

107TH CONGRESS
2D SESSION

S. 2474

To provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2002

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Public Lands Planning and Management Improvement
6 Act of 2002”.

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

- Sec. 1. Short title, table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

- Sec. 4. Supplemental authority.
 Sec. 5. Transition.

TITLE I—ENSURING THE EFFECTIVENESS AND
 IMPLEMENTATION OF FEDERAL LAND PLANNING

- Sec. 101. Purposes.
 Sec. 102. Mission of the land management agencies.

PART A—RESOURCE MANAGEMENT PLANNING AND MANAGEMENT ACTIVITY
 DECISIONS

- Sec. 103. Levels of planning.
 Sec. 104. Contents of planning and allocation of analyses to each planning level.
 Sec. 105. Planning deadlines.
 Sec. 106. Plan amendments and revisions.
 Sec. 107. Ecosystem management principles.
 Sec. 108. Scientific basis for Federal land planning and management activities.
 Sec. 109. Notice and comment on management activities.

PART B—CONSIDERATION AND DISCLOSURE OF BUDGET AND FUNDING
 EFFECTS

- Sec. 110. Disclosure of funding constraints on planning and management.
 Sec. 111. Fully allocated costs.
 Sec. 112. Cost Disclosures.

PART C—MONITORING AND ADAPTIVE MANAGEMENT

- Sec. 113. Monitoring.
 Sec. 114. Adaptive management and other changes due to monitoring.
 Sec. 115. Monitoring funds.

PART D—CHALLENGES TO PLANNING DOCUMENTS AND MANAGEMENT
 ACTIVITIES

- Sec. 116. Administrative appeals.
 Sec. 117. Judicial review.

TITLE II—COORDINATION AND COMPLIANCE WITH OTHER
 ENVIRONMENTAL LAWS

- Sec. 201. Purposes.
 Sec. 202. Wildlife protection.
 Sec. 203. Air quality protection.
 Sec. 204. Meetings with users of the Federal lands.

TITLE III—DEVELOPMENT OF A GLOBAL RENEWABLE RE-
 SOURCES ASSESSMENT AND ELIMINATION OF RENEWABLE RE-
 SOURCES PROGRAM REQUIREMENT

- Sec. 301. Purposes.
 Sec. 302. Global Renewable Resources Assessment.
 Sec. 303. Repeal of Renewable Resources Program provisions of the Forest and Rangeland Renewable Resources Planning Act.

TITLE IV—ADMINISTRATION

- Sec. 401. Stewardship contracts.
- Sec. 402. Fees for linear rights-of-way.
- Sec. 403. Fees for processing records requests.
- Sec. 404. Exemption from strict liability for the recovery of fire suppression costs.
- Sec. 405. Access to adjacent or intermingled non-Federal lands.
- Sec. 406. Special funds.
- Sec. 407. Private contractors.
- Sec. 408. Special forest products.
- Sec. 409. Off-budget study.
- Sec. 410. Fuels treatment study.

TITLE V—MISCELLANEOUS

- Sec. 501. Regulations.
- Sec. 502. Authorization for appropriations.
- Sec. 503. Effective date.
- Sec. 504. Savings clauses.
- Sec. 505. Severability.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) The Bureau of Land Management, Depart-
 4 ment of the Interior, and the Forest Service, De-
 5 partment of Agriculture, are comprised of profes-
 6 sionals with considerable expertise and judgment to
 7 manage Federal lands within their jurisdictions.

8 (2) In 1976, the Congress enacted the Federal
 9 Land Planning and Management Act and the Na-
 10 tional Forest Management Act which declared mul-
 11 tiple use and sustained yield to be the basic prin-
 12 ciples under which the two land management agen-
 13 cies are to manage their Federal lands.

14 (3) These principles of multiple use and sus-
 15 tained yield enjoy strong support from the American
 16 public and among the diverse stakeholders in Fed-
 17 eral land management.

1 (4) These same Management Acts established
2 resource management planning processes as the
3 method for engaging the land management agencies'
4 expertise and professional judgment in applying the
5 multiple use and sustained yield principles to, and
6 obtaining the views of the public on, management of
7 these Federal lands.

8 (5) Nevertheless, as documented by the Com-
9 mittee of Scientists established by the Secretary of
10 Agriculture in the March 15, 1999 report entitled
11 "Sustaining the People's Lands: Recommendations
12 for Stewardship of the National Forest and Grass-
13 lands into the Next Century" and by the authors of
14 an April 1999 report commissioned by the Society of
15 American Foresters entitled "Forest Discord: Op-
16 tions for Governing Our Forests and Federal Public
17 Lands," in the quarter century since the Manage-
18 ment Acts were passed, fundamental flaws in the
19 planning and decision making processes established
20 by these Acts have become apparent and have
21 caused all stakeholders, whether they favor resource
22 protection or resource extraction, to express increas-
23 ing dissatisfaction with and distrust of these proc-
24 esses.

1 (6) The report of the Committee of Scientists
2 and the report commissioned by the Society of
3 American Foresters concurred that these numerous
4 flaws threaten the integrity of the Federal lands
5 planning and management activity decision making
6 processes and undermine the ability of the agencies
7 to fulfill their statutory land management respon-
8 sibilities and accomplish management that is well
9 grounded in science.

10 (7) The intent of the Congress that the land
11 management agencies would complete the planning
12 required by the Management Acts within a discrete
13 time frame and the new resource management plans
14 would provide secure guidance for subsequent man-
15 agement activities has not been met.

16 (8) Although mid-eighties deadlines were set by
17 statute or regulation for completing the new re-
18 source management plans, initial planning remains
19 unfinished more than two decades after enactment
20 of the Management Acts even as new planning is un-
21 dertaken.

22 (9) The land management agencies are engaged
23 in a perpetual cycle of planning through the contin-
24 uous preparation of interim policies, plan amend-
25 ments, and plan revisions that precludes the provi-

1 sion to both agency professionals and the public of
2 any secure guidance for predictable management of
3 the Federal lands.

4 (10) Although the Management Acts antici-
5 pated and directed that only two layers of plan-
6 ning—multiple-use resource management planning
7 for each national forest, Bureau of Land Manage-
8 ment district, or other designated planning unit, and
9 site-specific planning for management activities—be
10 undertaken, the agencies have engaged in planning
11 at multiple layers—regional, ecoregion, watershed,
12 etc.—without license or direction from statute or
13 regulation.

14 (11) As described in the report commissioned
15 by the Society of American Foresters, the Manage-
16 ment Acts do not assign particular decisions to spe-
17 cific levels of planning, thereby resulting in repeti-
18 tious or haphazard decision making in an “ambig-
19 uous” decision making process.

20 (12) These new layers of planning have not
21 been applied uniformly on the Federal lands, have
22 frequently ignored the multiple use mandates of the
23 Management Acts and, instead, focused narrowly on
24 a single resource, even a single species of wildlife,
25 have been undertaken without consistent agency-

1 wide direction, have been conducted without the
2 meaningful opportunities for public participation es-
3 tablished for planning by the Management Acts, and
4 have resulted in guidance that often conflicts with
5 the planning that is prescribed by the Management
6 Acts.

7 (13) As described in the report commissioned
8 by the Society of American Foresters, the proce-
9 dures and requirements of other environmental laws
10 often burden with increased costs and delays, con-
11 flict with, and frustrate the planning and manage-
12 ment processes established by the Management Acts,
13 effectively transfer the planning function and man-
14 agement activity decision making authority from the
15 professionals in the land management agencies to of-
16 ficials of other agencies, and sanction decisions by
17 those officials who are not expert in land manage-
18 ment and are less familiar with the affected re-
19 sources, activities, and sites. Without doubt, Con-
20 gress has failed to reconcile the procedures and re-
21 quirements of other environmental laws with the
22 planning and management processes established by
23 the Management Acts.

24 (14) Both the report of the Committee of Sci-
25 entist and the report commissioned by the Society of

1 American Foresters found that the land manage-
2 ment agencies conduct their planning without regard
3 to the funding likely to be available for plan imple-
4 mentation, and that the agencies' budgets and ap-
5 propriations of Congress are not linked to the agen-
6 cies' plans.

7 (15) Increasingly, even after the land manage-
8 ment agencies reach decisions on the planning and
9 management of Federal lands, the implementation of
10 those decisions is barred by administrative appeals
11 and litigation. These myriad administrative appeals
12 and lawsuits have delayed substantially completion
13 of planning, encumbered and, at times, paralyzed
14 plan implementation and management activities, and
15 drained scarce agency resources.

16 (16) The loss in goods and services from Fed-
17 eral lands resulting from these numerous flaws in
18 Federal land planning and management activity de-
19 cision making has increased this Nation's depend-
20 ency on foreign sources for certain resources and
21 has encouraged imports from countries with land
22 management policies and priorities that are far less
23 environmentally responsive than those applicable to
24 the Federal lands.

1 (17) As described in the report of the Com-
2 mittee of Scientists, new concepts in Federal land
3 planning and management, such as ecosystems man-
4 agement and adaptive management, have developed
5 since passage of the Management Acts. Yet, these
6 new concepts are being imposed on or incorporated
7 in Federal land planning and management without
8 adequate statutory authority.

9 (18) The provisions of section 322 of Public
10 Law 102–381 (106 Stat. 1419) requiring the Forest
11 Service to provide notice and an opportunity for
12 public comment on, and establish a streamlined ad-
13 ministrative appeals process for, management activi-
14 ties have expired and these well-received congres-
15 sional requirements for inviting public comment and
16 processing administrative appeals should be restored
17 and expanded to include planning documents, as well
18 as decisions on management activities, made by the
19 Forest Service and applied to those documents and
20 decisions of the Bureau of Land Management.

21 (19) Although the Management Acts and their
22 implementing regulations contain detailed instruc-
23 tions to the land management agencies on planning
24 procedures and contents, they are virtually silent in
25 providing guidance or authority to enable the agen-

1 cies to implement resource management plans,
2 thereby devaluing the term “Management” common
3 to the titles of both statutes.

4 (20) The report of the Committee of Scientists
5 judged monitoring to be a “key component of plan-
6 ning.” Yet, both that report and the report commis-
7 sioned by the Society of American Foresters found
8 that the land management agencies neither incor-
9 porated monitoring into planning procedures nor
10 conducted adequate monitoring to determine wheth-
11 er the planning has been properly implemented or
12 whether conditions have changed sufficiently to war-
13 rant new planning in accordance with the concept of
14 adaptive management.

15 (21) These numerous flaws in the laws per-
16 taining to Federal land management and in the
17 planning and decision making for Federal lands,
18 particularly the multiple layers and perpetual exist-
19 ence of planning, the increasing intervention of other
20 agencies, and the numerous administrative and judi-
21 cial challenges, have escalated the land management
22 agencies’ costs of managing the Federal lands even
23 as their ability to secure actual management accom-
24 plishments on these lands have diminished substan-
25 tially.

1 (22) As described in the United States General
2 Accounting Office report, “Forest Service Decision-
3 making: A Framework for Improving Performance,”
4 April 1997, these flaws in the laws pertaining to
5 Federal land management and in the planning and
6 decision making for Federal lands, and the increas-
7 ing distrust in the laws and decision making experi-
8 enced by virtually all stakeholders in the Federal
9 lands, have both contributed to and been com-
10 pounded by the lack of a clear mission statement for
11 the land management agencies.

12 (23) Additional Congressional direction for
13 planning of, and implementation of planning on, the
14 Federal lands is required to ensure that the predict-
15 ability in Federal land management intended by the
16 Management Acts is achieved, that the land manage-
17 ment agencies are able to exercise fully their consid-
18 erable management expertise and judgment, the au-
19 thority is provided for use of ecosystem manage-
20 ment, adaptive management, and other new concepts
21 of land planning and management, that planning
22 and management decisions are made in a manner
23 which ensures the public is heard, and that the ad-
24 verse environmental, social, and economic effects

1 which result from the present flaws in the planning
2 processes are avoided.

3 **SEC. 3. DEFINITIONS.**

4 (a) **SPECIFIC TERMS.**—As used in this Act, the
5 term—

6 (1) “Agencies” or “Agency” means the Bureau
7 of Land Management, Department of the Interior,
8 with respect to the lands described in paragraph
9 (4)(A), and/or the Forest Service, Department of
10 Agriculture, with respect to the lands described in
11 paragraph (4)(B);

12 (2) “Committees of Congress” means the Com-
13 mittee on Resources and Committee on Agriculture
14 of the House of Representatives, and the Committee
15 on Energy and Natural Resources and the Com-
16 mittee on Agriculture, Nutrition, and Forestry of
17 the United States Senate;

18 (3) “ecosystem management” means an ap-
19 proach to implementation of the principles of mul-
20 tiple use and sustained yield on the Federal lands
21 which employs current understanding of ecosystem
22 processes to evaluate the effects of management
23 strategies on ecosystem health, sustainability, and
24 productivity in conjunction with attainment of
25 planned outputs of goods, services, and amenities;

1 the effectiveness of management strategies in pur-
2 suing and achieving ecological, economic, and social
3 sustainability on Federal lands, and contributing to
4 such sustainability on a national and international
5 scale;

6 (4) “Federal lands” means—

7 (A) those lands managed by the Bureau of
8 Land Management and defined in section
9 103(e) of the Federal Land Policy and Manage-
10 ment Act of 1976 (43 U.S.C. 1702(e)); and

11 (B) those lands in the National Forest
12 System, including units of the national grass-
13 lands, managed by the Forest Service and de-
14 fined in section 11(a) of the Forest and Range-
15 land Renewable Resources Planning Act of
16 1974 (16 U.S.C. 1609(a));

17 (5) “non-Federal lands” means lands, other
18 than Federal lands, owned or administered by the
19 federal government and lands of other ownership;

20 (6) “resource management plans” means land
21 use plans prepared by the Bureau of Land Manage-
22 ment for units of the Federal lands described in
23 paragraph (4)(A) pursuant to section 202 of the
24 Federal Land Policy and Management Act of 1976
25 (43 U.S.C. 1712) and this Act, and land and re-

1 source management plans prepared by the Forest
2 Service for units of the lands described in paragraph
3 (4)(B) pursuant to section 6 of the Forest and
4 Rangeland Renewable Resources Planning Act of
5 1974, as amended by the National Forest Manage-
6 ment Act of 1976 (16 U.S.C. 1604), and this Act;
7 and

8 (7) “Secretaries” or “Secretary” means the
9 Secretary of the Interior with respect to the Federal
10 lands described in paragraph (4)(A) and/or the Sec-
11 retary of Agriculture with respect to the Federal
12 lands described in paragraph (4)(B).

13 (b) OTHER TERMS.—Terms used in this Act shall
14 have the same meaning they are accorded in the Federal
15 Land Policy and Management Act of 1976 (43 U.S.C.
16 1701 et seq.) with respect to the Federal lands described
17 in subsection (a)(4)(A) and in the Forest and Rangeland
18 Renewable Resources Planning Act of 1974 (16 U.S.C.
19 1600 et seq.) with respect to the Federal lands described
20 in subsection (a)(4)(B).

21 **SEC. 4. SUPPLEMENTAL AUTHORITY.**

22 The provisions of this Act apply to all Federal lands
23 and supplement the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1701 et seq.), the Forest and
25 Rangeland Renewable Resources Planning Act of 1974, as

1 amended by the National Forest Management Act of 1976
2 (16 U.S.C. 1600 et seq.), and other laws applicable to the
3 Federal lands. Except as otherwise provided in this Act,
4 in the event of conflict or inconsistency between this Act
5 and the Federal Land Policy and Management Act of
6 1976 or the Forest and Rangeland Renewable Resources
7 Planning Act of 1974, this Act shall prevail. For any Fed-
8 eral lands designated as units of the National Wilderness
9 Preservation System, National Wild and Scenic Rivers
10 System, or National Trails System, the provisions of law
11 governing management of those systems or specific units
12 shall prevail whenever such provisions conflict or are in-
13 consistent with this Act.

14 **SEC. 5. TRANSITION.**

15 Except as otherwise provided in this Act, any plan,
16 policy, or guidance of the Agencies with respect to the
17 Federal lands in effect on the date of enactment of this
18 Act shall continue to apply to such lands until such plan,
19 policy, or guidance is revised, changed, modified, or termi-
20 nated in accordance with the provisions of this Act.

1 **TITLE I—ENSURING THE EFFEC-**
2 **TIVENESS AND IMPLEMENTA-**
3 **TION OF FEDERAL LAND**
4 **PLANNING**

5 **SEC. 101. PURPOSES.**

6 The purposes of this title are to establish a mission
7 for the Agencies in the management of the Federal lands;
8 to provide Congressional direction on, and eliminate fun-
9 damental flaws in, the conducting and implementing of
10 planning for the Federal lands; to avoid the environ-
11 mental, economic, and social injuries that result from
12 those flaws and the past absence of direction; and to
13 achieve predictability in the management of, and timely
14 and cost-effective accomplishment of management activi-
15 ties on, the Federal lands.

16 **SEC. 102. MISSION OF THE LAND MANAGEMENT AGENCIES.**

17 The mission of the Secretary of Agriculture and the
18 Forest Service, and of the Secretary of the Interior and
19 the Bureau of Land Management, shall be to manage the
20 Federal lands under their respective jurisdictions in ac-
21 cordance with the principles of multiple use and sustained
22 yield to assure the health, sustainability, and productivity
23 of the lands' ecosystems; consistent with this objective, to
24 furnish a sustainable flow of multiple goods, services, and
25 amenities; to preserve or establish a full range and diver-

1 sity of natural habitats of native species in a dynamic
2 manner over the landscape; and, where necessary or ap-
3 propriate, to designate discrete areas to conserve certain
4 resources or allow certain uses.

5 **PART A—RESOURCE MANAGEMENT PLANNING**
6 **AND MANAGEMENT ACTIVITY DECISIONS**

7 **SEC. 103. LEVELS OF PLANNING.**

8 (a) **PLANNING LEVELS.**—Subject to subsection (c),
9 the Secretaries shall conduct no more than two levels of
10 planning for the Federal lands, comprised of—

11 (1) multiple-use planning in the form of re-
12 source management plans for planning units des-
13 igned pursuant to subsection (b); and

14 (2) site-specific or area-specific planning for
15 management activities.

16 (b) **PLANNING UNIT SIZE.**—Each Secretary may des-
17 ignate planning units of whatever geographic size, ecologi-
18 cal scale, and number the Secretary deems appropriate.

19 (c) **OTHER ASSESSMENTS.**—Each Secretary may
20 conduct assessments for regions or other geographical
21 areas that are not planning units designated pursuant to
22 subsection (b), and may apply the results of such assess-
23 ments to the affected Federal lands by amendment to or
24 revision of resource management plans for the planning

1 units encompassing such lands in accordance with this
2 title and other applicable law.

3 (d) NONCOMPLYING PLANS.—

4 (1) Consistent with subsection (a), the Secre-
5 taries shall have 3 years from the date of enactment
6 of this Act to amend or revise in accordance with
7 this Act the resource management plans described in
8 subsection (a)(1) to incorporate, where appropriate
9 and with such modifications as may be warranted,
10 any policies which may be applicable to the Federal
11 lands subject to, but which are contained in plans
12 other than, such resource management plans.

13 (2) Except as provided in paragraph (3), all
14 plans other than the resource management plans de-
15 scribed in subsection (a)(1) shall terminate 3 years
16 from the date of enactment of this Act.

17 (3) A plan other than a resource management
18 plan described in subsection (a)(1) shall no longer
19 apply to Federal lands in a planning unit upon its
20 termination date established by paragraph (2) or
21 when the resource management plan for such lands
22 has been amended or revised pursuant to paragraph
23 (1), whichever is earlier.

1 **SEC. 104. CONTENTS OF PLANNING AND ALLOCATION OF**
2 **DECISIONS TO EACH PLANNING LEVEL.**

3 (a) PLAN CONTENTS.—

4 (1)(A) Each resource management plan shall
5 contain the following basic elements:

6 (i) A statement of goals and objectives for
7 the management of the Federal lands to which
8 the plan applies during the term of the plan;

9 (ii) The classification for suitable types of
10 resource management of, or allocation of land
11 uses to, areas of the Federal lands to which the
12 plan applies for the term of the plan;

13 (iii) Determinations of outputs of goods
14 and services from the Federal lands to which
15 the plan applies annually and for the term of
16 the plan;

17 (iv) Policies and standards necessary to en-
18 sure compliance with the requirements of this
19 Act and other applicable law for the conserva-
20 tion of the resources and protection of the envi-
21 ronment on the Federal lands to which the plan
22 applies; and

23 (v) A description of the desired future con-
24 ditions of the Federal lands subject to the plan,
25 a statement of the expected durations of time
26 necessary to achieve such conditions consistent

1 with the other basic elements of the plan de-
2 scribed in this subparagraph, and a discussion
3 of how such elements assist in the achievement
4 of such conditions.

5 (B) Each of the basic elements described in
6 subparagraph (A) shall be accorded equal con-
7 sequence by the Secretary, and no one element shall
8 be elevated or given preference over any other ele-
9 ment in the resource management plan or in the
10 management of the Federal lands to which the plan
11 applies.

12 (C) To the extent feasible, each of the basic ele-
13 ments described in subparagraph (A) shall be set
14 forth in the resource management plan in a manner
15 that provides a basis for monitoring pursuant to sec-
16 tion 113 and adaptive management pursuant to sec-
17 tion 114.

18 (2) Each resource management plan also
19 shall—

20 (A) contain a statement of historical uses,
21 and trends in conditions, of the resources on
22 the Federal lands subject to the plan;

23 (B) compare and contrast the projected re-
24 sults of the basic elements described in para-
25 graph (1)(A) with recent performance by the

1 Agency on the Federal lands subject to the plan
2 and discuss in detail any significant change in
3 direction that is proposed or expected, including
4 any steps that will be taken to ameliorate any
5 adverse economic, social, or environmental con-
6 sequences that will or could result from such
7 change;

8 (C) a schedule and procedure, including
9 the type, location, and intensity of measure-
10 ments needed, for monitoring the implementa-
11 tion of the plan, the management of the Fed-
12 eral lands subject to the plan, and trends in the
13 conditions and use of resources on the Federal
14 lands subject to the plan, as required by section
15 113; and

16 (D) criteria for determining what cir-
17 cumstances on the Federal lands subject to the
18 plan warrant adaptive management of the re-
19 sources of such lands pursuant to section
20 113(a)(3) and section 114(c).

21 (b) ASSIGNMENT OF ANALYSES TO PLANNING LEV-

22 ELS.—

23 (1) Each Secretary shall promulgate regulations
24 that assign to each level of planning for Federal

1 lands authorized by section 103(a) the analysis to be
2 conducted at that level.

3 (2) All analysis to be assigned by or pursuant
4 to this subsection to a particular level of planning
5 for Federal lands shall be conducted, to the max-
6 imum extent practicable, solely at that level and not
7 be conducted or reconsidered at the level to which
8 they are not assigned.

9 **SEC. 105. PLANNING DEADLINES.**

10 (a) DEADLINES.—

11 (1) Except as provided in section 103(d), the
12 deadlines for completing planning activities and
13 management activity decisions for Federal lands
14 shall be—

15 (A) for preparation of a resource manage-
16 ment plan, 36 months;

17 (B) for development of an amendment to a
18 resource management plan which is determined
19 to be significant, 18 months, and for develop-
20 ment of an amendment to a resource manage-
21 ment plan which is determined not to be signifi-
22 cant, 12 months;

23 (C) for revision of a resource management
24 plan, 30 months; and

1 (D) for a decision on a management activ-
2 ity which is determined to be significant in ac-
3 cordance with regulations that define signifi-
4 cant, 12 months, and for a decision on a man-
5 agement activity which is determined to be not
6 significant in accordance with regulations that
7 define not significant, 9 months.

8 (2) Management of any unit of Federal lands
9 subject to a planning activity the deadline for which
10 under subparagraph (A), (B), or (C) has not been
11 met shall be governed by the resource management
12 plan in existence on the date of the deadline until
13 the planning activity is completed.

14 (b) REPORT OF FAILURE TO MEET DEADLINE.—

15 (1) The Secretary shall report any failure to
16 meet a deadline established pursuant to subsection
17 (a) to the Committees of Congress no later than 30
18 days after expiration of the deadline.

19 (2) The report required by paragraph (1) shall
20 include a detailed explanation of the reason or rea-
21 sons for failure to meet the deadline and a schedule
22 for completion of the planning activity or manage-
23 ment activity decision to which the deadline applied.

24 (c) DEADLINE FOR SUBMISSION TO CONGRESS.—The
25 deadline established in subsection (a) for any activity or

1 decision deemed to be a “rule” as defined in 5 U.S.C.
2 804(3) applies to the date on which such activity or deci-
3 sion is submitted to each House of the Congress and the
4 Comptroller General pursuant to 5 U.S.C. 801(a)(1)(A).

5 **SEC. 106. PLAN AMENDMENTS AND REVISIONS.**

6 (a) INCONSISTENT OR CONFLICTING PLAN PROVI-
7 SIONS OR FEDERAL LANDS POLICIES OR DECISIONS.—
8 Except by amendment to or revision of the applicable re-
9 source management plan or as provided in subsection (c),
10 no policy may be applied to or decision made on a manage-
11 ment activity on the Federal lands subject to the plan if
12 that policy or decision is inconsistent with any provision
13 of the plan, including any basic element described in sec-
14 tion 104(a)(1)(A).

15 (b) PLAN CONTRIBUTION STATEMENT.—Each Sec-
16 retary shall report in writing in each decision to undertake
17 a management activity on the Federal lands that such de-
18 cision contributes to, or at a minimum does not preclude,
19 achievement of any of the basic elements of the applicable
20 resource management plan described in section
21 104(a)(1)(A) or take such action as required by subsection
22 (c)(1).

23 (c) RESTORING PLAN CONFORMITY; MAKING RE-
24 QUIRED PLANNING CHANGES.—

1 (1)(A) Whenever, as a result of monitoring the
2 implementation of a resource management plan pur-
3 suant to section 113, planning a management activ-
4 ity on Federal lands to which the plan applies, or
5 other circumstance, the Secretary concerned deter-
6 mines that a conflict exists between any of the provi-
7 sions of the plan or that a policy or decision the Sec-
8 retary would otherwise establish or make is incon-
9 sistent with a provision of the plan, whether the pro-
10 vision concerns a goal or objective, land allocation,
11 output determination, environmental policy or stand-
12 ard, or desired future condition, the Secretary shall
13 initiate immediately the process to amend or review
14 the plan to eliminate the conflict, inconsistency, or
15 departure.

16 (B) Notwithstanding subparagraph (A), the
17 Secretary may waive for a single specific manage-
18 ment activity within any class of management activi-
19 ties any provision in a resource management plan
20 without an amendment to or revision of the plan if
21 such provision does not implement a nondis-
22 cretionary statutory requirement, no waiver of such
23 provision has been provided previously during the
24 term of the plan for any activity within such class
25 of management activities, and the Secretary deter-

1 mines in writing that the waiver is in the public in-
2 terest.

3 (2) Any change in the management of any Fed-
4 eral lands that is required by a law enacted, regula-
5 tion promulgated, or court order issued after the
6 adoption of the resource management plan which ap-
7 plies to such lands shall be effected by an amend-
8 ment to or revision of the plan, and, except where
9 the Secretary determines such law or court order re-
10 quires otherwise and publishes the determination in
11 the Federal Register, shall not become effective until
12 the amendment or revision is adopted.

13 (d) CONTINUATION OF MANAGEMENT ACTIVITIES
14 DURING PLANNING.—

15 (1)(A) No management activities shall be
16 stayed during the process of preparing an amend-
17 ment to or revision of a resource management plan
18 in anticipation of changes to be made by the amend-
19 ment or revision, except as otherwise required by
20 this Act, court order, or a formal declaration of the
21 Secretary published in the Federal Register.

22 (B) Nothing in subparagraph (A) shall affect
23 the authority of the responsible agency official to
24 stay a specific management activity for a purpose

1 that is unrelated to the purpose or likely effect of
2 the amendment or revision.

3 (2) The authority of the Secretary to make a
4 formal declaration pursuant to paragraph (1)(A)
5 may not be delegated.

6 (3) Except as provided in paragraph (1) or re-
7 quired by court order, an amendment to or revision
8 of a resource management plan shall not become ef-
9 fective until final decisions on management activities
10 on the Federal lands to which the plan applies that
11 are scheduled to be made during the amendment or
12 revision process have been made.

13 **SEC. 107. ECOSYSTEM MANAGEMENT PRINCIPLES.**

14 The Secretaries shall consider and discuss ecosystem
15 management principles in the environmental analysis doc-
16 uments prepared for resource management plans, and
17 amendments to and revisions of such plans. Such prin-
18 ciples shall implement section 102, and shall be consistent,
19 and not be authority for noncompliance, with the other
20 requirements of this Act and other law applicable to re-
21 source management plan documents.

22 **SEC. 108. SCIENTIFIC BASIS FOR FEDERAL LAND PLANNING**
23 **AND MANAGEMENT ACTIVITIES.**

24 (a) USE OF SCIENCE.—

1 (1) In preparing each resource management
2 plan, and each amendment to, or revision of, a re-
3 source management plan, and in rendering a deci-
4 sion on a management activity on Federal lands,
5 each Secretary shall utilize the best scientific and
6 commercial data available to the Secretary.

7 (2) In implementing paragraph (1), each Sec-
8 retary, when evaluating comparable data, shall give
9 greater weight to scientific or commercial data that
10 are imperical or have been field-tested or peer-re-
11 viewed.

12 (3) Notwithstanding paragraph (1), each Sec-
13 retary may in the Secretary's discretion determine
14 whether any additional information concerning any
15 resources of the Federal lands shall be collected
16 prior to approving any resources management plan,
17 or amendment to or revision of a resource manage-
18 ment plan, or in rendering a decision on a manage-
19 ment activity on Federal lands.

20 (b) PRESUMPTION IN FAVOR OF SECRETARY'S USE
21 OF SCIENCE.—In any administrative appeal of, or litiga-
22 tion on, any planning document or resource management
23 activity concerning the Federal lands, the official or ad-
24 ministrative entity responsible for the appeal or the court
25 with jurisdiction over the litigation shall give deference to

1 the expert judgment of the Secretary in identifying and
2 interpreting the scientific data described in subsection (a).

3 **SEC. 109. NOTICE AND COMMENT ON MANAGEMENT ACTIVI-**
4 **TIES.**

5 (a) IN GENERAL.— Each Secretary shall establish a
6 notice and comment process for proposed actions of the
7 Agency under the Secretary’s jurisdiction concerning ac-
8 tivities implementing resource management plans.

9 (b) NOTICE AND COMMENT.—

10 (1) Prior to making a final decision to under-
11 take or authorize an action referred to in subsection
12 (a), the Secretary shall give notice of the proposed
13 action, and the availability of the proposed action for
14 public comment by—

15 (A) promptly mailing notice of the pro-
16 posed action to any person who has requested
17 it in writing, and to persons who are known to
18 have participated in the decisionmaking process;
19 and,

20 (B)(i) in the case of any action by the
21 Chief, Forest Service, or Director, Bureau of
22 Land Management, publishing notice of the ac-
23 tion in the Federal Register; or

24 (ii) in the case of any other action referred
25 to in subsection (a), publishing notice of the ac-

1 tion in a newspaper of general circulation that
2 has previously been identified in the Federal
3 Register as the newspaper in which notice
4 under this paragraph may be published.

5 (2) Each Secretary shall accept comments on
6 an action referred to in subsection (a) within 30
7 days after the publication in accordance with para-
8 graph (1).

9 **PART B—CONSIDERATION AND DISCLOSURE OF**
10 **BUDGET AND FUNDING EFFECTS**

11 **SEC. 110. DISCLOSURE OF FUNDING CONSTRAINTS ON**
12 **PLANNING AND MANAGEMENT.**

13 The environmental analysis accompanying each re-
14 source management plan, or amendment to or revision of
15 a resource management plan, shall consider generally for
16 each alternative, and the decision to adopt such plan,
17 amendment, or revision shall determine specifically for the
18 plan, how implementation of the alternative or plan,
19 amendment, or revision will be affected by, and what goals
20 and objectives, land allocations, outputs, environmental
21 policies and standards, and desired future conditions as
22 described in section 104(a)(1)(A), shall be effective for the
23 alternative or plan, amendment, or revision within a range
24 of possible levels of funding of Agency programs deter-
25 mined reasonable by the Secretary, with at least one level

1 which provides less funds annually, and one level which
2 provides more funds annually, than the level of funding
3 for the current fiscal year.

4 **SEC. 111. FULLY ALLOCATED COSTS ANALYSIS.**

5 The Secretaries shall specify, in the environmental
6 analysis documents prepared for resource management
7 plans, and amendments to and revisions of such plans, the
8 economic value and fully allocated cost (including foregone
9 revenues), expressed as a user fee or cost-per-beneficiary,
10 of each non-commodity output from the Federal lands to
11 which the plans apply.

12 **SEC. 112. COST DISCLOSURES.**

13 On or before July 1 of each year after the date of
14 enactment of this Act, each Secretary shall submit a re-
15 port to the Committees of Congress that provides the total
16 cost and costs per function or procedure incurred in the
17 preparation of each resource management plan, significant
18 amendment to or revision of any such plan, and assess-
19 ment pursuant to section 103(c), which is published in the
20 preceding calendar year. Such costs shall include the costs
21 of the Agency responsible for preparation of the plan,
22 amendment, revision, or assessment and of any other Fed-
23 eral agency which participates in the preparation of the
24 plan, amendment, revision, or assessment or prepares an
25 opinion concerning or comments on the compliance of the

1 plan, amendment, revision, or assessment with any Fed-
2 eral law or regulation administered by such Federal agen-
3 cy.

4 **PART C—MONITORING AND ADAPTIVE**
5 **MANAGEMENT**

6 **SEC. 113. MONITORING.**

7 (a) IN GENERAL.—Using monies from the Moni-
8 toring Funds established pursuant to section 115 and,
9 where such monies are insufficient, appropriated funds,
10 each Secretary shall monitor, on a schedule established by
11 each resource management plan pursuant to section
12 104(a)(2)(C) but no less than every 2 years, the imple-
13 mentation of the plan and management of the Federal
14 lands subject to the plan and trends in the conditions and
15 uses of the resources on such lands to—

16 (1) ensure that no basis element of the plan as
17 described in section 104(a)(1)(A) is constructively
18 changed through a pattern of management activities
19 or of failures to undertake management activities;

20 (2) determine that no conflict has risen between
21 any of the basic elements of the plan as described
22 in section 104(a)(1)(A); and

23 (3) determine if circumstances warrant adaptive
24 management of any of the resources, to be author-
25 ized either—

1 (A) in accordance with requirements and
2 procedures prescribed in the plan, if such man-
3 agement will not require or result in any change
4 in the basic elements of the plan as described
5 in section 104(a)(1)(A), or

6 (B) by amendment to or revision of the
7 plan.

8 (b) MONITORING PROCEDURES.—The monitoring re-
9 quired by subsection (a) shall be conducted in accordance
10 with the procedures for monitoring prescribed in the appli-
11 cable resource management plan pursuant to section
12 104(a)(2)(C).

13 (c) ADAPTIVE MANAGEMENT CIRCUMSTANCES.—The
14 determination of circumstances warranting adaptive man-
15 agement pursuant to subsection (a)(3) shall be made in
16 accordance with the criteria for such determination con-
17 tained in the applicable resource management plan pursu-
18 ant to section 104(a)(2)(D).

19 **SEC. 114. ADAPTIVE MANAGEMENT AND OTHER CHANGES**
20 **DUE TO MONITORING.**

21 (a) CORRECTING CONSTRUCTIVE PLAN CHANGES.—
22 If, as a consequence of monitoring pursuant to section
23 113, the Secretary finds that a change described in section
24 113(a)(1) has occurred, the Secretary shall direct that
25 corrective management activities be undertaken to restore

1 compliance with the affected resource management plan
2 or that the plan be amended or revised.

3 (b) CORRECTING CONFLICTS BETWEEN PLAN ELE-
4 MENTS.—If, as a consequence of monitoring pursuant to
5 section 113, the Secretary finds that a conflict between
6 any of the basic elements of the affected resource manage-
7 ment described in section 104(a)(1)(A) exists, the Sec-
8 retary should take such action as required by section
9 106(c)(1).

10 (c) ENSURING ADAPTIVE MANAGEMENT.—If, as a
11 consequence of monitoring pursuant to section 113, the
12 Secretary finds pursuant to section 113(a)(3) that the cir-
13 cumstances warranting adaptive management exist and
14 require an amendment to or revision of the affected re-
15 source management plan, the plan shall be amended or
16 revised.

17 **SEC. 115. MONITORING FUNDS.**

18 (a) ESTABLISHMENT OF FUNDS.—The Secretary of
19 the Interior shall establish a Public Lands Monitoring
20 Fund and the Secretary of Agriculture shall establish a
21 Forest Lands Monitoring Fund.

22 (b) PAYMENT INTO FUNDS.—

23 (1) Any revenues from Federal lands described
24 in section 3(a)(4)(A) received by the Secretary of
25 the Interior in any fiscal year in excess of revenues

1 from such lands projected for the Bureau of Land
2 Management in the baseline budget of the President
3 for such fiscal year, minus the funds necessary to
4 make payments to States or local governments under
5 other laws concerning the distribution of revenues
6 derived from such lands, shall be deposited into the
7 Public Lands Monitoring Funds.

8 (2) Any revenues from Federal lands described
9 in section 3(a)(4)(B) received by the Secretary of
10 Agriculture in any fiscal year in excess of revenues
11 from such lands projected for the Forest Service in
12 the baseline budget of the President for such fiscal
13 year, minus the funds necessary to make payments
14 to States or local governments under other laws con-
15 cerning the distribution of revenues derived from
16 such lands, shall be deposited in the Forest Lands
17 Monitoring Fund.

18 (c) USE OF FUND MONIES.—

19 (1) Funds deposited into the Public Lands
20 Monitoring Fund shall be available, without fiscal
21 year limitation or further appropriation, to the Sec-
22 retary of the Interior to conduct the monitoring re-
23 quired by section 113 on Federal lands described in
24 section 3(a)(4)(A).

1 (2) Funds deposited in the Forest Lands Moni-
2 toring Fund shall be available, without fiscal year
3 limitation or further appropriation, to the Secretary
4 of Agriculture to conduct the monitoring required by
5 section 113 on Federal lands described in section
6 3(a)(4)(B).

7 (d) PRIVATE CONTRACTORS.—To conserve personnel
8 resources, each Secretary is encouraged to use private con-
9 tractors, including contractors under the Jobs in the
10 Woods Program, to conduct the monitoring required by
11 section 113 and any other monitoring related to the Fed-
12 eral lands. Any contracts issued pursuant to this sub-
13 section shall comply with the requirements of the McNa-
14 mara-O’Hara Service Contract Act (11 U.S.C. 351(a)).

15 **PART D—CHALLENGES TO PLANNING**

16 **DOCUMENTS AND MANAGEMENT ACTIVITIES**

17 **SEC. 116. ADMINISTRATIVE APPEALS.**

18 (a) APPEALS REGULATIONS.—Each Secretary shall
19 promulgate regulations to govern administrative appeals
20 of decisions to approve resource management plans, and
21 amendments to and revisions of such plans, and to ap-
22 prove or disapprove management activities for or on the
23 Federal lands.

24 (b) APPEALS REQUIREMENTS.—The regulations re-
25 quired by subsection (a) shall—

1 (1) provide that any person may bring an ad-
2 ministrative appeal of the adoption of a resource
3 management plan, or an amendment to or revision
4 of such a plan, or a decision to approve, disapprove,
5 or otherwise take final action on a management ac-
6 tivity if he or she has submitted written comments
7 during the preparation of such plan, amendment, re-
8 vision, or activity on the issue or issues for which
9 administrative review is sought: *Provided*, That this
10 paragraph shall not apply when either no oppor-
11 tunity was accorded to the public to submit com-
12 ments, pursuant to section 109 or other statutory
13 provisions or regulations, or no opportunity was
14 available to raise such issue or issues because such
15 issue or issues were manifest only after the close of
16 the comment period or other demonstrated reason;

17 (2) provide that an administrative appeal of the
18 adoption of a resource management plan, or an
19 amendment to or revision of such a plan, may not
20 challenge any analysis or decision assigned to man-
21 agement activities pursuant to section 104(b) and an
22 administrative appeal of a decision to approve, dis-
23 approve, or otherwise take final action on a manage-
24 ment activity may not challenge any analysis or deci-

1 sion assigned to resource management plans pursu-
2 ant to section 104(b);

3 (3) establish deadlines after adoption of a plan,
4 amendment, or revision, or the final decision to ap-
5 prove, disapprove, or take final action on an activity,
6 by which any administrative appeal must be filed:
7 *Provided*, That such deadlines shall be not more
8 than 120 days after adoption of a plan or revision,
9 90 days after adoption of an amendment, and 45
10 days after an activity decision;

11 (4) establish deadlines after the filing of admin-
12 istrative appeals pursuant to paragraph (3) by which
13 final decisions on the appeals must be rendered and
14 authorize the Secretary to extend the deadline of any
15 appeal for a period of not more than 15 days by a
16 written statement that provides the reasons for the
17 extension: *Provided*, That such deadlines shall be not
18 more than 120 days after the date of filing of an ap-
19 peal of a plan or a revision, 90 days after the date
20 of filing of an appeal of an amendment, and 45 days
21 after the date of filing of an appeal of an activity;

22 (5) provide that, in the event of a failure to
23 render a final decision on an administrative appeal
24 by the deadline established pursuant to paragraph
25 (4), the decision on which the appeal is based is

1 deemed to be a final agency action for the purpose
2 of chapter 7 of title 5, United States Code;

3 (6) provide that the Secretary shall consider
4 and balance the environmental and/or economic in-
5 jury to any affected persons in determining whether
6 to issue a stay pending the appeal or petition;

7 (7) provide that no administrative stay shall ex-
8 tend beyond, or be imposed after—

9 (A) the conclusion of the applicable period
10 for filing an administrative appeal established
11 pursuant to paragraph (3) if no appeal is timely
12 filed;

13 (B) 30 days from the date of, or deadline
14 established pursuant to paragraph (4) for, a
15 final decision on an appeal of a resource man-
16 agement plan or an amendment to or revision
17 of such a plan; and

18 (C) 15 days from the date of, or deadline
19 established pursuant to paragraph (4) for, a
20 final decision on an appeal of a management
21 activity; and

22 (8) establish categories of or criteria for man-
23 agement activities which, because of emergency,
24 time-sensitive, or other exigent circumstances, shall
25 not be eligible for administrative appeals, or are eli-

1 gible for an expedited appeal procedure established
2 by regulation, and for which lawsuits may be filed
3 immediately after the decisions to authorize such ac-
4 tivities or, if an expedited appeal procedure is pro-
5 vided, within 10 days of the appeal decision.

6 (c) REPEALER.—The regulations required of the For-
7 est Service by this section and section 116 shall replace
8 any regulations promulgated pursuant to section 322 of
9 Public Law 102–381 (106 Stat. 1419–1420). Upon the
10 effective date of the regulations of the Forest Service re-
11 quired by this subsection, section 322 is repealed.

12 **SEC. 117. JUDICIAL REVIEW.**

13 (a) STANDING.—Standing to obtain judicial review of
14 a decision on a management activity on the Federal lands
15 shall be available only to persons who have—

16 (1) participated in the decision on such activity
17 through the submission of written comments on the
18 issue or issues for which judicial review is sought,
19 unless an opportunity to submit such comments was
20 not provided to the public or no opportunity was
21 available to raise such issue or issues because such
22 issue or issues were manifest only after the close of
23 the comment period, or other demonstrated reason;

24 (2) raised such issue or issues in seeking, or
25 demonstrated that such issue or issues have been

1 raised in, administrative review pursuant to section
2 116 of such activity, other than an activity subject
3 to section 116(b)(8); and

4 (3) exhausted the opportunities for administra-
5 tive review pursuant to section 116, except for an
6 activity subject to section 116(b)(8).

7 (b) INTERVENTION.—Any person may intervene in,
8 as a matter of right, any suit brought under this Act, the
9 Federal Land Policy and Management Act of 1976 (43
10 U.S.C. Sec. 1701, et seq., or the Forest and Rangeland
11 Renewable Resources Planning Act of 1974 (16 U.S.C.
12 Sec. 1600, et seq.) a regulation issued under any such Act
13 if such suit threatens to cause injury to the person or re-
14 lates to any injury sustained by the person, and shall have
15 the same right to present arguments as do the parties to
16 the suit, and the right to participate in any settlement
17 discussion.

18 (c) DEADLINES.—Except as provided in section
19 116(b)(8), any suit brought against any management ac-
20 tivity on the Federal lands or on a regulation under the
21 Acts referred to in subsection (b) must be filed not more
22 than 45 days after the final decision on an administrative
23 appeal of the management activity or promulgation of the
24 regulation.

1 (d) OTHER CITIZEN SUITS.—The deadline for filing
2 any suit brought under a provision authorizing citizen
3 suits in any law not referred to in subsection (b) shall be
4 no later than 7 days after the conclusion of any period
5 of advanced notice established by such provision.

6 **TITLE II—COORDINATION AND**
7 **COMPLIANCE WITH OTHER**
8 **ENVIRONMENTAL LAWS**

9 **SEC. 201. PURPOSES.**

10 The purposes of this title are to coordinate, and elimi-
11 nate conflicting procedures of the Federal land manage-
12 ment and other environmental laws; to assign clear re-
13 sponsibility for meeting the standards and requirements
14 of such laws, and securing protection of the environment
15 and resources, on the Federal lands; and to reduce the
16 time and cost, and thereby improve the efficiency and ef-
17 fectiveness, in achieving such protection.

18 **SEC. 202. WILDLIFE PROTECTION.**

19 (a) ENDANGERED SPECIES ACT ANALYSIS.—

20 (1) In developing a resource management plan,
21 an amendment to or revision of such a plan, or a
22 management activity on the Federal lands, the
23 Agency, on the basis of the best scientific and com-
24 mercial data available, shall ensure, pursuant to sec-
25 tion 7 of the Endangered Species Act of 1973 (16

1 U.S.C. 1536), that the plan, amendment, revision,
2 or activity is not likely to jeopardize the continued
3 existence of any species determined to be endangered
4 or threatened, or result in the destruction or adverse
5 modification of habitat of such species designated as
6 critical, pursuant to section 4 of such Act, except
7 that the Agency, upon certification pursuant to
8 paragraph (2), shall perform all functions in the
9 processes established in subsections (a)(2) through
10 (c) of such section 7 (16 U.S.C. 1536(a)–(c)) which
11 are assigned by such subsections or implementing
12 regulations to the Secretary as defined in section
13 3(15) of such Act (16 U.S.C. 1532(15)).

14 (2)(A) Each Agency may apply to the Director
15 of any agency to which the Secretary referred to in
16 paragraph (1) has delegated the responsibilities of
17 the Secretary under subsections (a)(2) through (c)
18 of section 7 of the Endangered Species Act of 1973
19 to be certified to perform, pursuant to paragraph
20 (1), all functions in the processes established in such
21 subsections. The application shall contain a detailed
22 summary of the personnel and funds available to,
23 and the procedures adopted by, the Agency to per-
24 form such functions.

1 (B) The Director shall have 30 days from the
2 date of submission to notify the Agency of any fur-
3 ther information required by the Director to con-
4 sider the application submitted pursuant to subpara-
5 graph (A).

6 (C) The Director shall render a decision on an
7 application submitted pursuant to subparagraph (A)
8 within 90 days of the receipt thereof or of the sub-
9 mission by the Agency of further information pursu-
10 ant to subparagraph (B), whichever is later, and, if
11 the Director fails to render a decision by such date,
12 the Agency shall be deemed certified to perform the
13 functions described in subparagraph (A).

14 (D) The decision of the Director on an applica-
15 tion submitted pursuant to subparagraph (A) shall
16 provide a detailed explanation of the reasons there-
17 for and be published in the Federal Register.

18 (E) The decision of the Director on an applica-
19 tion submitted pursuant to subparagraph (A) shall
20 not be subject to subsections (a) through (c) of sec-
21 tion 7 of the Endangered Species Act of 1973 and
22 section 102(2) of the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4332(2)).

24 (F) If an application of an Agency to be cer-
25 tified pursuant to this paragraph is denied, the

1 Agency may file a subsequent application or applica-
2 tions pursuant to subparagraph (A) at intervals of
3 no less than one year each until such time as it re-
4 ceives certification.

5 (b) EFFECT ON MANAGEMENT ACTIVITIES.—

6 (1) Whenever a species is determined to be an
7 endangered species or a threatened species, or crit-
8 ical habitat is designated, pursuant to section 4 of
9 the Endangered Species Act of 1973 (16 U.S.C.
10 1533) and the species or habitat is located on Fed-
11 eral lands, the Agency with jurisdiction over such
12 lands shall determine whether the procedure estab-
13 lished by section 7(a)(2) of such Act (16 U.S.C.
14 1536(a)(2)) and subsection (a) of this section is re-
15 quired on each resource management plan applicable
16 to such lands within 90 days of the date of the de-
17 termination or designation. Any amendment to or
18 revision of a resource management plan resulting
19 from the determination or designation that such pro-
20 cedure is required shall be completed within 12
21 months or 18 months, respectively, from the date of
22 the determination or designation.

23 (2) If the procedure prescribed by section
24 7(a)(2) of such Act and subsection (a) of this sec-
25 tion is required on a resource management plan (or

1 an amendment to or revision of the plan), the Agen-
2 cy implementing the plan may authorize, fund, or
3 carry out any agency action that is consistent with
4 the plan prior to completion of the procedure on the
5 plan if the procedure prescribed by such section
6 7(a)(2) and subsection (a) of this section concerning
7 the same species or critical habitat is conducted on
8 the action or if such procedure is not required on
9 the action.

10 (c) **MIGRATORY BIRD TREATY ACT.**—No person au-
11 thorized by an Agency to carry out a management activity
12 on the Federal lands shall be liable for a violation of any
13 prohibition under section 2 of the Migratory Bird Treaty
14 Act (16 U.S.C. 703) as a result of the activity if the activ-
15 ity is consistent with the applicable resource management
16 plan.

17 **SEC. 203. AIR QUALITY PROTECTION.**

18 Notwithstanding the provisions of section 118(a) of
19 the Clean Air Act (42 U.S.C. 7418), upon a finding by
20 a forest supervisor of the Forest Service or a district man-
21 ager of the Bureau of Land Management that a prescribed
22 use of fire on Federal lands within the jurisdiction of such
23 official would reduce the risk of greater emissions from
24 a wildfire and will be conducted in a manner that mini-
25 mizes impacts on air quality to the extent practicable,

1 after an opportunity for review by the governor, such use
2 shall be deemed to be in compliance with an applicable
3 requirements of any State implementation plan under sec-
4 tion 110 of such Act (42 U.S.C. 7410), and any require-
5 ments imposed by the U.S. Environmental Protection
6 Agency under such Act.

7 **SEC. 204. MEETINGS WITH USERS OF THE FEDERAL LANDS.**

8 (a) **AUTHORIZATION OF MEETINGS.**—To improve
9 and coordinate the management of Federal lands, the Sec-
10 retary may, in his discretion, meet to discuss matters of
11 mutual concern with one or more: holders of or applicants
12 for permits, leases, contracts, or other authorizations for
13 use of the Federal lands; other persons who conduct activi-
14 ties on the Federal lands; and persons who own or manage
15 lands adjacent to the Federal lands; or their representa-
16 tives.

17 (b) **FEDERAL ADVISORY COMMITTEE ACT.**—

18 (1) The Federal Advisory Committee Act (5
19 U.S.C. App.) shall not apply to meetings under this
20 section.

21 (2) Nothing in this section shall be deemed to
22 affect the exemption from the Federal Advisory
23 Committee Act provided for meetings with elected
24 officers of State, local and tribal governments by

1 section 204(b) of the Unfunded Mandates Reform
2 Act of 1995 (2 U.S.C. 1534(b)).

3 **TITLE III—DEVELOPMENT OF A**
4 **GLOBAL RENEWABLE RE-**
5 **SOURCES ASSESSMENT AND**
6 **ELIMINATION OF RENEW-**
7 **ABLE RESOURCE PROGRAM**
8 **REQUIREMENT**

9 **SEC. 301. PURPOSES.**

10 The purposes of this title are to eliminate a level of
11 Forest Service planning in accordance with section 103(a);
12 to repeal the provisions of the Forest and Rangeland Re-
13 newable Resources Planning Act of 1974 concerning the
14 Renewable Resource Program, which continually has been
15 altered by other agencies and political appointees within
16 the Executive Branch and routinely has been ignored by
17 the Forest Service as a guide to the development of re-
18 source management plans and management activities; and
19 to provide for an assessment of global renewable resources
20 in the Renewable Resource Assessment required by that
21 Act.

22 **SEC. 302. GLOBAL RENEWABLE RESOURCES ASSESSMENT.**

23 Section 3(a) of the Forest and Rangeland Renewable
24 Resource Planning Act of 1973 (16 U.S.C. 1601(a)) is
25 amended by renumbering paragraphs (5) and (6) as (6)

1 and (7), respectively, and inserting a new paragraph (5),
2 as follows:

3 “(5) a global resource assessment, including but
4 not limited to—

5 “(A) an analysis of present and anticipated
6 national and international uses of, demand for,
7 and supply of renewable resources, with an em-
8 phasis on pertinent supply and demand and
9 price relationship trends;

10 “(B) an inventory of present and potential
11 national and international renewable resources,
12 and an evaluation of opportunities for improv-
13 ing the yield of tangible and intangible goods
14 and services from these resources, together with
15 estimates of investment costs and direct and in-
16 direct returns to the various governments;

17 “(C) an analysis of the environmental con-
18 straints, and the effects thereof, on production
19 of renewable resources in the United States and
20 in other countries;

21 “(D) an analysis of the extent to which the
22 programs of other countries for management of
23 renewable resources ensure sustainable use and
24 production of such resources and the sustain-

1 ability of the ecosystems that provide such re-
2 sources;

3 “(E) a description of national and inter-
4 national programs and responsibilities in re-
5 search on renewable resources and management
6 of public and private forest, range, and other
7 associated lands;

8 “(F) a discussion of important policy con-
9 siderations, laws, regulations, and other factors
10 expected to influence and affect significantly
11 the use, ownership, and management of public
12 and private forest, range, and other associated
13 lands; and

14 “(G) recommendations for administrative
15 or legislative changes or initiatives to be under-
16 taken by the Agencies or Congress.”.

17 **SEC. 303. REPEAL OF RENEWABLE RESOURCE PROGRAM**
18 **PROVISIONS OF THE FOREST AND RANGE-**
19 **LAND RENEWABLE RESOURCES PLANNING**
20 **ACT.**

21 (a) REPEALERS.—The following sections of the For-
22 est and Rangeland Renewable Resources Planning Act (16
23 U.S.C. 1600 et seq.) (as redesignated by section 2 of, and
24 otherwise amended by, the National Forest Management
25 Act of 1976 (90 Stat. 2949)) are amended—

1 (1) by deleting section 4 in its entirety;

2 (2) in section 6—

3 (A) in subsection (a), by deleting “As a
4 part of the Program provided for by section 3
5 of this Act, the” and inserting “The”; and

6 (B) in subsection (g)(3), by deleting “de-
7 veloped to achieve the goals of the Program”;

8 (3) in section 7, by deleting “Assessment, re-
9 source surveys, and Program” and inserting “As-
10 sessment and resource surveys”; and

11 (4) by deleting section 8 in its entirety.

12 (b) REPORTING OF ASSESSMENT.—Section 3 of the
13 Forest and Rangelands Renewable Resources Planning
14 Act of 1974 (16 U.S.C. 1601) is amended by adding at
15 the end thereof the following new subsection:

16 “(f) On the date Congress convenes following each
17 updating of the Assessment, the President shall transmit
18 the updated Assessment to the Speaker of the House of
19 Representatives and the President of the Senate.”

20 **TITLE IV—ADMINISTRATION**

21 **SEC. 401. STEWARDSHIP CONTRACTS.**

22 (a) IN GENERAL.—The Secretary of Agriculture may
23 enter into contracts with private persons and entities to
24 perform service to achieve land management goals for the
25 Federal lands described in section 3(a)(4)(B) that meet

1 local and rural community needs (hereinafter referred to
2 in this section as “stewardship contracts”).

3 (b) LAND MANAGEMENT GOALS.—The land manage-
4 ment goals of stewardship contracts may include, among
5 other things—

6 (1) road and trail maintenance or obliteration
7 to restore or maintain water quality, soil produc-
8 tivity, or other resource values;

9 (2) setting of prescribed fires, cutting or remov-
10 ing of trees, or other activities to improve the com-
11 position, structure, condition, and health of forest
12 stands, reduce fire hazards, improve wildlife and fish
13 habitat, or achieve other resource management or
14 restoration objectives;

15 (3) watershed restoration and maintenance;

16 (4) restoration and maintenance of wildlife and
17 fish habitat; and

18 (5) control of noxious and exotic weeds and re-
19 establishing native plant species.

20 (c) CONTRACTS.—

21 (1) A source for performance of a stewardship
22 contract shall be selected on a best-value basis, in-
23 cluding consideration of source under other public
24 and private contracts.

1 (2) A multiyear stewardship contract may be
2 entered into in accordance with section 304B of the
3 Federal Property and Administrative Services Act of
4 1949 (41 U.S.C. 254c), except that the period of the
5 contract may exceed 5 years but may not exceed 10
6 years.

7 (3)(A) The Secretary of Agriculture may apply
8 the value of timber or other forest products removed
9 as an offset against the cost of services received in
10 stewardship contracts.

11 (B) The value of timber or other forest prod-
12 ucts used as offset under subparagraph (A)—

13 (i) shall be determined using appropriate
14 methods of appraisal commensurate with the
15 quantity of products to be removed;

16 (ii) may be determined using a unit of
17 measure appropriate to the contracts; and

18 (iii) may include valuing products on a
19 per-acre basis.

20 (4) The Secretary of Agriculture may enter into
21 stewardship contracts, notwithstanding subsections
22 (d) and (g) of section 14 of the National Forest
23 Management Act of 1976 (16 U.S.C. 472a).

24 (d) RECEIPTS.—The Secretary of Agriculture may
25 collect monies from a stewardship contract so long as such

1 collection is a secondary objective of negotiating contracts
2 that will best achieve the purposes of this section.

3 (e) RELATION TO OTHER LAWS.—

4 (1) The value of services received by the Sec-
5 retary of Agriculture under a stewardship contract
6 project conducted under this section, and any pay-
7 ments made or resources provided by the contractor
8 or the Secretary of Agriculture under such a project,
9 shall be considered as money received for purposes
10 of calculating and distributing payments to State
11 and local governments under other laws concerning
12 the distribution of revenues from Federal lands de-
13 scribed in section 3(a)(4)(B).

14 (2) The Act of June 9, 1930 (16 U.S.C. 576
15 et seq.; commonly known as the Knutson-Vanden-
16 berg Act), shall not apply to stewardship contracts
17 entered into under this section.

18 (f) COSTS OF REMOVAL.—The Secretary of Agri-
19 culture may collect deposits from contractors under stew-
20 ardship contracts covering the costs of removal of timber
21 or other forest products pursuant to the Act of August
22 11, 1916 (39 Stat. 462, chapter 313; 16 U.S.C. 490); and
23 the next to the last paragraph under the heading “Forest
24 Service.” Under the heading “Department of Agriculture”
25 in the Act of June 30, 1914 (38 Stat. 430, chapter 131;

1 16 U.S.C. 498), notwithstanding the fact that the timber
2 purchasers did not harvest the timber.

3 (g) PERFORMANCE AND PAYMENT GUARANTEES.—

4 (1) The Secretary of Agriculture may require
5 performance and payment bonds, in accordance with
6 sections 103–2 and 103–3 of part 28 of the Federal
7 Acquisition Regulations (48 C.F.R. 28.103–2,
8 28.103–3), in an amount that the contracting officer
9 considers sufficient to protect the Government’s in-
10 vestment in receipts generated by the contractor
11 from the estimated value of the forest products to be
12 removed under stewardship contract.

13 (2) If the offset value of the forest products ex-
14 ceeds the value of the resource improvement treat-
15 ments under a stewardship contract, the Secretary
16 of Agriculture may—

17 (A) collect any residual receipts pursuant
18 to the Act of June 9, 1930 (46 Stat. 527, chap-
19 ter 419; 15 U.S.C. 576); and

20 (B) apply the excess to other authorized
21 projects.

22 **SEC. 402. FEES FOR LINEAR RIGHT-OF-WAY.**

23 (a) DEFINITION.—For purposes of this section, the
24 term “linear rights-of-way” means any right-of-way au-
25 thorized by the Secretary—

1 (1) under section 501 of the Federal Land Pol-
2 icy and Management Act of 1976 (43 U.S.C. 1761)
3 for a power line, telephone line, fiberoptic commu-
4 nication line, ditch, canal, road, trail, or pipeline; or
5 (2) under the Act of February 25, 1920 (30
6 U.S.C. 185) for an oil and gas pipeline.

7 (b) FEES.—

8 (1) Each Secretary shall charge and collect
9 rental fees for linear rights-of-way based on the fair
10 market value of the rights and privileges authorized,
11 except where linear rights-of-way are exempt from
12 such fees under laws in existence on the date of en-
13 actment of this Act.

14 (2) Each Secretary may waive the application
15 of paragraph (1) in accordance with applicable regu-
16 lations.

17 **SEC. 403. FEES FOR PROCESSING RECORDS REQUESTS.**

18 Notwithstanding any other provision of law, the Sec-
19 retaries may not waive or reduce any fee applicable to the
20 processing of a request that exceeds \$10,000, or of mul-
21 tiple requests from the same company, organization, or
22 other entity, including any affiliates or members of the
23 same company, organization or other entity, that exceed
24 \$10,000 within a 6-month period, for records under sec-

1 tion 1 of the Act of September 6, 1966, as amended (5
2 U.S.C. 552).

3 **SEC. 404. EXEMPTION FROM STRICT LIABILITY FOR THE**
4 **RECOVERY OF FIRE SUPPRESSION COSTS.**

5 Section 504(h) of the Federal Land Policy and Man-
6 agement Act of 1976 (43 U.S.C. 1764(h)) is amended by
7 adding at the end thereof the following new paragraph:

8 “(3) No regulation shall impose liability without
9 fault for fire suppression costs with respect to a
10 right-of-way granted, issued, or renewed under this
11 Act to or for a nonprofit entity, including a non-
12 profit entity that uses such right-of-way for the de-
13 livery of electricity to parties having an equity inter-
14 est in such entity.”.

15 **SEC. 405. ACCESS TO ADJACENT OR INTERMINGLED NON-**
16 **FEDERAL LANDS.**

17 (a) DEADLINES.—

18 (1) Each Secretary shall process any applica-
19 tion for access over, upon, under, or through Federal
20 lands within the jurisdiction of the Secretary to non-
21 Federal land pursuant to section 1323 of the Alaska
22 National Interest Lands Conservation Act (16
23 U.S.C. 3210) within 180 days of receipt of a com-
24 plete application.

1 (2)(A) Each Secretary shall notify in writing an
2 applicant for such access across Federal lands in ac-
3 cordance with this section whether an application is
4 complete within 15 days of receipt thereof.

5 (B) If a Secretary finds an application for such
6 access across Federal lands in accordance with this
7 section to be incomplete, the Secretary shall describe
8 in detail in the notification required by subpara-
9 graph (A) what additional information is necessary
10 to render the application complete.

11 (3)(A) If an application for access in accord-
12 ance with this section has not been fully processed
13 by the deadline established in paragraph (1), the ac-
14 cess shall be deemed approved as described in the
15 application.

16 (B) If the Secretary fails to notify an applicant
17 for access in accordance with this section by the
18 deadline established in paragraph (2)(A), the appli-
19 cation shall be deemed complete.

20 (b) ENVIRONMENTAL ANALYSIS AND REQUIRE-
21 MENTS.—

22 (1) The environmental analysis documents re-
23 quired by section 102(2) of the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4332(2)) and
25 section 7 of the Endangered Species Act of 1973 (16

1 U.S.C. 1536) shall consider the environmental ef-
2 fects of the construction, maintenance, and use of
3 the access across the Federal lands and shall not
4 consider the use of the non-Federal lands to be
5 accessed.

6 (2) Any limitation or condition on the access
7 which the Secretary is permitted to impose pursuant
8 to section 1323 of the Alaska National Interests
9 Lands Conversation Act shall limit or condition sole-
10 ly the construction, maintenance, or use of the ac-
11 cess across the Federal lands and not the use of the
12 non-Federal lands to be accessed.

13 **SEC. 406. SPECIAL FUNDS.**

14 (a) BUREAU OF LAND MANAGEMENT.—The Sec-
15 retary of the Interior shall maintain a special fund estab-
16 lished pursuant to Public Law 102–381, which shall be
17 derived from the Federal share of all monies received from
18 the salvage sales of forest products from all Federal lands
19 described in section 3(a)(4)(A), and which shall be avail-
20 able, without further appropriation, for the purposes of
21 planning and preparing salvage sales of forest products,
22 the administration of salvage sales, and subsequent site
23 preparation and reforestation, and forest health enhance-
24 ment projects, including, but not limited to, prescribed
25 burning (including natural ignition) or other fuels man-

1 agement, site preparation, tree planting, protection of
2 seedlings from animals and other environmental elements,
3 release from competing vegetation, and stand thinning.
4 The Federal share of any revenues received from forest
5 health enhancement projects shall be returned to the spe-
6 cial fund and be made available for the purpose provided
7 in this subsection.

8 (b) FOREST SERVICE.—The Federal share of all
9 monies received from the salvage sales of forest products
10 from, and any other activities funded pursuant to this sub-
11 section on, Federal lands described in section 3(a)(4)(B)
12 may be credited to the Forest Service Permanent Appro-
13 priations to be expended on such lands for: salvage sales
14 of forest products; preparation of sales of forest products
15 to replace sales lost to fire or other causes; preparation
16 of sales of forest products to replace sales inventory on
17 the shelf for any national forest to a level sufficient to
18 maintain new sales availability equal to a rolling 5-year
19 average of the total sales offerings; design, engineering,
20 and supervision of construction of roads lost to fire or
21 other causes associated with the sales programs described
22 in this subsection; watershed assessment activities; and
23 forest health enhancement projects, including, but not lim-
24 ited to prescribed burning (including natural ignition) or
25 other fuels management, site preparation, tree planting,

1 protection of seedlings from animals and other environ-
2 mental elements, release from competing vegetation, and
3 stand thinning.

4 (c) PAYMENTS TO LOCAL GOVERNMENTS.—Revenues
5 received from the salvage sales of forest products, and
6 other activities, funded pursuant to this section shall be
7 considered as money received for purposes of calculating
8 and distributing payments to State and local governments
9 under other law concerning the distribution of revenues
10 derived from forest resources from the affected Federal
11 lands.

12 **SEC. 407. PRIVATE CONTRACTORS.**

13 (a) USE OF PRIVATE CONTRACTORS.—To conserve
14 budgetary and personnel resources, each Secretary shall
15 use to the maximum extent feasible private contractors,
16 including contractors pursuant to the Jobs in the Woods
17 Program, to prepare sales of forest products from the Fed-
18 eral lands under the Secretary's jurisdiction.

19 (b) REQUIREMENTS.—

20 (1) Any work conducted by a contractor on a
21 sale shall be reviewed and approved by the Secretary
22 before any decision on the design of, condition for,
23 or approval or disapproval of the sale may be made
24 by the Secretary.

1 (2) A contractor who worked on a sale may not
2 submit comments on, or otherwise participate in,
3 any decision by the Secretary on the design of, con-
4 ditions for, or approval or disapproval of the sale.

5 (3) A contractor who conducted work on a sale,
6 any entity owned or controlled by the contractor, or
7 any member of the family of the contractor, may not
8 bid on the sale or provide any information to poten-
9 tial bidders and bidders on the sale prior to award
10 of the sale.

11 (4) Any contracts issued pursuant to this sec-
12 tion shall comply with the requirements of the
13 McNamara-O’Hara Service Contract Act (11 U.S.C.
14 351(a)).

15 **SEC. 408. SPECIAL FOREST PRODUCTS.**

16 (a) DEFINITION OF SPECIAL FOREST PRODUCT.—
17 For purposes of this section, the term “special forest prod-
18 uct” means any vegetation or other life form, that grows
19 on Federal lands described in section 3(a)(4)(B), exclud-
20 ing trees, animals, insects, or fish except as provided in
21 regulations issued under this section by the Secretary of
22 Agriculture.

23 (b) FAIR MARKET VALUE FOR SPECIAL FOREST
24 PRODUCTS.—

1 (1) The Secretary of Agriculture shall charge
2 and collect not less than the fair market value for
3 special forest products harvested on Federal lands
4 described in section 3(a)(4)(B).

5 (2) The Secretary of Agriculture shall establish
6 appraisal methods and bidding procedures to ensure
7 that the amounts collected for special forest prod-
8 ucts are not less than fair market value.

9 (c) FEES.—

10 (1) The Secretary of Agriculture shall charge
11 and collect from persons who harvest special forest
12 products all costs to the Department of Agriculture
13 associated with the granting, modifying, or moni-
14 toring the authorization for harvest of the special
15 forest products, including the costs of any environ-
16 mental or other analysis.

17 (2) The Secretary of Agriculture may require a
18 person that is assessed a fee under this subsection
19 to provide security to ensure that the Secretary of
20 Agriculture receives fees authorized under this sub-
21 section from such person.

22 (d) WAIVER.—The Secretary of Agriculture may
23 waive the application of subsection (b) or subsection (c)
24 pursuant to such regulations as the Secretary of Agri-
25 culture may prescribe.

1 (e) COLLECTION AND USE OF FUNDS.—

2 (1) Funds collected in accordance with sub-
3 section (b) and subsection (c) shall be deposited into
4 a special account in the Treasury of the United
5 States.

6 (2) Funds deposited into the special account in
7 the Treasury in accordance with this section shall be
8 available for expenditure by the Secretary of Agri-
9 culture, without further appropriation, and shall re-
10 main available until expended to pay for—

11 (A) in the case of funds collected pursuant
12 to subsection (b), the costs of conducting inven-
13 tories of special forest products, monitoring and
14 assessing the impacts of harvest levels and
15 methods, and for restoration activities, includ-
16 ing any necessary vegetation; and

17 (B) in the case of fees collected pursuant
18 to subsection (c), the costs for which the fees
19 were collected.

20 (3) Amounts collected under subsection (b) and
21 subsection (c) shall not be taken into account for the
22 purposes of the sixth paragraph under the heading
23 of “Forest Service” of the Act of May 23, 1908 (16
24 U.S.C. 500); section 13 of the Act of March 1, 1911
25 (16 U.S.C. 500); the Act of March 4, 1913 (16

1 U.S.C. 501); the Act of July 22, 1937 (7 U.S.C.
2 1012); the Acts of August 8, 1937 and of May 24,
3 1939 (43 U.S.C. 1181 et seq.); the Act of June 14,
4 1926 (43 U.S.C. 869–4); chapter 69 of title 31,
5 United States Code; section 401 of the Act of June
6 15, 1935 (16 U.S.C. 715s); the Land and Water
7 Conservation Fund Act of 1965 (16 U.S.C. 4601–
8 6a); and any other provision of law relating to rev-
9 enue allocation.

10 **SEC. 409. OFF-BUDGET STUDY.**

11 Within twelve months from the date of enactment of
12 this Act, the United States General Accounting Office
13 shall conduct, and report to the Committees of Congress
14 the results of, a study of the feasibility and likely effects
15 of prohibiting any appropriations of funds to the Forest
16 Service and Bureau of Land Management, except for ac-
17 tivities of such agencies conducted on or related to non-
18 Federal lands, and permitting such agencies to retain for
19 their use, without further approval of, or appropriation by,
20 Congress and without fiscal year limitation, all revenues
21 collected from the Federal lands, with revenues from min-
22 eral activities on Federal lands described in section
23 3(a)(4)(B) retained by the Forest Service, minus the
24 funds necessary to make payments to State and local gov-

1 ernments under other laws concerning the distribution of
2 revenues derived from the Federal lands.

3 **SEC. 410. FUELS TREATMENT STUDY.**

4 (a) **STUDY REQUIREMENT.**—Within one year of the
5 date of enactment of this Act, the Secretary of Agriculture
6 and the Secretary of the Interior shall jointly conduct, and
7 report to the Committees of Congress the results of, a
8 study of the effectiveness of fuels hazard treatment strate-
9 gies and methods in the reduction of risk of losses of pri-
10 vate property from catastrophic fires.

11 (b) **STUDY PURPOSE.**—The study required by sub-
12 section (a) shall provide the scientific basis for the selec-
13 tion by the Secretaries of fuels hazard treatment priorities
14 based on the effectiveness of treatment strategies and
15 methods within and outside of the wildland-urban inter-
16 face for reducing threats to private lands and commu-
17 nities.

18 (c) **PRIORITIES.**—The report required by subsection
19 (a) shall contain a statement of the fuels hazard treatment
20 priorities established pursuant to subsection (b).

21 **TITLE V—MISCELLANEOUS**

22 **SEC. 501. REGULATIONS.**

23 Not later than 18 months from the date of enactment
24 of this Act, each Secretary shall promulgate any regula-

1 tions necessary to carry out the purposes and provisions
2 of this Act.

3 **SEC. 502. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated in the fiscal
5 year in which this Act is enacted and each fiscal year for
6 10 fiscal years thereafter such sums as may be necessary
7 to carry out the provisions of this Act. Notwithstanding
8 any other provision of law, all other authorizations of ap-
9 propriations for the management of Federal lands shall
10 expire on the same date as the expiration of the appropria-
11 tions authority of this section.

12 **SEC. 503. EFFECTIVE DATE.**

13 The provisions of this Act shall take effect on the
14 date of enactment of this Act. No decision or action re-
15 quired or authorized by this Act shall be delayed pending
16 promulgation of any regulation to carry out the provisions
17 of this Act.

18 **SEC. 504. SAVINGS CLAUSES.**

19 (a) O&C LANDS ACT.—Notwithstanding any provi-
20 sion of this Act, in the event of conflict with or inconsist-
21 ency between this Act and the Acts of August 28, 1937
22 (50 Stat. 874; 43 U.S.C. a–1181j) and May 24, 1939 (53
23 Stat. 753), the latter Acts shall prevail.

24 (b) LAND USE RIGHTS AND AUTHORIZATIONS.—

25 Nothing in this Act shall be construed as—

1 (1) terminating any valid lease, permit, patent,
2 right-of-way, or other right of, or authorization for,
3 use of the Federal lands existing on the date of en-
4 actment of this Act; or

5 (2) altering in any manner any Native Amer-
6 ican treaty right.

7 (c) VALID EXISTING RIGHTS.—All actions taken by
8 the Secretaries under this Act shall be subject to valid ex-
9 isting rights.

10 **SEC. 505. SEVERABILITY.**

11 If any provision of this Act or the application thereof
12 is held invalid, the remainder of the Act, or any other ap-
13 plication thereof, shall not be affected thereby.

○