

Calendar No. 802110TH CONGRESS
2D SESSION**S. 2593****[Report No. 110-370]**

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, Mr. CRAPO, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Forest Landscape Res-
3 toration Act of 2008”.

4 **SEC. 2. PURPOSE.**

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

8 (1) encourages ecological, economic, and social
9 sustainability;

10 (2) leverages local resources with national and
11 private resources;

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

16 (4) demonstrates the degree to which—

17 (A) various ecological restoration tech-
18 niques—

19 (i) achieve ecological health objectives;

20 and

21 (ii) affect wildfire activity and man-
22 agement costs; and

23 (B) the use of forest restoration byprod-
24 ucts can offset treatment costs while benefitting
25 rural economies and improving forest health.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

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

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

15 **SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
16 **TION PROGRAM.**

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

22 (b) **ELIGIBILITY CRITERIA.**—To be eligible for nomi-
23 nation under subsection (e), a collaborative forest land-
24 scape restoration proposal shall—

25 (1) be based on a landscape restoration strategy
26 that—

1 (A) is complete or substantially complete;

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

5 (i) at least 50,000 acres;

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

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

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

17 (C) incorporates—

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

21 (ii) the requirements for old-growth
22 maintenance, restoration, and management
23 direction of paragraphs (2), (3), and (4) of
24 subsection (e) and the requirements for
25 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 jurisdic-
13 tion 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 (c), 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 (e)(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 ease of
10 the proposal for landscape restoration and the
11 proposed restoration strategies;

12 (B) the strength of the collaborative pro-
13 cess;

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 ear-
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 (c) 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 prior 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.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Forest Landscape Res-*
3 *toration Act of 2008”.*

4 **SEC. 2. PURPOSE.**

5 *The purpose of this Act is to encourage the collabo-*
6 *rative, science-based ecosystem restoration of priority forest*
7 *landscapes through a process that—*

8 (1) *encourages ecological, economic, and social*
9 *sustainability;*

10 (2) *leverages local resources with national and*
11 *private resources;*

12 (3) *facilitates the reduction of wildfire manage-*
13 *ment costs, including through reestablishing natural*
14 *fire regimes and reducing the risk of uncharacteristic*
15 *wildfire; and*

16 (4) *demonstrates the degree to which—*

17 (A) *various ecological restoration tech-*
18 *niques—*

19 (i) *achieve ecological and watershed*
20 *health objectives; and*

21 (ii) *affect wildfire activity and man-*
22 *agement costs; and*

23 (B) *the use of forest restoration byproducts*
24 *can offset treatment costs while benefitting local*
25 *rural economies and improving forest health.*

1 **SEC. 3. DEFINITIONS.**

2 *In this Act:*

3 (1) *FUND.*—*The term “Fund” means the Col-*
4 *laborative Forest Landscape Restoration Fund estab-*
5 *lished by section 4(f).*

6 (2) *PROGRAM.*—*The term “program” means the*
7 *Collaborative Forest Landscape Restoration Program*
8 *established under section 4(a).*

9 (3) *PROPOSAL.*—*The term “proposal” means a*
10 *collaborative forest landscape restoration proposal de-*
11 *scribed in section 4(b).*

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

15 (5) *STRATEGY.*—*The term “strategy” means a*
16 *landscape restoration strategy described in section*
17 *4(b)(1).*

18 **SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
19 **TION PROGRAM.**

20 (a) *IN GENERAL.*—*The Secretary, in consultation with*
21 *the Secretary of the Interior, shall establish a Collaborative*
22 *Forest Landscape Restoration Program to select and fund*
23 *ecological restoration treatments for priority forest land-*
24 *scapes in accordance with—*

25 (1) *the Endangered Species Act of 1973 (16*
26 *U.S.C. 1531 et seq.);*

1 (2) *the National Environmental Policy Act of*
2 *1969 (42 U.S.C. 4321 et seq.); and*

3 (3) *any other applicable law.*

4 (b) *ELIGIBILITY CRITERIA.—To be eligible for nomi-*
5 *nation under subsection (c), a collaborative forest landscape*
6 *restoration proposal shall—*

7 (1) *be based on a landscape restoration strategy*
8 *that—*

9 (A) *is complete or substantially complete;*

10 (B) *identifies and prioritizes ecological res-*
11 *toration treatments for a 10-year period within*
12 *a landscape that is—*

13 (i) *at least 50,000 acres;*

14 (ii) *comprised primarily of forested*
15 *National Forest System land, but may also*
16 *include land under the jurisdiction of the*
17 *Bureau of Land Management, land under*
18 *the jurisdiction of the Bureau of Indian Af-*
19 *airs, or other Federal, State, tribal, or pri-*
20 *vate land;*

21 (iii) *in need of active ecosystem res-*
22 *toration; and*

23 (iv) *accessible by existing or proposed*
24 *wood-processing infrastructure at an appro-*
25 *priate scale to use woody biomass and*

1 *small-diameter wood removed in ecological*
2 *restoration treatments;*

3 *(C) incorporates the best available science*
4 *and scientific application tools in ecological res-*
5 *toration strategies;*

6 *(D) fully maintains, or contributes toward*
7 *the restoration of, the structure and composition*
8 *of old growth stands according to the pre-fire*
9 *suppression old growth conditions characteristic*
10 *of the forest type, taking into account the con-*
11 *tribution of the stand to landscape fire adapta-*
12 *tion and watershed health and retaining the*
13 *large trees contributing to old growth structure;*

14 *(E) would carry out any forest restoration*
15 *treatments that reduce hazardous fuels by—*

16 *(i) focusing on small diameter trees,*
17 *thinning, strategic fuel breaks, and fire use*
18 *to modify fire behavior, as measured by the*
19 *projected reduction of uncharacteristically*
20 *severe wildfire effects for the forest type*
21 *(such as adverse soil impacts, tree mortality*
22 *or other impacts); and*

23 *(ii) maximizing the retention of large*
24 *trees, as appropriate for the forest type, to*

1 *the extent that the trees promote fire-resil-*
2 *ient stands; and*

3 *(F)(i) does not include the establishment of*
4 *permanent roads; and*

5 *(ii) would commit funding to decommission*
6 *all temporary roads constructed to carry out the*
7 *strategy;*

8 *(2) be developed and implemented through a col-*
9 *laborative process that—*

10 *(A) includes multiple interested persons rep-*
11 *resenting diverse interests; and*

12 *(B)(i) is transparent and nonexclusive; or*

13 *(ii) meets the requirements for a resource*
14 *advisory committee under subsections (c) through*
15 *(f) of section 205 of Public Law 106–393 (16*
16 *U.S.C. 500 note);*

17 *(3) describe plans to—*

18 *(A) reduce the risk of uncharacteristic wild-*
19 *fire, including through the use of fire for ecologi-*
20 *cal restoration and maintenance and reestab-*
21 *lishing natural fire regimes, where appropriate;*

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

1 (C) maintain or improve water quality and
2 watershed function;

3 (D) prevent, remediate, or control invasions
4 of exotic species;

5 (E) maintain, decommission, and rehabili-
6 tate roads and trails;

7 (F) use woody biomass and small-diameter
8 trees produced from projects implementing the
9 strategy;

10 (G) report annually on performance, in-
11 cluding through performance measures from the
12 plan entitled the “10 Year Comprehensive Strat-
13 egy Implementation Plan” and dated December
14 2006; and

15 (H) take into account any applicable com-
16 munity wildfire protection plan;

17 (4) analyze any anticipated cost savings, includ-
18 ing those resulting from—

19 (A) reduced wildfire management costs; and

20 (B) a decrease in the unit costs of imple-
21 menting ecological restoration treatments over
22 time;

23 (5) estimate—

24 (A) the annual Federal funding necessary to
25 implement the proposal; and

1 (B) the amount of new non-Federal invest-
2 ment for carrying out the proposal that would be
3 leveraged;

4 (6) describe the collaborative process through
5 which the proposal was developed, including a de-
6 scription of—

7 (A) participation by or consultation with
8 State, local, and Tribal governments; and

9 (B) any established record of successful col-
10 laborative planning and implementation of eco-
11 logical restoration projects on National Forest
12 System land and other land included in the pro-
13 posal by the collaborators; and

14 (7) benefit local economies by providing local
15 employment or training opportunities through con-
16 tracts, grants, or agreements for restoration planning,
17 design, implementation, or monitoring with—

18 (A) local private, nonprofit, or cooperative
19 entities;

20 (B) Youth Conservation Corps crews or re-
21 lated partnerships, with State, local, and non-
22 profit youth groups;

23 (C) existing or proposed small or micro-
24 businesses, clusters, or incubators; or

1 (D) other entities that will hire or train
2 local people to complete such contracts, grants, or
3 agreements; and

4 (8) be subject to any other requirements that the
5 Secretary, in consultation with the Secretary of the
6 Interior, determines to be necessary for the efficient
7 and effective administration of the program.

8 (c) *NOMINATION PROCESS.*—

9 (1) *SUBMISSION.*—A proposal shall be submitted
10 to—

11 (A) the appropriate Regional Forester; and

12 (B) if actions under the jurisdiction of the
13 Secretary of the Interior are proposed, the ap-
14 propriate—

15 (i) State Director of the Bureau of
16 Land Management;

17 (ii) Regional Director of the Bureau of
18 Indian Affairs; or

19 (iii) other official of the Department of
20 the Interior.

21 (2) *NOMINATION.*—

22 (A) *IN GENERAL.*—A Regional Forester
23 may nominate for selection by the Secretary any
24 proposals that meet the eligibility criteria estab-
25 lished by subsection (b).

1 (B) *CONCURRENCE.*—Any proposal nomi-
2 nated by the Regional Forester that proposes ac-
3 tions under the jurisdiction of the Secretary of
4 the Interior shall include the concurrence of the
5 appropriate—

6 (i) *State Director of the Bureau of*
7 *Land Management;*

8 (ii) *Regional Director of the Bureau of*
9 *Indian Affairs; or*

10 (iii) *other official of the Department of*
11 *the Interior.*

12 (3) *DOCUMENTATION.*—With respect to each pro-
13 posal that is nominated under paragraph (2)—

14 (A) *the appropriate Regional Forester*
15 *shall—*

16 (i) *include a plan to use Federal funds*
17 *allocated to the region to fund those costs of*
18 *planning and carrying out ecological res-*
19 *toration treatments on National Forest Sys-*
20 *tem land, consistent with the strategy, that*
21 *would not be covered by amounts trans-*
22 *ferred to the Secretary from the Fund; and*

23 (ii) *provide evidence that amounts pro-*
24 *posed to be transferred to the Secretary*
25 *from the Fund during the first 2 fiscal*

1 *years following selection would be used to*
2 *carry out ecological restoration treatments*
3 *consistent with the strategy during the same*
4 *fiscal year in which the funds are trans-*
5 *ferred to the Secretary;*

6 *(B) if actions under the jurisdiction of the*
7 *Secretary of the Interior are proposed, the nomi-*
8 *nation shall include a plan to fund such actions,*
9 *consistent with the strategy, by the appro-*
10 *priate—*

11 *(i) State Director of the Bureau of*
12 *Land Management;*

13 *(ii) Regional Director of the Bureau of*
14 *Indian Affairs; or*

15 *(iii) other official of the Department of*
16 *the Interior; and*

17 *(C) if actions on land not under the juris-*
18 *isdiction of the Secretary or the Secretary of the*
19 *Interior are proposed, the appropriate Regional*
20 *Forester shall provide evidence that the land-*
21 *owner intends to participate in, and provide ap-*
22 *propriate funding to carry out, the actions.*

23 *(d) SELECTION PROCESS.—*

24 *(1) IN GENERAL.—After consulting with the ad-*
25 *visory panel established under subsection (e), the Sec-*

1 *retary, in consultation with the Secretary of the Inte-*
2 *rior, shall, subject to paragraph (2), select the best*
3 *proposals that—*

4 *(A) have been nominated under subsection*
5 *(c)(2); and*

6 *(B) meet the eligibility criteria established*
7 *by subsection (b).*

8 *(2) CRITERIA.—In selecting proposals under*
9 *paragraph (1), the Secretary shall give special consid-*
10 *eration to—*

11 *(A) the strength of the proposal and strat-*
12 *egy;*

13 *(B) the strength of the ecological case of the*
14 *proposal and the proposed ecological restoration*
15 *strategies;*

16 *(C) the strength of the collaborative process*
17 *and the likelihood of successful collaboration*
18 *throughout implementation;*

19 *(D) whether the proposal is likely to achieve*
20 *reductions in long-term wildfire management*
21 *costs;*

22 *(E) whether the proposal would reduce the*
23 *relative costs of carrying out ecological restora-*
24 *tion treatments as a result of the use of woody*
25 *biomass and small-diameter trees; and*

1 (F) whether an appropriate level of non-
2 Federal investment would be leveraged in car-
3 rying out the proposal.

4 (3) *LIMITATION.*—The Secretary may select not
5 more than—

6 (A) 10 proposals to be funded during any
7 fiscal year;

8 (B) 2 proposals in any 1 region of the Na-
9 tional Forest System to be funded during any
10 fiscal year; and

11 (C) the number of proposals that the Sec-
12 retary determines are likely to receive adequate
13 funding.

14 (e) *ADVISORY PANEL.*—

15 (1) *IN GENERAL.*—The Secretary shall establish
16 and maintain an advisory panel comprised of not
17 more than 15 members to evaluate, and provide rec-
18 ommendations on, each proposal that has been nomi-
19 nated under subsection (c)(2).

20 (2) *REPRESENTATION.*—The Secretary shall en-
21 sure that the membership of the advisory panel is
22 fairly balanced in terms of the points of view rep-
23 resented and the functions to be performed by the ad-
24 visory panel.

1 (3) *INCLUSION.*—*The advisory panel shall in-*
2 *clude experts in ecological restoration, fire ecology,*
3 *fire management, rural economic development, strate-*
4 *gies for ecological adaptation to climate change, fish*
5 *and wildlife ecology, and woody biomass and small-*
6 *diameter tree utilization.*

7 (f) *COLLABORATIVE FOREST LANDSCAPE RESTORA-*
8 *TION FUND.*—

9 (1) *ESTABLISHMENT.*—*There is established in*
10 *the Treasury of the United States a fund, to be known*
11 *as the “Collaborative Forest Landscape Restoration*
12 *Fund”, to be used to pay up to 50 percent of the cost*
13 *of carrying out and monitoring ecological restoration*
14 *treatments on National Forest System land for each*
15 *proposal selected to be carried out under subsection*
16 *(d).*

17 (2) *INCLUSION.*—*The cost of carrying out eco-*
18 *logical restoration treatments as provided in para-*
19 *graph (1) may, as the Secretary determines to be ap-*
20 *propriate, include cancellation and termination costs*
21 *required to be obligated for contracts to carry out eco-*
22 *logical restoration treatments on National Forest Sys-*
23 *tem land for each proposal selected to be carried out*
24 *under subsection (d).*

1 (3) *CONTENTS.*—*The Fund shall consist of such*
2 *amounts as are appropriated to the Fund under*
3 *paragraph (6).*

4 (4) *EXPENDITURES FROM FUND.*—

5 (A) *IN GENERAL.*—*On request by the Sec-*
6 *retary, the Secretary of the Treasury shall trans-*
7 *fer from the Fund to the Secretary such amounts*
8 *as the Secretary determines are appropriate, in*
9 *accordance with paragraph (1).*

10 (B) *LIMITATION.*—*The Secretary shall not*
11 *expend money from the Fund on any 1 pro-*
12 *posal—*

13 (i) *during a period of more than 10*
14 *fiscal years; or*

15 (ii) *in excess of \$4,000,000 in any 1*
16 *fiscal year.*

17 (5) *ACCOUNTING AND REPORTING SYSTEM.*—*The*
18 *Secretary shall establish an accounting and reporting*
19 *system for the Fund.*

20 (6) *AUTHORIZATION OF APPROPRIATIONS.*—
21 *There is authorized to be appropriated to the Fund*
22 *\$40,000,000 for each of fiscal years 2009 through*
23 *2019, to remain available until expended.*

24 (g) *PROGRAM IMPLEMENTATION AND MONITORING.*—

1 (1) *WORK PLAN.*—Not later than 180 days after
2 the date on which a proposal is selected to be carried
3 out, the Secretary shall create, in collaboration with
4 the interested persons, an implementation work plan
5 and budget to implement the proposal that includes—

6 (A) a description of the manner in which
7 the proposal would be implemented to achieve ec-
8 ological and community economic benefit, in-
9 cluding capacity building to accomplish restora-
10 tion;

11 (B) a business plan that addresses—

12 (i) the anticipated unit treatment cost
13 reductions over 10 years;

14 (ii) the anticipated costs for infrastruc-
15 ture needed for the proposal;

16 (iii) the projected sustainability of the
17 supply of woody biomass and small-dia-
18 meter trees removed in ecological restoration
19 treatments; and

20 (iv) the projected local economic bene-
21 fits of the proposal; and

22 (C) documentation of the non-Federal in-
23 vestment in the priority landscape, including the
24 sources and uses of the investments; and

1 (D) a plan to decommission any temporary
2 roads established to carry out the proposal.

3 (2) PROJECT IMPLEMENTATION.—Amounts
4 transferred to the Secretary from the Fund shall be
5 used to carry out ecological restoration treatments
6 that are—

7 (A) consistent with the proposal and strat-
8 egy; and

9 (B) identified through the collaborative
10 process described in subsection (b)(2).

11 (3) ANNUAL REPORT.—The Secretary, in collabo-
12 ration with the Secretary of the Interior and inter-
13 ested persons, shall prepare an annual report on the
14 accomplishments of each selected proposal that in-
15 cludes—

16 (A) a description of all acres (or other ap-
17 propriate unit) treated and restored through
18 projects implementing the strategy;

19 (B) an evaluation of progress, including
20 performance measures and how prior year eval-
21 uations have contributed to improved project
22 performance;

23 (C) a description of community benefits
24 achieved, including any local economic benefits;

1 (D) the results of the multiparty moni-
2 toring, evaluation, and accountability process
3 under paragraph (4); and

4 (E) a summary of the costs of—

5 (i) treatments; and

6 (ii) relevant fire management activi-
7 ties.

8 (4) *MULTIPARTY MONITORING.*—The Secretary
9 shall, in collaboration with the Secretary of the Inte-
10 rior and interested persons, use a multiparty moni-
11 toring, evaluation, and accountability process to as-
12 sess the positive or negative ecological, social, and eco-
13 nomic effects of projects implementing a selected pro-
14 posal for not less than 15 years after project imple-
15 mentation commences.

16 (h) *REPORT.*—Not later than 5 years after the first
17 fiscal year in which funding is made available to carry out
18 ecological restoration projects under the program, and every
19 5 years thereafter, the Secretary, in consultation with the
20 Secretary of the Interior, shall submit a report on the pro-
21 gram, including an assessment of whether, and to what ex-
22 tent, the program is fulfilling the purposes of this Act, to—

23 (1) the Committee on Energy and Natural Re-
24 sources of the Senate;

1 (2) *the Committee on Appropriations of the Sen-*
2 *ate;*

3 (3) *the Committee on Natural Resources of the*
4 *House of Representatives; and*

5 (4) *the Committee on Appropriations of the*
6 *House of Representatives.*

7 (i) *AUTHORIZATION OF APPROPRIATIONS.—There are*
8 *authorized to be appropriated to the Secretary and the Sec-*
9 *retary of the Interior such sums as are necessary to carry*
10 *out this Act.*

Calendar No. 802

110TH CONGRESS
2^D SESSION

S. 2593

[Report No. 110-370]

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.

JUNE 16, 2008

Reported with an amendment