

112TH CONGRESS  
1ST SESSION

# S. 220

To provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2011

Mr. WYDEN (for himself and Mr. MERKLEY) 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 provide for the restoration of forest landscapes, protection of old growth forests, and management of national forests in the eastside forests of the State of Oregon.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Eastside For-  
5 ests Restoration, Old Growth Protection, and Jobs Act of  
6 2011”.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are—

1           (1) to conserve and restore the eastside Na-  
2           tional Forests of the State;

3           (2) to create an immediate, predictable, and in-  
4           creased timber flow to support locally based restora-  
5           tion economies in the communities of the eastside  
6           National Forests of the State;

7           (3) to make the eastside National Forests of  
8           the State more resistant and resilient to, and to  
9           mitigate the effects of, climate change;

10          (4) to protect, restore, and increase old-growth  
11          forest stands and trees in the eastside National For-  
12          ests of the State;

13          (5) to promote collaboration in the communities  
14          of the eastside National Forests of the State to re-  
15          spond to critical threats to forest and watershed  
16          health and to support natural resource- and restora-  
17          tion-based economies;

18          (6) to prioritize, strategically target, and accel-  
19          erate projects to improve forest health and water-  
20          shed health in old growth forests located in the  
21          eastside National Forests of the State; and

22          (7) to provide the Secretary, collaborative  
23          groups, and the public with independent scientific  
24          advice for restoring forest health and watershed  
25          health in the eastside National Forests of the State.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **ADVISORY PANEL.**—The term “advisory  
4 panel” means the Eastside Forest Scientific and  
5 Technical Advisory Panel established under section  
6 6(a).

7 (2) **COLLABORATIVE GROUP.**—The term “col-  
8 laborative group” means a group of individuals that  
9 meets the requirements of section 9(a)(2).

10 (3) **COVERED AREA.**—The term “covered area”  
11 means the area selected by the Secretary under sec-  
12 tion 4(a)(1) that is—

13 (A) within the State; and

14 (B) not within the area covered by the  
15 Record of Decision for Amendments to Forest  
16 Service and Bureau of Land Management Plan-  
17 ning Documents Within the Range of the  
18 Northern Spotted Owl, dated April 1994.

19 (4) **EMERGENCY CONDITION.**—The term “emer-  
20 gency condition” means a condition—

21 (A) that results in an—

22 (i) imminent risk to life or property;

23 or

24 (ii) immediate impairment of the pub-  
25 lic use and enjoyment of a trail, road,  
26 highway, public facility, or public land; and

1 (B) with respect to subparagraph (A)(ii),  
2 the urgency to address the emergency of which  
3 outweighs the benefits of full notice and com-  
4 ment.

5 (5) FOREST HEALTH.—The term “forest  
6 health” means conditions that enable forested  
7 land—

8 (A) to be durable, resilient, and less prone  
9 to uncharacteristic wildfire, insect, or pathogen  
10 outbreaks, while—

11 (i) supporting ecosystem services and  
12 populations of native species; and

13 (ii) allowing for natural disturbances;

14 (B) to maintain or develop species com-  
15 position, ecosystem function and structure, hy-  
16 drologic function, and sediment regimes that  
17 are within an acceptable range that considers—

18 (i) historic variability; and

19 (ii) anticipated future conditions; and

20 (C) to be resistant and resilient to  
21 uncharacteristic events.

22 (6) FOREST STAND.—The term “forest stand”  
23 means a contiguous group of trees that are suffi-  
24 ciently uniform in age-class distribution, composi-  
25 tion, and structure and that are growing on a site

1 of sufficiently uniform quality to be a distinguishable  
2 unit.

3 (7) INITIATIVE.—The term “Initiative” means  
4 an initiative established by the Secretary—

5 (A) to restore and improve the ecological  
6 structure, composition, and function and the  
7 natural processes of watersheds within the Na-  
8 tional Forest System;

9 (B) to preserve and create local jobs in  
10 rural communities that are located in or near  
11 National Forest System land;

12 (C) to sustain the local wood products in-  
13 frastructure and community capacity that is  
14 necessary for the appropriate management and  
15 restoration of National Forest System land;

16 (D) to promote cooperation and collabora-  
17 tion in the management of National Forest Sys-  
18 tem land;

19 (E) to carry out collaborative projects to  
20 restore forest health and watershed health and  
21 to reduce the risk of uncharacteristic disturb-  
22 ances from fire, insects, and disease to commu-  
23 nities, watersheds, and natural resources  
24 through a collaborative process of planning,  
25 prioritizing, and implementing ecological res-

1           toration, hazardous fuel reduction, and other  
2           vegetation management projects;

3           (F) to collect information from the projects  
4           carried out under this Act in an effort to better  
5           understand the manner in which to improve for-  
6           est restoration and management activities; and

7           (G) under which not more than 15 Na-  
8           tional Forests may be selected to participate.

9           (8) NATIONAL FOREST SYSTEM.—The term  
10          “National Forest System” has the meaning given  
11          the term in section 11(a) of the Forest and Range-  
12          land Renewable Resources Planning Act of 1974 (16  
13          U.S.C. 1609(a)).

14          (9) PLANT ASSOCIATION.—

15           (A) IN GENERAL.—The term “plant asso-  
16           ciation” means a description of a plant commu-  
17           nity that—

18           (i) would potentially, in the absence of  
19           a disturbance, occupy a site; and

20           (ii) may be aggregated into 1 or more  
21           groups based on similarities in plant spe-  
22           cies, composition, environment, and pro-  
23           ductivity.

24           (B) INCLUSION.—The term “plant associa-  
25           tion” includes, with respect to a forested site,

1 species representing tree, shrub, and herbaceous  
2 layers.

3 (10) RESTORATION ASSESSMENT.—The term  
4 “restoration assessment” means the Eastside Land-  
5 scape Forest Restoration Assessment prepared  
6 under section 7(a).

7 (11) SECRETARY.—The term “Secretary”  
8 means the Secretary of Agriculture (acting through  
9 the Chief of the Forest Service).

10 (12) STATE.—The term “State” means the  
11 State of Oregon.

12 (13) UNCHARACTERISTIC.—The term  
13 “uncharacteristic” means a wildfire, insect, or  
14 pathogen outbreak or level of forest fuel, the sever-  
15 ity, size, frequency, or quantity of which exceeds the  
16 historic range of variability.

17 (14) WATERSHED AREA.—The term “watershed  
18 area” means 1 or more subwatersheds (also known  
19 as 6th code hydrologic units).

20 (15) WATERSHED HEALTH.—The term “water-  
21 shed health” means landscape conditions that enable  
22 riparian and aquatic ecosystems—

23 (A) to capture, store, and release water,  
24 sediment, wood, and nutrients;

1 (B) to provide for water temperatures that  
2 are within the range of variability of the nat-  
3 ural regimes for the processes described in sub-  
4 paragraph (A); and

5 (C) to create and sustain functional ripar-  
6 ian, aquatic, and wetland habitats that are ca-  
7 pable of supporting diverse populations of na-  
8 tive aquatic- and riparian-dependent species.

9 **SEC. 4. LAND MANAGEMENT.**

10 (a) SELECTION OF COVERED AREA.—

11 (1) IN GENERAL.—Not later than 1 year after  
12 the date of enactment of this Act, the Secretary may  
13 select all or part of 1 or more National Forests in  
14 the State as part of the Initiative.

15 (2) TERM.—The selection under paragraph (1)  
16 shall be for a period of 15 years.

17 (3) EFFECT.—The provisions of this Act shall  
18 apply to the covered area.

19 (b) LAND MANAGEMENT GOALS.—

20 (1) IN GENERAL.—In the covered area, the Sec-  
21 retary shall, considering the best available science,  
22 seek—

23 (A) to conserve and restore forest health,  
24 watershed health, and other ecosystems;



1 (B) to reduce the risk of, and increase the  
2 resistance and resiliency of the land to,  
3 uncharacteristic disturbances;

4 (C) to allow for characteristic natural dis-  
5 turbances; and

6 (D) to harvest wood to maintain adequate  
7 levels of industry infrastructure to accomplish  
8 the goals described in subparagraphs (A), (B),  
9 and (C).

10 (2) FOREST MANAGEMENT.—To achieve the  
11 goals of paragraph (1) in the forested land in the  
12 covered area, the Secretary shall consider opportuni-  
13 ties—

14 (A) to reduce the basal area in overstocked  
15 forest stands;

16 (B) to increase the mean diameter of for-  
17 est stands;

18 (C) to maintain or create a forest composi-  
19 tion that focuses on more fire- and drought-tol-  
20 erant species;

21 (D) to restore historic levels of within-for-  
22 est stand spatial heterogeneity;

23 (E) to conserve and restore old growth;

24 (F) to conserve and restore population lev-  
25 els of older trees;

1 (G) to conserve and restore ecologically  
2 sustainable forest stands and landscapes to in-  
3 corporate characteristic forest stand structures  
4 and older tree populations;

5 (H) to harvest wood and use the value of  
6 merchantable sawlogs and biomass to help off-  
7 set the cost of improving forest health and wa-  
8 tershed health;

9 (I) to restore or maintain sustainable and  
10 fire-resilient conditions in perpetuity through  
11 active management (including management  
12 through prescribed or wildland fire and me-  
13 chanical treatments);

14 (J) to restore or maintain ecologically ap-  
15 propriate spatial complexity (including a range  
16 of open to dense forest patches at scales from  
17 the forest stand to the landscape);

18 (K) to create nonuniform effects in car-  
19 rying out vegetation management projects by  
20 avoiding extensive areas of uniform treatment,  
21 except for certain treatments (such as broad-  
22 cast burns) that are carried out to enhance the  
23 spatial heterogeneity of the forest site;

1 (L) to restore or maintain ecologically ap-  
2 propriate understory plant community composi-  
3 tion and condition, including—

4 (i) by restoring and maintaining na-  
5 tive ground cover; and

6 (ii) by reducing the impacts of, and  
7 potential for, exotic and other invasive spe-  
8 cies; and

9 (M) to increase stakeholder participation  
10 through collaborative groups.

11 (c) PLANNING.—To help to achieve the goals de-  
12 scribed in subsection (b), the Secretary shall use landscape  
13 scale planning based on watershed areas as a tool to im-  
14 plement ecological restoration projects in the covered area.

15 (d) PERFORMANCE GOALS.—

16 (1) IN GENERAL.—Not later than 180 days  
17 after the date on which the Secretary selects the cov-  
18 ered area, the Secretary, in consultation with the  
19 relevant collaborative groups, may establish perform-  
20 ance goals, in addition to the goals that are estab-  
21 lished by subsection (b), that the Secretary shall  
22 seek to achieve consistent with the purposes of this  
23 Act and the goals and opportunities described in  
24 subsection (b) for the covered area.

1           (2) TERM.—Subject to paragraph (3), each per-  
2           formance goal established under paragraph (1) shall  
3           be measured annually for a period of 15 years.

4           (3) ADDITIONS.—The Secretary may develop  
5           additional performance goals that the Secretary de-  
6           termines to be appropriate during the period estab-  
7           lished by paragraph (2).

8           (4) PRIORITIZATION.—Subject to the limita-  
9           tions described in section 11(b), the Secretary shall  
10          prioritize the vegetation management and hazardous  
11          fuels reduction program activities in the covered  
12          area to achieve the performance goals established  
13          under this subsection.

14          (5) RESTORATION GOALS.—

15                (A) IN GENERAL.—Within the covered  
16                area, consistent with the goals, and after con-  
17                sidering the opportunities, described in sub-  
18                section (b), the Secretary shall, to the max-  
19                imum extent practicable, prepare, offer, and  
20                promptly implement projects, that—

21                        (i) are predominantly comprised of  
22                        mechanical treatment in the covered area  
23                        that emphasize sawtimber as a byproduct;  
24                        and

25                        (ii) are conducted on—

1 (I) for the first fiscal year after  
2 the date of enactment of this Act, not  
3 less than 39,000 acres;

4 (II) for the subsequent fiscal  
5 year, not less than 58,000 acres; and

6 (III) for each fiscal year there-  
7 after until the fiscal year in which at  
8 least 1 ecological restoration project  
9 for each National Forest is initiated  
10 under section 8, not less than 80,000  
11 acres.

12 (B) ANNUAL GOALS.—

13 (i) IN GENERAL.—Beginning in the  
14 first fiscal year after the date on which at  
15 least 1 ecological restoration project is ini-  
16 tiated for each National Forest under sec-  
17 tion 8 and each fiscal year thereafter until  
18 the date on which the Initiative is com-  
19 pleted, the Secretary may, subject to clause  
20 (ii), set annual acreage performance goals  
21 for projects that are predominantly com-  
22 prised of mechanical treatment in the cov-  
23 ered area that emphasize sawtimber as a  
24 byproduct consistent with the goals, and

1 after considering the opportunities, de-  
2 scribed in subsection (b).

3 (ii) CONSIDERATIONS.—In setting  
4 goals under clause (i), the Secretary shall  
5 consider—

6 (I) the restoration assessment;

7 (II) any specific recommenda-  
8 tions of the advisory panel relating to  
9 acreage treatment needs; and

10 (III) advice provided by a col-  
11 laborative group relating to acreage  
12 treatment needs.

13 (e) PROHIBITIONS ON REMOVAL OF CERTAIN  
14 TREES.—

15 (1) LARGER TREES.—Except as provided in  
16 paragraph (3), the Secretary shall prohibit the cut-  
17 ting or removal of any live tree located in the cov-  
18 ered area, the diameter of which is 21 inches or  
19 greater measured at breast height.

20 (2) SMALLER TREES.—Except as provided in  
21 paragraph (3)(B), the Secretary shall prohibit the  
22 cutting or removal of any live tree located in the cov-  
23 ered area, the diameter of which is less than 21  
24 inches measured at breast height, if the Secretary  
25 determines, after considering the recommendations

1 of the advisory panel, that prohibiting the cutting or  
2 removal is required to meet the goals described in  
3 subsection (b).

4 (3) EXCEPTIONS.—

5 (A) ECOLOGICAL EXCEPTION.—The prohi-  
6 bitions described in paragraph (1) shall not  
7 apply if the Secretary, after considering the rec-  
8 ommendations of the advisory panel and con-  
9 sulting with each relevant collaborative group,  
10 determines that the cutting or removal of the  
11 tree would be consistent with the goals de-  
12 scribed in subsection (b)(1).

13 (B) ADMINISTRATIVE EXCEPTION.—

14 (i) IN GENERAL.—The prohibitions  
15 described in paragraphs (1) and (2) shall  
16 not apply if the Secretary determines that  
17 there is no reasonable alternative to the  
18 cutting or removal of the tree to provide  
19 for a safe administrative, public, or special  
20 use.

21 (ii) NOTICE REQUIREMENT.—The  
22 Secretary shall provide to the public and  
23 each relevant collaborative group notice  
24 and an opportunity to comment before  
25 making a determination under clause (i),

1           unless the Secretary determines that the  
2           cutting or removal of the tree is necessary  
3           to respond to an emergency condition.

4           (f) LIMITATIONS ON ROAD CONSTRUCTION.—In car-  
5 rying out any vegetation management project in the cov-  
6 ered area, the Secretary shall—

7           (1) not construct any permanent road, unless  
8           the Secretary determines that the road is a justifi-  
9           able realignment of a permanent road to restore or  
10          improve the ecological structure, composition, and  
11          function and the natural processes of the affected  
12          forest or watershed; and

13          (2) by the earlier of the date on which the vege-  
14          tation management project is completed or the date  
15          that is 1 year after the activities for which the road  
16          was constructed are complete, decommission any  
17          temporary road constructed to carry out the vegeta-  
18          tion management project by—

19                 (A) reestablishing vegetation on the road;  
20                 and

21                 (B) restoring any natural drainage, water-  
22                 shed function, or other ecological processes that  
23                 are disrupted or adversely impacted by the  
24                 road, including by removing or hydrologically  
25                 disconnecting the road prism.



1 **SEC. 5. WATERSHED MANAGEMENT.**

2 (a) **AQUATIC AND RIPARIAN RESOURCES MANAGE-**  
3 **MENT.—**

4 (1) **IN GENERAL.**—Within the covered area,  
5 each vegetation management project in an area de-  
6 lined under subsection (b) shall protect and re-  
7 store the aquatic and riparian-dependent resources  
8 of the delineated area.

9 (2) **EFFECTS.**—A project described in para-  
10 graph (1) may result in short-term negative effects  
11 on the aquatic and riparian-dependent resources of  
12 the delineated area if the Secretary determines, after  
13 considering the best available science, that the  
14 project would result in a net improvement to the  
15 condition of those resources over the long-term.

16 (b) **DELINEATION OF AREAS.—**

17 (1) **FISH-BEARING STREAMS.**—The Secretary  
18 shall delineate each permanently flowing fishbearing  
19 stream and the area extending away from each edge  
20 of the active stream channel to include—

21 (A) the top of the inner gorge;

22 (B) the outer edges of the 100-year flood-  
23 plain;

24 (C) the outer edges of riparian vegetation;

25 (D) a distance equal to the height of 2  
26 site-potential trees; and

1 (E) a slope distance of not less than 300  
2 feet.

3 (2) PERMANENTLY FLOWING NON-FISHBEARING  
4 STREAMS.—The Secretary shall delineate each per-  
5 manently flowing non-fishbearing stream and the  
6 area extending away from each edge of the active  
7 stream channel to include—

8 (A) the top of the inner gorge;

9 (B) the outer edges of the 100-year flood  
10 plain;

11 (C) the outer edges of riparian vegetation;

12 (D) a distance equal to the height of 1  
13 site-potential tree; and

14 (E) a slope distance of not less than 150  
15 feet.

16 (3) PONDS, LAKES, RESERVOIRS, AND WET-  
17 LANDS LARGER THAN 1 ACRE.—The Secretary shall  
18 delineate each pond, lake, reservoir, and wetland  
19 larger than 1 acre and the area extending away from  
20 the high-water edges to include—

21 (A) the outer edges of the riparian vegeta-  
22 tion;

23 (B) the extent of the seasonally saturated  
24 soil;

1 (C) the extent of moderately and highly  
2 unstable areas;

3 (D) a distance equal to the height of 1  
4 site-potential tree; and

5 (E) a slope distance of—

6 (i) if the area located in a watershed  
7 identified as key or priority under the ap-  
8 plicable land and resource management  
9 plan, not less than 100 feet; or

10 (ii) not less than 50 feet.

11 (4) INTERMITTENT STREAMS, WETLANDS LESS  
12 THAN 1 ACRE, LANDSLIDES, AND LANDSLIDE-PRONE  
13 AREAS.—The Secretary shall delineate each wetland  
14 smaller than 1 acre, landslide, landslide-prone area,  
15 intermittent stream channel, and the area extending  
16 away from the edges of the wetland, landslide, land-  
17 slide-prone area, or intermittent stream channel to  
18 include—

19 (A) the top of the inner gorge;

20 (B) the outer edges of the riparian vegeta-  
21 tion;

22 (C) a distance equal to the height of 1 site-  
23 potential tree; and

24 (D) a slope distance of—

- 1 (i) if the area is located in a water-  
2 shed identified as key or priority under the  
3 applicable land and resource management  
4 plan, not less than 100 feet; or  
5 (ii) not less than 50 feet.

6 (c) AQUATIC AND RIPARIAN PROTECTION.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the Secretary shall comply with the  
9 aquatic and riparian protection requirements of the  
10 applicable land and resource management plan in  
11 existence on the date of enactment of this Act in  
12 carrying out each vegetation management project in  
13 the covered area.

14 (2) MODIFICATIONS.—The Secretary may mod-  
15 ify the aquatic and riparian protection requirements  
16 described in paragraph (1) if the Secretary deter-  
17 mines, after considering the best available science,  
18 that the modifications would meet or exceed the  
19 goals of the aquatic and riparian protection require-  
20 ments.

21 **SEC. 6. EASTSIDE FOREST SCIENTIFIC AND TECHNICAL AD-**  
22 **VISORY PANEL.**

23 (a) IN GENERAL.—Not later than 120 days after the  
24 date on which the Secretary selects the covered area, the  
25 Secretary shall establish an advisory panel—

1           (1) to be known as the “Eastside Forest Sci-  
2           entific and Technical Advisory Panel”; and

3           (2) to advise the Secretary, collaborative  
4           groups, and the public regarding the development  
5           and implementation of—

6                   (A) goals to improve forest health, water-  
7                   shed health, and related social and economic  
8                   goals in the covered area;

9                   (B) the restoration assessment; and

10                   (C) projects needed to accomplish the pur-  
11                   poses of this Act.

12           (b) COMPOSITION.—The advisory panel shall be com-  
13           posed of 9 members, each of whom shall have expertise  
14           in 1 or more of the following:

15                   (1) Silviculture.

16                   (2) Timber economics.

17                   (3) Road and logging engineering.

18                   (4) Soil science and geology.

19                   (5) Ecosystem services or natural resources eco-  
20                   nomics.

21                   (6) Community economics or ecosystem work-  
22                   force development.

23                   (7) Forest ecology.

24                   (8) Aquatic and riparian ecology.

25                   (9) Wildlife ecology.

- 1 (10) Ecological restoration.
- 2 (11) Invasive species control and eradication.
- 3 (12) Wildland fire.
- 4 (13) Water quantity and water quality.
- 5 (14) Hydrology.
- 6 (15) Forest carbon life-cycle and sequestration.
- 7 (16) Social science.

8 (c) APPOINTMENTS.—The Secretary shall—

9 (1) ensure that the advisory panel includes ex-  
10 perts in a broad array of the fields described in sub-  
11 section (b); and

12 (2) give consideration to the recommendations  
13 of institutions of higher education (as defined in sec-  
14 tion 101(a) of the Higher Education Act of 1965  
15 (20 U.S.C. 1001(a)), professional societies, and  
16 other interested organizations and persons.

17 (d) DUTIES.—

18 (1) RECOMMENDATIONS REPORT.—

19 (A) IN GENERAL.—Not later than 180  
20 days after the date on which the Secretary ap-  
21 points the members of the advisory panel, the  
22 advisory panel shall submit to the Secretary  
23 and make available to the public a report that  
24 contains recommendations regarding the man-  
25 ner by which the Secretary may best achieve

1 the purposes and goals and consider the oppor-  
2 tunities described in section 4(b).

3 (B) REQUIREMENTS.—The report shall  
4 provide recommendations based on the best  
5 available science—

6 (i) for the size and scope of projects  
7 needed to accomplish the goals and con-  
8 sider the opportunities described in section  
9 4(b);

10 (ii) for potential protocols that could  
11 be used to efficiently identify trees older  
12 than 150 years in carrying out experi-  
13 mental ecological restoration projects  
14 under section 8(b);

15 (iii) for increasing local capacity to  
16 accomplish the goals and consider the op-  
17 portunities described in section 4(b); and

18 (iv) for each relevant plant association  
19 group—

20 (I) for protecting and restoring  
21 terrestrial, aquatic, riparian, wildlife,  
22 fish, vegetation, soil, carbon, and  
23 other resources;

24 (II) for the types of activities  
25 necessary and desirable to restore for-

1 est health and watershed health (in-  
2 cluding thinning, prescribed, and nat-  
3 ural fire, and other appropriate activi-  
4 ties);

5 (III) for cases in which the cut-  
6 ting or removal of trees described in  
7 section 4(e)(1) would generally be  
8 considered to be ecologically appro-  
9 priate; and

10 (IV) for cases in which prohib-  
11 iting the cutting or removal of trees  
12 described in section 4(e)(2) would  
13 generally be considered to be eco-  
14 logically appropriate.

15 (C) ADMINISTRATION.—

16 (i) IN GENERAL.—To the maximum  
17 extent practicable, the advisory panel shall  
18 achieve a consensus with respect to each  
19 recommendation included in the report.

20 (ii) INCLUSION OF DISSENTING OPIN-  
21 IONS.—If the advisory panel fails to  
22 achieve a consensus with respect to any  
23 recommendation included in the report, the  
24 report shall include each dissenting opinion  
25 relating to the recommendation.



1           (2) REVIEW REPORT.—Not later than 5 years  
2 after the date on which the Secretary appoints the  
3 members of the advisory panel, the advisory panel  
4 shall submit to the Secretary and make available to  
5 the public a report providing—

6           (A) a quantitative and qualitative assess-  
7 ment of the status of, and changes to, forest  
8 health and watershed health in the covered  
9 area, including the resiliency, aquatic function,  
10 and plant composition, structure, and function;  
11 and

12           (B) an assessment of the implementation  
13 of the recommendations made under paragraph  
14 (1).

15 **SEC. 7. ASSESSMENT AND STRATEGY.**

16       (a) EASTSIDE LANDSCAPE FOREST RESTORATION  
17 ASSESSMENT.—

18           (1) IN GENERAL.—The Secretary shall prepare  
19 an assessment of the covered area to be known as  
20 the “Eastside Landscape Forest Restoration Assess-  
21 ment”.

22           (2) REQUIREMENTS.—The restoration assess-  
23 ment shall—

- 1 (A) compile the best available scientific as-  
2 sessments of, and relating to, the covered area  
3 concerning—
- 4 (i) forest health and watershed health,  
5 including measures necessary to restore  
6 forest health and watershed health;
  - 7 (ii) the road system, including—
    - 8 (I) travel management; and
    - 9 (II) the funding levels necessary  
10 to maintain the road system;
  - 11 (iii) the local infrastructure and work-  
12 force capacity needs and the potential  
13 value to the local economy resulting from  
14 comprehensive forest restoration;
  - 15 (iv) baseline ecological conditions in  
16 the forests and watersheds;
  - 17 (v) baseline economic conditions in the  
18 communities;
  - 19 (vi) the volume of biomass that—
    - 20 (I) consists of slash, brush, and  
21 any tree that does not exceed the min-  
22 imum size standards for sawtimber;  
23 and

1 (II) can be supplied consistent  
2 with the goals and considering the op-  
3 portunities described in section 4(b);

4 (vii) the volume of sawtimber that can  
5 be supplied consistent with the goals and  
6 considering the opportunities described in  
7 section 4(b); and

8 (viii) methods to hydrologically and  
9 ecologically restore land and water by—

10 (I) decommissioning unnecessary  
11 and undesirable roads; and

12 (II) reducing the environmental  
13 impact of necessary and desirable  
14 roads; and

15 (B) to the extent practicable and using the  
16 best available science, develop and provide the  
17 information described in subparagraph (A) that  
18 is not available in any existing assessment.

19 (3) TIMING.—

20 (A) IN GENERAL.—As soon as practicable  
21 after the date on which the Secretary selects  
22 the covered area, the Secretary shall make  
23 available to the public the information required  
24 under paragraph (2).

1           (B) COMPLETION.—Not later than 2 years  
2           after the date on which the Secretary selects  
3           the covered area, the Secretary shall complete  
4           the restoration assessment.

5           (4) REVIEW AND UPDATE.—The Secretary shall  
6           periodically review and update the information com-  
7           piled and developed under paragraph (2).

8           (b) STRATEGY.—

9           (1) IN GENERAL.—Using the restoration assess-  
10          ment, the Secretary shall develop a strategy to assist  
11          in the development and implementation of projects  
12          needed to accomplish the purposes of this Act.

13          (2) REQUIREMENTS.—The strategy required  
14          under paragraph (1) shall include—

15               (A) methods to identify and prioritize  
16               areas within the covered area in which projects  
17               would address the restoration needs and oppor-  
18               tunities described in the restoration assessment;

19               (B) recommendations for possible projects  
20               within the covered area, consistent with the pri-  
21               orities described in section 8; and

22               (C) recommendations for improving the  
23               commercial use of biomass and other byprod-  
24               ucts of projects within the covered area.

1 (c) PUBLIC AVAILABILITY.—The Secretary shall  
2 make available to the public draft and final copies of the  
3 restoration assessment and the strategy required by sub-  
4 section (b).

5 **SEC. 8. ECOLOGICAL RESTORATION PROJECTS.**

6 (a) ECOLOGICAL RESTORATION PROJECTS.—

7 (1) IN GENERAL.—As soon as practicable after  
8 the date on which the Secretary selects the covered  
9 area, the Secretary shall, considering the opportuni-  
10 ties described in section 4(b)(2), implement ecologi-  
11 cal restoration projects in the covered area to fur-  
12 ther the goals described in section 4(b).

13 (2) LANDSCAPE-SCALE PROJECTS.—Subject to  
14 the availability of appropriations in accordance with  
15 section 11, the Secretary shall, to the maximum ex-  
16 tent practicable, implement 1 or more ecological res-  
17 toration projects for each National Forest in the  
18 covered area that provide landscape-scale work with-  
19 in a watershed area by the earlier of the date that  
20 is—

21 (A) 1 year after the date of completion of  
22 the restoration assessment; or

23 (B) 3 years after the date on which the  
24 Secretary selects the covered area.

1           (3) REQUIREMENTS.—In developing and imple-  
2           menting ecological restoration projects under this  
3           section, the Secretary shall consider—

4                   (A) the best available science and data;

5                   (B) the recommendations of the advisory  
6           panel;

7                   (C) the restoration needs and opportunities  
8           described in the restoration assessment;

9                   (D) the strategy developed under section  
10          7(b); and

11                  (E) the views of the relevant collaborative  
12          groups.

13           (4) NET ROAD REDUCTION.—In developing eco-  
14           logical restoration projects under this Act, the Sec-  
15           retary shall examine opportunities for, and achieve,  
16           a net reduction in the permanent road system to im-  
17           prove forest and watershed health to the maximum  
18           extent practicable.

19           (5) PRIORITIZATION.—

20                   (A) IN GENERAL.—The Secretary shall  
21           prioritize ecological restoration projects in the  
22           covered area considering the requirements in  
23           paragraph (3) and based on the degree to which  
24           the ecological restoration projects would im-

1           prove forest health and watershed health, based  
2           on—

3                   (i) dry and moist forest plant associa-  
4                   tion groups; and

5                   (ii) the need to sustain adequate levels  
6                   of industry infrastructure to accomplish  
7                   the goals described in section 4(b).

8           (B) INCLUSIONS.—In carrying out this  
9           section, the types of projects the Secretary shall  
10          consider to be priority projects include projects  
11          that—

12                   (i) reduce the risk of, and increase the  
13                   resistance and resiliency of the land to,  
14                   uncharacteristic disturbances, particularly  
15                   if critical components or values are at risk,  
16                   including—

17                           (I) communities located in the  
18                           wildland-urban interface (as defined  
19                           in section 101 of the Healthy Forests  
20                           Restoration Act of 2003 (16 U.S.C.  
21                           6511)); and

22                           (II) valuable forest structures  
23                           (including old growth and older ma-  
24                           ture trees);

1 (ii) restore the structure and composi-  
2 tion of forest stands at a high or moderate  
3 departure from the historic range of varia-  
4 bility;

5 (iii) accelerate the development of  
6 complex forest structure in a young forest  
7 that has been simplified through past man-  
8 agement, such as by—

9 (I) creating spatial heterogeneity  
10 (including the creation of skips and  
11 gaps) using mechanical treatments to  
12 create wildlife habitat; and

13 (II) retaining biological legacies  
14 (including large standing, downed,  
15 live, and dead trees);

16 (iv) assist in the implementation of  
17 community wildfire protection plans devel-  
18 oped by at-risk communities (as those  
19 terms are defined in section 101 of the  
20 Healthy Forests Restoration Act of 2003  
21 (16 U.S.C. 6511));

22 (v) use the value of merchantable  
23 sawlogs and biomass to help offset the cost  
24 of ecological restoration projects;



1 (vi) meet local and rural community  
2 needs through a source that is selected on  
3 a best-value basis; and

4 (vii) reduce the permanent road sys-  
5 tem to improve forest health and water-  
6 shed health.

7 (b) EXPERIMENTAL ECOLOGICAL RESTORATION  
8 PROJECTS.—

9 (1) IN GENERAL.—As soon as practicable after  
10 final agency action, but not later than 5 years after  
11 the date on which the Secretary selects the covered  
12 area, the Secretary shall implement experimental ec-  
13 ological restoration projects in the covered area that  
14 are designed to use an age limitation that prohibits  
15 the cutting or removal of any tree older than 150  
16 years.

17 (2) APPLICABILITY OF CUTTING LIMITATION.—  
18 The prohibitions described in section 4(e)(1) shall  
19 not apply to any experimental ecological restoration  
20 project carried out under this subsection.

21 (3) PROTOCOL.—The Secretary shall establish a  
22 protocol to efficiently identify trees older than 150  
23 years in carrying out each experimental ecological  
24 restoration project under this subsection, such as  
25 by—

1 (A) sampling trees within forest stands; or

2 (B) establishing standards for determining

3 which forest stands contain trees older than

4 150 years.

5 (4) USE OF DATA.—The Secretary shall use

6 data from experimental ecological restoration

7 projects—

8 (A) to examine the feasibility of imple-

9 menting age limits at a broader scale; and

10 (B) to provide recommendations regarding

11 the manner by which future vegetation manage-

12 ment projects designed to protect trees older

13 than 150 years may be carried out more effi-

14 ciently.

15 (c) REVIEW.—Each project carried out under this

16 section may be subject to—

17 (1) the predecisional administrative review proc-

18 ess established in part 218 of title 36, Code of Fed-

19 eral Regulations, except that the Secretary shall pro-

20 vide notice of, and distribute, a proposed decision

21 before or with the environmental assessment or final

22 environmental impact statement for any project sub-

23 ject to review under this paragraph; and

1           (2) subsections (b) and (c)(3) of section 106 of  
2           the Healthy Forests Restoration Act of 2003 (16  
3           U.S.C. 6516).

4 **SEC. 9. COLLABORATION.**

5           (a) COLLABORATIVE GROUPS.—

6           (1) IN GENERAL.—To assist in the development  
7           of the restoration assessment and the projects need-  
8           ed to accomplish the purposes of this Act in the cov-  
9           ered area, the Secretary shall consult with, and con-  
10          sider the recommendations of, any collaborative  
11          group that meets the criteria described in paragraph  
12          (2).

13          (2) COLLABORATIVE GROUPS.—A collaborative  
14          group under paragraph (1) means a group that—

15                (A) is interested in the implementation of  
16                this Act;

17                (B) includes multiple individuals rep-  
18                resenting diverse interests that include—

19                       (i) environmental organizations;

20                       (ii) timber and forest products indus-  
21                       try representatives; and

22                       (iii) county governments;

23                (C) operates—

24                       (i) in a transparent and nonexclusive  
25                       manner; and

1                   (ii) by consensus or in accordance  
2                   with voting procedures to ensure a high de-  
3                   gree of agreement among participants and  
4                   across various interests; and

5                   (D) requires a level of participation suffi-  
6                   cient to ensure that members of the collabo-  
7                   rative group are adequately informed before  
8                   each decision.

9           (b) MULTIPARTY MONITORING.—The Secretary, in  
10           consultation with the relevant collaborative groups, may  
11           develop a multiparty monitoring plan for any vegetation  
12           management project carried out under this Act.

13   **SEC. 10. ADMINISTRATION.**

14           (a) EFFECT.—Nothing in this Act affects—

15                   (1) any right described in a treaty between an  
16                   Indian tribe and the United States; or

17                   (2) any biological opinion, including any opinion  
18                   associated with the aquatic and riparian protection  
19                   requirements of applicable land and resource man-  
20                   agement plans.

21           (b) APPLICABLE LAW.—Except as provided in section  
22           8(c), the Secretary shall carry out this Act in accordance  
23           with applicable law (including regulations).

24           (c) PRINCIPAL AGENCY CONTACT.—

1           (1) SELECTION.—The Secretary shall select a  
2 principal agency contact for the implementation of  
3 this Act.

4           (2) DUTIES.—The principal agency contact  
5 shall—

6           (A) serve as the point-of-contact for the  
7 advisory panel;

8           (B) facilitate communications among—

9           (i) the advisory panel;

10           (ii) collaborative groups;

11           (iii) employees of the Forest Service;

12           and

13           (iv) any other stakeholders (including  
14 the public).

15       (d) REPORTING.—

16           (1) IN GENERAL.—The Secretary shall prepare  
17 a report on the implementation of this Act—

18           (A) not later than 5 years after the date  
19 on which the Secretary selects the covered area;  
20 and

21           (B) 2 years before the date referred to in  
22 subsection (e)(1).

23           (2) CONTENTS.—The reports required under  
24 subparagraph (A) shall, for each National Forest in

1 the covered area, assess the progress toward accom-  
2 plishing—

3 (A) the purposes of this Act; and

4 (B) the performance goals established  
5 under section 4(d).

6 (e) TERMINATION OF AUTHORITY.—

7 (1) IN GENERAL.—The authorities under this  
8 Act shall terminate on the date that is 15 years  
9 after the date of enactment of this Act.

10 (2) EFFECT.—Nothing in this subsection af-  
11 fects a valid contract in effect on the date described  
12 in paragraph (1).

13 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—Subject to subsection (b), there  
15 is authorized to be appropriated \$50,000,000 to carry out  
16 this Act, to remain available until expended.

17 (b) LIMITATION.—

18 (1) OTHER ALLOCATIONS.—Amounts expended  
19 to carry out this Act shall not reduce the allocations  
20 of appropriated funds to the Secretary for use in—

21 (A) other National Forests not included in  
22 the covered area;

23 (B) other States; or

24 (C) other Regions of the Forest Service.

1           (2) REDUCTION.—The amount authorized to be  
2           appropriated under subsection (a) shall be reduced  
3           by any Federal funds allocated to, and expended by,  
4           a National Forest in the covered area under the pro-  
5           gram established under section 4003 of the Omnibus  
6           Public Land Management Act of 2009 (16 U.S.C.  
7           7303) to implement a proposal under subsection (d)  
8           of that section.

○