

111TH CONGRESS
1ST SESSION

S. 2895

To restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2009

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To restore forest landscapes, protect old growth forests, and manage national forests in the eastside forests of the State of Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Oregon Eastside Forests Restoration, Old Growth Pro-
6 tection, and Jobs Act of 2009”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

Sec. 4. Forest management.
 Sec. 5. Watershed management.
 Sec. 6. Roads.
 Sec. 7. Eastside Forest Scientific and Technical Advisory Panel.
 Sec. 8. Eastside Landscape Forest Restoration Assessment.
 Sec. 9. Ecological restoration projects.
 Sec. 10. Collaboration.
 Sec. 11. Environmental analysis and expedited administrative review.
 Sec. 12. Biomass.
 Sec. 13. Local contracting.
 Sec. 14. Administration.
 Sec. 15. Authorization of appropriations.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to conserve and restore the eastside forests
 4 of the State;

5 (2) to create an immediate, predictable, and in-
 6 creased timber flow to support locally based restora-
 7 tion economies;

8 (3) to make the eastside forests of the State
 9 more resistant and resilient to, and to mitigate the
 10 effects of, climate change;

11 (4) to protect, restore, and increase old growth
 12 forest stands and trees in the eastside forests of the
 13 State;

14 (5) to expedite actions to conserve and restore
 15 forests in the eastside forests of the State that
 16 achieve ecological objectives and provide economic
 17 and social benefits;

18 (6) to promote collaboration in communities of
 19 the eastside forests of the State to support natural
 20 resource- and restoration-based economies;

1 (7) to streamline administrative processes for
2 ecological restoration projects in the eastside forests
3 of the State that result in improved forest and wa-
4 tershed health;

5 (8) to conserve and restore the ecological health
6 and natural processes of aquatic and riparian eco-
7 systems and watersheds in the State;

8 (9) to prioritize and strategically target restora-
9 tion projects to improve forest and watershed health
10 in old growth forests—

11 (A) with uncharacteristic conditions; and

12 (B) located in the eastside forests of the
13 State;

14 (10) to provide periodic independent review of
15 agency programs in carrying out this Act;

16 (11) to recognize that the threats to forest
17 health, watershed health, and rural economies have
18 reached an emergency status; and

19 (12) to ensure that Federal land managers in
20 the State are good neighbors to private landowners.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **ADVISORY PANEL.**—The term “advisory
24 panel” means the Eastside Forest Scientific and

1 Technical Advisory Panel established under section
2 7(a).

3 (2) COLLABORATIVE GROUP.—The term “col-
4 laborative group” means an ad hoc association—

5 (A) described in section 10; and

6 (B) comprised of citizens of the State
7 who—

8 (i) represent various interests of the
9 State; and

10 (ii) as a condition of membership in
11 the collaborative group, have agreed to
12 work cooperatively to effectuate the pur-
13 poses of this Act.

14 (3) COVERED AREA.—The term “covered area”
15 means any area of the State that is—

16 (A) managed by the Chief of the Forest
17 Service; and

18 (B) not covered by the Northwest Forest
19 Plan.

20 (4) DECOMMISSION.—The term “decommis-
21 sion” means the conduct of a restoration activity on
22 a road to return the road to a more natural state.

23 (5) EMERGENCY CONDITION.—The term “emer-
24 gency condition” means a condition—

25 (A) that results in an—

1 (i) imminent risk to life or property;

2 or

3 (ii) immediate impairment of the pub-
4 lic use and enjoyment of a trail, road,
5 highway, or public facility; and

6 (B) with respect to subparagraph (A)(ii),
7 the probability of effective remediation of which
8 outweighs the benefits of the knowledge of the
9 public (including the benefits of public com-
10 ment) regarding the condition, as determined
11 by the Secretary.

12 (6) FOREST HEALTH.—The term “forest
13 health” means conditions that enable forested
14 land—

15 (A) to be durable, resilient, and less prone
16 to uncharacteristic wildfire, insect, or pathogen
17 outbreaks, while—

18 (i) supporting ecosystem services and
19 populations of native species; and

20 (ii) allowing for natural disturbances;

21 (B) to maintain or develop species com-
22 position, ecosystem function and structure, hy-
23 drologic function, carbon cycling, and sediment
24 regimes that are within an acceptable range
25 that considers—

- 1 (i) historic variability; and
- 2 (ii) anticipated future conditions; and
- 3 (C) to be resistant and resilient to
- 4 uncharacteristic events.

5 (7) FOREST PLAN.—The term “forest plan”
 6 means a National Forest management plan under
 7 the National Forest Management Act of 1976 (16
 8 U.S.C. 1600 et seq.).

9 (8) FOREST STAND.—The term “forest stand”
 10 means a contiguous area of trees that are suffi-
 11 ciently uniform in composition, constitution, age,
 12 spatial arrangement, structure, or condition to be
 13 distinguishable as a unit.

14 (9) INDIAN TRIBE.—The term “Indian tribe”
 15 has the meaning given the term in section 4 of the
 16 Indian Self-Determination and Education Assistance
 17 Act (25 U.S.C. 450b).

18 (10) INFISH.—The term “INFISH” means
 19 the land and resource management plan amend-
 20 ments made before the date of enactment of this Act
 21 arising from the document—

22 (A) entitled “Inland Native Fish Strat-
 23 egy”;

24 (B) published by the Department of Agri-
 25 culture; and

1 (C) dated July 28, 1995.

2 (11) LANDSCAPE SCALE.—The term “landscape
3 scale” means a scale that—

4 (A) applies to a large geographic area that
5 is normally measured in terms of a watershed
6 of approximately 25,000 acres or a subbasin of
7 approximately 1,000,000 acres; and

8 (B) may exhibit similarities that enable
9 Federal forest managers to develop and imple-
10 ment management activities to address issues
11 relating to—

12 (i) potential natural vegetation;

13 (ii) surface features;

14 (iii) water flow or distribution;

15 (iv) wildlife; and

16 (v) natural disturbances associated
17 with flooding, wind, or fire.

18 (12) NATIONAL FOREST SYSTEM.—The term
19 “National Forest System” has the meaning given
20 the term in section 11(a) of the Forest and Range-
21 land Renewable Resources Planning Act of 1974 (16
22 U.S.C. 1609(a)).

23 (13) NORTHWEST FOREST PLAN.—The term
24 “Northwest Forest Plan” means the plan that is
25 comprised of—

1 (A) the Final Supplemental Environmental
2 Impact Statement on Management of Habitat
3 for Late-Successional and Old-Growth Forest
4 Related Species Within the Range of the North-
5 ern Spotted Owl (2 volumes), dated February
6 1994;

7 (B) the Record of Decision for Amend-
8 ments to Forest Service and Bureau of Land
9 Management Planning Documents Within the
10 Range of the Northern Spotted Owl, dated
11 April 1994; and

12 (C) the Standards and Guidelines for Man-
13 agement of Habitat for Late-Successional and
14 Old-Growth Forest Related Species Within the
15 Range of the Northern Spotted Owl, dated
16 April 1994.

17 (14) OLD GROWTH.—The term “old growth”
18 means the oldest stage at which a plant community
19 or a tree is capable of existing on a site, given the
20 frequency of natural disturbance events.

21 (15) PACFISH.—The term “PACFISH”
22 means the land and resource management plan
23 amendments made before the date of enactment of
24 this Act arising from the document—

(A) entitled “PACFISH—Implementation of Interim Strategies for Managing Anadromous Fish Producing Watersheds in Eastern Oregon and Washington, Idaho, and Portions of California”;

(B) published by—

(i) the Department of Agriculture;

and

(ii) the Department of the Interior;

and

(C) dated February 24, 1995.

(16) PERMANENT ROAD.—The term “permanent road” means a road—

(A) constructed, reconstructed, maintained, or operated on; and

(B) that is determined by the Secretary to be for an ongoing continuous or periodic use.

(17) PLANT ASSOCIATION.—

(A) IN GENERAL.—The term “plant association” means a description of the vegetation community that—

(i) would potentially, in the absence of a disturbance, occupy a site; and

(ii) may be aggregated into 1 or more groups based on similarities in plant spe-

1 cies, composition, environment, and pro-
2 ductivity.

3 (B) INCLUSION.—The term “plant associa-
4 tion” includes, with respect to a forested site,
5 species representing tree, shrub, and herbaceous
6 layers.

7 (18) RESTORATION ACTIVITY.—The term “res-
8 toration activity”, with respect to the decommis-
9 sioning of a road, includes—

10 (A) the reestablishment of former drainage
11 patterns;

12 (B) the stabilization of slopes;

13 (C) the restoration of vegetation;

14 (D) the blocking of each entrance to the
15 road;

16 (E) the installation of water bars;

17 (F) the removal of culverts;

18 (G) the reestablishment of drainage-ways;

19 (H) the removal of unstable fills;

20 (I) the pulling back of road shoulders;

21 (J) the scattering of slash on the roadbed;

22 (K) the elimination of the roadbed through
23 the restoration of natural contours and slopes;
24 and

1 (L) any other method that is designed to
2 address each specific condition of the road.

3 (19) RESTORATION ASSESSMENT.—The term
4 “restoration assessment” means the Eastside Land-
5 scape Forest Restoration Assessment prepared
6 under section 8(a).

7 (20) SECRETARY.—The term “Secretary”
8 means the Secretary of Agriculture (acting through
9 the Chief of the Forest Service).

10 (21) STATE.—The term “State” means the
11 State of Oregon.

12 (22) TEMPORARY ROAD.—The term “temporary
13 road” means a road that is—

14 (A) constructed or reconstructed as part of
15 any project; and

16 (B) not a permanent road, as determined
17 by the Secretary.

18 (23) UNCHARACTERISTIC.—The term
19 “uncharacteristic” means, with respect to a wildfire,
20 outbreak of insects or pathogens, or a level of forest
21 fuel, a wildfire, outbreak, or level of fuel the sever-
22 ity, size, frequency, or quantity of which exceeds any
23 similar natural process, event, or condition as in ex-
24 istence before the date of Euro-American settlement

of the land on which the wildfire, outbreak, or level of fuel occurs.

(24) WATERSHED HEALTH.—The term “watershed health” means landscape conditions that enable riparian and aquatic ecosystems—

(A)(i) to capture, store, and release water, sediment, wood, and nutrients; and

(ii) to provide for water temperatures that are within the range of variability of the natural regimes for the processes described in clause (i); and

(B) to create and sustain functional riparian, aquatic, and wetland habitats that are capable of supporting diverse populations of native aquatic- and riparian-dependent species.

(25) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

SEC. 4. FOREST MANAGEMENT.

(a) MANAGEMENT GOALS.—

(1) IN GENERAL.—For the covered area, after considering the best available science, the Secretary shall manage the forest, stream, grassland, wetland,

1 alpine, and other land and water located in the cov-
2 ered area—

3 (A) to conserve and restore the health, nat-
4 ural structure, processes, and functions of the
5 forests and watersheds located in the covered
6 area;

7 (B) to reduce the risk of uncharacteristic
8 disturbances from fire, insects, and disease;

9 (C) to allow for characteristic natural dis-
10 turbances; and

11 (D) to increase the resistance and resil-
12 iency of the covered land to uncharacteristic
13 events.

14 (2) IMPLEMENTATION.—

15 (A) IN GENERAL.—To achieve each goal
16 described in paragraph (1), the Secretary
17 shall—

18 (i) use landscape scale planning to im-
19 plement ecological restoration projects in
20 the covered area; and

21 (ii) carry out the implementation of
22 each ecological restoration project activity
23 of the Secretary in a manner consistent
24 with the advice of the advisory panel.

1 (B) PROJECTS.—In carrying out projects
2 and other activities to achieve each goal de-
3 scribed in paragraph (1), the Secretary shall
4 consider methodologies that could potentially
5 help achieve—

6 (i) reduced basal areas in overstocked
7 forest stands;

8 (ii) increased mean diameter of forest
9 stands;

10 (iii) a forest composition that focuses
11 on more fire- and drought-tolerant species;

12 (iv) restored historical levels of within-
13 forest stand spatial heterogeneity;

14 (v) the conservation and restoration of
15 old growth;

16 (vi) a reduced risk from
17 uncharacteristic wildfire, disease, climate
18 change, and competition;

19 (vii) the restoration and maintenance
20 of historic population levels of older trees;

21 (viii) the restoration of ecologically
22 sustainable forest stands and landscapes to
23 incorporate characteristic forest stand
24 structures and older tree populations;

1 (ix) wood harvests to sustain adequate
2 levels of industry infrastructure;

3 (x) the maintenance of sustainable
4 and fire-resilient conditions in perpetuity
5 through active management (including
6 management through prescribed or
7 wildland fire and mechanical activities);

8 (xi) ecologically appropriate spatial
9 complexity (including a range of open to
10 dense forest patches at scales from the for-
11 est stand to the landscape);

12 (xii) spatial heterogeneity as an essen-
13 tial element in restoring and sustaining
14 forests and landscapes;

15 (xiii) nonuniform effects by avoiding
16 extensive areas of uniform treatment ex-
17 cept for certain treatments (such as broad-
18 cast burns) that are carried out to enhance
19 the spatial heterogeneity of the forest site;

20 (xiv) increased stakeholder participa-
21 tion through collaborative groups; and

22 (xv) appropriate understory plant
23 community composition and condition, in-
24 cluding—

- 1 (I) the restoration and mainte-
2 nance of native ground cover; and
3 (II) the reduction of the potential
4 for exotic and other invasive species.

5 (b) PROHIBITIONS ON REMOVAL OF CERTAIN
6 TREES.—

7 (1) LARGER TREES.—Subject to paragraph (2)
8 and except as provided in paragraph (3), the Sec-
9 retary shall prohibit the cutting or removal of any
10 live tree located in the covered area, the diameter of
11 which exceeds 21 inches measured at breast height.

12 (2) SMALLER TREES.—The Secretary shall pro-
13 hibit the cutting or removal of a live tree located in
14 the covered area, the diameter of which is less than
15 21 inches measured at breast height, if the Sec-
16 retary determines that the prohibition is—

17 (A) consistent with the goals described in
18 subsection (a)(1);

19 (B) consistent with the advice relating to
20 the conservation and restoration of old growth
21 provided by the advisory panel; and

22 (C) carried out in consultation with the af-
23 fected collaborative group.

24 (3) EXCEPTIONS.—

1 (A) ECOLOGICAL EXCEPTION.—The Sec-
 2 retary shall permit the cutting or removal of a
 3 tree described in paragraph (1) if the Secretary
 4 determines that the cutting or removal of the
 5 tree is—

6 (i) consistent with the goals described
 7 in subsection (a)(1);

8 (ii) consistent with the advice relating
 9 to the conservation and restoration of old
 10 growth provided by the advisory panel; and

11 (iii) carried out in consultation with
 12 the affected collaborative group.

13 (B) ADMINISTRATIVE EXCEPTION.—

14 (i) IN GENERAL.—The Secretary shall
 15 permit the cutting or removal of a tree de-
 16 scribed in paragraph (1) or (2) if the Sec-
 17 retary determines that the cutting or re-
 18 moval of the tree is—

19 (I) necessary to protect any life
 20 or property;

21 (II) necessary to provide for safe
 22 administration or facilitate public en-
 23 joyment; and

24 (III) necessary and incidental to
 25 any valid use of National Forest Sys-

1 tem land if the Secretary avoids cut-
 2 ting protected trees to the maximum
 3 extent practicable.

4 (ii) NOTICE REQUIREMENT.—

5 (I) IN GENERAL.—Subject to
 6 subclause (II), the Secretary shall
 7 provide to the public and each affec-
 8 tive collaborative group notice and an
 9 opportunity to comment before deter-
 10 mining the existence of any exception
 11 described in clause (i).

12 (II) EMERGENCY CONDITIONS.—
 13 Subclause (I) shall not apply in the
 14 case of an emergency condition.

15 **SEC. 5. WATERSHED MANAGEMENT.**

16 (a) DELINEATION OF RIPARIAN HABITAT CONSERVA-
 17 TION AREAS.—Each riparian habitat conservation area
 18 shall be delineated in each watershed for all permanently
 19 flowing streams, lakes, wetlands, seeps, springs, and inter-
 20 mittent streams as follows:

21 (1) FISH-BEARING STREAMS.—The stream and
 22 the area on either side of the stream extending from
 23 the edges of the active stream channel to—

24 (A) the top of the inner gorge;

1 (B) the outer edges of the 100-year flood-
 2 plain;

3 (C) the outer edges of riparian vegetation;
 4 and

5 (D) the greater of—

6 (i) a distance equal to the height of 2
 7 site-potential trees; or

8 (ii) a slope distance of not less than
 9 300 feet (600 feet, including both sides of
 10 the stream channel).

11 (2) PERMANENTLY FLOWING NONFISH BEARING
 12 STREAMS.—The stream and the area on either side
 13 of the stream extending from the edges of the active
 14 stream channel to—

15 (A) the top of the inner gorge;

16 (B) the outer edges of the 100-year flood
 17 plain;

18 (C) the outer edges of riparian vegetation;
 19 and

20 (D) the greater of—

21 (i) a distance equal to the height of 1
 22 site-potential tree; or

23 (ii) a slope distance of not less than
 24 150 feet (300 feet, including both sides of
 25 the stream channel).

1 (3) PONDS, LAKES, RESERVOIRS, AND WET-
 2 LANDS GREATER THAN 1 ACRE.—The body of water
 3 or wetland and the area to—

4 (A) the outer edges of the riparian vegeta-
 5 tion;

6 (B) the extent of the seasonally saturated
 7 soil;

8 (C) the extent of moderately and highly
 9 unstable areas; and

10 (D) the greater of—

11 (i) a distance equal to the height of 1
 12 site-potential tree; or

13 (ii) a slope distance from the greater
 14 of—

15 (I) the edge of the maximum pool
 16 elevation of constructed ponds and
 17 reservoirs; or

18 (II) the edge of the wetland,
 19 pond, or lake.

20 (4) SEASONALLY FLOWING OR INTERMITTENT
 21 STREAMS, WETLANDS LESS THAN 1 ACRE, LAND-
 22 SLIDES, AND LANDSLIDE-PRONE AREAS.—

23 (A) IN GENERAL.—In accordance with
 24 subparagraph (B), the riparian conservation
 25 area described in this paragraph shall include

1 features with high variability in size and site-
2 specific characteristics.

3 (B) MINIMUM REQUIREMENTS.—At a min-
4 imum, the riparian conservation area described
5 in this paragraph shall include—

6 (i) the extent of landslide and land-
7 slide-prone areas;

8 (ii) the intermittent stream channel
9 and the area to the top of the inner gorge;

10 (iii) the intermittent stream channel
11 or wetland and the area to the outer edges
12 of the riparian vegetation;

13 (iv) with respect to key and priority
14 watersheds, as identified under PACFISH
15 and INFISH, the area from the edges of
16 the stream channel, wetland, landslide, or
17 landslide-prone area to a distance equal to
18 the greater of—

19 (I) the height of 1 site-potential
20 tree; or

21 (II) a slope distance of not less
22 than 100 feet; and

23 (v) for watersheds not identified as
24 key and priority watersheds, as identified
25 under PACFISH and INFISH, the area

1 from the edges of the stream channel, wet-
2 land, landslide, or landslide-prone area to a
3 distance equal to the greater of—

4 (I) the height of 1 site-potential

5 tree; or

6 (II) a slope distance of not less

7 than 50 feet.

8 (b) NATIONAL FOREST LAND.—

9 (1) IN GENERAL.—Within each parcel of Na-
10 tional Forest located within the covered area, the
11 Secretary shall conserve and restore aquatic and ri-
12 parian resources as required by each applicable land
13 and resource management plan, as amended by
14 PACFISH and INFISH.

15 (2) MODIFICATIONS.—The Secretary may mod-
16 ify the aquatic and riparian protection requirements
17 of any land and resource management plan that ap-
18 plies to the covered area if the Secretary determines,
19 after taking into consideration the best available
20 science, that a modification to PACFISH or
21 INFISH, as appropriate, would provide equivalent
22 or additional protection with respect to aquatic or ri-
23 parian resources.

24 (c) AUTHORITY OF SECRETARY.—In determining
25 whether a portion of a project may occur in a riparian

1 habitat conservation area, the Secretary may permit short-
2 term negative effects to aquatic or riparian conditions
3 from activities within the riparian habitat conservation
4 area if the project is designed—

5 (1) in a manner that takes into consideration
6 the best available science; and

7 (2) to accomplish the long-term restoration of
8 the riparian habitat conservation area.

9 (d) EFFECT.—Nothing in this Act—

10 (1) supersedes any biological opinion that ad-
11 dresses any land and resource management plan, as
12 amended by PACFISH or INFISH with respect to
13 the covered area; or

14 (2) modifies any requirement described in the
15 Endangered Species Act of 1973 (16 U.S.C. 1531 et
16 seq.).

17 **SEC. 6. ROADS.**

18 (a) PERMANENT ROADS LIMITATION.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), the Secretary may not construct a perma-
21 nent road in the covered area.

22 (2) EXCEPTIONS.—The Secretary may con-
23 struct a permanent road under paragraph (1) if—

24 (A) the Secretary determines that—

1 (i) the road is a justifiable realign-
2 ment, restoration, or correction to the
3 placement of a permanent road that is—

4 (I) in existence as of the date of
5 enactment of this Act; and

6 (II) to be decommissioned; and

7 (ii) the health of the affected forest or
8 watershed would be improved through the
9 replacement of the road decommissioned
10 under clause (i)(II); or

11 (B) the permanent road is incidental to
12 other valid uses relating to the National Forest
13 System land on which the permanent road is
14 constructed if the Secretary, if no practicable
15 alternative exists, avoids the siting of the uses
16 in any area that contains trees protected under
17 section 4(b).

18 (3) REQUIREMENTS FOR CONSTRUCTED PERMA-
19 NENT ROADS.—With respect to each permanent road
20 constructed under this section, the Secretary shall
21 ensure that the effects on the health of each affected
22 forest and watershed shall be mitigated in a manner
23 that—

24 (A) is consistent with the best manage-
25 ment practices; and

1 (B) takes into consideration the best avail-
2 able science.

3 (4) CLASSIFICATION OF CONSTRUCTED AND RE-
4 CONSTRUCTED ROADS.—The Secretary may not clas-
5 sify as permanent any road that is constructed or
6 reconstructed under this section if the Secretary de-
7 termines that the Secretary will remove and reme-
8 diate the road by the completion date of the project
9 that required the construction or reconstruction of
10 the road.

11 (b) TEMPORARY ROADS LIMITATION.—

12 (1) IN GENERAL.—In accordance with para-
13 graph (2), the Secretary may construct a temporary
14 road—

15 (A) if the Secretary—

16 (i) determines that—

17 (I) the construction of the tem-
18 porary road would further the goals
19 described in section 4(a)(1); and

20 (II) after consideration of both
21 ecological and economic criteria, the
22 construction of the temporary road
23 would be reasonable; and

24 (ii) carries out the construction of the
25 road in a manner consistent with any ad-

vice or recommendation relating to roads submitted to the Secretary by the advisory panel; or

(B) if the Secretary determines that the temporary road is incidental to other valid uses relating to the National Forest System land on which the temporary road is constructed if the Secretary, to the maximum extent practicable, avoids the siting of the uses in any area that contains trees protected under section 4(b).

(2) REQUIREMENTS FOR CONSTRUCTED TEMPORARY ROADS.—

(A) IN GENERAL.—With respect to each temporary road constructed under this section, the Secretary shall ensure that the effects to the health of each affected forest and watershed shall be mitigated in a manner—

(i) consistent with the best management practices; and

(ii) that takes into consideration the best available science.

(B) DECOMMISSIONING OF ROADS.—As soon as practicable after the completion date of a project the conduct of which required the con-

1 struction of a temporary road, the Secretary
2 shall decommission the temporary road.

3 (3) CLASSIFICATION OF TEMPORARY ROADS.—

4 The Secretary may not classify as permanent any
5 temporary road described in this subsection unless
6 the Secretary constructs the permanent road in a
7 manner consistent with subsection (a).

8 (c) NET ROAD REDUCTION.—

9 (1) IN GENERAL.—In developing ecological res-
10 toration projects under this Act, the Secretary
11 shall—

12 (A) examine opportunities for, and achieve,
13 a net reduction in the permanent road system;
14 and

15 (B) to the maximum extent practicable,
16 improve forest and watershed health.

17 (2) REDUCTION OF EXISTING ROADS.—In de-
18 commissioning and closing nonessential roads pursu-
19 ant to the restoration assessment or an ecological
20 restoration project, the Secretary shall, to the max-
21 imum extent practicable, improve forest and water-
22 shed health.

1 **SEC. 7. EASTSIDE FOREST SCIENTIFIC AND TECHNICAL AD-**
2 **VISORY PANEL.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary shall establish
5 an advisory panel—

6 (1) to be known as the “Eastside Forest Sci-
7 entific and Technical Advisory Panel”; and

8 (2) to advise periodically the Secretary, collabo-
9 rative groups, and the public regarding the develop-
10 ment and implementation of—

11 (A) forest and watershed management
12 goals;

13 (B) the restoration assessment; and

14 (C) ecological restoration projects.

15 (b) COMPOSITION.—

16 (1) APPOINTMENT.—The advisory panel shall
17 be composed of 7 members, each of whom shall be
18 appointed by the Secretary, in consultation with the
19 appropriate committees of Congress.

20 (2) REQUIREMENTS.—

21 (A) IN GENERAL.—In appointing individ-
22 uals under paragraph (1), the Secretary shall
23 ensure that—

24 (i) the advisory panel shall consist of
25 individuals representing experts rec-
26 ommended by an institution of higher edu-

1 cation (as defined in section 101(a) of the
 2 Higher Education Act of 1965 (20 U.S.C.
 3 1001(a))) or a professional society; and

4 (ii) each individual possesses expertise
 5 in a field relating to—

6 (I) forest ecology;

7 (II) wildlife ecology;

8 (III) aquatic and riparian ecol-
 9 ogy;

10 (IV) silviculture;

11 (V) road and logging engineering;

12 (VI) ecological restoration;

13 (VII) wildland fire;

14 (VIII) ecosystem services eco-
 15 nomics;

16 (IX) timber economics;

17 (X) invasive species;

18 (XI) soil science and geology;

19 (XII) water quantity and water
 20 quality;

21 (XIII) hydrology; or

22 (XIV) forest carbon life-cycle.

23 (B) GOALS OF SECRETARY.—In appointing
 24 individuals under paragraph (1), the Secretary

1 shall ensure that the collective appointment of
 2 the individuals will result in—

3 (i) the representation of a broad array
 4 of fields described in subparagraph (A)(ii);
 5 and

6 (ii) through the collaboration of the
 7 individuals appointed under paragraph (1)
 8 with scientific, professional, or technical
 9 experts, a broad coverage of the fields de-
 10 scribed in subparagraph (A)(ii).

11 (c) DUTIES.—

12 (1) RECOMMENDATIONS REPORT.—

13 (A) IN GENERAL.—Not later than 180
 14 days after the date on which the Secretary es-
 15 tablishes the advisory panel under subsection
 16 (a), the advisory panel shall submit to the Sec-
 17 retary and make available to the public a report
 18 that contains recommendations regarding the
 19 manner by which the Secretary may best
 20 achieve the goals described in section 4(a)(1).

21 (B) REQUIREMENTS.—In carrying out sub-
 22 paragraph (A), the advisory panel shall ensure
 23 that the recommendations contained in the re-
 24 port—

1 (i) are based on the best available
2 science; and

3 (ii) provide management guidance to
4 the Secretary regarding—

5 (I) various plant association
6 groups;

7 (II) the differing qualities to be
8 protected and restored in each plant
9 association group;

10 (III) terrestrial, aquatic, ripar-
11 ian, wildlife, fish, vegetation, soil, car-
12 bon, and other resources to be pro-
13 tected;

14 (IV) the types of restoration nec-
15 essary and desirable to restore forest
16 and watershed health (including
17 thinning, prescribed and natural fire,
18 and other appropriate activities);

19 (V) instances during which the
20 cutting of trees described in section
21 4(b)(3)(A) would generally be consid-
22 ered to be scientifically appropriate;

23 (VI) instances during which the
24 cutting of trees described in section
25 4(b)(2) would generally not be consid-

1 ered to be scientifically appropriate;
2 and
3 (VII) the size and scope of nec-
4 essary interim, experimental, and eco-
5 logical restoration projects.

6 (2) ADMINISTRATION.—

7 (A) IN GENERAL.—Subject to subpara-
8 graph (B), to the maximum extent practicable,
9 the advisory panel shall achieve a consensus
10 with respect to each recommendation included
11 in the report under paragraph (1).

12 (B) INCLUSION OF DISSENTING OPIN-
13 IONS.—If the advisory panel fails to achieve a
14 consensus with respect to any recommendation
15 included in a report under paragraph (1), the
16 advisory panel shall include in the report each
17 dissenting opinion relating to the recommenda-
18 tion to enable the Secretary to consider each
19 opinion in making a management determina-
20 tion.

21 (d) REPORT.—

22 (1) IN GENERAL.—Not later than 5 years after
23 the date of enactment of this Act, the advisory panel
24 shall submit to the appropriate committees of Con-
25 gress a report that contains—

1 (A) an evaluation by the advisory panel
2 with respect to the implementation and effec-
3 tiveness of this Act; and

4 (B) recommendations to improve the im-
5 plementation or effectiveness of this Act (in-
6 cluding any appropriate legislative action) to
7 further the purposes and goals of this Act.

8 (2) REQUIREMENTS.—In preparing the report
9 under paragraph (1), the advisory panel shall—

10 (A) conduct an assessment regarding the
11 implementation and effectiveness of this Act
12 with respect to—

13 (i) quantitative and qualitative im-
14 provements to forest and watershed health,
15 including resiliency, aquatic function, and
16 the restoration of plant composition, struc-
17 ture, and function in the covered area;

18 (ii) the development of—

19 (I) ecological restoration projects;

20 (II) landscape scale planning ef-
21 forts; and

22 (III) biomass utilization; and

23 (iii) the maintenance of industry in-
24 frastructure; and

(B) determine whether tree protection criteria not based on a diameter limitation would provide a stronger ecological basis for cutting prohibitions, including whether switching to age-based or other criteria would—

(i) be feasible to administer; and

(ii) provide a more scientifically sound basis to protect forest and watershed health.

(e) PUBLIC COMMENT.—

(1) IN GENERAL.—As soon as practicable after the date of receipt of the report under subsection (d)(1), the Secretary shall provide to the public notice and an opportunity to comment on the report.

(2) SUMMARY OF COMMENTS.—Not later than 90 days after the date of receipt of the report under subsection (d)(1), the Secretary shall—

(A) prepare a detailed summary of the comments received under paragraph (1);

(B) submit in the report described in subsection (d)(1) the summary described in subparagraph (A); and

(C) make available to the public the report and the summary in a variety of sources, including online.

1 **SEC. 8. EASTSIDE LANDSCAPE FOREST RESTORATION AS-**
2 **SESSMENT.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of this Act, in consultation with each
5 applicable collaborative group, the Secretary shall prepare
6 an assessment to be known as the “Eastside Landscape
7 Forest Restoration Assessment”.

8 (b) RESTORATION ASSESSMENT.—In preparing the
9 restoration assessment, the Secretary shall—

10 (1) consider—

11 (A) the best available science; and

12 (B) each applicable recommendation pro-
13 vided by the advisory panel;

14 (2) consider and address forest and watershed
15 health by plant association group or watershed;

16 (3) characterize the health of forests and water-
17 sheds;

18 (4) identify any measure necessary to restore
19 forest and watershed health;

20 (5) identify 1 or more proposed ecological res-
21 toration project areas;

22 (6) assess the road network in existence as of
23 the date of enactment of this Act to determine
24 present and future needs, based on consideration
25 of—

26 (A) projected funding levels; and

1 (B) methods to hydrologically and eco-
2 logically restore land and water by—

3 (i) decommissioning unnecessary and
4 undesirable roads; and

5 (ii) reducing the environmental impact
6 of necessary and desirable roads;

7 (7) establish baseline, ecological, economic, and
8 social conditions;

9 (8) prioritize restoration needs and ecological
10 restoration project areas; and

11 (9) evaluate local infrastructure, workforce ca-
12 pacity needs, and local economic value potential re-
13 lating to comprehensive forest restoration.

14 (c) REQUIREMENTS.—

15 (1) RESTORATION PLAN.—The restoration as-
16 sessment shall contain a 10-year restoration plan
17 that is comprised of activities the conduct of which
18 will provide for the comprehensive ecological restora-
19 tion of forest and watershed health.

20 (2) CONSISTENCY.—The Secretary shall pre-
21 pare the restoration assessment in a manner con-
22 sistent with—

23 (A) the purposes of this Act;

24 (B) the goals described in section 4(a);

25 (C) sections 5 and 6;

1 (D) any appropriate guidance provided to
2 the Secretary by the advisory panel; and

3 (E) any other applicable law (including
4 regulations).

5 (d) PUBLIC COMMENT.—In preparing the restoration
6 assessment, the Secretary shall provide to the public—

7 (1) a draft copy of the restoration assessment;
8 and

9 (2) notice and an opportunity to comment on
10 the draft copy of the restoration assessment.

11 (e) EFFECT ON FOREST PLANS.—Each forest plan
12 shall incorporate the findings of the restoration assess-
13 ment as each forest plan is revised or amended.

14 **SEC. 9. ECOLOGICAL RESTORATION PROJECTS.**

15 (a) ECOLOGICAL RESTORATION PROJECTS.—

16 (1) IMPLEMENTATION OF PROJECTS.—As soon
17 as practicable after the date of enactment of this
18 Act, in accordance with the restoration assessment,
19 and in consultation with the each appropriate col-
20 laborative group, the Secretary shall prepare, ap-
21 prove, and implement 1 or more ecological restora-
22 tion projects.

23 (2) USE OF PROJECTS.—The Secretary shall
24 use landscape scale planning for ecological restora-
25 tion projects in the covered area.

1 (3) BOUNDARIES.—To the maximum extent
2 practicable, in defining a landscape located in the
3 covered area, the Secretary shall—

4 (A) use natural geographical and biological
5 boundaries; and

6 (B) collaborate across administrative
7 boundaries as appropriate.

8 (4) PRIORITIZATION.—

9 (A) IN GENERAL.—In accordance with
10 subparagraph (B), the Secretary shall prioritize
11 ecological restoration projects based on the de-
12 gree to which the ecological restoration project
13 would improve forest and watershed health,
14 based on—

15 (i) dry and moist forest plant associa-
16 tion groups; and

17 (ii) the need to maintain the industry
18 infrastructure that is necessary to carry
19 out restoration activities under this Act.

20 (B) CONSIDERATIONS.—In carrying out
21 subparagraph (A), the Secretary shall consider
22 the best available science and data in devel-
23 oping projects and activities that would—

24 (i) minimize and reduce the risk of
25 uncharacteristic fire and insect outbreaks,

particularly if critical components and values are at risk, including—

(I) communities located in the applicable wildland-urban interface; and

(II) valuable forest structures (including old growth and older mature trees);

(ii) restore historic stand structure and composition;

(iii) improve the fire resiliency of the stand;

(iv) accelerate development of complex forest structure in a young forest that has been simplified through past management, including opportunities—

(I) to create spatial heterogeneity (including the creation of skips and gaps) using mechanical treatments to create wildlife habitat; and

(II) to retain biological legacies (including large standing, downed, live, and dead trees);

(v) assist in the implementation of community wildfire protection plans devel-

1 oped by at-risk communities (as those
2 terms are defined in section 101 of the
3 Healthy Forests Restoration Act of 2003
4 (16 U.S.C. 6511));

5 (vi) prioritize hazardous fuels reduc-
6 tion and vegetation management efforts to
7 forest stands at a high or moderate depar-
8 ture from the historical range of varia-
9 bility; and

10 (vii) use the value of merchantable
11 sawlogs and biomass to help offset the cost
12 of ecological restoration activities.

13 (b) EXPECTED OUTCOME.—

14 (1) IN GENERAL.—The Secretary shall ensure
15 that each forest located in the covered area shall be
16 the subject of not less than 1 ecological restoration
17 project that provides landscape scale work covering
18 a gross planning area of not less than 25,000 acres
19 per year by the earlier of the date that is—

20 (A) 1 year after the date of completion of
21 the restoration assessment; or

22 (B) 3 years after the date of enactment of
23 this Act.

24 (2) PROJECT REQUIREMENTS.—Each project
25 described in paragraph (1) shall provide a minimum

1 quantity of timber based on the need to maintain a
2 sustainable industrial capacity to perform the eco-
3 logical restoration activities under this Act.

4 (3) PERIODIC REPORTS.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date of enactment of this Act and
7 each year thereafter until the date on which the
8 interim period described in subsection (c) is
9 concluded, the Secretary shall submit to Con-
10 gress a report on the progress of the restoration
11 assessment and the steps taken toward imple-
12 menting ecological restoration projects.

13 (B) INTERIM PERIOD.—If the period be-
14 ginning on the date of enactment of this Act
15 and ending on the date on which the interim
16 period described in subsection (c) is concluded
17 is expected to exceed 3 years, the Secretary
18 shall include in the applicable reports under
19 subparagraph (A)—

20 (i) an explanation of the reasons for
21 noncompliance with the deadlines estab-
22 lished under this Act; and

23 (ii) a description of further actions
24 that are necessary to implement this Act.

25 (c) INTERIM PROJECTS.—

1 (1) IN GENERAL.—Until the date on which the
2 Secretary initiates mechanical treatments under an
3 ecological restoration project in an applicable Na-
4 tional Forest (after the date of completion of a res-
5 toration assessment with respect to the ecological
6 restoration project), the Secretary shall prepare, ap-
7 prove, and implement interim projects for all vegeta-
8 tion management contracts (including commercial
9 timber sales and stewardship contracts) for the Na-
10 tional Forest that are consistent with—

11 (A) the prohibition on removal of certain
12 trees under section 4(b);

13 (B) each limit on activities carried out
14 within a riparian conservation area described in
15 section 5(a);

16 (C) each limitation relating to permanent
17 and temporary roads under section 6; and

18 (D) each recommendation of the advisory
19 panel determined by the Secretary to be appro-
20 priate for the interim project.

21 (2) APPEALS.—Until the date on which the
22 Secretary initiates mechanical treatments under an
23 ecological restoration project within an applicable
24 National Forest located in the covered area, the con-

1 duct of an interim project shall not be subject to any
2 administrative appeal.

3 (3) FINAL DECISION OF SECRETARY.—The final
4 decision of the Secretary with respect to any interim
5 project shall be considered to be a final agency ac-
6 tion for the purpose of subchapter II of chapter 5,
7 and chapter 7, of title 5, United States Code (com-
8 monly known as the “Administrative Procedure
9 Act”).

10 (4) REVIEW PERIOD.—Not earlier than the date
11 that is 35 days after the date on which the Sec-
12 retary makes a final decision with respect to an in-
13 terim project, ground or vegetation disturbing activi-
14 ties may be commenced under the project.

15 (5) IMPLEMENTATION OF INTERIM
16 PROJECTS.—

17 (A) IN GENERAL.—For each fiscal year
18 until the date on which the Secretary initiates
19 mechanical treatments under an ecological res-
20 toration project within each National Forest lo-
21 cated in the covered area, to address imme-
22 diately concerns regarding forest health and the
23 maintenance of industry infrastructure to carry
24 out ecological restoration projects under this
25 Act, to the maximum extent practicable, the

1 Secretary shall prepare, offer, and promptly im-
2 plement 1 or more interim projects, or other
3 projects, that—

4 (i) are predominantly comprised of
5 mechanical treatment in the covered
6 area—

7 (I) for the first fiscal year after
8 the date of enactment of this Act, on
9 not less than 80,000 acres;

10 (II) for the subsequent fiscal
11 year, on not less than 100,000 acres;
12 and

13 (III) for the subsequent fiscal
14 year, on not less than 120,000 acres;
15 and

16 (ii) emphasize sawtimber as a byprod-
17 uct.

18 (B) PREPARATION ACTIVITIES.—Until the
19 date described in subparagraph (A), the Sec-
20 retary shall prioritize vegetation management,
21 timber management, and hazardous fuels reduc-
22 tion program activities within the covered area
23 to prepare, offer, and promptly implement in-
24 terim projects in each National Forest de-
25 scribed in subparagraph (A).

1 (C) LOCATION OF TREATED ACRES.—To
 2 the maximum extent practicable, the Secretary
 3 shall distribute the total number of acres of the
 4 treatment required under subparagraph (A)
 5 based on the proportion that—

6 (i) the quantity of acres of forest land
 7 within the covered area at risk of
 8 uncharacteristic disturbances from fire, in-
 9 sects, and disease outside of inventoried
 10 roadless areas in each National Forest;
 11 bears to

12 (ii) the total quantity of acres of for-
 13 est land within the covered area so at risk
 14 outside of those inventoried roadless areas.

15 (d) EXPERIMENTAL ECOLOGICAL RESTORATION
 16 PROJECTS.—

17 (1) IN GENERAL.—Not later than 5 years after
 18 the date of enactment of this Act, the Secretary
 19 shall prepare experimental ecological restoration
 20 projects that are designed to use an age limitation
 21 that prohibits the harvest of any tree the age of
 22 which is greater than 150 years.

23 (2) APPLICABILITY OF CUTTING LIMITATION.—
 24 The cutting limitation described in section 4(b) shall

1 not apply to any ecological restoration project car-
2 ried out under this subsection.

3 (3) PROTOCOL.—

4 (A) IN GENERAL.—In accordance with
5 subparagraph (B), to develop ecological restora-
6 tion projects under this subsection, the Sec-
7 retary shall establish a protocol to efficiently
8 identify tree age.

9 (B) REQUIREMENTS.—In establishing the
10 protocol under subparagraph (A), the Secretary
11 shall consider—

12 (i) sampling trees within stands;

13 (ii) establishing standards for use in
14 determining which stands meet applicable
15 age definitions; and

16 (iii) providing for a review by the ad-
17 visory panel.

18 (4) CONDUCT OF PROJECTS.—

19 (A) IN GENERAL.—As soon as practicable
20 after the date described in paragraph (1), in ac-
21 cordance with subparagraph (B), in coordina-
22 tion with representatives of private industry
23 and each applicable collaborative group, the
24 Secretary shall implement trial projects.

1 (B) REQUIREMENTS.—The Secretary shall
 2 design and carry out each trial project in ac-
 3 cordance with recommendations provided to the
 4 Secretary by the advisory panel to generate
 5 data to assist the advisory panel in preparing
 6 the review required under section 7(d).

7 (C) USE OF DATA.—The Secretary shall
 8 use data resulting from the conduct of the trial
 9 projects—

10 (i) to examine the feasibility of imple-
 11 menting age limits at a broader scale; and

12 (ii) to provide recommendations re-
 13 garding the manner by which future
 14 projects may be carried out more effi-
 15 ciently.

16 (D) PERIODIC REPORTS.—The Secretary
 17 shall periodically submit to the advisory panel a
 18 report describing the data described subpara-
 19 graph (B) for use in the review required under
 20 section 7(d).

21 **SEC. 10. COLLABORATION.**

22 (a) COLLABORATIVE GROUPS.—

23 (1) ENCOURAGEMENT.—The Secretary shall en-
 24 courage the establishment and maintenance of new
 25 and existing collaborative groups to assist in—

1 (A) the development and implementation of
2 the restoration assessment and ecological res-
3 toration projects; and

4 (B) the implementation of this Act.

5 (2) RECOGNITION.—

6 (A) APPLICATION.—To be considered by
7 the Secretary to be a recognized collaborative
8 group for a specific area that is the subject of
9 an activity under this Act, a collaborative group
10 shall submit to the Secretary an application at
11 such time, in such manner, and containing such
12 information as the Secretary may require.

13 (B) STANDARDS FOR RECOGNITION.—To
14 recognize a collaborative group under subpara-
15 graph (A), the Secretary shall ensure that the
16 collaborative group—

17 (i) represents multiple interested indi-
18 viduals who, in the aggregate, are com-
19 prised of diverse backgrounds and rep-
20 resent various interests that include (at a
21 minimum)—

22 (I) environmental organizations;

23 (II) timber and forest products
24 industry representatives; and

1 (III) county governments (includ-
2 ing an alternate designated commu-
3 nity representative);

4 (ii) operates—

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

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

12 (iii) requires a level of participation
13 sufficient to ensure that members of the
14 collaborative group are adequately in-
15 formed before each vote.

16 (C) WITHDRAWAL OF OFFICIAL RECOGNI-
17 TION.—

18 (i) REVIEW OF COMPLAINTS.—The
19 Secretary shall promptly review any com-
20 plaint brought by any member of the pub-
21 lic that alleges that a collaborative group
22 recognized under subparagraph (A) has
23 failed to meet any requirement described in
24 subparagraph (B).

1 (ii) EFFECT OF DETERMINATION.—If
 2 the Secretary determines that an allegation
 3 possesses adequate merit, the Secretary
 4 shall withdraw the recognition of the col-
 5 laborative group.

6 (3) PUBLIC PARTICIPATION.—The Secretary
 7 shall provide to the public notice and an opportunity
 8 for comment regarding each proposed—

9 (A) recognition of a collaborative group;
 10 and

11 (B) withdrawal of recognition of a collabo-
 12 rative group.

13 (4) ROLE OF COLLABORATIVE GROUPS.—In
 14 carrying out this Act, the Secretary shall consider
 15 the recommendations of each collaborative group
 16 recognized under paragraph (2).

17 (5) MULTIPARTY MONITORING.—

18 (A) AUTHORITY OF COLLABORATIVE
 19 GROUPS.—Each collaborative group may mon-
 20 itor and evaluate each ecological restoration
 21 project carried out under this Act.

22 (B) SCOPE OF EVALUATION.—In carrying
 23 out an evaluation under subparagraph (A), a
 24 collaborative group may assess each aspect of
 25 the ecological restoration project, including—

1 (i) the status of the development, exe-
2 cution, and administration of the ecological
3 restoration project;

4 (ii) each specific accomplishment that
5 has resulted from the ecological restoration
6 project; and

7 (iii) each ecological, economic, and so-
8 cial benefit, and the cost, to local commu-
9 nities and the Federal Government result-
10 ing from the ecological restoration project.

11 (C) REPORTS.—A collaborative group may
12 submit to the advisory panel a report con-
13 taining the results of the evaluation of the eco-
14 logical restoration project that is the subject of
15 the evaluation.

16 **SEC. 11. ENVIRONMENTAL ANALYSIS AND EXPEDITED AD-**
17 **MINISTRATIVE REVIEW.**

18 (a) IN GENERAL.—With respect to each ecological
19 restoration project carried out in the covered area under
20 this Act, the Secretary shall be subject to each time line
21 and process described in this section.

22 (b) ENVIRONMENTAL ANALYSIS.—

23 (1) APPLICABILITY.—Each ecological restora-
24 tion project carried out under this Act shall be sub-

1 ject to the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.).

3 (2) DUTY OF SECRETARY.—If the Secretary
4 prepares for an ecological restoration project an en-
5 vironmental impact statement or similar analysis re-
6 quired under the National Environmental Policy Act
7 of 1969 (42 U.S.C. 4321 et seq.), the Secretary
8 shall, to the maximum extent practicable, prepare an
9 environmental impact statement in a manner to en-
10 sure that not more than 1 statement is necessary.

11 (c) PUBLIC NOTICE AND COMMENT.—

12 (1) IN GENERAL.—Before the beginning of the
13 public comment period described in paragraph (4),
14 the Secretary shall consult with collaborative groups
15 in developing ecological restoration projects.

16 (2) SCOPING DOCUMENTS.—The Secretary shall
17 provide informative scoping documents to facilitate
18 early and effective public involvement and collabora-
19 tion.

20 (3) PUBLIC NOTICE.—To provide adequate no-
21 tice to the public during the scoping period, the Sec-
22 retary shall, to the maximum extent practicable, in-
23 clude the purpose and need, proposed action, each
24 potential issue, adequate maps, and any other nec-
25 essary documentation to help the public understand

1 and comment on the location of proposed treat-
2 ments, and the scope of each ecological restoration
3 project, under this Act.

4 (4) PUBLIC COMMENT.—

5 (A) IN GENERAL.—In accordance with
6 subparagraph (B), the Secretary shall provide
7 notice and an opportunity for public comment
8 on each draft environmental impact statement
9 or similar analysis prepared by the Secretary
10 under subsection (b)(2).

11 (B) COMMENT PERIODS.—In providing a
12 period for public comment under subparagraph
13 (A), the Secretary shall—

14 (i) for each categorical exclusion, pro-
15 vide a period of not less 15 days;

16 (ii) for each environmental assess-
17 ment, provide a period of not less than 30
18 days; and

19 (iii) for each environmental impact
20 statement, provide a period of not less
21 than 45 days.

22 (5) PREPARATION OF FINAL DOCUMENT.—

23 After taking into consideration each comment re-
24 ceived under paragraph (4), and the recommenda-
25 tions of each applicable collaborative group, with re-

1 spect to the ecological restoration project, the Sec-
2 retary shall—

3 (A) prepare a final document under the
4 National Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.) covering the ecological res-
6 toration project; and

7 (B) issue a proposed decision with respect
8 to the ecological restoration project.

9 (d) OBJECTIONS TO ECOLOGICAL RESTORATION
10 PROJECTS.—

11 (1) OPPORTUNITY TO OBJECT.—Before issuing
12 a final decision with respect to an ecological restora-
13 tion project under this Act, the Secretary shall per-
14 mit persons described in paragraph (2) to submit to
15 the Secretary objections with respect to a proposed
16 decision relating to the ecological restoration project
17 during a 30-day period beginning on the date on
18 which the Secretary issues a proposed decision under
19 subsection (c)(5)(B).

20 (2) AUTHORIZED PERSONS.—A person may
21 submit to the Secretary an objection under para-
22 graph (1) if the person submitted to the Secretary
23 comments during—

1 (A) the development of the ecological res-
 2 toration project that is the subject of the objec-
 3 tion; or

4 (B) the comment period of the ecological
 5 restoration project that is the subject of the ob-
 6 jection.

7 (3) OBJECTION RESOLUTION MEETING.—

8 (A) IN GENERAL.—Subject to a request by
 9 a person who submitted an objection under
 10 paragraph (1) or by the Secretary, and the ac-
 11 ceptance by the party receiving the request, the
 12 person and the Secretary may conduct an objec-
 13 tion resolution meeting.

14 (B) AUTHORITY OF APPLICABLE COLLABO-
 15 RATIVE GROUP.—Members of a collaborative
 16 group the jurisdiction of which covers land on
 17 which the conduct of ecological restoration
 18 project that is the subject of an objection de-
 19 scribed in subparagraph (A) is proposed may
 20 attend the objection resolution meeting held
 21 under that subparagraph.

22 (4) DEADLINE FOR FINAL DETERMINATION.—

23 (A) IN GENERAL.—Not later than 30 days
 24 after the completion of the objection period de-
 25 scribed in paragraph (1), the Secretary shall

1 make a final determination with respect to each
 2 objection submitted to the Secretary under
 3 paragraph (1).

4 (B) FAILURE TO MAKE FINAL DETERMINA-
 5 TION.—If the Secretary fails to make a final
 6 determination with respect to any objection
 7 filed under paragraph (1) by the date that is 30
 8 days after the date described in that para-
 9 graph—

10 (i) the objection shall be considered to
 11 be denied; and

12 (ii) the proposed decision that is the
 13 subject of the objection shall be considered
 14 to be a final agency action for purposes of
 15 subchapter II of chapter 5, and chapter 7,
 16 of title 5, United States Code (commonly
 17 known as the “Administrative Procedure
 18 Act”).

19 (5) PROCEDURE.—

20 (A) NO OBJECTIONS.—If no objection is
 21 submitted under paragraph (1), on the date
 22 that is 30 days after the date on which the pub-
 23 lic comment period described in that paragraph
 24 terminates, the Secretary shall implement each

1 ecological restoration project that is the subject
2 of the public comment period.

3 (B) OBJECTIONS.—If an objection is sub-
4 mitted under paragraph (1)—

5 (i) the Chief of the Forest Service
6 may not take any action to implement the
7 ecological restoration project that is the
8 subject of the objection until the date on
9 which a final determination is made or
10 considered to be made under paragraph
11 (4); and

12 (ii) after the date on which a final de-
13 termination is made or considered to be
14 made under paragraph (4), the Chief of
15 the Forest Service may implement the eco-
16 logical restoration project that is the sub-
17 ject of the objection.

18 (e) JUDICIAL REVIEW.—

19 (1) EXPEDITIOUS COMPLETION OF JUDICIAL
20 REVIEW.—In the judicial review of an action chal-
21 lenging an ecological restoration project developed
22 under this Act, Congress encourages the court of
23 competent jurisdiction to expedite, to the maximum
24 extent practicable, the proceedings in the action with
25 the goal of rendering a final determination on juris-

1 diction, and (if jurisdiction exists) a final determina-
 2 tion on the merits, as soon as practicable after the
 3 date on which a complaint or appeal is filed to ini-
 4 tiate the action.

5 (2) CONSIDERATION OF POTENTIAL SHORT-
 6 AND LONG-TERM EFFECTS.—In weighing each eq-
 7 uity during the consideration of any request for an
 8 injunction that applies to an agency action with re-
 9 spect to an ecological restoration project carried out
 10 under this Act, the court reviewing the ecological
 11 restoration project shall consider the impact to the
 12 ecosystem that could potentially result from—

13 (A) the short- and long-term effects of un-
 14 dertaking the agency action; and

15 (B) the short- and long-term effects of not
 16 undertaking the agency action.

17 (f) IMPLEMENTATION OF ECOLOGICAL RESTORATION
 18 PROJECTS.—Given the large backlog of acreage in need
 19 of ecological restoration in the covered area, the Secretary
 20 shall promptly implement an ecological restoration project
 21 following the final agency action.

22 (g) LITIGATION.—Any person who has submitted a
 23 comment regarding an interim project or an ecological res-
 24 toration project may intervene in any legal action that

1 challenges the interim project or ecological restoration
2 project.

3 **SEC. 12. BIOMASS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law (including regulations) relating to the use of
6 biomass energy, in accordance with each purpose and goal
7 of this Act, and any applicable recommendation of the ad-
8 visory panel, the Secretary shall take such actions as are
9 necessary to further enhance the use of woody biomass
10 in the covered area.

11 (b) REGIONAL BIOMASS PROJECTS.—

12 (1) IN GENERAL.—On a determination by the
13 Secretary that forest conditions, commercial inter-
14 ests, and an adequate supply from a combination of
15 Federal and non-Federal sources indicate a viable
16 economic supply and demand for establishing a re-
17 gional biomass project, the Secretary may designate
18 an area within the covered area in which—

19 (A) the removal of biomass is necessary to
20 restore forest health; and

21 (B) a sufficient volume of material is ex-
22 pected to be available to support a 20 year-life-
23 span of capital investments for biomass use.

24 (2) VOLUME ESTIMATE.—The Secretary shall
25 develop an estimate of the volume of biomass that—

1 (A) consists of slash, brush, and any tree
2 that does not exceed the minimum size stand-
3 ards for sawtimber; and

4 (B) can be supplied in a sustainable man-
5 ner on a contractual basis over a contract term
6 of not more than 20 years.

7 (3) SENSE OF CONGRESS.—It is the sense of
8 Congress that biomass industries arising from the
9 conduct of this subsection will rely on Federal and
10 non-Federal forests for the supply of raw materials.

11 (4) CONTRACTS.—Upon the development of an
12 estimate required under paragraph (2), the Sec-
13 retary may enter into a contract to supply biomass
14 over a term of not more than 20 years, with the op-
15 tion of making adjustments after a period of 10
16 years based on supply conditions.

17 **SEC. 13. LOCAL CONTRACTING.**

18 (a) IN GENERAL.—To carry out restoration projects
19 under this Act, the Secretary shall, to the maximum extent
20 practicable, through agreements or contracts, enter into
21 stewardship contracting projects.

22 (b) DURATION.—An agreement or contract under
23 subsection (a) shall, to the maximum extent practicable,
24 be in effect for a period of 20 years, with the option of
25 adjustments after 10 years based on defined benchmarks.

1 (c) PERFORMANCE AND PAYMENT GUARANTEES.—

2 The Secretary may require performance and payment
3 bonds as the Secretary determines to be appropriate, the
4 amounts of which shall be reduced as the subject con-
5 tractor achieves benchmarks established by the Forest
6 Service.

7 (d) PROCUREMENT PROCEDURE.—In selecting a
8 source for performance of an agreement or contract under
9 subsection (a), the Secretary shall—

10 (1) comply with section 347(c)(1) of the De-
11 partment of the Interior and Related Agencies Ap-
12 propriations Act, 1999 (16 U.S.C. 2104 note; Public
13 Law 105–277);

14 (2) consider past performance relating to the
15 purposes and goals of this Act; and

16 (3) give preference to local businesses located
17 within a 100-mile radius of a National Forest where
18 the project is located.

19 **SEC. 14. ADMINISTRATION.**

20 (a) EFFECT ON TREATIES OR OTHER LAWS.—

21 (1) TREATIES.—Nothing in this Act increases
22 or diminishes any right described in a treaty be-
23 tween an Indian tribe and the United States.

1 (2) FEDERAL LAWS.—Except as otherwise pro-
 2 vided in this Act, nothing in this Act affects any
 3 Federal law (including regulations).

4 (3) RELATIONSHIP TO OTHER AUTHORITY.—

5 (A) IN GENERAL.—The Secretary may use
 6 any authority provided under another provision
 7 of law (other than this Act) to carry out
 8 projects in a covered area.

9 (B) CERTAIN PROJECTS.—If the Secretary
 10 uses the authority provided by sections 9 and
 11 11 to carry out an interim or ecological restora-
 12 tion project, the Secretary may not use author-
 13 ity provided under another provision of law
 14 (other than this Act) to carry out the interim
 15 or ecological restoration project.

16 (b) PRINCIPAL AGENCY CONTACT.—

17 (1) SELECTION.—The Secretary shall select a
 18 Deputy Regional Forester to serve as the principal
 19 agency contact for the implementation of this Act.

20 (2) DUTIES.—The Deputy Regional Forester
 21 shall—

22 (A) serve as the point-of-contact for—

- 23 (i) the advisory panel; and
- 24 (ii) each collaborate group;

1 (B) resolve disagreements between any col-
 2 laborative group and the forest officer that
 3 serves as the primary point-of-contact of the
 4 collaborative group; and

5 (C) facilitate communications among—

6 (i) the advisory panel;

7 (ii) collaborative groups;

8 (iii) employees of the Forest Service;

9 and

10 (iv) any other stakeholders (including
 11 the public).

12 (c) EVALUATIVE CRITERIA.—To determine and en-
 13 sure compliance with this Act, the Secretary shall use the
 14 qualitative criteria described in section 4(a).

15 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There is authorized to be appro-
 17 priated \$50,000,000 to carry out this Act, to remain avail-
 18 able until expended.

19 (b) USE OF FUNDS.—Not more than 3 percent of the
 20 amount made available under subsection (a) may be used
 21 to pay for costs arising from overhead expenses of the De-
 22 partment of Agriculture.

23 (c) RECEIPTS.—

24 (1) IN GENERAL.—Receipts from sales made
 25 under projects authorized under this Act shall be re-

1 tained and used by the Secretary to conduct further
2 planning and implementation of projects under this
3 Act, without further appropriation or fiscal year lim-
4 itation.

5 (2) OTHER RECEIPT LAWS.—Nothing in this
6 Act affects any other Federal law governing the dis-
7 position of receipts.

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