

H.R. 2647, AMENDMENT IN THE NATURE OF A SUBSTITUTE SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title of the Act, “Emergency Wildfire and Forest Management Act of 2016”.

Section 2 provides definitions for the Act.

Title I

Section 101 defines a major disaster for wildfire on federal lands.

Section 102 establishes the procedure for requesting a declaration of a major disaster for wildfire on federal lands and provides for assistance.

Section 103 prohibits the transfer of funds between wildfire suppression accounts and other accounts not used to cover the cost of wildfire suppression operations.

Title II

Section 201 requires that in the case of certain forest management projects proposed by a collaborative group or within a community wildfire protection plan, the Forest Service must only analyze two alternatives. Requires the Secretary concerned to evaluate certain effects and implications of the “no action alternative”.

Section 202 authorizes a categorical exclusion for certain forest management activity that is developed and implemented through a collaborative process and based on the best available scientific information. The activity establishes a harvest unit cap of 3,000 acres.

Section 203 authorizes a categorical exclusion for salvage operations on areas after a catastrophic event. The operation covered by the exclusion is capped at 3,000 harvest units. The area impacted by the catastrophic event would not exceed 9,000 harvest units without a corresponding reduction in the acreage cap.

Section 204 authorizes a categorical exclusion for certain forest management activity meeting early successional forest goals that is developed and implemented through a collaborative process and based on the best scientific information. The activity establishes a harvest unit cap of 3,000 acres.

Section 205 authorizes a categorical exclusion for certain enumerated forest management activity when the purpose of those activities is to improve, restore or reduce the risk of wildfire that is developed and implemented through a collaborative process and based on the best scientific information. The activity establishes a harvest unit cap of 3,000 acres.

Section 206 does not allow the Secretary to determine that an extraordinary circumstance for sensitive species would preclude the use of a categorical exclusion from analysis and

documentation under the National Environmental Policy Act of 1969 if there is a reasonable or reasonably foreseeable “beneficial effect”, as defined, of a proposed forest management activity or project under subsection (b) on sensitive species.

Section 207 requires that activities covered by a categorical exclusion must be consistent with guidance in the Forest Plan.

Section 208 provides requirements regarding permanent, existing and temporary roads.

Section 209 specifies land and areas exempted from this title.

Title III

Section 301 amends the Tribal Forest Protection Act of 2004. Federal Land management agencies would have 120 days to respond to tribal request for forest management on agency lands and two years to complete the analysis.

Section 302 amends the National Indian Forest Resources Management Act to give authority to Indian tribes to request to conduct forest management activities on federal lands where they have a tribal interest. They would have the authority to conduct those activities with authorities available on Indian lands.

Section 303 authorizes demonstration projects when an Indian tribe or tribal organization may carry out various functions of programs of the Tribal Forest Protection Act of 2004.

Title IV

Section 401 defines the term “Secretary” to mean the Secretary of Agriculture.

Section 402

Subsection (b) establishes the “State-Supported Forest Management Fund,” which allows for state or other entities to contribute funds for forest management activities.

Subsection (c) allows the Fund to consist of amounts that are contributed by an eligible entity, appropriated to the Fund, or generated by forest management activities.

Subsection (d) allows an eligible entity to specify and limit the types of forest management activities for which the contribution may be expended.

Subsection (h) terminates the fund on September 30, 2018. Any unobligated contributions remaining in the fund at termination will be returned to the eligible entity that made the contribution.

Section 403 requires any court reviewing an action to enjoin certain Forest Service action must weigh the benefits of taking short-term action versus the potential long-term harm of inaction.

Section 404 establishes a competitive grant program for financial and technical assistance to encourage collaborative, science based restoration of priority forest landscapes and manage at-risk forest resources. The program requires collaboration and consultation regarding the

identification of other applicable resources towards landscape-scale restoration. Authorizes an appropriation of \$40,000,000 each fiscal year through 2018, to remain available until expended, deposited in the “State and Private Forest Landscape-Scale Restoration Fund” towards these grants.

Section 405 authorizes the Secretary to establish within the Forest Service a pilot arbitration program for designated projects. If elected, this voluntary dispute resolution process shall be binding and will replace judicial review by an Article III court. The authority of the arbitrator shall be limited to upholding the decision to proceed with the approved project or to substitute it with the alternative proposal submitted with the demand for arbitration. Arbitration shall be conducted in accordance with applicable rules of the American Arbitration Association.

Section 406 authorizes the Secretary to establish a National Forest System accelerated landscape restoration pilot program to restore or maintain not fewer than 10 designated landscape-scale areas within the National Forest System. The Secretary is required to publish in the Federal Register a notice of the process for the designations and a description and other information, including a notice of intent to prepare an environmental impact statement for treatment regarding each designated landscape. In addition, the Secretary is required to prepare a landscape-scale environmental impact statement for purposes of the National Environmental Policy Act of 1969 that is consistent with the requirements in subsection (c) for each designated landscape. Authorizes an appropriation of \$40,000,000 for each fiscal year through 2018.

Section 407 designates specified federal lands in Cherokee National Forest in Tennessee as wilderness and as additions to the National Wilderness Preservation System.

Section 408 provides the Forest Service authority to dispose of small parcels of land – 40 acres or less – in a manner to enhance the management of the respective National Forest. It also authorizes funds derived from any sale or exchange under this authority to be expended for, among other purposes, the acquisition of land or interest in the state from which the sale originated.

Section 409 reauthorizes an authority for conveying forest service administrative sites.

Title V

This authority provides for the conveyance of certain National Forest System land in Winn Parish, Louisiana and requires sale proceeds to be used for the acquisition of lands and interests in the Kisatchie National Forest in Louisiana.

Title VI

This authority provides for the conveyance of certain National Forest System land in the state of Georgia and requires sale proceeds to be used for the acquisition of lands and interests in the National Forest System in Georgia.