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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Wildfire Budgeting, Response, and Forest Management Act of 2016”.

(b) Table of Contents.—The table of contents for this Act is as follows:

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

TITLE I—WILDFIRE BUDGETING
Sec. 101. Wildfire disaster funding authority.
Sec. 102. Reporting requirements.
Sec. 103. Sense of the Senate.
Sec. 104. Wildfire risk reduction projects.

**TITLE II—WILDFIRE RESPONSE AND PREPAREDNESS**

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

**TITLE III—PUBLIC LAND AND FOREST MANAGEMENT**

Subtitle A—Environmental Analysis for Certain Forest Management Activities

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

Subtitle B—Tongass National Forest Plan Amendment

Sec. 311. Tongass National Forest plan amendment.

Subtitle C—Stewardship End Result Contracting

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

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

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

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **COLLABORATIVE PROCESS.**—The term “collaborative process” means a process relating to the management of National Forest System land or public land under which a project or forest management activity is developed and implemented—

(A) through a collaborative framework that—
(i) includes a diverse and balanced stakeholder representation;

(ii) establishes clear expectations and goals;

(iii) strives for maximum transparency in the decisionmaking process;

(iv) encourages stakeholders to function as representatives;

(v) fosters long-term participation;

(vi) recognizes timeframes and resources; and

(vii) enhances agency decisionmaking;

(B) under the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303); or

(C) by a resource advisory committee.

(2) Community Wildfire Protection Plan.—The term “community wildfire protection plan” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(3) Forest Management Activity.—The term “forest management activity” means a project or activity carried out by the Secretary concerned on
National Forest System land or public land in accordance with the forest plan.

(4) **Forest Plan.**—The term “forest plan” means—

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

(B) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) **Resource Advisory Committee.**—The term “resource advisory committee” has the meaning given the term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).

(6) **National Forest System.**—The term “National Forest System” has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(8) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture.

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

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

TITLE I—WILDFIRE BUDGETING

SEC. 101. WILDFIRE DISASTER FUNDING AUTHORITY.

[(a) Disaster Funding.—Section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)) is amended—]

[(1) in clause (i)—]

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

[(B) in subclause (II), by striking the period at the end and inserting “; less”; and]

[(C) by adding the following:]
[(III) the additional new budget authority provided in an appropriation Act for wildfire suppression operations pursuant to subparagraph (E) for the preceding fiscal year.”; and]

[(2) by adding at the end the following:]  

[“(v) Beginning in fiscal year 2019, and for each fiscal year thereafter, the calculation of the ‘average funding provided for disaster relief over the previous 10 years’ shall include, for each year within that average, the additional new budget authority provided in an appropriation Act for wildfire suppression operations pursuant to subparagraph (E) for the preceding fiscal year.”.]  

[(b) WILDFIRE SUPPRESSION.—] Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended by adding at the end the following:]  

[“(E) WILDFIRE SUPPRESSION.—]  

[(i) DEFINITIONS.—In this subparagraph:]  

[“(I) ADDITIONAL NEW BUDGET AUTHORITY.—The term ‘additional
new budget authority’ means the amount provided for a fiscal year in an appropriation Act that is—

[(‘(aa) in excess of 100 percent of the average costs for wildfire suppression operations over the previous 10 years; and)]

[(‘(bb) specified to pay for the costs of wildfire suppression operations.)]

[(‘(II) WILDFIRE SUPPRESSION OPERATIONS.—The term ‘wildfire suppression operations’ means the emergency and unpredictable aspects of wildland firefighting, including—)]

[(‘(aa) support, response, and emergency stabilization activities;)]

[(‘(bb) other emergency management activities; and)]

[(‘(cc) the funds necessary to repay any transfers needed for the costs of wildfire suppression operations.)]
“(ii) ADDITIONAL NEW BUDGET AUTHORITY.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for wildfire suppression operations for that fiscal year, but shall not exceed—

[(“(I) for fiscal year 2017, [$1,410,000,000] in additional new budget authority; ]

[(“(II) for fiscal year 2018, [$1,460,000,000] in additional new budget authority; ]

[(“(III) for fiscal year 2019, [$1,560,000,000] in additional new budget authority; ]

[(“(IV) for fiscal year 2020, [$1,780,000,000] in additional new budget authority; ]
[(V) for fiscal year 2021, $2,030,000,000] in additional new budget authority;]

[(VI) for fiscal year 2022, $2,320,000,000] in additional new budget authority;]

[(VII) for fiscal year 2023, $2,650,000,000] in additional new budget authority; and]

[(VIII) for fiscal year 2024, $2,690,000,000] in additional new budget authority;]

[(IX) for fiscal year 2025, $2,690,000,000] in additional new budget authority; and]

[(X) for fiscal year 2026, $2,690,000,000] in additional new budget authority.]

[(iii) A VERAGE COST CALCULATION.—The average costs for wildfire suppression operations over the previous 10 years shall be calculated annually and reported in the budget of the President submitted under section 1105(a) of title 31,
United States Code, for each fiscal year.”.

SEC. 102. REPORTING REQUIREMENTS.

(a) SUPPLEMENTAL APPROPRIATIONS.—If the Secretary of the Interior or the Secretary of Agriculture determines that supplemental appropriations are necessary for a fiscal year for wildfire suppression operations, a request for the supplemental appropriations shall promptly be submitted to Congress.

(b) NOTICE OF NEED FOR ADDITIONAL FUNDS.—Prior to the obligation of any of the additional new budget authority for wildfire suppression operations specified for purposes of section 251(b)(2)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(E)(ii)), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall submit to the Committees on Appropriations and the Budget of the House of Representatives and the Committees on Appropriations and the Budget of the Senate written notification that describes—

(1) that the amount for wildfire suppression operations to meet the terms of section 251(b)(2)(E) of that Act for that fiscal year will be exhausted imminently; and
(2) the need for additional new budget author-

ity for wildfire suppression operations."

[(e) ACCOUNTING, REPORTS, AND ACCOUNT-

ABILITY.—]

[(1) REQUIREMENTS.—For each fiscal year,

the Secretary of the Interior and the Secretary of

Agriculture shall account for, and submit [to Con-

gress], reports regarding the amounts used from

any additional new budget authority for wildfire sup-

pression operations provided to the Secretary of the

Interior and the Secretary of Agriculture in an ap-

propriation Act pursuant to subparagraph (E)(ii) of

section 251(b)(2) of the Balanced Budget and

Emergency Deficit Control Act of 1985 (2 U.S.C.

901(b)(2)).]

[(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 180
days after the end of the fiscal year for which

additional new budget authority is used, pursu-

ant to subparagraph (E)(ii) of section

251(b)(2) of the Balanced Budget and Emer-

gencey Deficit Control Act of 1985 (2 U.S.C.

901(b)(2)), the Secretary of the Interior or the

Secretary of Agriculture, as applicable, shall—

]
[(i) prepare an annual report with respect to the additional new budget authority;]

[(ii) submit to the Committees on Appropriations, the Budget, Natural Resources, and Agriculture of the House of Representatives and the Committees on Appropriations, the Budget, Energy and Natural Resources, and Agriculture, Nutrition, and Forestry of the Senate the annual report prepared under clause (i); and]

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

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

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

[(ii) analyze all fires of more than 100,000 acres in size, or with an associated cost of more than $100,000,000, including an analysis for each fire of—]

[(I) cost drivers;]
((II) the effectiveness of risk management techniques and whether fire operations strategy tracked the risk assessment;

((III) any resulting ecological or other benefits to the landscape;

((IV) the impact of investments in wildfire suppression operations preparedness;

((V) the effectiveness of suppression wildfire operations, including an analysis of resources lost, as compared to the amount of funds invested;

((VI) the effectiveness of any fuel treatments on fire behavior and suppression expenditures;

((VII) the levels of exposure firefighters experienced;

((VIII) suggested corrective actions; and

((IX) any other factors the Secretary of the Interior or Secretary of Agriculture determines to be appropriate;)}
[(iii) include an accounting of overall fire management and spending by the Secretary of the Interior or the Secretary of Agriculture, which shall be analyzed by fire size, cost, regional location, and other factors;]

[(iv) describe any lessons learned in the conduct of wildfire operations;]

[(v) include any other elements that the Secretary of the Interior or the Secretary of Agriculture determines to be necessary.]

SEC. 103. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the amendments made by this title fall within the exclusive jurisdiction of the Committee on the Budget; and

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

SEC. 104. WILDFIRE RISK REDUCTION PROJECTS.

(a) IN GENERAL.—Amounts made available in an annual appropriations Act for wildfire suppression operations for a fiscal year that are not expended in that fiscal
year shall be available to the Secretary concerned for wild-
fire risk reduction projects in accordance with subsection
(b).

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

(1) conducted in areas that—

(A) are within or adjacent to—

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

(ii) high-value watersheds;

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

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

and

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

(A) to create fire-adapted communities;

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

(C) to achieve safe, effective fire response.
(c) Annual Reports.—The Secretary concerned shall submit with the annual budget of the United States submitted by the President under section 1105 of title 31, United States Code, a list of projects to be implemented using amounts made available to the Secretary concerned under subsection (a).

Title II—Wildfire Response and Preparedness

Sec. 201. National Wildland Firefighting Credentials.

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

(b) Requirements.—The single system under subsection (a) shall include a process for providing credentials to all Federal and State-certified aircraft, personnel (including pilots and maintenance personnel), and firefighting support equipment for use—

(1) on fires on Federal land; and

(2) for firefighting operations conducted by, or in cooperation with, Federal agencies.
(c) INTERIM ACCEPTANCE OF STANDARDS.—Until the date of implementation of the single system under this section, all Federal and State wildland firefighting agencies shall accept the standards of each other as a cooperator, including standards relating to—

(1) pilot and maintenance inspector qualifications; and

(2) qualified firefighting support equipment.

SEC. 202. USE OF UNMANNED AIRCRAFT SYSTEMS IN MANAGING WILDLAND FIRES.

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

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

(c) DEVELOPMENT OF PROTOCOLS AND PLANS.—Not later than March 1, 2018, Federal and State wildland firefighting agencies shall jointly develop protocols and plans for the use of unmanned aircraft systems for surveillance, initial and extended attack, and incident team use,
as appropriate, including the development of an ortho rectified map.

(d) **Deadline.**—By not later than September 30, 2020, and in accordance with the protocols and plans developed under subsection (c), the Secretaries shall begin to equip firefighting personnel with unmanned aircraft systems to detect spot fires, assess fire behavior, develop tactical and strategic firefighting plans, position crews, and enhance firefighter safety.

(e) **limitation on operation.**—Unmanned aircraft may only be operated under this section in accordance with regulations and other authorities of the Administrator of the Federal Aviation Administration.

**sec. 203. location tracking system for wildland firefighters.**

(a) **in general.**—Not later than March 1, 2018, the Secretaries shall jointly develop and operate a tracking system (referred to in this section as the “system”) to remotely locate the positions of fire crews assigned to Federal Type 1 Wildland Fire Incident Management Teams.

(b) **requirements.**—The system shall—

(1) use technology available to the Secretaries to remotely track the location of an active resource, such as a Global Positioning System;
(2) depict the location of each fire crew on an ortho rectified map developed under section 202(e); and

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

(c) OPERATION.—The Secretary concerned shall—

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

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

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

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

SEC. 204. COMMUNITY PLANNING ASSISTANCE FOR AT-RISK COMMUNITIES.

(a) UPDATE TO LIST OF AT-RISK COMMUNITIES.—Not later than 180 days after the date of enactment of this Act and every 10 years thereafter, the Secretaries shall jointly update and publish the list of at-risk communities developed pursuant to title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 1006), using the criteria for an at-risk community described in section 101

(b) Planning and Preparing At-risk Communities for Wildfire.—

(1) Definition of at-risk community.—In this subsection, the term “at-risk community” means a community included in the list of at-risk communities developed pursuant to title IV of the Department of the Interior and Related Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 1006), and updated under subsection (a).

(2) Financial assistance.—Subject to the availability of appropriations, the Secretaries shall provide financial assistance to at-risk communities to assist the at-risk communities in planning and preparing for wildfire, including—

(A) cosponsoring and supporting the expansion of the Firewise Program or programs similar to the Firewise Program;

(B) developing, updating, and implementing community wildfire protection plans for at-risk communities;

(C) carrying out risk assessments and creating maps that depict wildfire risk to assist in planning for response and suppression resource
needs and implementing hazardous fuel treatment programs; and

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

(3) Authorization of Appropriations.—
There is authorized to be appropriated to carry out this subsection $500,000,000 for the period of fiscal years 2018 through 2025.

SEC. 205. FIRE RISK MAPS.

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

(b) Cooperation and Cost-sharing Authority.—In developing a map under this section, the Secretaries may cooperate, and share the cost of development, with a State or unit of local government.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $100,000,000 for the period of fiscal years 2018 through 2025.
SEC. 206. DISSEMINATION OF INFORMATION TO THE PUBLIC DURING FIRES.

(a) Temporary Communication.—The Secretaries may procure equipment, including temporary wireless Internet and telecommunications infrastructure, to maintain communication with the public during large wildland fire incidents.

(b) Information During Wildfire Events.—

(1) In General.—During a wildland fire managed by a Federal Type 1 Wildland Fire Incident Management Team, not less frequently than once per day—

(A) the liaison officer of the Team or the local line officer shall meet with local elected officials; and

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

(i) information on any road closures;

(ii) information on any power outages;

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

(iv) information on any disruption in telecommunications service.
(2) Time period.—The Secretaries shall ensure that the information provided under paragraph (1)(B) remains available to the public for a period of not fewer than 21 days after the date on which the wildland fire is contained.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2018 through 2027.

TITLE III—PUBLIC LAND AND FOREST MANAGEMENT

Subtitle A—Environmental Analysis for Certain Forest Management Activities

SEC. 301. ENVIRONMENTAL ANALYSIS FOR CERTAIN FOREST MANAGEMENT ACTIVITIES.

(a) Application to Certain Environmental Assessments and Environmental Impact Statements.—This section shall apply in any case in which the Secretary concerned prepares an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a forest management activity—

(1) that—
(A) is developed through a collaborative process; or
(B) is covered by a community wildfire protection plan; and
(2) the primary purpose of which is—
(A) reducing hazardous fuel loads;
(B) installing fuel and fire breaks;
(C) restoring forest health and resilience;
(D) protecting a municipal water supply or a critical communication site;
(E) improving wildlife habitat to meet management and conservation goals, including State population goals; or
(F) a combination of 2 or more of the purposes described in subparagraphs (A) through (E).

(b) CONSIDERATION OF ALTERNATIVES.—In an environmental assessment or environmental impact statement described in subsection (a), the Secretary concerned shall study, develop, and describe only the following alternatives:

(1) The forest management activity, as proposed under subsection (a).

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

(1) forest health;

(2) wildlife habitat;

(3) wildfire potential;

(4) insect and disease potential; and

(5) economic and social factors.

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

(1) any component of the National Wilderness Preservation System;

(2) any congressionally designated wilderness study area;

(3) any research natural area;

(4) any National Forest System land or public land on which the removal of vegetation is prohibited by Act of Congress; or

(5) any designated critical habitat for a federally listed threatened or endangered species, unless, after a consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, determines that the forest management activity is
not likely to destroy or adversely modify the critical habitat].

(c) Road Building.—

(1) Permanent roads.—A forest management activity carried out under this section shall not include the construction of any new, permanent road.

(2) Existing roads.—The Secretary concerned may carry out necessary maintenance of, repairs to, or reconstruction of an existing permanent road under a forest management activity carried out under this section.

(3) Temporary roads.—The Secretary concerned shall decommission any temporary road constructed under a forest management activity carried out under this section by not later than 3 years after the date on which the project is completed.

Subtitle B—Tongass National Forest Plan Amendment

SEC. 311. TONGASS NATIONAL FOREST PLAN AMENDMENT.

(a) In General.—The Secretary of Agriculture shall comply with section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)).

(b) Inventory.—Using funds set aside for activities related to the proposed Transition Framework in Region 10, the Secretary of Agriculture shall conduct a com-
preprehensive inventory of young-growth stands, as rec-
ommended by the Tongass Advisory Committee.

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

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

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

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

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

(2) the public is notified of, and provided a pe-
period of not less than 90 days to comment regarding,
the comprehensive inventory.
Subtitle C—Stewardship End
Result Contracting

SEC. 321. CANCELLATION CEILINGS FOR STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) In general.—Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

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

(2) by inserting after subsection (g) the following:

“(h) CANCELLATION CEILINGS.—

“(1) In general.—The Chief and the Director may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (b) in stages that are economically or programmatically viable.

“(2) Advance notice to Congress of cancellation ceiling in excess of $25,000,000.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of $25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to that cancellation ceiling, the Chief or the Di-
rector, as applicable, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

“(A) the cancellation ceiling amounts proposed for each program year in the agreement or contract;

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

“(C) a description of the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(D) a financial risk assessment of not including budgeting for the costs of agreement or contract cancellation.

“(3) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2) with respect to an agreement or contract under subsection (b), the Chief or the Director, as applicable, shall transmit a copy of the notice to the Director of the Office of Management and Budget.”.
(b) RELATION TO OTHER LAWS.—Section 604(d)(5) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(d)(5)) is amended by striking “, the Chief may” and inserting “and section 2(a)(1) of the Act of July 31, 1947 (commonly known as the ‘Materials Act of 1947’) (30 U.S.C. 602(a)(1)), the Chief and the Director may”.

SEC. 322. EXCESS OFFSET VALUE.

Section 604(g)(2) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(g)(2)) is amended by striking subparagraphs (A) and (B) and inserting the following:

“(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

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

SEC. 323. SUBMISSION OF EXISTING ANNUAL REPORT.

Subsection (j) of section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) (as redesignated by section 321(a)(1)) is amended, in the matter preceding paragraph (1), by striking “report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of
Representatives” and inserting “submit to the congres-
sional committees described in subsection (h)(2) a report”.

SEC. 324. AVAILABILITY OF STEWARDSHIP PROJECT REV-
NUES FOR PLANNING COSTS.

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

“(B) shall be available for expenditure
without further appropriation—
“(i) at the project site from which the
monies are collected or at another project
site; and
“(ii) to cover not more than 25 per-
cent of the cost of planning for additional
stewardship contracting projects.”.

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

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

(a) PILOT PROGRAM.—In accordance with this sec-
tion, the Secretaries shall establish a pilot program to
carry out authorized hazardous fuel reduction projects, as
defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511), and to treat slash in ponderosa pine and dry-site mixed conifer forests that—

(1) are prone to severe wildfire; and

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

(b) HAZARDOUS FUEL REDUCTION PROJECTS.—

(1) ELIGIBLE AREAS.—A hazardous fuel reduction project authorized under this section shall be limited to areas on National Forest System land or public land that are—

(A) at risk of severe wildfire; and

(B) located within—

(i) the wildland-urban interface; or

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

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

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

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

(A) any component of the National Wilderness Preservation System;
(B) any congressionally designated wilderness study area;

(C) any research natural area;

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

(E) any designated critical habitat for a federally listed threatened or endangered species, unless, after a consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, determines that the forest management activity is not likely to destroy or adversely modify the critical habitat.

(3) COLLABORATION.—A hazardous fuel reduction project authorized under this section shall be—

(A) identified through a collaborative process; or

(B) covered by a community wildfire protection plan developed not later than 5 years after the date of enactment of this Act.

(4) PROCEDURES.—
(A) IN GENERAL.—A hazardous fuel reduction project authorized under this section shall—

(i) be conducted consistent with applicable land and resource management plans and procedures;

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

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

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

(v) be conducted in a manner that maximizes the retention of large trees, as appropriate, for the forest type, to the extent that the trees promote stands that are resilient to severe wildfire, insects, and disease.

(B) ROADS.—Notwithstanding subparagraph (A)(iv), a hazardous fuels reduction project authorized under this section—

(i) may include necessary maintenance of, repairs to, or reconstruction of an exist-
(c) **Environmental Protection.**—

(1) **Definition of emergency circumstances.**—In this section, the term “emergency circumstances” means, in the determination of the Secretary concerned, circumstances in which—

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

(i) be difficult to contain with suppression resources likely to be available; and

(ii) pose a significant threat to—

(I) the forest ecosystem; or

(II) human life; or
(III) property; and

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

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

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

(B) provides sufficient evidence and anal-
ysis for determining if the hazardous fuel re-
duction project will have a significant impact on the environment; and

(C) weighs—

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

(ii) any environmental impacts of the proposed project.

(3) Finding of no significant environmental impact.—If, based on an emergency environmental assessment described in paragraph (2), the Secretary concerned finds that the proposed hazardous fuel reduction project under this section will not have a significant impact on the environment, the Secretary concerned shall prepare a concise statement describing that finding.

(4) Alternative arrangements.—If, based on an emergency environmental assessment described in paragraph (2), the Secretary concerned finds that the proposed hazardous fuel reduction project under this section is likely to have a signifi-
cant impact on the environment, but emergency cir-
cumstances make it necessary to conduct the project
in accordance with paragraph (2), the Secretary con-
cerned—

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

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

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

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

(5) Effect of Determination.—A deter-
mination of the Secretary concerned made in accord-
ance with this subsection shall be entitled to sub-
stantial deference.

(d) Long-Term Contracts.—
(1) AUTHORIZATION.—To carry out hazardous fuel reduction projects under this section, the Secretaries may award, for a term of not more than 20 years—

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


(2) LIMITATIONS.—

(A) NUMBER.—The Secretaries may enter into not more than 10 contracts under paragraph (1) during the pilot program.

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

(3) PREFERENCES.—In awarding contracts under paragraph (1), the Secretaries may give preference to—

(A) sawmills in existence on the date of enactment of this Act; and

(B) entities that will convert the timber to—
(i) wood products that can be used in green building construction; or

(ii) mass-timbers, including cross-laminated timber.

(4) Stewardship project revenues.—Notwithstanding section 604(e) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(e)), payments from contractors received by the Secretaries under this subsection shall be considered monies received from National Forest System land or public land.

(e) Monitoring.—

(1) Multiparty monitoring.—

(A) In general.—For the 5-year period beginning on the date on which implementation of a hazardous fuel reduction project commences under this section, the Secretaries, in consultation with interested persons, shall use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of each hazardous fuel reduction project carried out under this section.

(B) Reporting.—At the end of each 5-year monitoring period under subparagraph
(A), the Secretary concerned shall prepare, and
make publicly available, a report on the findings
of the monitoring.

(2) **Final report on program.**—

(A) **In general.**—Not later than 1 year
before the date on which the pilot program ter-
minates under subsection (f), the Secretaries
shall prepare a final report describing the im-
plementation and results of the pilot program
that is based on the reports described in para-
graph (1)(B).

(B) **Recommendations.**—The final report
shall include recommendations of the Secre-
taries relating to—

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

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

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

(C) **Availability.**—The Secretaries
shall—

(i) submit to the appropriate commit-
tees of Congress the final report; and
(ii) make the final report available to the public.

(f) **Termination of Authority.**—The pilot program established under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

(g) **Savings Clause.**—Any contract entered into by the Secretaries under this section before the termination date of the pilot program shall not be affected by the termination of the pilot program.