

[DISCUSSION DRAFT]110TH CONGRESS
1ST SESSION**H. R.** _____

To establish management priorities for National Forest System lands and forested Bureau of Land Management lands in the Pacific Northwest to protect late successional forests while improving the health of young, managed, and fire-suppressed forests, increasing the volume of commercial timber available from these lands, and providing economic opportunities in rural areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on _____

A BILL

To establish management priorities for National Forest System lands and forested Bureau of Land Management lands in the Pacific Northwest to protect late successional forests while improving the health of young, managed, and fire-suppressed forests, increasing the volume of commercial timber available from these lands, and providing economic opportunities in rural areas, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Pacific Northwest Forest Legacy Act”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and definitions.
- Sec. 3. Land use allocations for covered lands.
- Sec. 4. Management directives.
- Sec. 5. Prohibitions.
- Sec. 6. Resource advisory committees.
- Sec. 7. Submission and recommendation of project proposals.
- Sec. 8. Contracting and rural employment directives.
- Sec. 9. Transition to project proposal and contracting and rural employment di-
rectives.
- Sec. 10. Relation to county payment requirements.
- Sec. 11. Termination.

6 **SEC. 2. FINDINGS AND DEFINITIONS.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings: **[To be Added]**

9 (b) DEFINITIONS.—In this Act:

10 (1) COVERED LANDS.—The term “covered
11 lands” means the land in western Oregon, western
12 Washington, and northern California managed pur-
13 suant to the Northwest Forest Plan, except that the
14 term also includes—

15 (A) National Forest System lands and for-
16 ested Bureau of Land Management lands in
17 Washington and Oregon that are not under the
18 management guidance of the Northwest Forest
19 Plan; and

1 (B) those portions of the Modoc National
2 Forest in California not included within the Si-
3 erra Nevada Forest Plan Amendment Final
4 Supplemental Environmental Impact Statement
5 Record of Decision dated January 2004.

6 (2) CREDIBLE SCIENTIFIC ANALYSES.—The
7 term “credible scientific analyses” means scientific
8 opinions supported by data and explanations in arti-
9 cles published in peer-reviewed professional journals
10 that deal with the natural sciences and are relevant
11 to the matter in question.

12 (3) CULMINATION OF MEAN ANNUAL INCRE-
13 MENT.—The term “culmination of mean annual in-
14 crement” means the age at which the greatest aver-
15 age annual increment is first reached for a natural
16 stand of trees or tree, as used in determining allow-
17 able cutting levels in a land and resource manage-
18 ment plan or resource management plan addressing
19 covered lands.

20 (4) DRY FOREST SITES.—The term “dry forest
21 sites” means those covered lands that were histori-
22 cally subjected to frequent, low severity and mixed-
23 severity fires that commonly resulted in low to me-
24 dium density forests that were dominated by large,
25 old pioneer trees and irregular, denser patches of

1 smaller seedlings, saplings, and mature trees. These
2 sites were often extensive/continuous fine-scale, low-
3 contrast structural mosaics, and young, mature, and
4 old trees were intermixed throughout. Dry forest
5 sites subject to low-intensity fire regimes are charac-
6 terized by Plant Association Groups such as Pon-
7 derosa Pine, Sugar Pine, Incense Cedar, Western
8 Larch, Oregon White Oak, Shasta Fir, and Douglas-
9 Fir. Dry forest sites subject to mixed-severity sites
10 are characterized by dry White Fir and Grand Fir
11 Plant Associations Groups.

12 (5) EMERGING MARKET.—The term “emerging
13 market” means a new or developing market for
14 small diameter and underutilized wood products,
15 special forest products, and other restoration for-
16 estry by-products.

17 (6) ENVIRONMENTAL DOCUMENT.—The term
18 “environmental document” means an environmental
19 assessment or environmental impact statement pre-
20 pared in accordance with the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 (7) FOREST HEALTH.—The term “forest
23 health” refers to conditions that enable forested
24 land—

1 (A) to be durable, resilient, and less prone
2 to uncharacteristic wildfire, insect, or pathogen
3 outbreaks, while supporting viable native spe-
4 cies assemblages and ecosystem services;

5 (B) to have, or to develop, historic species
6 composition, function and structure, hydrologic
7 function, and sediment regime that are within
8 an acceptable range relative to historic varia-
9 bility and anticipated future conditions; or

10 (C) to resist, successfully respond to, and
11 mitigate the effects of global climate change.

12 (8) KLAMATH-SISKIYOU PROVINCE.—The term
13 “Klamath-Siskiyou Province” means those covered
14 lands in southwest Oregon and Northwest California
15 mapped as Klamath Province on page A-3 of the
16 Record of Decision for the Northwest Forest Plan.

17 (9) LATE SUCCESSIONAL.—The term “late suc-
18 cessional” means forest or trees in old-growth or
19 mature seral stages.

20 (10) LEGACY FOREST FEATURES.—The term
21 “legacy forest features” means large living standing
22 trees, and large dead and dying standing or down
23 trees.

24 (11) LOW-IMPACT EQUIPMENT.—The term
25 “low-impact equipment” means any device used in

1 silviculture for restorative, maintenance, or extrac-
2 tion purposes that minimizes or eliminates impacts
3 to soils, aquatic systems, and other resources.

4 (12) MATURE SERAL STAGE.—The term “ma-
5 ture seral stage” means forests or trees that have
6 first reached the culmination of mean annual incre-
7 ment, where height growth is slowing, crowns are ex-
8 panding, and stand diversity is increasing. Such for-
9 ests or trees are not yet old-growth forests or trees.

10 (13) MOIST FOREST SITES.—The term “moist
11 forest sites” means those covered lands that were
12 historically subject to mixed-severity or infrequent
13 high-severity fire events. In forests subject to high-
14 severity fire regimes, moist forest sites are charac-
15 terized by Plant Association Groups such as Sitka
16 Spruce, Western Hemlock, Pacific Silver Fir, Moun-
17 tain Hemlock, Subalpine Fir, Tanoak, Lodgepole
18 Pine, Redwood, and the Mixed Evergreen forests of
19 the Klamath-Siskiyou region. In forests subject to
20 mixed-severity fire regimes, moist forest sites are
21 characterized Plant Association Groups such as by
22 moist White Fir and Grand Fir Plant Associations
23 Groups.

24 (14) NORTHWEST FOREST PLAN.—The term
25 “Northwest Forest Plan” means the collection of

1 documents issued in 1994 and entitled “Final Sup-
2 plemental Environmental Impact Statement and
3 Record of Decision for Amendments to Forest Serv-
4 ice and Bureau of Land Management Planning Doc-
5 uments within the Range of the Northern Spotted
6 Owl” and “Standards and Guidelines for Manage-
7 ment of Habitat for Late-Successional and Old-
8 Growth Forest Related Species Within the Range of
9 the Northern Spotted Owl”, as amended.

10 (15) OLD-GROWTH.—The term “old-growth”
11 means the oldest seral stage in which a plant com-
12 munity is capable of existing on a site, given the fre-
13 quency of natural disturbance events. On covered
14 lands, old growth often begins around 200 to 250
15 years of age and continues until a stand replacing
16 event takes place. Depending on the frequency and
17 intensity of disturbances, and site conditions, old-
18 growth forest will have different structures, species
19 compositions, and age distributions, and functional
20 capacities than younger forests.

21 (16) PETITIONER.—The term “petitioner”
22 means either a member of the public, or the Forest
23 Service or Bureau of Land Management, who pro-
24 poses a project for consideration by a resource advi-
25 sory committee.

1 (17) RESPONSIBLE OFFICIAL.—The term “re-
2 sponsible official” the employee of the Forest Service
3 or Bureau of Land Management, who has the au-
4 thority to approve or disapprove a project proposal.

5 (18) RESTORE.—The term “restore” means to
6 incorporate historic, current, and new scientific in-
7 formation as it becomes available to assist the recov-
8 ery of an ecosystem that has been degraded, dam-
9 aged, or destroyed in order to reintroduce, maintain,
10 or enhance the characteristics, functions, and eco-
11 logical processes of healthy, properly functioning wa-
12 tersheds.

13 (19) RURAL AND RURAL AREA.—The terms
14 “rural” and “rural area” mean the area of a State
15 not located within a city or town that has a popu-
16 lation of 50,000 or more inhabitants, as defined by
17 the Bureau of the Census using the latest decennial
18 census of the United States.

19 (20) SECRETARY CONCERNED.—The term
20 “Secretary concerned” means—

21 (A) the Secretary of the Interior, with re-
22 spect to public lands administered by the Bu-
23 reau of Land Management; and

24 (B) the Secretary of Agriculture, with re-
25 spect to National Forest System.

1 (21) THINNING.—The term “thinning” means
2 a partial cut in an overstocked area of trees for the
3 purposes of improving the natural processes of the
4 forest, through either a multiple or single entry op-
5 eration using the concepts of thinning from below
6 and variable density to mimic natural processes.
7 Harvest operations shall concentrate on retaining
8 the healthiest individuals and legacy forest features.

9 (22) VALUE-ADDED.—The term “value-added”
10 means the additional processing of a product to in-
11 crease its economic value and to create additional
12 jobs and benefits where the processing is carried out.

13 (23) WILDLAND-URBAN INTERFACE.—The term
14 “wildland-urban interface” has the meaning given
15 that term in section 101 of the Healthy Forests Res-
16 toration Act of 2003 (16 U.S.C. 6511).

17 (24) YOUNG MANAGED PLANTATIONS.—The
18 term “young managed plantation” means a tree-
19 dominated vegetated area in which human interven-
20 tion, through planting or intensive silvicultural treat-
21 ments, has yielded forest conditions that are sub-
22 stantially lacking in legacy forest features. A young
23 managed plantation is generally a densely uniform
24 area of trees of the same age, species, spacing, and
25 size.

1 **SEC. 3. LAND USE ALLOCATIONS FOR COVERED LANDS.**

2 (a) REVISED LAND USE ALLOCATIONS.—For covered
3 lands, the land use allocations referred to as “late-succes-
4 sional reserve”, “managed late-successional area”, “ma-
5 trix”, and “adaptive management area” in the Northwest
6 Forest Plan are hereby superseded by the management di-
7 rectives specified in section 4.

8 (b) EXCEPTION FOR MORE RESTRICTIVE REQUIRE-
9 MENTS.—For covered lands, the management directives
10 specified in section 4 shall dictate forest management ex-
11 cept in the case of those covered lands for which specific
12 congressional designations or land use allocations in the
13 applicable land and resource management plan or resource
14 management plan are more restrictive or provide greater
15 benefits to late successional forests.

16 (c) DESIGNATION OF OLD FOREST RECRUITMENT
17 AREAS.—For each Forest Service and Bureau of Land
18 Management administrative unit containing covered lands,
19 the Secretary concerned shall designate as Old Forest Re-
20 cruitment Areas all significant areas of late successional
21 forest on moist forest sites and dry forest sites that con-
22 tain legacy forest features that experience natural disturb-
23 ance events after the date of the enactment of this Act.
24 The Secretary concerned shall designate additional Old
25 Forest Recruitment Areas as covered lands are affected
26 by natural disturbance events.

1 **SEC. 4. MANAGEMENT DIRECTIVES.**

2 (a) FOREST HEALTH PROJECTS.—For each Forest
3 Service and Bureau of Land Management administrative
4 unit containing covered lands, the Secretary concerned
5 shall only plan and implement projects to enhance forest
6 health.

7 (b) DIRECTION FOR MOIST FOREST SITES AND
8 KLAMATH-SISKIYOU PROVINCE.—To comply with sub-
9 section (a) for moist forest sites and covered lands in the
10 Klamath-Siskiyou Province, the Secretary concerned shall
11 plan and implement projects to enhance late-successional
12 forest development involving variable density thinning
13 treatments to increase structural and species diversity in
14 order to enhance late-successional forest development in
15 young managed plantations. Projects shall avoid adverse
16 impacts to unstable slopes, disturbance to aquatic systems
17 and soils, and removal of legacy forest features and shall
18 treat activity-created fuels. Appropriate thinning prescrip-
19 tions shall be site-specific to individual young managed
20 plantations, taking into account factors such as the slope,
21 aspect, soil type, hydrology, geomorphology, and vegeta-
22 tion composition of the site. Projects within riparian re-
23 serves are permissible so long as post-harvest canopy cover
24 maintains shading sufficient to moderate fluctuations in
25 water temperature, provides habitat for the full com-

1 plement of aquatic and terrestrial species native to the
2 site, and maintains or restores riparian functions.

3 (c) DIRECTION FOR DRY FOREST SITES.—To comply
4 with subsection (a) for dry forest sites, the Secretary con-
5 cerned shall plan and implement projects to increase dura-
6 bility and resiliency on dry forest sites in roaded areas.
7 Projects shall create more desirable forest conditions by
8 restoring durable forest structure, composition, and proc-
9 esses characteristic of late successional forests with em-
10 phasis on addressing small diameter surface and conif-
11 erous ladder fuels, such that fire maintains rather than
12 damages old-growth features. In reducing forest densities,
13 projects shall release mature fire-resistant trees with the
14 potential to become old-growth tree replacements, in order
15 to achieve and sustain desired old-growth forest structures
16 over time and across the landscape. Projects shall avoid
17 adverse impacts to unstable slopes, disturbance to aquatic
18 systems and soils, and removal of legacy forest features
19 and shall include treatment of activity-created fuels. Ap-
20 propriate thinning prescriptions shall take into account
21 factors such as the slope, aspect, soil type, hydrology,
22 geomorphology, and vegetation composition of the site.
23 Projects within riparian reserves are permissible so long
24 as post-harvest canopy cover maintains shading sufficient
25 to moderate fluctuations in water temperature, provides

1 habitat for the full complement of aquatic and terrestrial
2 species native to the site, and maintains or restores ripar-
3 ian functions. On dry forest sites, administrative units
4 may plan and implement projects within the wildland-
5 urban interface as defined by the Healthy Forests Res-
6 toration Act of 2003.

7 (d) PROHIBITIONS.—Active management, including
8 salvage, is prohibited within Old Forest Recruitment
9 Areas designated pursuant to section 3, except where cred-
10 ible scientific analyses demonstrate by clear and con-
11 vincing evidence that the adverse impacts of inaction sig-
12 nificantly outweigh the adverse impacts of the active man-
13 agement.

14 (e) OTHER PROJECTS.—After appropriate environ-
15 mental review, a resource advisory committee established
16 pursuant to section 6 may recommend a project that in-
17 volves the infrequent, necessary, and unavoidable cutting
18 or removing and incidental sale of late successional trees
19 for administrative or scientific purposes.

20 (f) CATEGORICAL EXCLUSION.—

21 (1) IN GENERAL.—Forest health projects car-
22 ried out under this section on not more than 500
23 acres and that harvest trees not more than 14
24 inches in diameter at breast height may be categori-
25 cally excluded from documentation in an environ-

1 mental impact statement and environmental assess-
2 ment under the National Environmental Policy Act
3 of 1969 (42 U.S.C. 4321 et seq.).

4 (2) ADMINISTRATION.—Forest health projects
5 categorically excluded under paragraph (1)—

6 (A) shall not be carried out in an area that
7 is adjacent to another area that is categorically
8 excluded under paragraph (1);

9 (B) shall be subject to the extraordinary
10 circumstances procedures established by the
11 Secretary concerned pursuant to section 1508.4
12 of title 40, Code of Federal Regulations; and

13 (C) need not utilize the procedures speci-
14 fied in section 7, but shall comply with the
15 management directives specified in this section,
16 the prohibitions specified in section 5, and all
17 other administrative and judicial review proce-
18 dures required by law.

19 (g) SURVEY AND MANAGE.—In carrying out this Act,
20 the Secretary concerned is not required to conduct surveys
21 otherwise required by the Northwest Forest Plan. Surveys
22 may be performed at the discretion of the Secretary con-
23 cerned.

24 (h) TRANSPORTATION INFRASTRUCTURE.—In imple-
25 menting this Act, the construction of any new road is dis-

1 couraged. Where feasible, thinning projects shall include
2 the elimination of unnecessary and unmaintainable roads,
3 culverts, and bridges from the project area. In all cases,
4 there shall be no site-specific net increase in the mileage
5 of temporary or permanent roads at the completion of
6 each project implemented under this Act.

7 (i) **AQUATIC PROTECTIONS.**—In carrying out this
8 Act, the Secretary concerned shall utilize the aquatic pro-
9 tections set forth on pages B-9 through B-34 and pages
10 C-30 through C-38 of the Northwest Forest Plan. Reduc-
11 tions in riparian reserve widths is permissible in accord-
12 ance with the procedures outlined in section 7.

13 (j) **UTILIZATION OF DESIGNATION BY DESCRIPTION**
14 **AND DESIGNATION BY PRESCRIPTION.**—Notwithstanding
15 section 14(g) of the National Forest Management Act of
16 1976 (16 U.S.C. 472a(g)), the Secretary of Agriculture
17 is encouraged to utilize Designation by Description and
18 Designation by Prescription when identifying trees for
19 harvest under this Act.

20 **SEC. 5. PROHIBITIONS.**

21 (a) **GENERAL PROHIBITION.**—Immediately upon en-
22 actment of this Act, the Secretary concerned shall prohibit
23 the cutting and removal of late successional trees on moist
24 or dry forest sites of covered lands consistent with the di-
25 rection provided by subsections (b) and (c) of section 4.

1 (b) EXCEPTION.—Notwithstanding subsection (a),
2 the Secretary concerned may approve, and the Regional
3 Forester or State Director may sign a final decision for,
4 a project involving the thinning of late successional forests
5 on moist forest sites on covered lands if all of the following
6 conditions are met:

7 (1) The resource advisory committee established
8 under section 6 has recommended the project.

9 (2) The Secretary concerned certifies that the
10 project is a higher priority than other projects that
11 do not involve the harvest of late successional forests
12 on moist forest sites.

13 (3) Credible scientific analyses demonstrate by
14 clear and convincing evidence that the project is nec-
15 essary to expedite the development of late succes-
16 sional forest conditions, and that the adverse im-
17 pacts of inaction outweigh the adverse impacts of
18 the project.

19 (c) COMPLIANCE WITH ADMINISTRATIVE PROCE-
20 DURE ACT.—This section requires discrete actions on the
21 part of the Secretary concerned that shall be enforceable
22 under subchapter II of chapter 5 of title 5, United States
23 Code (commonly known as the Administrative Procedure
24 Act; 5 U.S.C. 551 et seq.).

1 **SEC. 6. RESOURCE ADVISORY COMMITTEES.**

2 (a) ESTABLISHMENT.—

3 (1) ESTABLISHMENT.—The Secretary con-
4 cerned shall establish resource advisory committees
5 to perform the duties described in subsection (b)
6 with regard projects on covered lands.

7 (2) ACCESS TO RESOURCE ADVISORY COMMIT-
8 TEES.—To ensure that each Forest Service and Bu-
9 reau of Land Management administrative unit con-
10 taining covered lands has access to a resource advi-
11 sory committee, and that there is sufficient interest
12 in participation on a committee to ensure that mem-
13 bership can be balanced in terms of the points of
14 view represented and the functions to be performed,
15 a resource advisory committees may be established
16 for part of, or one or more, administrative units and
17 may include covered lands under the jurisdiction of
18 both Forest Service and the Bureau of Land Man-
19 agement.

20 (3) EXISTING ADVISORY COMMITTEES.—An ex-
21 isting advisory committee that meets the require-
22 ments of this section may be deemed by the Sec-
23 retary concerned as a resource advisory committee,
24 and those resource advisory charters shall be deemed
25 reauthorized, for the purposes of this section. The
26 Secretary of the Interior may deem a resource advi-

1 sory committee meeting the requirements of subpart
2 1784 of part 1780 of title 43, Code of Federal Reg-
3 ulations, as a resource advisory committee for the
4 purposes of this section.

5 (b) DUTIES.—A resource advisory committee shall—

6 (1) review and approve or disapprove projects
7 proposed under this Act for the covered lands for
8 which the committee is established;

9 (2) decide challenges to the proposed decision of
10 the Secretary concerned on a project for the covered
11 lands for which the committee is established;

12 (3) provide early and continuous coordination
13 with appropriate Forest Service or Bureau of Land
14 Management officials in recommending projects for
15 the covered lands for which the committee is estab-
16 lished; and

17 (4) provide frequent opportunities for citizens,
18 organizations, Indian tribes, land management agen-
19 cies, and other interested parties to participate open-
20 ly and meaningfully, beginning at the early stages of
21 the project development process.

22 (c) OTHER DUTIES.—In addition to the duties de-
23 scribed in subsection (b), resource advisory committees
24 may also—

1 (1) monitor implementation of approved
2 projects for the covered lands for which the com-
3 mittee is established; and

4 (2) make recommendations to the Secretary
5 concerned to adjust project implementation based on
6 the committee's monitoring and adaptive manage-
7 ment.

8 (d) APPOINTMENT.—

9 (1) APPOINTMENT AND TERM.—The Secretary
10 concerned shall appoint the principal and alternate
11 members of a resource advisory committee required
12 to be appointed under subparagraphs (A), (B), and
13 (C) of subsection (e)(1). The members shall be ap-
14 pointed for a term determined appropriate by the
15 Secretary. The Secretary shall make initial appoint-
16 ments to the resource advisory committees not later
17 than 180 days after the date of the enactment of
18 this Act.

19 (2) VACANCIES.—Vacancies on a resource advi-
20 sory committee shall be filled as soon as practicable
21 after the vacancy has occurred in the same manner
22 as the original appointment.

23 (3) ALTERNATE MEMBERS.—Alternate mem-
24 bers of a resource advisory committee may partici-
25 pate and vote during a meeting of the committee if

1 a designated member is not present, except that not
2 more than 15 members appointed under subpara-
3 graphs (A), (B), and (C) of subsection (e)(1) may
4 cast votes on any matter before the committee.

5 (4) COMPENSATION.—Members of a resource
6 advisory committee who are not an employee of the
7 Federal Government shall not receive any compensa-
8 tion for their service on the committee.

9 (e) COMPOSITION OF ADVISORY COMMITTEE.—

10 (1) MEMBERSHIP.—Each resource advisory
11 committee shall be composed of members rep-
12 resenting interests in the following categories:

13 (A) Five persons, one each of whom—

14 (i) represents organized labor;

15 (ii) represents developed outdoor
16 recreation, off highway vehicle users, or
17 commercial recreation activities;

18 (iii) represents energy and mineral de-
19 velopment interests;

20 (iv) represents the commercial timber
21 industry; or

22 (v) holds a Federal grazing permit, or
23 other land use permit, within the area for
24 which the committee is organized.

1 (B) Five persons, one each of whom rep-
2 resents—

3 (i) nationally recognized environ-
4 mental organizations;

5 (ii) regionally or locally recognized en-
6 vironmental organizations;

7 (iii) dispersed non-motorized rec-
8 reational activities;

9 (iv) archaeological and historical in-
10 terests; or

11 (v) community-based forestry organi-
12 zations.

13 (C) Five persons, one each of whom—

14 (i) holds a State elected office, or is a
15 designee of a person holding State elected
16 office;

17 (ii) holds a county or local elected of-
18 fice;

19 (iii) represents Indian tribes within or
20 adjacent to the area for which the com-
21 mittee is organized;

22 (iv) is a school official or teacher; or

23 (v) represents the affected public at
24 large.

1 (D) Employees of the Secretary concerned
2 with expertise in the following areas, except
3 that a separate employee need not represent
4 each of the areas of expertise, so long as all rel-
5 evant areas of expertise are represented:

6 (i) Range and livestock management.

7 (ii) Game and nongame fish and wild-
8 life populations.

9 (iii) Forest management.

10 (iv) Cultural resources.

11 (v) Botany.

12 (vi) Aquatic resources.

13 (vi) Recreation, visual resources, and
14 wilderness characteristics.

15 (vii) Soils.

16 (viii) Energy and minerals.

17 (2) OTHER MEMBERSHIP.—The Regional For-
18 ester of the Forest Service or State Director of the
19 Bureau of Land Management for the covered lands
20 for which a resource advisory committee is estab-
21 lished shall serve on the committee for the sole pur-
22 pose of making a final determination contemplated
23 by section 7, and need not attend resource advisory
24 committee meetings.

1 (3) BALANCED REPRESENTATION.—In appoint-
2 ing members of a resource advisory committee from
3 the four categories specified in paragraph (1), the
4 Secretary concerned shall provide for balanced and
5 broad representation from within each category.

6 (4) GEOGRAPHIC DISTRIBUTION.—The mem-
7 bers of a resource advisory committee shall reside
8 within the State in which the covered lands for
9 which the committee is established is located and, to
10 extent practicable, the Secretary concerned shall en-
11 sure local representation in each category in para-
12 graph (1).

13 (5) CHAIRPERSON.—A majority on each re-
14 source advisory committee shall select the chair-
15 person of the committee.

16 (f) OTHER COMMITTEE AUTHORITIES AND REQUIRE-
17 MENTS.—

18 (1) STAFF ASSISTANCE.—A resource advisory
19 committee may submit to the Secretary concerned a
20 request for periodic staff assistance from Federal
21 employees under the jurisdiction of the Secretary.

22 (2) MEETINGS.—Notice of a meeting of a re-
23 source advisory committee shall be published at least
24 two weeks in advance of the meeting in a local news-
25 paper of record and by electronic and other accepted

1 methods. Meetings shall be open to the public. Meet-
2 ings shall take place at least quarterly, and may
3 take place more often as necessary as determined by
4 the resource advisory committee. A quorum must be
5 present to constitute an official meeting of the com-
6 mittee.

7 (3) RECORDS.—A resource advisory committee
8 shall maintain records of the meetings of the com-
9 mittee and make the records available for public in-
10 spection.

11 (4) DECISIONMAKING.—A resource advisory
12 committee shall endeavor to operate by consensus. If
13 consensus is not possible, decisions shall be made by
14 majority vote.

15 **SEC. 7. SUBMISSION AND RECOMMENDATION OF PROJECT**
16 **PROPOSALS.**

17 (a) SUBMISSION OF PROJECT PROPOSALS TO RE-
18 SOURCE ADVISORY COMMITTEES.—A petitioner shall sub-
19 mit a proposal for a project for covered lands to the re-
20 source advisory committee established for those covered
21 lands. The resource advisory committee shall review the
22 project proposal during its first meeting after submission
23 of the proposal. If oral presentation of a proposal is re-
24 quested in writing with the proposal, the committee shall

1 hear such presentation during its consideration of the pro-
2 posal.

3 (b) CONTENT OF PROPOSAL.—In submitting a pro-
4 posal for a project to a resource advisory committee, the
5 petitioner shall include in the description of the project
6 the following information:

7 (1) The purpose of the project and a descrip-
8 tion of how the project will meet the purposes of this
9 Act.

10 (2) The anticipated duration of the project.

11 (3) The anticipated cost of the project, includ-
12 ing the level of agency overhead to be assessed
13 against the project.

14 (4) For a multi year project, the estimated cost
15 of the project for each of the fiscal years in which
16 it will be carried out.

17 (5) The schedule for completing the project.

18 (6) The proposed source of funding for the
19 project, whether project funds or other funds.

20 (7) Expected outcomes, including how the
21 project will meet or exceed desired ecological condi-
22 tions, maintenance objectives, or stewardship objec-
23 tives, as well as an estimation of the amount of tim-
24 ber and other commodities and other economic activ-

1 ity, including jobs generated, if any, anticipated as
2 part of the project.

3 (8) How the project creates a long-term pro-
4 gram of work, including an estimation of acres treat-
5 ed by the project.

6 (9) A monitoring plan, including funding needs
7 and sources, that tracks and identifies the positive
8 or negative impacts of the project, implementation,
9 and provides for validation monitoring. The moni-
10 toring plan shall include an assessment of whether
11 or not the project met or exceeded desired ecological
12 conditions, created local employment or training op-
13 portunities, and improved the use of, or added value
14 to, any products removed from lands consistent with
15 the purposes of this Act.

16 (10) An assessment that the project is in the
17 public interest.

18 (11) An assessment of project implementation
19 ability of local contractors who are from, or who pro-
20 vide employment or training for workers in, an eco-
21 nomically disadvantaged rural area, including those
22 historically timber-dependent areas that have been
23 affected by reduced timber harvesting on Federal
24 lands and other forest-dependent rural areas isolated

1 from financially comparable alternative employment
2 opportunities.

3 (12) A description of how the project reduces
4 habitat fragmentation across the landscape.

5 (13) An assessment of whether the project inte-
6 grates different types of forest health treatments in
7 order to maximize ecological, economic, and social
8 benefits, for example, whether biomass removal will
9 take place in addition to the harvest of commercially
10 valuable trees.

11 (14) A request for oral presentation, if desired.

12 (c) CONDITIONS FOR APPROVAL OF PROPOSED
13 PROJECT.—A resource advisory committee may make a
14 decision to recommend a project submitted by a petitioner
15 only if the proposed project satisfies each of the following
16 conditions:

17 (1) The project complies with all applicable
18 Federal laws and regulations, including the provi-
19 sions of this Act.

20 (2) The project is consistent with the applicable
21 land and resource management plan or resource
22 management plan and with any watershed or subse-
23 quent plan developed pursuant to the resource man-
24 agement plan and approved by the Secretary con-
25 cerned.

1 (3) A project description has been submitted by
2 the petitioner to the resource advisory committee, as
3 required by subsection (b).

4 (4) The project will improve the maintenance of
5 existing infrastructure, implement stewardship objec-
6 tives that enhance forest ecosystems, and restore
7 and improve land health and water quality.

8 (5) The project will create a long-term program
9 of work, usually by treating significant forested acre-
10 age, that is consistent with the management direc-
11 tives of section 4.

12 (6) The project will reduce habitat fragmenta-
13 tion across the landscape.

14 (7) The project is economically feasible.

15 (d) PRIORITIZATION.—A resource advisory committee
16 may prioritize for consideration by the Secretary con-
17 cerned proposed projects submitted by Federal petitioners
18 over proposed projects submitted by non-Federal peti-
19 tioners.

20 (e) RECOMMENDATION OF PROPOSED PROJECT.—
21 After consideration of a proposed project, the resource ad-
22 visory committee shall recommend approval or disapproval
23 of the project to the responsible official. The recommenda-
24 tion of the committee shall be transmitted to the respon-

1 sible official within 15 days after the meeting in which
2 the recommendation is made by the committee.

3 (f) ACTION ON RESOURCE ADVISORY COMMITTEE
4 RECOMMENDATION.—The responsible official shall make
5 a decision to accept or reject the recommendation sub-
6 mitted by a resource advisory committee regarding a pro-
7 posed project, and transmit that decision in writing to the
8 petitioner, within 15 days after receipt of the rec-
9 ommendation. Projects that are disapproved will not be
10 considered further, but may be amended and resubmitted
11 by the petitioner. Projects that are approved are subject
12 to environmental analysis and review, and public involve-
13 ment, as provided in subsection (g). The decision of the
14 responsible official to accept or reject the recommendation
15 of a proposed project, and the committee's recommenda-
16 tion to approve or disapprove a proposed project, are not
17 final agency actions for the purpose of subchapter II of
18 chapter 5 of title 5, United States Code.

19 (g) ENVIRONMENTAL ANALYSIS AND REVIEW; PUB-
20 LIC INVOLVEMENT.—In implementing this section, the re-
21 sponsible official is encouraged to utilize an environmental
22 document that assesses a number of sufficiently detailed
23 site-specific activities to result in a long-term (at least 10
24 years) program of work within the planning area. In all
25 cases, the responsible official shall utilize the environ-

1 mental analysis and review, and public involvement proce-
2 dures set forth in section 104 of the Healthy Forests Res-
3 toration Act of 2003 (16 U.S.C. 6514). The responsible
4 official shall complete the environmental analysis and re-
5 view, and public involvement process, and publish a pro-
6 posed decision on the project within one year after the
7 date of the acceptance of the project under subsection (f).
8 The responsible official shall prioritize the preparation and
9 completion of environmental analysis and review of
10 projects undertaken in accordance with this Act, and in
11 accordance with the Healthy Forests Restoration Act of
12 2003, over other forest- or post-disturbance management
13 projects.

14 (h) REVIEW OF PROPOSED DECISION; FINAL DECI-
15 SION; ADMINISTRATIVE AND JUDICIAL REVIEW; IMPLE-
16 MENTATION.—Upon publication of the proposed decision
17 of the responsible official, the public shall have 30 days
18 in which to challenge the proposed decision. Such a chal-
19 lenge must be submitted in writing to the resource advi-
20 sory committee for a final determination, which will be
21 made by the resource advisory committee during its next
22 meeting after submission. The responsible official shall
23 have 5 days to submit the final determination to the Re-
24 gional Forester or State Director for signature, which
25 shall be considered a final agency action for the purposes

1 of judicial review. Notwithstanding any other provision of
2 law, the final decision of the Regional Forester or State
3 Director is not subject to administrative review, but is
4 subject to immediate judicial review in any district court
5 of competent jurisdiction. Project implementation may
6 take place immediately upon signature of the final deter-
7 mination.

8 **SEC. 8. CONTRACTING AND RURAL EMPLOYMENT DIREC-**
9 **TIVES.**

10 (a) **CONTRACTING AUTHORITIES.**—The Secretary
11 concerned shall evaluate each thinning project imple-
12 mented under this Act and select the best contracting
13 method for project implementation, taking into consider-
14 ation the congressional intent of this Act as well as the
15 expected social, economic, and ecological outcomes from
16 each project.

17 (b) **STEWARDSHIP CONTRACTING.**—

18 (1) **USE.**—If the Secretary concerned deter-
19 mines that a stewardship contract is the best con-
20 tracting method to implement a project under this
21 Act, the Secretary concerned shall utilize the con-
22 tracting authorities in section 347 of the Interior
23 and Related Agencies Appropriations Act, 1999 (as
24 contained in section 101(e) of division A of Public

1 Law 105–277 (16 U.S.C. 2104 note), as modified by
2 paragraphs (2) and (3).

3 (2) BEST VALUE CONTRACTING CRITERIA.—In
4 planning, packaging, and offering contracts, sales,
5 and agreements for projects implemented under this
6 Act, the Secretary concerned shall consider how
7 maximum employment opportunities in rural areas
8 can be achieved through those projects. In imple-
9 menting projects, the Secretary shall select a source
10 for performance of a sale, contract, or agreement on
11 a best value basis, and shall consider the following
12 evaluative factors:

13 (A) Ability of the offeror to meet project
14 ecological objectives with appropriate attention
15 to the sensitivity of the resources being treated.

16 (B) The use of low-impact equipment or
17 techniques that will minimize or eliminate ad-
18 verse impacts on soils.

19 (C) The ability of the offeror to benefit
20 local economies through the retention, expan-
21 sion, or creation of employment or training op-
22 portunities in performing the restorative treat-
23 ments.

24 (D) The ability of the offeror to ensure
25 that wood and other by-products are processed

1 locally to the maximum extent feasible and con-
2 tribute to the development of biomass energy,
3 integrated utilization, or value-added products
4 for an existing market or emerging market.

5 (E) Past performance, including consider-
6 ation of past employment and hiring practices,
7 including any instances of wage, safety, labor,
8 immigration, or other violations.

9 (3) WEIGHT OF EVALUATIVE CRITERIA.—In
10 order to ensure price factors are considered, but do
11 not override non-price factors the Secretary con-
12 cerned shall—

13 (A) work with interested persons to de-
14 velop evaluation criteria that meet the multiple
15 objectives of the project; and

16 (B) ensure that non-price factors are
17 weighted heavily enough to ensure that they will
18 receive significant consideration in selecting
19 contractors.

20 (c) MULTI-YEAR SERVICE OR INTEGRATED RE-
21 SOURCE CONTRACT-SERVICE CONTRACTS.—

22 (1) ALTERNATIVES.—For all contracts, and
23 particularly multi-year contracts, the Secretary con-
24 cerned may fulfill the requirements of the Federal

1 Acquisition Regulation, Part 17.104, by one of the
2 following three alternatives:

3 (A) Using funds appropriated for the per-
4 formance of the service contract concerned.

5 (B) Using appropriations currently avail-
6 able for procurement of the type of services
7 concerned and not otherwise obligated.

8 (C) Using the revenue to be derived from
9 of the product sale made as part of the same
10 project, or excess revenues from another deliv-
11 ered log contracting project. Funds identified
12 for the purpose of the cancellation liability shall
13 not be obligated at the time of contract award.

14 (2) ANTI-DEFICIENCY ACT VIOLATIONS.—In a
15 case in which payment or obligation of funds under
16 subsection would constitute a violation of section
17 1341 of title 31, United States Code (commonly
18 known as the Anti-Deficiency Act), the Secretary
19 concerned may—

20 (A) seek a supplemental appropriation of
21 the necessary funds to avoid the violation; or

22 (B) request funds from the permanent
23 judgement appropriation established pursuant
24 to section 1304 of such title.

1 (d) RETENTION AND CREATION OF JOBS IN RURAL
2 AREAS.—In awarding a Federal contract for projects con-
3 templated by this Act, the Secretary concerned, in evalu-
4 ating bids and proposals, shall give consideration to local
5 contractors who are from, or who provide employment or
6 training for workers in, an economically disadvantaged
7 rural area, including those historically timber-dependent
8 areas that have been affected by reduced timber har-
9 vesting on Federal lands and other forest-dependent rural
10 areas isolated from financially comparable alternative em-
11 ployment opportunities.

12 **SEC. 9. TRANSITION TO PROJECT PROPOSAL AND CON-**
13 **TRACTING AND RURAL EMPLOYMENT DIREC-**
14 **TIVES.**

15 Within [XX] years after the date of the enactment
16 of this Act, the Secretary concerned shall ensure that the
17 processes described in sections 7 and 8 are fully imple-
18 mented in each Forest Service and Bureau of Land Man-
19 agement administrative unit containing covered lands.

20 **SEC. 10. RELATION TO COUNTY PAYMENT REQUIREMENTS.**

21 (a) NATIONAL FOREST SYSTEM LANDS.—Except for
22 projects utilizing service contracts and the application of
23 retained receipts authority, proceeds derived from projects
24 implemented on National Forest System lands pursuant
25 to this Act shall be treated as moneys received from the

1 national forests for purposes of operation of the sixth
2 paragraph under the heading “FOREST SERVICE” in the
3 Act of May 23, 1908, and section 13 of the Act of March
4 11, 1911 (16 U.S.C. 500).

5 (b) OREGON AND CALIFORNIA FORESTED BLM
6 LANDS.—

7 (1) DEPOSIT IN OREGON AND CALIFORNIA
8 LAND-GRANT FUND.—Except for projects utilizing
9 service contracts and the application of retained re-
10 cepts authority, proceeds derived from projects im-
11 plemented in Bureau of Land Management adminis-
12 trative units containing covered lands pursuant to
13 this Act shall be deposited in the Treasury of the
14 United States in the Oregon and California land-
15 grant fund for distribution as provided in section
16 201 of the Act of August 28, 1937 (43 U.S.C.
17 1181f).

18 (2) PERCENTAGE OF PAYMENTS TO COUN-
19 TIES.—Section 201 of the Act of August 28, 1937
20 (43 U.S.C. 1181f) is amended—

21 (A) in subsection (a), by striking “Fifty
22 per centum” and inserting “Seventy-five per-
23 cent”; and

24 (B) by striking subsection (b).

1 **SEC. 11. TERMINATION.**

2 This Act and the authorities provided by this Act
3 shall terminate 30 years after the date of the enactment
4 of this Act.