

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2518

To authorize the Secretary of Agriculture to enter into cooperative agreements and contracts with the Nebraska State Forester to carry out watershed restoration and protection activities on National Forest System land in the State of Nebraska.

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## IN THE SENATE OF THE UNITED STATES

MAY 15 (legislation day, MAY 9), 2002

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

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## A BILL

To authorize the Secretary of Agriculture to enter into cooperative agreements and contracts with the Nebraska State Forester to carry out watershed restoration and protection activities on National Forest System land in the State of Nebraska.

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. WATERSHED RESTORATION AND PROTECTION**

4                       **ACTIVITIES IN THE STATE OF NEBRASKA.**

5       (a) DEFINITIONS.—In this section:

6               (1) SECRETARY.—The term “Secretary” means  
7       the Secretary of Agriculture.

1           (2) STATE.—The term “State” means the State  
2 of Nebraska.

3           (3) STATE FORESTER.—The term “State For-  
4 ester” means the Nebraska State Forester.

5           (b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

6           (1) IN GENERAL.—The Secretary may enter  
7 into a cooperative agreement or contract, including  
8 a sole source contract, with the State Forester,  
9 under which the State Forester may carry out eligi-  
10 ble watershed restoration and protection activities on  
11 National Forest System land in the State if similar  
12 or complementary activities are being carried out by  
13 the State Forester on State or private land that is  
14 adjacent to the National Forest System land.

15           (2) ELIGIBLE ACTIVITIES.—Watershed restora-  
16 tion and protection activities that are eligible to be  
17 carried out by the State Forester under paragraph  
18 (1) shall include—

19                   (A) treatment of insect-infected trees;

20                   (B) reduction of hazardous fuels; and

21                   (C) other activities to restore or improve  
22 watersheds across ownership boundaries.

23           (c) AGENCY AGREEMENT.—Except as provided in  
24 subsection (f), a cooperative agreement or contract under  
25 subsection (b)(1) may authorize the State Forester to be

1 an agent of the Secretary for the purpose of carrying out  
2 the watershed restoration or protection activities under  
3 the cooperative agreement or contract.

4 (d) SUBCONTRACTS AUTHORIZED.—In carrying out  
5 the watershed restoration or protection activities under  
6 subsection (b), the State Forester may enter into sub-  
7 contracts in accordance with applicable contract proce-  
8 dures of the State.

9 (e) TIMBER SALES.—Subsections (d) and (g) of sec-  
10 tion 14 of the National Forest Management Act of 1976  
11 (16 U.S.C. 472a) shall not apply to watershed restoration  
12 and protection activities carried out by the State Forester  
13 under subsection (b).

14 (f) NO DELEGATION OF DUTIES UNDER NEPA.—  
15 With respect to any watershed restoration or protection  
16 activity of the State Forester carried out or proposed to  
17 be carried out under subsection (b), the Secretary shall  
18 not delegate to the State Forester or to any other em-  
19 ployee of the State Forest Service any of the duties of  
20 the Secretary under the National Environmental Policy  
21 Act of 1969 (42 U.S.C. 4321 et seq.).

22 (g) TERMINATION OF AUTHORITY.—The authority of  
23 the Secretary to enter into cooperative agreements or con-

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1 tracts under this section terminates on September 30,  
2 2006.

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