERAL LAND.—The term ‘Federal land’
7 means—

8 “(A) any land under the jurisdiction of the
9 Department of the Interior; and

10 “(B) any land under the jurisdiction of the
11 United States Forest Service.

12 “(2) FEDERAL LAND MANAGEMENT AGEN-
13 CIES.—The term ‘Federal land management agen-
14 cies’ means—

15 “(A) the Bureau of Land Management;

16 “(B) the National Park Service;

17 “(C) the Bureau of Indian Affairs;

18 “(D) the United States Fish and Wildlife
19 Service; and

20 “(E) the United States Forest Service.

21 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

22 The term ‘wildfire suppression operations’ means the
23 emergency and unpredictable aspects of wildland
24 firefighting, including support, response, emergency
25 stabilization activities, and other emergency manage-

1 ment activities of wildland firefighting on Federal
2 land (or on non-Federal land pursuant to a fire pro-
3 tection agreement or cooperative agreement) by the
4 Federal land management agencies covered by the
5 wildfire suppression subactivity of the Wildland Fire
6 Management accounts or the FLAME Wildfire Sup-
7 pression Reserve Fund account of the Federal land
8 management agencies.

9 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
10 **DISASTER FOR WILDFIRE ON FEDERAL LAND.**

11 “(a) IN GENERAL.—The Secretary of the Interior or
12 the Secretary of Agriculture may submit a request to the
13 President consistent with the requirements of this title for
14 a declaration by the President that a major disaster for
15 wildfire on Federal land exists.

16 “(b) REQUIREMENTS.—A request for a declaration
17 by the President that a major disaster for wildfire on Fed-
18 eral land exists shall—

19 “(1) be made in writing by the respective Sec-
20 retary;

21 “(2) certify that, in the current fiscal year, the
22 amount appropriated for wildfire suppression oper-
23 ations of the Federal land management agencies
24 under the jurisdiction of the respective Secretary,
25 net of any concurrently enacted rescissions of wild-

1 fire suppression funds, increases the total unobli-
2 gated balance of amounts available for wildfire sup-
3 pression by an amount equal to at least 70 percent
4 of the average total costs incurred by the Federal
5 land management agencies per year for wildfire sup-
6 pression operations, including the suppression costs
7 in excess of appropriated amounts, over the previous
8 ten fiscal years;

9 “(3) certify that, in the current fiscal year, an
10 amount equal to at least 30 percent of the average
11 total costs incurred by the Federal land management
12 agencies per year for wildfire suppression operations,
13 including the suppression costs in excess of appro-
14 priated amounts, over the previous ten fiscal years,
15 has been appropriated for the Federal land manage-
16 ment agencies under the jurisdiction of the respec-
17 tive Secretary for the purpose funding—

18 “(A) projects and activities on Federal
19 land that improve the fire regime of areas that
20 meet the desired future conditions of the appli-
21 cable land and resource management plan or
22 land use plan; or

23 “(B) restoration and resiliency projects
24 and activities on Federal land that meet the de-
25 sired future conditions of the applicable land

1 and resource management plan or land use
2 plan;

3 “(4) certify that, in the current fiscal year—

4 “(A) the total of the amounts certified
5 under paragraphs (2) and (3) are equal to at
6 least 100 percent of the average total costs in-
7 curred by the Federal land management agen-
8 cies per year for wildfire suppression oper-
9 ations, including the suppression costs in excess
10 of appropriated amounts, over the previous ten
11 fiscal years; and

12 “(B) the amount certified under paragraph
13 (3) is in addition to and supplements other ap-
14 propriations for the Federal land management
15 agencies for projects and activities of the type
16 described in subparagraphs (A) and (B) of
17 paragraph (3) that equal or exceed the total
18 amount appropriated for such projects and ac-
19 tivities for fiscal year 2015, subject to the con-
20 dition that such 2015 threshold amount shall be
21 adjusted annually beginning with fiscal year
22 2017 to reflect changes over the preceding fis-
23 cal year in the Consumer Price Index for all-
24 urban consumers published by the Secretary of
25 Labor;

1 “(5) certify that the amount available for wild-
2 fire suppression operations of the Federal land man-
3 agement agencies under the jurisdiction of the re-
4 spective Secretary will be obligated not later than 30
5 days after such Secretary notifies the President that
6 wildfire suppression funds will be exhausted to fund
7 ongoing and anticipated wildfire suppression oper-
8 ations related to the wildfire on which the request
9 for the declaration of a major disaster for wildfire
10 on Federal land pursuant to this title is based; and

11 “(6) specify the amount required in the current
12 fiscal year to fund wildfire suppression operations
13 related to the wildfire on which the request for the
14 declaration of a major disaster for wildfire on Fed-
15 eral land pursuant to this title is based.

16 “(c) DECLARATION.—Based on the request of the re-
17 spective Secretary under this title, the President may de-
18 clare that a major disaster for wildfire on Federal land
19 exists.

20 “(d) LIST OF PROJECTS REPORTING REQUIRE-
21 MENT.—Not later than November 1 of each fiscal year,
22 the Secretary of Agriculture and the Secretary of the Inte-
23 rior shall each submit to the Committees on Agriculture,
24 Appropriations, and Natural Resources of the House of
25 Representatives and the Committees on Agriculture, Nu-

1 trition, and Forestry, Appropriations, and Natural Re-
2 sources of the Senate a list of projects and activities of
3 the type described in subparagraphs (A) and (B) of sub-
4 section (b)(3) to be conducted using funds described in
5 subsection (b)(3).

6 **“SEC. 803. WILDFIRE ON FEDERAL LAND ASSISTANCE.**

7 “(a) IN GENERAL.—In a major disaster for wildfire
8 on Federal land, the President may direct the transfer of
9 funds, only from the account established pursuant to sub-
10 section (b), to the Secretary of the Interior or the Sec-
11 retary of Agriculture to conduct wildfire suppression oper-
12 ations on Federal land (and non-Federal land pursuant
13 to a fire protection agreement or cooperative agreement).

14 “(b) WILDFIRE SUPPRESSION OPERATIONS DIS-
15 ASTER ACCOUNT.—

16 “(1) IN GENERAL.—There is established a spe-
17 cific account for the assistance available pursuant to
18 a declaration under section 802.

19 “(2) USE.—The account established by para-
20 graph (1) may only be used to fund assistance pur-
21 suant to this title.

22 “(3) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to the ac-
24 count established by paragraph (1) such sums as are
25 necessary to carry out the purposes of a declaration

1 under section 802, but not to exceed the limitations
2 specified in subsection (c)(2).

3 “(c) LIMITATIONS.—

4 “(1) LIMITATIONS RELATED TO REQUEST AND
5 ACCOUNT AMOUNTS.—The assistance available pur-
6 suant to a declaration under section 802 is limited
7 to the transfer of the amount requested pursuant to
8 section 802(b)(6). The assistance available for trans-
9 fer shall not exceed the amount contained in the
10 wildfire suppression operations account established
11 pursuant to subsection (b).

12 “(2) MAXIMUM TRANSFER AMOUNT LIMITA-
13 TION.—If a bill or joint resolution making appro-
14 priations for a fiscal year is enacted that specifies an
15 amount for wildfire suppression operations in the
16 Wildland Fire Management accounts of the Depart-
17 ment of Agriculture or the Department of the Inte-
18 rior, then the total amount of assistance appro-
19 priated to and transferred from the account estab-
20 lished pursuant to subsection (b) and pursuant to a
21 declaration under section 802 for wildfire suppres-
22 sion operations, to the Wildland Fire Management
23 accounts of the Department of Agriculture and the
24 Department of the Interior, for that fiscal year, shall
25 not exceed \$1,647,000,000.

1 “(3) TRANSFER OF FUNDS.—Funds under this
2 section shall be transferred from the wildfire sup-
3 pression operations account to the wildfire suppres-
4 sion subactivity of the Wildland Fire Management
5 Accounts. The transferred funds shall remain avail-
6 able until expended.

7 “(d) PROHIBITION OF OTHER TRANSFERS.—Except
8 as provided in this section, no funds may be transferred
9 to or from the account established pursuant to subsection
10 (b) to or from any other fund or account.

11 “(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION
12 OPERATIONS ON NON-FEDERAL LAND.—If amounts
13 transferred under subsection (c) are used to conduct wild-
14 fire suppression operations on non-Federal land, the re-
15 spective Secretary shall—

16 “(1) secure reimbursement for the cost of such
17 wildfire suppression operations conducted on the
18 non-Federal land; and

19 “(2) transfer the amounts received as reim-
20 bursement to the wildfire suppression operations dis-
21 aster account established pursuant to subsection (b).

22 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
23 QUIREMENTS.—Not later than 90 days after the end of
24 each fiscal year for which assistance is received pursuant
25 to this section, the respective Secretary shall submit to

1 the Committees on Agriculture, Appropriations, the Budg-
2 et, Natural Resources, and Transportation and Infrastruc-
3 ture of the House of Representatives and the Committees
4 on Agriculture, Nutrition, and Forestry, Appropriations,
5 the Budget, Energy and Natural Resources, Homeland
6 Security and Governmental Affairs, and Indian Affairs of
7 the Senate, and make available to the public, a report that
8 includes the following:

9 “(1) The risk-based factors that influenced
10 management decisions regarding wildfire suppression
11 operations of the Federal land management agencies
12 under the jurisdiction of the Secretary concerned.

13 “(2) Specific discussion of a statistically signifi-
14 cant sample of large fires, in which each fire is ana-
15 lyzed for cost drivers, effectiveness of risk manage-
16 ment techniques, resulting positive or negative im-
17 pacts of fire on the landscape, impact of investments
18 in preparedness, suggested corrective actions, and
19 such other factors as the respective Secretary con-
20 siders appropriate.

21 “(3) Total expenditures for wildfire suppression
22 operations of the Federal land management agencies
23 under the jurisdiction of the respective Secretary,
24 broken out by fire sizes, cost, regional location, and

1 such other factors as such Secretary considers ap-
2 propriate.

3 “(4) Lessons learned.

4 “(5) Such other matters as the respective Sec-
5 retary considers appropriate.

6 “(g) SAVINGS PROVISION.—Except as provided in
7 subsections (c) and (d), nothing in this title shall limit
8 the Secretary of the Interior, the Secretary of Agriculture,
9 Indian tribe, or a State from receiving assistance through
10 a declaration made by the President under this Act when
11 the criteria for such declaration have been met.”.

12 **SEC. 6003. PROHIBITION ON TRANSFERS.**

13 No funds may be transferred to or from the Federal
14 land management agencies’ wildfire suppression oper-
15 ations accounts referred to in section 801(3) of the Robert
16 T. Stafford Disaster Relief and Emergency Assistance Act
17 to or from any account or subactivity of the Federal land
18 management agencies, as defined in section 801(2) of such
19 Act, that is not used to cover the cost of wildfire suppres-
20 sion operations.

21 **SEC. 6004. EFFECTIVE DATE.**

22 The amendments made by this subtitle shall take ef-
23 fect on October 1, 2016.

- 1 (II) timber and forest products
2 industry representatives;
3 (III) State agencies;
4 (IV) units of local government;
5 (V) tribal governments; and
6 (VI) outdoor recreational rep-
7 resentatives; and
8 (ii) operates—
9 (I) in a transparent and non-
10 exclusive manner; and
11 (II) by consensus or in accord-
12 ance with voting procedures to ensure
13 a high degree of agreement among
14 participants and across various inter-
15 ests.

16 (2) FOREST MANAGEMENT ACTIVITY.—The
17 term “forest management activity” means a project
18 or activity carried out by the Secretary concerned on
19 National Forest System land or public land in con-
20 junction with the resource management plan cov-
21 ering the National Forest System land or public
22 land.

23 (3) RESOURCE ADVISORY COMMITTEE.—The
24 term “resource advisory committee” has the mean-
25 ing given that term in section 201 of the Secure

1 Rural Schools and Community Self-Determination
2 Act of 2000 (16 U.S.C. 7121).

3 (4) RESOURCE MANAGEMENT PLAN.—The term
4 “resource management plan” has the meaning given
5 that term in section 101(13) of the Healthy Forests
6 Restoration Act of 2003 (16 U.S.C. 6511(13)).

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

9 (A) the Secretary of Agriculture, with re-
10 spect to National Forest System land; and

11 (B) the Secretary of the Interior, with re-
12 spect to public land.

13 (b) COLLABORATIVE MANAGEMENT ACTIVITIES.—

14 (1) APPLICABILITY.—This subsection may
15 apply in any case in which the Secretary concerned
16 prepares an environmental assessment or an envi-
17 ronmental impact statement pursuant to section
18 102(2) of the National Environmental Policy Act of
19 1969 (42 U.S.C. 4332(2)) for a project for a forest
20 management activity described in paragraph (2).

21 (2) DESCRIPTION OF PROJECTS.—A project for
22 a forest management activity referred to in para-
23 graph (1) is a project to carry out forest restoration
24 treatments that—

1 (A) maximizes the retention of old-growth
2 and large trees, as appropriate for the forest
3 type, to the extent that the trees promote
4 stands that are resilient to uncharacteristic
5 wildfire, insects, and disease;

6 (B) considers the best available scientific
7 information to maintain or restore the ecologi-
8 cal integrity, including maintaining or restoring
9 structure, function, composition, and
10 connectivity; and

11 (C) is developed and implemented through
12 a collaborative process.

13 (3) CONSIDERATION OF ALTERNATIVES.—In an
14 environmental assessment or environmental impact
15 statement described in paragraph (1), the Secretary
16 concerned shall study, develop, and describe not
17 more than the following alternatives:

18 (A) Carrying out the project for a forest
19 management activity, as proposed under para-
20 graph (1).

21 (B) The alternative of no action.

22 (4) LIMITATIONS.—Except as provided in this
23 subsection, nothing in this subsection preempts or
24 interferes with any obligation to comply with the
25 provisions of any Federal law, including—

1 (A) the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.);

3 (B) the Federal Water Pollution Control
4 Act (33 U.S.C. 1251 et seq.); or

5 (C) any other Federal environmental law.

6 (c) CATEGORICAL EXCLUSION TO EXPEDITE CER-
7 TAIN CRITICAL RESPONSE ACTIONS.—

8 (1) AVAILABILITY OF CATEGORICAL EXCLU-
9 SION.—A categorical exclusion is available to the
10 Secretary concerned to develop and carry out a for-
11 est management activity on National Forest System
12 land or public land in any case in which—

13 (A) the forest management activity is de-
14 veloped and recommended through a collabo-
15 rative process; and

16 (B) the primary purpose of the forest man-
17 agement activity is—

18 (i) to reduce hazardous fuel loads on
19 land in, or related to, a wildland-urban
20 interface;

21 (ii) to protect a municipal water
22 source, if the municipality is within 100
23 miles of the area to be treated; or

24 (iii) any combination of the purposes
25 specified in clauses (i) and (ii).

1 (2) REQUIREMENTS.—A forest management ac-
2 tivity covered by the categorical exclusion granted by
3 paragraph (1) is a project to carry out forest res-
4 toration treatments that—

5 (A) may not contain harvest units exceed-
6 ing a total of 3,000 acres;

7 (B) maximizes the retention of old-growth
8 and large trees, as appropriate for the forest
9 type, to the extent that the trees promote
10 stands that are resilient to uncharacteristic
11 wildfire; and

12 (C) considers the best available scientific
13 information to maintain or restore the ecologi-
14 cal integrity, including maintaining or restoring
15 structure, function, composition, and
16 connectivity.

17 (d) CATEGORICAL EXCLUSION TO MEET RESOURCE
18 MANAGEMENT PLAN GOALS FOR EARLY SUCCESSIONAL
19 FORESTS.—

20 (1) AVAILABILITY OF CATEGORICAL EXCLU-
21 SION.—A categorical exclusion is available to the
22 Secretary concerned to develop and carry out a for-
23 est management activity on National Forest System
24 land or public land in any case in which—

1 (A) the forest management activity is de-
2 veloped and recommended through a collabo-
3 rative process; and

4 (B) the primary purpose of the forest man-
5 agement activity is to modify, improve, enhance,
6 or create early successional forests for wildlife
7 habitat improvement and other purposes, con-
8 sistent with the applicable resource manage-
9 ment plan.

10 (2) PROJECT GOALS.—To the maximum extent
11 practicable, the Secretary concerned shall design a
12 forest management activity under this subsection to
13 meet early successional forest goals in such a man-
14 ner so as to maximize production and regeneration
15 of priority species, as identified in the resource man-
16 agement plan and consistent with the capability of
17 the activity site.

18 (3) REQUIREMENTS.—A forest management ac-
19 tivity covered by the categorical exclusion granted by
20 paragraph (1) is a project that—

21 (A) consists of not more than 250 acres,
22 comprised of noncontiguous units to create a
23 mosaic of age classes in accordance with the re-
24 source management plan;

1 (B) contains harvest units, consistent with
2 the applicable resource management plan;

3 (C) creates early seral habitat, consistent
4 with the applicable resource management plan;

5 (D) assists in meeting resource manage-
6 ment plan objectives for retention of old-growth
7 stands and retention of old-growth trees, con-
8 sistent with resource management plan objec-
9 tives; and

10 (E) considers the best available scientific
11 information to maintain or restore early seral
12 habitat.

13 (e) ROADS.—

14 (1) PERMANENT ROADS.—A project carried out
15 under this section shall not include the construction
16 of new permanent roads.

17 (2) EXISTING ROADS.—The Secretary con-
18 cerned may carry out necessary maintenance of, re-
19 pairs to, or reconstruction of an existing permanent
20 road for the purposes of this section.

21 (3) TEMPORARY ROADS.—The Secretary con-
22 cerned shall decommission any temporary road con-
23 structed under a project under this section not later
24 than 3 years after the date on which the project is
25 completed.

1 (f) EXCLUSIONS.—This section does not apply to—

2 (1) a component of the National Wilderness
3 Preservation System;

4 (2) any Federal land on which, by Act of Con-
5 gress or Presidential proclamation, the removal of
6 vegetation prohibited;

7 (3) a congressionally designated wilderness
8 study area;

9 (4) an inventoried roadless area; or

10 (5) an area in which the activities authorized
11 under this section would be inconsistent with the ap-
12 plicable resource management plan.

13 (g) RESOURCE MANAGEMENT PLANS.—All projects
14 and activities carried out under this subsection shall be
15 consistent with the resource management plan applicable
16 to the National Forest System land or public land con-
17 taining the projects and activities.

18 (h) PUBLIC NOTICE AND SCOPING.—The Secretary
19 concerned shall conduct public notice and scoping for any
20 project or action proposed in accordance with this section.

21 **SEC. 6012. STATE-SUPPORTED PLANNING OF FOREST MAN-**
22 **AGEMENT ACTIVITIES.**

23 (a) DEFINITIONS.—In this section:

24 (1) COLLABORATIVE PROCESS.—The term “col-
25 laborative process” means a process that relates to

1 the management of National Forest System land or
2 public land, by which a forest management activity
3 is proposed—

4 (A) by a resource advisory committee
5 through collaboration with interested persons,
6 as described in section 603(b)(1)(C) of the
7 Healthy Forests Restoration Act of 2003 (16
8 U.S.C. 6591b(b)(1)(C));

9 (B) by a collaborative that meets the re-
10 quirements under section 4003 of the Omnibus
11 Public Land Management Act of 2009 (16
12 U.S.C. 7303); or

13 (C) by a group not covered by subpara-
14 graph (A) or (B), but that—

15 (i) includes multiple individuals who
16 provide balanced and broad representation
17 of diverse interests, including, if relevant
18 and interested, but not limited to—

19 (I) environmental organizations;

20 (II) timber and forest products
21 industry representatives;

22 (III) State agencies;

23 (IV) units of local government;

24 (V) tribal governments; and

1 (VI) outdoor recreational rep-
2 resentatives; and

3 (ii) operates—

4 (I) in a transparent and non-
5 exclusive manner; and

6 (II) by consensus or in accord-
7 ance with voting procedures to ensure
8 a high degree of agreement among
9 participants and across various inter-
10 ests.

11 (2) COMMUNITY WILDFIRE PROTECTION
12 PLAN.—The term “community wildfire protection
13 plan” has the meaning given that term in section
14 101(3) of the Healthy Forests Restoration Act of
15 2003 (16 U.S.C. 6511(3)).

16 (3) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means—

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

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

23 (C) a rural electric company; and

1 (D) any other entity determined by the
2 Secretary concerned to be appropriate for par-
3 ticipation in the Fund.

4 (4) FUND.—The term “Fund” means the
5 State-Supported Forest Management Fund estab-
6 lished by subsection (b).

7 (5) RESOURCE ADVISORY COMMITTEE.—The
8 term “resource advisory committee” has the mean-
9 ing given that term in section 201 of the Secure
10 Rural Schools and Community Self-Determination
11 Act of 2000 (16 U.S.C. 7121).

12 (6) SECRETARY CONCERNED.—The term “Sec-
13 retary concerned” means—

14 (A) the Secretary of Agriculture, with re-
15 spect to National Forest System land; and

16 (B) the Secretary of the Interior, with re-
17 spect to public land.

18 (b) STATE-SUPPORTED FOREST MANAGEMENT
19 FUND.—There is established in the Treasury of the
20 United States a fund, to be known as the “State-Sup-
21 ported Forest Management Fund”, to cover the cost of
22 planning (especially as relating to compliance with section
23 102(2) of the National Environmental Policy Act of 1969
24 (42 U.S.C. 4332(2))), carrying out, and monitoring cer-

1 tain forest management activities on National Forest Sys-
2 tem land or public land.

3 (c) CONTENTS.—The Fund shall consist of such
4 amounts as may be—

5 (1) contributed by an eligible entity for deposit
6 in the Fund;

7 (2) appropriated to the Fund; or

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

10 (d) GEOGRAPHICAL AND USE LIMITATIONS.—In
11 making a contribution under subsection (c)(1), an eligible
12 entity may—

13 (1) specify the National Forest System land or
14 public land for which the contribution may be ex-
15 pended; and

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

18 (e) AUTHORIZED FOREST MANAGEMENT ACTIVI-
19 TIES.—In such amounts as may be provided in advance
20 in appropriations Acts, the Secretary concerned may use
21 the Fund to plan, carry out, and monitor a forest manage-
22 ment activity that is—

23 (1) developed through a collaborative process;

24 or

1 (2) covered by a community wildfire protection
2 plan.

3 (f) IMPLEMENTATION METHODS.—

4 (1) IN GENERAL.—A forest management activ-
5 ity carried out using amounts in the Fund may be
6 carried out pursuant to—

7 (A) a contract or agreement under section
8 604 of the Healthy Forests Restoration Act of
9 2003 (16 U.S.C. 6591c);

10 (B) the good neighbor authority provided
11 under section 8206 of the Agricultural Act of
12 2014 (16 U.S.C. 2113a);

13 (C) a contract under section 14 of the Na-
14 tional Forest Management Act of 1976 (16
15 U.S.C. 472a); or

16 (D) any other authority available to the
17 Secretary concerned.

18 (2) USE OF REVENUES.—Any revenue gen-
19 erated by a forest management activity described in
20 paragraph (1) shall be used to reimburse the Fund
21 for planning costs covered using amounts in the
22 Fund.

23 (g) RELATION TO OTHER LAWS.—

24 (1) REVENUE SHARING.—Subject to subsection
25 (f), revenues generated by a forest management ac-

1 tivity carried out using amounts from the Fund shall
2 be considered monies received from the National
3 Forest System.

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

9 (h) TERMINATION OF FUND.—

10 (1) TERMINATION.—The Fund shall terminate
11 on the date that is 10 years after the date of enact-
12 ment of this Act.

13 (2) EFFECT OF TERMINATION.—On termi-
14 nation of the Fund under paragraph (1) or pursuant
15 to any other provision of law, any unobligated con-
16 tribution remaining in the Fund shall be returned to
17 the eligible entity that made the contribution.

18 **SEC. 6013. FOREST SERVICE LEGACY ROADS AND TRAILS**

19 **REMEDIATION PROGRAM.**

20 (a) IN GENERAL.—The Secretary of Agriculture shall
21 establish and maintain a Forest Service Legacy Roads and
22 Trails Remediation Program within the National Forest
23 System—

1 (1) to carry out critical maintenance and urgent
2 repairs and improvements on National Forest Sys-
3 tem roads, trails, and bridges;

4 (2) to restore fish and other aquatic organism
5 passage by removing or replacing unnatural barriers
6 to the passage of fish and other aquatic organisms;

7 (3) to decommission unneeded roads and trails;
8 and

9 (4) to carry out associated activities.

10 (b) PRIORITY.—In implementing the Forest Service
11 Legacy Roads and Trails Remediation Program, the Sec-
12 retary of Agriculture shall give priority to projects that
13 protect or restore—

14 (1) water quality;

15 (2) watersheds that feed public drinking water
16 systems; or

17 (3) habitat for threatened, endangered, and
18 sensitive fish and wildlife species.

19 (c) NATIONAL FOREST SYSTEM.—Except as author-
20 ized under section 323 of title III of the Department of
21 the Interior and Related Agencies Appropriations Act,
22 1999 (16 U.S.C. 1011a), all projects carried out under
23 the Forest Service Legacy Roads and Trails Remediation
24 Program shall be on National Forest System roads.

1 (d) NATIONAL PROGRAM STRATEGY.—Not later than
2 180 days after the date of enactment of this Act, the Sec-
3 retary of Agriculture shall develop a national strategy for
4 implementing the Forest Service Legacy Roads and Trails
5 Remediation Program.

6 **SEC. 6014. WATER SOURCE PROTECTION PROGRAM AND**
7 **WATERSHED CONDITION FRAMEWORK.**

8 Subtitle A of title III of the Omnibus Public Land
9 Management Act of 2009 (Public Law 111–11) is amend-
10 ed by adding at the end the following:

11 **“SEC. 3002. WATER SOURCE PROTECTION PROGRAM FOR**
12 **NATIONAL FOREST SYSTEM LAND.**

13 “(a) IN GENERAL.—The Secretary of Agriculture,
14 acting through the Chief of the Forest Service (referred
15 to in this section as the ‘Secretary’), shall establish and
16 maintain a Water Source Protection Program for National
17 Forest System land derived from the public domain.

18 “(b) WATER SOURCE INVESTMENT PARTNER-
19 SHIPS.—

20 “(1) IN GENERAL.—In carrying out the Water
21 Source Protection Program, the Secretary may enter
22 into water source investment partnerships with end
23 water users (including States, political subdivisions,
24 Indian tribes, utilities, municipal water systems, irri-
25 gation districts, nonprofit organizations, and cor-

1 porations) to protect and restore the condition of
2 National Forest watersheds that provide water to
3 the non-Federal partners.

4 “(2) FORM.—A partnership described in para-
5 graph (1) may take the form of memoranda of un-
6 derstanding, cost-share or collection agreements,
7 long-term match funding commitments, or other ap-
8 propriate instruments.

9 “(c) WATER SOURCE MANAGEMENT PLAN.—

10 “(1) IN GENERAL.—In carrying out the Water
11 Source Protection Program, the Secretary may
12 produce a water source management plan in co-
13 operation with the water source investment partner-
14 ship participants and State, local, and tribal govern-
15 ments.

16 “(2) FIREWOOD.—A water source management
17 plan may give priority to projects that facilitate the
18 gathering of firewood for personal use pursuant to
19 section 223.5 of title 36, Code of Federal Regula-
20 tions (or successor regulations).

21 “(3) ENVIRONMENTAL ANALYSIS.—The Sec-
22 retary may conduct—

23 “(A) a single environmental impact state-
24 ment or similar analysis required under the Na-
25 tional Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) for all or part of the res-
2 toration projects in the water source manage-
3 ment plan; and

4 “(B) a statement or analysis described in
5 subparagraph (A) as part of the development of
6 the water source management plan or after the
7 finalization of the plan.

8 “(4) ENDANGERED SPECIES ACT.—In carrying
9 out the Water Source Protection Program, the Sec-
10 retary may use the Manual on Adaptive Manage-
11 ment of the Department of the Interior, including
12 any associated guidance, for purposes of fulfilling
13 any requirements under the Endangered Species Act
14 of 1973 (16 U.S.C. 1531 et seq.).

15 “(5) FUNDS AND SERVICES.—

16 “(A) IN GENERAL.—In carrying out the
17 Water Source Protection Program, the Sec-
18 retary may accept and use funding, services,
19 and other forms of investment and assistance
20 from water source investment partnership par-
21 ticipants to implement the water source man-
22 agement plan.

23 “(B) MANNER OF USE.—The Secretary
24 may accept and use investments described in

1 subparagraph (A) directly or indirectly through
2 the National Forest Foundation.

3 “(C) WATER SOURCE PROTECTION
4 FUND.—

5 “(i) IN GENERAL.—Subject to the
6 availability of appropriations, the Secretary
7 may establish a Water Source Protection
8 Fund to match funds or in-kind support
9 contributed by water source investment
10 partnership participants under subpara-
11 graph (A).

12 “(ii) USE OF APPROPRIATED
13 FUNDS.—The Secretary may use funds ap-
14 propriated to carry out this subparagraph
15 to make multiyear commitments, if nec-
16 essary, to implement 1 or more water
17 source investment partnership agreements.

18 **“SEC. 3003. WATERSHED CONDITION FRAMEWORK FOR NA-**
19 **TIONAL FOREST SYSTEM LAND.**

20 “(a) IN GENERAL.—The Secretary of Agriculture,
21 acting through the Chief of the Forest Service (referred
22 to in this section as the ‘Secretary’), shall establish and
23 maintain a Watershed Condition Framework for National
24 Forest System land derived from the public domain—

1 “(1) to evaluate and classify the condition of
2 watersheds, taking into consideration—

3 “(A) water quality and quantity;

4 “(B) aquatic habitat and biota;

5 “(C) riparian and wetland vegetation;

6 “(D) the presence of roads and trails;

7 “(E) soil type and condition;

8 “(F) groundwater-dependent ecosystems;

9 “(G) relevant terrestrial indicators, such as
10 fire regime, risk of catastrophic fire, forest and
11 rangeland vegetation, invasive species, and in-
12 sects and disease; and

13 “(H) other significant factors, as deter-
14 mined by the Secretary;

15 “(2) to identify for restoration up to 5 priority
16 watersheds in each National Forest, and up to 2 pri-
17 ority watersheds in each national grassland, taking
18 into consideration the impact of the condition of the
19 watershed condition on—

20 “(A) wildfire behavior;

21 “(B) flood risk;

22 “(C) fish and wildlife;

23 “(D) drinking water supplies;

24 “(E) irrigation water supplies;

25 “(F) forest-dependent communities; and

1 “(G) other significant impacts, as deter-
2 mined by the Secretary;

3 “(3) to develop a watershed restoration action
4 plan for each priority watershed that—

5 “(A) takes into account existing restora-
6 tion activities being implemented in the water-
7 shed; and

8 “(B) includes, at a minimum—

9 “(i) the major stressors responsible
10 for the impaired condition of the water-
11 shed;

12 “(ii) a set of essential projects that,
13 once completed, will address the identified
14 stressors and improve watershed condi-
15 tions;

16 “(iii) a proposed implementation
17 schedule;

18 “(iv) potential partners and funding
19 sources; and

20 “(v) a monitoring and evaluation pro-
21 gram;

22 “(4) to prioritize restoration activities for each
23 watershed restoration action plan;

24 “(5) to implement each watershed restoration
25 action plan; and

1 “(6) to monitor the effectiveness of restoration
2 actions and indicators of watershed health.

3 “(b) COORDINATION.—Throughout the process de-
4 scribed in subsection (a), the Secretary shall—

5 “(1) coordinate with interested non-Federal
6 landowners and with State, tribal, and local govern-
7 ments within the relevant watershed; and

8 “(2) provide for an active and ongoing public
9 engagement process.

10 “(c) EMERGENCY DESIGNATION.—Notwithstanding
11 subsection (a)(2), the Secretary may identify a watershed
12 as a priority for rehabilitation in the Watershed Condition
13 Framework without using the process described in sub-
14 section (a), if a Forest Supervisor determines that—

15 “(1) a wildfire has significantly diminished the
16 condition of the watershed; and

17 “(2) the emergency stabilization activities of the
18 Burned Area Emergency Response Team are insuffi-
19 cient to return the watershed to proper function.”.

20 **SEC. 6015. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
21 **TION PROGRAM.**

22 (a) SELECTION PROCESS.—Section 4003(f)(4) of the
23 Omnibus Public Land Management Act of 2009 (16
24 U.S.C. 7303(f)(4)) is amended by adding at the end the
25 following:

1 “(C) PREQUALIFICATION.—

2 “(i) IN GENERAL.—Before awarding a
3 contract funded by the Fund, the Sec-
4 retary shall determine whether the con-
5 tractor has the ability to complete the pro-
6 posed restoration activities, including—

7 “(I) the financial ability to raise
8 the funds necessary for the proposed
9 restoration activities; and

10 “(II) sufficient capacity to per-
11 form the type and scope of the pro-
12 posed restoration activities.

13 “(ii) CRITERIA.—If the Department
14 does not have sufficient expertise to de-
15 velop and evaluate criteria to make a de-
16 termination under clause (i), the Secretary
17 shall seek the assistance of other agencies
18 or third-party consultants for purposes of
19 developing and evaluating the criteria.”.

20 (b) REAUTHORIZATION OF COLLABORATIVE FOREST
21 LANDSCAPE RESTORATION FUND.—Section 4003(f)(6) of
22 the Omnibus Public Land Management Act of 2009 (16
23 U.S.C. 7303(f)(6)) is amended by striking “2019, to re-
24 main available until expended” and inserting “2014, and

- 1 \$60,000,000 for each of fiscal years 2016 through 2024,
- 2 to remain available until expended”.