

112TH CONGRESS
1ST SESSION

S. _____

To provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

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.**

4 This Act may be cited as the “Oregon Eastside For-
5 ests Restoration, Old Growth Protection, and Jobs Act of
6 2011”.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are—

1 (1) to conserve and restore the eastside Na-
2 tional Forests of the State;

3 (2) to create an immediate, predictable, and in-
4 creased timber flow to support locally-based restora-
5 tion economies in the communities of the eastside
6 National Forests of the State;

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

10 (4) to protect, restore, and increase old-growth
11 forest stands and trees in the eastside National For-
12 ests of the State;

13 (5) to promote collaboration in the communities
14 of the eastside National Forests of the State to re-
15 spond to critical threats to forest and watershed
16 health and to support natural resource- and restora-
17 tion-based economies;

18 (6) to prioritize, strategically target, and accel-
19 erate projects to improve forest health and water-
20 shed health in old growth forests located in the
21 eastside National Forests of the State; and

22 (7) to provide the Secretary, collaborative
23 groups, and the public with independent scientific
24 advice for restoring forest health and watershed
25 health in the eastside National Forests of the State.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY PANEL.**—The term “advisory
4 panel” means the Eastside Forest Scientific and
5 Technical Advisory Panel established under section
6 6(a).

7 (2) **COLLABORATIVE GROUP.**—The term “col-
8 laborative group” means a group of individuals that
9 meets the requirements of section 9(a)(2).

10 (3) **COVERED AREA.**—The term “covered area”
11 means the area selected by the Secretary under sec-
12 tion 4(a)(1) that is—

13 (A) within the State; and

14 (B) not within the area covered by the
15 Record of Decision for Amendments to Forest
16 Service and Bureau of Land Management Plan-
17 ning Documents Within the Range of the
18 Northern Spotted Owl, dated April 1994.

19 (4) **EMERGENCY CONDITION.**—The term “emer-
20 gency condition” means a condition—

21 (A) that results in an—

22 (i) imminent risk to life or property;

23 or

24 (ii) immediate impairment of the pub-
25 lic use and enjoyment of a trail, road,
26 highway, public facility, or public land; and

1 (B) with respect to subparagraph (A)(ii),
2 the urgency to address the emergency of which
3 outweighs the benefits of full notice and com-
4 ment.

5 (5) FOREST HEALTH.—The term “forest
6 health” means conditions that enable forested
7 land—

8 (A) to be durable, resilient, and less prone
9 to uncharacteristic wildfire, insect, or pathogen
10 outbreaks, while—

11 (i) supporting ecosystem services and
12 populations of native species; and

13 (ii) allowing for natural disturbances;

14 (B) to maintain or develop species com-
15 position, ecosystem function and structure, hy-
16 drologic function, and sediment regimes that
17 are within an acceptable range that considers—

18 (i) historic variability; and

19 (ii) anticipated future conditions; and

20 (C) to be resistant and resilient to
21 uncharacteristic events.

22 (6) FOREST STAND.—The term “forest stand”
23 means a contiguous group of trees that are suffi-
24 ciently uniform in age-class distribution, composi-
25 tion, and structure and that are growing on a site

1 of sufficiently uniform quality to be a distinguishable
2 unit.

3 (7) INITIATIVE.—The term “Initiative” means
4 an initiative established by the Secretary—

5 (A) to restore and improve the ecological
6 structure, composition, and function and the
7 natural processes of watersheds within the Na-
8 tional Forest System;

9 (B) to preserve and create local jobs in
10 rural communities that are located in or near
11 National Forest System land;

12 (C) to sustain the local wood products in-
13 frastructure and community capacity that is
14 necessary for the appropriate management and
15 restoration of National Forest System land;

16 (D) to promote cooperation and collabora-
17 tion in the management of National Forest Sys-
18 tem land;

19 (E) to carry out collaborative projects to
20 restore forest health and watershed health and
21 to reduce the risk of uncharacteristic disturb-
22 ances from fire, insects, and disease to commu-
23 nities, watersheds, and natural resources
24 through a collaborative process of planning,
25 prioritizing, and implementing ecological res-

1 toration, hazardous fuel reduction, and other
2 vegetation management projects;

3 (F) to collect information from the projects
4 carried out under this Act in an effort to better
5 understand the manner in which to improve for-
6 est restoration and management activities; and

7 (G) under which not more than 15 Na-
8 tional Forests may be selected to participate.

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

14 (9) PLANT ASSOCIATION.—

15 (A) IN GENERAL.—The term “plant asso-
16 ciation” means a description of a plant commu-
17 nity that—

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

20 (ii) may be aggregated into 1 or more
21 groups based on similarities in plant spe-
22 cies, composition, environment, and pro-
23 ductivity.

24 (B) INCLUSION.—The term “plant associa-
25 tion” includes, with respect to a forested site,

1 species representing tree, shrub, and herbaceous
2 layers.

3 (10) RESTORATION ASSESSMENT.—The term
4 “restoration assessment” means the Eastside Land-
5 scape Forest Restoration Assessment prepared
6 under section 7(a).

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

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

12 (13) UNCHARACTERISTIC.—The term
13 “uncharacteristic” means a wildfire, insect, or
14 pathogen outbreak or level of forest fuel, the sever-
15 ity, size, frequency, or quantity of which exceeds the
16 historic range of variability.

17 (14) WATERSHED AREA.—The term “watershed
18 area” means 1 or more subwatersheds (also known
19 as 6th code hydrologic units).

20 (15) WATERSHED HEALTH.—The term “water-
21 shed health” means landscape conditions that enable
22 riparian and aquatic ecosystems—

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

1 (B) to provide for water temperatures that
2 are within the range of variability of the nat-
3 ural regimes for the processes described in sub-
4 paragraph (A); and

5 (C) to create and sustain functional ripar-
6 ian, aquatic, and wetland habitats that are ca-
7 pable of supporting diverse populations of na-
8 tive aquatic- and riparian-dependent species.

9 **SEC. 4. LAND MANAGEMENT.**

10 (a) SELECTION OF COVERED AREA.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary may
13 select all or part of 1 or more National Forests in
14 the State as part of the Initiative.

15 (2) TERM.—The selection under paragraph (1)
16 shall be for a period of 15 years.

17 (3) EFFECT.—The provisions of this Act shall
18 apply to the covered area.

19 (b) LAND MANAGEMENT GOALS.—

20 (1) IN GENERAL.—In the covered area, the Sec-
21 retary shall, considering the best available science,
22 seek—

23 (A) to conserve and restore forest health,
24 watershed health, and other ecosystems;

1 (B) to reduce the risk of, and increase the
2 resistance and resiliency of the land to,
3 uncharacteristic disturbances;

4 (C) to allow for characteristic natural dis-
5 turbances; and

6 (D) to harvest wood to maintain adequate
7 levels of industry infrastructure to accomplish
8 the goals described in subparagraphs (A), (B),
9 and (C).

10 (2) FOREST MANAGEMENT.—To achieve the
11 goals of paragraph (1) in the forested land in the
12 covered area, the Secretary shall consider opportuni-
13 ties—

14 (A) to reduce the basal area in overstocked
15 forest stands;

16 (B) to increase the mean diameter of for-
17 est stands;

18 (C) to maintain or create a forest composi-
19 tion that focuses on more fire- and drought-tol-
20 erant species;

21 (D) to restore historic levels of within-for-
22 est stand spatial heterogeneity;

23 (E) to conserve and restore old growth;

24 (F) to conserve and restore population lev-
25 els of older trees;

1 (G) to conserve and restore ecologically
2 sustainable forest stands and landscapes to in-
3 corporate characteristic forest stand structures
4 and older tree populations;

5 (H) to harvest wood and use the value of
6 merchantable sawlogs and biomass to help off-
7 set the cost of improving forest health and wa-
8 tershed health;

9 (I) to restore or maintain sustainable and
10 fire-resilient conditions in perpetuity through
11 active management (including management
12 through prescribed or wildland fire and me-
13 chanical treatments);

14 (J) to restore or maintain ecologically ap-
15 propriate spatial complexity (including a range
16 of open to dense forest patches at scales from
17 the forest stand to the landscape);

18 (K) to create nonuniform effects in car-
19 rying out vegetation management projects by
20 avoiding extensive areas of uniform treatment,
21 except for certain treatments (such as broad-
22 cast burns) that are carried out to enhance the
23 spatial heterogeneity of the forest site;

1 (L) to restore or maintain ecologically ap-
2 propriate understory plant community composi-
3 tion and condition, including—

4 (i) by restoring and maintaining na-
5 tive ground cover; and

6 (ii) by reducing the impacts of, and
7 potential for, exotic and other invasive spe-
8 cies; and

9 (M) to increase stakeholder participation
10 through collaborative groups.

11 (c) PLANNING.—To help to achieve the goals de-
12 scribed in subsection (b), the Secretary shall use landscape
13 scale planning based on watershed areas as a tool to im-
14 plement ecological restoration projects in the covered area.

15 (d) PERFORMANCE GOALS.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date on which the Secretary selects the cov-
18 ered area, the Secretary, in consultation with the
19 relevant collaborative groups, may establish perform-
20 ance goals, in addition to the goals that are estab-
21 lished by subsection (b), that the Secretary shall
22 seek to achieve consistent with the purposes of this
23 Act and the goals and opportunities described in
24 subsection (b) for the covered area.

1 (2) TERM.—Subject to paragraph (3), each per-
2 formance goal established under paragraph (1) shall
3 be measured annually for a period of 15 years.

4 (3) ADDITIONS.—The Secretary may develop
5 additional performance goals that the Secretary de-
6 termines to be appropriate during the period estab-
7 lished by paragraph (2).

8 (4) PRIORITIZATION.—Subject to the limita-
9 tions described in section 11(b), the Secretary shall
10 prioritize the vegetation management and hazardous
11 fuels reduction program activities in the covered
12 area to achieve the performance goals established
13 under this subsection.

14 (5) RESTORATION GOALS.—

15 (A) IN GENERAL.—Within the covered
16 area, consistent with the goals, and after con-
17 sidering the opportunities, described in sub-
18 section (b), the Secretary shall, to the max-
19 imum extent practicable, prepare, offer, and
20 promptly implement projects, that—

21 (i) are predominantly comprised of
22 mechanical treatment in the covered area
23 that emphasize sawtimber as a byproduct;
24 and

25 (ii) are conducted on—

1 (I) for the first fiscal year after
2 the date of enactment of this Act, not
3 less than 39,000 acres;

4 (II) for the subsequent fiscal
5 year, not less than 58,000 acres; and

6 (III) for each fiscal year there-
7 after until the fiscal year in which at
8 least 1 ecological restoration project
9 for each National Forest is initiated
10 under section 8, not less than 80,000
11 acres.

12 (B) ANNUAL GOALS.—

13 (i) IN GENERAL.—Beginning in the
14 first fiscal year after the date on which at
15 least 1 ecological restoration project is ini-
16 tiated for each National Forest under sec-
17 tion 8 and each fiscal year thereafter until
18 the date on which the Initiative is com-
19 pleted, the Secretary may, subject to clause
20 (ii), set annual acreage performance goals
21 for projects that are predominantly com-
22 prised of mechanical treatment in the cov-
23 ered area that emphasize sawtimber as a
24 byproduct consistent with the goals, and

1 after considering the opportunities, de-
2 scribed in subsection (b).

3 (ii) CONSIDERATIONS.—In setting
4 goals under clause (i), the Secretary shall
5 consider—

6 (I) the restoration assessment;

7 (II) any specific recommenda-
8 tions of the advisory panel relating to
9 acreage treatment needs; and

10 (III) advice provided by a col-
11 laborative group relating to acreage
12 treatment needs.

13 (e) PROHIBITIONS ON REMOVAL OF CERTAIN
14 TREES.—

15 (1) LARGER TREES.—Except as provided in
16 paragraph (3), the Secretary shall prohibit the cut-
17 ting or removal of any live tree located in the cov-
18 ered area, the diameter of which is 21 inches or
19 greater measured at breast height.

20 (2) SMALLER TREES.—Except as provided in
21 paragraph (3)(B), the Secretary shall prohibit the
22 cutting or removal of any live tree located in the cov-
23 ered area, the diameter of which is less than 21
24 inches measured at breast height, if the Secretary
25 determines, after considering the recommendations

1 of the advisory panel, that prohibiting the cutting or
2 removal is required to meet the goals described in
3 subsection (b).

4 (3) EXCEPTIONS.—

5 (A) ECOLOGICAL EXCEPTION.—The prohi-
6 bitions described in paragraph (1) shall not
7 apply if the Secretary, after considering the rec-
8 ommendations of the advisory panel and con-
9 sulting with each relevant collaborative group,
10 determines that the cutting or removal of the
11 tree would be consistent with the goals de-
12 scribed in subsection (b)(1).

13 (B) ADMINISTRATIVE EXCEPTION.—

14 (i) IN GENERAL.—The prohibitions
15 described in paragraphs (1) and (2) shall
16 not apply if the Secretary determines that
17 there is no reasonable alternative to the
18 cutting or removal of the tree to provide
19 for a safe administrative, public, or special
20 use.

21 (ii) NOTICE REQUIREMENT.—The
22 Secretary shall provide to the public and
23 each relevant collaborative group notice
24 and an opportunity to comment before
25 making a determination under clause (i),

1 unless the Secretary determines that the
2 cutting or removal of the tree is necessary
3 to respond to an emergency condition.

4 (f) LIMITATIONS ON ROAD CONSTRUCTION.—In car-
5 rying out any vegetation management project in the cov-
6 ered area, the Secretary shall—

7 (1) not construct any permanent road, unless
8 the Secretary determines that the road is a justifi-
9 able realignment of a permanent road to restore or
10 improve the ecological structure, composition, and
11 function and the natural processes of the affected
12 forest or watershed; and

13 (2) by the earlier of the date on which the vege-
14 tation management project is completed or the date
15 that is 1 year after the activities for which the road
16 was constructed are complete, decommission any
17 temporary road constructed to carry out the vegeta-
18 tion management project by—

19 (A) reestablishing vegetation on the road;
20 and

21 (B) restoring any natural drainage, water-
22 shed function, or other ecological processes that
23 are disrupted or adversely impacted by the
24 road, including by removing or hydrologically
25 disconnecting the road prism.

1 **SEC. 5. WATERSHED MANAGEMENT.**

2 (a) AQUATIC AND RIPARIAN RESOURCES MANAGE-
3 MENT.—

4 (1) IN GENERAL.—Within the covered area,
5 each vegetation management project in an area de-
6 lined under subsection (b) shall protect and re-
7 store the aquatic and riparian-dependent resources
8 of the delineated area.

9 (2) EFFECTS.—A project described in para-
10 graph (1) may result in short-term negative effects
11 on the aquatic and riparian-dependent resources of
12 the delineated area if the Secretary determines, after
13 considering the best available science, that the
14 project would result in a net improvement to the
15 condition of those resources over the long-term.

16 (b) DELINEATION OF AREAS.—

17 (1) FISH-BEARING STREAMS.—The Secretary
18 shall delineate each permanently-flowing fishbearing
19 stream and the area extending away from each edge
20 of the active stream channel to include—

21 (A) the top of the inner gorge;

22 (B) the outer edges of the 100-year flood-
23 plain;

24 (C) the outer edges of riparian vegetation;

25 (D) a distance equal to the height of 2
26 site-potential trees; and

1 (E) a slope distance of not less than 300
2 feet.

3 (2) PERMANENTLY FLOWING NON-FISHBEARING
4 STREAMS.—The Secretary shall delineate each per-
5 manently-flowing non-fishbearing stream and the
6 area extending away from each edge of the active
7 stream channel to include—

8 (A) the top of the inner gorge;

9 (B) the outer edges of the 100-year flood
10 plain;

11 (C) the outer edges of riparian vegetation;

12 (D) a distance equal to the height of 1
13 site-potential tree; and

14 (E) a slope distance of not less than 150
15 feet.

16 (3) PONDS, LAKES, RESERVOIRS, AND WET-
17 LANDS LARGER THAN 1 ACRE.—The Secretary shall
18 delineate each pond, lake, reservoir, and wetland
19 larger than 1 acre and the area extending away from
20 the high-water edges to include—

21 (A) the outer edges of the riparian vegeta-
22 tion;

23 (B) the extent of the seasonally saturated
24 soil;

1 (C) the extent of moderately and highly
2 unstable areas;

3 (D) a distance equal to the height of 1
4 site-potential tree; and

5 (E) a slope distance of—

6 (i) if the area located in a watershed
7 identified as key or priority under the ap-
8 plicable land and resource management
9 plan, not less than 100 feet; or

10 (ii) not less than 50 feet.

11 (4) INTERMITTENT STREAMS, WETLANDS LESS
12 THAN 1 ACRE, LANDSLIDES, AND LANDSLIDE-PRONE
13 AREAS.—The Secretary shall delineate each wetland
14 smaller than 1 acre, landslide, landslide-prone area,
15 intermittent stream channel, and the area extending
16 away from the edges of the wetland, landslide, land-
17 slide-prone area, or intermittent stream channel to
18 include—

19 (A) the top of the inner gorge;

20 (B) the outer edges of the riparian vegeta-
21 tion;

22 (C) a distance equal to the height of 1 site-
23 potential tree; and

24 (D) a slope distance of—

- 1 (i) if the area is located in a water-
2 shed identified as key or priority under the
3 applicable land and resource management
4 plan, not less than 100 feet; or
5 (ii) not less than 50 feet.

6 (c) AQUATIC AND RIPARIAN PROTECTION.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), the Secretary shall comply with the
9 aquatic and riparian protection requirements of the
10 applicable land and resource management plan in
11 existence on the date of enactment of this Act in
12 carrying out each vegetation management project in
13 the covered area.

14 (2) MODIFICATIONS.—The Secretary may mod-
15 ify the aquatic and riparian protection requirements
16 described in paragraph (1) if the Secretary deter-
17 mines, after considering the best available science,
18 that the modifications would meet or exceed the
19 goals of the aquatic and riparian protection require-
20 ments.

21 **SEC. 6. EASTSIDE FOREST SCIENTIFIC AND TECHNICAL AD-**
22 **VISORY PANEL.**

23 (a) IN GENERAL.—Not later than 120 days after the
24 date on which the Secretary selects the covered area, the
25 Secretary shall establish an advisory panel—

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

3 (2) to advise the Secretary, collaborative
4 groups, and the public regarding the development
5 and implementation of—

6 (A) goals to improve forest health, water-
7 shed health, and related social and economic
8 goals in the covered area;

9 (B) the restoration assessment; and

10 (C) projects needed to accomplish the pur-
11 poses of this Act.

12 (b) COMPOSITION.—The advisory panel shall be com-
13 posed of 9 members, each of whom shall have expertise
14 in 1 or more of the following:

15 (1) Silviculture.

16 (2) Timber economics.

17 (3) Road and logging engineering.

18 (4) Soil science and geology.

19 (5) Ecosystem services or natural resources eco-
20 nomics.

21 (6) Community economics or ecosystem work-
22 force development.

23 (7) Forest ecology.

24 (8) Aquatic and riparian ecology.

25 (9) Wildlife ecology.

- 1 (10) Ecological restoration.
- 2 (11) Invasive species control and eradication.
- 3 (12) Wildland fire.
- 4 (13) Water quantity and water quality.
- 5 (14) Hydrology.
- 6 (15) Forest carbon life-cycle and sequestration.
- 7 (16) Social science.

8 (c) APPOINTMENTS.—The Secretary shall—

9 (1) ensure that the advisory panel includes ex-
10 perts in a broad array of the fields described in sub-
11 section (b); and

12 (2) give consideration to the recommendations
13 of institutions of higher education (as defined in sec-
14 tion 101(a) of the Higher Education Act of 1965
15 (20 U.S.C. 1001(a)), professional societies, and
16 other interested organizations and persons.

17 (d) DUTIES.—

18 (1) RECOMMENDATIONS REPORT.—

19 (A) IN GENERAL.—Not later than 180
20 days after the date on which the Secretary ap-
21 points the members of the advisory panel, the
22 advisory panel shall submit to the Secretary
23 and make available to the public a report that
24 contains recommendations regarding the man-
25 ner by which the Secretary may best achieve

1 the purposes and goals and consider the oppor-
2 tunities described in section 4(b).

3 (B) REQUIREMENTS.—The report shall
4 provide recommendations based on the best
5 available science—

6 (i) for the size and scope of projects
7 needed to accomplish the goals and con-
8 sider the opportunities described in section
9 4(b);

10 (ii) for potential protocols that could
11 be used to efficiently identify trees older
12 than 150 years in carrying out experi-
13 mental ecological restoration projects
14 under section 8(b);

15 (iii) for increasing local capacity to
16 accomplish the goals and consider the op-
17 portunities described in section 4(b); and

18 (iv) for each relevant plant association
19 group—

20 (I) for protecting and restoring
21 terrestrial, aquatic, riparian, wildlife,
22 fish, vegetation, soil, carbon, and
23 other resources;

24 (II) for the types of activities
25 necessary and desirable to restore for-

1 est health and watershed health (in-
2 cluding thinning, prescribed, and nat-
3 ural fire, and other appropriate activi-
4 ties);

5 (III) for cases in which the cut-
6 ting or removal of trees described in
7 section 4(e)(1) would generally be
8 considered to be ecologically appro-
9 priate; and

10 (IV) for cases in which prohib-
11 iting the cutting or removal of trees
12 described in section 4(e)(2) would
13 generally be considered to be eco-
14 logically appropriate.

15 (C) ADMINISTRATION.—

16 (i) IN GENERAL.—To the maximum
17 extent practicable, the advisory panel shall
18 achieve a consensus with respect to each
19 recommendation included in the report.

20 (ii) INCLUSION OF DISSENTING OPIN-
21 IONS.—If the advisory panel fails to
22 achieve a consensus with respect to any
23 recommendation included in the report, the
24 report shall include each dissenting opinion
25 relating to the recommendation.

1 (2) REVIEW REPORT.—Not later than 5 years
2 after the date on which the Secretary appoints the
3 members of the advisory panel, the advisory panel
4 shall submit to the Secretary and make available to
5 the public a report providing—

6 (A) a quantitative and qualitative assess-
7 ment of the status of, and changes to, forest
8 health and watershed health in the covered
9 area, including the resiliency, aquatic function,
10 and plant composition, structure, and function;
11 and

12 (B) an assessment of the implementation
13 of the recommendations made under paragraph
14 (1).

15 **SEC. 7. ASSESSMENT AND STRATEGY.**

16 (a) EASTSIDE LANDSCAPE FOREST RESTORATION
17 ASSESSMENT.—

18 (1) IN GENERAL.—The Secretary shall prepare
19 an assessment of the covered area to be known as
20 the “Eastside Landscape Forest Restoration Assess-
21 ment”.

22 (2) REQUIREMENTS.—The restoration assess-
23 ment shall—

- 1 (A) compile the best available scientific as-
2 sessments of, and relating to, the covered area
3 concerning—
- 4 (i) forest health and watershed health,
5 including measures necessary to restore
6 forest health and watershed health;
 - 7 (ii) the road system, including—
 - 8 (I) travel management; and
 - 9 (II) the funding levels necessary
10 to maintain the road system;
 - 11 (iii) the local infrastructure and work-
12 force capacity needs and the potential
13 value to the local economy resulting from
14 comprehensive forest restoration;
 - 15 (iv) baseline ecological conditions in
16 the forests and watersheds;
 - 17 (v) baseline economic conditions in the
18 communities;
 - 19 (vi) the volume of biomass that—
 - 20 (I) consists of slash, brush, and
21 any tree that does not exceed the min-
22 imum size standards for sawtimber;
23 and

1 (II) can be supplied consistent
2 with the goals and considering the op-
3 portunities described in section 4(b);

4 (vii) the volume of sawtimber that can
5 be supplied consistent with the goals and
6 considering the opportunities described in
7 section 4(b); and

8 (viii) methods to hydrologically and
9 ecologically restore land and water by—

10 (I) decommissioning unnecessary
11 and undesirable roads; and

12 (II) reducing the environmental
13 impact of necessary and desirable
14 roads; and

15 (B) to the extent practicable and using the
16 best available science, develop and provide the
17 information described in subparagraph (A) that
18 is not available in any existing assessment.

19 (3) TIMING.—

20 (A) IN GENERAL.—As soon as practicable
21 after the date on which the Secretary selects
22 the covered area, the Secretary shall make
23 available to the public the information required
24 under paragraph (2).

1 (B) COMPLETION.—Not later than 2 years
2 after the date on which the Secretary selects
3 the covered area, the Secretary shall complete
4 the restoration assessment.

5 (4) REVIEW AND UPDATE.—The Secretary shall
6 periodically review and update the information com-
7 piled and developed under paragraph (2).

8 (b) STRATEGY.—

9 (1) IN GENERAL.—Using the restoration assess-
10 ment, the Secretary shall develop a strategy to assist
11 in the development and implementation of projects
12 needed to accomplish the purposes of this Act.

13 (2) REQUIREMENTS.—The strategy required
14 under paragraph (1) shall include—

15 (A) methods to identify and prioritize
16 areas within the covered area in which projects
17 would address the restoration needs and oppor-
18 tunities described in the restoration assessment;

19 (B) recommendations for possible projects
20 within the covered area, consistent with the pri-
21 orities described in section 8; and

22 (C) recommendations for improving the
23 commercial use of biomass and other byprod-
24 ucts of projects within the covered area.

1 (c) PUBLIC AVAILABILITY.—The Secretary shall
2 make available to the public draft and final copies of the
3 restoration assessment and the strategy required by sub-
4 section (b).

5 **SEC. 8. ECOLOGICAL RESTORATION PROJECTS.**

6 (a) ECOLOGICAL RESTORATION PROJECTS.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date on which the Secretary selects the covered
9 area, the Secretary shall, considering the opportuni-
10 ties described in section 4(b)(2), implement ecologi-
11 cal restoration projects in the covered area to fur-
12 ther the goals described in section 4(b).

13 (2) LANDSCAPE-SCALE PROJECTS.—Subject to
14 the availability of appropriations in accordance with
15 section 11, the Secretary shall, to the maximum ex-
16 tent practicable, implement 1 or more ecological res-
17 toration projects for each National Forest in the
18 covered area that provide landscape-scale work with-
19 in a watershed area by the earlier of the date that
20 is—

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

23 (B) 3 years after the date on which the
24 Secretary selects the covered area.

1 (3) REQUIREMENTS.—In developing and imple-
2 menting ecological restoration projects under this
3 section, the Secretary shall consider—

4 (A) the best available science and data;

5 (B) the recommendations of the advisory
6 panel;

7 (C) the restoration needs and opportunities
8 described in the restoration assessment;

9 (D) the strategy developed under section
10 7(b); and

11 (E) the views of the relevant collaborative
12 groups.

13 (4) NET ROAD REDUCTION.—In developing eco-
14 logical restoration projects under this Act, the Sec-
15 retary shall examine opportunities for, and achieve,
16 a net reduction in the permanent road system to im-
17 prove forest and watershed health to the maximum
18 extent practicable.

19 (5) PRIORITIZATION.—

20 (A) IN GENERAL.—The Secretary shall
21 prioritize ecological restoration projects in the
22 covered area considering the requirements in
23 paragraph (3) and based on the degree to which
24 the ecological restoration projects would im-

1 prove forest health and watershed health, based
2 on—

3 (i) dry and moist forest plant associa-
4 tion groups; and

5 (ii) the need to sustain adequate levels
6 of industry infrastructure to accomplish
7 the goals described in section 4(b).

8 (B) INCLUSIONS.—In carrying out this
9 section, the types of projects the Secretary shall
10 consider to be priority projects include projects
11 that—

12 (i) reduce the risk of, and increase the
13 resistance and resiliency of the land to,
14 uncharacteristic disturbances, particularly
15 if critical components or values are at risk,
16 including—

17 (I) communities located in the
18 wildland-urban interface (as defined
19 in section 101 of the Healthy Forests
20 Restoration Act of 2003 (16 U.S.C.
21 6511)); and

22 (II) valuable forest structures
23 (including old growth and older ma-
24 ture trees);

1 (ii) restore the structure and composi-
2 tion of forest stands at a high or moderate
3 departure from the historic range of varia-
4 bility;

5 (iii) accelerate the development of
6 complex forest structure in a young forest
7 that has been simplified through past man-
8 agement, such as by—

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

13 (II) retaining biological legacies
14 (including large standing, downed,
15 live, and dead trees);

16 (iv) assist in the implementation of
17 community wildfire protection plans devel-
18 oped by at-risk communities (as those
19 terms are defined in section 101 of the
20 Healthy Forests Restoration Act of 2003
21 (16 U.S.C. 6511));

22 (v) use the value of merchantable
23 sawlogs and biomass to help offset the cost
24 of ecological restoration projects;

1 (vi) meet local and rural community
2 needs through a source that is selected on
3 a best-value basis; and

4 (vii) reduce the permanent road sys-
5 tem to improve forest health and water-
6 shed health.

7 (b) EXPERIMENTAL ECOLOGICAL RESTORATION
8 PROJECTS.—

9 (1) IN GENERAL.—As soon as practicable after
10 final agency action, but not later than 5 years after
11 the date on which the Secretary selects the covered
12 area, the Secretary shall implement experimental ec-
13 ological restoration projects in the covered area that
14 are designed to use an age limitation that prohibits
15 the cutting or removal of any tree older than 150
16 years.

17 (2) APPLICABILITY OF CUTTING LIMITATION.—
18 The prohibitions described in section 4(e)(1) shall
19 not apply to any experimental ecological restoration
20 project carried out under this subsection.

21 (3) PROTOCOL.—The Secretary shall establish a
22 protocol to efficiently identify trees older than 150
23 years in carrying out each experimental ecological
24 restoration project under this subsection, such as
25 by—

1 (A) sampling trees within forest stands; or

2 (B) establishing standards for determining

3 which forest stands contain trees older than

4 150 years.

5 (4) USE OF DATA.—The Secretary shall use

6 data from experimental ecological restoration

7 projects—

8 (A) to examine the feasibility of imple-

9 menting age limits at a broader scale; and

10 (B) to provide recommendations regarding

11 the manner by which future vegetation manage-

12 ment projects designed to protect trees older

13 than 150 years may be carried out more effi-

14 ciently.

15 (c) REVIEW.—Each project carried out under this

16 section may be subject to—

17 (1) the predecisional administrative review proc-

18 ess established in part 218 of title 36, Code of Fed-

19 eral Regulations, except that the Secretary shall pro-

20 vide notice of, and distribute, a proposed decision

21 before or with the environmental assessment or final

22 environmental impact statement for any project sub-

23 ject to review under this paragraph; and

1 (2) subsections (b) and (c)(3) of section 106 of
2 the Healthy Forests Restoration Act of 2003 (16
3 U.S.C. 6516).

4 **SEC. 9. COLLABORATION.**

5 (a) COLLABORATIVE GROUPS.—

6 (1) IN GENERAL.—To assist in the development
7 of the restoration assessment and the projects need-
8 ed to accomplish the purposes of this Act in the cov-
9 ered area, the Secretary shall consult with, and con-
10 sider the recommendations of, any collaborative
11 group that meets the criteria described in paragraph
12 (2).

13 (2) COLLABORATIVE GROUPS.—A collaborative
14 group under paragraph (1) means a group that—

15 (A) is interested in the implementation of
16 this Act;

17 (B) includes multiple individuals rep-
18 resenting diverse interests that include—

19 (i) environmental organizations;

20 (ii) timber and forest products indus-
21 try representatives; and

22 (iii) county governments;

23 (C) operates—

24 (i) in a transparent and nonexclusive
25 manner; and

1 (ii) by consensus or in accordance
2 with voting procedures to ensure a high de-
3 gree of agreement among participants and
4 across various interests; and

5 (D) requires a level of participation suffi-
6 cient to ensure that members of the collabo-
7 rative group are adequately informed before
8 each decision.

9 (b) MULTIPARTY MONITORING.—The Secretary, in
10 consultation with the relevant collaborative groups, may
11 develop a multiparty monitoring plan for any vegetation
12 management project carried out under this Act.

13 **SEC. 10. ADMINISTRATION.**

14 (a) EFFECT.—Nothing in this Act affects—

15 (1) any right described in a treaty between an
16 Indian tribe and the United States; or

17 (2) any biological opinion, including any opinion
18 associated with the aquatic and riparian protection
19 requirements of applicable land and resource man-
20 agement plans.

21 (b) APPLICABLE LAW.—Except as provided in section
22 8(c), the Secretary shall carry out this Act in accordance
23 with applicable law (including regulations).

24 (c) PRINCIPAL AGENCY CONTACT.—

1 (1) SELECTION.—The Secretary shall select a
2 principal agency contact for the implementation of
3 this Act.

4 (2) DUTIES.—The principal agency contact
5 shall—

6 (A) serve as the point-of-contact for the
7 advisory panel;

8 (B) facilitate communications among—

9 (i) the advisory panel;

10 (ii) collaborative groups;

11 (iii) employees of the Forest Service;

12 and

13 (iv) any other stakeholders (including
14 the public).

15 (d) REPORTING.—

16 (1) IN GENERAL.—The Secretary shall prepare
17 a report on the implementation of this Act—

18 (A) not later than 5 years after the date
19 on which the Secretary selects the covered area;
20 and

21 (B) 2 years before the date referred to in
22 subsection (e)(1).

23 (2) CONTENTS.—The reports required under
24 subparagraph (A) shall, for each National Forest in

1 the covered area, assess the progress toward accom-
2 plishing—

3 (A) the purposes of this Act; and

4 (B) the performance goals established
5 under section 4(d).

6 (e) TERMINATION OF AUTHORITY.—

7 (1) IN GENERAL.—The authorities under this
8 Act shall terminate on the date that is 15 years
9 after the date of enactment of this Act.

10 (2) EFFECT.—Nothing in this subsection af-
11 fects a valid contract in effect on the date described
12 in paragraph (1).

13 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—Subject to subsection (b), there
15 is authorized to be appropriated \$50,000,000 to carry out
16 this Act, to remain available until expended.

17 (b) LIMITATION.—

18 (1) OTHER ALLOCATIONS.—Amounts expended
19 to carry out this Act shall not reduce the allocations
20 of appropriated funds to the Secretary for use in—

21 (A) other National Forests not included in
22 the covered area;

23 (B) other States; or

24 (C) other Regions of the Forest Service.

1 (2) REDUCTION.—The amount authorized to be
2 appropriated under subsection (a) shall be reduced
3 by any Federal funds allocated to, and expended by,
4 a National Forest in the covered area under the pro-
5 gram established under section 4003 of the Omnibus
6 Public Land Management Act of 2009 (16 U.S.C.
7 7303) to implement a proposal under subsection (d)
8 of that section.