

109TH CONGRESS
2^D SESSION

H. R. 4200

AN ACT

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.

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

3 **SECTION 1. SHORT TITLE 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 Na-
tional 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;

20 (C) increases the susceptibility of adjacent
21 undamaged land to insect infestations, disease,
22 and noxious weeds;

1 (D) pollutes municipal water supplies and
2 damages water delivery infrastructure;

3 (E) exacerbates sediment production that
4 adversely impacts native fish habitat and soil
5 productivity;

6 (F) results in unsafe campgrounds, trails,
7 roads, and other infrastructure; and

8 (G) adversely impacts the sustainability of
9 ecosystems and the well-being of adjacent com-
10 munities.

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

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

23 (5) A prompt and standardized management re-
24 sponse to a catastrophic event, which is also adapt-

1 ive to the unique characteristics of each catastrophic
2 event, is needed—

3 (A) to effectively recover the area damaged
4 by the catastrophic event,

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

9 (C) to recover damaged, but still mer-
10 chantable, material before it loses its economic
11 value.

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

16 (A) protecting soil and water resources;

17 (B) providing habitat for wildlife and fish;

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

20 (D) providing a future source of timber for
21 domestic use; and

22 (E) ensuring the health and resiliency of
23 affected ecosystems for present and future gen-
24 erations.

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

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

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) BURNED AREA EMERGENCY RESPONSE.—
22 The term “burned area emergency response” means
23 the process used by the Secretary concerned to plan
24 and implement emergency stabilization actions on
25 Federal land in response to a catastrophic event in

1 order to minimize threats to life or property or to
2 stabilize and prevent unacceptable degradation to
3 natural and cultural resources resulting from the ef-
4 fects of the catastrophic event.

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

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

20 (A) if the catastrophic event involved fire,
21 the rehabilitation and restoration activities
22 (other than any emergency stabilization treat-
23 ments undertaken as part of the burned area
24 emergency response) that are undertaken on
25 the damaged Federal land, including any infra-

1 structure or facilities thereon, in response to
2 the catastrophic event;

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

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

19 (4) CATASTROPHIC EVENT RECOVERY EVALUA-
20 TION.—The term “catastrophic event recovery eval-
21 uation”, with respect to an area of Federal land
22 damaged by a catastrophic event, means an evalua-
23 tion of the damaged Federal land that is conducted
24 in accordance with section 102.

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

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

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

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

22 (7) CATASTROPHIC EVENT RESEARCH
23 PROJECT.—The term “catastrophic event research
24 project” means a scientifically designed study of the
25 effects and effectiveness of—

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

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

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

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

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

24 (11) INDIAN TRIBE.—The term “Indian tribe”
25 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 450b).

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

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

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

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

21 (14) LANDSCAPE ASSESSMENT.—The term
22 “landscape assessment” means an assessment de-
23 scribing catastrophic event conditions and recovery
24 needs and opportunities on non-Federal land af-
25 fected by a catastrophic event and including a list of

1 proposed special recovery projects to address those
2 needs and opportunities.

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

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

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

21 (18) SECRETARY CONCERNED.—The term
22 “Secretary concerned” means—

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

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

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

11 **TITLE I—RESPONSE TO CATA-**
12 **STROPHIC EVENTS ON FED-**
13 **ERAL LANDS**

14 **SEC. 101. DEVELOPMENT OF RESEARCH PROTOCOLS AND**
15 **USE IN CATASTROPHIC EVENT RESEARCH**
16 **PROJECTS.**

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

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

1 (A) to increase the long-term benefits of
2 management activities, including natural and
3 artificial regeneration of vegetation; and

4 (B) to decrease the short-term impacts of
5 such management activities;

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

8 (3) accompanying methods of data analysis and
9 interpretation.

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

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

23 (d) CATASTROPHIC EVENT RESEARCH PROJECTS.—
24 In accordance with the research protocols developed under
25 this section, the Secretary concerned may conduct one or

1 more catastrophic event research projects in an area of
2 land damaged by a catastrophic event. The Secretary may
3 develop a proposed catastrophic event research project as
4 part of a catastrophic event recovery proposal or develop
5 a catastrophic event research project independently of the
6 catastrophic event recovery proposal during the cata-
7 strophic event recovery in response to changing conditions
8 in the area damaged by the catastrophic event.

9 (e) PUBLIC ACCESS.—

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

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

21 (f) FOREST HEALTH PARTNERSHIPS.—In developing
22 and using the research protocols required by this section,
23 the Secretary concerned shall enter into cooperative agree-
24 ments with land-grant colleges and universities and other
25 institutions of higher education to form forest health part-

1 nerships, including regional institutes, to utilize their edu-
2 cation, research, and outreach capacity to address the cat-
3 astrophic event recovery of forested land. A forest health
4 partnership may be aligned with the current network of
5 Cooperative Ecosystem Studies Units.

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

7 (a) COMMENCEMENT.—

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

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

19 (b) TIME FOR COMMENCEMENT.—

20 (1) WHEN EVALUATION REQUIRED.—When a
21 catastrophic event recovery evaluation is required
22 under subsection (a)(1), the Secretary concerned
23 shall commence the catastrophic event recovery eval-
24 uation for the Federal land damaged by the cata-
25 strophic event—

1 (A) as soon as practicable during or after
2 the conclusion of the catastrophic event to fa-
3 cilitate prompt decision-making with regard to
4 the catastrophic event recovery of the damaged
5 Federal land; but

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

8 (2) WHEN EVALUATION DISCRETIONARY.—

9 When a catastrophic event recovery evaluation is
10 simply discretionary under subsection (a)(2), the
11 Secretary concerned shall make a final decision
12 whether to commence a catastrophic event recovery
13 evaluation for the Federal land damaged by the cat-
14 astrophic event, and, if the final decision is to com-
15 mence a catastrophic event recovery evaluation, ac-
16 tually commence the evaluation—

17 (A) as soon as practicable during or after
18 the conclusion of the catastrophic event to fa-
19 cilitate prompt decision-making with regard to
20 the catastrophic event recovery of the damaged
21 Federal land; but

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

24 (c) COMPLETION.—

1 (1) TIME FOR COMPLETION.—To facilitate
2 prompt implementation of catastrophic event recovery
3 projects on Federal land damaged by a cata-
4 strophic event when a catastrophic event recovery
5 evaluation is undertaken under subsection (a),
6 whether because the evaluation is required under
7 paragraph (1) of such subsection or because the Sec-
8 retary concerned makes a decision to conduct an
9 evaluation under paragraph (2) of such subsection,
10 the Secretary concerned shall complete the cata-
11 strophic event recovery evaluation for the damaged
12 Federal land not later than 30 days after the date
13 on which Secretary commenced the catastrophic
14 event recovery evaluation.

15 (2) EXTENSION.—The Secretary concerned may
16 extend the completion date for a catastrophic event
17 recovery evaluation, on a case-by-case basis, when
18 the Secretary concerned determines that additional
19 time is necessary to evaluate a complex catastrophic
20 event, an on-going catastrophic event, or a series of
21 catastrophic events. Only a single extension may be
22 provided for any catastrophic event recovery evalua-
23 tion, and the extension shall not be longer than 60
24 days after the date on which the evaluation was oth-

1 erwise required to be completed under paragraph
2 (1).

3 (d) 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, in-
7 cluding receipts from biomass and other forest prod-
8 ucts, to be derived from the catastrophic event re-
9 covery projects and catastrophic event research
10 projects contained in the catastrophic event recovery
11 proposal, and, to the maximum extent practicable,
12 an estimate of revenues likely to be lost if action is
13 not taken in a timely manner.

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

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

21 (1) DETERMINATION.—In addition to com-
22 plying with the requirements specified in subsection
23 (d) for each catastrophic event recovery evaluation,
24 the Secretary concerned shall make a determination
25 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 (d)(1) with respect
25 to the damaged Federal land.

1 (C) The lack of pre-approved management
2 practices authorized by section 104 applicable
3 to the damaged Federal 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) CEQ NOTIFICATION.—The Secretary con-
9 cerned shall make the determination under para-
10 graph (1) after notification of the Council on Envi-
11 ronmental Quality, but the determination remains in
12 the sole discretion of the Secretary.

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

19 (g) COORDINATION WITH OTHER ACTIVITIES.—

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

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

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

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

20 (i) PUBLIC NOTICE.—

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

1 form determined to be appropriate by the Secretary
2 concerned.

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

11 **SEC. 103. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**
12 **POLICY ACT.**

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

20 (b) SATISFACTION OF NEPA REQUIREMENTS.—The
21 following activities are deemed to satisfy the requirements
22 of section 102 of the National Environmental Policy Act
23 of 1969 (42 U.S.C. 4332 et seq.) and its implementing
24 regulations:

1 (1) The preparation of the list of pre-approved
2 management practices under section 104.

3 (2) The use of pre-approved management prac-
4 tices on the list in the manner provided in section
5 104.

6 (3) The use of emergency procedures in the
7 manner provided in section 105.

8 **SEC. 104. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
9 **AGEMENT PRACTICES.**

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

21 (b) PEER REVIEW.—Before a management practice
22 may be included on the list of pre-approved management
23 practices, the management practice shall be subject to
24 peer review, including independent, third-party peer re-
25 view, by scientific and land management experts. The re-

1 sults of the peer review shall be available to the public
2 during the comment period.

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

9 (d) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

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

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

19 (A) that are already down, dead, broken,
20 or severely root sprung;

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

24 (C) that are required to be removed for
25 worker or public safety.

1 (e) COMPLIANCE WITH OTHER LAWS.—

2 (1) ESA CONSULTATION.—In the case of the
3 proposed use of a pre-approved management practice
4 included on the list prepared under subsection (a),
5 the Secretary concerned may use the emergency 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 while using the pre-approved management
13 practice, which shall be effective beginning on the
14 date the Secretary concerned initiates the practice
15 and shall apply to all persons assisting or cooper-
16 ating with the Secretary in using the practice.

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.), may proceed simultaneously with the imple-
21 mentation of a pre-approved management practice.
22 Results of consultation shall be immediately incor-
23 porated into the practice, to the extent feasible,
24 practical, and consistent with the response, recovery,
25 and rehabilitation objectives of the project.

1 (3) FEDERAL WATER POLLUTION CONTROL ACT
2 COMPLIANCE.—Compliance with any applicable re-
3 quirements of the Federal Water Pollution Control
4 Act (33 U.S.C. 1251 et seq.) may proceed simulta-
5 neously with the implementation of a pre-approved
6 management practice.

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

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

17 (2) The rationale for the agency decision.

18 (3) An economic analysis and justification.

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

1 plant association group, standing- and down-dead
2 wood, watershed, water quality, wildlife habitat, and
3 soils applicable to the damaged Federal land.

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

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

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

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

25 (b) USE FOR CERTAIN ACTIVITIES PROHIBITED.—

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

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

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

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

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

23 (c) COMPLIANCE WITH OTHER LAWS.—

24 (1) ESA CONSULTATION.—In the case of a cat-
25 astrophic event recovery project or catastrophic

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

15 (2) OTHER REQUIRED CONSULTATION.—Any
16 consultation required under other laws, such as the
17 National Historic Preservation Act (16 U.S.C. 470
18 et seq.), may proceed simultaneously with the design
19 of a catastrophic event recovery project or cata-
20 strophic event research project, or portion of such a
21 project, for which emergency procedures under this
22 section are used. Results of consultation shall be im-
23 mediately incorporated into the project, to the extent
24 feasible, practical, and consistent with the response,
25 recovery, and rehabilitation objectives of the project.

1 (3) FEDERAL WATER POLLUTION CONTROL ACT
2 COMPLIANCE.—Compliance with any applicable re-
3 quirements of the Federal Water Pollution Control
4 Act (33 U.S.C. 1251 et seq.) may proceed simulta-
5 neously with the design of a catastrophic event re-
6 covery project or catastrophic event research project,
7 or portion of such a project, for which emergency
8 procedures under this section are used.

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

17 (1) complete the emergency procedures for that
18 catastrophic event recovery project or catastrophic
19 event research project, or portion thereof, under this
20 section; and

21 (2) issue a concise decision document that con-
22 tains the following:

23 (A) The rationale for the agency decision.

24 (B) An economic analysis and justification.

1 (C) An analysis of the environmental ef-
2 fects of the project and how such effects will be
3 minimized or mitigated consistent with the ap-
4 plicable land and resource management plan.
5 As part of this analysis, the Secretary con-
6 cerned shall consider, to the extent the Sec-
7 retary concerned determines appropriate, forest
8 type or plant association group, standing- and
9 down-dead wood, watershed, water quality,
10 wildlife habitat, and soils applicable to the dam-
11 aged Federal land.

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

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

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

2 (a) ADMINISTRATIVE REVIEW GENERALLY.—Except
3 as provided in subsection (b), nothing in this title af-
4 fects—

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

9 (2) section 215 of title 36, Code of Federal
10 Regulations.

11 (b) PREDECISIONAL ADMINISTRATIVE NOTICE, COM-
12 MENT, AND REVIEW.—

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

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

21 (i) the proposed use of a pre-approved
22 management practice under section 104 on
23 National Forest System land; and

24 (ii) a catastrophic event recovery
25 project or catastrophic event research
26 project, or portion of such a project, for

1 which the emergency procedures under sec-
2 tion 105 are used on National Forest Sys-
3 tem land; and

4 (B) a person can seek administrative re-
5 view regarding—

6 (i) the proposed use of a pre-approved
7 management practice under section 104 on
8 National Forest System land; and

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

15 (2) PERIOD COVERED BY REVIEW PROCESS.—

16 The review portion of the predecisional administra-
17 tive review process described in paragraph (1)(B)
18 shall occur during the period—

19 (A) beginning on the date on which the
20 Secretary of Agriculture makes a determination
21 to use pre-approved management practices or
22 emergency procedures under section 102(e);
23 and

1 (B) ending not later than the date of the
2 issuance of applicable decision document under
3 section 104 or 105.

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

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

14 (c) JUDICIAL REVIEW.—Section 106 of the Healthy
15 Forests Restoration Act of 2003 (16 U.S.C. 6516) shall
16 apply with respect to the implementation of a pre-ap-
17 proved management practice under section 104 or a cata-
18 strophic event recovery project or catastrophic event re-
19 search project regarding which the applicable administra-
20 tive review process has been exhausted. In any proceeding
21 for judicial review of agency action under this subsection,
22 attorney fees awarded to a prevailing party may not ex-
23 ceed the hourly rates established in section 3006A of title
24 18, United States Code.

1 **SEC. 107. GUIDANCE REGARDING REFORESTATION IN RE-**
2 **SPONSE TO CATASTROPHIC EVENTS.**

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

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

13 (2) clarify agency-wide guidance regarding re-
14 forestation in response to catastrophic events to en-
15 sure that such guidance is consistent with agency
16 goals and budget constraints; and

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

1 **SEC. 108. EFFECT OF TITLE.**

2 (a) USE OF OTHER AUTHORITIES.—Nothing in this
3 title affects the use by the Secretary concerned of other
4 statutory or administrative authority, including categor-
5 ical exclusions adopted to implement the National Envi-
6 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
7 to conduct a catastrophic event recovery project or cata-
8 strophic event research project, or portion of such a
9 project, that is not conducted using the emergency proce-
10 dures authorized by section 105.

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

17 (1) a pre-approved management practice under
18 section 104; or

19 (2) a catastrophic event recovery project or cat-
20 astrophic event research project, or portions of such
21 a project, for which the emergency procedures under
22 section 105 are used.

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

1 (1) the peer review provided by scientific and
2 land management experts under section 101(b) or
3 104(b);

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

6 (3) the preparation of a catastrophic event re-
7 covery evaluation or catastrophic event recovery pro-
8 posal.

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

10 (a) **STANDING DEAD TREES AND DOWNED WOOD.**—

11 In planning or conducting any catastrophic event recovery
12 project or catastrophic event research project, the Sec-
13 retary concerned shall ensure that—

14 (1) standing dead tree and downed wood reten-
15 tion guidelines contained in the applicable land and
16 resource management plan are applied; or

17 (2) if the applicable land and resource manage-
18 ment plan does not contain standing dead tree and
19 downed wood retention guidelines, adequate standing
20 dead trees and downed wood of the oldest age class
21 are retained in the project area—

22 (A) to provide habitat for associated spe-
23 cies through various stages of forest develop-
24 ment;

1 (B) to provide a long-term nutrient source;

2 and

3 (C) to retain, to the extent practicable and

4 appropriate for forest type and plant associa-

5 tion group, the more decay-resistant species.

6 (b) EXCEPTION.—Subsection (a) shall not apply if
7 the Secretary concerned determines that science from
8 land-grant colleges and universities or a Forest Service
9 Research Station provides more appropriate standing dead
10 tree and downed wood retention guidelines for a particular
11 catastrophic event recovery project or catastrophic event
12 research project.

13 (c) PLAN AMENDMENT.—The Secretary concerned
14 may amend a land and resource management plan to in-
15 corporate standing dead tree and downed wood retention
16 guidelines, specific to forest type or plant association
17 group.

1 **TITLE II—RESTORING LAND-**
2 **SCAPES AND COMMUNITIES**
3 **IMPACTED BY CATASTROPHIC**
4 **EVENTS**

5 **Subtitle A—Cooperative Forestry**
6 **Assistance Act of 1978**

7 **SEC. 201. ASSISTANCE UNDER COOPERATIVE FORESTRY**
8 **ASSISTANCE ACT OF 1978 TO RESTORE LAND-**
9 **SCAPES AND COMMUNITIES AFFECTED BY**
10 **CATASTROPHIC EVENTS.**

11 (a) ASSISTANCE AUTHORIZED.—Section 10A of the
12 Cooperative Forestry Assistance Act of 1978 (16 U.S.C.
13 2106c) is amended—

14 (1) by redesignating subsections (c) and (d) as
15 subsections (d) and (e), respectively; and

16 (2) by inserting after subsection (b) the fol-
17 lowing new subsection:

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

20 “(1) LANDSCAPE ASSESSMENTS.—At the re-
21 quest of an eligible entity, the Secretary may cooper-
22 ate with the eligible entity in the preparation of a
23 landscape assessment for non-Federal lands affected
24 by a catastrophic event. The Secretary may combine
25 the preparation of a landscape assessment with the

1 preparation of a catastrophic event recovery evalua-
2 tion under title I of the Forest Emergency Recovery
3 and Research Act regarding Federal land in the vi-
4 cinity of the damaged non-Federal land.

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

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

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

23 “(A) to assist in the preparation of a land-
24 scape assessment under paragraph (1) or a
25 community wildfire protection plan, community

1 assessment, or community action plan under
2 paragraph (2); and

3 “(B) to implement special recovery projects
4 identified in the landscape assessment or com-
5 munity wildfire protection plan, community as-
6 sessment, or community action plan.

7 “(5) SPECIAL RECOVERY PROJECTS.—Special
8 recovery projects supported under paragraph (4)(B)
9 may include projects involving—

10 “(A) revegetation, tree planting, and other
11 management practices the Secretary determines
12 to be appropriate;

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

16 “(C) training for the local populace for
17 work in connection with catastrophic event re-
18 covery;

19 “(D) repair of forest roads, bridges, and
20 trails and water supply areas affected by a cat-
21 astrophic event; and

22 “(E) such other activities as the Secretary
23 determines to be necessary to undertake the
24 special recovery project.

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

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

6 “(A) The term ‘eligible entity’ means a
7 State Forester or equivalent State official, an
8 Indian tribe, or local government. The term
9 may include community-based organizations
10 and other persons working in conjunction with
11 a State Forester or equivalent State official, an
12 Indian tribe, or local government.

13 “(B) The terms ‘catastrophic event’, ‘land-
14 scape assessment’, and ‘special recovery project’
15 have the meanings given those terms in section
16 3 of the Forest Emergency Recovery and Re-
17 search Act.

18 “(C) The term ‘community wildfire protec-
19 tion plan’ has the meaning given that term in
20 section 101(3) of the Healthy Forest Restora-
21 tion Act of 2003 (16 U.S.C. 6511(3)).”.

22 (b) CLERICAL AMENDMENT.—The heading of such
23 section is amended by inserting before the period at the
24 end the following: “**AND RESPONSE TO CATASTROPHIC**
25 **EVENTS**”.

1 **Subtitle B—Department of the**
2 **Interior Assistance**

3 **SEC. 211. RESTORING LANDSCAPES.**

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

13 (b) **DECISION TO PROVIDE ASSESSMENT ASSIST-**
14 **ANCE.**—In response to the request of an eligible entity for
15 assistance under subsection (a), the Secretary of the Inte-
16 rior shall make a decision, within 30 days after receiving
17 the request, whether or not to provide such assistance.
18 The decision rests in the sole discretion of the Secretary,
19 but, if the Secretary rejects the request for assistance, the
20 Secretary shall provide the eligible entity with an expla-
21 nation of the reasons for the rejection.

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

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

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

5 (d) SPECIAL RECOVERY PROJECTS.—The Secretary
6 of the Interior may provide assistance under subsection
7 (c)(2) for special recovery projects, including revegetation,
8 tree planting, and other practices the Secretary deter-
9 mines to be appropriate.

10 **SEC. 212. RESTORING COMMUNITIES.**

11 (a) COMMUNITY ASSESSMENTS.—At the request of
12 an eligible entity affected by a catastrophic event, the Sec-
13 retary of the Interior may cooperate with the eligible enti-
14 ty in the preparation of a community wildfire protection
15 plan or related plan.

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

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

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

7 (2) to implement special recovery projects iden-
8 tified in a community wildfire protection plan, a
9 community assessment, or a community action plan.

10 (d) SPECIAL RECOVERY PROJECTS.—Special recov-
11 ery projects supported under subsection (c)(2) may in-
12 clude projects involving—

13 (1) developing products from and markets for
14 timber harvested in response to a catastrophic event
15 and remaining forest resources;

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

18 (3) repair of forest roads, bridges, and trails
19 and water supply areas affected by a catastrophic
20 event; and

21 (4) such other activities as the Secretary deter-
22 mines to be necessary to undertake the special recov-
23 ery project.

1 **TITLE III—EXPERIMENTAL**
2 **FORESTS**

3 **SEC. 301. FINDINGS.**

4 Congress finds the following:

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

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

21 **SEC. 302. AVAILABILITY AND USE OF PRE-APPROVED MAN-**
22 **AGEMENT PRACTICES ON NATIONAL FOREST**
23 **EXPERIMENTAL FORESTS.**

24 Management practices included on the list of pre-ap-
25 proved management practices prepared under subsection

1 (a) of section 104 may be implemented, in the manner
2 provided by such section, in an experimental forest estab-
3 lished pursuant to section 4 of the Forest and Rangeland
4 Renewable Resources Research Act of 1978 (16 U.S.C.
5 1643) or the organic administrative authorities of the Sec-
6 retary of Agriculture (16 U.S.C. 551).

7 **SEC. 303. LIMITED CONSIDERATION OF ALTERNATIVES FOR**
8 **PROJECTS ON NATIONAL FOREST EXPERI-**
9 **MENTAL FORESTS.**

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

17 **TITLE IV—GENERAL**
18 **PROVISIONS**

19 **SEC. 401. REGULATIONS.**

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

1 **SEC. 402. DEDICATED SOURCE OF FUNDS FOR RESEARCH**
2 **AND MONITORING.**

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

6 (b) **DEPOSITS.**—Ten percent of the gross proceeds
7 derived by the Secretary concerned from catastrophic
8 event recovery projects and catastrophic event research
9 projects conducted by the Secretary concerned under title
10 I shall—

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

13 (2) remain available, without further appropria-
14 tion and until expended, for expenditure as provided
15 in subsection (c).

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

19 (1) to develop research protocols under section
20 101;

21 (2) to prepare and implement catastrophic
22 event research projects; and

23 (3) to provide for monitoring under sections
24 104 and 105.

25 (d) **RELATION TO OTHER FUNDS.**—Amounts in the
26 special account established for the Secretary concerned are

1 in addition to other amounts available to that Secretary
2 for the purposes described in subsection (c).

3 **SEC. 403. OTHER FUNDING SOURCES.**

4 (a) AVAILABILITY OF KNUTSON-VANDENBERG
5 FUNDS.—Section 3 of the Act of June 9, 1930 (commonly
6 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b),
7 is amended—

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

10 “(b) Amounts deposited under subsection (a) shall be
11 covered”;

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

17 (3) in subsection (c)—

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

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

21 (C) by inserting after paragraph (1) the
22 following new paragraph:

23 “(2) the excess amounts will not be needed for
24 activities of the Secretary under title I of the Forest
25 Emergency Recovery and Research Act during the

1 fiscal year in which the transfer would be made;
2 and”.

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

7 (1) in the fourth sentence, by inserting after
8 “the purposes for which deposited” the following:
9 “and to cover the costs of activities of the Secretary
10 under title I of the Forest Emergency Recovery and
11 Research Act”; and

12 (2) in last proviso, by striking “for which de-
13 posited on any national forest” and inserting “for
14 which deposits of money are available under this
15 subsection”.

16 (c) AVAILABILITY OF BLM REVOLVING FUND DE-
17 RIVED FROM DISPOSAL OF SALVAGE TIMBER.—The first
18 paragraph under the headings “FOREST ECOSYSTEMS
19 HEALTH AND RECOVERY” and “REVOLVING FUND, SPE-
20 CIAL ACCOUNT” in title I of the Department of the Interior
21 and Related Agencies Appropriations Act, 1993 (Public
22 Law 102–381; 106 Stat. 1376; 43 U.S.C. 1736a), is
23 amended by adding at the end the following new sentence:
24 “The money in this fund shall likewise be immediately
25 available to cover the costs of activities of the Bureau of

1 Land Management under title I of the Forest Emergency
2 Recovery and Research Act.”.

3 **SEC. 404. EFFECT OF DECLARATION OF MAJOR DISASTER**
4 **OR EMERGENCY.**

5 (a) AVAILABILITY OF FUNDS.—If an area of non-
6 Federal land damaged by a catastrophic event is also cov-
7 ered by a declaration by the President under section 401
8 or 501 of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act (42 U.S.C. 5170, 5191) that
10 a major disaster or emergency exists, the Director of Fed-
11 eral Emergency Management Agency may use funds avail-
12 able for activities under that Act to reimburse the Sec-
13 retary concerned for assistance in that area provided
14 under—

15 (1) subtitle B of title II; or

16 (2) subsection (c) of section 10A of the Cooper-
17 ative Forestry Assistance Act of 1978 (16 U.S.C.
18 2106c), as added by section 201.

19 (b) LIMITATION.—Reimbursements under subsection
20 (a) shall be limited to those activities authorized under
21 the Robert T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 5122 et seq.) for which assistance
2 under paragraph (1) or (2) of such subsection is provided.

Passed the House of Representatives May 17, 2006.

Attest:

Clerk.

109TH CONGRESS
2^D SESSION

H. R. 4200

AN ACT

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.