

# Union Calendar No. 252

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4200

**[Report No. 109–451, Part I]**

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2005

Mr. WALDEN of Oregon (for himself, Mr. BAIRD, Mr. GILCREST, Ms. HERSETH, Mr. FLAKE, Mr. THOMPSON of Mississippi, Mr. PETERSON of Pennsylvania, Mr. BOYD, Mr. PICKERING, Mr. OBERSTAR, Mr. SHADEGG, Mr. BERRY, Mr. WICKER, Mr. LEWIS of California, Mr. ROSS, Mr. HASTINGS of Washington, Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. TERRY, Mr. POMBO, Mr. JINDAL, Mrs. DRAKE, Mr. OTTER, Mr. NORWOOD, Mr. DUNCAN, Mr. REHBERG, Mr. HAYWORTH, Mr. ROGERS of Michigan, Mr. PEARCE, Mr. GIBBONS, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. CANNON, Mr. BROWN of South Carolina, Miss McMORRIS, Mr. TAYLOR of North Carolina, Mr. RADANOVICH, Mr. SIMPSON, Mr. RENZI, Mr. YOUNG of Alaska, Mr. MCCRERY, Mr. GOHMERT, Mr. HAYES, Mr. HERGER, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BONNER, Mr. TANCREDO, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BISHOP of Utah, Ms. FOXX, Mr. ISSA, Mr. HUNTER, Mr. McKEON, Mr. BURGESS, Mr. CALVERT, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. GUTKNECHT, Mr. SHERWOOD, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KNOLLENBERG, Mr. NUNES, Mr. SESSIONS, Mr. GINGREY, Mr. BARTON of Texas, Ms. GRANGER, Mr. REYNOLDS, Mr. TIAHRT, Mr. BLUNT, Mr. KINGSTON, Mr. CANTOR, Mr. BEAUPREZ, Mr. WHITFIELD, Mr. EVERETT, Mr. PLATTS, Mr. BOOZMAN, Mrs. MUSGRAVE, Mr. SOUDER, Mr. SAXTON, Mr. PUTNAM, Mr. LINDER, Mr. ENGLISH of Pennsylvania, Mr. THOMAS, Mr. CULBERSON, Mr. BASS, Mr.

JONES of North Carolina, Mr. ROGERS of Kentucky, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mr. WAMP, Mr. LEWIS of Kentucky, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 4, 2006

Additional sponsors: Mr. GALLEGLY, Mr. MCHUGH, Mr. LUCAS, Mr. MORAN of Kansas, Mr. MANZULLO, Mr. STUPAK, Mrs. MILLER of Michigan, Mrs. MYRICK, Mr. POE, Mr. FOLEY, Mrs. BONO, Mr. BURTON of Indiana, Mr. SHUSTER, Mr. CRENSHAW, Mr. SMITH of Texas, Mr. PITTS, Mr. BISHOP of Georgia, Mr. MATHESON, Mr. GREEN of Wisconsin, Mr. FORTUÑO, Mr. CONAWAY, Mr. COBLE, Mrs. JO ANN DAVIS of Virginia, Mr. OSBORNE, Mr. TIBERI, Ms. PRYCE of Ohio, Mr. AKIN, Mr. CARTER, Mr. KLINE, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. HYDE, Mr. CUNNINGHAM, Ms. JACKSON-LEE of Texas, Mr. SWEENEY, Mr. CAMP, Mr. MARCHANT, Mr. CARDOZA, Mr. JENKINS, Mr. FORBES, Mr. KUHL of New York, Mr. SHIMKUS, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. GARY G. MILLER of California, Mr. MCHENRY, Mr. KOLBE, Mr. KENNEDY of Minnesota, Mr. MELANCON, Mr. HALL, and Mr. BOREN

Deleted sponsors: Mr. LEWIS of California (added November 2, 2005; deleted November 9, 2005), and Mr. SAXTON (added November 2, 2005; deleted March 28, 2006)

MAY 4, 2006

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 4, 2006

Committees on Agriculture and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on November 2, 2005]

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## A BILL

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the imple-

mentation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

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

3 **SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as “Forest  
 5 Emergency Recovery and Research Act”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—RESPONSE TO CATASTROPHIC EVENTS ON FEDERAL  
LANDS

- Sec. 101. Development of research protocols and use in catastrophic event re-  
search projects.
- Sec. 102. Catastrophic event recovery evaluations.
- Sec. 103. Compliance with National Environmental Policy Act.
- Sec. 104. Availability and use of pre-approved management practices.
- Sec. 105. Availability and use of emergency procedures.
- Sec. 106. Administrative and judicial review.
- Sec. 107. Guidance regarding reforestation in response to catastrophic events.
- Sec. 108. Effect of title.
- Sec. 109. Standards for tree retention.

TITLE II—RESTORING LANDSCAPES AND COMMUNITIES  
IMPACTED BY CATASTROPHIC EVENTS

Subtitle A—Cooperative Forestry Assistance Act of 1978

- Sec. 201. Assistance under Cooperative Forestry Assistance Act of 1978 to re-  
store landscapes and communities affected by catastrophic  
events.

Subtitle B—Department of the Interior Assistance

- Sec. 211. Restoring landscapes.
- Sec. 212. Restoring communities.

TITLE III—EXPERIMENTAL FORESTS

Sec. 301. Findings.

Sec. 302. Availability and use of pre-approved management practices on National Forest experimental forests.

Sec. 303. Limited consideration of alternatives for projects on National Forest experimental forests.

#### TITLE IV—GENERAL PROVISIONS

Sec. 401. Regulations.

Sec. 402. Dedicated source of funds for research and monitoring.

Sec. 403. Other funding sources.

Sec. 404. Effect of declaration of major disaster or emergency.

### 1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The number and severity of catastrophic  
4 events causing resource damage to Federal land has  
5 significantly increased over the last 20 years, and  
6 such catastrophic events also create serious adverse  
7 environmental, social, and economic consequences  
8 for Federal land and adjacent non-Federal land and  
9 communities.

10 (2) Catastrophic events often devastate forest  
11 or rangeland ecosystems and eliminate sources of  
12 seed for desired tree and plant species, which—

13 (A) delays or even precludes the reestab-  
14 lishment of appropriate forest or plant cover on  
15 millions of acres of Federal land;

16 (B) increases the susceptibility of the dam-  
17 aged land to wildfire and noxious or harmful  
18 species and reduces the economic value of the  
19 damaged land's resources;

1           (C) increases the susceptibility of adjacent  
2 undamaged land to insect infestations, disease,  
3 and noxious weeds;

4           (D) pollutes municipal water supplies and  
5 damages water delivery infrastructure;

6           (E) exacerbates sediment production that  
7 adversely impacts native fish habitat and soil  
8 productivity;

9           (F) results in unsafe campgrounds, trails,  
10 roads, and other infrastructure; and

11           (G) adversely impacts the sustainability of  
12 ecosystems and the well-being of adjacent com-  
13 munities.

14           (3) Program authorities and funding mecha-  
15 nisms currently available to the Secretary of Agri-  
16 culture and the Secretary of the Interior to respond  
17 to catastrophic events on forested Federal land do  
18 not provide for consistent and timely response activi-  
19 ties.

20           (4) The Council on Environmental Quality has  
21 approved on an infrequent basis the use of alter-  
22 native arrangements to respond to catastrophic  
23 events on forested Federal land, but, when used in  
24 the past, such alternative arrangements have encour-  
25 aged expedited and successful recovery outcomes.

1           (5) A prompt and standardized management re-  
2           sponse to a catastrophic event, which is also adapt-  
3           ive to the unique characteristics of each catastrophic  
4           event, is needed—

5                   (A) to effectively recover the area damaged  
6                   by the catastrophic event,

7                   (B) to minimize the impact on the re-  
8                   sources of the area and adjacent communities  
9                   adversely affected by the catastrophic event;  
10                  and

11                  (C) to recover damaged, but still mer-  
12                  chantable, material before it losses economic  
13                  value.

14           (6) Reforestation treatments on forested Fed-  
15           eral land after a catastrophic event helps to restore  
16           appropriate forest cover, which provides multiple re-  
17           newable resource benefits, including—

18                   (A) protecting soil and water resources;

19                   (B) providing habitat for wildlife and fish;

20                   (C) contributing to aesthetics and enhanc-  
21                   ing the recreational experience for visitors;

22                   (D) providing a future source of timber for  
23                   domestic use; and

1 (E) ensuring the health and resiliency of  
2 affected ecosystems for present and future gen-  
3 erations.

4 (7) According to the Comptroller General, the  
5 reforestation backlog for Federal land has increased  
6 since 2000 as a result of natural disturbances, such  
7 as wildland fires, insect infestations, and diseases.

8 (8) Additional scientific and monitoring infor-  
9 mation is needed regarding the effectiveness of re-  
10 covery treatments to improve subsequent recovery  
11 proposals in response to future catastrophic events.

12 (9) State, tribal, and local governments, local  
13 communities, and other entities play a critical role in  
14 restoring landscapes damaged by a catastrophic  
15 event and in reducing the risks associated with the  
16 catastrophic event.

17 (10) Greater resources and adaptive arrange-  
18 ments must be made available to land managers to  
19 facilitate the prompt implementation of recovery  
20 treatments, including reforestation, following cata-  
21 strophic events.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) BURNED AREA EMERGENCY RESPONSE.—

25 The term “burned area emergency response” means

1 the process used by the Secretary concerned to plan  
2 and implement emergency stabilization actions on  
3 Federal land in response to a catastrophic event in  
4 order to minimize threats to life or property or to  
5 stabilize and prevent unacceptable degradation to  
6 natural and cultural resources resulting from the ef-  
7 fects of the catastrophic event.

8 (2) CATASTROPHIC EVENT.—The term “cata-  
9 strophic event” means any natural disaster or any  
10 fire, flood, or explosion, regardless of cause, that the  
11 Secretary determines has caused or will cause dam-  
12 age of significant severity and magnitude to Federal  
13 land or, in the case of title II, non-Federal land. A  
14 natural disaster may include a hurricane, tornado,  
15 windstorm, snow or ice storm, rain storm, high  
16 water, wind-driven water, tidal wave, earthquake,  
17 volcanic eruption, landslide, mudslide, drought, or  
18 insect or disease outbreak.

19 (3) CATASTROPHIC EVENT RECOVERY.—The  
20 term “catastrophic event recovery”, with respect to  
21 an area of Federal land damaged by a catastrophic  
22 event, means—

23 (A) if the catastrophic event involved fire,  
24 the rehabilitation and restoration activities  
25 (other than any emergency stabilization treat-



1           ments undertaken as part of the burned area  
2           emergency response) that are undertaken on  
3           the damaged Federal land, including any infra-  
4           structure or facilities thereon, in response to  
5           the catastrophic event;

6           (B) if the catastrophic event did not in-  
7           volve fire, the emergency stabilization and reha-  
8           bilitation and restoration activities that are un-  
9           dertaken on the damaged Federal land, includ-  
10          ing infrastructure or facilities thereon, in re-  
11          sponse to the catastrophic event; or

12          (C) the reforestation or revegetation, con-  
13          sistent with the applicable land and resource  
14          management plan, of the damaged Federal land  
15          in response to the catastrophic event using, to  
16          the extent practicable and preferable, native or  
17          beneficial plants to avoid creation of plantation  
18          forests and the recovery of trees on the dam-  
19          aged Federal land, through the use of timber  
20          harvesting and other appropriate methods of  
21          forest regeneration.

22          (4) CATASTROPHIC EVENT RECOVERY EVALUA-  
23          TION.—The term “catastrophic event recovery eval-  
24          uation”, with respect to an area of Federal land  
25          damaged by a catastrophic event, means an evalua-

1       tion of the damaged Federal land that is conducted  
2       in accordance with section 102.

3               (5) CATASTROPHIC EVENT RECOVERY PRO-  
4       POSAL.—The term “catastrophic event recovery pro-  
5       posal” means the list and brief description of cata-  
6       strophic event recovery projects, catastrophic event  
7       research projects, and pre-approved management  
8       practices that are—

9               (A) identified as part of the catastrophic  
10       event recovery evaluation of an area of Federal  
11       land damaged by a catastrophic event; and

12              (B) proposed to be undertaken to facilitate  
13       the catastrophic event recovery of the area or  
14       evaluate the effects and effectiveness of such re-  
15       covery efforts.

16              (6) CATASTROPHIC EVENT RECOVERY  
17       PROJECT.—The term “catastrophic event recovery  
18       project” means an individual activity or a series of  
19       activities identified in a catastrophic event recovery  
20       proposal for an area of Federal land damaged by a  
21       catastrophic event and proposed to be undertaken in  
22       response to the catastrophic event to promote cata-  
23       strophic event recovery.

24              (7) CATASTROPHIC EVENT RESEARCH  
25       PROJECT.—The term “catastrophic event research

1 project” means a scientifically designed study of the  
2 effects and effectiveness of—

3 (A) any catastrophic event recovery  
4 projects undertaken in an area of land damaged  
5 by a catastrophic event; and

6 (B) any emergency stabilization treatments  
7 undertaken as part of a burned area emergency  
8 response in the area of land damaged by a cata-  
9 strophic event.

10 (8) COMMUNITY WILDFIRE PROTECTION  
11 PLAN.—The term “community wildfire protection  
12 plan” has the meaning given that term in section  
13 101(3) of the Healthy Forest Restoration Act of  
14 2003 (16 U.S.C. 6511(3)).

15 (9) ELIGIBLE ENTITY.—The term “eligible enti-  
16 ty”, for purposes of providing assistance under sub-  
17 title B of title II, means a State Forester or equiva-  
18 lent State official, an Indian tribe, local government,  
19 community-based organization, or other person.

20 (10) FEDERAL LAND.—The term “Federal  
21 land” means land in the National Forest System  
22 and public lands. The term does not include any  
23 land contained in a component of the National Wil-  
24 derness Preservation System or designated as a na-  
25 tional monument.

1           (11) INDIAN TRIBE.—The term “Indian tribe”  
2           has the meaning given the term in section 4 of the  
3           Indian Self-Determination and Education Assistance  
4           Act (25 U.S.C. 450b).

5           (12) LAND AND RESOURCE MANAGEMENT  
6           PLAN.—The term “land and resource management  
7           plan” means—

8                   (A) a land and resource management plan  
9                   developed for a unit of the National Forest Sys-  
10                  tem under section 6 of the Forest and Range-  
11                  land Renewable Resources Planning Act of  
12                  1974 (16 U.S.C. 1604); or

13                   (B) a land use plan developed for an area  
14                   of the public lands under section 202 of the  
15                  Federal Land Policy and Management Act of  
16                  1976 (43 U.S.C. 1712).

17           (13) LAND-GRANT COLLEGES AND UNIVER-  
18           SITIES.—The term “land-grant colleges and univer-  
19           sities” has the meaning given that term in section  
20           1404(11) of the National Agricultural Research, Ex-  
21           tension, and Teaching Policy Act of 1977 (7 U.S.C.  
22           3103(11)).

23           (14) LANDSCAPE ASSESSMENT.—The term  
24           “landscape assessment” means an assessment de-  
25           scribing catastrophic event conditions and recovery

1 needs and opportunities on non-Federal land af-  
2 fected by a catastrophic event and including a list of  
3 proposed special recovery projects to address those  
4 needs and opportunities.

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

10 (16) PRE-APPROVED MANAGEMENT PRAC-  
11 TICE.—The term “pre-approved management prac-  
12 tice” means a management practice identified by the  
13 Secretary concerned under section 104(a) that may  
14 be immediately implemented as part of a cata-  
15 strophic event recovery project or catastrophic event  
16 research project to facilitate the catastrophic event  
17 recovery of an area of Federal land damaged by a  
18 catastrophic event.

19 (17) PUBLIC LANDS.—The term “public lands”  
20 has the meaning given that term in section 103(e)  
21 of the Federal Land Policy and Management Act of  
22 1976 (43 U.S.C. 1702(e)).

23 (18) SECRETARY CONCERNED.—The term  
24 “Secretary concerned” means—

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

3 (B) the Secretary of the Interior, with re-  
4 spect to public lands.

5 (19) SPECIAL RECOVERY PROJECT.—The term  
6 “special recovery project” means an individual activ-  
7 ity or a series of activities proposed to be under-  
8 taken to rehabilitate, repair, and restore non-Federal  
9 land damaged by a catastrophic event, community  
10 infrastructure and facilities on the land, and eco-  
11 nomic, social, and cultural conditions affected by the  
12 catastrophic event.

13 **TITLE I—RESPONSE TO CATA-**  
14 **STROPHIC EVENTS ON FED-**  
15 **ERAL LANDS**

16 **SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND**  
17 **USE IN CATASTROPHIC EVENT RESEARCH**  
18 **PROJECTS.**

19 (a) DEVELOPMENT OF PROTOCOLS; PURPOSE.—For  
20 the purpose of conducting and evaluating the effectiveness  
21 and effects of a catastrophic event recovery project and  
22 of emergency stabilization treatments undertaken as part  
23 of a burned area emergency response, the Secretary con-  
24 cerned shall develop research protocols consisting of—

1           (1) a research approach that is specifically de-  
2           signed to improve knowledge, understanding, and  
3           predictive capabilities—

4                   (A) to increase the long-term benefits of  
5           management activities, including natural and  
6           artificial regeneration of vegetation; and

7                   (B) to decrease the short-term impacts of  
8           such management activities;

9           (2) an appropriate and scientifically sound ex-  
10          perimental design or set of sampling procedures; and

11          (3) accompanying methods of data analysis and  
12          interpretation.

13          (b) PEER REVIEW.—The research protocols devel-  
14          oped under subsection (a), and any subsequent modifica-  
15          tion thereof, shall be subject to peer review, including  
16          independent, third-party peer review, by scientific and  
17          land management experts.

18          (c) TIME FOR COMPLETION; MODIFICATION.—The  
19          research protocols required by this section shall be sub-  
20          mitted to Congress not later than 180 days after the date  
21          of the enactment of this Act. The Secretary concerned  
22          may modify the research protocols, as the Secretary deter-  
23          mines necessary, after their submission to Congress. The  
24          Secretary concerned shall notify Congress regarding any  
25          such modification.

1 (d) CATASTROPHIC EVENT RESEARCH PROJECTS.—

2 In accordance with the research protocols developed under  
3 this section, the Secretary concerned may conduct one or  
4 more catastrophic event research projects in an area of  
5 land damaged by a catastrophic event. The Secretary may  
6 develop a proposed catastrophic event research project as  
7 part of a catastrophic event recovery proposal or develop  
8 a catastrophic event research project independently of the  
9 catastrophic event recovery proposal during the cata-  
10 strophic event recovery in response to changing conditions  
11 in the area damaged by the catastrophic event.

12 (e) PUBLIC ACCESS.—

13 (1) PROTOCOLS.—The Secretary concerned  
14 shall make the research protocols developed under  
15 subsection (a), including any modification thereof,  
16 publicly available, in a form determined to be appro-  
17 priate by the Secretary.

18 (2) RESEARCH RESULTS.—After completion of  
19 the peer review required by subsection (b), the Sec-  
20 retary concerned shall make the results of cata-  
21 strophic event research projects publicly available, in  
22 a form determined to be appropriate by the Sec-  
23 retary.

24 (f) FOREST HEALTH PARTNERSHIPS.—In developing  
25 and using the research protocols required by this section,



1 the Secretary concerned shall enter into cooperative agree-  
2 ments with land-grant colleges and universities and other  
3 institutions of higher education to form forest health part-  
4 nerships, including regional institutes, to utilize their edu-  
5 cation, research, and outreach capacity to address the cat-  
6 astrophic event recovery of forested land. A forest health  
7 partnership may be aligned with the current network of  
8 Cooperative Ecosystem Studies Units.

9 **SEC. 102. CATASTROPHIC EVENT RECOVERY EVALUATIONS.**

10 (a) COMMENCEMENT.—

11 (1) EVALUATION REQUIRED.—In response to a  
12 catastrophic event affecting 1,000 or more acres of  
13 Federal land, the Secretary concerned shall conduct  
14 a catastrophic event recovery evaluation of the dam-  
15 aged Federal land.

16 (2) EVALUATION AUTHORIZED.—If a cata-  
17 strophic event affects more than 250 acres of Fed-  
18 eral land, but less than 1,000 acres, the Secretary  
19 concerned is authorized, but not required, to conduct  
20 a catastrophic event recovery evaluation of the dam-  
21 aged Federal land.

22 (3) TIME FOR COMMENCEMENT.—To facilitate  
23 prompt decision-making with regard to the cata-  
24 strophic event recovery of Federal land damaged by  
25 a catastrophic event when a catastrophic event re-

1 recovery evaluation is required under paragraph (1),  
2 the Secretary concerned shall commence the cata-  
3 strophic event recovery evaluation for the damaged  
4 Federal land—

5 (A) as soon as practicable during or after  
6 the conclusion of the catastrophic event; but

7 (B) in no event later than 30 days after  
8 the conclusion of the catastrophic event.

9 (b) COMPLETION.—

10 (1) TIME FOR COMPLETION.—To facilitate  
11 prompt implementation of catastrophic event recov-  
12 ery projects on Federal land damaged by a cata-  
13 strophic event when a catastrophic event recovery  
14 evaluation is required under subsection (a)(1), the  
15 Secretary concerned shall complete the catastrophic  
16 event recovery evaluation for the damaged Federal  
17 land not later than 30 days after the date on which  
18 Secretary commenced the catastrophic event recov-  
19 ery evaluation.

20 (2) EXTENSION.—The Secretary concerned may  
21 extend the completion date for a catastrophic event  
22 recovery evaluation, on a case-by-case basis, when  
23 the Secretary concerned determines that additional  
24 time is necessary to evaluate a complex catastrophic

1 event, an on-going catastrophic event, or a series of  
2 catastrophic events.

3 (c) ELEMENTS OF CATASTROPHIC EVENT EVALUA-  
4 TION.—In conducting the catastrophic event recovery eval-  
5 uation for an area of Federal land damaged by a cata-  
6 strophic event, the Secretary concerned shall prepare the  
7 following:

8 (1) A description of catastrophic event condi-  
9 tions on the damaged Federal land, recovery needs  
10 and opportunities, and the areas where management  
11 intervention would be helpful to achieve the cata-  
12 strophic event recovery of the damaged Federal land.

13 (2) A preliminary determination of any cata-  
14 strophic event research projects that best fit the cir-  
15 cumstances of the particular catastrophic event envi-  
16 ronment or would enhance scientific understanding  
17 relevant to the damaged area.

18 (3) A catastrophic event recovery proposal con-  
19 taining possible catastrophic event recovery projects  
20 and catastrophic event research projects for the  
21 damaged area and describing the anticipated size  
22 and scope of these projects.

23 (4) One or more maps detailing the area of  
24 damaged Federal land and the location of cata-  
25 strophic event recovery proposals.

1           (5) A preliminary estimate of the funding that  
2           would be needed to complete the catastrophic event  
3           recovery projects and catastrophic event research  
4           projects contained in the catastrophic event recovery  
5           proposal.

6           (6) A preliminary estimate of the receipts to be  
7           derived from the catastrophic event recovery projects  
8           and catastrophic event research projects contained in  
9           the catastrophic event recovery proposal, and, to the  
10          maximum extent practicable, an estimate of revenues  
11          likely to be lost if action is not taken in a timely  
12          manner.

13          (7) A preliminary schedule showing the timing  
14          of possible catastrophic event recovery projects and  
15          catastrophic event research projects by fiscal year,  
16          assuming funding is available to undertake the  
17          projects.

18          (d) USE OF PRE-APPROVED MANAGEMENT PRAC-  
19          TICES OR EMERGENCY PROCEDURES.—

20                 (1) DETERMINATION.—In addition to com-  
21                 plying with the requirements specified in subsection  
22                 (c) for each catastrophic event recovery evaluation,  
23                 the Secretary concerned shall make a determination  
24                 of—

1 (A) whether or not any pre-approved man-  
2 agement practices should be immediately imple-  
3 mented under section 104 to facilitate the cata-  
4 strophic event recovery of the area covered by  
5 the catastrophic event recovery evaluation; and

6 (B) whether or not any catastrophic event  
7 recovery project or catastrophic event research  
8 project, or portion of such a project, contained  
9 in the catastrophic event recovery proposal  
10 should be developed and carried out using the  
11 emergency procedures authorized by section  
12 105.

13 (2) FACTORS.—In making any determination  
14 under paragraph (1)(B) to develop and carry out a  
15 catastrophic event recovery project or catastrophic  
16 event research project, or portion of such a project,  
17 using emergency procedures under section 105, the  
18 Secretary concerned shall consider at a minimum  
19 the following:

20 (A) The necessity of promptly responding  
21 to the catastrophic event on the damaged Fed-  
22 eral land.

23 (B) The recovery needs and opportunities  
24 identified under subsection (c)(1) with respect  
25 to the damaged Federal land.

1           (C) The lack of pre-approved management  
2 practices applicable to the damaged Federal  
3 land.

4           (D) The threat to public health and safety.

5           (E) The likelihood of substantial loss of  
6 adjacent private and public property or other  
7 substantial economic losses.

8           (3) NOTIFICATION AND CONSULTATION.—The  
9 Secretary concerned shall make the determinations  
10 under paragraph (1) after notification of and in con-  
11 sultation with the Council on Environmental Qual-  
12 ity, but the determination remains in the sole discre-  
13 tion of the Secretary.

14          (e) INTERDISCIPLINARY APPROACH.—To conduct the  
15 catastrophic event recovery evaluation of an area of Fed-  
16 eral land damaged by a catastrophic event, the Secretary  
17 concerned shall use a systematic, interdisciplinary ap-  
18 proach that insures the integrated use of appropriate nat-  
19 ural and social sciences.

20          (f) COORDINATION WITH OTHER ACTIVITIES.—

21           (1) RELATED ASSESSMENT OF NON-FEDERAL  
22 LAND.—The Secretary concerned may combine the  
23 preparation of a catastrophic event recovery evalua-  
24 tion of Federal land with the preparation of a land-  
25 scape assessment for non-Federal land in the vicinity

1 of the damaged Federal land prepared under subtitle  
2 B of title II or subsection (c) of section 10A of the  
3 Cooperative Forestry Assistance Act of 1978 (16  
4 U.S.C. 2106c), as added by section 201.

5 (2) RELATED COMMUNITY WILDFIRE PROTEC-  
6 TION PLANS.—During preparation of a catastrophic  
7 event recovery evaluation for an area of Federal land  
8 damaged by a catastrophic event involving wildfire,  
9 the Secretary concerned shall consider post-fire man-  
10 agement recommendations, if any, contained in any  
11 community wildfire protection plan addressing the  
12 damaged Federal land.

13 (g) PUBLIC COLLABORATION.—To encourage mean-  
14 ingful participation during the preparation of catastrophic  
15 event recovery projects, the Secretary concerned shall fa-  
16 cilitate collaboration among State and local governments,  
17 Indian tribes, land-grant colleges and universities, and in-  
18 terested persons during the preparation of catastrophic  
19 event recovery evaluations and catastrophic event recovery  
20 proposals.

21 (h) PUBLIC NOTICE.—

22 (1) NOTICE OF EVALUATION.—The Secretary  
23 concerned shall provide public notice of each cata-  
24 strophic event recovery evaluation, including the cat-  
25 astrophic event recovery proposal prepared as part

1 of the evaluation. The notice shall be provided in a  
2 form determined to be appropriate by the Secretary  
3 concerned, such as publication in the Federal Reg-  
4 ister.

5 (2) NOTICE OF PUBLIC MEETINGS.—The Sec-  
6 retary concerned shall provide notice of public meet-  
7 ings conducted in connection with a catastrophic  
8 event recovery evaluation and the availability of pre-  
9 liminary analyses or documents prepared as part of  
10 the evaluation. The notice shall be provided at such  
11 times and in such a manner as the Secretary con-  
12 cerned considers appropriate.

13 **SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**  
14 **POLICY ACT.**

15 (a) COMPLIANCE REQUIRED.—Except as provided in  
16 subsection (b), the Secretary concerned shall comply with  
17 the National Environmental Policy Act of 1969 (42 U.S.C.  
18 4331 et seq.), its implementing regulations, and other ap-  
19 plicable laws in designing and conducting catastrophic  
20 event recovery projects and catastrophic event research  
21 projects.

22 (b) SATISFACTION OF NEPA REQUIREMENTS.—The  
23 following activities are deemed to satisfy the requirements  
24 of section 102 of the National Environmental Policy Act



1 of 1969 (42 U.S.C. 4332 et seq.) and its implementing  
2 regulations:

3 (1) The preparation of the list of pre-approved  
4 management practices required by subsection (a) of  
5 section 104.

6 (2) The use of pre-approved management prac-  
7 tices on the list in the manner provided in section  
8 104.

9 (3) The use of emergency procedures in the  
10 manner provided in section 105.

11 **SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MAN-**  
12 **AGEMENT PRACTICES.**

13 (a) LIST OF AVAILABLE PRE-APPROVED MANAGE-  
14 MENT PRACTICES.—The Secretary concerned shall pre-  
15 pare a list of management practices, by forest type or  
16 plant association group, that may be immediately imple-  
17 mented as part of a catastrophic event recovery project  
18 or catastrophic event research project to facilitate the cat-  
19 astrophic event recovery of an area of Federal land dam-  
20 aged by a catastrophic event. The list of pre-approved  
21 management practices shall be prepared using notice and  
22 comment rule making under section 553 of title 5, United  
23 States Code.

24 (b) PEER REVIEW.—Before a management practice  
25 may be included on the list of pre-approved management

1 practices, the management practice shall be subject to  
2 peer review, including independent, third-party peer re-  
3 view, by scientific and land management experts. The re-  
4 sults of the peer review shall be available to the public  
5 during the comment period.

6 (c) REVISION OR AMENDMENT OF LIST.—The Sec-  
7 retary concerned may amend or revise the list of pre-ap-  
8 proved management practices as necessary whenever new  
9 scientific and managerial information becomes available.  
10 Subsections (a) and (b) shall apply to the amendment or  
11 revision process.

12 (d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

13 (1) ROAD CONSTRUCTION.—A pre-approved  
14 management practice may not authorize any perma-  
15 nent road building. Any temporary road constructed  
16 as part of a pre-approved management practice shall  
17 be obliterated upon conclusion of the practice and  
18 the road area restored to the extent practicable.

19 (2) TIMBER HARVESTING.—Timber harvesting  
20 carried out as part of a pre-approved management  
21 practice shall be limited to trees—

22 (A) that are already down, dead, broken,  
23 or severely root sprung;

1 (B) regarding which mortality is highly  
2 probable within five years after the end of the  
3 catastrophic event; or

4 (C) that are required to be removed for  
5 worker or public safety.

6 (e) REQUIRED CONSULTATION.—

7 (1) ESA CONSULTATION.—In the case of the  
8 proposed use of a pre-approved management practice  
9 included on the list prepared under subsection (a),  
10 the Secretary concerned may use the emergency pro-  
11 cedures described in section 402.05 of title 50, Code  
12 of Federal Regulations, to comply with section 7 of  
13 the Endangered Species Act of 1973 (16 U.S.C.  
14 1536). At the conclusion of the consultation, the  
15 statement required by subsection (b)(4) of such sec-  
16 tion shall be issued for any incidental taking that  
17 may occur while using the pre-approved management  
18 practice, which shall be effective beginning on the  
19 date the Secretary concerned initiates the practice  
20 and shall apply to all persons assisting or cooper-  
21 ating with the Secretary in using the practice.

22 (2) OTHER REQUIRED CONSULTATION.—Any  
23 consultation required under other laws, such as the  
24 National Historic Preservation Act (16 U.S.C. 470  
25 et seq.) or the Federal Water Pollution Control Act

1 (33 U.S.C. 1251 et seq.), may proceed simulta-  
2 neously with the implementation of a pre-approved  
3 management practice. Results of consultation shall  
4 be immediately incorporated into the practice, to the  
5 extent feasible, practical, and consistent with the re-  
6 sponse, recovery, and rehabilitation objectives of the  
7 project.

8 (f) ISSUANCE OF DECISION DOCUMENT.—Not later  
9 than 30 days after the date on which the Secretary con-  
10 cerned makes the determination under section 102(d) to  
11 use a pre-approved management practice to facilitate the  
12 catastrophic event recovery of an area of Federal land  
13 damaged by a catastrophic event, the Secretary concerned  
14 shall issue a concise decision document that contains the  
15 following:

16 (1) A description of the pre-approved manage-  
17 ment practice to be implemented.

18 (2) The rationale for the agency decision.

19 (3) An economic analysis and justification.

20 (4) An analysis of the environmental effects of  
21 the pre-approved management practice and how  
22 such effects will be minimized or mitigated con-  
23 sistent with the applicable land and resource man-  
24 agement plan. As part of this analysis, the Secretary  
25 concerned shall consider, to the extent the Secretary

1 concerned determines appropriate, forest type or  
2 plant association group, standing- and down-dead  
3 wood, watershed, water quality, wildlife habitat, and  
4 soils applicable to the damaged Federal land.

5 (g) IMMEDIATE IMPLEMENTATION.—The Secretary  
6 concerned shall implement a pre-approved management  
7 practice immediately after the issuance of the decision  
8 document under subsection (f), subject only to the avail-  
9 ability of funds for the practice.

10 (h) MONITORING.—To monitor the implementation of  
11 a pre-approved management practice, the Secretary con-  
12 cerned may establish a third-party monitoring group, as  
13 determined to be appropriate by the Secretary.

14 **SEC. 105. AVAILABILITY AND USE OF EMERGENCY PROCE-**  
15 **DURES.**

16 (a) LIMITED CONSIDERATION OF ALTERNATIVES.—  
17 If the Secretary concerned determines under section  
18 102(d) to utilize emergency procedures to conduct a cata-  
19 strophic event recovery project or catastrophic event re-  
20 search project, or portion of such a project, the Secretary  
21 concerned is not required to study, develop, or describe  
22 more than the proposed agency action and the alternative  
23 of no action in designing that project or the portion of  
24 the project for which the emergency procedures are uti-  
25 lized.

1 (b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

2 (1) ROAD CONSTRUCTION.—Emergency proce-  
3 dures under this section may not be used to design  
4 or conduct a catastrophic event recovery project or  
5 catastrophic event research project, or portion of  
6 such a project, that provides for any permanent road  
7 building. Any temporary road constructed as part of  
8 the project shall be obliterated upon completion of  
9 the project and the road area restored to the extent  
10 practicable.

11 (2) TIMBER HARVESTING.—Timber harvesting  
12 carried out as part of a catastrophic event recovery  
13 project or catastrophic event research project, or  
14 portion of such a project, for which emergency pro-  
15 cedures under this section were used shall be limited  
16 to trees—

17 (A) that are already down, dead, broken,  
18 or severely root sprung;

19 (B) regarding which mortality is highly  
20 probable within five years after the end of the  
21 catastrophic event; or

22 (C) that are required to be removed for  
23 worker or public safety.

24 (c) REQUIRED CONSULTATION.—

1           (1) ESA CONSULTATION.—In the case of a cat-  
2           astrophic event recovery project or catastrophic  
3           event research project, or portion of such a project,  
4           for which emergency procedures under this section  
5           are used, the Secretary concerned may use the pro-  
6           cedures described in section 402.05 of title 50, Code  
7           of Federal Regulations, to comply with section 7 of  
8           the Endangered Species Act of 1973 (16 U.S.C.  
9           1536). At the conclusion of the consultation, the  
10          statement required by subsection (b)(4) of such sec-  
11          tion shall be issued for any incidental taking that  
12          may occur under the project, which shall be effective  
13          beginning on the date the Secretary concerned initi-  
14          ates action under the project and shall apply to all  
15          persons assisting or cooperating with the Secretary  
16          under the project.

17          (2) OTHER REQUIRED CONSULTATION.—Any  
18          consultation required under other laws, such as the  
19          National Historic Preservation Act (16 U.S.C. 470  
20          et seq.) or the Federal Water Pollution Control Act  
21          (33 U.S.C. 1251 et seq.), may proceed simulta-  
22          neously with the design of a catastrophic event re-  
23          covery project or catastrophic event research project,  
24          or portion of such a project, for which emergency  
25          procedures under this section are used. Results of

1       consultation shall be immediately incorporated into  
2       the project, to the extent feasible, practical, and con-  
3       sistent with the response, recovery, and rehabilita-  
4       tion objectives of the project.

5       (d) COMPLETION OF EMERGENCY PROCEDURES AND  
6       ISSUANCE OF DECISION DOCUMENT.—Not later than 90  
7       days after the date on which the Secretary concerned  
8       makes the determination under section 102(d) to develop  
9       and carry out a catastrophic event recovery project or cat-  
10      astrophic event research project, or portion of such a  
11      project, using emergency procedures, the Secretary con-  
12      cerned shall—

13               (1) complete the emergency procedures for that  
14               catastrophic event recovery project or catastrophic  
15               event research project, or portion thereof, under this  
16               section; and

17               (2) issue a concise decision document that con-  
18               tains the following:

19                       (A) The rationale for the agency decision.

20                       (B) An economic analysis and justification.

21                       (C) An analysis of the environmental ef-  
22                       fects of the project and how such effects will be  
23                       minimized or mitigated consistent with the ap-  
24                       plicable land and resource management plan.

25               As part of this analysis, the Secretary con-



1           cerned shall consider, to the extent the Sec-  
2           retary concerned determines appropriate, forest  
3           type or plant association group, standing- and  
4           down-dead wood, watershed, water quality,  
5           wildlife habitat, and soils applicable to the dam-  
6           aged Federal land.

7           (e) IMMEDIATE IMPLEMENTATION.—In the case of a  
8           catastrophic event recovery project or catastrophic event  
9           research project, or portion of such a project, for which  
10          the emergency procedures authorized by this section are  
11          used, the Secretary concerned shall implement the project,  
12          or portion of the project, immediately after the issuance  
13          of the decision document under subsection (d), subject  
14          only to the availability of funds for the project.

15          (f) MONITORING.—To monitor a catastrophic event  
16          recovery project or catastrophic event research project, or  
17          portion of such a project, for which the emergency proce-  
18          dures authorized by this section were used, the Secretary  
19          concerned may establish a third-party monitoring group,  
20          as determined to be appropriate by the Secretary.

21       **SEC. 106. ADMINISTRATIVE AND JUDICIAL REVIEW.**

22          (a) ADMINISTRATIVE REVIEW GENERALLY.—Except  
23          as provided in subsection (b), nothing in this title af-  
24          fects—

1           (1) the notice, comment, and appeal require-  
2           ments of section 322 of the Department of the Inte-  
3           rior and Related Agencies Appropriations Act, 1993  
4           (Public 102–381; 16 U.S.C. 1612 note); and

5           (2) section 215 of title 36, Code of Federal  
6           Regulations.

7           (b) PREDECISIONAL ADMINISTRATIVE NOTICE, COM-  
8           MENT, AND REVIEW.—

9           (1) INTERIM FINAL REGULATIONS.—Not later  
10          than 60 days after the date of the enactment of this  
11          Act, the Secretary of Agriculture shall promulgate  
12          interim final regulations to establish a predecisional  
13          administrative review process that will serve as the  
14          sole means by which—

15                (A) the Secretary of Agriculture will pro-  
16                vide notice of and solicit comments regarding—

17                   (i) the proposed use of a pre-approved  
18                   management practice under section 104 on  
19                   National Forest System land; and

20                   (ii) a catastrophic event recovery  
21                   project or catastrophic event research  
22                   project, or portion of such a project, for  
23                   which the emergency procedures under sec-  
24                   tion 105 are used on National Forest Sys-  
25                   tem land; and

1 (B) a person can seek administrative re-  
2 view regarding—

3 (i) the proposed use of a pre-approved  
4 management practice under section 104 on  
5 National Forest System land; and

6 (ii) a catastrophic event recovery  
7 project or catastrophic event research  
8 project, or portion of such a project, for  
9 which the emergency procedures under sec-  
10 tion 105 are used on National Forest Sys-  
11 tem land.

12 (2) PERIOD COVERED BY REVIEW PROCESS.—

13 The review portion of the predecisional administra-  
14 tive review process described in paragraph (1)(B)  
15 shall occur during the period—

16 (A) beginning on the date on which the  
17 Secretary of Agriculture makes a determination  
18 to use pre-approved management practices or  
19 emergency procedures under section 102(d);  
20 and

21 (B) ending not later than the date of the  
22 issuance of applicable decision document under  
23 section 104 or 105.

1           (3) **EFFECTIVE DATE.**—The interim final regu-  
2           lations promulgated under paragraph (1) shall take  
3           effect on the date of promulgation of the regulations.

4           (4) **FINAL REGULATIONS.**—The Secretary of  
5           Agriculture shall promulgate final regulations to es-  
6           tablish the predecisional administrative review proc-  
7           ess described in paragraph (1) as soon as practicable  
8           after the interim final regulations have been promul-  
9           gated and a reasonable period of time has been pro-  
10          vided for public comment.

11          (c) **JUDICIAL REVIEW.**—Section 106 of the Healthy  
12          Forests Restoration Act of 2003 (16 U.S.C. 6516) shall  
13          apply with respect to the implementation of a pre-ap-  
14          proved management practice under section 104 or a cata-  
15          strophic event recovery project or catastrophic event re-  
16          search project regarding which the applicable administra-  
17          tive review process has been exhausted. In any proceeding  
18          for judicial review of agency action under this subsection,  
19          attorney fees awarded to a prevailing party may not ex-  
20          ceed the hourly rates established in section 3006A of title  
21          18, United States Code.

22          **SEC. 107. GUIDANCE REGARDING REFORESTATION IN RE-**  
23          **SPONSE TO CATASTROPHIC EVENTS.**

24          Not later than 180 days after the date of the enact-  
25          ment of this Act, the Secretary concerned shall—

1           (1) standardize the collection, reporting, and re-  
2 view procedures for data regarding more aggressive,  
3 expedited, and comprehensive reforestation in re-  
4 sponse to catastrophic events by clarifying agency-  
5 wide guidance and developing standard protocols for  
6 determining when and how reforestation can be best  
7 achieved as part of the response to catastrophic  
8 events;

9           (2) clarify agency-wide guidance regarding re-  
10 forestation in response to catastrophic events to en-  
11 sure that such guidance is consistent with agency  
12 goals and budget constraints; and

13           (3) clarify agency-wide guidance regarding the  
14 development, during the revision of a land and re-  
15 source management plan, of goals and objectives for  
16 catastrophic event recovery to ensure that such guid-  
17 ance addresses catastrophic event recovery objec-  
18 tives, by forest type or plant association group, re-  
19 lated to standing- and down-dead wood, soil and wa-  
20 tershed protection, wildlife habitat, and other re-  
21 source values.

22 **SEC. 108. EFFECT OF TITLE.**

23           (a) **USE OF OTHER AUTHORITIES.**—Nothing in this  
24 title affects the use by the Secretary concerned of other  
25 statutory or administrative authority, including categor-

1 ical exclusions adopted to implement the National Envi-  
2 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
3 to conduct a catastrophic event recovery project or cata-  
4 strophic event research project, or portion of such a  
5 project, that is not conducted using the emergency proce-  
6 dures authorized by section 105.

7 (b) PREFERENCE FOR LOCAL OPERATORS.—In the  
8 manner provided in section 420 of the Department of the  
9 Interior, Environment, and Related Agencies Appropria-  
10 tions Act, 2006 (Public Law 109–54; 119 Stat. 553), the  
11 Secretary concerned may give consideration to local con-  
12 tractors in awarding a Federal contract to implement—

13 (1) a pre-approved management practice under  
14 section 104; or

15 (2) a catastrophic event recovery project or cat-  
16 astrophic event research project, or portions of such  
17 a project, for which the emergency procedures under  
18 section 105 are used.

19 (c) ADVISORY COMMITTEES.—The Federal Advisory  
20 Committee Act (5 U.S.C. App.) and title XVIII of the  
21 Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.)  
22 shall not apply to—

23 (1) the peer review provided by scientific and  
24 land management experts under section 101(b) or  
25 104(b);

1           (2) the monitoring process under section 104(h)  
2           or 105(f); and

3           (3) the preparation of a catastrophic event re-  
4           covery evaluation or catastrophic event recovery pro-  
5           posal.

6 **SEC. 109. STANDARDS FOR TREE RETENTION.**

7           (a) **SNAGS AND DOWNED WOOD.**—In planning or  
8           conducting any catastrophic event recovery project or cat-  
9           astrophic event research project, the Secretary concerned  
10          shall ensure that—

11           (1) at a minimum, a distribution of standing  
12          snags and downed wood of the oldest age class is re-  
13          tained on site necessary to provide habitat for asso-  
14          ciated species through various stages of forest devel-  
15          opment and to provide a long-term nutrient source;  
16          and

17           (2) within the oldest age class on site, priority  
18          is given, to the extent practicable, to retaining the  
19          more decay-resistant species.

20          (b) **EXCEPTION.**—Subsection (a) shall not apply in  
21          the case of academic research, either by an accredited re-  
22          search university or a Forest Service Research Station, or  
23          when the applicable land and resource management plan  
24          contains more restrictive guidelines for snags and downed  
25          wood.

1 (c) PLAN AMENDMENT.—The Secretary concerned  
 2 may amend a land and resource management plan to in-  
 3 corporate snags and downed wood retention guidelines,  
 4 specific to forest type or plant association group.

5 **TITLE II—RESTORING LAND-**  
 6 **SCAPES AND COMMUNITIES**  
 7 **IMPACTED BY CATASTROPHIC**  
 8 **EVENTS**

9 **Subtitle A—Cooperative Forestry**  
 10 **Assistance Act of 1978**

11 **SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY**  
 12 **ASSISTANCE ACT OF 1978 TO RESTORE LAND-**  
 13 **SCAPES AND COMMUNITIES AFFECTED BY**  
 14 **CATASTROPHIC EVENTS.**

15 (a) ASSISTANCE AUTHORIZED.—Section 10A of the  
 16 Cooperative Forestry Assistance Act of 1978 (16 U.S.C.  
 17 2106c) is amended—

18 (1) by redesignating subsections (c) and (d) as  
 19 subsections (d) and (e), respectively; and

20 (2) by inserting after subsection (b) the fol-  
 21 lowing new subsection:

22 “(c) RESPONSE TO CATASTROPHIC EVENTS AFFECT-  
 23 ING NON-FEDERAL LANDS.—

24 “(1) LANDSCAPE ASSESSMENTS.—At the re-  
 25 quest of an eligible entity, the Secretary may cooper-



1       ate with the eligible entity in the preparation of a  
2       landscape assessment for non-Federal lands affected  
3       by a catastrophic event. The Secretary may combine  
4       the preparation of a landscape assessment with the  
5       preparation of a catastrophic event recovery evalua-  
6       tion under title I of the Forest Emergency Recovery  
7       and Research Act regarding Federal land in the vi-  
8       cinity of the damaged non-Federal land.

9               “(2) COMMUNITY ASSESSMENTS.—At the re-  
10       quest of an eligible entity affected by a catastrophic  
11       event, the Secretary may cooperate with the eligible  
12       entity in the preparation of a community wildfire  
13       protection plan or related plan.

14               “(3) DECISION TO PROVIDE ASSESSMENT AS-  
15       SISTANCE.—In response to the request of an eligible  
16       entity for assistance under paragraph (1) or (2), the  
17       Secretary shall make a decision, within 30 days after  
18       receiving the request, whether or not to provide such  
19       assistance. The decision rests in the sole discretion  
20       of the Secretary, but, if the Secretary rejects the re-  
21       quest for assistance, the Secretary shall provide the  
22       eligible entity with an explanation of the reasons for  
23       the rejection.

1           “(4) TYPES OF ASSISTANCE.—The Secretary  
2 concerned may provide technical and financial cost-  
3 share assistance to an eligible entity—

4           “(A) to assist in the preparation of a land-  
5 scape assessment under paragraph (1) or a  
6 community wildfire protection plan, community  
7 assessment, or community action plan under  
8 paragraph (2); and

9           “(B) to implement special recovery projects  
10 identified in the landscape assessment or com-  
11 munity wildfire protection plan, community as-  
12 sessment, or community action plan.

13           “(5) SPECIAL RECOVERY PROJECTS.—Special  
14 recovery projects supported under paragraph (4)(B)  
15 may include projects involving—

16           “(A) revegetation, tree planting, and other  
17 management practices the Secretary determines  
18 to be appropriate;

19           “(B) developing products from and mar-  
20 kets for timber harvested in response to a cata-  
21 strophic event and remaining forest resources;

22           “(C) training for the local populace for  
23 work in connection with catastrophic event re-  
24 covery;

1           “(D) repair of forest roads, bridges, and  
2 trails and water supply areas affected by a cat-  
3 astrophic event; and

4           “(E) such other activities as the Secretary  
5 determines to be necessary to undertake the  
6 special recovery project.

7           “(6) ADDITIONAL FUNDING SOURCES.—  
8 Amounts appropriated to the Secretary to carry out  
9 sections 8 and 10 may be used to provide assistance  
10 under this subsection.

11           “(7) DEFINITIONS.—In this subsection:

12           “(A) The term ‘eligible entity’ means a  
13 State Forester or equivalent State official, an  
14 Indian tribe, or local government. The term  
15 may include community-based organizations  
16 and other persons working in conjunction with  
17 a State Forester or equivalent State official, an  
18 Indian tribe, or local government.

19           “(B) The terms ‘catastrophic event’, ‘land-  
20 scape assessment’, and ‘special recovery project’  
21 have the meanings given those terms in section  
22 3 of the Forest Emergency Recovery and Re-  
23 search Act.

24           “(C) The term ‘community wildfire protec-  
25 tion plan’ has the meaning given that term in

1 section 101(3) of the Healthy Forest Restora-  
2 tion Act of 2003 (16 U.S.C. 6511(3)).”.

3 (b) CLERICAL AMENDMENT.—The heading of such  
4 section is amended by inserting before the period at the  
5 end the following: “**AND RESPONSE TO CATASTROPHIC**  
6 **EVENTS**”.

7 **Subtitle B—Department of the**  
8 **Interior Assistance**

9 **SEC. 211. RESTORING LANDSCAPES.**

10 (a) LANDSCAPE ASSESSMENTS.—At the request of an  
11 eligible entity, the Secretary of the Interior may cooperate  
12 with the eligible entity in the preparation of a landscape  
13 assessment for non-Federal lands affected by a cata-  
14 strophic event. The Secretary may combine the prepara-  
15 tion of a landscape assessment with the preparation of a  
16 catastrophic event recovery evaluation under title I regard-  
17 ing Federal land in the vicinity of the damaged non-Fed-  
18 eral land.

19 (b) DECISION TO PROVIDE ASSESSMENT ASSIST-  
20 ANCE.—In response to the request of an eligible entity for  
21 assistance under subsection (a), the Secretary of the Inte-  
22 rior shall make a decision, within 30 days after receiving  
23 the request, whether or not to provide such assistance.  
24 The decision rests in the sole discretion of the Secretary,  
25 but, if the Secretary rejects the request for assistance, the

1 Secretary shall provide the eligible entity with an expla-  
2 nation of the reasons for the rejection.

3 (c) TYPES OF ASSISTANCE.—The Secretary of the In-  
4 terior may provide technical and financial cost-share as-  
5 sistance to an eligible entity—

6 (1) to assist in the preparation of a landscape  
7 assessment; and

8 (2) to implement special recovery projects iden-  
9 tified in the landscape assessment.

10 (d) SPECIAL RECOVERY PROJECTS.—The Secretary  
11 of the Interior may provide assistance under subsection  
12 (c)(2) for special recovery projects, including revegetation,  
13 tree planting, and other practices the Secretary deter-  
14 mines to be appropriate.

15 **SEC. 212. RESTORING COMMUNITIES.**

16 (a) COMMUNITY ASSESSMENTS.—At the request of  
17 an eligible entity affected by a catastrophic event, the Sec-  
18 retary of the Interior may cooperate with the eligible enti-  
19 ty in the preparation of a community wildfire protection  
20 plan or related plan.

21 (b) DECISION TO PROVIDE ASSESSMENT ASSIST-  
22 ANCE.—In response to the request of an eligible entity for  
23 assistance under subsection (a), the Secretary of the Inte-  
24 rior shall make a decision, within 30 days after receiving  
25 the request, whether or not to provide such assistance.

1 The decision rests in the sole discretion of the Secretary,  
2 but, if the Secretary rejects the request for assistance, the  
3 Secretary shall provide the eligible entity with an expla-  
4 nation of the reasons for the rejection.

5 (c) TYPES OF ASSISTANCE.—The Secretary of the In-  
6 terior may provide technical and financial cost-share as-  
7 sistance to an eligible entity—

8 (1) to assist in the preparation of development  
9 of a community wildfire protection plan, a commu-  
10 nity assessment, or a community action plan; and

11 (2) to implement special recovery projects iden-  
12 tified in a community wildfire protection plan, a  
13 community assessment, or a community action plan.

14 (d) SPECIAL RECOVERY PROJECTS.—Special recov-  
15 ery projects supported under subsection (c)(2) may in-  
16 clude projects involving—

17 (1) developing products from and markets for  
18 timber harvested in response to a catastrophic event  
19 and remaining forest resources;

20 (2) training for the local populace for work in  
21 connection with catastrophic event recovery;

22 (3) repair of forest roads, bridges, and trails  
23 and water supply areas affected by a catastrophic  
24 event; and

1           (4) such other activities as the Secretary deter-  
2           mines to be necessary to undertake the special recov-  
3           ery project.

4           **TITLE III—EXPERIMENTAL**  
5           **FORESTS**

6           **SEC. 301. FINDINGS.**

7           Congress finds the following:

8           (1) The experimental forests established pursu-  
9           ant to section 4 of the Forest and Rangeland Re-  
10          newable Resources Research Act of 1978 (16 U.S.C.  
11          1643) or the organic administrative authorities of  
12          the Secretary of Agriculture (16 U.S.C. 551) serve  
13          as a natural laboratory for the Forest Service to  
14          evaluate management practices generally and spe-  
15          cific responses to catastrophic events that can be  
16          eventually used throughout the National Forest Sys-  
17          tem.

18          (2) To build upon the knowledge base to be de-  
19          veloped using catastrophic events research projects  
20          conducted under title I, the Secretary of Agriculture  
21          should be authorized to use the same authorities  
22          provided under sections 104 and 105 to design and  
23          carry out projects in the experimental forests.

1 **SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MAN-**  
2 **AGEMENT PRACTICES ON NATIONAL FOREST**  
3 **EXPERIMENTAL FORESTS.**

4 Management practices included on the list of pre-ap-  
5 proved management practices prepared under subsection  
6 (a) of section 104 may be implemented, in the manner  
7 provided by such section, in an experimental forest estab-  
8 lished pursuant to section 4 of the Forest and Rangeland  
9 Renewable Resources Research Act of 1978 (16 U.S.C.  
10 1643) or the organic administrative authorities of the Sec-  
11 retary of Agriculture (16 U.S.C. 551).

12 **SEC. 303. LIMITED CONSIDERATION OF ALTERNATIVES FOR**  
13 **PROJECTS ON NATIONAL FOREST EXPERI-**  
14 **MENTAL FORESTS.**

15 Section 105(a) shall apply with respect to any indi-  
16 vidual activity or a series of activities proposed to be un-  
17 dertaken in an experimental forest established pursuant  
18 to section 4 of the Forest and Rangeland Renewable Re-  
19 sources Research Act of 1978 (16 U.S.C. 1643) or the  
20 organic administrative authorities of the Secretary of Ag-  
21 riculture (16 U.S.C. 551).



1                   **TITLE IV—GENERAL**  
2                   **PROVISIONS**

3 **SEC. 401. REGULATIONS.**

4           Except as provided in section 106(b), the Secretary  
5 concerned is not required to promulgate regulations to im-  
6 plement this Act.

7 **SEC. 402. DEDICATED SOURCE OF FUNDS FOR RESEARCH**  
8                   **AND MONITORING.**

9           (a) **SPECIAL ACCOUNT.**—The Secretary of the Treas-  
10 ury shall establish a special account in the Treasury for  
11 each Secretary concerned.

12           (b) **DEPOSITS.**—Ten percent of the gross proceeds  
13 derived by the Secretary concerned from catastrophic  
14 event recovery projects and catastrophic event research  
15 projects conducted by the Secretary concerned under title  
16 I shall—

17                   (1) be deposited in the special account estab-  
18 lished for that Secretary; and

19                   (2) remain available, without further appropria-  
20 tion and until expended, for expenditure as provided  
21 in subsection (c).

22           (c) **RESEARCH-RELATED USE OF SPECIAL AC-**  
23 **COUNTS.**—The Secretary concerned shall use amounts in  
24 the special account established for that Secretary—

1           (1) to develop research protocols under section  
2           101;

3           (2) to prepare and implement catastrophic  
4           event research projects; and

5           (3) to provide for monitoring under sections  
6           104 and 105.

7           (d) **RELATION TO OTHER FUNDS.**—Amounts in the  
8           special account established for the Secretary concerned are  
9           in addition to other amounts available to that Secretary  
10          for the purposes described in subsection (c).

11       **SEC. 403. OTHER FUNDING SOURCES.**

12          (a) **AVAILABILITY OF KNUTSON-VANDENBERG**  
13       **FUNDS.**—Section 3 of the Act of June 9, 1930 (commonly  
14       known as the Knutson-Vandenberg Act; 16 U.S.C. 576b),  
15       is amended—

16           (1) by striking “Such deposits shall be covered”  
17           and inserting the following:

18           “(b) Amounts deposited under subsection (a) shall be  
19       covered”;

20           (2) by inserting after “national park.” the fol-  
21       lowing new sentence: “The Secretary of Agriculture  
22       may also use excess amounts to cover the costs of  
23       activities of the Secretary under title I of the Forest  
24       Emergency Recovery and Research Act.”; and

25           (3) in subsection (c)—

1 (A) in paragraph (1), by striking “and”;

2 (B) by redesignating paragraph (2) as  
3 paragraph (3); and

4 (C) by inserting after paragraph (1) the  
5 following new paragraph:

6 “(2) the excess amounts will not be needed for  
7 activities of the Secretary under title I of the Forest  
8 Emergency Recovery and Research Act during the  
9 fiscal year in which the transfer would be made;  
10 and”.

11 (b) AVAILABILITY OF FOREST SERVICE SALVAGE  
12 SALE FUNDS.—Section 14(h) of the National Forest  
13 Management Act of 1976 (16 U.S.C. 472a(h)) is amend-  
14 ed—

15 (1) in the fourth sentence, by inserting after  
16 “the purposes for which deposited” the following:  
17 “and to cover the costs of activities of the Secretary  
18 under title I of the Forest Emergency Recovery and  
19 Research Act”; and

20 (2) in last proviso, by striking “for which de-  
21 posited on any national forest” and inserting “for  
22 which deposits of money are available under this  
23 subsection”.

24 (c) AVAILABILITY OF BLM REVOLVING FUND DE-  
25 RIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first

1 paragraph under the headings “FOREST ECOSYSTEMS  
2 HEALTH AND RECOVERY” and “REVOLVING FUND, SPE-  
3 CIAL ACCOUNT” in title I of the Department of the Interior  
4 and Related Agencies Appropriations Act, 1993 (Public  
5 Law 102–381; 106 Stat. 1376; 43 U.S.C. 1736a), is  
6 amended by adding at the end the following new sentence:  
7 “The money in this fund shall likewise be immediately  
8 available to cover the costs of activities of the Bureau of  
9 Land Management under title I of the Forest Emergency  
10 Recovery and Research Act.”.

11 **SEC. 404. EFFECT OF DECLARATION OF MAJOR DISASTER**  
12 **OR EMERGENCY.**

13 If an area of non-Federal land damaged by a cata-  
14 strophic event is also covered by a declaration by the  
15 President under section 401 or 501 of the Robert T. Staf-  
16 ford Disaster Relief and Emergency Assistance Act (42  
17 U.S.C. 5170, 5191) that a major disaster or emergency  
18 exists, the Director of Federal Emergency Management  
19 Agency may use funds available for activities under that  
20 Act to reimburse the Secretary concerned for assistance  
21 in that area provided under—

22 (1) subtitle B of title II; or

23 (2) subsection (c) of section 10A of the Cooper-  
24 ative Forestry Assistance Act of 1978 (16 U.S.C.  
25 2106c), as added by section 201.



Union Calendar No. 252

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4200**

[Report No. 109-451, Part I]

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**A BILL**

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

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MAY 4, 2006

Reported from the Committee on Resources with an amendment

MAY 4, 2006

Committees on Agriculture and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed