

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 1301

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Oregon Eastside Forests Restoration, Old Growth Pro-
6 tection, and Jobs Act of 2013”.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREST RESTORATION, OLD GROWTH PROTECTION,
AND JOBS

Sec. 101. Definitions.

Sec. 102. Forest management.

Sec. 103. Restoration goals.

- Sec. 104. Aquatic and riparian resources management.
- Sec. 105. Eastside Forest Scientific and Technical Advisory Panel.
- Sec. 106. Ecological restoration projects.
- Sec. 107. Collaboration.
- Sec. 108. Large-scale environmental impact statement.
- Sec. 109. Administration.
- Sec. 110. Authorization of appropriations.

TITLE II—COOPERATIVE PARTNERSHIP FUNDING

- Sec. 201. Forest planning.
- Sec. 202. Cooperative forest innovation partnership projects.

1 TITLE I—FOREST RESTORATION, 2 OLD GROWTH PROTECTION, 3 AND JOBS

4 SEC. 101. DEFINITIONS.

5 In this title:

6 (1) ADVISORY PANEL.—The term “advisory
7 panel” means the Eastside Forest Scientific and
8 Technical Advisory Panel established under section
9 105(a).

10 (2) COLLABORATIVE GROUP.—The term “col-
11 laborative group” means a group of individuals that
12 meets the requirements of section 107(b).

13 (3) COVERED AREA.—The term “covered area”
14 means the national forests within the State that are
15 not within the area covered by the document entitled
16 “Record of Decision for Amendments to Forest
17 Service and Bureau of Land Management Planning
18 Documents Within the Range of the Northern Spot-
19 ted Owl” and dated April 1994.

1 (4) FOREST HEALTH.—The term “forest
2 health” means conditions that enable a forest to be
3 resistant and resilient to disturbance events and to
4 support natural ecosystem and hydrologic processes,
5 functions, and structures, including viable popu-
6 lations of native wildlife and ecosystem services.

7 (5) INVENTORIED ROADLESS AREA.—The term
8 “inventoried roadless area” means 1 of the areas
9 identified in the set of inventoried roadless area
10 maps contained in the document entitled “Forest
11 Service Roadless Areas Conservation, Final Environ-
12 mental Impact Statement, Volume 2” and dated No-
13 vember 2000.

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

19 (7) PLANT ASSOCIATION GROUP.—

20 (A) IN GENERAL.—The term “plant asso-
21 ciation group” means a description of a plant
22 community that—

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

1 (ii) may be aggregated into 1 or more
2 groups based on similarities in plant spe-
3 cies, composition, environment, and pro-
4 ductivity.

5 (B) INCLUSION.—The term “plant associa-
6 tion group” includes, with respect to a forested
7 site, species representing tree, shrub, and her-
8 baceous layers.

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

12 (9) SPATIAL HETEROGENEITY.—The term
13 “spatial heterogeneity” means trees and other struc-
14 tural elements of the forest landscape that have a
15 nonuniform, diversely clustered spatial arrangement.

16 (10) STATE.—The term “State” means the
17 State of Oregon.

18 (11) VEGETATION MANAGEMENT PROJECT.—

19 (A) IN GENERAL.—The term “vegetation
20 management project” means a project involving
21 activities that manipulate vegetation.

22 (B) INCLUSIONS.—The term “vegetation
23 management project” includes—

24 (i) ecological restoration or fuel reduc-
25 tion projects;

- 1 (ii) harvesting timber;
- 2 (iii) prescribed burning; and
- 3 (iv) thinning trees, brush, weeds, or
- 4 grass.

5 (12) WATERSHED AREA.—The term “watershed
6 area” means 1 or more subwatersheds (also known
7 as 6th code hydrologic units).

8 (13) WATERSHED HEALTH.—The term “water-
9 shed health” means the range of landscape condi-
10 tions that enable riparian, aquatic, and wetland eco-
11 systems to create and sustain functional habitats ca-
12 pable of supporting diverse populations of native
13 aquatic- and riparian-dependent species.

14 **SEC. 102. FOREST MANAGEMENT.**

15 (a) APPLICATION.—The Secretary shall implement
16 this title in the covered area during the 15-year period
17 beginning on the date of enactment of this Act.

18 (b) LAND MANAGEMENT GOALS.—

19 (1) IN GENERAL.—Taking into consideration
20 the best available science, the Secretary shall seek in
21 the covered area—

22 (A) to conserve and restore forest and wa-
23 tershed health;

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

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

6 (D) to harvest wood to maintain the appro-
7 priate scale of industry infrastructure to accom-
8 plish the goals described in subparagraphs (A),
9 (B), and (C).

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

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

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

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

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

23 (E) to conserve and restore old growth;

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

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

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

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

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

18 (K) to conduct vegetation management
19 projects that create an uneven-aged mosaic of
20 isolated individual trees, clumps of trees, and
21 openings to enhance the spatial heterogeneity of
22 the forest landscape;

23 (L) to restore or maintain understory plant
24 communities that reflect a composition and con-
25 dition that is appropriate for the forest type, in-

1 cluding native ground cover and limiting exotic
2 and invasive species;

3 (M) to increase stakeholder participation
4 through collaborative groups; and

5 (N) to restore and maintain the historic
6 complement of aspen, willows, and other native
7 hardwoods in riparian and upland ecosystems,
8 including by—

9 (i) removing conifers that have in-
10 vaded hardwood sites and overtopped hard-
11 woods or have invaded wet and dry mead-
12 ow systems;

13 (ii) restoring fire to hardwood eco-
14 systems; and

15 (iii) creating barriers around hard-
16 wood sites to reduce ungulate pressure.

17 (c) PLANNING.—To achieve the goals described in
18 subsection (b), the Secretary shall—

19 (1) use landscape-scale planning based on wa-
20 tershed boundaries as a tool to implement vegetation
21 management and ecological restoration projects in
22 the covered area; and

23 (2) seek to achieve planning and implementa-
24 tion efficiencies on projects carried out under this
25 title by working with—

1 (A) the relevant collaborative group;

2 (B) the advisory panel; and

3 (C) other partners.

4 (d) OLDER TREE RETENTION.—

5 (1) IN GENERAL.—In developing and imple-
6 menting any project in the covered area, the Sec-
7 retary shall—

8 (A) identify, based on the protocols devel-
9 oped under paragraph (2), trees that are 150
10 years of age or older, as measured at breast
11 height; and

12 (B) retain the trees described in subpara-
13 graph (A).

14 (2) PROTOCOL.—The Secretary, in collabora-
15 tion with the advisory panel, based on the best avail-
16 able science, shall develop protocols for identifying
17 trees that are 150 years of age or older, as meas-
18 ured at breast height.

19 (3) EXCEPTIONS.—

20 (A) IN GENERAL.—The retention objec-
21 tives described in paragraph (1)(B) shall not
22 apply if the Secretary determines that 1 of the
23 following applies:

24 (i) ADMINISTRATIVE EXCEPTIONS.—

25 There is no reasonable alternative to the

1 cutting or removal of trees that are 150
2 years of age or older, as measured at
3 breast height, to provide for public safety,
4 administrative necessity, or special uses,
5 such as rights of way.

6 (ii) RESTORATION PROJECT EXCEP-
7 TIONS.—The Secretary determines that the
8 cutting or removal of trees that are 150
9 years of age or older, as measured at
10 breast height, is needed to help implement
11 and fund restoration projects, subject to
12 the conditions that—

13 (I) no tree that is 200 years of
14 age or older, as measured at breast
15 height, may be cut;

16 (II) only as many trees as are
17 needed to fund restoration work that
18 protects and enhances the resiliency of
19 trees that are 200 years of age or
20 older, as measured at breast height,
21 may be cut;

22 (III) the removal of trees that
23 are 150 years of age or older, as
24 measured at breast height, and less
25 than 200 years of age, as measured at

1 breast height, shall not exceed 50 per-
2 cent of the population of those trees
3 in the project area; and

4 (IV) there would be sufficient
5 old-growth tree replacements remain-
6 ing in the project area.

7 (B) NOTICE REQUIREMENT.—The Sec-
8 retary shall provide to the public and collabo-
9 rative groups notice and an opportunity to com-
10 ment before making a determination under sub-
11 paragraph (A), unless the Secretary determines
12 that the cutting or removal of the tree is nec-
13 essary to respond to an emergency condition.

14 (4) APPLICATION.—The retention requirements
15 of this subsection shall not—

16 (A) apply to any other forests in the Na-
17 tional Forest System outside of the covered
18 area; or

19 (B) establish a precedent for setting age
20 limits on trees that may be cut on any National
21 Forest System land.

22 (e) LIMITATIONS ON ROAD CONSTRUCTION.—In car-
23 rying out any vegetation management project in the cov-
24 ered area, the Secretary—

1 (1) shall not construct any permanent road, un-
2 less the Secretary determines that the road is a jus-
3 tifiable realignment of a permanent road to restore
4 or improve the ecological structure, composition, and
5 function and the natural processes of the affected
6 forest or watershed; and

7 (2) by the earlier of the date on which the vege-
8 tation management project is completed and the
9 date that is 1 year after the activities for which the
10 road was constructed are complete, shall decommis-
11 sion any temporary road constructed to carry out
12 the vegetation management project.

13 (f) MONITORING AND ADAPTIVE MANAGEMENT.—In
14 carrying out this title, the Secretary—

15 (1) shall ensure that the projects developed pur-
16 suant to this title include monitoring to inform an
17 assessment of the effectiveness of treatments and
18 adaptive management of future projects; and

19 (2) in consultation with the relevant collabo-
20 rative groups, may develop for a vegetation manage-
21 ment project carried out under this title a
22 multiparty monitoring plan, which shall take into
23 consideration the recommendations of the advisory
24 panel.

1 **SEC. 103. RESTORATION GOALS.**

2 (a) PERFORMANCE GOALS.—

3 (1) IN GENERAL.—Not later than 60 days after
4 the date on which the Secretary selects the covered
5 area, the Secretary, in consultation with the relevant
6 collaborative groups, may establish performance ob-
7 jectives, in addition to the goals established by sec-
8 tion 102(b), which the Secretary shall seek to
9 achieve for the covered area, consistent with those
10 goals and the purposes of this title.

11 (2) TERM.—Subject to paragraph (4), each per-
12 formance goal established under paragraph (1) shall
13 be measured annually for a period of 15 years.

14 (3) ADDITIONS.—The Secretary may develop
15 additional performance goals that the Secretary de-
16 termines to be appropriate during the period estab-
17 lished by paragraph (2).

18 (4) PRIORITIZATION.—Subject to the limita-
19 tions described in section 110(c), the Secretary shall
20 prioritize the vegetation management project and
21 hazardous fuels reduction program activities in the
22 covered area to achieve the performance goals estab-
23 lished under this subsection.

24 (b) RESTORATION GOALS.—

25 (1) IN GENERAL.—Within the covered area,
26 consistent with the goals, and after considering the

1 opportunities, described in subsection (a), the Sec-
2 retary shall, to the maximum extent practicable, pre-
3 pare, offer, and promptly implement—

4 (A) projects that—

5 (i) are predominantly comprised of
6 mechanical treatment in the covered area
7 that emphasize sawtimber as a byproduct;
8 and

9 (ii) are conducted on—

10 (I) for the first fiscal year after
11 the date of enactment of this Act, not
12 less than 60,000 acres;

13 (II) for the subsequent fiscal
14 year, not less than 80,000 acres; and

15 (III) for each fiscal year there-
16 after until the fiscal year in which at
17 least 1 ecological restoration project
18 for each National Forest is initiated
19 under section 106, not less than
20 100,000 acres; and

21 (B) for each fiscal year after the fiscal
22 year specified in subparagraph (A)(ii)(III), an
23 ecological restoration project on each National
24 Forest in the covered area with a gross plan-
25 ning area of not less than 25,000 acres.

1 (2) ANNUAL GOALS.—

2 (A) IN GENERAL.—Beginning in the first
3 fiscal year after the date on which at least 1 ec-
4 ological restoration project is initiated for each
5 National Forest under section 106 and each fis-
6 cal year thereafter until the date on which the
7 project is completed, the Secretary may estab-
8 lish, subject to subparagraph (B), annual acre-
9 age performance goals for each project that is
10 predominantly comprised of mechanical treat-
11 ment in the covered area that emphasize
12 sawtimber as a byproduct consistent with the
13 goals, and after considering the opportunities,
14 described in subsection (b).

15 (B) CONSIDERATIONS.—In establishing the
16 goals under subparagraph (A), the Secretary
17 shall take into consideration—

18 (i) any specific recommendations of
19 the advisory panel relating to acreage
20 treatment needs; and

21 (ii) advice provided by a collaborative
22 group relating to acreage treatment needs.

23 (3) PRIORITY FOR RESTORATION GOALS.—In
24 seeking to meet the restoration goals established
25 under paragraph (2), the Secretary shall prioritize

1 for treatment any area that has opportunities for re-
2 duced planning and implementation costs because
3 of—

4 (A) opportunities to work with a collabo-
5 rative group on the project; or

6 (B) opportunities to use non-Federal re-
7 sources to complete the project.

8 **SEC. 104. AQUATIC AND RIPARIAN RESOURCES MANAGE-**
9 **MENT.**

10 (a) PRIMARY FOCUS.—The primary focus of aquatic
11 and riparian protection activities in the covered area shall
12 be to protect, maintain, and restore natural ecological
13 functions and processes beneficial to water quality and
14 quantity, including temperature and turbidity, native fish
15 and wildlife, and watershed resilience.

16 (b) DESIRED WATERSHED CONDITIONS.—Desired
17 watershed conditions shall include maintaining or enhance-
18 ing riparian processes and conditions, including stable
19 slopes, wood and nutrient delivery to aquatic and terres-
20 trial systems, stream shade, microclimate, water quantity,
21 and water quality, to ensure that the watersheds—

22 (1) operate consistently with local disturbance
23 regimes; and

24 (2) support native flora and fauna.

25 (c) STRATEGY.—The Secretary shall—

1 (1) develop an aquatic and riparian conserva-
2 tion strategy that incorporates—

3 (A) riparian management areas;

4 (B) key watersheds;

5 (C) watershed analysis;

6 (D) watershed restoration; and

7 (E) monitoring; and

8 (2) use as the basis for watershed, aquatic, and
9 riparian ecosystem management and restoration the
10 interaction of the elements described in paragraph
11 (1) at the watershed or landscape scale.

12 (d) MODIFICATIONS.—The Secretary may modify the
13 aquatic and riparian protection standards under sub-
14 section (a) if the Secretary determines, taking into consid-
15 eration the best available science, that the modifications
16 would meet or exceed the goals and standards of the
17 aquatic and riparian protection requirements of subsection
18 (e).

19 (e) REQUIREMENT.—The management activities car-
20 ried out within the covered area shall not retard or prevent
21 the attainment of—

22 (1) the aquatic, riparian, and watershed goals
23 described in this section; and

24 (2) the goals of applicable resource manage-
25 ment plans, biological opinions, and water quality

1 standards in effect on the date of enactment of this
2 Act.

3 **SEC. 105. EASTSIDE FOREST SCIENTIFIC AND TECHNICAL**
4 **ADVISORY PANEL.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Secretary shall establish
7 an advisory panel, to be known as the “Eastside Forest
8 Scientific and Technical Advisory Panel”, to advise the
9 Secretary, collaborative groups, and the public regarding
10 the development and implementation of—

11 (1) goals and performance measures to improve
12 forest health, watershed health, and related social
13 and economic goals in the covered area; and

14 (2) projects needed to accomplish the goals of
15 this title.

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

19 (1) Silviculture.

20 (2) Timber economics.

21 (3) Road and logging engineering.

22 (4) Soil science and geology.

23 (5) Ecosystem services or natural resources eco-
24 nomics.

1 (6) Community economics or ecosystem work-
2 force development.

3 (7) Forest ecology.

4 (8) Aquatic and riparian ecology.

5 (9) Wildlife ecology.

6 (10) Fish ecology.

7 (11) Ecological restoration.

8 (12) Invasive species control and eradication.

9 (13) Wildland fire.

10 (14) Hydrology.

11 (15) Forest carbon lifecycle and sequestration.

12 (16) Social science.

13 (c) APPOINTMENTS.—The Secretary shall—

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

17 (2) give consideration to the recommendations
18 of institutions of higher education (as defined in sec-
19 tion 101(a) of the Higher Education Act of 1965
20 (20 U.S.C. 1001(a)), professional societies, and
21 other interested organizations and individuals.

22 (d) DUTIES.—

23 (1) RECOMMENDATIONS REPORT.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date on which the Secretary ap-

1 points the members of the advisory panel, the
2 advisory panel, taking into consideration the
3 best available science and information, shall
4 submit to the Secretary, who shall make avail-
5 able to the public a report that contains rec-
6 ommendations regarding the manner by which
7 the Secretary can best achieve the purposes and
8 goals, and consider the opportunities, described
9 in section 102(b).

10 (B) REQUIREMENTS.—The report under
11 subparagraph (A) shall provide recommenda-
12 tions based on the best available science regard-
13 ing—

14 (i) the size and scope of projects need-
15 ed to accomplish the goals and consider
16 the opportunities described in section
17 102(b);

18 (ii) increasing local capacity to accom-
19 plish the goals and consider the opportuni-
20 ties described in section 102(b);

21 (iii) hydrologically and ecologically re-
22 storing land and water by—

23 (I) decommissioning unnecessary
24 and undesirable roads; and

21

1 (II) reducing the environmental
2 impact of necessary and desirable
3 roads; and

4 (iv) actions for each relevant plant as-
5 sociation group, taking into account cur-
6 rent or future potential vegetation and soil
7 types that—

8 (I) protect and restore terrestrial,
9 aquatic, riparian, wildlife, fish, vegeta-
10 tion, soil, carbon, and other resources;
11 and

12 (II) would be necessary and de-
13 sirable to restore forest health and
14 watershed health (including thinning,
15 prescribed, and natural fire and other
16 appropriate activities); and

17 (v) monitoring protocols to evaluate
18 the success of the vegetation management
19 projects and ecological restoration projects
20 on the covered area in meeting the goals
21 and objectives of this title.

22 (C) ADMINISTRATION.—

23 (i) IN GENERAL.—To the maximum
24 extent practicable, the advisory panel shall
25 achieve a consensus with respect to each

1 recommendation included in the report
2 under this paragraph.

3 (ii) INCLUSION OF DISSENTING OPIN-
4 IONS.—If the advisory panel fails to
5 achieve a consensus with respect to any
6 recommendation included in the report
7 under this paragraph, the report shall in-
8 clude each dissenting opinion relating to
9 the recommendation.

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

15 (A) a quantitative and qualitative assess-
16 ment of the status of, and changes to, forest
17 health and watershed health in the covered
18 area, including the resiliency, aquatic function,
19 and plant composition, structure, and function;
20 and

21 (B) an assessment of the implementation
22 of the recommendations made under paragraph
23 (1).

1 **SEC. 106. ECOLOGICAL RESTORATION PROJECTS.**

2 (a) IN GENERAL.—As soon as practicable after the
3 date of enactment of this Act, the Secretary shall imple-
4 ment, taking into consideration the annual goals described
5 in section 103(b)(2), ecological restoration projects in the
6 covered area to support the land management goals de-
7 scribed in section 102(b).

8 (b) LANDSCAPE-SCALE PROJECTS.—Subject to the
9 availability of appropriations under section 110, the Sec-
10 retary shall implement, to the maximum extent prac-
11 ticable, 1 or more ecological restoration projects with a
12 gross planning area of 50,000 acres for each National
13 Forest in the covered area that provide landscape-scale
14 work within a watershed area by not later than 3 years
15 after the date on which the Secretary selects the covered
16 area.

17 (c) CRITERIA.—In developing and implementing eco-
18 logical restoration projects under this section, the Sec-
19 retary shall consider—

- 20 (1) the best available science and data;
21 (2) the recommendations of the advisory panel;
22 (3) the views of collaborative groups; and
23 (4) dry and moist forest plant association
24 groups.

25 (d) NET ROAD REDUCTION.—In developing ecologi-
26 cal restoration projects under this section, the Secretary

1 shall examine opportunities for, and achieve, a net reduc-
2 tion in the permanent road system to improve forest and
3 watershed health, to the maximum extent practicable.

4 (e) PRIORITIZATION.—

5 (1) IN GENERAL.—The Secretary shall
6 prioritize ecological restoration projects in the cov-
7 ered area, taking into consideration—

8 (A) the criteria described in subsection (c);
9 and

10 (B) the degree to which the ecological res-
11 toration projects would improve forest health
12 and watershed health.

13 (2) PRIORITIES.—In selecting and planning ec-
14 ological restoration projects, the Secretary shall
15 prioritize projects that—

16 (A) reduce the risk of, and increase the re-
17 sistance and resiliency of the land to,
18 uncharacteristic disturbances, particularly if
19 critical components or values are at risk, in-
20 cluding—

21 (i) communities located in the
22 wildland-urban interface (as defined in sec-
23 tion 101 of the Healthy Forests Restora-
24 tion Act of 2003 (16 U.S.C. 6511)); and

1 (ii) valuable forest structures (includ-
2 ing old growth and older mature trees);

3 (B) restore the structure and composition
4 of forest stands at a high or moderate depart-
5 ure from the historic range of variability;

6 (C) sustain the appropriate scale of indus-
7 try infrastructure to accomplish the goals de-
8 scribed in section 102(b);

9 (D) accelerate the development of complex
10 forest structure in a young forest that has been
11 simplified through past management, such as
12 by—

13 (i) creating spatial heterogeneity (in-
14 cluding the creation of skips and gaps)
15 using mechanical treatments to create
16 wildlife habitat; and

17 (ii) retaining biological legacies (in-
18 cluding large standing, downed, live, and
19 dead trees);

20 (E) assist in the implementation of com-
21 munity wildfire protection plans developed by
22 at-risk communities (as those terms are defined
23 in section 101 of the Healthy Forests Restora-
24 tion Act of 2003 (16 U.S.C. 6511));

1 (F) use the value of merchantable sawlogs
2 and biomass to help offset the cost of ecological
3 restoration projects;

4 (G) meet local and rural community needs
5 through a source that is selected on a best-
6 value basis;

7 (H) reduce the permanent road system to
8 improve forest health and watershed health;
9 and

10 (I) help recover aspen, willows, and other
11 native hardwoods in riparian and upland eco-
12 systems.

13 **SEC. 107. COLLABORATION.**

14 (a) IN GENERAL.—To assist in the development of
15 the projects needed to accomplish the purposes of this title
16 in the covered area, the Secretary shall consult with, and
17 consider the recommendations of, any collaborative group
18 that meets the criteria described in subsection (b).

19 (b) CRITERIA.—A collaborative group referred to in
20 subsection (a) is a group that—

21 (1) is interested in the implementation of this
22 title;

23 (2) includes multiple individuals representing
24 diverse interests, including—

25 (A) environmental organizations;

1 (B) timber and forest products industry
2 representatives; and

3 (C) county governments;

4 (3) operates—

5 (A) in a transparent and nonexclusive
6 manner; and

7 (B) by consensus or in accordance with
8 voting procedures to ensure a high degree of
9 agreement among participants and across var-
10 ious interests; and

11 (4) requires a level of participation sufficient to
12 ensure that members of the collaborative group are
13 adequately informed before making each decision.

14 **SEC. 108. LARGE-SCALE ENVIRONMENTAL IMPACT STATE-**
15 **MENT.**

16 (a) IN GENERAL.—The Secretary shall carry out
17 vegetation management projects and ecological restoration
18 projects under this section in accordance with the National
19 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.).

21 (b) ENVIRONMENTAL IMPACT STATEMENT.—

22 (1) IN GENERAL.—The Secretary shall prepare
23 1 landscape-scale environmental impact statement
24 for purposes of compliance with the National Envi-
25 ronmental Policy Act of 1969 (42 U.S.C. 4321 et

1 seq.) for vegetation management projects and eco-
2 logical restoration projects carried out under this
3 title in National Forests in the eastern part of the
4 State that share ecological conditions and resource
5 issues, including projects—

6 (A) that are located wholly in dry pon-
7 derosa pine and dry mixed conifer forests types;

8 (B) that are endorsed by, or are the prod-
9 uct of, a collaborative group; and

10 (C) no portion of which are located in an
11 inventoried roadless area.

12 (2) USE.—The large-scale environmental im-
13 pact statement under paragraph (1) shall be used as
14 the basis for decisions on covered vegetation man-
15 agement projects and ecological restoration projects,
16 except for limited projects—

17 (A) that are developed after the completion
18 of the environmental impact statement; and

19 (B) for which the environmental impact
20 statement does not adequately analyze the work
21 to be performed.

22 (c) COMPLETION DATE.—The Secretary shall com-
23 plete the record of decision for the large-scale environ-
24 mental impact statement under subsection (b) by not later
25 than 1 year after the date of enactment of this Act.

1 (d) TIMELINESS.—A legal challenge to the environ-
2 mental impact statement and record of decision under this
3 section shall be filed by not later than 120 days after the
4 date on which the record of decision is signed by the Sec-
5 retary.

6 **SEC. 109. ADMINISTRATION.**

7 (a) EFFECT OF TITLE.—Nothing in this title af-
8 fects—

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

11 (2) any biological opinion, including any opinion
12 associated with the aquatic and riparian protection
13 requirements of applicable land and resource man-
14 agement plans.

15 (b) NO RETROACTIVE EFFECT.—

16 (1) VEGETATION MANAGEMENT PROJECTS.—
17 This title shall not apply to a vegetation manage-
18 ment project that is—

19 (A) initiated, through a scoping notice or
20 a notice of intent, more than 180 days before
21 the date of enactment of this Act; or

22 (B) approved or under contract before the
23 date of enactment of this Act.

24 (2) RECOMMENDATIONS REPORT.—The comple-
25 tion of the recommendations report of the advisory

1 panel under section 105(d)(2) shall not automati-
2 cally compel an amendment or revision to—

3 (A) any vegetation management project
4 initiated, approved, or under contract before the
5 date on which the recommendations report is
6 completed; or

7 (B) any existing forest plan.

8 (c) APPLICABLE LAW.—The Secretary shall carry out
9 this title in accordance with applicable law (including reg-
10 ulations).

11 (d) PRINCIPAL AGENCY CONTACT.—

12 (1) SELECTION.—The Secretary shall select a
13 principal agency contact for the implementation of
14 this title.

15 (2) DUTIES.—The principal agency contact
16 shall—

17 (A) serve as the point-of-contact for the
18 advisory panel;

19 (B) facilitate communications among—

20 (i) the advisory panel;

21 (ii) collaborative groups;

22 (iii) employees of the Forest Service;

23 and

24 (iv) any other stakeholders (including
25 the public).

1 (e) REPORTING.—

2 (1) IN GENERAL.—The Secretary shall prepare
3 a report on the implementation of this title—

4 (A) not later than 5 years after the date
5 on which the Secretary selects the covered area;
6 but

7 (B) not earlier than 2 years before the
8 date described in subparagraph (A).

9 (2) CONTENTS.—The reports required under
10 paragraph (1) shall assess, for each National Forest
11 in the covered area, the progress achieved in accom-
12 plishing—

13 (A) the purposes of this title; and

14 (B) the performance goals established
15 under section 103.

16 (f) TERMINATION OF AUTHORITY.—

17 (1) IN GENERAL.—The authority provided by
18 this title shall terminate on the date that is 15 years
19 after the date of enactment of this Act.

20 (2) EFFECT.—Nothing in this subsection af-
21 fects a valid contract in effect on the date described
22 in paragraph (1).

1 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Subject to subsection (c), there is
3 authorized to be appropriated \$50,000,000 to carry out
4 this title, to remain available until expended.

5 (b) USE.—Any amounts appropriated to the Sec-
6 retary under subsection (a) may be used to support imple-
7 mentation of any cost-sharing authorities provided by this
8 title.

9 (c) EFFECT ON OTHER FUNDS.—The Secretary may
10 not divert funding from a National Forest or grassland
11 outside of the State to meet the performance requirements
12 of this title.

13 (d) REPROGRAMMING AUTHORITY.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), after submitting to the Committees on
16 Appropriations of the House of Representatives and
17 the Senate a notice, the Secretary may reprogram
18 any funds—

19 (A) made available to the Secretary
20 through an appropriation for the National For-
21 est System; and

22 (B) allocated to be used on the National
23 Forests in the covered area.

24 (2) EXCEPTION.—No funds appropriated for a
25 recreation or grazing activity may be subject to re-
26 programming under paragraph (1).

TITLE II—COOPERATIVE PARTNERSHIP FUNDING

SEC. 201. FOREST PLANNING.

Section 327(b)(2) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 1611 note; Public Law 104–134) is amended by inserting “expenditures for forest planning activities necessary for timber sales for projects that are located on any landscape that receives funding under section 4004 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7304) and” after “may include”.

SEC. 202. COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

Section 13B of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109b) is amended by adding at the end the following:

“(d) REGULATIONS.—Not later than 90 days after the date of enactment of the Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2013, the Secretary shall promulgate regulations to implement the authority of the Secretary under that Act.

“(e) COOPERATION WITH STATE GOVERNMENTS.—

“(1) PROJECTS AUTHORIZED.—Not later than 180 days after the date of enactment of the Oregon Eastside Forests Restoration, Old Growth Protec-

1 tion, and Jobs Act of 2013, the Secretary, in co-
2 operation with the States, shall carry out projects to
3 support the ability of the Department of Agriculture
4 to address the restoration of National Forests in eli-
5 gible areas.

6 “(2) ELIGIBLE AREAS.—A project under para-
7 graph (1) may be carried out on—

8 “(A) the covered area (as defined in sec-
9 tion 101 of the Oregon Eastside Forests Res-
10 toration, Old Growth Protection, and Jobs Act
11 of 2013); and

12 “(B) any additional areas of the National
13 Forest System that the Secretary selects to
14 carry out paragraph (1).

15 “(3) FUNDING.—For each fiscal year, the Sec-
16 retary shall use not more than 5 percent of the
17 funds made available for forest health on Federal
18 land under the heading ‘STATE AND PRIVATE FOR-
19 ESTRY’ of title III of an appropriations Act making
20 funds available to the Department of the Interior to
21 pay for not more than 50 percent of the total cost
22 of carrying out paragraph (1).”.