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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

# H. R.

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To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. WESTERMAN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Resilient Federal Forests Act of 2019”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Rule of application for National Forest System lands and public lands.

**TITLE I—EXPEDITED ENVIRONMENTAL ANALYSIS AND AVAIL-  
ABILITY OF CATEGORICAL EXCLUSIONS TO EXPEDITE FOREST  
MANAGEMENT ACTIVITIES**

**Subtitle A—Analysis of Proposed Collaborative Forest Management Activities**

Sec. 101. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

**Subtitle B—Categorical Exclusions**

- Sec. 111. Categorical exclusion to expedite certain critical response actions.
- Sec. 112. Categorical exclusion to expedite salvage operations in response to catastrophic events.
- Sec. 113. Categorical exclusion to meet forest plan goals for early successional forests.
- Sec. 114. Categorical exclusion for road side projects.
- Sec. 115. Categorical exclusion to improve or restore National Forest System Lands or public land or reduce the risk of wildfire.
- Sec. 116. Treatment areas.
- Sec. 117. Administrative review.
- Sec. 118. Wildfire resilience projects.

**Subtitle C—General Provisions for Forest Management Activities**

- Sec. 121. Compliance with forest plans.
- Sec. 122. Consultation under the National Historic Preservation Act.
- Sec. 123. Consultation under the Endangered Species Act.
- Sec. 124. Forest management activities considered non-discretionary actions.

**TITLE II—SALVAGE AND REFORESTATION IN RESPONSE TO  
CATASTROPHIC EVENTS**

- Sec. 201. Expedited salvage operations and reforestation activities following large-scale catastrophic events.
- Sec. 202. Compliance with forest plan.
- Sec. 203. Prohibition on restraining orders, preliminary injunctions, and injunctions pending appeal.

**TITLE III—FOREST MANAGEMENT LITIGATION**

**Subtitle A—General Litigation Provisions**

- Sec. 301. No attorney fees for forest management activity challenges.
- Sec. 302. Injunctive relief.

Subtitle B—Forest Management Activity Arbitration Pilot Program

- Sec. 311. Use of arbitration instead of litigation to address challenges to forest management activities.

TITLE IV—SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT AMENDMENTS

- Sec. 401. Use of reserved funds for title II projects on Federal land and certain non-Federal land.

TITLE V—STEWARDSHIP END RESULT CONTRACTING

- Sec. 501. Payment of portion of stewardship project revenues to county in which stewardship project occurs.
- Sec. 502. Fire liability provision.
- Sec. 503. Extension of stewardship contracting maximum term limits.

TITLE VI—TRIBAL FORESTRY PARTICIPATION AND PROTECTION

- Sec. 601. Protection of Tribal forest assets through use of stewardship end result contracting and other authorities.
- Sec. 602. Management of Indian forest land authorized to include related National Forest System lands and public lands.
- Sec. 603. Tribal forest management demonstration project.
- Sec. 604. Rule of application.

TITLE VII—EXPEDITING INTERAGENCY CONSULTATION

Subtitle A—Forest Plans Not Considered Major Federal Actions

- Sec. 701. Forest plans not considered major Federal actions.

Subtitle B—Agency Consultation

- Sec. 711. Consultation under Forest and Rangeland Renewable Resources Planning Act of 1974.

TITLE VIII—MISCELLANEOUS

Subtitle A—Forest Management Provisions

- Sec. 801. Clarification of existing categorical exclusion authority related to insect and disease infestation.
- Sec. 802. Revision of alternate consultation agreement regulations.
- Sec. 803. Revision of extraordinary circumstances regulations.
- Sec. 804. Conditions on Forest Service road decommissioning.
- Sec. 805. Prohibition on application of Eastside Screens requirements on National Forest System lands.
- Sec. 806. Use of site-specific forest plan amendments for certain projects and activities.
- Sec. 807. Knutson-Vandenberg Act modifications.
- Sec. 808. Application of Northwest Forest Plan Survey and Manage Mitigation Measure Standard and Guidelines.
- Sec. 809. Reconstruction and repair included in good neighbor agreements.

Subtitle B—Oregon and California Railroad Grant Lands and Coos Bay  
Wagon Road Grant Lands

Sec. 811. Amendments to the Act of August 28, 1937.

Sec. 812. Oregon and California Railroad Grant Lands and Coos Bay Wagon  
Road Grant lands permanent rights of access.

Sec. 813. Management of Bureau of Land Management lands in Western Or-  
egon.

1 **SEC. 2. DEFINITIONS.**

2 In titles I through IX:

3 (1) CATASTROPHIC EVENT.—The term “cata-  
4 strophic event” means any natural disaster (such as  
5 hurricane, tornado, windstorm, snow or ice storm,  
6 rain storm, high water, wind-driven water, tidal  
7 wave, earthquake, volcanic eruption, landslide,  
8 mudslide, drought, or insect or disease outbreak) or  
9 any fire, flood, or explosion, regardless of cause.

10 (2) COLLABORATIVE PROCESS.—The term “col-  
11 laborative process” refers to a process relating to the  
12 management of National Forest System lands or  
13 public lands by which a project or forest manage-  
14 ment activity is developed and implemented by the  
15 Secretary concerned through collaboration with in-  
16 terested persons, as described in section  
17 603(b)(1)(C) of the Healthy Forests Restoration Act  
18 of 2003 (16 U.S.C. 6591b(b)(1)(C)).

19 (3) COMMUNITY WILDFIRE PROTECTION  
20 PLAN.—The term “community wildfire protection  
21 plan” has the meaning given that term in section

1 101 of the Healthy Forests Restoration Act of 2003  
2 (16 U.S.C. 6511).

3 (4) COOS BAY WAGON ROAD GRANT LANDS.—  
4 The term “Coos Bay Wagon Road Grant lands”  
5 means the lands reconveyed to the United States  
6 pursuant to the first section of the Act of February  
7 26, 1919 (40 Stat. 1179).

8 (5) FOREST MANAGEMENT ACTIVITY.—The  
9 term “forest management activity” means a project  
10 or activity carried out by the Secretary concerned on  
11 National Forest System lands or public lands con-  
12 sistent with the forest plan covering the lands.

13 (6) FOREST PLAN.—The term “forest plan”  
14 means—

15 (A) a land use plan prepared by the Bu-  
16 reau of Land Management for public lands pur-  
17 suant to section 202 of the Federal Land Policy  
18 and Management Act of 1976 (43 U.S.C.  
19 1712); or

20 (B) a land and resource management plan  
21 prepared by the Forest Service for a unit of the  
22 National Forest System pursuant to section 6  
23 of the Forest and Rangeland Renewable Re-  
24 sources Planning Act of 1974 (16 U.S.C.  
25 1604).

1           (7) LARGE-SCALE CATASTROPHIC EVENT.—The  
2 term “large-scale catastrophic event” means a cata-  
3 strophic event that adversely impacts at least 5,000  
4 acres of reasonably contiguous National Forest Sys-  
5 tem lands or public lands, as determined by the Sec-  
6 retary concerned.

7           (8) NATIONAL FOREST SYSTEM.—The term  
8 “National Forest System” has the meaning given  
9 that term in section 11(a) of the Forest and Range-  
10 land Renewable Resources Planning Act of 1974 (16  
11 U.S.C. 1609(a)).

12           (9) OREGON AND CALIFORNIA RAILROAD GRANT  
13 LANDS.—The term “Oregon and California Railroad  
14 Grant lands” means the following lands:

15           (A) All lands in the State of Oregon re-  
16 vested in the United States under the Act of  
17 June 9, 1916 (39 Stat. 218), that are adminis-  
18 tered by the Secretary of the Interior, acting  
19 through the Bureau of Land Management, pur-  
20 suant to the first section of the Act of August  
21 28, 1937 (43 U.S.C. 1181a).

22           (B) All lands in that State obtained by the  
23 Secretary of the Interior pursuant to the land  
24 exchanges authorized and directed by section 2  
25 of the Act of June 24, 1954 (43 U.S.C. 1181h).

1           (C) All lands in that State acquired by the  
2           United States at any time and made subject to  
3           the provisions of title II of the Act of August  
4           28, 1937 (43 U.S.C. 1181f).

5           (10) PUBLIC LANDS.—The term “public lands”  
6           has the meaning given that term in section 103 of  
7           the Federal Land Policy and Management Act of  
8           1976 (43 U.S.C. 1702), except that the term in-  
9           cludes Coos Bay Wagon Road Grant lands and Or-  
10          regon and California Railroad Grant lands.

11          (11) REFORESTATION ACTIVITY.—The term  
12          “reforestation activity” means a project or forest  
13          management activity carried out by the Secretary  
14          concerned whose primary purpose is the reforest-  
15          ation of impacted lands following a large-scale cata-  
16          strophic event. The term includes planting, evalu-  
17          ating and enhancing natural regeneration, clearing  
18          competing vegetation, and other activities related to  
19          reestablishment of forest species on the impacted  
20          lands.

21          (12) RESOURCE ADVISORY COMMITTEE.—The  
22          term “resource advisory committee” has the mean-  
23          ing given that term in section 201 of the Secure  
24          Rural Schools and Community Self-Determination  
25          Act of 2000 (16 U.S.C. 7121).

1           (13) SALVAGE OPERATION.—The term “salvage  
2           operation” means a forest management activity and  
3           restoration activities carried out in response to a  
4           catastrophic event where the primary purpose is—

5                   (A) to prevent wildfire as a result of the  
6                   catastrophic event, or, if the catastrophic event  
7                   was wildfire, to prevent a re-burn of the fire-im-  
8                   pacted area;

9                   (B) to provide an opportunity for utiliza-  
10                  tion of forest materials damaged as a result of  
11                  the catastrophic event; or

12                  (C) to provide a funding source for refor-  
13                  estation and other restoration activities for the  
14                  National Forest System lands or public lands  
15                  impacted by the catastrophic event.

16           (14) SECRETARY CONCERNED.—The term  
17           “Secretary concerned” means—

18                   (A) the Secretary of Agriculture, with re-  
19                   spect to National Forest System lands; and

20                   (B) the Secretary of the Interior, with re-  
21                   spect to public lands.

22 **SEC. 3. RULE OF APPLICATION FOR NATIONAL FOREST**  
23 **SYSTEM LANDS AND PUBLIC LANDS.**

24           Unless specifically provided by a provision of titles  
25 I through IX, the authorities provided by such titles do



1 not apply with respect to any National Forest System  
2 lands or public lands—

3 (1) that are included in the National Wilderness  
4 Preservation System;

5 (2) that are located within a national or State-  
6 specific inventoried roadless area established by the  
7 Secretary of Agriculture through regulation, un-  
8 less—

9 (A) the forest management activity to be  
10 carried out under such authority is consistent  
11 with the forest plan applicable to the area; or

12 (B) the Secretary concerned determines  
13 the activity is allowed under the applicable  
14 roadless rule governing such lands; or

15 (3) on which timber harvesting for any purpose  
16 is prohibited by Federal statute.

1 **TITLE I—EXPEDITED ENVIRON-**  
2 **MENTAL ANALYSIS AND**  
3 **AVAILABILITY OF CATEGOR-**  
4 **ICAL EXCLUSIONS TO EXPE-**  
5 **DITE FOREST MANAGEMENT**  
6 **ACTIVITIES**

7 **Subtitle A—Analysis of Proposed**  
8 **Collaborative Forest Manage-**  
9 **ment Activities**

10 **SEC. 101. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**  
11 **VERSUS NO ACTION) IN PROPOSED COLLABO-**  
12 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

13 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-  
14 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-  
15 MENTS.—This section shall apply whenever the Secretary  
16 concerned prepares an environmental assessment or an en-  
17 vironmental impact statement pursuant to section 102 of  
18 the National Environmental Policy Act of 1969 (42 U.S.C.  
19 4332) for a forest management activity that—

20 (1) is developed through a collaborative process;

21 (2) is proposed by a resource advisory com-  
22 mittee;

23 (3) will occur on lands identified by the Sec-  
24 retary concerned as suitable for timber production;

1           (4) will occur on lands designated by the Sec-  
2           retary (or designee thereof) pursuant to section  
3           602(b) of the Healthy Forests Restoration Act of  
4           2003 (16 U.S.C. 6591a(b)), notwithstanding wheth-  
5           er such forest management activity is initiated prior  
6           to the date of enactment of this Act; or

7           (5) is covered by a community wildfire protec-  
8           tion plan.

9           (b) CONSIDERATION OF ALTERNATIVES.—In an envi-  
10          ronmental assessment or environmental impact statement  
11          described in subsection (a), the Secretary concerned shall  
12          study, develop, and describe only the following two alter-  
13          natives:

14               (1) The forest management activity.

15               (2) The alternative of no action.

16          (c) ELEMENTS OF NO ACTION ALTERNATIVE.—In  
17          the case of the alternative of no action, the Secretary con-  
18          cerned shall consider whether to evaluate—

19               (1) the effect of no action on—

20                       (A) forest health;

21                       (B) habitat diversity;

22                       (C) wildfire potential;

23                       (D) insect and disease potential; and

24                       (E) timber production; and

1           (2) the implications of a resulting decline in  
2 forest health, loss of habitat diversity, wildfire, or in-  
3 sect or disease infestation, given fire and insect and  
4 disease historic cycles, on—

5           (A) domestic water supply in the project  
6 area;

7           (B) wildlife habitat loss; and

8           (C) other economic and social factors.

## 9 **Subtitle B—Categorical Exclusions**

### 10 **SEC. 111. CATEGORICAL EXCLUSION TO EXPEDITE CER-** 11 **TAIN CRITICAL RESPONSE ACTIONS.**

12           (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
13 est management activities described in subsection (b) are  
14 a category of actions hereby designated as being categori-  
15 cally excluded from the preparation of an environmental  
16 assessment or an environmental impact statement under  
17 section 102 of the National Environmental Policy Act of  
18 1969 (42 U.S.C. 4332).

19           (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
20 FOR CATEGORICAL EXCLUSION.—The forest management  
21 activities designated under this section for a categorical  
22 exclusion are forest management activities carried out by  
23 the Secretary concerned on National Forest System lands  
24 or public lands where the primary purpose of such activity  
25 is—

- 1 (1) to address an insect or disease infestation;
- 2 (2) to reduce hazardous fuel loads;
- 3 (3) to protect a municipal water source;
- 4 (4) to maintain, enhance, or modify critical
- 5 habitat to protect it from catastrophic disturbances;
- 6 (5) to increase water yield;
- 7 (6) to facilitate native species restoration; or
- 8 (7) any combination of the purposes specified in
- 9 paragraphs (1) through (6).

10 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

11 On and after the date of the enactment of this Act, the  
12 Secretary concerned may use the categorical exclusion es-  
13 tablished under subsection (a) in accordance with this sec-  
14 tion.

15 (d) ACREAGE LIMITATIONS.—

16 (1) IN GENERAL.—Except in the case of a for-  
17 est management activity described in paragraph (2),  
18 a forest management activity covered by the categor-  
19 ical exclusion established under subsection (a) may  
20 not contain treatment units exceeding a total of  
21 10,000 acres.

22 (2) LARGER AREAS AUTHORIZED.—A forest  
23 management activity covered by the categorical ex-  
24 clusion established under subsection (a) may contain  
25 treatment units exceeding a total of 10,000 acres

1 but not more than a total of 30,000 acres if the for-  
2 est management activity—

3 (A) is developed through a collaborative  
4 process;

5 (B) is proposed by a resource advisory  
6 committee; or

7 (C) is covered by a community wildfire  
8 protection plan.

9 **SEC. 112. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**  
10 **VAGE OPERATIONS IN RESPONSE TO CATA-**  
11 **STROPHIC EVENTS.**

12 (a) CATEGORICAL EXCLUSION ESTABLISHED.—Sal-  
13 vage operations carried out by the Secretary concerned on  
14 National Forest System lands or public lands are a cat-  
15 egory of actions hereby designated as being categorically  
16 excluded from the preparation of an environmental assess-  
17 ment or an environmental impact statement under section  
18 102 of the National Environmental Policy Act of 1969 (42  
19 U.S.C. 4332).

20 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
21 On and after the date of the enactment of this Act, the  
22 Secretary concerned may use the categorical exclusion es-  
23 tablished under subsection (a) in accordance with this sec-  
24 tion.

1 (c) ACREAGE LIMITATION.—A salvage operation cov-  
2 ered by the categorical exclusion established under sub-  
3 section (a) may not contain treatment units exceeding a  
4 total of 10,000 acres.

5 (d) ADDITIONAL REQUIREMENTS.—

6 (1) STREAM BUFFERS.—A salvage operation  
7 covered by the categorical exclusion established  
8 under subsection (a) shall comply with the standards  
9 and guidelines for stream buffers contained in the  
10 applicable forest plan unless waived by the Regional  
11 Forester, in the case of National Forest System  
12 lands, or the State Director of the Bureau of Land  
13 Management, in the case of public lands.

14 (2) REFORESTATION PLAN.—A reforestation  
15 plan shall be developed under section 3 of the Act  
16 of June 9, 1930 (commonly known as the Knutson-  
17 Vandenberg Act; 16 U.S.C. 576b), as part of a sal-  
18 vage operation covered by the categorical exclusion  
19 established under subsection (a).

20 **SEC. 113. CATEGORICAL EXCLUSION TO MEET FOREST**  
21 **PLAN GOALS FOR EARLY SUCCESSIONAL**  
22 **FORESTS.**

23 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
24 est management activities described in subsection (b) are  
25 a category of actions hereby designated as being categori-

1 cally excluded from the preparation of an environmental  
2 assessment or an environmental impact statement under  
3 section 102 of the National Environmental Policy Act of  
4 1969 (42 U.S.C. 4332).

5 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
6 FOR CATEGORICAL EXCLUSION.—The forest management  
7 activities designated under this section for a categorical  
8 exclusion are forest management activities carried out by  
9 the Secretary concerned on National Forest System lands  
10 or public lands where the primary purpose of such activity  
11 is to modify, improve, enhance, or create early successional  
12 forests for wildlife habitat improvement and other pur-  
13 poses, consistent with the applicable forest plan.

14 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
15 On and after the date of the enactment of this Act, the  
16 Secretary concerned may use the categorical exclusion es-  
17 tablished under subsection (a) in accordance with this sec-  
18 tion.

19 (d) PROJECT GOALS.—To the maximum extent prac-  
20 ticable, the Secretary concerned shall design a forest man-  
21 agement activity under this section to meet early succes-  
22 sional forest goals in such a manner so as to maximize  
23 production and regeneration of priority species, as identi-  
24 fied in the forest plan and consistent with the capability  
25 of the activity site.



1 (e) ACREAGE LIMITATIONS.—A forest management  
2 activity covered by the categorical exclusion established  
3 under subsection (a) may not contain treatment units ex-  
4 ceeding a total of 10,000 acres.

5 **SEC. 114. CATEGORICAL EXCLUSION FOR ROAD SIDE**  
6 **PROJECTS.**

7 (a) CATEGORICAL EXCLUSION ESTABLISHED.—  
8 Projects carried out by the Secretary concerned to remove  
9 hazard trees or to salvage timber for purposes of the pro-  
10 tection of public health or safety, water supply, or public  
11 infrastructure are a category of actions hereby designated  
12 as being categorically excluded from the preparation of an  
13 environmental assessment or an environmental impact  
14 statement under section 102 of the National Environ-  
15 mental Policy Act of 1969 (42 U.S.C. 4332).

16 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
17 On and after the date of the enactment of this Act, the  
18 Secretary concerned may use the categorical exclusion es-  
19 tablished under subsection (a) in accordance with this sec-  
20 tion.

21 (c) HEALTHY FORESTS RESTORATION ACT RE-  
22 QUIREMENTS.—

23 (1) ADMINISTRATIVE REVIEW.—A project that  
24 is categorically excluded under this section shall be  
25 subject to the requirements of subsections (d), (e),

1 and (f) of section 603 of the Healthy Forests Res-  
2 toration Act of 2003 (16 U.S.C. 6591).

3 (2) HAZARDOUS FUEL REDUCTION ON FED-  
4 ERAL LAND.—A project that is categorically ex-  
5 cluded under this section shall be subject to the re-  
6 quirements of sections 102, 104, 105, and 106 of  
7 title I of the Healthy Forests Restoration Act of  
8 2003 (16 U.S.C. 6511 et seq.).

9 **SEC. 115. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**  
10 **STORE NATIONAL FOREST SYSTEM LANDS OR**  
11 **PUBLIC LAND OR REDUCE THE RISK OF**  
12 **WILDFIRE.**

13 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
14 est management activities described in subsection (b) are  
15 a category of actions hereby designated as being categori-  
16 cally excluded from the preparation of an environmental  
17 assessment or an environmental impact statement under  
18 section 102 of the National Environmental Policy Act of  
19 1969 (42 U.S.C. 4332).

20 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
21 FOR CATEGORICAL EXCLUSION.—

22 (1) DESIGNATION.—The forest management ac-  
23 tivities designated under this section for a categori-  
24 cal exclusion are forest management activities de-  
25 scribed in paragraph (2) that are carried out by the

1 Secretary concerned on National Forest System  
2 Lands or public lands where the primary purpose of  
3 such activity is to improve or restore such lands or  
4 reduce the risk of wildfire on those lands.

5 (2) ACTIVITIES AUTHORIZED.—The follow ac-  
6 tivities may be carried out pursuant to the categor-  
7 ical exclusion established under subsection (a):

8 (A) Removal of juniper trees, medusahead  
9 rye, conifer trees, piñon pine trees, cheatgrass,  
10 and other noxious or invasive weeds specified on  
11 Federal or State noxious weeds lists through  
12 late-season livestock grazing, targeted livestock  
13 grazing, prescribed burns, and mechanical  
14 treatments.

15 (B) Performance of hazardous fuels man-  
16 agement.

17 (C) Creation of fuel and fire breaks.

18 (D) Modification of existing fences in order  
19 to distribute livestock and help improve wildlife  
20 habitat.

21 (E) Installation of erosion control devices.

22 (F) Construction of new and maintenance  
23 of permanent infrastructure, including stock  
24 ponds, water catchments, and water spring

1 boxes used to benefit livestock and improve  
2 wildlife habitat.

3 (G) Performance of soil treatments, native  
4 and non-native seeding, and planting of and  
5 transplanting sagebrush, grass, forb, shrub, and  
6 other species.

7 (H) Use of herbicides, so long as the Sec-  
8 retary concerned determines that the activity is  
9 otherwise conducted consistently with agency  
10 procedures, including any forest plan applicable  
11 to the area covered by the activity.

12 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
13 On and after the date of the enactment of this Act, the  
14 Secretary concerned may use the categorical exclusion es-  
15 tablished under subsection (a) in accordance with this sec-  
16 tion.

17 (d) ACREAGE LIMITATIONS.—A forest management  
18 activity covered by the categorical exclusion established  
19 under subsection (a) may not exceed 10,000 acres.

20 (e) DEFINITIONS.—In this section:

21 (1) HAZARDOUS FUELS MANAGEMENT.—The  
22 term “hazardous fuels management” means any  
23 vegetation management activities that reduce the  
24 risk of wildfire.

1           (2) LATE-SEASON GRAZING.—The term “late-  
2           season grazing” means grazing activities that occur  
3           after both the invasive species and native perennial  
4           species have completed their current-year annual  
5           growth cycle until new plant growth begins to ap-  
6           pear in the following year.

7           (3) TARGETED LIVESTOCK GRAZING.—The  
8           term “targeted livestock grazing” means grazing  
9           used for purposes of hazardous fuel reduction.

10 **SEC. 116. TREATMENT AREAS.**

11           Section 602 of the Healthy Forests Restoration Act  
12 of 2003 (16 U.S.C. 6591a) is amended—

13           (1) in the heading, by striking “**DESIGNATION**  
14           **OF**”;

15           (2) by amending subsection (a) to read as fol-  
16           lows:

17           “(a) DEFINITIONS.—In this section:

18           “(1) COOS BAY WAGON ROAD GRANT LANDS.—  
19           The term ‘Coos Bay Wagon Road Grant lands’  
20           means the lands reconveyed to the United States  
21           pursuant to the first section of the Act of February  
22           26, 1919 (40 Stat. 1179).

23           “(2) DECLINING FOREST HEALTH.—The term  
24           ‘declining forest health’ means a qualified forest that  
25           is experiencing—

1           “(A) substantially increased tree mortality  
2 due to insect or disease infestation; or

3           “(B) dieback due to infestation or defolia-  
4 tion by insects or disease.

5           “(3) OREGON AND CALIFORNIA RAILROAD  
6 GRANT LANDS.—The term ‘Oregon and California  
7 Railroad Grant lands’ means the following lands:

8           “(A) All lands in the State of Oregon re-  
9 vested in the United States under the Act of  
10 June 9, 1916 (39 Stat. 218), that are adminis-  
11 tered by the Secretary of the Interior, acting  
12 through the Bureau of Land Management, pur-  
13 suant to the first section of the Act of August  
14 28, 1937 (43 U.S.C. 1181a).

15           “(B) All lands in that State obtained by  
16 the Secretary of the Interior pursuant to the  
17 land exchanges authorized and directed by sec-  
18 tion 2 of the Act of June 24, 1954 (43 U.S.C.  
19 1181h).

20           “(C) All lands in that State acquired by  
21 the United States at any time and made subject  
22 to the provisions of title II of the Act of August  
23 28, 1937 (43 U.S.C. 1181f).

24           “(4) PUBLIC LANDS.—The term ‘public lands’  
25 has the meaning given that term in section 103 of

1 the Federal Land Policy and Management Act of  
2 1976 (43 U.S.C. 1702), except that the term in-  
3 cludes Coos Bay Wagon Road Grant lands and Or-  
4 egon and California Railroad Grant lands.

5 “(5) QUALIFIED FOREST.—The term ‘qualified  
6 forest’ means a forest located in—

7 “(A) National Forest System lands; or

8 “(B) public lands.

9 “(6) SECRETARY CONCERNED.—The term ‘Sec-  
10 retary concerned’ means—

11 “(A) with respect to National Forest Sys-  
12 tem lands, the Secretary of Agriculture; and

13 “(B) with respect to public lands, the Sec-  
14 retary of the Interior.”;

15 (3) by amending subsection (b) to read as fol-  
16 lows:

17 “(b) AUTHORITY.—The Secretary concerned may  
18 carry out insect and disease treatment programs in a  
19 qualified forest that meets the requirements specified in  
20 subsection (c).”;

21 (4) in subsection (c), by striking “To be des-  
22 ignated a landscape-scale area under subsection (b),  
23 the area shall be” and inserting “The Secretary con-  
24 cerned may only carry out projects under subsection  
25 (b) in a qualified forest that is”; and

1 (5) in subsection (d)(1), by striking “on Fed-  
2 eral land in the areas designated”.

3 **SEC. 117. ADMINISTRATIVE REVIEW.**

4 Section 603(e) of the Healthy Forests Restoration  
5 Act of 2003 (16 U.S.C. 6591b(c)) is amended—

6 (1) in paragraph (1), by striking “3000 acres”  
7 and inserting “10,000 acres”; and

8 (2) in paragraph (2)(B), by striking “Fire Re-  
9 gime Groups I, II, or III,” and inserting “Fire Re-  
10 gime I, Fire Regime II, Fire Regime III, Fire Re-  
11 gime IV, or Fire Regime V,”.

12 **SEC. 118. WILDFIRE RESILIENCE PROJECTS.**

13 Section 605(e) of the Healthy Forests Restoration  
14 Act of 2003 (16 U.S.C. 6591d(c)) is amended—

15 (1) in paragraph (1), by striking “3000 acres”  
16 and inserting “10,000 acres”; and

17 (2) in paragraph (2)(B), by striking “Fire Re-  
18 gime Groups I, II, or III” and inserting “Fire Re-  
19 gime I, Fire Regime II, Fire Regime III, Fire Re-  
20 gime IV, or Fire Regime V”.

21 **Subtitle C—General Provisions for**  
22 **Forest Management Activities**

23 **SEC. 121. COMPLIANCE WITH FOREST PLANS.**

24 A forest management activity carried out pursuant  
25 to this Act shall be conducted in a manner consistent with



1 the forest plan applicable to the National Forest System  
2 land or public lands covered by the forest management ac-  
3 tivity.

4 **SEC. 122. CONSULTATION UNDER THE NATIONAL HISTORIC**  
5 **PRESERVATION ACT.**

6 (a) IN GENERAL.—Not later than 12 months after  
7 the date of enactment of this Act, the Secretary concerned  
8 shall each develop, in consultation with relevant consulting  
9 parties, a programmatic agreement or other appropriate  
10 program alternative pursuant to section 800.14 of title 36,  
11 Code of Federal Regulations, or successor regulation, for  
12 expediting reviews under section 306108 of title 54,  
13 United States Code, for forest management activities car-  
14 ried out pursuant to this Act.

15 (b) REQUIREMENT.—A programmatic agreement or  
16 other program alternative developed under subsection (a)  
17 shall incorporate the concepts of phased identification and  
18 evaluation set forth in section 800.4(b)(2) of title 36, Code  
19 of Federal Regulations, or successor regulation.

20 **SEC. 123. CONSULTATION UNDER THE ENDANGERED SPE-**  
21 **CIES ACT.**

22 (a) NO CONSULTATION IF ACTION NOT LIKELY TO  
23 ADVERSELY AFFECT A LISTED SPECIES OR DESIGNATED  
24 CRITICAL HABITAT.—With respect to a forest manage-  
25 ment activity carried out pursuant to this Act, consulta-

1 tion under section 7 of the Endangered Species Act of  
2 1973 (16 U.S.C. 1536) shall not be required if the Sec-  
3 retary concerned determines that the such forest manage-  
4 ment activity is not likely to adversely affect a listed spe-  
5 cies or designated critical habitat.

6 (b) EXPEDITED CONSULTATION.—

7 (1) IN GENERAL.—With respect to a forest  
8 management activity carried out pursuant to this  
9 Act, consultation required under section 7 of the En-  
10 dangered Species Act of 1973 (16 U.S.C. 1536)  
11 shall be concluded within the 90-day period begin-  
12 ning on the date on which such consultation was re-  
13 quested by the Secretary concerned.

14 (2) NO CONCLUSION.—In the case of a con-  
15 sultation described in paragraph (1) that is not con-  
16 cluded within the 90-day period, the forest manage-  
17 ment activity for which such consultation was initi-  
18 ated—

19 (A) shall be considered to have not violated  
20 section 7 of the Endangered Species Act of  
21 1973 (16 U.S.C. 1536(a)(2)); and

22 (B) may be carried out.

1 **SEC. 124. FOREST MANAGEMENT ACTIVITIES CONSIDERED**  
2 **NON-DISCRETIONARY ACTIONS.**

3 For purposes of the Endangered Species Act of 1973  
4 (16 U.S.C. 1531 et seq.), a forest management activity  
5 carried out by the Secretary concerned pursuant to this  
6 Act shall be considered a non-discretionary action.

7 **TITLE II—SALVAGE AND REFOR-**  
8 **ESTATION IN RESPONSE TO**  
9 **CATASTROPHIC EVENTS**

10 **SEC. 201. EXPEDITED SALVAGE OPERATIONS AND REFOR-**  
11 **ESTATION ACTIVITIES FOLLOWING LARGE-**  
12 **SCALE CATASTROPHIC EVENTS.**

13 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—  
14 Notwithstanding any other provision of law, an environ-  
15 mental assessment prepared by the Secretary concerned  
16 pursuant to section 102 of the National Environmental  
17 Policy Act of 1969 (42 U.S.C. 4332) for a salvage oper-  
18 ation or reforestation activity proposed to be conducted  
19 on National Forest System lands or public lands adversely  
20 impacted by a large-scale catastrophic event shall be com-  
21 pleted within 60 days after the conclusion of the cata-  
22 strophic event.

23 (b) EXPEDITED IMPLEMENTATION AND COMPLE-  
24 TION.—In the case of reforestation activities conducted on  
25 National Forest System lands or public lands adversely  
26 impacted by a large-scale catastrophic event, the Secretary

1 concerned shall, to the maximum extent practicable,  
2 achieve reforestation of at least 75 percent of the impacted  
3 lands during the 5-year period following the conclusion of  
4 the catastrophic event.

5 (c) AVAILABILITY OF KNUTSON-VANDENBERG  
6 FUNDS.—Amounts in the special fund established pursu-  
7 ant to section 3 of the Act of June 9, 1930 (commonly  
8 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b)  
9 shall be available to the Secretary of Agriculture for refor-  
10 estation activities authorized by this title.

11 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—Not-  
12 withstanding any other provision of law, in the case of a  
13 salvage operation or reforestation activity proposed to be  
14 conducted on National Forest System lands or public  
15 lands adversely impacted by a large-scale catastrophic  
16 event, the Secretary concerned shall allow 30 days for pub-  
17 lic scoping and comment, 15 days for filing an objection,  
18 and 15 days for the agency response to the filing of an  
19 objection. Upon completion of this process and expiration  
20 of the period specified in subsection (a), the Secretary con-  
21 cerned shall implement the project immediately.

22 **SEC. 202. COMPLIANCE WITH FOREST PLAN.**

23 A salvage operation or reforestation activity author-  
24 ized by this title shall be conducted in a manner consistent  
25 with the forest plan applicable to the National Forest Sys-

1 tem lands or public lands covered by the salvage operation  
2 or reforestation activity.

3 **SEC. 203. PROHIBITION ON RESTRAINING ORDERS, PRE-**  
4 **LIMINARY INJUNCTIONS, AND INJUNCTIONS**  
5 **PENDING APPEAL.**

6 No restraining order, preliminary injunction, or in-  
7 junction pending appeal shall be issued by any court of  
8 the United States with respect to any decision to prepare  
9 or conduct a salvage operation or reforestation activity in  
10 response to a large-scale catastrophic event. Section 705  
11 of title 5, United States Code, shall not apply to any chal-  
12 lenge to the salvage operation or reforestation activity.

13 **TITLE III—FOREST**  
14 **MANAGEMENT LITIGATION**  
15 **Subtitle A—General Litigation**  
16 **Provisions**

17 **SEC. 301. NO ATTORNEY FEES FOR FOREST MANAGEMENT**  
18 **ACTIVITY CHALLENGES.**

19 Notwithstanding section 1304 of title 31, United  
20 States Code, no award may be made under section 2412  
21 of title 28, United States Code, and no amounts may be  
22 obligated or expended from the Claims and Judgment  
23 Fund of the United States Treasury to pay any fees or  
24 other expenses under such sections to any plaintiff related

1 to an action challenging a forest management activity car-  
2 ried out pursuant to this Act.

3 **SEC. 302. INJUNCTIVE RELIEF.**

4 (a) BALANCING SHORT- AND LONG-TERM EFFECTS  
5 OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING  
6 INJUNCTIVE RELIEF.—As part of its weighing the equities  
7 while considering any request for an injunction that ap-  
8 plies to any agency action as part of a forest management  
9 activity under titles I through IX, the court reviewing the  
10 agency action shall balance the impact to the ecosystem  
11 likely affected by the forest management activity of—

12 (1) the short- and long-term effects of under-  
13 taking the agency action; against

14 (2) the short- and long-term effects of not un-  
15 dertaking the action.

16 (b) TIME LIMITATIONS FOR INJUNCTIVE RELIEF.—

17 (1) IN GENERAL.—Subject to paragraph (2) the  
18 length of any preliminary injunctive relief and stays  
19 pending appeal that applies to any agency action as  
20 part of a forest management activity under titles I  
21 through IX, shall not exceed 60 days.

22 (2) RENEWAL.—

23 (A) IN GENERAL.—A court of competent  
24 jurisdiction may issue one or more renewals of

1 any preliminary injunction, or stay pending ap-  
2 peal, granted under paragraph (1).

3 (B) UPDATES.—In each renewal of an in-  
4 junction in an action, the parties to the action  
5 shall present the court with updated informa-  
6 tion on the status of the authorized forest man-  
7 agement activity.

8 **Subtitle B—Forest Management**  
9 **Activity Arbitration Pilot Program**

10 **SEC. 311. USE OF ARBITRATION INSTEAD OF LITIGATION**  
11 **TO ADDRESS CHALLENGES TO FOREST MAN-**  
12 **AGEMENT ACTIVITIES.**

13 (a) DISCRETIONARY ARBITRATION PROCESS PILOT  
14 PROGRAM.—

15 (1) IN GENERAL.—The Secretary of Agri-  
16 culture, with respect to National Forest System  
17 lands, and the Secretary of the Interior, with respect  
18 to public lands, shall each establish a discretionary  
19 arbitration pilot program as an alternative dispute  
20 resolution process in lieu of judicial review for the  
21 activities described in paragraph (2).

22 (2) ACTIVITIES DESCRIBED.—The Secretary  
23 concerned, at the sole discretion of the Secretary,  
24 may designate objections or protests to forest man-

1           agement activities for arbitration under the arbitra-  
2           tion pilot program established under paragraph (1).

3           (3) MAXIMUM AMOUNT OF ARBITRATIONS.—

4           Under the arbitration pilot program, the Secretary  
5           concerned may not arbitrate more than 10 objec-  
6           tions or protests to forest management activities in  
7           a fiscal year in—

8                       (A) each Forest Service Region; and

9                       (B) each State Region of the Bureau of  
10           Land Management.

11           (4) DETERMINING AMOUNT OF ARBITRA-  
12           TIONS.—An objection or protest to a forest manage-  
13           ment activity shall not be counted towards the limi-  
14           tation on number of arbitrations under paragraph  
15           (3) unless—

16                       (A) on the date such objection or protest  
17           is designated for arbitration, the forest manage-  
18           ment activity for which such objection or pro-  
19           test is filed has not been the subject of arbitra-  
20           tion proceedings under the pilot program; and

21                       (B) the arbitration proceeding has com-  
22           menced with respect to such objection or pro-  
23           test.

24           (5) TERMINATION.—The pilot programs estab-  
25           lished pursuant to paragraph (1) shall terminate on



1 the date that is 7 years after the date of the enact-  
2 ment of this Act.

3 (b) INTERVENING PARTIES.—

4 (1) REQUIREMENTS.—Any person that sub-  
5 mitted a public comment on the forest management  
6 activity that is subject to arbitration may intervene  
7 in the arbitration—

8 (A) by endorsing—

9 (i) the forest management activity; or

10 (ii) the modification proposal sub-  
11 mitted under subparagraph (B); or

12 (B) by submitting a proposal to further  
13 modify the forest management activity.

14 (2) DEADLINE FOR SUBMISSION.—With respect  
15 to an objection or protest that is designated for arbi-  
16 tration under this subsection (a), a request to inter-  
17 vene in an arbitration must be submitted not later  
18 than the date that is 30 days after the date on  
19 which such objection or protest was designated for  
20 arbitration.

21 (3) MULTIPLE PARTIES.—Multiple intervening  
22 parties may submit a joint proposal so long as each  
23 intervening party meets the eligibility requirements  
24 of paragraph (1).

25 (c) APPOINTMENT OF ARBITRATOR.—

1           (1) APPOINTMENT.—The Secretary of Agri-  
2           culture and the Secretary of the Interior shall jointly  
3           develop and publish a list of not fewer than 20 indi-  
4           viduals eligible to serve as arbitrators for the pilot  
5           programs under this section.

6           (2) QUALIFICATIONS.—In order to be eligible to  
7           serve as an arbitrator under this subsection, an indi-  
8           vidual shall be, on the date of the appointment of  
9           such arbitrator—

10                   (A) certified by the American Arbitration  
11                   Association; and

12                   (B) not a registered lobbyist.

13           (3) SELECTION OF ARBITRATOR.—

14                   (A) IN GENERAL.—For each arbitration  
15                   commenced under this section, the Secretary  
16                   concerned and each applicable objector or  
17                   protestor shall agree, not later than 14 days  
18                   after the agreement process is initiated, on a  
19                   mutually acceptable arbitrator from the list  
20                   published under subsection.

21                   (B) APPOINTMENT AFTER 14-DAYS.—In  
22                   the case of an agreement with respect to a mu-  
23                   tually acceptable arbitrator not being reached  
24                   within the 14-day limit described in subpara-  
25                   graph (A), the Secretary concerned shall ap-

1 point an arbitrator from the list published  
2 under this subsection.

3 (d) SELECTION OF PROPOSALS.—

4 (1) IN GENERAL.—The arbitrator appointed  
5 under subsection (c)—

6 (A) may not modify any of the proposals  
7 submitted with the objection, protest, or request  
8 to intervene; and

9 (B) shall select to be conducted—

10 (i) the forest management activity, as  
11 approved by the Secretary; or

12 (ii) a proposal submitted by an objec-  
13 tor or an intervening party.

14 (2) SELECTION CRITERIA.—An arbitrator shall,  
15 when selecting a proposal, consider—

16 (A) whether the proposal is consistent with  
17 the applicable forest plan, laws, and regula-  
18 tions;

19 (B) whether the proposal can be carried  
20 out by the Secretary concerned; and

21 (C) the effect of each proposal on—

22 (i) forest health;

23 (ii) habitat diversity;

24 (iii) wildfire potential;

25 (iv) insect and disease potential;

- 1 (v) timber production; and
- 2 (vi) the implications of a resulting de-
- 3 cline in forest health, loss of habitat diver-
- 4 sity, wildfire, or insect or disease infesta-
- 5 tion, given fire and insect and disease his-
- 6 toric cycles, on—
  - 7 (I) domestic water costs;
  - 8 (II) wildlife habitat loss; and
  - 9 (III) other economic and social
  - 10 factors.

11 (e) EFFECT OF DECISION.—The decision of an arbi-

12 trator with respect to the forest management activity—

13 (1) shall not be considered a major Federal ac-

14 tion;

15 (2) shall be binding; and

16 (3) shall not be subject to judicial review, ex-

17 cept as provided in section 10(a) of title 9, United

18 States Code.

19 (f) DEADLINE FOR COMPLETION.—Not later than 90

20 days after the date on which the arbitration is filed with

21 respect to the forest management activity, the arbitration

22 process shall be completed.

1 **TITLE IV—SECURE RURAL**  
2 **SCHOOLS AND COMMUNITY**  
3 **SELF-DETERMINATION ACT**  
4 **AMENDMENTS**

5 **SEC. 401. USE OF RESERVED FUNDS FOR TITLE II**  
6 **PROJECTS ON FEDERAL LAND AND CERTAIN**  
7 **NON-FEDERAL LAND.**

8 Section 204(f) of the Secure Rural Schools and Com-  
9 munity Self-Determination Act of 2000 (16 U.S.C.  
10 7124(f)) is amended to read as follows:

11 “(f) REQUIREMENTS FOR PROJECT FUNDS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),  
13 the Secretary concerned shall ensure that at least 50  
14 percent of the project funds reserved by a partici-  
15 pating county under section 102(d) shall be available  
16 only for projects that—

17 “(A) include the sale of timber or other  
18 forest products, reduce fire risks, or improve  
19 water supplies; and

20 “(B) implement stewardship objectives  
21 that enhance forest ecosystems or restore and  
22 improve land health and water quality.

23 “(2) APPLICABILITY.—The requirement in  
24 paragraph (1) shall apply only to project funds re-  
25 served by a participating county whose boundaries

1 include Federal land that the Secretary concerned  
2 determines has been subject to a timber or other for-  
3 est products program within 5 fiscal years before the  
4 fiscal year in which the funds are reserved.”.

5 **TITLE V—STEWARDSHIP END**  
6 **RESULT CONTRACTING**

7 **SEC. 501. PAYMENT OF PORTION OF STEWARDSHIP**  
8 **PROJECT REVENUES TO COUNTY IN WHICH**  
9 **STEWARDSHIP PROJECT OCCURS.**

10 Section 604(e) of the Healthy Forests Restoration  
11 Act of 2003 (16 U.S.C. 6591c(e)) is amended—

12 (1) in paragraph (2)(B), by inserting “subject  
13 to paragraph (3)(A),” before “shall”; and

14 (2) in paragraph (3)(A), by striking “services  
15 received by the Chief or the Director” and all that  
16 follows through the period at the end and inserting  
17 the following: “services and in-kind resources re-  
18 ceived by the Chief or the Director under a steward-  
19 ship contract project conducted under this section  
20 shall not be considered monies received from the Na-  
21 tional Forest System or the public lands, but any  
22 payments made by the contractor to the Chief or Di-  
23 rector under the project shall be considered monies  
24 received from the National Forest System or the  
25 public lands.”.

1 **SEC. 502. FIRE LIABILITY PROVISION.**

2 Section 604(d) of the Healthy Forests Restoration  
3 Act of 2003 (16 U.S.C. 6591c(d)) is amended by adding  
4 at the end the following new paragraph:

5 “(8) MODIFICATION.—Upon the request of the  
6 contractor, a contract or agreement under this sec-  
7 tion awarded before February 7, 2014, shall be  
8 modified by the Chief or Director to include the fire  
9 liability provisions described in paragraph (7).”.

10 **SEC. 503. EXTENSION OF STEWARDSHIP CONTRACTING**  
11 **MAXIMUM TERM LIMITS.**

12 (a) HEALTH FORESTS RESTORATION ACT.—Section  
13 604(d)(3)(B) of the Healthy Forests Restoration Act of  
14 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended by striking  
15 “10 years” and inserting “20 years”.

16 (b) NATIONAL FOREST MANAGEMENT ACT.—Section  
17 14(c) of the National Forest Management Act of 1976 (16  
18 U.S.C. 472a(c)) is amended by striking “Fire Regime  
19 Groups I, II, or III” and inserting “Fire Regime Groups  
20 I, II, III, IV, and V”.

1 **TITLE VI—TRIBAL FORESTRY**  
2 **PARTICIPATION AND PRO-**  
3 **TECTION**

4 **SEC. 601. PROTECTION OF TRIBAL FOREST ASSETS**  
5 **THROUGH USE OF STEWARDSHIP END RE-**  
6 **SULT CONTRACTING AND OTHER AUTHORI-**  
7 **TIES.**

8 (a) PROMPT CONSIDERATION OF TRIBAL RE-  
9 QUESTS.—Section 2(b) of the Tribal Forest Protection  
10 Act of 2004 (25 U.S.C. 3115a(b)) is amended—

11 (1) in paragraph (1), by striking “Not later  
12 than 120 days after the date on which an Indian  
13 tribe submits to the Secretary” and inserting “In re-  
14 sponse to the submission by an Indian Tribe of”;  
15 and

16 (2) by adding at the end the following new  
17 paragraph:

18 “(4) TIME PERIODS FOR CONSIDERATION.—

19 “(A) INITIAL RESPONSE.—Not later than  
20 120 days after the date on which the Secretary  
21 receives a Tribal request under paragraph (1),  
22 the Secretary shall provide an initial response  
23 to the Indian Tribe regarding—



1           “(i) whether the request may meet the  
2           selection criteria described in subsection  
3           (c); and

4           “(ii) the likelihood of the Secretary  
5           entering into an agreement or contract  
6           with the Indian Tribe under paragraph (2)  
7           for activities described in paragraph (3).

8           “(B) NOTICE OF DENIAL.—Notice under  
9           subsection (d) of the denial of a Tribal request  
10          under paragraph (1) shall be provided not later  
11          than 1 year after the date on which the Sec-  
12          retary received the request.

13          “(C) COMPLETION.—Not later than 2  
14          years after the date on which the Secretary re-  
15          ceives a Tribal request under paragraph (1),  
16          other than a Tribal request denied under sub-  
17          section (d), the Secretary shall—

18                 “(i) complete all environmental re-  
19                 views necessary in connection with the  
20                 agreement or contract and proposed activi-  
21                 ties under the agreement or contract; and

22                 “(ii) enter into the agreement or con-  
23                 tract with the Indian tribe under para-  
24                 graph (2).”.

1 (b) CONFORMING AND TECHNICAL AMENDMENTS.—  
2 Section 2 of the Tribal Forest Protection Act of 2004 (25  
3 U.S.C. 3115a) is amended—

4 (1) in subsections (b)(1) and (f)(1), by striking  
5 “section 347 of the Department of the Interior and  
6 Related Agencies Appropriations Act, 1999 (16  
7 U.S.C. 2104 note; Public Law 105–277) (as amend-  
8 ed by section 323 of the Department of the Interior  
9 and Related Agencies Appropriations Act, 2003 (117  
10 Stat. 275))” and inserting “section 604 of the  
11 Healthy Forests Restoration Act of 2003 (16 U.S.C.  
12 6591e)”;

13 (2) in subsection (d), by striking “subsection  
14 (b)(1), the Secretary may” and inserting “para-  
15 graphs (1) and (4)(B) of subsection (b), the Sec-  
16 retary shall”.

17 **SEC. 602. MANAGEMENT OF INDIAN FOREST LAND AUTHOR-**  
18 **IZED TO INCLUDE RELATED NATIONAL FOR-**  
19 **EST SYSTEM LANDS AND PUBLIC LANDS.**

20 Section 305 of the National Indian Forest Resources  
21 Management Act (25 U.S.C. 3104) is amended by adding  
22 at the end the following new subsection:

23 “(c) INCLUSION OF CERTAIN NATIONAL FOREST  
24 SYSTEM LAND AND PUBLIC LAND.—

1           “(1) AUTHORITY.—At the request of an Indian  
2           Tribe, the Secretary concerned may agree to treat  
3           Federal forest land as Indian forest land for pur-  
4           poses of planning and conducting forest land man-  
5           agement activities under this section if the Federal  
6           forest land is located within, or mostly within, a geo-  
7           graphic area that presents a feature or involves cir-  
8           cumstances principally relevant to that Indian Tribe,  
9           such as Federal forest land ceded to the United  
10          States by treaty, Federal forest land within the  
11          boundaries of a current or former reservation, or  
12          Federal forest land adjudicated to be Tribal home-  
13          lands.

14          “(2) REQUIREMENTS.—As part of the agree-  
15          ment to treat Federal forest land as Indian forest  
16          land under paragraph (1), the Secretary concerned  
17          and the Indian Tribe making the request shall—

18                 “(A) provide for continued public access  
19                 applicable to the Federal forest land prior to  
20                 the agreement, except that the Secretary con-  
21                 cerned may limit or prohibit such access as  
22                 needed;

23                 “(B) continue sharing revenue generated  
24                 by the Federal forest land with State and local  
25                 governments either—

1           “(i) on the terms applicable to the  
2           Federal forest land prior to the agreement,  
3           including, where applicable, 25-percent  
4           payments or 50-percent payments; or

5           “(ii) at the option of the Indian Tribe,  
6           on terms agreed upon by the Indian Tribe,  
7           the Secretary concerned, and State and  
8           county governments participating in a rev-  
9           enue sharing agreement for the Federal  
10          forest land;

11          “(C) comply with applicable prohibitions  
12          on the export of unprocessed logs harvested  
13          from the Federal forest land;

14          “(D) recognize all right-of-way agreements  
15          in place on Federal forest land prior to com-  
16          mencement of Tribal management activities;

17          “(E) ensure that all commercial timber re-  
18          moved from the Federal forest land is sold on  
19          a competitive bid basis; and

20          “(F) cooperate with the appropriate State  
21          fish and wildlife agency to achieve mutual  
22          agreement on the management of fish and wild-  
23          life.

24          “(3) LIMITATION.—Treating Federal forest  
25          land as Indian forest land for purposes of planning

1 and conducting management activities pursuant to  
2 paragraph (1) shall not be construed to designate  
3 the Federal forest land as Indian forest lands for  
4 any other purpose.

5 “(4) DEFINITIONS.—In this subsection:

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

8 “(i) National Forest System lands;  
9 and

10 “(ii) public lands (as defined in sec-  
11 tion 103(e) of the Federal Land Policy and  
12 Management Act of 1976 (43 U.S.C.  
13 1702(e))), including Coos Bay Wagon  
14 Road Grant lands reconveyed to the  
15 United States pursuant to the first section  
16 of the Act of February 26, 1919 (40 Stat.  
17 1179), and Oregon and California Railroad  
18 Grant lands.

19 “(B) SECRETARY CONCERNED.—The term  
20 ‘Secretary concerned’ means—

21 “(i) the Secretary of Agriculture, with  
22 respect to the Federal forest land referred  
23 to in subparagraph (A)(i); and

1                   “(ii) the Secretary of the Interior,  
2                   with respect to the Federal forest land re-  
3                   ferred to in subparagraph (A)(ii).”.

4 **SEC. 603. TRIBAL FOREST MANAGEMENT DEMONSTRATION**  
5 **PROJECT.**

6           The Secretary of the Interior and the Secretary of  
7 Agriculture may carry out demonstration projects by  
8 which federally recognized Indian Tribes or Tribal organi-  
9 zations may contract to perform administrative, manage-  
10 ment, and other functions of programs of the Tribal For-  
11 est Protection Act of 2004 (25 U.S.C. 3115a et seq.)  
12 through contracts entered into under the Indian Self-De-  
13 termination and Education Assistance Act (25 U.S.C.  
14 5304 et seq.).

15 **SEC. 604. RULE OF APPLICATION.**

16           Nothing in this title, or the amendments made by this  
17 title, shall be construed as interfering with, diminishing,  
18 or conflicting with the authority, jurisdiction, or responsi-  
19 bility of any State to exercise primary management, con-  
20 trol, or regulation of fish and wildlife on land or water  
21 within the State (including on public land) under State  
22 law.

1           **TITLE VII— EXPEDITING**  
2           **INTERAGENCY CONSULTATION**  
3           **Subtitle A—Forest Plans Not**  
4           **Considered Major Federal Actions**

5   **SEC. 701. FOREST PLANS NOT CONSIDERED MAJOR FED-**  
6                           **ERAL ACTIONS.**

7           The development, maintenance, amendment, and re-  
8   vision of a forest plan shall not be considered a major Fed-  
9   eral action for purposes of section 102 of the National En-  
10   vironmental Policy Act of 1969 (42 U.S.C. 4332).

11           **Subtitle B—Agency Consultation**

12   **SEC. 711. CONSULTATION UNDER FOREST AND RANGELAND**  
13                           **RENEWABLE RESOURCES PLANNING ACT OF**  
14                           **1974.**

15           Section 6(d) of the Forest and Rangeland Renewable  
16   Resources Planning Act of 1974 (16 U.S.C. 1604(d)) is  
17   amended—

18           (1) by striking “(d) The Secretary” and insert-  
19   ing the following:

20           “(d) PUBLIC PARTICIPATION AND CONSULTATION.—

21           “(1) IN GENERAL.—The Secretary”; and

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

23           “(2) NO ADDITIONAL CONSULTATION RE-  
24   QUIRED AFTER APPROVAL OF LAND MANAGEMENT  
25   PLANS.—

1           “(A) IN GENERAL.—Notwithstanding any  
2 other provision of law, the Secretary shall not  
3 be required to engage in consultation under this  
4 subsection or any other provision of law (includ-  
5 ing section 7 of the Endangered Species Act  
6 (16 U.S.C. 1536) and section 402.16 of title  
7 50, Code of Federal Regulations (or a successor  
8 regulation)) with respect to—

9                   “(i) if a land management plan ap-  
10 proved by the Secretary—

11                           “(I) the listing of a species as  
12 threatened or endangered, or a des-  
13 ignation of critical habitat pursuant to  
14 the Endangered Species Act (16  
15 U.S.C. 1531 et seq.);

16                           “(II) whether the amount or ex-  
17 tent of taking specified in the inci-  
18 dental take statement is exceeded;

19                           “(III) whether new information  
20 reveals effects of the action that may  
21 affect listed species or critical habitat  
22 in a manner or to an extent not pre-  
23 viously considered; or

24                           “(IV) whether the identified ac-  
25 tion is subsequently modified in a



1 manner that causes an effect to the  
2 listed species or critical habitat that  
3 was not considered in the biological  
4 opinion; or

5 “(ii) any provision of a land manage-  
6 ment plan adopted as described in clause  
7 (i).

8 “(B) EFFECT OF PARAGRAPH.—Nothing  
9 in this paragraph affects any applica-  
10 ble require-  
11 ment of the Secretary to consult with the head  
12 of any other Federal department or agency—

13 “(i) regarding any project, including a  
14 project carried out, or proposed to be car-  
15 ried out, in an area designated as critical  
16 habitat pursuant to the Endangered Spe-  
17 cies Act (16 U.S.C. 1531 et seq.); or

18 “(ii) with respect to the development  
19 of an amendment to a land management  
20 plan that would result in a significant  
21 change in the land management plan.

22 “(3) LAND MANAGEMENT PLAN CONSIDERED A  
23 NON-DISCRETIONARY ACTION.—For purposes of the  
24 Endangered Species Act of 1973 (16 U.S.C. 1531 et  
seq.), a forest management activity carried out by

1 the Secretary concerned pursuant to this Act shall  
2 be considered a non-discretionary action.”.

3 **TITLE VIII—MISCELLANEOUS**  
4 **Subtitle A—Forest Management**  
5 **Provisions**

6 **SEC. 801. CLARIFICATION OF EXISTING CATEGORICAL EX-**  
7 **CLUSION AUTHORITY RELATED TO INSECT**  
8 **AND DISEASE INFESTATION.**

9 Section 603(c)(2)(B) of the Healthy Forests Restora-  
10 tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended  
11 by striking “Fire Regime Groups I, II, or III” and insert-  
12 ing “Fire Regime I, Fire Regime II, Fire Regime III, Fire  
13 Regime IV, or Fire Regime V”.

14 **SEC. 802. REVISION OF ALTERNATE CONSULTATION**  
15 **AGREEMENT REGULATIONS.**

16 Not later than 90 days after the date of the enact-  
17 ment of this section, the Secretary of the Interior and the  
18 Secretary of Commerce shall revise section 402.13 of title  
19 50, Code of Federal Regulations, to—

20 (1) authorize Federal agencies to enter into al-  
21 ternative consultation agreements under which the  
22 Federal agency may determine if an action such  
23 agency authorizes is likely to adversely affect listed  
24 species or critical habitat; and

1           (2) if an agency determines such action will not  
2           likely adversely affect listed species or critical habi-  
3           tat pursuant to paragraph (1), not require such  
4           agency to complete a formal consultation, informal  
5           consultation, or written concurrence of the U.S. Fish  
6           and Wildlife Service or the National Marine Fish-  
7           eries Service with respect to such action.

8   **SEC. 803. REVISION OF EXTRAORDINARY CIRCUMSTANCES**  
9                           **REGULATIONS.**

10          (a) DETERMINATIONS OF EXTRAORDINARY CIR-  
11          CUMSTANCES.—In determining whether extraordinary cir-  
12          cumstances related to a proposed action preclude use of  
13          a categorical exclusion, the Forest Service shall not be re-  
14          quired to—

15               (1) consider whether a proposed action is within  
16               a potential wilderness area;

17               (2) consider whether a proposed action affects  
18               a Forest Service sensitive species;

19               (3) conduct an analysis under section 220.4(f)  
20               of title 36, Code of Federal Regulations, of the pro-  
21               posed action's cumulative impact (as the term is de-  
22               fined in section 1508.7 of title 40, Code of Federal  
23               Regulations);

24               (4) consider a determination under section 7 of  
25               the Endangered Species Act of 1973 (16 U.S.C.

1       1536) that a proposed action may affect, but is not  
2       likely to adversely affect, threatened, endangered, or  
3       candidate species, or designated critical habitats; or  
4       (5) consider a determination under section 7 of  
5       the Endangered Species Act of 1973 (16 U.S.C.  
6       1536) that a proposed action may affect, and is like-  
7       ly to adversely affect threatened, endangered, can-  
8       didate species, or designated critical habitat if the  
9       agency is in compliance with the applicable provi-  
10      sions of the biological opinion.

11      (b) PROPOSED RULEMAKING.—Not later than 60  
12      days after the date of enactment of this Act, the Secretary  
13      of Agriculture shall publish a notice of proposed rule-  
14      making to revise section 220.6(b) of title 36, Code of Fed-  
15      eral Regulations to conform such section with subsection  
16      (a).

17      (c) ADDITIONAL REVISION.—As part of the proposed  
18      rulemaking described in subsection (b), the Secretary of  
19      Agriculture shall revise section 220.5(a)(2) of title 36,  
20      Code of Federal Regulations, to provide that the Forest  
21      Service shall not be required to consider proposals that  
22      would substantially alter a potential wilderness area as a  
23      class of actions normally requiring environmental impact  
24      statements.

1 (d) ADDITIONAL ACTIONS.—Not later than 120 days  
2 after the date of enactment of this Act, the Secretary of  
3 Agriculture shall issue final regulations to carry out the  
4 revisions described in subsections (b) and (c).

5 **SEC. 804. CONDITIONS ON FOREST SERVICE ROAD DECOM-**  
6 **MISSIONING.**

7 (a) CONSULTATION WITH AFFECTED COUNTY.—  
8 Whenever any Forest Service defined maintenance level  
9 one- or two-system road within a designated high-fire  
10 prone area of a unit of the National Forest System is con-  
11 sidered for decommissioning, the Forest Supervisor of that  
12 unit of the National Forest System shall—

13 (1) consult with the government of the county  
14 containing the road regarding the merits and pos-  
15 sible consequences of decommissioning the road; and

16 (2) solicit possible alternatives to decommis-  
17 sioning the road.

18 (b) PERIOD PRIOR TO DECOMMISSION.—A Forest  
19 Service road described in subsection (a) may not be de-  
20 commissioned without the advance approval of the Re-  
21 gional Forester.

1 **SEC. 805. PROHIBITION ON APPLICATION OF EASTSIDE**  
2 **SCREENS REQUIREMENTS ON NATIONAL**  
3 **FOREST SYSTEM LANDS.**

4 (a) REPEAL OF EASTSIDE SCREENS REQUIRE-  
5 MENTS.—Notwithstanding any other provision of law, the  
6 Secretary of Agriculture shall immediately withdraw the  
7 Interim Management Direction Establishing Riparian,  
8 Ecosystem, and Wildlife Standards for Timber Sales  
9 (commonly known as the Eastside Screens requirements),  
10 including all preceding or associated versions of these  
11 amendments.

12 (b) EFFECT OF REPEAL.—On and after the date of  
13 the enactment of this Act, the Secretary of Agriculture  
14 may not apply to National Forest System lands any of  
15 the amendments repealed under subsection (a).

16 **SEC. 806. USE OF SITE-SPECIFIC FOREST PLAN AMEND-**  
17 **MENTS FOR CERTAIN PROJECTS AND ACTIVI-**  
18 **TIES.**

19 If the Secretary concerned determines that, in order  
20 to conduct a project or carry out an activity implementing  
21 a forest plan, an amendment to the forest plan is required,  
22 the Secretary concerned shall execute such amendment as  
23 a nonsignificant plan amendment through the record of  
24 decision or decision notice for the project or activity.

1 **SEC. 807. KNUTSON-VANDENBERG ACT MODIFICATIONS.**

2 (a) DEPOSITS OF FUNDS FROM NATIONAL FOREST  
3 TIMBER PURCHASERS REQUIRED.—Section 3(a) of the  
4 Act of June 9, 1930 (commonly known as the Knutson-  
5 Vandenberg Act; 16 U.S.C. 576b(a)), is amended by strik-  
6 ing “The Secretary” and all that follows through “any  
7 purchaser” and inserting the following: “The Secretary of  
8 Agriculture shall require each purchaser”.

9 (b) CONDITIONS ON USE OF DEPOSITS.—Section 3  
10 of the Act of June 9, 1930 (commonly known as the  
11 Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

12 (1) by striking “Such deposits” and inserting  
13 the following:

14 “(b) Amounts deposited under subsection (a)”;

15 (2) by redesignating subsection (c) as sub-  
16 section (d); and

17 (3) by inserting before subsection (d), as so re-  
18 designated, the following new subsection (c):

19 “(c)(1) Amounts in the special fund established pur-  
20 suant to this section—

21 “(A) shall be used exclusively to implement ac-  
22 tivities authorized by subsection (a); and

23 “(B) may be used anywhere within the Forest  
24 Service Region from which the original deposits were  
25 collected.

1       “(2) The Secretary of Agriculture may not deduct  
2 overhead costs from the funds collected under subsection  
3 (a), except as needed to fund personnel of the responsible  
4 Ranger District for the planning and implementation of  
5 the activities authorized by subsection (a).”.

6 **SEC. 808. APPLICATION OF NORTHWEST FOREST PLAN SUR-**  
7 **VEY AND MANAGE MITIGATION MEASURE**  
8 **STANDARD AND GUIDELINES.**

9       The Northwest Forest Plan Survey and Manage Miti-  
10 gation Measure Standard and Guidelines shall not apply  
11 to any National Forest System lands or public lands.

12 **SEC. 809. RECONSTRUCTION AND REPAIR INCLUDED IN**  
13 **GOOD NEIGHBOR AGREEMENTS.**

14       Section 8206(a)(3) of the Agricultural Act of 2014  
15 (16 U.S.C. 2113a(a)(3)) is amended—

16           (1) in subparagraph (A)—

17                   (A) in clause (ii), by striking “and”;

18                   (B) by redesignating clause (iii) as clause

19                   (iv); and

20                   (C) by inserting after clause (ii) the fol-  
21 lowing new clause:

22                           “(iii) construction, reconstruction, re-  
23 pair or restoration of roads as necessary to  
24 achieve project objectives; and”;



1           (2) by amending subparagraph (B) to read as  
2 follows:

3           “(B) EXCLUSIONS.—The term ‘forest,  
4 rangeland, and watershed restoration services’  
5 does not include construction, alteration, repair  
6 or replacement of public buildings or works.”.

7 **Subtitle B—Oregon and California**  
8 **Railroad Grant Lands and Coos**  
9 **Bay Wagon Road Grant Lands**

10 **SEC. 811. AMENDMENTS TO THE ACT OF AUGUST 28, 1937.**

11       The first section of the Act of August 28, 1937 (50  
12 Stat. 874; 43 U.S.C. 2601 et seq.), is amended—

13           (1) by striking “principal of sustained yield”  
14 and inserting “principle of sustained yield”;

15           (2) by striking “facilities” and inserting “facili-  
16 ties”; and

17           (3) by striking “That timber from said lands in  
18 an amount” and inserting “That timber from said  
19 lands in the amount that is the greater of:”.

20 **SEC. 812. OREGON AND CALIFORNIA RAILROAD GRANT**  
21 **LANDS AND COOS BAY WAGON ROAD GRANT**  
22 **LANDS PERMANENT RIGHTS OF ACCESS.**

23       (a) CREATION OF PERMANENT RIGHTS OF ACCESS  
24 REQUIRED.—Notwithstanding any other provision of law,  
25 on the date of the enactment of this section, reciprocal

1 road right-of-way permits, grants, and agreements issued  
2 to a private landowner by the Secretary of the Interior  
3 pursuant to subpart 2812 of part 2810 of title 43, Code  
4 of Federal Regulations, or its predecessor regulation shall  
5 become permanent rights of access that are recordable and  
6 that shall run with the land.

7 (b) RECORDS UPDATED.—Not later than 60 days  
8 after the date of the enactment of this Act, the reciprocal  
9 road right-of-way permits, grants, and agreements de-  
10 scribed in subsection (a) shall be amended to reflect the  
11 permanent rights of access required under subsection (a)  
12 and recorded by the Secretary of the Interior in each coun-  
13 ty where the lands are located. No other amendments shall  
14 be made to such right-of-way permits, grants, and agree-  
15 ments.

16 **SEC. 813. MANAGEMENT OF BUREAU OF LAND MANAGE-**  
17 **MENT LANDS IN WESTERN OREGON.**

18 (a) IN GENERAL.—All of the public land managed  
19 by the Bureau of Land Management in the Northwest  
20 District, Roseburg District, Coos Bay District, Medford  
21 District, and the Klamath Resource Area of the Lakeview  
22 District in the State of Oregon shall hereafter be managed  
23 pursuant to title I of the Act of August 28, 1937 (43  
24 U.S.C. 1181a through 1181e). Except as provided in sub-  
25 section (b), all of the revenue produced from such land

1 shall be deposited in the Treasury of the United States  
2 in the Oregon and California land-grant fund and be sub-  
3 ject to the provisions of title II of the Act of August 28,  
4 1937 (43 U.S.C. 1181f).

5 (b) CERTAIN EXCLUSIONS.—

6 (1) CERTAIN LANDS EXCLUDED.—Subsection

7 (a) does not apply to—

8 (A) the Yaquina Head Outstanding Nat-  
9 ural Area established under section 119 of Pub-  
10 lic Law 96–199 (43 U.S.C. 1783);

11 (B) lands managed under the Wild and  
12 Scenic Rivers Act (16 U.S.C. 1271 et seq.);

13 (C) lands managed under the Wilderness  
14 Act (16 U.S.C. 1131 et seq.); and

15 (D) lands managed under the National  
16 Trails System Act (16 U.S.C. 1241 et seq.).

17 (2) CERTAIN REVENUE EXCLUDED.—Sub-  
18 section (a) does not apply to any revenue that is re-  
19 quired to be deposited in the Coos Bay Wagon Road  
20 grant fund pursuant to sections 1 through 4 of the  
21 Act of May 24, 1939 (43 U.S.C. 2621–2624).