

1 **DIVISION _____—FOREST WILD-**
2 **FIRE FUNDING AND FOREST**
3 **MANAGEMENT**
4 **TITLE I—MAJOR DISASTER FOR**
5 **WILDFIRE ON FEDERAL LAND**

6 **SEC. 101. WILDFIRE ON FEDERAL LAND.**

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

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

12 “(2) MAJOR DISASTER.—

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

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

16 “(B) MAJOR DISASTER FOR WILDFIRE ON
17 FEDERAL LAND.—The term ‘major disaster for
18 wildfire on Federal land’ means any wildfire or
19 wildfires, which in the determination of the
20 President under section 802 warrants assist-
21 ance under section 803 to supplement the ef-
22 forts and resources of the Department of the
23 Interior or the Department of Agriculture—

1 “(i) on Federal land; or

2 “(ii) on non-Federal land pursuant to
3 a fire protection agreement or cooperative
4 agreement.”.

5 **SEC. 102. DECLARATION OF A MAJOR DISASTER FOR WILD-**
6 **FIRE ON FEDERAL LAND.**

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

10 **“TITLE VIII—MAJOR DISASTER**
11 **FOR WILDFIRE ON FEDERAL**
12 **LAND**

13 **“SEC. 801. DEFINITIONS.**

14 “As used in this title—

15 “(1) FEDERAL LAND.—The term ‘Federal land’
16 means—

17 “(A) any land under the jurisdiction of the
18 Department of the Interior; and

19 “(B) any land under the jurisdiction of the
20 United States Forest Service.

21 “(2) FEDERAL LAND MANAGEMENT AGEN-
22 CIES.—The term ‘Federal land management agen-
23 cies’ means—

24 “(A) the Bureau of Land Management;

25 “(B) the National Park Service;

1 “(C) the Bureau of Indian Affairs;

2 “(D) the United States Fish and Wildlife
3 Service; and

4 “(E) the United States Forest Service.

5 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

6 The term ‘wildfire suppression operations’ means the
7 emergency and unpredictable aspects of wildland
8 firefighting, including support, response, emergency
9 stabilization activities, and other emergency manage-
10 ment activities of wildland firefighting on Federal
11 land (or on non-Federal land pursuant to a fire pro-
12 tection agreement or cooperative agreement) by the
13 Federal land management agencies covered by the
14 wildfire suppression subactivity of the Wildland Fire
15 Management accounts or the FLAME Wildfire Sup-
16 pression Reserve Fund account of the Federal land
17 management agencies.

18 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**

19 **DISASTER FOR WILDFIRE ON FEDERAL LAND.**

20 “(a) IN GENERAL.—The Secretary of the Interior or
21 the Secretary of Agriculture may submit a request to the
22 President consistent with the requirements of this title for
23 a declaration by the President that a major disaster for
24 wildfire on Federal land exists.

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

4 “(1) be made in writing by the respective Sec-
5 retary;

6 “(2) certify that, in the current fiscal year, the
7 amount appropriated for wildfire suppression oper-
8 ations of the Federal land management agencies
9 under the jurisdiction of the respective Secretary,
10 net of any concurrently enacted rescissions of wild-
11 fire suppression funds, increases the total unobli-
12 gated balance of amounts available for wildfire sup-
13 pression by an amount equal to at least 70 percent
14 of the average total costs incurred by the Federal
15 land management agencies per year for wildfire sup-
16 pression operations, including the suppression costs
17 in excess of appropriated amounts, over the previous
18 ten fiscal years;

19 “(3) certify that, in the current fiscal year, an
20 amount equal to at least 30 percent of the average
21 total costs incurred by the Federal land management
22 agencies per year for wildfire suppression operations,
23 including the suppression costs in excess of appro-
24 priated amounts, over the previous ten fiscal years,
25 has been appropriated for the Federal land manage-

1 ment agencies under the jurisdiction of the respec-
2 tive Secretary for the purpose funding—

3 “(A) projects and activities on Federal
4 land that improve the fire regime of areas that
5 meet the desired future conditions of the appli-
6 cable land and resource management plan or
7 land use plan; or

8 “(B) restoration and resiliency projects
9 and activities on Federal land that meet the de-
10 sired future conditions of the applicable land
11 and resource management plan or land use
12 plan;

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

14 “(A) the total of the amounts certified
15 under paragraphs (2) and (3) are equal to at
16 least 100 percent of the average total costs in-
17 curred by the Federal land management agen-
18 cies per year for wildfire suppression oper-
19 ations, including the suppression costs in excess
20 of appropriated amounts, over the previous ten
21 fiscal years; and

22 “(B) the amount certified under paragraph
23 (3) is in addition to and supplements other ap-
24 propriations for the Federal land management
25 agencies for projects and activities of the type

1 described in subparagraphs (A) and (B) of
2 paragraph (3) that equal or exceed the total
3 amount appropriated for such projects and ac-
4 tivities for fiscal year 2015, subject to the con-
5 dition that such 2015 threshold amount shall be
6 adjusted annually beginning with fiscal year
7 2017 to reflect changes over the preceding fis-
8 cal year in the Consumer Price Index for all-
9 urban consumers published by the Secretary of
10 Labor;

11 “(5) certify that the amount available for wild-
12 fire suppression operations of the Federal land man-
13 agement agencies under the jurisdiction of the re-
14 spective Secretary will be obligated not later than 30
15 days after such Secretary notifies the President that
16 wildfire suppression funds will be exhausted to fund
17 ongoing and anticipated wildfire suppression oper-
18 ations related to the wildfire on which the request
19 for the declaration of a major disaster for wildfire
20 on Federal land pursuant to this title is based; and

21 “(6) specify the amount required in the current
22 fiscal year to fund wildfire suppression operations
23 related to the wildfire on which the request for the
24 declaration of a major disaster for wildfire on Fed-
25 eral land pursuant to this title is based.

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

5 “(d) LIST OF PROJECTS REPORTING REQUIRE-
6 MENT.—Not later than November 1 of each fiscal year,
7 the Secretary of Agriculture and the Secretary of the Inte-
8 rior shall each submit to the Committees on Agriculture,
9 Appropriations, and Natural Resources of the House of
10 Representatives and the Committees on Agriculture, Nu-
11 trition, and Forestry, Appropriations, and Natural Re-
12 sources of the Senate a list of projects and activities of
13 the type described in subparagraphs (A) and (B) of sub-
14 section (b)(3) to be conducted using funds described in
15 subsection (b)(3).

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

17 “(a) IN GENERAL.—In a major disaster for wildfire
18 on Federal land, the President may direct the transfer of
19 funds, only from the account established pursuant to sub-
20 section (b), to the Secretary of the Interior or the Sec-
21 retary of Agriculture to conduct wildfire suppression oper-
22 ations on Federal land (and non-Federal land pursuant
23 to a fire protection agreement or cooperative agreement).

24 “(b) WILDFIRE SUPPRESSION OPERATIONS DIS-
25 ASTER ACCOUNT.—

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

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

7 “(3) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated to the ac-
9 count established by paragraph (1) such sums as are
10 necessary to carry out the purposes of a declaration
11 under section 802, but not to exceed the limitations
12 specified in subsection (c)(2).

13 “(c) LIMITATIONS.—

14 “(1) LIMITATIONS RELATED TO REQUEST AND
15 ACCOUNT AMOUNTS.—The assistance available pur-
16 suant to a declaration under section 802 is limited
17 to the transfer of the amount requested pursuant to
18 section 802(b)(6). The assistance available for trans-
19 fer shall not exceed the amount contained in the
20 wildfire suppression operations account established
21 pursuant to subsection (b).

22 “(2) MAXIMUM TRANSFER AMOUNT LIMITA-
23 TION.—If a bill or joint resolution making appro-
24 priations for a fiscal year is enacted that specifies an
25 amount for wildfire suppression operations in the

1 Wildland Fire Management accounts of the Depart-
2 ment of Agriculture or the Department of the Inte-
3 rior, then the total amount of assistance appro-
4 priated to and transferred from the account estab-
5 lished pursuant to subsection (b) and pursuant to a
6 declaration under section 802 for wildfire suppres-
7 sion operations, to the Wildland Fire Management
8 accounts of the Department of Agriculture and the
9 Department of the Interior, for that fiscal year, shall
10 not exceed \$1,647,000,000.

11 “(3) TRANSFER OF FUNDS.—Funds under this
12 section shall be transferred from the wildfire sup-
13 pression operations account to the wildfire suppres-
14 sion subactivity of the Wildland Fire Management
15 Accounts. The transferred funds shall remain avail-
16 able until expended.

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

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

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

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

7 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
8 QUIREMENTS.—Not later than 90 days after the end of
9 each fiscal year for which assistance is received pursuant
10 to this section, the respective Secretary shall submit to
11 the Committees on Agriculture, Appropriations, the Budg-
12 et, Natural Resources, and Transportation and Infrastruc-
13 ture of the House of Representatives and the Committees
14 on Agriculture, Nutrition, and Forestry, Appropriations,
15 the Budget, Energy and Natural Resources, Homeland
16 Security and Governmental Affairs, and Indian Affairs of
17 the Senate, and make available to the public, a report that
18 includes the following:

19 “(1) The risk-based factors that influenced
20 management decisions regarding wildfire suppression
21 operations of the Federal land management agencies
22 under the jurisdiction of the Secretary concerned.

23 “(2) Specific discussion of a statistically signifi-
24 cant sample of large fires, in which each fire is ana-
25 lyzed for cost drivers, effectiveness of risk manage-

1 ment techniques, resulting positive or negative im-
2 pacts of fire on the landscape, impact of investments
3 in preparedness, suggested corrective actions, and
4 such other factors as the respective Secretary con-
5 siders appropriate.

6 “(3) Total expenditures for wildfire suppression
7 operations of the Federal land management agencies
8 under the jurisdiction of the respective Secretary,
9 broken out by fire sizes, cost, regional location, and
10 such other factors as such Secretary considers ap-
11 propriate.

12 “(4) Lessons learned.

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

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

21 **SEC. 103. PROHIBITION ON TRANSFERS.**

22 No funds may be transferred to or from the Federal
23 land management agencies’ wildfire suppression oper-
24 ations accounts referred to in section 801(3) of the Robert
25 T. Stafford Disaster Relief and Emergency Assistance Act

1 to or from any account or subactivity of the Federal land
2 management agencies, as defined in section 801(2) of such
3 Act, that is not used to cover the cost of wildfire suppres-
4 sion operations.

5 **SEC. 104. EFFECTIVE DATE.**

6 The amendments made by this title shall take effect
7 on October 1, 2016.

8 **TITLE II—FOREST MANAGEMENT**

9 **SEC. 201. EXPEDITED COLLABORATIVE FOREST MANAGE-**
10 **MENT ACTIVITIES.**

11 (a) DEFINITIONS.—In this section:

12 (1) COLLABORATIVE PROCESS.—The term “col-
13 laborative process” means a process that relates to
14 the management of National Forest System land or
15 public land, by which a forest management activity
16 is proposed—

17 (A) by a resource advisory committee
18 through collaboration with interested persons,
19 as described in section 603(b)(1)(C) of the
20 Healthy Forests Restoration Act of 2003 (16
21 U.S.C. 6591b(b)(1)(C));

22 (B) by a collaborative that meets the re-
23 quirements under section 4003 of the Omnibus
24 Public Land Management Act of 2009 (16
25 U.S.C. 7303); or

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

3 (i) includes multiple individuals who
4 provide balanced and broad representation
5 of diverse interests, including, if relevant
6 and interested, but not limited to—

7 (I) environmental organizations;

8 (II) timber and forest products
9 industry representatives;

10 (III) State agencies;

11 (IV) units of local government;

12 (V) tribal governments; and

13 (VI) outdoor recreational rep-
14 resentatives; and

15 (ii) operates—

16 (I) in a transparent and non-
17 exclusive manner; and

18 (II) by consensus or in accord-
19 ance with voting procedures to ensure
20 a high degree of agreement among
21 participants and across various inter-
22 ests.

23 (2) 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 con-
2 junction with the resource management plan cov-
3 ering the National Forest System land or public
4 land.

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

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

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

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

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

20 (b) COLLABORATIVE MANAGEMENT ACTIVITIES.—

21 (1) APPLICABILITY.—This subsection may
22 apply in any case in which the Secretary concerned
23 prepares an environmental assessment or an envi-
24 ronmental impact statement pursuant to section
25 102(2) of the National Environmental Policy Act of

1 1969 (42 U.S.C. 4332(2)) for a project for a forest
2 management activity described in paragraph (2).

3 (2) DESCRIPTION OF PROJECTS.—A project for
4 a forest management activity referred to in para-
5 graph (1) is a project to carry out forest restoration
6 treatments that—

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

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

17 (C) is developed and implemented through
18 a collaborative process.

19 (3) CONSIDERATION OF ALTERNATIVES.—In an
20 environmental assessment or environmental impact
21 statement described in paragraph (1), the Secretary
22 concerned shall study, develop, and describe not
23 more than the following alternatives:

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

4 (B) The alternative of no action.

5 (4) LIMITATIONS.—Except as provided in this
6 subsection, nothing in this subsection preempts or
7 interferes with any obligation to comply with the
8 provisions of any Federal law, including—

9 (A) the Endangered Species Act of 1973
10 (16 U.S.C. 1531 et seq.);

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

13 (C) any other Federal environmental law.

14 (c) CATEGORICAL EXCLUSION TO EXPEDITE CER-
15 TAIN CRITICAL RESPONSE ACTIONS.—

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

21 (A) the forest management activity is de-
22 veloped and recommended through a collabo-
23 rative process; and

24 (B) the primary purpose of the forest man-
25 agement activity is—

1 (i) to reduce hazardous fuel loads on
2 land in, or related to, a wildland-urban
3 interface;

4 (ii) to protect a municipal water
5 source, if the municipality is within 100
6 miles of the area to be treated; or

7 (iii) any combination of the purposes
8 specified in clauses (i) and (ii).

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

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

15 (B) maximizes the retention of old-growth
16 and large trees, as appropriate for the forest
17 type, to the extent that the trees promote
18 stands that are resilient to uncharacteristic
19 wildfire; and

20 (C) considers the best available scientific
21 information to maintain or restore the ecologi-
22 cal integrity, including maintaining or restoring
23 structure, function, composition, and
24 connectivity.

1 (d) CATEGORICAL EXCLUSION TO MEET RESOURCE
2 MANAGEMENT PLAN GOALS FOR EARLY SUCCESSIONAL
3 FORESTS.—

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

9 (A) the forest management activity is de-
10 veloped and recommended through a collabo-
11 rative process; and

12 (B) the primary purpose of the forest man-
13 agement activity is to modify, improve, enhance,
14 or create early successional forests for wildlife
15 habitat improvement and other purposes, con-
16 sistent with the applicable resource manage-
17 ment plan.

18 (2) PROJECT GOALS.—To the maximum extent
19 practicable, the Secretary concerned shall design a
20 forest management activity under this subsection to
21 meet early successional forest goals in such a man-
22 ner so as to maximize production and regeneration
23 of priority species, as identified in the resource man-
24 agement plan and consistent with the capability of
25 the activity site.

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

4 (A) consists of not more than 250 acres,
5 comprised of noncontiguous units to create a
6 mosaic of age classes in accordance with the re-
7 source management plan;

8 (B) contains harvest units, consistent with
9 the applicable resource management plan;

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

12 (D) assists in meeting resource manage-
13 ment plan objectives for retention of old-growth
14 stands and retention of old-growth trees, con-
15 sistent with resource management plan objec-
16 tives; and

17 (E) considers the best available scientific
18 information to maintain or restore early seral
19 habitat.

20 (e) ROADS.—

21 (1) PERMANENT ROADS.—A project carried out
22 under this section shall not include the construction
23 of new permanent roads.

24 (2) EXISTING ROADS.—The Secretary con-
25 cerned may carry out necessary maintenance of, re-

1 pairs to, or reconstruction of an existing permanent
2 road for the purposes of this section.

3 (3) TEMPORARY ROADS.—The Secretary con-
4 cerned shall decommission any temporary road con-
5 structed under a project under this section not later
6 than 3 years after the date on which the project is
7 completed.

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

9 (1) a component of the National Wilderness
10 Preservation System;

11 (2) any Federal land on which, by Act of Con-
12 gress or Presidential proclamation, the removal of
13 vegetation prohibited;

14 (3) a congressionally designated wilderness
15 study area;

16 (4) an inventoried roadless area; or

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

20 (g) RESOURCE MANAGEMENT PLANS.—All projects
21 and activities carried out under this subsection shall be
22 consistent with the resource management plan applicable
23 to the National Forest System land or public land con-
24 taining the projects and activities.

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

4 **SEC. 202. STATE-SUPPORTED PLANNING OF FOREST MAN-**
5 **AGEMENT ACTIVITIES.**

6 (a) DEFINITIONS.—In this section:

7 (1) COLLABORATIVE PROCESS.—The term “col-
8 laborative process” means a process that relates to
9 the management of National Forest System land or
10 public land, by which a forest management activity
11 is proposed—

12 (A) by a resource advisory committee
13 through collaboration with interested persons,
14 as described in section 603(b)(1)(C) of the
15 Healthy Forests Restoration Act of 2003 (16
16 U.S.C. 6591b(b)(1)(C));

17 (B) by a collaborative that meets the re-
18 quirements under section 4003 of the Omnibus
19 Public Land Management Act of 2009 (16
20 U.S.C. 7303); or

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

23 (i) includes multiple individuals who
24 provide balanced and broad representation

1 of diverse interests, including, if relevant
2 and interested, but not limited to—

- 3 (I) environmental organizations;
4 (II) timber and forest products
5 industry representatives;
6 (III) State agencies;
7 (IV) units of local government;
8 (V) tribal governments; and
9 (VI) outdoor recreational rep-
10 resentatives; and

11 (ii) operates—

12 (I) in a transparent and non-
13 exclusive manner; and

14 (II) by consensus or in accord-
15 ance with voting procedures to ensure
16 a high degree of agreement among
17 participants and across various inter-
18 ests.

19 (2) COMMUNITY WILDFIRE PROTECTION
20 PLAN.—The term “community wildfire protection
21 plan” has the meaning given that term in section
22 101(3) of the Healthy Forests Restoration Act of
23 2003 (16 U.S.C. 6511(3)).

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

1 (A) a State or political subdivision of a
2 State containing National Forest System land
3 or public land;

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

6 (C) a rural electric company; and

7 (D) any other entity determined by the
8 Secretary concerned to be appropriate for par-
9 ticipation in the Fund.

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

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

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

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

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

24 (b) STATE-SUPPORTED FOREST MANAGEMENT
25 FUND.—There is established in the Treasury of the

1 United States a fund, to be known as the “State-Sup-
2 ported Forest Management Fund”, to cover the cost of
3 planning (especially as relating to compliance with section
4 102(2) of the National Environmental Policy Act of 1969
5 (42 U.S.C. 4332(2))), carrying out, and monitoring cer-
6 tain forest management activities on National Forest Sys-
7 tem land or public land.

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

10 (1) contributed by an eligible entity for deposit
11 in the Fund;

12 (2) appropriated to the Fund; or

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

15 (d) GEOGRAPHICAL AND USE LIMITATIONS.—In
16 making a contribution under subsection (c)(1), an eligible
17 entity may—

18 (1) specify the National Forest System land or
19 public land for which the contribution may be ex-
20 pended; and

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

23 (e) AUTHORIZED FOREST MANAGEMENT ACTIVI-
24 TIES.—In such amounts as may be provided in advance
25 in appropriations Acts, the Secretary concerned may use

1 the Fund to plan, carry out, and monitor a forest manage-
2 ment activity that is—

3 (1) developed through a collaborative process;

4 or

5 (2) covered by a community wildfire protection
6 plan.

7 (f) IMPLEMENTATION METHODS.—

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

11 (A) a contract or agreement under section
12 604 of the Healthy Forests Restoration Act of
13 2003 (16 U.S.C. 6591c);

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

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

20 (D) any other authority available to the
21 Secretary concerned.

22 (2) USE OF REVENUES.—Any revenue gen-
23 erated by a forest management activity described in
24 paragraph (1) shall be used to reimburse the Fund

1 for planning costs covered using amounts in the
2 Fund.

3 (g) RELATION TO OTHER LAWS.—

4 (1) REVENUE SHARING.—Subject to subsection
5 (f), revenues generated by a forest management ac-
6 tivity carried out using amounts from the Fund shall
7 be considered monies received from the National
8 Forest System.

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

14 (h) TERMINATION OF FUND.—

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

18 (2) EFFECT OF TERMINATION.—On termi-
19 nation of the Fund under paragraph (1) or pursuant
20 to any other provision of law, any unobligated con-
21 tribution remaining in the Fund shall be returned to
22 the eligible entity that made the contribution.

1 **SEC. 203. FOREST SERVICE LEGACY ROADS AND TRAILS RE-**
2 **MEDIATION PROGRAM.**

3 (a) IN GENERAL.—The Secretary of Agriculture shall
4 establish and maintain a Forest Service Legacy Roads and
5 Trails Remediation Program within the National Forest
6 System—

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

10 (2) to restore fish and other aquatic organism
11 passage by removing or replacing unnatural barriers
12 to the passage of fish and other aquatic organisms;

13 (3) to decommission unneeded roads and trails;
14 and

15 (4) to carry out associated activities.

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

20 (1) water quality;

21 (2) watersheds that feed public drinking water
22 systems; or

23 (3) habitat for threatened, endangered, and
24 sensitive fish and wildlife species.

25 (c) NATIONAL FOREST SYSTEM.—Except as author-
26 ized under section 323 of title III of the Department of

1 the Interior and Related Agencies Appropriations Act,
2 1999 (16 U.S.C. 1011a), all projects carried out under
3 the Forest Service Legacy Roads and Trails Remediation
4 Program shall be on National Forest System roads.

5 (d) NATIONAL PROGRAM STRATEGY.—Not later than
6 180 days after the date of enactment of this Act, the Sec-
7 retary of Agriculture shall develop a national strategy for
8 implementing the Forest Service Legacy Roads and Trails
9 Remediation Program.

10 **SEC. 204. WATER SOURCE PROTECTION PROGRAM AND WA-**
11 **TERSHERD CONDITION FRAMEWORK.**

12 Subtitle A of title III of the Omnibus Public Land
13 Management Act of 2009 (Public Law 111–11) is amend-
14 ed by adding at the end the following new sections:

15 **“SEC. 3002. WATER SOURCE PROTECTION PROGRAM FOR**
16 **NATIONAL FOREST SYSTEM LAND.**

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

22 “(b) WATER SOURCE INVESTMENT PARTNER-
23 SHIPS.—

24 “(1) IN GENERAL.—In carrying out the Water
25 Source Protection Program, the Secretary may enter

1 into water source investment partnerships with end
2 water users (including States, political subdivisions,
3 Indian tribes, utilities, municipal water systems, irri-
4 gation districts, nonprofit organizations, and cor-
5 porations) to protect and restore the condition of
6 National Forest watersheds that provide water to
7 the non-Federal partners.

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

13 “(c) WATER SOURCE MANAGEMENT PLAN.—

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

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

1 “(3) ENVIRONMENTAL ANALYSIS.—The Sec-
2 retary may conduct—

3 “(A) a single environmental impact state-
4 ment or similar analysis required under the Na-
5 tional Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.) for all or part of the res-
7 toration projects in the water source manage-
8 ment plan; and

9 “(B) a statement or analysis described in
10 subparagraph (A) as part of the development of
11 the water source management plan or after the
12 finalization of the plan.

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

20 “(5) FUNDS AND SERVICES.—

21 “(A) IN GENERAL.—In carrying out the
22 Water Source Protection Program, the Sec-
23 retary may accept and use funding, services,
24 and other forms of investment and assistance
25 from water source investment partnership par-

1 participants to implement the water source man-
2 agement plan.

3 “(B) MANNER OF USE.—The Secretary
4 may accept and use investments described in
5 subparagraph (A) directly or indirectly through
6 the National Forest Foundation.

7 “(C) WATER SOURCE PROTECTION
8 FUND.—

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

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

22 **“SEC. 3003. WATERSHED CONDITION FRAMEWORK FOR NA-**
23 **TIONAL FOREST SYSTEM LAND.**

24 “(a) IN GENERAL.—The Secretary of Agriculture,
25 acting through the Chief of the Forest Service (referred

1 to in this section as the ‘Secretary’), shall establish and
2 maintain a Watershed Condition Framework for National
3 Forest System land derived from the public domain—

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

6 “(A) water quality and quantity;

7 “(B) aquatic habitat and biota;

8 “(C) riparian and wetland vegetation;

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

10 “(E) soil type and condition;

11 “(F) groundwater-dependent ecosystems;

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

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

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

23 “(A) wildfire behavior;

24 “(B) flood risk;

25 “(C) fish and wildlife;

1 “(D) drinking water supplies;

2 “(E) irrigation water supplies;

3 “(F) forest-dependent communities; and

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

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

8 “(A) takes into account existing restora-
9 tion activities being implemented in the water-
10 shed; and

11 “(B) includes, at a minimum—

12 “(i) the major stressors responsible
13 for the impaired condition of the water-
14 shed;

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

19 “(iii) a proposed implementation
20 schedule;

21 “(iv) potential partners and funding
22 sources; and

23 “(v) a monitoring and evaluation pro-
24 gram;

1 “(4) to prioritize restoration activities for each
2 watershed restoration action plan;

3 “(5) to implement each watershed restoration
4 action plan; and

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

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

9 “(1) coordinate with interested non-Federal
10 landowners and with State, tribal, and local govern-
11 ments within the relevant watershed; and

12 “(2) provide for an active and ongoing public
13 engagement process.

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

19 “(1) a wildfire has significantly diminished the
20 condition of the watershed; and

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

1 **SEC. 205. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
2 **TION PROGRAM.**

3 (a) SELECTION PROCESS.—Section 4003(f)(4) of the
4 Omnibus Public Land Management Act of 2009 (16
5 U.S.C. 7303(f)(4)) is amended by adding at the end the
6 following new subparagraph:

7 “(C) PREQUALIFICATION.—

8 “(i) IN GENERAL.—Before awarding a
9 contract funded by the Fund, the Sec-
10 retary shall determine whether the con-
11 tractor has the ability to complete the pro-
12 posed restoration activities, including—

13 “(I) the financial ability to raise
14 the funds necessary for the proposed
15 restoration activities; and

16 “(II) sufficient capacity to per-
17 form the type and scope of the pro-
18 posed restoration activities.

19 “(ii) CRITERIA.—If the Department
20 does not have sufficient expertise to de-
21 velop and evaluate criteria to make a de-
22 termination under clause (i), the Secretary
23 shall seek the assistance of other agencies
24 or third-party consultants for purposes of
25 developing and evaluating the criteria.”.

1 (b) REAUTHORIZATION OF COLLABORATIVE FOREST
2 LANDSCAPE RESTORATION FUND.—Section 4003(f)(6) of
3 the Omnibus Public Land Management Act of 2009 (16
4 U.S.C. 7303(f)(6)) is amended by striking “2019, to re-
5 main available until expended” and inserting “2014, and
6 \$60,000,000 for each of fiscal years 2016 through 2024,
7 to remain available until expended”.