

110TH CONGRESS
2D SESSION

S. 2593

To establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2008

Mr. BINGAMAN (for himself, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. WYDEN, Mr. SALAZAR, Ms. CANTWELL, Mr. CRAIG, Mr. AKAKA, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a program at the Forest Service and the Department of the Interior to carry out collaborative ecological restoration treatments for priority forest landscapes on public land, 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 This Act may be cited as the “Forest Landscape Res-
5 toration Act of 2008”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to encourage the collabo-
3 rative, science-based ecosystem restoration of priority for-
4 est landscapes through a process that—

5 (1) encourages ecological, economic, and social
6 sustainability;

7 (2) leverages local resources with national and
8 private resources;

9 (3) facilitates the reduction of wildfire manage-
10 ment costs, including through reestablishing natural
11 fire regimes and reducing the risk of
12 uncharacteristic wildfire; and

13 (4) demonstrates the degree to which—

14 (A) various ecological restoration tech-
15 niques—

16 (i) achieve ecological health objectives;

17 and

18 (ii) affect wildfire activity and man-
19 agement costs; and

20 (B) the use of forest restoration byprod-
21 ucts can offset treatment costs while benefitting
22 rural economies and improving forest health.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) FUND.—The term “Fund” means the Col-
 2 laborative Forest Landscape Restoration Fund es-
 3 tablished by section 4(f).

4 (2) PLAN.—The term “Plan” means the plan
 5 entitled the “10 Year Comprehensive Strategy Im-
 6 plementation Plan” and dated December 2006.

7 (3) PROGRAM.—The term “program” means
 8 the Collaborative Forest Landscape Restoration Pro-
 9 gram established under section 4(a).

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

13 **SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
 14 **TION PROGRAM.**

15 (a) IN GENERAL.—The Secretary, in consultation
 16 with the Secretary of the Interior, shall establish a Col-
 17 laborative Forest Landscape Restoration Program to se-
 18 lect and fund ecological restoration treatments for priority
 19 forest landscapes in accordance with applicable law.

20 (b) ELIGIBILITY CRITERIA.—To be eligible for nomi-
 21 nation under subsection (c), a collaborative forest land-
 22 scape restoration proposal shall—

23 (1) be based on a landscape restoration strategy
 24 that—

25 (A) is complete or substantially complete;

1 (B) identifies and prioritizes ecological res-
2 toration treatments for a 10-year period across
3 a landscape that is—

4 (i) at least 50,000 acres;

5 (ii) comprised primarily of forested
6 National Forest System land, but may also
7 include other Federal, State, tribal, or pri-
8 vate land;

9 (iii) in need of active ecosystem res-
10 toration; and

11 (iv) accessible by existing or proposed
12 wood-processing infrastructure at an ap-
13 propriate scale to use woody biomass and
14 small-diameter wood removed in ecological
15 restoration treatments;

16 (C) incorporates—

17 (i) the best available science and sci-
18 entific application tools in ecological res-
19 toration strategies; and

20 (ii) the requirements for old-growth
21 maintenance, restoration, and management
22 direction of paragraphs (2), (3), and (4) of
23 subsection (e) and the requirements for
24 large-tree retention of subsection (f) of sec-

1 tion 102 of the Healthy Forests Restora-
2 tion Act of 2003 (16 U.S.C. 6512); and

3 (D) does not include the establishment of
4 permanent roads;

5 (2) be developed and implemented through a
6 collaborative process that—

7 (A) includes multiple stakeholders rep-
8 resenting diverse interests;

9 (B)(i) is transparent and nonexclusive; or

10 (ii) meets the requirements for a resource
11 advisory committee under section 205 of the
12 Secure Rural Schools and Community Self-De-
13 termination Act of 2000 (16 U.S.C. 500 note;
14 Public Law 106–393); and

15 (C) has an established record of successful
16 planning and implementation of ecological res-
17 toration projects on National Forest System
18 land;

19 (3) describe plans to—

20 (A) use fire for ecological restoration and
21 maintenance, where appropriate;

22 (B) improve fish and wildlife habitat, in-
23 cluding for endangered, threatened, and sen-
24 sitive species;

25 (C) maintain or improve water quality;

1 (D) prevent, remediate, or control inva-
2 sions of exotic species;

3 (E) maintain or decommission roads;

4 (F) use woody biomass and small-diameter
5 trees produced from projects implementing the
6 landscape restoration strategy;

7 (G) report annually on performance, in-
8 cluding through performance measures from the
9 Plan;

10 (H) develop small business incubators and
11 provide employment and training opportunities
12 to people in rural communities, including con-
13 tracts for monitoring activities, through—

14 (i) local private, nonprofit, or coopera-
15 tive entities;

16 (ii) Youth Conservation Corps crews
17 or related partnerships, with State, local,
18 and non-profit youth groups;

19 (iii) small or micro-businesses; or

20 (iv) other entities that will hire or
21 train a significant percentage of local peo-
22 ple to complete such contracts; and

23 (I) take into account any applicable com-
24 munity wildfire protection plan (as defined in

1 section 101 of the Healthy Forests Restoration
2 Act of 2003 (16 U.S.C. 6511));

3 (4) analyze the anticipated cost savings result-
4 ing from—

5 (A) reduced wildfire management costs;
6 and

7 (B) a decrease in the unit costs of imple-
8 menting ecological restoration treatments over
9 time;

10 (5) estimate—

11 (A) the annual Federal funding necessary
12 to implement the proposal; and

13 (B) the amount of new non-Federal invest-
14 ment for carrying out the proposal that would
15 be leveraged by Federal funding for ecological
16 restoration treatments; and

17 (6) be subject to any other requirements that
18 the Secretary determines to be necessary for the effi-
19 cient and effective administration of the program.

20 (c) NOMINATION PROCESS.—

21 (1) SUBMISSION.—Collaborative forest land-
22 scape restoration proposals shall be submitted to the
23 appropriate Regional Forester for consideration.

1 (2) NOMINATION.—A Regional Forester may
2 nominate collaborative forest landscape restoration
3 proposals for selection by the Secretary.

4 (3) DOCUMENTATION.—With respect to each
5 collaborative forest landscape restoration proposal
6 that is nominated under paragraph (2)—

7 (A) the appropriate Regional Forester
8 shall—

9 (i) include a proposal to use Federal
10 funds allocated to the region to fund those
11 costs of planning and carrying out ecologi-
12 cal restoration treatments on National
13 Forest land consistent with the landscape
14 restoration strategy that would not be cov-
15 ered by amounts transferred to the Sec-
16 retary from the Fund; and

17 (ii) provide evidence that amounts
18 proposed to be transferred to the Secretary
19 from the Fund during the first 2 years fol-
20 lowing selection would be used to carry out
21 ecological restoration treatments consistent
22 with the landscape restoration strategy
23 during the same fiscal year in which the
24 funds are transferred to the Secretary;

1 (B) if actions under the jurisdiction of the
2 Secretary of the Interior are proposed, the nom-
3 ination shall require—

4 (i) the concurrence of the appropriate
5 official of the Department of the Interior;
6 and

7 (ii) a proposal to fund ecological res-
8 toration treatments consistent with the
9 landscape restoration strategy that would
10 be carried out by the Secretary of the Inte-
11 rior; and

12 (C) if actions on land not under the juris-
13 diction of the Secretary or the Secretary of the
14 Interior are proposed, the appropriate Regional
15 Forester shall provide evidence that the land-
16 owner intends to participate in, and provide ap-
17 propriate funding to carry out, the actions.

18 (d) SELECTION PROCESS.—

19 (1) IN GENERAL.—After consulting with any
20 scientific and technical advisory panels established
21 under subsection (e), the Secretary, in consultation
22 with the Secretary of the Interior, shall, subject to
23 paragraph (2), select the best collaborative forest
24 landscape restoration proposals that—

1 (A) have been nominated under subsection
2 (c)(2); and

3 (B) meet the eligibility criteria established
4 by subsection (b).

5 (2) CRITERIA.—In selecting collaborative forest
6 landscape restoration proposals under paragraph
7 (1), the Secretary shall give special consideration
8 to—

9 (A) the strength of the ecological case of
10 the proposal for landscape restoration and the
11 proposed restoration strategies;

12 (B) the strength of the collaborative proc-
13 ess;

14 (C) whether the proposal would reduce the
15 relative costs of carrying out treatments as a
16 result of the use of woody biomass and small-
17 diameter trees;

18 (D) whether the proposal is likely to
19 achieve reductions in long-term wildfire man-
20 agement costs;

21 (E) the strength of the landscape restora-
22 tion proposal and strategy; and

23 (F) whether an appropriate level of non-
24 Federal investment would be leveraged in car-
25 rying out the proposal.

1 (3) LIMITATION.—The Secretary may select not
2 more than—

3 (A) 10 collaborative forest landscape res-
4 toration proposals to be funded during any
5 given year; and

6 (B) 2 collaborative forest landscape res-
7 toration proposals in any 1 region of the Na-
8 tional Forest System to be funded during any
9 given year.

10 (e) ADVISORY PANELS.—

11 (1) SCIENTIFIC ADVISORY PANEL.—The Sec-
12 retary shall establish a scientific advisory panel com-
13 prised of not more than 12 experts in ecological for-
14 est restoration and fire ecology to evaluate, and pro-
15 vide recommendations on, any proposal that has
16 been nominated under subsection (c)(2) and meets
17 the eligibility criteria established by subsection (b)
18 with respect to—

19 (A) the strength of the ecological case of
20 the proposal for landscape restoration and the
21 proposed restoration strategies; and

22 (B) whether the proposal is likely to
23 achieve reductions in long-term wildfire man-
24 agement costs.

1 (2) TECHNICAL ADVISORY PANEL.—The Sec-
2 retary may establish a technical advisory panel com-
3 prised of experts in rural business development and
4 the use of woody biomass and small-diameter trees
5 to evaluate, and provide recommendations on, any
6 proposal that has been nominated under subsection
7 (c)(2) and meets the eligibility criteria established by
8 subsection (b) with respect to whether the proposal
9 is likely to reduce the relative costs of carrying out
10 treatments as a result of the use of woody biomass
11 and small-diameter trees and provide local economic
12 benefit.

13 (f) COLLABORATIVE FOREST LANDSCAPE RESTORA-
14 TION FUND.—

15 (1) ESTABLISHMENT.—There is established in
16 the Treasury of the United States a fund, to be
17 known as the “Collaborative Forest Landscape Res-
18 toration Fund”, to be used to pay up to 50 percent
19 of the cost of carrying out ecological restoration
20 treatments on National Forest System land for each
21 collaborative forest landscape restoration proposal
22 selected to be carried out under subsection (d), con-
23 sisting of—

24 (A) such amounts as are appropriated to
25 the Fund under paragraph (5); and

1 (B) any interest earned on investment of
2 amounts in the Fund under paragraph (3).

3 (2) EXPENDITURES FROM FUND.—On request
4 by the Secretary, the Secretary of the Treasury shall
5 transfer from the Fund to the Secretary of Agri-
6 culture such amounts as the Secretary of Agri-
7 culture determines are necessary to carry out eco-
8 logical restoration treatments under paragraph (1).

9 (3) INVESTMENT OF AMOUNTS.—

10 (A) IN GENERAL.—The Secretary of the
11 Treasury shall invest such portion of the Fund
12 as is not, in the judgment of the Secretary of
13 the Treasury, after consulting with the Sec-
14 retary, required to meet current withdrawals.

15 (B) INTEREST-BEARING OBLIGATIONS.—
16 Investments may be made only in interest-bear-
17 ing obligations of the United States.

18 (C) ACQUISITION OF OBLIGATIONS.—For
19 the purpose of investments under subparagraph
20 (A), obligations may be acquired—

21 (i) on original issue at the issue price;

22 or

23 (ii) by purchase of outstanding obliga-
24 tions at the market price.

1 (D) SALE OF OBLIGATIONS.—Any obliga-
2 tion acquired by the Fund may be sold by the
3 Secretary of the Treasury at the market price.

4 (E) CREDITS TO FUND.—The interest on,
5 and the proceeds from the sale or redemption
6 of, any obligations held in the Fund shall be
7 credited to and form a part of the Fund.

8 (4) ACCOUNTING AND REPORTING SYSTEM.—
9 The Secretary shall establish an accounting and re-
10 porting system for the Fund.

11 (5) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to the Fund
13 \$40,000,000 for each of fiscal years 2008 through
14 2018, to remain available until expended.

15 (g) PROGRAM IMPLEMENTATION AND MONI-
16 TORING.—

17 (1) WORK PLAN.—Not later than 180 days
18 after the date on which a collaborative forest land-
19 scape restoration proposal is selected to be carried
20 out, the Secretary shall create, in collaboration with
21 the interested stakeholders, an implementation work
22 plan and budget to implement the collaborative for-
23 est landscape restoration proposal that includes—

24 (A) a description of the manner in which
25 the proposal would be implemented to achieve

1 ecological and community economic benefit, in-
2 cluding capacity building to accomplish restora-
3 tion;

4 (B) a business plan that addresses—

5 (i) the anticipated unit treatment cost
6 reductions over 10 years;

7 (ii) the anticipated costs for infra-
8 structure needed for the proposal;

9 (iii) the projected sustainability of the
10 supply of woody biomass and small-dia-
11 meter trees removed in ecological restoration
12 treatments; and

13 (iv) the projected local economic bene-
14 fits of the proposal; and

15 (C) documentation of the non-Federal in-
16 vestment in the priority landscape, including
17 the sources and uses of the investments.

18 (2) PROJECT IMPLEMENTATION.—Amounts
19 transferred to the Secretary from the Fund shall be
20 used to carry out ecological restoration treatments
21 that are—

22 (A) consistent with the landscape restora-
23 tion proposal and strategy; and

24 (B) identified through the collaborative
25 process described in subsection (b)(2).

1 (3) ANNUAL REPORT.—Annually, the Secretary,
2 in collaboration with the Secretary of the Interior
3 and interested stakeholders, shall prepare a report
4 on the accomplishments of each selected collabo-
5 rative forest landscape restoration proposal that in-
6 cludes—

7 (A) a description of all acres (or other ap-
8 propriate unit) treated and restored through
9 projects implementing the landscape restoration
10 strategy;

11 (B) an evaluation of progress, including
12 performance measures and how prior year eval-
13 uations have contributed to improved project
14 performance;

15 (C) a description of community benefits
16 achieved, including any local economic benefits;

17 (D) the results of the multiparty moni-
18 toring, evaluation, and accountability process
19 under paragraph (4); and

20 (E) a summary of the costs of—

21 (i) treatments; and

22 (ii) relevant fire management activi-
23 ties.

24 (4) MULTIPARTY MONITORING.—The Secretary
25 shall, in collaboration with the Secretary of the Inte-

1 rior and interested stakeholders, use a multiparty
2 monitoring, evaluation, and accountability process to
3 assess the positive or negative ecological, social, and
4 economic effects of each project implementing a se-
5 lected collaborative forest landscape restoration pro-
6 posal for not less than 15 years after project imple-
7 mentation commences.

8 (h) REPORT.—Not later than 5 years after the first
9 fiscal year in which funding is made available to carry out
10 ecological restoration projects under the program, and
11 every 5 years thereafter, the Secretary, in consultation
12 with the Secretary of the Interior, shall submit a report
13 on the program, including an assessment of whether, and
14 to what extent, the program is fulfilling the purposes of
15 this Act, to—

16 (1) the Committee on Energy and Natural Re-
17 sources of the Senate;

18 (2) the Committee on Appropriations of the
19 Senate;

20 (3) the Committee on Natural Resources of the
21 House of Representatives; and

22 (4) the Committee on Appropriations of the
23 House of Representatives.

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