

114TH CONGRESS
2D SESSION

S. _____

To provide for the conduct of certain wildfire budgeting and response activities and forest management activities.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the conduct of certain wildfire budgeting and response activities and forest management activities.

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 “Wildfire Budgeting, Response, and Forest Management
6 Act of 2016”.

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

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

TITLE I—WILDFIRE BUDGETING

2

- Sec. 101. Wildfire disaster funding authority.
- Sec. 102. Reporting requirements.
- Sec. 103. Sense of the Senate.
- Sec. 104. Wildfire risk reduction projects.

TITLE II—WILDFIRE RESPONSE AND PREPAREDNESS

- Sec. 201. National wildland firefighting credentials.
- Sec. 202. Use of unmanned aircraft systems in managing wildland fires.
- Sec. 203. Location tracking system for wildland firefighters.
- Sec. 204. Community planning assistance for at-risk communities.
- Sec. 205. Fire risk maps.
- Sec. 206. Dissemination of information to the public during fires.

TITLE III—PUBLIC LAND AND FOREST MANAGEMENT

Subtitle A— Environmental Analysis for Certain Forest Management Activities

- Sec. 301. Environmental analysis for certain forest management activities.

Subtitle B—Tongass National Forest Plan Amendment

- Sec. 311. Tongass National Forest plan amendment.

Subtitle C—Stewardship End Result Contracting

- Sec. 321. Cancellation ceilings for stewardship end result contracting projects.
- Sec. 322. Excess offset value.
- Sec. 323. Submission of existing annual report.
- Sec. 324. Availability of stewardship project revenues for planning costs.

Subtitle D—Accelerated Restoration Program for Ponderosa Pine and Dry-site Mixed Conifer Forests

- Sec. 331. Accelerated restoration program for ponderosa pine and dry-site mixed conifer forests.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **COLLABORATIVE PROCESS.**—The term “col-
 4 laborative process” means a process relating to the
 5 management of National Forest System land or pub-
 6 lic land under which a project or forest management
 7 activity is developed and implemented—

8 (A) through a collaborative framework
 9 that—

1 (i) includes a diverse and balanced
2 stakeholder representation;

3 (ii) establishes clear expectations and
4 goals;

5 (iii) strives for maximum trans-
6 parency in the decisionmaking process;

7 (iv) encourages stakeholders to func-
8 tion as representatives;

9 (v) fosters long-term participation;

10 (vi) recognizes timeframes and re-
11 sources; and

12 (vii) enhances agency decisionmaking;

13 (B) under the Collaborative Forest Land-
14 scape Restoration Program established under
15 section 4003 of the Omnibus Public Land Man-
16 agement Act of 2009 (16 U.S.C. 7303); or

17 (C) by a resource advisory committee.

18 (2) COMMUNITY WILDFIRE PROTECTION
19 PLAN.—The term “community wildfire protection
20 plan” has the meaning given the term in section 101
21 of the Healthy Forests Restoration Act of 2003 (16
22 U.S.C. 6511).

23 (3) FOREST MANAGEMENT ACTIVITY.—The
24 term “forest management activity” means a project
25 or activity carried out by the Secretary concerned on

1 National Forest System land or public land in ac-
2 cordance with the forest plan.

3 (4) FOREST PLAN.—The term “forest plan”
4 means—

5 (A) a resource management plan prepared
6 by the Bureau of Land Management for public
7 land pursuant to section 202 of the Federal
8 Land Policy and Management Act of 1976 (43
9 U.S.C. 1712); or

10 (B) a land and resource management plan
11 prepared by the Forest Service for a unit of the
12 National Forest System pursuant to section 6
13 of the Forest and Rangeland Renewable Re-
14 sources Planning Act of 1974 (16 U.S.C.
15 1604).

16 (5) RESOURCE ADVISORY COMMITTEE.—The
17 term “resource advisory committee” has the mean-
18 ing given the term in section 201 of the Secure
19 Rural Schools and Community Self-Determination
20 Act of 2000 (16 U.S.C. 7121).

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

1 (7) PUBLIC LAND.—The term “public land”
2 has the meaning given the term “public lands” in
3 section 103 of the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1702).

5 (8) SECRETARIES.—The term “Secretaries”
6 means the Secretary of the Interior and the Sec-
7 retary of Agriculture.

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

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

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

14 **TITLE I—WILDFIRE BUDGETING**

15 **[SEC. 101. WILDFIRE DISASTER FUNDING AUTHORITY.**

16 **[(a) DISASTER FUNDING.—Section 251(b)(2)(D) of**
17 **the Balanced Budget and Emergency Deficit Control Act**
18 **of 1985 (2 U.S.C. 901(b)(2)(D)) is amended—]**

19 **[(1) in clause (i)—]**

20 **[(A) in subclause (I), by striking “and” at**
21 **the end and inserting “plus”];]**

22 **[(B) in subclause (II), by striking the pe-**
23 **riod at the end and inserting “; less”; and]**

24 **[(C) by adding the following:]**

1 new budget authority’ means the
2 amount provided for a fiscal year in
3 an appropriation Act that is—】

4 【“(aa) in excess of 100 per-
5 cent of the average costs for wild-
6 fire suppression operations over
7 the previous 10 years; and】

8 【“(bb) specified to pay for
9 the costs of wildfire suppression
10 operations.】

11 【“(II) WILDFIRE SUPPRESSION
12 OPERATIONS.—The term ‘wildfire sup-
13 pression operations’ means the emer-
14 gency and unpredictable aspects of
15 wildland firefighting, including—】

16 【“(aa) support, response,
17 and emergency stabilization ac-
18 tivities;】

19 【“(bb) other emergency
20 management activities; and】

21 【“(cc) the funds necessary
22 to repay any transfers needed for
23 the costs of wildfire suppression
24 operations.】

1 **【**“(ii) ADDITIONAL NEW BUDGET AU-
2 THORITY.—If a bill or joint resolution
3 making appropriations for a fiscal year is
4 enacted that specifies an amount for wild-
5 fire suppression operations in the Wildland
6 Fire Management accounts at the Depart-
7 ment of Agriculture or the Department of
8 the Interior, then the adjustments for that
9 fiscal year shall be the amount of addi-
10 tional new budget authority provided in
11 that Act for wildfire suppression operations
12 for that fiscal year, but shall not exceed—
13 **】**

14 **【**“(I) for fiscal year 2017,
15 [\$1,410,000,000] in additional new
16 budget authority;**】**

17 **【**“(II) for fiscal year 2018,
18 [\$1,460,000,000] in additional new
19 budget authority;**】**

20 **【**“(III) for fiscal year 2019,
21 [\$1,560,000,000] in additional new
22 budget authority;**】**

23 **【**“(IV) for fiscal year 2020,
24 [\$1,780,000,000] in additional new
25 budget authority;**】**

1 【“(V) for fiscal year 2021,
2 [\$2,030,000,000] in additional new
3 budget authority;】

4 【“(VI) for fiscal year 2022,
5 [\$2,320,000,000] in additional new
6 budget authority;】

7 【“(VII) for fiscal year 2023,
8 [\$2,650,000,000] in additional new
9 budget authority; and】

10 【“(VIII) for fiscal year 2024,
11 [\$2,690,000,000] in additional new
12 budget authority;】

13 【“(IX) for fiscal year 2025,
14 [\$2,690,000,000] in additional new
15 budget authority; and】

16 【“(X) for fiscal year 2026,
17 [\$2,690,000,000] in additional new
18 budget authority.】

19 【“(iii) AVERAGE COST CALCULA-
20 TION.—The average costs for wildfire sup-
21 pression operations over the previous 10
22 years shall be calculated annually and re-
23 ported in the budget of the President sub-
24 mitted under section 1105(a) of title 31,

1 United States Code, for each fiscal
2 year.”.]

3 **[SEC. 102. REPORTING REQUIREMENTS.**

4 **[(a) SUPPLEMENTAL APPROPRIATIONS.—**If the Sec-
5 retary of the Interior or the Secretary of Agriculture de-
6 termines that supplemental appropriations are necessary
7 for a fiscal year for wildfire suppression operations, a re-
8 quest for the supplemental appropriations shall promptly
9 be submitted to Congress.]

10 **[(b) NOTICE OF NEED FOR ADDITIONAL FUNDS.—**
11 Prior to the obligation of any of the additional new budget
12 authority for wildfire suppression operations specified for
13 purposes of section 251(b)(2)(E)(ii) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985 (2
15 U.S.C. 901(b)(2)(E)(ii)), the Secretary of the Interior or
16 the Secretary of Agriculture, as applicable, shall submit
17 to the Committees on Appropriations and the Budget of
18 the House of Representatives and the Committees on Ap-
19 propriations and the Budget of the Senate written notifi-
20 cation that describes—]

21 **[(1) that the amount for wildfire suppression**
22 **operations to meet the terms of section 251(b)(2)(E)**
23 **of that Act for that fiscal year will be exhausted im-**
24 **minently; and]**

1 **[(2) the need for additional new budget author-**
2 **ity for wildfire suppression operations.]**

3 **[(c) ACCOUNTING, REPORTS, AND ACCOUNT-**
4 **ABILITY.—]**

5 **[(1) REQUIREMENTS.—**For each fiscal year,
6 the Secretary of the Interior and the Secretary of
7 Agriculture shall account for, and submit **[to Con-**
8 **gress]**, reports regarding the amounts used from
9 any additional new budget authority for wildfire sup-
10 pression operations provided to the Secretary of the
11 Interior and the Secretary of Agriculture in an ap-
12 propriation Act pursuant to subparagraph (E)(ii) of
13 section 251(b)(2) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985 (2 U.S.C.
15 901(b)(2)).**]**

16 **[(2) ANNUAL REPORT.—**

17 **[(A) IN GENERAL.—**Not later than 180
18 days after the end of the fiscal year for which
19 additional new budget authority is used, pursu-
20 ant to subparagraph (E)(ii) of section
21 251(b)(2) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985 (2 U.S.C.
23 901(b)(2)), the Secretary of the Interior or the
24 Secretary of Agriculture, as applicable, shall—
25 **]**

1 **[(i) prepare an annual report with re-**
2 **spect to the additional new budget author-**
3 **ity;]**

4 **[(ii) submit to the Committees on Ap-**
5 **propriations, the Budget, Natural Re-**
6 **sources, and Agriculture of the House of**
7 **Representatives and the Committees on**
8 **Appropriations, the Budget, Energy and**
9 **Natural Resources, and Agriculture, Nutri-**
10 **tion, and Forestry of the Senate the an-**
11 **annual report prepared under clause (i);**
12 **and]**

13 **[(iii) make the report prepared under**
14 **clause (i) available to the public.]**

15 **[(B) COMPONENTS.—The annual report**
16 **prepared under subparagraph (A) shall—]**

17 **[(i) document an accounting of risks**
18 **that influenced management decisions with**
19 **respect to wildfire suppression operations;]**

20 **[(ii) analyze all fires of more than**
21 **100,000 acres in size, or with an associ-**
22 **ated cost of more than \$100,000,000, in-**
23 **cluding an analysis for each fire of—]**

24 **[(I) cost drivers;]**

1 【(II) the effectiveness of risk
2 management techniques and whether
3 fire operations strategy tracked the
4 risk assessment;】

5 【(III) any resulting ecological or
6 other benefits to the landscape;】

7 【(IV) the impact of investments
8 in wildfire suppression operations pre-
9 paredness;】

10 【(V) the effectiveness of suppres-
11 sion wildfire operations, including an
12 analysis of resources lost, as com-
13 pared to the amount of funds in-
14 vested;】

15 【(VI) the effectiveness of any
16 fuel treatments on fire behavior and
17 suppression expenditures;】

18 【(VII) the levels of exposure fire-
19 fighters experienced;】

20 【(VIII) suggested corrective ac-
21 tions; and】

22 【(IX) any other factors the Sec-
23 retary of the Interior or Secretary of
24 Agriculture determines to be appro-
25 priate;】

1 【(iii) include an accounting of overall
2 fire management and spending by the Sec-
3 retary of the Interior or the Secretary of
4 Agriculture, which shall be analyzed by fire
5 size, cost, regional location, and other fac-
6 tors;】

7 【(iv) describe any lessons learned in
8 the conduct of wildfire operations;】

9 【(v) include any other elements that
10 the Secretary of the Interior or the Sec-
11 retary of Agriculture determines to be nec-
12 essary.】

13 **SEC. 103. SENSE OF THE SENATE.**

14 It is the sense of the Senate that—

15 (1) the amendments made by this title fall with-
16 in the exclusive jurisdiction of the Committee on the
17 Budget; and

18 (2) the final version of an amendment made by
19 this title that makes an adjustment for new budget
20 authority should be prepared in consultation with
21 the Committee on the Budget of the Senate.

22 **SEC. 104. WILDFIRE RISK REDUCTION PROJECTS.**

23 (a) IN GENERAL.—Amounts made available in an an-
24 nual appropriations Act for wildfire suppression oper-
25 ations for a fiscal year that are not expended in that fiscal

1 year shall be available to the Secretary concerned for wild-
2 fire risk reduction projects in accordance with subsection
3 (b).

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

8 (1) conducted in areas that—

9 (A) are within or adjacent to—

10 (i) at-risk communities (as defined in
11 section 204(b)(1)); or

12 (ii) high-value watersheds;

13 (B) have very high wildfire hazard poten-
14 tial; and

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

16 and

17 (2) designed to achieve 1 or more of the goals
18 established in the report of the Secretaries entitled
19 “The National Strategy: the Final Phase of the De-
20 velopment of the National Cohesive Wildland Fire
21 Management Strategy” and dated April 2014—

22 (A) to create fire-adapted communities;

23 (B) to restore and maintain resilient land-
24 scapes; and

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

1 (c) ANNUAL REPORTS.—The Secretary concerned
2 shall submit with the annual budget of the United States
3 submitted by the President under section 1105 of title 31,
4 United States Code, a list of projects to be implemented
5 using amounts made available to the Secretary concerned
6 under subsection (a).

7 **TITLE II—WILDFIRE RESPONSE**
8 **AND PREPAREDNESS**

9 **SEC. 201. NATIONAL WILDLAND FIREFIGHTING CREDEN-**
10 **TIALS.**

11 (a) SINGLE SYSTEM.—The Secretaries, acting jointly
12 with the State agencies that have primary responsibility
13 for fire suppression, shall develop and approve, by not
14 later than March 1, 2018, a single system, representing
15 and consisting of all concerned Federal and State wildland
16 firefighting agencies.

17 (b) REQUIREMENTS.—The single system under sub-
18 section (a) shall include a process for providing credentials
19 to all Federal and State-certified aircraft, personnel (in-
20 cluding pilots and maintenance personnel), and fire-
21 fighting support equipment for use—

22 (1) on fires on Federal land; and

23 (2) for firefighting operations conducted by, or
24 in cooperation with, Federal agencies.

1 (c) INTERIM ACCEPTANCE OF STANDARDS.—Until
2 the date of implementation of the single system under this
3 section, all Federal and State wildland firefighting agen-
4 cies shall accept the standards of each other as a coop-
5 erator, including standards relating to—

6 (1) pilot and maintenance inspector qualifica-
7 tions; and

8 (2) qualified firefighting support equipment.

9 **SEC. 202. USE OF UNMANNED AIRCRAFT SYSTEMS IN MAN-**
10 **AGING WILDLAND FIRES.**

11 (a) DEFINITION OF UNMANNED AIRCRAFT; UN-
12 MANNED AIRCRAFT SYSTEM.—In this section, the terms
13 “unmanned aircraft” and “unmanned aircraft system”
14 have the meaning given those terms in section 331 of the
15 FAA Modernization and Reform Act of 2012 (Public Law
16 112–95; 49 U.S.C. 40101 note).

17 (b) AUTHORIZATION.—Federal and State wildland
18 firefighting agencies (including designees of the agencies)
19 may operate unmanned aircraft systems in managing
20 wildland fires.

21 (c) DEVELOPMENT OF PROTOCOLS AND PLANS.—
22 Not later than March 1, 2018, Federal and State wildland
23 firefighting agencies shall jointly develop protocols and
24 plans for the use of unmanned aircraft systems for surveil-
25 lance, initial and extended attack, and incident team use,

1 as appropriate, including the development of an ortho rec-
2 tified map.

3 (d) DEADLINE.—By not later than September 30,
4 2020, and in accordance with the protocols and plans de-
5 veloped under subsection (c), the Secretaries shall begin
6 to equip firefighting personnel with unmanned aircraft
7 systems to detect spot fires, assess fire behavior, develop
8 tactical and strategic firefighting plans, position crews,
9 and enhance firefighter safety.

10 (e) LIMITATION ON OPERATION.—Unmanned air-
11 craft may only be operated under this section in accord-
12 ance with regulations and other authorities of the Admin-
13 istrator of the Federal Aviation Administration.

14 **SEC. 203. LOCATION TRACKING SYSTEM FOR WILDLAND**
15 **FIREFIGHTERS.**

16 (a) IN GENERAL.—Not later than March 1, 2018, the
17 Secretaries shall jointly develop and operate a tracking
18 system (referred to in this section as the “system”) to re-
19 motely locate the positions of fire crews assigned to Fed-
20 eral Type 1 Wildland Fire Incident Management Teams.

21 (b) REQUIREMENTS.—The system shall—

22 (1) use technology available to the Secretaries
23 to remotely track the location of an active resource,
24 such as a Global Positioning System;

1 (2) depict the location of each fire crew on an
2 ortho rectified map developed under section 202(c);
3 and

4 (3) operate continuously until a wildland fire is
5 contained.

6 (c) OPERATION.—The Secretary concerned shall—

7 (1) operate the system during a wildland fire to
8 increase—

9 (A) the safety of employees, officers, and
10 contractors; and

11 (B) the effectiveness of the management of
12 the wildland fire; and

13 (2) conduct training and maintain a culture
14 such that an employee, officer, or contractor shall
15 not rely on the system for safety.

16 **SEC. 204. COMMUNITY PLANNING ASSISTANCE FOR AT-RISK**
17 **COMMUNITIES.**

18 (a) UPDATE TO LIST OF AT-RISK COMMUNITIES.—

19 Not later than 180 days after the date of enactment of
20 this Act and every 10 years thereafter, the Secretaries
21 shall jointly update and publish the list of at-risk commu-
22 nities developed pursuant to title IV of the Department
23 of the Interior and Related Agencies Appropriations Act,
24 2001 (Public Law 106–291; 114 Stat. 1006), using the
25 criteria for an at-risk community described in section 101

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

3 (b) PLANNING AND PREPARING AT-RISK COMMU-
4 NITIES FOR WILDFIRE.—

5 (1) DEFINITION OF AT-RISK COMMUNITY.—In
6 this subsection, the term “at-risk community”
7 means a community included in the list of at-risk
8 communities developed pursuant to title IV of the
9 Department of the Interior and Related Appropria-
10 tions Act, 2001 (Public Law 106–291; 114 Stat.
11 1006), and updated under subsection (a).

12 (2) FINANCIAL ASSISTANCE.—Subject to the
13 availability of appropriations, the Secretaries shall
14 provide financial assistance to at-risk communities
15 to assist the at-risk communities in planning and
16 preparing for wildfire, including—

17 (A) cosponsoring and supporting the ex-
18 pansion of the Firewise Program or programs
19 similar to the Firewise Program;

20 (B) developing, updating, and imple-
21 menting community wildfire protection plans
22 for at-risk communities;

23 (C) carrying out risk assessments and cre-
24 ating maps that depict wildfire risk to assist in
25 planning for response and suppression resource

1 needs and implementing hazardous fuel treat-
2 ment programs; and

3 (D) planning and implementing cross-
4 boundary hazardous fuels reduction projects as
5 identified in a community wildfire protection
6 plan.

7 (3) AUTHORIZATION OF APPROPRIATIONS.—

8 There is authorized to be appropriated to carry out
9 this subsection \$500,000,000 for the period of fiscal
10 years 2018 through 2025.

11 **SEC. 205. FIRE RISK MAPS.**

12 (a) DEVELOPMENT.—Subject to the availability of
13 appropriations, not later than September 30, 2020, the
14 Secretaries, in cooperation with the Administrator of the
15 Federal Emergency Management Agency, shall develop a
16 linked series of maps that depict the risk of wildfires for
17 all undeveloped land in the wildland-urban interface.

18 (b) COOPERATION AND COST-SHARING AUTHOR-
19 ITY.—In developing a map under this section, the Secre-
20 taries may cooperate, and share the cost of development,
21 with a State or unit of local government.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$100,000,000 for the period of fiscal years 2018 through
25 2025.

1 **SEC. 206. DISSEMINATION OF INFORMATION TO THE PUB-**
2 **LIC DURING FIRES.**

3 (a) TEMPORARY COMMUNICATION.—The Secretaries
4 may procure equipment, including temporary wireless
5 Internet and telecommunications infrastructure, to main-
6 tain communication with the public during large wildland
7 fire incidents.

8 (b) INFORMATION DURING WILDFIRE EVENTS.—

9 (1) IN GENERAL.—During a wildland fire man-
10 aged by a Federal Type 1 Wildland Fire Incident
11 Management Team, not less frequently than once
12 per day—

13 (A) the liaison officer of the Team or the
14 local line officer shall meet with local elected of-
15 ficials; and

16 (B) the public affairs officer of the Team
17 or the local line officer, in cooperation with
18 local elected officials, shall make available to
19 the public information relating to the wildland
20 fire, including—

21 (i) information on any road closures;

22 (ii) information on any power outages;

23 (iii) a description of the location of
24 the wildland fire; and

25 (iv) information on any disruption in
26 telecommunications service.

1 (2) TIME PERIOD.—The Secretaries shall en-
2 sure that the information provided under paragraph
3 (1)(B) remains available to the public for a period
4 of not fewer than 21 days after the date on which
5 the wildland fire is contained.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$10,000,000 for each of fiscal years 2018 through 2027.

9 **TITLE III—PUBLIC LAND AND**
10 **FOREST MANAGEMENT**
11 **Subtitle A— Environmental Anal-**
12 **ysis for Certain Forest Manage-**
13 **ment Activities**

14 **SEC. 301. ENVIRONMENTAL ANALYSIS FOR CERTAIN FOR-**
15 **EST MANAGEMENT ACTIVITIES.**

16 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-
17 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-
18 MENTS.—This section shall apply in any case in which the
19 Secretary concerned prepares an environmental assess-
20 ment or an environmental impact statement pursuant to
21 section 102(2) of the National Environmental Policy Act
22 of 1969 (42 U.S.C. 4332(2)) for a forest management ac-
23 tivity—

24 (1) that—

1 (A) is developed through a collaborative
2 process; or

3 (B) is covered by a community wildfire
4 protection plan; and

5 (2) the primary purpose of which is—

6 (A) reducing hazardous fuel loads;

7 (B) installing fuel and fire breaks;

8 (C) restoring forest health and resilience;

9 (D) protecting a municipal water supply or
10 a critical communication site;

11 (E) improving wildlife habitat to meet
12 management and conservation goals, including
13 State population goals; or

14 (F) a combination of 2 or more of the pur-
15 poses described in subparagraphs (A) through
16 (E).

17 (b) CONSIDERATION OF ALTERNATIVES.—In an envi-
18 ronmental assessment or environmental impact statement
19 described in subsection (a), the Secretary concerned shall
20 study, develop, and describe only the following alter-
21 natives:

22 (1) The forest management activity, as pro-
23 posed under subsection (a).

24 (2) The alternative of no action.

1 (c) ELEMENTS OF NO-ACTION ALTERNATIVE.—In
2 the case of the alternative of no action, the Secretary con-
3 cerned shall evaluate the effect of no action on—

- 4 (1) forest health;
- 5 (2) wildlife habitat;
- 6 (3) wildfire potential;
- 7 (4) insect and disease potential; and
- 8 (5) economic and social factors.

9 (d) EXCLUSIONS.—This section does not apply to—

- 10 (1) any component of the National Wilderness
11 Preservation System;
- 12 (2) any congressionally designated wilderness
13 study area;
- 14 (3) any research natural area;
- 15 (4) any National Forest System land or public
16 land on which the removal of vegetation is prohibited
17 by Act of Congress; or
- 18 (5) any designated critical habitat for a feder-
19 ally listed threatened or endangered species, [unless,
20 after a consultation under section 7 of the Endan-
21 gered Species Act of 1973 (16 U.S.C. 1536), the
22 Secretary of the Interior, acting through the Direc-
23 tor of the United States Fish and Wildlife Service,
24 determines that the forest management activity is

1 not likely to destroy or adversely modify the critical
2 habitat】.

3 (e) ROAD BUILDING.—

4 (1) PERMANENT ROADS.—A forest management
5 activity carried out under this section shall not in-
6 clude the construction of any new, permanent road.

7 (2) EXISTING ROADS.—The Secretary con-
8 cerned may carry out necessary maintenance of, re-
9 pairs to, or reconstruction of an existing permanent
10 road under a forest management activity carried out
11 under this section.

12 (3) TEMPORARY ROADS.—The Secretary con-
13 cerned shall decommission any temporary road con-
14 structed under a forest management activity carried
15 out under this section by not later than 3 years after
16 the date on which the project is completed.

17 **Subtitle B—Tongass National**
18 **Forest Plan Amendment**

19 **SEC. 311. TONGASS NATIONAL FOREST PLAN AMENDMENT.**

20 (a) IN GENERAL.—The Secretary of Agriculture shall
21 comply with section 705(a) of the Alaska National Interest
22 Lands Conservation Act (16 U.S.C. 539d(a)).

23 (b) INVENTORY.—Using funds set aside for activities
24 related to the proposed Transition Framework in Region
25 10, the Secretary of Agriculture shall conduct a com-

1 prehensive inventory of young-growth stands, as rec-
2 ommended by the Tongass Advisory Committee.

3 (c) REQUIREMENTS.—The comprehensive inventory
4 conducted under subsection (b) shall—

5 (1) include stand-level field work with respect to
6 young-growth timber located on the 462,000 acres of
7 young-growth sites in the Tongass National Forest;
8 and

9 (2) assess all age classes of timber inventoried
10 for the purpose of refining inventory and growth
11 data to properly forecast yields from stands and fu-
12 ture economic options with respect to the timber
13 inventoried.

14 (d) RECORD OF DECISION.—The Secretary of Agri-
15 culture shall not issue a record of decision for any forest
16 plan amendment to the Tongass land and resource man-
17 agement plan dated 2008 that includes transition to
18 young-growth management until the date on which—

19 (1) the comprehensive inventory is completed
20 under subsection (b); and

21 (2) the public is notified of, and provided a pe-
22 riod of not less than 90 days to comment regarding,
23 the comprehensive inventory.

1 **Subtitle C—Stewardship End**
2 **Result Contracting**

3 **SEC. 321. CANCELLATION CEILINGS FOR STEWARDSHIP**
4 **END RESULT CONTRACTING PROJECTS.**

5 (a) IN GENERAL.—Section 604 of the Healthy For-
6 ests Restoration Act of 2003 (16 U.S.C. 6591c) is amend-
7 ed—

8 (1) by redesignating subsections (h) and (i) as
9 subsections (i) and (j), respectively; and

10 (2) by inserting after subsection (g) the fol-
11 lowing:

12 “(h) CANCELLATION CEILINGS.—

13 “(1) IN GENERAL.—The Chief and the Director
14 may obligate funds to cover any potential cancella-
15 tion or termination costs for an agreement or con-
16 tract under subsection (b) in stages that are eco-
17 nomically or programmatically viable.

18 “(2) ADVANCE NOTICE TO CONGRESS OF CAN-
19 CELLATION CEILING IN EXCESS OF \$25,000,000.—Not
20 later than 30 days before entering into a multiyear
21 agreement or contract under subsection (b) that in-
22 cludes a cancellation ceiling in excess of
23 \$25,000,000, but does not include proposed funding
24 for the costs of cancelling the agreement or contract
25 up to that cancellation ceiling, the Chief or the Di-

1 rector, as applicable, shall submit to the Committee
2 on Energy and Natural Resources and the Com-
3 mittee on Agriculture, Nutrition, and Forestry of
4 the Senate and the Committee on Natural Resources
5 and the Committee on Agriculture of the House of
6 Representatives a written notice that includes—

7 “(A) the cancellation ceiling amounts pro-
8 posed for each program year in the agreement
9 or contract;

10 “(B) a description of the reasons why the
11 cancellation ceiling amounts were selected;

12 “(C) a description of the extent to which
13 the costs of contract cancellation are not in-
14 cluded in the budget for the agreement or con-
15 tract; and

16 “(D) a financial risk assessment of not in-
17 cluding budgeting for the costs of agreement or
18 contract cancellation.

19 “(3) TRANSMITTAL OF NOTICE TO OMB.—Not
20 later than 14 days after the date on which written
21 notice is provided under paragraph (2) with respect
22 to an agreement or contract under subsection (b),
23 the Chief or the Director, as applicable, shall trans-
24 mit a copy of the notice to the Director of the Office
25 of Management and Budget.”.

1 (b) RELATION TO OTHER LAWS.—Section 604(d)(5)
2 of the Healthy Forests Restoration Act of 2003 (16
3 U.S.C. 6591c(d)(5)) is amended by striking “, the Chief
4 may” and inserting “and section 2(a)(1) of the Act of July
5 31, 1947 (commonly known as the ‘Materials Act of
6 1947’) (30 U.S.C. 602(a)(1)), the Chief and the Director
7 may”.

8 **SEC. 322. EXCESS OFFSET VALUE.**

9 Section 604(g)(2) of the Healthy Forests Restoration
10 Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by strik-
11 ing subparagraphs (A) and (B) and inserting the fol-
12 lowing:

13 “(A) use the excess to satisfy any out-
14 standing liabilities for cancelled agreements or
15 contracts; or

16 “(B) if there are no outstanding liabilities
17 under subparagraph (A), apply the excess to
18 other authorized stewardship projects.”.

19 **SEC. 323. SUBMISSION OF EXISTING ANNUAL REPORT.**

20 Subsection (j) of section 604 of the Healthy Forests
21 Restoration Act of 2003 (16 U.S.C. 6591c) (as redesign-
22 nated by section 321(a)(1)) is amended, in the matter pre-
23 ceding paragraph (1), by striking “report to the Com-
24 mittee on Agriculture, Nutrition, and Forestry of the Sen-
25 ate and the Committee on Agriculture of the House of

1 Representatives” and inserting “submit to the congress-
2 sional committees described in subsection (h)(2) a report”.

3 **SEC. 324. AVAILABILITY OF STEWARDSHIP PROJECT REVE-**
4 **NUES FOR PLANNING COSTS.**

5 Section 604(e)(2) of the Healthy Forests Restoration
6 Act of 2003 (16 U.S.C. 6591c(e)(2)) is amended by strik-
7 ing subparagraph (B) and inserting the following:

8 “(B) shall be available for expenditure
9 without further appropriation—

10 “(i) at the project site from which the
11 monies are collected or at another project
12 site; and

13 “(ii) to cover not more than 25 per-
14 cent of the cost of planning for additional
15 stewardship contracting projects.”.

16 **Subtitle D—Accelerated Restora-**
17 **tion Program for Ponderosa**
18 **Pine and Dry-site Mixed Conifer**
19 **Forests**

20 **SEC. 331. ACCELERATED RESTORATION PROGRAM FOR**
21 **PONDEROSA PINE AND DRY-SITE MIXED**
22 **CONIFER FORESTS.**

23 (a) PILOT PROGRAM.—In accordance with this sec-
24 tion, the Secretaries shall establish a pilot program to
25 carry out authorized hazardous fuel reduction projects, as

1 defined in section 101 of the Healthy Forests Restoration
2 Act of 2003 (16 U.S.C. 6511), and to treat slash in pon-
3 derosa pine and dry-site mixed conifer forests that—

4 (1) are prone to severe wildfire; and

5 (2) are, or historically were, composed primarily
6 of ponderosa pines.

7 (b) HAZARDOUS FUEL REDUCTION PROJECTS.—

8 (1) ELIGIBLE AREAS.—A hazardous fuel reduc-
9 tion project authorized under this section shall be
10 limited to areas on National Forest System land or
11 public land that are—

12 (A) at risk of severe wildfire; and

13 (B) located within—

14 (i) the wildland-urban interface; or

15 (ii) areas outside the wildland-urban
16 interface that—

17 (I) are not in a desired condition
18 relative to fire regime; and

19 (II) have a high or very high
20 wildfire hazard potential.

21 (2) EXCLUSIONS.—This section does not apply
22 to—

23 (A) any component of the National Wilder-
24 ness Preservation System;

1 (B) any congressionally designated wilder-
2 ness study area;

3 (C) any research natural area;

4 (D) any National Forest System land or
5 public land on which the removal of vegetation
6 is prohibited by law; or

7 (E) any designated critical habitat for a
8 federally listed threatened or endangered spe-
9 cies, [unless, after a consultation under section
10 7 of the Endangered Species Act of 1973 (16
11 U.S.C. 1536), the Secretary of the Interior, act-
12 ing through the Director of the United States
13 Fish and Wildlife Service, determines that the
14 forest management activity is not likely to de-
15 stroy or adversely modify the critical habitat].

16 (3) COLLABORATION.—A hazardous fuel reduc-
17 tion project authorized under this section shall be—

18 (A) identified through a collaborative proc-
19 ess; or

20 (B) covered by a community wildfire pro-
21 tection plan developed not later than 5 years
22 after the date of enactment of this Act.

23 (4) PROCEDURES.—

1 (A) IN GENERAL.—A hazardous fuel re-
2 duction project authorized under this section
3 shall—

4 (i) be conducted consistent with appli-
5 cable land and resource management plans
6 and procedures;

7 (ii) not include the use of herbicides
8 or insecticides;

9 (iii) not occur on highly erodible land,
10 unless the Secretary determines that the
11 fire hazard poses a threat to soil stability
12 that is greater than the project;

13 (iv) not include the construction of a
14 new permanent road; and

15 (v) be conducted in a manner that
16 maximizes the retention of large trees, as
17 appropriate, for the forest type, to the ex-
18 tent that the trees promote stands that are
19 resilient to severe wildfire, insects, and dis-
20 ease.

21 (B) ROADS.—Notwithstanding subpara-
22 graph (A)(iv), a hazardous fuels reduction
23 project authorized under this section—

24 (i) may include necessary maintenance
25 of, repairs to, or reconstruction of an exist-

1 ing permanent road under a forest man-
2 agement activity carried out under this
3 section; and

4 (ii) shall include the decommissioning
5 of any temporary road constructed for a
6 project under this subsection, by not later
7 than 3 years after the date on which the
8 temporary road is no longer needed or the
9 project is completed.

10 (c) ENVIRONMENTAL PROTECTION.—

11 (1) DEFINITION OF EMERGENCY CIR-
12 CUMSTANCES.—In this section, the term “emergency
13 circumstances” means, in the determination of the
14 Secretary concerned, circumstances in which—

15 (A) conditions in the forest for which a
16 hazardous fuel reduction project authorized
17 under this section has been proposed are such
18 that a wildfire, burning during average severe
19 fire weather, would—

20 (i) be difficult to contain with sup-
21 pression resources likely to be available;
22 and

23 (ii) pose a significant threat to—

24 (I) the forest ecosystem;

25 (II) human life; or

1 (III) property; and

2 (B) the probability or likelihood of a wild-
3 fire burning in the area for which a hazardous
4 fuel reduction project authorized under this sec-
5 tion has been proposed within the near future
6 requires prompt action.

7 (2) EMERGENCY CIRCUMSTANCES.—If, in the
8 determination of the Secretary concerned, emergency
9 circumstances make it necessary to conduct a haz-
10 ardous fuel reduction project under this section
11 without ensuring compliance with parts 1500
12 through 1508 of title 40, Code of Federal Regula-
13 tions (or successor regulations), the regulations of
14 the Council on Environmental Quality that imple-
15 ment the procedural requirements of the National
16 Environmental Policy Act of 1969 (42 U.S.C. 4321
17 et seq.), the Secretary concerned shall promptly pre-
18 pare a concise emergency environmental assessment
19 that briefly—

20 (A) describes the need for the hazardous
21 fuel reduction project and any reasonable alter-
22 natives for reducing the risk of fire;

23 (B) provides sufficient evidence and anal-
24 ysis for determining if the hazardous fuel re-

1 duction project will have a significant impact on
2 the environment; and

3 (C) weighs—

4 (i) the risk and environmental impacts
5 of a severe wildfire, including the danger
6 to human life and property and the loss of
7 environmental resources, jobs, and Federal
8 revenue from timber sales, in the forest for
9 which the project has been proposed;
10 against

11 (ii) any environmental impacts of the
12 proposed project.

13 (3) FINDING OF NO SIGNIFICANT ENVIRON-
14 MENTAL IMPACT.—If, based on an emergency envi-
15 ronmental assessment described in paragraph (2),
16 the Secretary concerned finds that the proposed haz-
17 ardous fuel reduction project under this section will
18 not have a significant impact on the environment,
19 the Secretary concerned shall prepare a concise
20 statement describing that finding.

21 (4) ALTERNATIVE ARRANGEMENTS.—If, based
22 on an emergency environmental assessment de-
23 scribed in paragraph (2), the Secretary concerned
24 finds that the proposed hazardous fuel reduction
25 project under this section is likely to have a signifi-

1 cant impact on the environment, but emergency cir-
2 cumstances make it necessary to conduct the project
3 in accordance with paragraph (2), the Secretary con-
4 cerned—

5 (A) shall promptly consult with the Council
6 on Environmental Quality regarding alternative
7 arrangements for complying with the require-
8 ments of the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4321 et seq.); and

10 (B) may, after consulting with the Council
11 on Environmental Quality and in accordance
12 with any alternative arrangements required
13 under subparagraph (A), take such action as
14 the Secretary concerned determines is necessary
15 and in the public interest—

16 (i) to address the emergency cir-
17 cumstances; and

18 (ii) to control the immediate impacts
19 of the emergency.

20 (5) EFFECT OF DETERMINATION.—A deter-
21 mination of the Secretary concerned made in accord-
22 ance with this subsection shall be entitled to sub-
23 stantial deference.

24 (d) LONG-TERM CONTRACTS.—

1 (1) AUTHORIZATION.—To carry out hazardous
2 fuel reduction projects under this section, the Secre-
3 taries may award, for a term of not more than 20
4 years—

5 (A) timber contracts under section 14 of
6 the National Forest Management Act of 1976
7 (16 U.S.C. 472a); or

8 (B) stewardship contracts under section
9 604 of the Healthy Forests Restoration Act of
10 2003 (16 U.S.C. 6591c).

11 (2) LIMITATIONS.—

12 (A) NUMBER.—The Secretaries may enter
13 into not more than 10 contracts under para-
14 graph (1) during the pilot program.

15 (B) LOCATION.—The Secretaries may only
16 award contracts under paragraph (1) for areas
17 in which wood-using infrastructure is scarce.

18 (3) PREFERENCES.—In awarding contracts
19 under paragraph (1), the Secretaries may give pref-
20 erence to—

21 (A) sawmills in existence on the date of en-
22 actment of this Act; and

23 (B) entities that will convert the timber
24 to—

1 (i) wood products that can be used in
2 green building construction; or

3 (ii) mass-timbers, including cross-lam-
4 inated timber.

5 (4) STEWARDSHIP PROJECT REVENUES.—Not-
6 withstanding section 604(e) of the Healthy Forests
7 Restoration Act of 2003 (16 U.S.C. 6591c(e)), pay-
8 ments from contractors received by the Secretaries
9 under this subsection shall be considered monies re-
10 ceived from National Forest System land or public
11 land.

12 (e) MONITORING.—

13 (1) MULTIPARTY MONITORING.—

14 (A) IN GENERAL.—For the 5-year period
15 beginning on the date on which implementation
16 of a hazardous fuel reduction project com-
17 mences under this section, the Secretaries, in
18 consultation with interested persons, shall use a
19 multiparty monitoring, evaluation, and account-
20 ability process to assess the positive or negative
21 ecological, social, and economic effects of each
22 hazardous fuel reduction project carried out
23 under this section.

24 (B) REPORTING.—At the end of each 5-
25 year monitoring period under subparagraph

1 (A), the Secretary concerned shall prepare, and
2 make publicly available, a report on the findings
3 of the monitoring.

4 (2) FINAL REPORT ON PROGRAM.—

5 (A) IN GENERAL.—Not later than 1 year
6 before the date on which the pilot program ter-
7 minates under subsection (f), the Secretaries
8 shall prepare a final report describing the im-
9 plementation and results of the pilot program
10 that is based on the reports described in para-
11 graph (1)(B).

12 (B) RECOMMENDATIONS.—The final report
13 shall include recommendations of the Secre-
14 taries relating to—

15 (i) whether the authorization for the
16 pilot program under this section should be
17 extended, let expire, or made permanent;

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

20 (iii) if and how the scope of the pilot
21 program should be expanded.

22 (C) AVAILABILITY.—The Secretaries
23 shall—

24 (i) submit to the appropriate commit-
25 tees of Congress the final report; and

1 (ii) make the final report available to
2 the public.

3 (f) TERMINATION OF AUTHORITY.—The pilot pro-
4 gram established under this section shall terminate on the
5 date that is 10 years after the date of enactment of this
6 Act.

7 (g) SAVINGS CLAUSE.—Any contract entered into by
8 the Secretaries under this section before the termination
9 date of the pilot program shall not be affected by the ter-
10 mination of the pilot program.