

108TH CONGRESS
1ST SESSION

H. R. 1042

To authorize collaborative forest restoration and wildland fire hazard mitigation projects on National Forest System lands and other public and private lands, to improve the implementation of the National Fire Plan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. UDALL of Colorado (for himself and Mr. UDALL of New Mexico) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize collaborative forest restoration and wildland fire hazard mitigation projects on National Forest System lands and other public and private lands, to improve the implementation of the National Fire Plan, 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.**

4 (a) SHORT TITLE.— This Act may be cited as the
5 “Forest Restoration and Fire Risk Reduction Act”.

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

- 3 Sec. 1. Short title.
- 4 Sec. 2. Findings.
- 5 Sec. 3. Purposes.
- 6 Sec. 4. Definitions.
- 7 Sec. 5. Transition.
- 8 Sec. 6. Cooperative program for hazardous fuel reduction projects.
- 9 Sec. 7. Selection process for hazardous fuels reduction projects.
- 10 Sec. 8. Monitoring and evaluation requirements.
- 11 Sec. 9. Administrative procedures under cooperative community protection and
12 forest restoration program.
- 13 Sec. 10. Special Department of Agriculture administrative appeals process for
14 hazardous fuels reduction projects.
- 15 Sec. 11. Forest restoration and homeowner assistance program and projects.
- 16 Sec. 12. Forest Restoration and Value-added Centers.
- 17 Sec. 13. Competitive service hiring preference for graduates of certified youth
service or conservation corps.
- 18 Sec. 14. Research and training.
- 19 Sec. 15. Authorization of appropriations.

20 **3 SEC. 2. FINDINGS.**

21 Congress finds the following:

22 (1) More than a century of intensive fire sup-
23 pression, logging, livestock grazing, and urban devel-
24 opment has altered the natural fire regimes of some
25 forested Federal public lands.

26 (2) One aspect of this altered ecological dy-
27 namic is the presence of many dense tree stands
28 characterized by small diameter trees and excessive
29 fuel buildups on the forest floor. These conditions
30 reduce biodiversity, provide fewer benefits to human
31 communities, wildlife, and watersheds, and pose an
32 increased risk of catastrophic wildfires that can de-
33 stroy or seriously damage both human and natural
34 resources.

1 (3) Unnaturally severe wildfires on highly erod-
2 ible soils can result in disastrous flood events and
3 sediment deposition if such a fire is followed by
4 heavy rains. This combination of events poses a par-
5 ticular threat to communities that rely on municipal
6 drinking water supply facilities located on Federal
7 public lands or that rely on water flowing from these
8 lands.

9 (4) Healthy and productive forested watersheds
10 minimize the threat of unnaturally high-intensity
11 wildfires, provide abundant and diverse wildlife habi-
12 tat, and produce a variety of products or benefits,
13 including clean water.

14 (5) The risk of damage to human life and prop-
15 erty from unnaturally severe wild fires is greatly in-
16 creased in areas where rapidly expanding urban pop-
17 ulations are intermingled with forested wildlands,
18 and a primary purpose of the National Fire Plan is
19 to reduce the risk of such wild fires in these areas,
20 known as the “wildland/urban interface”.

21 (6) Restoration efforts are more successful
22 when there is involvement from Federal and State
23 land managers, as well as neighboring communities
24 and other interested persons, when projects are
25 prioritized in high-risk areas where municipal water

1 supplies and human lives and property are threat-
2 ened, and when both decisions and implementation
3 activities are carried out across ownership bound-
4 aries.

5 (7) Designing demonstration restoration
6 projects through a collaborative approach may con-
7 tribute to the development of cost-effective restora-
8 tion activities, empower diverse organizations to im-
9 plement activities that value local and traditional
10 knowledge, build ownership and civic pride, and en-
11 sure healthy, diverse, and productive forests and wa-
12 tersheds.

13 **SEC. 3. PURPOSES.**

14 The purposes of this Act are as follows:

15 (1) To reduce the risks to human life and prop-
16 erty and municipal drinking water supplies from
17 large, high-intensity wildfires on forested lands.

18 (2) To refocus the implementation of the Na-
19 tional Fire Plan to the areas of highest risk to peo-
20 ple, property, and water supplies by redirecting the
21 National Fire Plan funding and hazardous fuels re-
22 duction projects through State-established project
23 selection panels.

24 (3) To improve communication and joint-prob-
25 lem solving among Federal, State, and local land

1 managers, as well as other individuals and groups
2 who are interested in reducing the risk of unnatu-
3 rally severe wildfires and restoring the diversity of
4 forested lands.

5 (4) To encourage sustainable communities and
6 sustainable forests through collaborative partner-
7 ships focused on forest restoration and reducing the
8 risk of unnaturally severe wildfires.

9 (5) To develop, demonstrate, and evaluate eco-
10 logically sound forest restoration techniques and to
11 assist in carrying out forest restoration projects.

12 **SEC. 4. DEFINITIONS.**

13 In this Act:

14 (1) FEDERAL LANDS.—The term “Federal
15 lands” means—

16 (A) National Forest System lands; and

17 (B) public lands administered by the Sec-
18 retary of the Interior acting through the Bu-
19 reau of Land Management.

20 (2) HAZARDOUS FUELS REDUCTION
21 PROJECT.—The term “hazardous fuels reduction
22 project” means a project—

23 (A) undertaken for the purpose of reducing
24 the amount of hazardous fuels resulting from
25 alteration of a natural fire regime as a result

1 of fire suppression or other activities or from
2 insect infestation; and

3 (B) accomplished through the use of pre-
4 scribed burning or mechanical treatment.

5 (3) INVENTORIED ROADLESS AREAS.—The term
6 “inventoried roadless areas” means the areas identi-
7 fied in a set of inventoried roadless area maps con-
8 tained in the Forest Service Roadless Area Con-
9 servation, Final Environmental Impact Statement,
10 Volume 2, dated November 2000.

11 (4) MUNICIPAL WATER SUPPLY SYSTEM.—The
12 term “municipal water supply system” means the
13 dams, reservoirs, canals, ditches, flumes, laterals,
14 pipes, pipelines, or other surface facilities and sys-
15 tems constructed or installed for the impoundment,
16 storage, transportation, or distribution of drinking
17 water for a community.

18 (5) NATIONAL FIRE PLAN.—The term “Na-
19 tional Fire Plan” means the plans, strategies,
20 projects, and activities of the Secretary concerned to
21 respond to adverse impacts on communities and the
22 environment from wildfires on Federal lands, which
23 are based on and reflect—

24 (A) the report of the Secretary of Agri-
25 culture and the Secretary of the Interior enti-

1 tled “Managing the Impact of Wildfires on
2 Communities and the Environment”, dated
3 September 8, 2000; and

4 (B) congressional direction accompanying
5 appropriations to the Department of Agri-
6 culture and the Department of the Interior for
7 wildland fire management for fiscal year 2001
8 and subsequent years.

9 (6) SECRETARY CONCERNED.—The term “Sec-
10 retary concerned” means—

11 (A) the Secretary of Agriculture (or the
12 designee of the Secretary) with respect to Na-
13 tional Forest System lands; and

14 (B) the Secretary of the Interior (or the
15 designee of the Secretary) with respect to public
16 lands administered by the Secretary through
17 the Bureau of Land Management.

18 (7) STAKEHOLDER.—The term “stakeholder”
19 includes forest landowners, local communities and
20 political leaders, tribal governments, local volunteer
21 firefighters, conservation organizations, educational
22 institutions, and other interested public and private
23 entities.

24 (8) WILDERNESS STUDY AREA.—The term
25 “Wilderness Study Area” means—

1 (A) a portion of the Federal lands that is
2 designated as suitable for wilderness in a land
3 and resources management plan; or

4 (B) other Federal lands that are managed
5 so as not to impair the suitability of such lands
6 for preservation as wilderness through inclusion
7 in the National Wilderness Preservation Sys-
8 tem.

9 (9) WILDLAND-URBAN INTERFACE.—The term
10 “wildland-urban interface” means a geographic area
11 designated by the Secretary concerned as an area—

12 (A) that is within or adjacent to an inter-
13 face community or intermix community, as
14 those terms are defined on page 753 of volume
15 66 of the Federal Register, as published on
16 January 4, 2001;

17 (B) on which conditions are conducive to
18 large-scale fire disturbance events; and

19 (C) for which a significant risk exists of a
20 resulting spread of the fire disturbance event,
21 after ignition, which would threaten human life
22 and property.

23 **SEC. 5. TRANSITION.**

24 (a) IMPLEMENTATION.—No hazardous fuels reduc-
25 tion project shall be planned or carried out by the Sec-

1 Secretary concerned under the National Fire Plan unless the
2 project is planned and carried out pursuant to this Act.

3 (b) EXCEPTION FOR ONGOING PROJECTS.—This Act
4 shall not apply to a hazardous fuels reduction project for
5 which analysis required pursuant to the National Environ-
6 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.) has
7 been completed on or before the date of the enactment
8 of this Act.

9 **SEC. 6. COOPERATIVE PROGRAM FOR HAZARDOUS FUEL**
10 **REDUCTION PROJECTS.**

11 (a) COOPERATIVE COMMUNITY PROTECTION AND
12 FOREST RESTORATION PROGRAM.—

13 (1) ESTABLISHMENT.—The Secretary con-
14 cerned shall establish a cooperative community pro-
15 tection and forest restoration program under the
16 National Fire Plan to make cost-share grants to en-
17 able stakeholders to participate with the Secretary
18 concerned in planning and carrying out hazardous
19 fuels reduction projects that—

20 (A) are conducted in the wildland-urban
21 interface or to protect municipal water supply
22 systems;

23 (B) are designed, implemented, and mon-
24 itored through a collaborative process that in-
25 cludes a diverse and balanced group of stake-

1 holders, as well as appropriate Federal, tribal,
2 State and local government representatives;

3 (C) create local employment or training op-
4 portunities within the context of accomplishing
5 restoration objectives that are consistent with
6 the purposes of this Act; and

7 (D) satisfy the other requirements speci-
8 fied in subsection (d).

9 (2) CROSS-BOUNDARY PROJECTS AND PARTICI-
10 PATION.—Except as otherwise provided in this sec-
11 tion, hazardous fuels reduction projects under the
12 program may be carried out entirely on, or involve
13 any combination of, Federal lands, tribal lands,
14 State or local government lands, or private forest
15 lands. Prioritization, decisionmaking, and implemen-
16 tation of approved hazardous fuels reduction
17 projects should be on a cross-boundary, landscape-
18 scale basis, with both State and Federal land man-
19 agers able to act as agents of the other parties to
20 the project.

21 (3) ADMINISTRATION.—A grant made under
22 the program shall be administered by the appro-
23 priate State Forester, in cooperation with the Sec-
24 retary concerned in the same manner as grants

1 made pursuant to the Cooperative Forestry Assist-
2 ance Act of 1978 (16 U.S.C. 2101 et seq.).

3 (4) COST-SHARE REQUIREMENTS.—The Federal
4 share of the cost of a hazardous fuels reduction
5 project under the program shall not exceed 80 per-
6 cent of the total cost of the project. The required 20
7 percent matching funds may be provided in the form
8 of cash or in-kind contributions.

9 (b) EXCLUSION OF CERTAIN FEDERAL LANDS.—A
10 hazardous fuels reduction project under the program shall
11 not be conducted on the following Federal lands:

12 (1) A component of the National Wilderness
13 Preservation System.

14 (2) Federal lands where, by Act of Congress,
15 Presidential proclamation, or applicable land and re-
16 source management plan, the removal of vegetation
17 is prohibited or restricted.

18 (3) Wilderness Study Areas.

19 (4) Inventoried Roadless Areas.

20 (c) TREE REMOVAL AND THINNING LIMITATIONS.—
21 In conducting a hazardous fuels reduction project under
22 the program, if the Federal lands to be treated by the
23 project contain fire resistant, pre-fire-exclusion old or
24 large trees, the Secretary concerned shall limit the number
25 and size of the trees to be removed so as to maintain as

1 nearly as possible an ecologically optimum number of such
2 trees, as determined by the Secretary concerned on a
3 project-by-project basis, appropriate for each ecosystem
4 type. The Secretary concerned shall also emphasize the re-
5 moval of small-diameter trees and thinning from below for
6 the project.

7 (d) OTHER ELIGIBILITY REQUIREMENTS.—

8 (1) OBJECTIVES.—To be an eligible hazardous
9 fuels reduction project under the program, the
10 project shall address the following objectives:

11 (A) Reduce the threat of large, high-inten-
12 sity wildfires in the area of the project and the
13 negative effects of excessive competition be-
14 tween trees by restoring ecosystem functions,
15 structures, and species composition, including
16 the reduction of nonnative species populations
17 and the retention of old or large native-species
18 trees.

19 (B) Reestablish fire regimes approximating
20 those that shaped forest ecosystems prior to in-
21 tensive fire suppression.

22 (C) Improve the ability of State and local
23 fire departments to safely and effectively per-
24 form initial fire control in the area of the
25 project.

1 (D) Mitigate areas at high risk for flood,
2 erosion, or sediment damage following a
3 wildland fire, rehabilitate areas that have expe-
4 rienced such fire-related damage, or both.

5 (E) Where appropriate, improve the use of,
6 or add value to, small diameter trees.

7 (2) COMPLIANCE WITH ENVIRONMENTAL
8 LAWS.—The planning and implementation of a haz-
9 ardous fuels reduction project under the program
10 shall comply with all applicable Federal and State
11 environmental laws and incorporate current sci-
12 entific forest restoration information.

13 (3) ASSESSMENT REQUIREMENTS.—Each haz-
14 ardous fuels reduction project under the program
15 shall include a multiparty assessment—

16 (A) to identify both the existing ecological
17 condition of the proposed project area and the
18 desired future condition; and

19 (B) to evaluate, upon project completion,
20 the positive or negative impact and effectiveness
21 of the project.

22 (e) ANNUAL WORKSHOP.—Each stakeholder that de-
23 sires to participate in a hazardous fuels reduction project
24 under the program shall enter into an agreement to attend
25 an annual workshop with other stakeholders for the pur-

1 pose of discussing the program and the hazardous fuels
2 reduction projects implemented under the program. The
3 Secretary concerned shall coordinate and fund the annual
4 workshop, and stakeholders may use a portion of the funds
5 provided for projects under the program to pay for travel
6 and per diem expenses to attend the workshop.

7 (f) REPORT.—Not later than five years after the end
8 of the first fiscal year in which funding is made available
9 for the program, the Secretary concerned shall submit a
10 report to the Committee on Energy and Natural Re-
11 sources of the Senate and the Committee on Resources
12 of the House of Representatives containing an assessment
13 on whether, and to what extent, the hazardous fuel reduc-
14 tion projects funded under the program are meeting the
15 purposes of this Act.

16 **SEC. 7. SELECTION PROCESS FOR HAZARDOUS FUELS RE-**
17 **DUCTION PROJECTS.**

18 (a) DETERMINATION OF PROJECT FUNDING PRIOR-
19 ITIES.—Prior to the selection of hazardous fuels reduction
20 projects under section 6, the State Forester and Regional
21 Forester, and the State Forester and State Director of
22 the Bureau of Land Management, of each State in which
23 such projects will be conducted shall meet with the tech-
24 nical advisory panel for the State established in subsection
25 (c) to determine priorities for project funding.

1 (b) SELECTION OF PROPOSALS TO BE FUNDED.—

2 (1) RECOMMENDATIONS.—After consulting with
3 the technical advisory panels for a State, the State
4 Forester, Regional Forester, and State Director of
5 the Bureau of Land Management shall jointly sub-
6 mit to the Secretary concerned recommendations re-
7 garding priority hazardous fuels reduction projects
8 that should be funded under section 6.

9 (2) SELECTION.—Based on the recommenda-
10 tions received under paragraph (1), the Secretary
11 concerned shall then select the hazardous fuels re-
12 duction project proposals to be funded under section
13 6.

14 (3) PRIORITIES.—The Secretary concerned
15 shall give priority to hazardous fuels reduction
16 projects that can be conducted across ownership
17 boundaries for the benefit of a larger landscape or
18 watershed.

19 (c) TECHNICAL ADVISORY PANEL.—

20 (1) PANEL REQUIRED; PURPOSE.—The Sec-
21 retary concerned shall convene a technical advisory
22 panel for each State in which hazardous fuels reduc-
23 tion projects will be conducted under section 6 for
24 the purpose of setting protection and restoration pri-
25 orities, evaluating all proposed projects, and pro-

1 viding recommendations under subsection (a). The
2 Secretary concerned shall establish the procedures
3 through which each panel will develop its rec-
4 ommendations.

5 (2) ADMINISTRATION.—The technical advisory
6 panel for a State shall be jointly administered by the
7 State Forester and the Regional Forester, in the
8 case of panels convened by the Secretary of Agri-
9 culture, or the State Forester and the State Director
10 of the Bureau of Land Management, in the case of
11 panels convened by the Secretary of the Interior.

12 (3) COMPOSITION.—Each technical advisory
13 panel shall be composed of 10 to 13 members ap-
14 pointed by the Secretary concerned from persons
15 recommended by the respective State Forester and
16 Regional Forester or State Director of the Bureau
17 of Land Management.

18 (4) REQUIRED MEMBERS.—At a minimum, the
19 technical advisory panel for a State shall include the
20 following members:

21 (A) An official of the natural resource de-
22 partment of the State or an equivalent State
23 agency.

24 (B) Two representatives from Federal land
25 management agencies.

1 (C) One tribal representative, if the State
2 includes at least one federally-recognized Indian
3 tribe.

4 (D) One representative of the State's local
5 fire departments.

6 (E) Two independent scientists with expe-
7 rience in forest ecosystem restoration.

8 (F) An equal number of representatives
9 from each of the following:

10 (i) One or more recognized conserva-
11 tion organizations.

12 (ii) Local communities.

13 (iii) Local commodity interests.

14 **SEC. 8. MONITORING AND EVALUATION REQUIREMENTS.**

15 (a) MULTI-PARTY PROCESS.— The Secretary con-
16 cerned shall establish a multiparty monitoring and evalua-
17 tion process in order to assess the cumulative accomplish-
18 ments or adverse impacts of hazardous fuels reduction
19 projects conducted under section 6. To the extent prac-
20 ticable, the Secretary concerned shall include any inter-
21 ested individual or organization in the monitoring and
22 evaluation process.

23 (b) DEPARTMENT MONITORING.—The Secretary con-
24 cerned also shall conduct a monitoring program to assess
25 the short- and long-term ecological effects of the haz-

1 arduous fuels reduction projects conducted under section 6.
2 The monitoring of a project shall be performed for a min-
3 imum of 15 years.

4 **SEC. 9. ADMINISTRATIVE PROCEDURES UNDER COOPERA-**
5 **TIVE COMMUNITY PROTECTION AND FOREST**
6 **RESTORATION PROGRAM.**

7 (a) SCOPING.—In accordance with applicable regula-
8 tions and administrative guidelines in effect on January
9 1, 2003, the Secretary concerned shall conduct scoping for
10 each hazardous fuel reduction project involving Federal
11 lands to be conducted under section 6. Scoping shall in-
12 clude an opportunity for public participation.

13 (b) PUBLIC MEETING.—Upon completion of the
14 scoping for a hazardous fuel reduction project involving
15 Federal lands, the Secretary concerned shall conduct a
16 public meeting at an appropriate location with respect to
17 the project.

18 **SEC. 10. SPECIAL DEPARTMENT OF AGRICULTURE ADMIN-**
19 **ISTRATIVE APPEALS PROCESS FOR HAZ-**
20 **ARDOUS FUELS REDUCTION PROJECTS.**

21 (a) APPLICABILITY.—The Secretary of Agriculture
22 shall use the following administrative appeal process to
23 consider appeals regarding hazardous fuels reduction
24 projects to be conducted on National Forest System lands
25 under section 6.

1 (b) DOCUMENTS.—

2 (1) COMPLETE AND AVAILABILITY.—Under this
3 administrative appeal process, the environmental
4 analysis document, analysis file, and decision docu-
5 ment for a hazardous fuels reduction project shall be
6 complete and available for public review once notice
7 of the decision document is provided in the local
8 paper of record. The Secretary of Agriculture shall
9 seek to make these documents as widely available as
10 possible, through posting on the Internet and in
11 other ways.

12 (2) REVISION.—Except as provided in this sec-
13 tion, the environmental analysis document, analysis
14 file, and decision document may not be revised after
15 it is made available to the public unless the Sec-
16 retary of Agriculture provides new public notice and
17 recommences the time limits specified in this sub-
18 section for the project.

19 (c) ELIGIBILITY.—To be eligible to appeal a haz-
20 ardous fuels reduction project under this administrative
21 appeal process, a person must have submitted written
22 comments during the preparation stage of the project on
23 an issue specifically related to the project for which the
24 appeal is sought. For purposes of this subsection, a writ-

1 ten comment includes a comment sent by e-mail or fac-
2 simile.

3 (d) SUBMISSION OF NOTICE OF INTENT TO AP-
4 PEAL.—

5 (1) TIME FOR SUBMISSION.—The Secretary of
6 Agriculture shall give eligible persons a 10-day pe-
7 riod, beginning on the date the signed decision docu-
8 ment for a hazardous fuels reduction project is made
9 available to the public, during which to submit writ-
10 ten notice of an intent to appeal the decision. Notice
11 submitted after the end of such period shall not be
12 accepted. For purposes of this paragraph, a written
13 notice includes a notice submitted by e-mail or fac-
14 simile, and written notice submitted by mail shall be
15 considered to have been submitted on the date
16 shown by a postmark or other evidence of the date
17 on which it was mailed.

18 (2) EFFECT OF FAILURE TO TIMELY SUBMIT.—
19 If no valid notice of appeal is submitted within the
20 required period, the hazardous fuels reduction
21 project shall not be subject to appeal under this ad-
22 ministrative appeal process or any other provision of
23 law, and the decision document shall be considered
24 the final agency decision.

1 (e) FILING OF APPEAL.—The Secretary of Agri-
2 culture shall give an eligible person who timely submits
3 the notice of intent to appeal with regard to a hazardous
4 fuels reduction project a 15-day period during which to
5 file the administrative appeal. This period shall begin at
6 the end of the 10-day period required by subsection (d),
7 not on the day the person actually submitted the notice.

8 (f) STAY OF ACTION.—Upon the timely submission
9 of a notice of an intent to appeal a hazardous fuels reduc-
10 tion project under subsection (d), the Secretary of Agri-
11 culture shall take no action to implement the hazardous
12 fuels reduction project until the completion of the appeal
13 process and any judicial review of the project, unless the
14 person submitting a notice of intent fails to timely file the
15 administrative appeal under subsection (e).

16 (g) TIME FOR REVIEW.—Upon receipt of the admin-
17 istrative appeal with regard to a hazardous fuels reduction
18 project, the appeals officer shall consider and render a de-
19 cision on the appeal within 25 days.

20 (h) HANDLING OF APPEALS.—

21 (1) NEGOTIATIONS AUTHORIZED.—The appeals
22 officer may enter into negotiations with the appel-
23 lant and other interested persons who filed com-
24 ments during the preparation stage of the hazardous
25 fuels reduction project subject to the review. Any de-

1 decision document resulting from the negotiations shall
2 be considered the final agency decision.

3 (2) NEW DECISION DOCUMENT.—The appeals
4 officer may sign a new decision document correcting
5 errors or otherwise modifying the decision document
6 or may remand the case for further proceedings. If
7 the appeals officer signs a new decision document,
8 the appeals officer shall supplement the record with
9 explanatory analysis and documentation. The new
10 decision document shall be considered the final agen-
11 cy decision.

12 (3) EXTENSION OF TIME PERIODS.—In order to
13 facilitate negotiations, or for any other reason con-
14 sidered appropriate by the Secretary of Agriculture,
15 the Secretary may extend either or both of the peri-
16 ods specified in subsections (d) and (e) for submis-
17 sion of a notice of intent to appeal and for filing of
18 an appeal.

19 (i) RELATION TO EXISTING AUTHORITY.—Any provi-
20 sion of section 322 of the Department of the Interior and
21 Related Agencies Appropriations Act, 1993 (Public Law
22 102–381; 16 U.S.C. 1612 note), that is inconsistent with
23 the process established by this section shall not apply to
24 a hazardous fuels reduction project covered by this Act.

1 **SEC. 11. FOREST RESTORATION AND HOMEOWNER ASSIST-**
2 **ANCE PROGRAM AND PROJECTS.**

3 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
4 of Agriculture and the Secretary of the Interior (in this
5 section referred to as the “Secretaries”) shall jointly es-
6 tablish a program to identify and carry out projects to
7 implement this section on the Federal lands and, subject
8 to subsections (c) and (d), certain non-Federal lands.

9 (b) AUTHORIZED PROJECT ACTIVITIES.—Projects
10 identified and implemented under the program are limited
11 to one or more of the following activities:

12 (1) Erosion control and restoration of healthy,
13 properly functioning watersheds, including meadows,
14 upslope areas, riparian and floodplain areas, stream
15 channels, and wetlands.

16 (2) Activities to implement a recovery plan for
17 a threatened or endangered species.

18 (3) Road and trail assessments and plans and
19 the maintenance, obliteration, or closure of roads
20 and trails.

21 (4) Wildlife and fish habitat management ac-
22 tivities designed to restore native species and their
23 habitats.

24 (5) Monitoring, including multiparty moni-
25 toring, of the implementation and effectiveness of
26 the projects.

1 (6) Watershed analysis, including resource con-
2 ditions and trend assessments.

3 (7) Restoration job training and the support of
4 existing, and the creation of new, micro- and small
5 enterprises related to restoration and the utilization
6 and marketing of by-products derived from the
7 projects.

8 (8) Activities to ensure compliance with the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4331 et seq.).

11 (9) Ecologically appropriate actions for the con-
12 trol and removal of noxious and invasive species.

13 (10) Reimbursement of the United States Fish
14 and Wildlife Service and the National Marine Fish-
15 eries Service for the costs of carrying out their re-
16 sponsibilities under section 7 of the Endangered
17 Species Act of 1972 (16 U.S.C. 1536) related to
18 consultation and conference in connection with the
19 projects.

20 (11) Assisting the owners of eligible residences
21 to reduce the risk of damage to such residences and
22 appurtenant structures from wild fires on adjacent
23 lands.

24 (c) COOPERATIVE AGREEMENTS.—

1 (1) PROJECTS ON NON-FEDERAL LAND.—The
2 Secretaries may enter into cooperative agreements
3 with State and local governments, tribal govern-
4 ments, private and nonprofit entities, and land-
5 owners for protection, restoration, and enhancement
6 of fish and wildlife habitat and other resources on
7 public or private lands, or both, that benefit these
8 resources within a watershed.

9 (2) COST-SHARING REQUIREMENT.—If funds
10 provided under this section are expended on a
11 project conducted in whole or part on non-Federal
12 lands, the Federal share of the project’s total costs
13 shall not exceed 70 percent.

14 (d) HOMEOWNER ASSISTANCE.—

15 (1) ELIGIBILITY REQUIREMENTS.—Funds pro-
16 vided pursuant to a cooperative agreement under
17 subsection (c) may be expended to reduce the likeli-
18 hood of damage from fire to a residence located in
19 the wildland-urban interface, or to a structure ap-
20 purtenance to such a residence, if the Secretary con-
21 cerned determines that such a residence is vulner-
22 able to damage from a wildfire originating on adja-
23 cent lands.

24 (2) APPLICABILITY OF OTHER PROVISIONS.—
25 Subsections (e) through (i) shall not apply to a

1 project under this section involving only the provi-
2 sion of assistance under this subsection.

3 (3) IMPLEMENTATION CRITERIA.—The Secre-
4 taries, in consultation with the State Foresters, shall
5 develop criteria for implementation of this subsection
6 in order to achieve the most effective and efficient
7 use of Federal funds.

8 (e) MONITORING.—

9 (1) MULTIPARTY MONITORING, EVALUATION,
10 AND ACCOUNTABILITY PROCESS.—The Secretaries
11 shall establish a multiparty monitoring, evaluation,
12 and accountability process in order to assess the eco-
13 logical, social, and economic impacts of projects con-
14 ducted under the program. A project may not be im-
15 plemented, in whole or in part, under the program
16 until the Secretaries reserve sufficient funds to en-
17 sure that the multiparty monitoring and evaluation
18 required by this subsection will be performed with
19 respect to the project.

20 (2) MONITORING REPORT.—The Secretaries
21 shall complete a detailed monitoring report for each
22 project conducted under the program that evaluates
23 whether the project was properly implemented and
24 was effective in accomplishing restoration objectives,
25 whether the assumptions that went into the project's

1 design were valid, and whether funding amounts and
2 sources were sufficient. The monitoring report shall
3 provide for validation monitoring and include an as-
4 sessment and identification of the following:

5 (A) Whether or not the project met desired
6 ecological conditions, including soils, water, and
7 native fish and wildlife, and used low-impact
8 equipment.

9 (B) Whether or not the project created
10 high-skill, long-duration employment or training
11 opportunities for local crews, small or micro-en-
12 terprises, underserved communities, or mobile
13 workers, including whether or not the project
14 created, or used existing, natural-resource re-
15 lated small or micro-enterprises.

16 (C) The duration of each contract used to
17 implement the project; the average wage re-
18 ceived by persons implementing the contract,
19 and the name and size of the entity that se-
20 cured the contract.

21 (D) An overall assessment of the positive
22 or negative impact and effectiveness of the
23 project.

24 (3) ANNUAL REPORT.—The Secretaries shall
25 submit an annual report to the Committee on En-

1 ergy and Natural Resources of the Senate and the
2 Committee on Resources of the House of Represent-
3 atives detailing the information identified pursuant
4 to this subsection.

5 (4) COLLECTION AND COMPILATION OF
6 DATA.—The Secretaries shall ensure that monitoring
7 data is collected and compiled in a way that the gen-
8 eral public can easily access. The Secretaries may
9 collect the data using cooperative agreements,
10 grants, or contracts with small or micro-enterprises,
11 or Youth Conservation Corps work crews or related
12 partnerships with State, local, and non-profit youth
13 groups.

14 (f) REQUIRED ASSESSMENT AND ESTIMATES. Before
15 initiating a project under the program, the Secretaries
16 shall complete the following with respect to the project:

17 (1) An assessment of the expected outcomes, includ-
18 ing how the project will help to accomplish restoration ob-
19 jectives to improve the health, diversity, or ecological proc-
20 esses of the lands covered by the project. Specific benefits
21 to soil, water, and native wildlife and fish habitats must
22 be identified, as well as how the project will restore natu-
23 rally occurring ecological processes.

24 (2) Within the context of accomplishing restoration
25 objectives, an estimation of the number of jobs or training

1 opportunities, crew size, contract duration, and equipment
2 requirements that may be created by the project, including
3 opportunities for Youth Conservation Corps work crews or
4 partnerships with non-Federal youth groups.

5 (3) An estimate of the number of natural resource-
6 related small or micro-enterprises that may be created as
7 a result of the project and the number of existing small
8 or micro-enterprises that may benefit from the project.

9 (g) REQUIRED SET-ASIDES.—

10 (1) SET-ASIDE OF FUNDS.—The Secretaries
11 shall ensure that all contracts to implement projects
12 under the program are issued or awarded to—

13 (A) natural-resource related small or
14 micro-enterprises;

15 (B) Youth Conservation Corps crews or re-
16 lated partnerships with State, local and non-
17 profit youth groups;

18 (C) entities (including Indian tribes and
19 the Restoration and Value-added Centers estab-
20 lished under section 12) that will hire or train
21 local people, or re-train nonlocal traditional for-
22 est workers, to perform activities under the con-
23 tract; or

24 (D) local entities that meet the criteria to
25 qualify for the Historically Underutilized Busi-

1 ness Zone Program under section 31 of the
2 Small Business Act (15 U.S.C. 657a).

3 (2) SET-ASIDE OF PROJECT ACTIVITIES.—The
4 Secretaries shall ensure that, on an annual basis, 50
5 percent of all projects involving the sale of mer-
6 chantable material under the program are imple-
7 mented using separate contracts for—

8 (A) the harvesting or collection of mer-
9 chantable material; and

10 (B) the sale of such material.

11 (h) BEST-VALUE CONTRACTING.—In order to imple-
12 ment a project under the program, and consistent with
13 the Federal acquisition requirements for best-value con-
14 tracting, the Secretaries shall select a source for perform-
15 ance of a contract or agreement on a best-value basis,
16 after consideration of the following:

17 (1) Understanding of the technical demands
18 and complexity of the work to be done.

19 (2) Ability of the offeror to meet desired eco-
20 logical objectives of the project and the sensitivity of
21 the resources being treated.

22 (3) The offeror's commitment to hiring or
23 training workers from the local area and the poten-
24 tial for benefit to local small and micro-enterprises

1 involved in the processing of by-products derived
2 from the project.

3 (4) The past performance by the offeror with
4 the type of work being done, the application of low-
5 impact equipment, and the ability of the offeror to
6 meet desired ecological conditions.

7 (5) The commitment and feasibility of the con-
8 tractor to training workers for high wage and high
9 skill jobs that are long in duration.

10 (6) The commitment of the offeror to hiring
11 highly qualified workers and local residents.

12 (i) SOLE SOURCE PROCUREMENT AUTHORITY.—

13 (1) USE TO PROMOTE MICRO- AND SMALL-EN-
14 TERPRISES.—In implementing this section, a con-
15 tracting officer may award on a sole source basis
16 projects up to \$100,000 for the purpose of providing
17 projects to micro- and small-enterprises in order to
18 help establish them as viable enterprises.

19 (2) ELIGIBLE ENTITIES.—To be eligible for a
20 sole source contract under this subsection, a micro-
21 or small-enterprise must complete training provided
22 by a Restoration and Value-added Center established
23 under section 12 or other program for certification
24 as a micro- or small-enterprise, such as the Jobs-in-
25 the-Woods program. The micro- or small-enterprise

1 must present certification from the training provider
2 that the micro- or small-enterprise is ready to per-
3 form.

4 (3) ADVANCE PAYMENTS.—The contracting of-
5 ficer may make advance payment to enterprises cer-
6 tified as provided in paragraph (2).

7 (4) LIMIT ON CONTRACTS.—Based on the per-
8 formance of the micro- or small-enterprise, and in
9 consultation with the training provider under para-
10 graph (2), the contracting officer may award up to
11 five contracts under this subsection, after which the
12 enterprise will no longer be eligible for any further
13 sole source awards.

14 (5) PROCUREMENT PERSONNEL.—The Secre-
15 taries shall hire additional procurement personnel,
16 including contracting officer trainees, in order to im-
17 plement this section.

18 **SEC. 12. FOREST RESTORATION AND VALUE-ADDED CEN-**
19 **TERS.**

20 (a) ESTABLISHMENT.—The Secretary of Agriculture,
21 acting through the Regional Foresters, shall establish For-
22 est Restoration and Value-added Centers in order to im-
23 prove the implementation of collaborative, community-
24 based restoration projects on the National Forest System
25 lands and other lands. The Secretary may enter into part-

1 nerships with other Federal agencies or other organiza-
2 tions, including local non-profit organizations, conserva-
3 tion groups, and community colleges to establish and
4 maintain the Restoration Centers.

5 (b) LOCATION.—The Secretary of Agriculture shall
6 ensure that at least one Restoration Center is located in
7 each Forest Service Region and that every Restoration
8 Center is located in a small, rural community adjacent to
9 or surrounded by National Forest System lands.

10 (c) PROVISION OF TECHNICAL ASSISTANCE AND
11 GRANTS.—The Restoration Centers shall develop pro-
12 grams to provide technical assistance and grants to non-
13 profit organizations, existing small or micro-enterprises,
14 and individuals interested in creating a natural-resource
15 related small or micro-enterprise for the purpose of—

16 (1) conducting forest restoration activities, in-
17 cluding environmental assessments and monitoring;
18 or

19 (2) utilizing processing techniques for the by-
20 products of restoration and value-added manufac-
21 turing.

22 (d) TYPES OF TECHNICAL ASSISTANCE.—The Res-
23 toration Centers shall provide technical assistance in—

1 (1) using the latest scientific information and
2 methodology to accomplish restoration and land
3 health objectives;

4 (2) accessing capital from public and private
5 sources;

6 (3) workforce training for value-added manufac-
7 turing and restoration activities, including environ-
8 mental assessments and monitoring;

9 (4) marketing and business support for con-
10 servation-based small and micro-businesses located
11 in rural communities to better access urban markets;

12 (5) developing technology for restoration activi-
13 ties and use of products resulting from restoration
14 activities.

15 (e) ESTABLISHMENT PROCESS.—The Secretary of
16 Agriculture shall select the location at which each Restora-
17 tion Center will be established based on requests for pro-
18 posals. The Secretary shall appoint an advisory committee
19 for each Forest Service Region that, consistent with the
20 Federal Advisory Committee Act, will recommend a loca-
21 tion for the Restoration Center for that Region.

22 (f) ADVISORY COMMITTEE.—The advisory commit-
23 tees appointed pursuant to subsection (e) shall include—

24 (1) Representatives of the Environmental Pro-
25 tection Agency, United States Fish and Wildlife

1 Service, and relevant State wildlife-management
2 agencies.

3 (2) Representatives of any affected Indian
4 tribes or pueblos.

5 (3) Representatives of the Department of
6 Labor, the Small Business Administration, and ap-
7 propriate State agencies with expertise in micro-en-
8 terprises.

9 (4) Representatives (other than elected officials)
10 of community groups active in National Forest or
11 public land conservation.

12 (5) At least two scientists with expertise in eco-
13 system restoration who are not employees of any
14 Federal or State agency.

15 (6) Representatives of national or regional envi-
16 ronmental organizations.

17 (7) Representatives of regional value-added for-
18 est products companies.

19 (g) FEDERAL FUNDING.—The Secretary of Agri-
20 culture shall make grants to each Restoration Center in
21 amounts sufficient to cover 75 percent of the Restoration
22 Center's operating costs, but not to exceed \$1,000,000 an-
23 nually per Restoration Center. After a Restoration Center
24 has operated for five years, the Secretary may begin to
25 reduce the level of Federal funding for the Restoration

1 Center's operating costs, based on the performance of the
2 Restoration Center.

3 (h) EXPANSION TO OTHER FEDERAL LANDS.—In
4 order to determine whether a similar Restoration Center
5 program is appropriate for public lands, the Secretary of
6 the Interior shall establish one Restoration Center meeting
7 the requirements of this section. Not later than three
8 years after the date of the enactment of this Act, the Sec-
9 retary of the Interior shall submit a report to the Com-
10 mittee on Energy and Natural Resources of the Senate
11 and the Committee on Resources of the House of Rep-
12 resentatives containing recommendations regarding
13 whether additional Restoration Centers should be estab-
14 lished to serve communities adjacent to or surrounded by
15 public lands.

16 **SEC. 13. COMPETITIVE SERVICE HIRING PREFERENCE FOR**
17 **GRADUATES OF CERTIFIED YOUTH SERVICE**
18 **OR CONSERVATION CORPS.**

19 (a) HIRING PREFERENCE.—The Secretary of the In-
20 terior and the Secretary of Agriculture may appoint in the
21 competitive service any person who—

22 (1) is at least 21 years of age;

23 (2) has satisfactorily completed a minimum of
24 one year of service in a certified youth service or
25 conservation corps;

1 (3) received satisfactory evaluations of knowl-
2 edge, skills, and abilities by both corps supervisors
3 or crew leaders as well as agency liaison personnel.

4 (b) DURATION OF PREFERENCE.—A person’s eligi-
5 bility for preferential hiring under this section expires
6 after one year after the date of the person’s graduation
7 from a certified youth service or conservation corps.

8 **SEC. 14. RESEARCH AND TRAINING.**

9 (a) APPLIED RESEARCH PROGRAM.—The Secretary
10 of Agriculture shall establish a program of applied re-
11 search using the resources of the Forest Products Labora-
12 tory for the purpose of—

13 (1) identifying restoration methods, including
14 assessments and monitoring, and treatments that
15 minimize adverse impacts to the land, such as
16 through the use of low-impact techniques and equip-
17 ment; and

18 (2) testing and developing value-added products
19 created from the by-products of restoration.

20 (b) DISSEMINATION OF RESULTS.—The Secretary of
21 Agriculture shall disseminate the results of the applied re-
22 search to the Restoration and Value-added Centers, rural
23 communities adjacent to or surrounded by Federal lands.
24 The Secretary shall annually conduct training workshops
25 and classes for the Restoration Centers as well as for other

1 interested communities to ensure that residents of such
2 communities have access to the information.

3 (c) RESEARCH AGENDA.—The Restoration and
4 Value-added Centers shall work with the Forest Products
5 Laboratory to develop the research agenda so that re-
6 search efforts respond to the needs of the user community.

7 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as may be necessary to carry out this Act.

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