

# COMMITTEE PRINT FOR H.R. \_\_\_\_\_

## 1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Healthy Forests Restoration Act of 2003”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purpose.

### TITLE I—HAZARDOUS FUELS REDUCTION ON FEDERAL LANDS

Sec. 101. Definitions.

Sec. 102. Authorized hazardous fuels reduction projects.

Sec. 103. Prioritization for communities and watersheds.

Sec. 104. Environmental analysis.

Sec. 105. Special Forest Service administrative review process.

Sec. 106. Special requirements regarding judicial review of authorized hazardous fuels reduction projects.

Sec. 107. Standard for injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems.

Sec. 108. Rules of construction.

### TITLE II—BIOMASS

Sec. 201. Findings.

Sec. 202. Definitions.

Sec. 203. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, and petroleum-based product substitutes.

Sec. 204. Reporting requirement.

### TITLE III—WATERSHED FORESTRY ASSISTANCE

Sec. 301. Findings and purpose.

Sec. 302. Establishment of watershed forestry assistance program.

### TITLE IV—INSECT INFESTATIONS

Sec. 401. Definitions, findings, and purpose.



- Sec. 402. Accelerated information gathering regarding bark beetles, including Southern pine beetles, hemlock woolly adelgid, emerald ash borers, red oak borers, and white oak borers.
- Sec. 403. Applied silvicultural assessments.
- Sec. 404. Relation to other laws.
- Sec. 405. Authorization of appropriations.

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

- Sec. 501. Establishment of healthy forests reserve program.
- Sec. 502. Eligibility and enrollment of lands in program.
- Sec. 503. Conservation plans.
- Sec. 504. Financial assistance.
- Sec. 505. Technical assistance.
- Sec. 506. Safe harbor.
- Sec. 507. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is—

3 (1) to reduce the risks of damage to commu-  
 4 nities, municipal water supplies, and some at-risk  
 5 Federal lands from catastrophic wildfires;

6 (2) to authorize grant programs to improve the  
 7 commercial value of forest biomass for electric en-  
 8 ergy, useful heat, transportation fuels, petroleum-  
 9 based product substitutes and other commercial pur-  
 10 poses;

11 (3) to enhance efforts to protect watersheds and  
 12 address threats to forest and rangeland health, in-  
 13 cluding catastrophic wildfire, across the landscape;

14 (4) to promote systematic information gath-  
 15 ering to address the impact of insect infestations on  
 16 forest and rangeland health;



1 (5) to improve the capacity to detect insect and  
2 disease infestations at an early stage, particularly  
3 with respect to hardwood forests; and

4 (6) to protect, restore, and enhance degraded  
5 forest ecosystem types in order to promote the recov-  
6 ery of threatened and endangered species as well as  
7 improve biological diversity and enhance carbon se-  
8 questration.

9 **TITLE I—HAZARDOUS FUELS RE-**  
10 **DUCTION ON FEDERAL**  
11 **LANDS**

12 **SEC. 101. DEFINITIONS.**

13 In this title:

14 (1) **AUTHORIZED HAZARDOUS FUELS REDUC-**  
15 **TION PROJECT.**—The term “authorized hazardous  
16 fuels reduction project” means a hazardous fuels re-  
17 duction project described in subsection (a) of section  
18 102, subject to the remainder of such section, that  
19 is planned and conducted using the process author-  
20 ized by section 104.

21 (2) **CONDITION CLASS 2.**—The term “condition  
22 class 2”, with respect to an area of Federal lands,  
23 refers to the condition class description developed by  
24 the Forest Service Rocky Mountain Research Sta-  
25 tion in the general technical report entitled “Devel-



1       opment of Coarse-Scale Spatial Data for Wildland  
2       Fire and Fuel Management” (RMRS-87), dated  
3       April 2000, under which—

4               (A) fire regimes on the lands have been  
5       moderately altered from their historical range;

6               (B) there exists a moderate risk of losing  
7       key ecosystem components from fire;

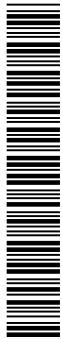
8               (C) fire frequencies have departed (either  
9       increased or decreased) from historical fre-  
10      quencies by one or more return interval, which  
11      results in moderate changes to fire size, fre-  
12      quency, intensity, severity, or landscape pat-  
13      terns; and

14              (D) vegetation attributes have been mod-  
15      erately altered from their historical range.

16              (3) CONDITION CLASS 3.—The term “condition  
17      class 3”, with respect to an area of Federal lands,  
18      refers to the condition class description developed by  
19      the Rocky Mountain Research Station in the general  
20      technical report referred to in paragraph (2), under  
21      which—

22              (A) fire regimes on the lands have been  
23      significantly altered from their historical range

24              (B) there exists a high risk of losing key  
25      ecosystem components from fire;



1 (C) fire frequencies have departed from  
2 historical frequencies by multiple return inter-  
3 vals, which results in dramatic changes to fire  
4 size, frequency, intensity, severity, or landscape  
5 patterns; and

6 (D) vegetation attributes have been signifi-  
7 cantly altered from their historical range.

8 (4) DAY.—The term “day” means a calendar  
9 day, except that, if a deadline imposed by this title  
10 would expire on a nonbusiness day, the deadline will  
11 be extended to the end of the next business day.

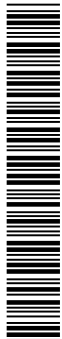
12 (5) DECISION DOCUMENT.—The term “decision  
13 document” means a decision notice or a record of  
14 decision, as those terms are used in applicable regu-  
15 lations of the Council on Environmental Quality and  
16 the Forest Service Handbook.

17 (6) FEDERAL LANDS.—The term “Federal  
18 lands” means—

19 (A) National Forest System lands; and

20 (B) public lands administered by the Sec-  
21 retary of the Interior, acting through the Bu-  
22 reau of Land Management.

23 (7) HAZARDOUS FUELS REDUCTION  
24 PROJECT.—The term “hazardous fuels reduction  
25 project” refers to the measures and methods de-



1       scribed in the definition of “appropriate tools” con-  
2       tained in the glossary of the Implementation Plan.

3           (8) IMPLEMENTATION PLAN.—The term “Im-  
4       plementation Plan” means the Implementation Plan  
5       for the 10-year Comprehensive Strategy for a Col-  
6       laborative Approach for Reducing Wildland Fire  
7       Risks to Communities and the Environment, dated  
8       May 2002, which was developed pursuant to the con-  
9       ference report for the Department of the Interior  
10      and Related Agencies Appropriations Act, 2001  
11      (House Report 106–646).

12          (9) INTERFACE COMMUNITY AND INTERMIX  
13      COMMUNITY.—The terms “interface community”  
14      and “intermix community” have the meanings given  
15      those terms on page 753 of volume 66 of the Fed-  
16      eral Register, as published on January 4, 2001.

17          (10) MUNICIPAL WATER SUPPLY SYSTEM.—The  
18      term “municipal water supply system” means the  
19      reservoirs, canals, ditches, flumes, laterals, pipes,  
20      pipelines, or other surface facilities and systems con-  
21      structed or installed for the impoundment, storage,  
22      transportation, or distribution of drinking water for  
23      a community.

24          (11) SECRETARY CONCERNED.—The term  
25      “Secretary concerned” means the Secretary of Agri-



1 culture with respect to National Forest System lands  
2 and the Secretary of the Interior with respect to  
3 public lands administered by the Bureau of Land  
4 Management. Any reference in this title to the “Sec-  
5 retary concerned”, the Secretary of Agriculture”, or  
6 the “Secretary of the Interior” includes the designee  
7 of the Secretary concerned.

8 (12) THREATENED AND ENDANGERED SPECIES  
9 HABITAT.—The term “threatened and endangered  
10 species habitat” means Federal lands identified in  
11 the listing decision or critical habitat designation as  
12 habitat for a threatened species or an endangered  
13 species under the Endangered Species Act of 1973  
14 (16 U.S.C. 1531 et seq.).

15 **SEC. 102. AUTHORIZED HAZARDOUS FUELS REDUCTION**  
16 **PROJECTS.**

17 (a) AUTHORIZED PROJECTS.—Subject to the remain-  
18 der of this section, the Secretary concerned may utilize  
19 the process authorized by section 104 to plan and conduct  
20 hazardous fuels reduction projects on any of the following  
21 Federal lands:

22 (1) Federal lands located in an interface com-  
23 munity or intermix community.

24 (2) Federal lands located in such proximity to  
25 an interface community or intermix community that



1       there is a significant risk that the spread of a fire  
2       disturbance event from those lands would threaten  
3       human life and property in the interface community  
4       or intermix community.

5               (3) Condition class 3 or condition class 2 Fed-  
6       eral lands located in such proximity to a municipal  
7       water supply system or a stream feeding a municipal  
8       water supply system that a significant risk exists  
9       that a fire disturbance event would have adverse ef-  
10      fects on the water quality of the municipal water  
11      supply, including the risk to water quality posed by  
12      erosion following such a fire disturbance event.

13              (4) Condition class 3 or condition class 2 Fed-  
14      eral lands identified by the Secretary concerned as  
15      an area where windthrow or blowdown, or the exist-  
16      ence or threat of disease or insect infestation, pose  
17      a significant threat to forest or rangeland health or  
18      adjacent private lands.

19              (5) Federal lands not covered by paragraph (1),  
20      (2), (3), or (4) that contain threatened and endan-  
21      gered species habitat, but only if—

22                      (A) natural fire regimes on such lands are  
23                      identified as being important for, or wildfire is  
24                      identified as a threat to, an endangered species,  
25                      a threatened species, or its habitat in a species



1 recovery plan prepared under section 4 of the  
2 Endangered Species Act of 1973 (16 U.S.C.  
3 1533) or in a decision document under such  
4 section determining a species to be an endan-  
5 gered species or a threatened species or desig-  
6 nating critical habitat;

7 (B) the project will provide enhanced pro-  
8 tection from catastrophic wildfire for the spe-  
9 cies or its habitat; and

10 (C) the Secretary complies with any appli-  
11 cable guidelines specified in the species recovery  
12 plan prepared under the Endangered Species  
13 Act of 1973 (16 U.S.C. 1531 et seq.).

14 (b) RELATION TO AGENCY PLANS.—An authorized  
15 hazardous fuels reduction project shall be planned and  
16 conducted in a manner consistent with the land and re-  
17 source management plan or land use plan applicable to  
18 the Federal lands covered by the project.

19 (c) ACREAGE LIMITATION.—Not more than a total  
20 of 20,000,000 acres of Federal lands may be included in  
21 authorized hazardous fuels reduction projects.

22 (d) TREE REMOVAL LIMITATION.—The Secretary  
23 concerned, in the sole discretion of the Secretary con-  
24 cerned, shall plan and conduct an authorized hazardous  
25 fuels reduction project so as to maintain species composi-



1 tion, size class distribution, and density of trees, including  
2 old and large trees appropriate for each ecosystem type  
3 covered by the project, consistent with the purposes of this  
4 title.

5 (e) EXCLUSION OF CERTAIN FEDERAL LANDS.—The  
6 Secretary concerned may not plan or conduct an author-  
7 ized hazardous fuels reduction project that would occur  
8 on any of the following Federal lands:

9 (1) A component of the National Wilderness  
10 Preservation System.

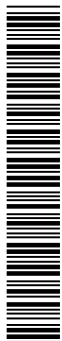
11 (2) Federal lands where, by Act of Congress or  
12 Presidential proclamation, the removal of vegetation  
13 is prohibited or restricted.

14 (3) Wilderness Study Areas.

15 (f) PROTECTION OF ROADLESS AREAS.—The Sec-  
16 retary of Agriculture shall not construct any new perma-  
17 nent road in any Inventoried Roadless Area as part of any  
18 authorized hazardous fuels reduction project.

19 **SEC. 103. PRIORITIZATION FOR COMMUNITIES AND WATER-**  
20 **SHEDS.**

21 As provided for in the Implementation Plan, the Sec-  
22 retary concerned shall give priority to authorized haz-  
23 ardous fuel reduction projects that provide for the protec-  
24 tion of communities and watersheds.



1 **SEC. 104. ENVIRONMENTAL ANALYSIS.**

2 (a) IN GENERAL.—Except as otherwise provided in  
3 this title, the Secretary concerned shall plan and conduct  
4 authorized hazardous fuels reduction projects in accord-  
5 ance with the National Environmental Policy Act of 1969  
6 (42 U.S.C. 4331 et seq.) and any other applicable laws.

7 (b) DISCRETIONARY AUTHORITY TO ELIMINATE AL-  
8 TERNATIVES.—In the case of an authorized hazardous  
9 fuels reduction project, the Secretary concerned is not re-  
10 quired to study, develop, or describe any alternative to the  
11 proposed agency action in the environmental assessment  
12 or environmental impact statement prepared for the pro-  
13 posed agency action pursuant to section 102(2) of the Na-  
14 tional Environmental Policy Act of 1969 (42 U.S.C.  
15 4332(2)).

16 (c) PUBLIC NOTICE AND MEETING.—

17 (1) PUBLIC NOTICE.—The Secretary concerned  
18 shall provide notice of each authorized hazardous  
19 fuels reduction project in accordance with applicable  
20 regulations and administrative guidelines.

21 (2) PUBLIC MEETING.—During the planning  
22 stage of each authorized hazardous fuels reduction  
23 project, the Secretary concerned shall conduct a  
24 public meeting at an appropriate location proximate  
25 to the administrative unit of the Federal lands in  
26 which the authorized hazardous fuels reduction



1 project will be conducted. The Secretary concerned  
2 shall provide advance notice of the date and time of  
3 the meeting.

4 (d) PUBLIC COLLABORATION.—In order to encourage  
5 meaningful public participation in the identification and  
6 development of authorized hazardous fuels reduction  
7 projects, the Secretary concerned shall facilitate collabora-  
8 tion among governments and interested persons during  
9 the formulation of each authorized fuels reduction project  
10 in a manner consistent with the Implementation Plan.

11 (e) ENVIRONMENTAL ANALYSIS AND PUBLIC COM-  
12 MENT.—In accordance with section 102(2) of the National  
13 Environmental Policy Act of 1969 (42 U.S.C. 4332(2))  
14 and the applicable regulations and administrative guide-  
15 lines in effect on the date of the enactment of this Act,  
16 the Secretary concerned shall provide an opportunity for  
17 public input during the preparation of any environmental  
18 assessment or environmental impact statement for pro-  
19 posed agency action for an authorized hazardous fuels re-  
20 duction project.

21 (f) DECISION DOCUMENT.—The Secretary concerned  
22 shall sign a decision document for each authorized haz-  
23 ardous fuels reduction project and provide notice of the  
24 decision document.



1 (g) PROJECT MONITORING.—As provided for in the  
2 Implementation Plan, the Secretary concerned shall mon-  
3 itor the implementation of authorized hazardous fuels re-  
4 duction projects.

5 **SEC. 105. SPECIAL FOREST SERVICE ADMINISTRATIVE RE-**  
6 **VIEW PROCESS.**

7 (a) DEVELOPMENT OF ADMINISTRATIVE PROCESS.—  
8 Not later than 90 days after the date of the enactment  
9 of this Act, the Secretary of Agriculture shall issue final  
10 regulations to establish an administrative process that will  
11 serve as the sole means by which a person described in  
12 subsection (c) can seek administrative redress regarding  
13 an authorized hazardous fuels reduction project.

14 (b) ELIGIBLE PERSONS.—To be eligible to partici-  
15 pate in the administrative process developed pursuant to  
16 subsection (a) regarding an authorized hazardous fuels re-  
17 duction project, a person must have submitted specific and  
18 substantive written comments during the preparation  
19 stage of that authorized hazardous fuels reduction project.

20 (c) RELATION TO APPEALS REFORM ACT.—Section  
21 322 of the Department of the Interior and Related Agen-  
22 cies Appropriations Act, 1993 (Public Law 102–381; 16  
23 U.S.C. 1612 note), does not apply to an authorized haz-  
24 ardous fuels reduction project.



1 **SEC. 106. SPECIAL REQUIREMENTS REGARDING JUDICIAL**  
2 **REVIEW OF AUTHORIZED HAZARDOUS FUELS**  
3 **REDUCTION PROJECTS.**

4 (a) FILING DEADLINE.—

5 (1) TIME LIMIT ESTABLISHED FOR FILING.—

6 Notwithstanding any other provision of law, to be  
7 timely, an action in a court of the United States  
8 challenging an authorized hazardous fuels reduction  
9 project shall be filed in the court before the end of  
10 the 15-day period beginning on the date on which  
11 the Secretary concerned publishes, in the local paper  
12 of record, notice of the final agency action regarding  
13 the authorized hazardous fuels reduction project.  
14 This time limitation supersedes any notice of intent  
15 to file suit requirement or filing deadline otherwise  
16 applicable to a challenge under any provision of law.

17 (2) WAIVER PROHIBITED.—The Secretary con-

18 cerned may not agree to, and a district court may  
19 not grant, a waiver of the requirements of this sub-  
20 section.

21 (b) DURATION OF PRELIMINARY INJUNCTION.—

22 (1) DURATION; EXTENSION.—Any preliminary

23 injunction granted regarding an authorized haz-  
24 ardous fuels reduction project shall be limited to 45  
25 days. A court may renew the preliminary injunction,  
26 taking into consideration the goal expressed in sub-



1 section (c) for the expeditious resolution of cases re-  
2 garding authorized hazardous fuels reduction  
3 projects.

4 (2) SUBMISSION OF INFORMATION.—As part of  
5 a request to renew a preliminary injunction granted  
6 regarding an authorized hazardous fuels reduction  
7 project, the parties shall present the court with an  
8 update on any changes that may have occurred dur-  
9 ing the period of the injunction to the forest or  
10 rangeland conditions that the authorized hazardous  
11 fuels reduction project is intended to address.

12 (3) CONGRESSIONAL NOTIFICATION.—In the  
13 event of the renewal of a preliminary injunction re-  
14 garding an authorized hazardous fuels reduction  
15 project, the Secretary concerned shall submit notice  
16 of the renewal to the Committee on Resources and  
17 the Committee on Agriculture of the House of Rep-  
18 resentatives and the Committee on Energy and Nat-  
19 ural Resources and the Committee on Agriculture,  
20 Nutrition, and Forestry of the Senate.

21 (c) EXPEDITIOUS COMPLETION OF JUDICIAL RE-  
22 VIEW.—Congress intends and encourages any court in  
23 which is filed a lawsuit or appeal of a lawsuit concerning  
24 an authorized hazardous fuels reduction project to expe-  
25 dite, to the maximum extent practicable, the proceedings



1 in such lawsuit or appeal with the goal of rendering a final  
2 determination on jurisdiction, and if jurisdiction exists, a  
3 final determination on the merits, within 100 days from  
4 the date the complaint or appeal is filed.

5 **SEC. 107. STANDARD FOR INJUNCTIVE RELIEF FOR AGEN-**  
6 **CY ACTION TO RESTORE FIRE-ADAPTED FOR-**  
7 **EST OR RANGELAND ECOSYSTEMS.**

8 If an action brought against the Secretary concerned  
9 under section 703 of title 5, United States Code, involves  
10 an agency action on Federal lands in which the Secretary  
11 concerned found that the agency action is necessary to re-  
12 store a fire-adapted forest or rangeland ecosystem, includ-  
13 ing an authorized hazardous fuels reduction project, the  
14 court reviewing the agency action, in considering a request  
15 for a prohibitory or mandatory injunction against the  
16 agency action, shall—

17 (1) consider the public interest in avoiding long-  
18 term harm to the ecosystem; and

19 (2) give deference to any agency finding, based  
20 upon information in the administrative record, that  
21 the balance of harm and the public interest in avoid-  
22 ing the short-term effects of the agency action is  
23 outweighed by the public interest in avoiding long-  
24 term harm to the ecosystem.



1 **SEC. 108. RULES OF CONSTRUCTION.**

2 (a) RELATION TO OTHER AUTHORITY.—Nothing in  
3 this title shall be construed to affect, or otherwise bias,  
4 the use by the Secretary concerned of other statutory or  
5 administrative authorities to plan or conduct a hazardous  
6 fuels reduction project on Federal lands, including Federal  
7 lands identified in section 102(e), that is not planned or  
8 conducted using the process authorized by section 104.

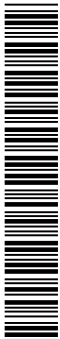
9 (b) RELATION TO LEGAL ACTION.—Nothing in this  
10 title shall be construed to prejudice or otherwise affect the  
11 consideration or disposition of any legal action concerning  
12 the Roadless Area Conservation Rule, part 294 of title 36,  
13 Code of Federal Regulations, as amended in the final rule  
14 and record of decision published in the Federal Register  
15 on January 12, 2001 (66 Fed. Reg. 3244).

16 **TITLE II—BIOMASS**

17 **SEC. 201. FINDINGS.**

18 Congress finds the following:

19 (1) Thousands of communities in the United  
20 States, many located near Federal lands, are at risk  
21 to wildfire. Approximately 190,000,000 acres of land  
22 managed by the Secretary of Agriculture and the  
23 Secretary of the Interior are at risk of catastrophic  
24 fire in the near future. The accumulation of heavy  
25 forest and rangeland fuel loads continues to increase



1 as a result of disease, insect infestations, and  
2 drought, further raising the risk of fire each year.

3 (2) In addition, more than 70,000,000 acres  
4 across all land ownerships are at risk to higher than  
5 normal mortality over the next 15 years from insect  
6 infestation and disease. High levels of tree mortality  
7 from insects and disease result in increased fire risk,  
8 loss of old growth, degraded watershed conditions,  
9 and changes in species diversity and productivity, as  
10 well as diminished fish and wildlife habitat and de-  
11 creased timber values.

12 (3) Preventive treatments such as removing fuel  
13 loading, ladder fuels, and hazard trees, planting  
14 proper species mix and restoring and protecting  
15 early successional habitat, and other specific restora-  
16 tion treatments designed to reduce the susceptibility  
17 of forest and rangeland to insect outbreaks, disease,  
18 and catastrophic fire present the greatest oppor-  
19 tunity for long-term forest and rangeland health by  
20 creating a mosaic of species-mix and age distribu-  
21 tion. Such prevention treatments are widely acknowl-  
22 edged to be more successful and cost effective than  
23 suppression treatments in the case of insects, dis-  
24 ease, and fire.



1           (4) The by-products of preventive treatment  
2           (wood, brush, thinnings, chips, slash, and other haz-  
3           ardous fuels) removed from forest and rangelands  
4           represent an abundant supply of biomass for bio-  
5           mass-to-energy facilities and raw material for busi-  
6           ness. There are currently few markets for the ex-  
7           traordinary volumes of by-products being generated  
8           as a result of the necessary large-scale preventive  
9           treatment activities.

10           (5) The United States should—

11                   (A) promote economic and entrepreneurial  
12                   opportunities in using by-products removed  
13                   through preventive treatment activities related  
14                   to hazardous fuels reduction, disease, and insect  
15                   infestation; and

16                   (B) develop and expand markets for tradi-  
17                   tionally underused wood and biomass as an out-  
18                   let for by-products of preventive treatment ac-  
19                   tivities.

20 **SEC. 202. DEFINITIONS.**

21           In this title:

22                   (1) **BIOMASS.**—The term “biomass” means  
23                   trees and woody plants, including limbs, tops, nee-  
24                   dles, and other woody parts, and by-products of pre-



1 ventive treatment, such as wood, brush, thinnings,  
2 chips, and slash, that are removed—

3 (A) to reduce hazardous fuels; or

4 (B) to reduce the risk of or to contain dis-  
5 ease or insect infestation.

6 (2) INDIAN TRIBE.—The term “Indian tribe”  
7 has the meaning given the term in section 4(e) of  
8 the Indian Self-Determination and Education Assist-  
9 ance Act (25 U.S.C. 450b(e)).

10 (3) PERSON.—The term “person” includes—

11 (A) an individual;

12 (B) a community (as determined by the  
13 Secretary concerned);

14 (C) an Indian tribe;

15 (D) a small business, micro-business, or a  
16 corporation that is incorporated in the United  
17 States; and

18 (E) a nonprofit organization.

19 (4) PREFERRED COMMUNITY.—The term “pre-  
20 ferred community” means—

21 (A) any town, township, municipality, or  
22 other similar unit of local government (as deter-  
23 mined by the Secretary concerned) that—

24 (i) has a population of not more than  
25 50,000 individuals; and



1 (ii) the Secretary concerned, in the  
2 sole discretion of the Secretary concerned,  
3 determines contains or is located near  
4 land, the condition of which is at signifi-  
5 cant risk of catastrophic wildfire, disease,  
6 or insect infestation or which suffers from  
7 disease or insect infestation; or

8 (B) any county that—

9 (i) is not contained within a metro-  
10 politan statistical area; and

11 (ii) the Secretary concerned, in the  
12 sole discretion of the Secretary concerned,  
13 determines contains or is located near  
14 land, the condition of which is at signifi-  
15 cant risk of catastrophic wildfire, disease,  
16 or insect infestation or which suffers from  
17 disease or insect infestation.

18 (5) SECRETARY CONCERNED.—The term “Sec-  
19 retary concerned” means—

20 (A) the Secretary of Agriculture with re-  
21 spect to National Forest System lands; and

22 (B) the Secretary of the Interior with re-  
23 spect to Federal lands under the jurisdiction of  
24 the Secretary of the Interior and Indian lands.



1 **SEC. 203. GRANTS TO IMPROVE THE COMMERCIAL VALUE**  
2 **OF FOREST BIOMASS FOR ELECTRIC ENERGY,**  
3 **USEFUL HEAT, TRANSPORTATION FUELS,**  
4 **AND PETROLEUM-BASED PRODUCT SUB-**  
5 **STITUTES.**

6 (a) BIOMASS COMMERCIAL USE GRANT PROGRAM.—

7 (1) IN GENERAL.—The Secretary concerned  
8 may make grants to any person that owns or oper-  
9 ates a facility that uses biomass as a raw material  
10 to produce electric energy, sensible heat, transpor-  
11 tation fuels, or substitutes for petroleum-based prod-  
12 ucts to offset the costs incurred to purchase biomass  
13 for use by such facility.

14 (2) GRANT AMOUNTS.—A grant under this sub-  
15 section may not exceed \$20 per green ton of biomass  
16 delivered.

17 (3) MONITORING OF GRANT RECIPIENT ACTIVI-  
18 TIES.—As a condition of a grant under this sub-  
19 section, the grant recipient shall keep such records  
20 as the Secretary concerned may require to fully and  
21 correctly disclose the use of the grant funds and all  
22 transactions involved in the purchase of biomass.  
23 Upon notice by a representative of the Secretary  
24 concerned, the grant recipient shall afford the rep-  
25 resentative reasonable access to the facility that pur-



1 chases or uses biomass and an opportunity to exam-  
2 ine the inventory and records of the facility.

3 (b) VALUE ADDED GRANT PROGRAM.—

4 (1) IN GENERAL.—The Secretary concerned  
5 may make grants to persons to offset the cost of  
6 projects to add value to biomass. In making such  
7 grants, the Secretary concerned shall give preference  
8 to persons in preferred communities.

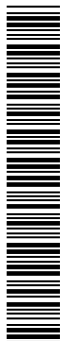
9 (2) SELECTION.—The Secretary concerned shall  
10 select a grant recipient under paragraph (1) after  
11 giving consideration to the anticipated public bene-  
12 fits of the project, opportunities for the creation or  
13 expansion of small businesses and micro-businesses,  
14 and the potential for new job creation.

15 (3) GRANT AMOUNT.—A grant under this sub-  
16 section may not exceed \$100,000.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated \$25,000,000 for each of the  
19 fiscal years 2004 through 2008 to carry out this section.

20 **SEC. 204. REPORTING REQUIREMENT.**

21 (a) REPORT REQUIRED.—Not later than October 1,  
22 2010, the Secretary of Agriculture, in consultation with  
23 the Secretary of the Interior, shall submit to the Com-  
24 mittee on Resources and the Committee on Agriculture of  
25 the House of Representatives and the Committee on En-



1 ergy and Natural Resources and the Committee on Agri-  
2 culture, Nutrition, and Forestry of the Senate a report  
3 describing the results of the grant programs authorized  
4 by section 203.

5 (b) CONTENTS OF REPORT.—The report shall include  
6 the following:

7 (1) An identification of the size, type, and the  
8 use of biomass by persons that receive grants under  
9 section 203.

10 (2) The distance between the land from which  
11 the biomass was removed and the facility that used  
12 the biomass.

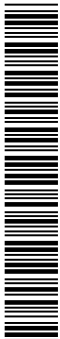
13 (3) The economic impacts, particularly new job  
14 creation, resulting from the grants to and operation  
15 of the eligible operations.

16 **TITLE III—WATERSHED**  
17 **FORESTRY ASSISTANCE**

18 **SEC. 301. FINDINGS AND PURPOSE.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) There has been a dramatic shift in public  
21 attitudes and perceptions about forest management,  
22 particularly in the understanding and practice of  
23 sustainable forest management.



1           (2) It is commonly recognized that the proper  
2           stewardship of forest lands is essential to sustaining  
3           and restoring the health of watersheds.

4           (3) Forests can provide essential ecological  
5           services in filtering pollutants, buffering important  
6           rivers and estuaries, and minimizing flooding, which  
7           makes its restoration worthy of special focus.

8           (4) Strengthened education, technical assist-  
9           ance, and financial assistance to nonindustrial pri-  
10          vate forest landowners and communities, relating to  
11          the protection of watershed health, is needed to real-  
12          ize the expectations of the general public.

13          (b) PURPOSE.—The purpose of this title is to—

14           (1) improve landowner and public under-  
15           standing of the connection between forest manage-  
16           ment and watershed health;

17           (2) encourage landowners to maintain tree  
18           cover on their property and to utilize tree plantings  
19           and vegetative treatments as creative solutions to  
20           watershed problems associated with varying land  
21           uses;

22           (3) enhance and complement forest manage-  
23           ment and buffer utilization for watersheds, with an  
24           emphasis on urban watersheds;



1 (4) establish new partnerships and collaborative  
2 watershed approaches to forest management, stew-  
3 ardsip, and conservation;

4 (5) provide technical and financial assistance to  
5 States to deliver a coordinated program that en-  
6 hances State forestry best-management practices  
7 programs, as well as conserves and improves for-  
8 ested lands and potentially forested lands through  
9 technical, financial, and educational assistance to  
10 qualifying individuals and entities; and

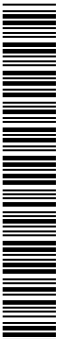
11 (6) maximize the proper management and con-  
12 servation of wetland forests and to assist in their  
13 restoration as necessary.

14 **SEC. 302. ESTABLISHMENT OF WATERSHED FORESTRY AS-**  
15 **SISTANCE PROGRAM.**

16 The Cooperative Forestry Assistance Act of 1978 is  
17 amended by inserting after section 5 the following new  
18 section:

19 **“SEC. 6. WATERSHED FORESTRY ASSISTANCE.**

20 “(a) GENERAL AUTHORITY AND PURPOSE.—The  
21 Secretary, acting through the Forest Service, may provide  
22 technical, financial, and related assistance to State for-  
23 esters and equivalent State officials for the purpose of ex-  
24 panding State forest stewardship capacities and activities  
25 through State forestry best-management practices and



1 other means at the State level to address watershed issues  
2 on non-Federal forested lands and potentially forested  
3 lands.

4 “(b) TECHNICAL ASSISTANCE TO PROTECT WATER  
5 QUALITY.—

6 “(1) IN GENERAL.—The Secretary, in coopera-  
7 tion with State foresters or equivalent State officials,  
8 shall engage interested members of the public, in-  
9 cluding nonprofit organizations and local watershed  
10 councils, to develop a program of technical assist-  
11 ance to protect water quality, as described in para-  
12 graph (2).

13 “(2) PURPOSE OF PROGRAM.—The program  
14 under this subsection shall be designed—

15 “(A) to build and strengthen watershed  
16 partnerships that focus on forested landscapes  
17 at the local, State, and regional levels;

18 “(B) to provide State forestry best-man-  
19 agement practices and water quality technical  
20 assistance directly to nonindustrial private for-  
21 est landowners;

22 “(C) to provide technical guidance to land  
23 managers and policy makers for water quality  
24 protection through forest management;



1           “(D) to complement State and local efforts  
2           to protect water quality and provide enhanced  
3           opportunities for consultation and cooperation  
4           among Federal and State agencies charged with  
5           responsibility for water and watershed manage-  
6           ment;

7           “(E) to provide enhanced forest resource  
8           data and support for improved implementation  
9           and monitoring of State forestry best-manage-  
10          ment practices.

11          “(3) IMPLEMENTATION.—The program of tech-  
12          nical assistance shall be implemented by State for-  
13          esters or equivalent State officials.

14          “(c) WATERSHED FORESTRY COST-SHARE PRO-  
15          GRAM.—

16          “(1) IN GENERAL.—The Secretary shall estab-  
17          lish a watershed forestry cost-share program to be  
18          administered by the Forest Service and implemented  
19          by State foresters or equivalent State officials.  
20          Funds or other support provided under such pro-  
21          gram shall be made available for State forestry best-  
22          management practices programs and watershed for-  
23          estry projects.

24          “(2) WATERSHED FORESTRY PROJECTS.—The  
25          State forester or equivalent State official of a State,



1 in coordination with the State Forest Stewardship  
2 Coordinating Committee established under section  
3 19(b) for that State, shall annually make awards to  
4 communities, nonprofit groups, and nonindustrial  
5 private forest landowners under the program for wa-  
6 tershed forestry projects described in paragraph (3).

7 “(3) PROJECT ELEMENTS AND OBJECTIVES.—A  
8 watershed forestry project shall accomplish critical  
9 forest stewardship, watershed protection, and res-  
10 toration needs within a State by demonstrating the  
11 value of trees and forests to watershed health and  
12 condition through—

13 “(A) the use of trees as solutions to water  
14 quality problems in urban and rural areas;

15 “(B) community-based planning, involve-  
16 ment, and action through State, local and non-  
17 profit partnerships;

18 “(C) application of and dissemination of  
19 monitoring information on forestry best-man-  
20 agement practices relating to watershed for-  
21 estry.

22 “(D) watershed-scale forest management  
23 activities and conservation planning; and



1           “(E) the restoration of wetland (as defined  
2           by the States) and stream-side forests and the  
3           establishment of riparian vegetative buffers.

4           “(4) COST-SHARING.—Funds provided under  
5           this subsection for a watershed forestry project may  
6           not exceed 75 percent of the cost of the project.  
7           Other Federal funding sources may be used to cover  
8           a portion of the remaining project costs, but the  
9           total Federal share of the costs may not exceed 90  
10          percent. The non-Federal share of the costs of a  
11          project may be in the form of cash, services, or other  
12          in-kind contributions.

13          “(5) PRIORITIZATION.—The State Forest Stew-  
14          ardship Coordinating Committee for a State shall  
15          prioritize watersheds in that State to target water-  
16          shed forestry projects funded under this subsection.

17          “(6) WATERSHED FORESTER.—Financial and  
18          technical assistance shall be made available to the  
19          State Forester or equivalent State official to create  
20          a State best-management practice forester to lead  
21          statewide programs and coordinate small watershed-  
22          level projects.

23          “(d) DISTRIBUTION.—

24                 “(1) IN GENERAL.—The Secretary shall devote  
25                 at least 75 percent of the funds appropriated for a



1 fiscal year pursuant to the authorization of appro-  
2 priations in subsection (e) to the cost-share program  
3 under subsection (c) and the remainder to the task  
4 of delivering technical assistance, education, and  
5 planning on the ground through the State Forester  
6 or equivalent State official.

7 “(2) SPECIAL CONSIDERATIONS.—Distribution  
8 of these funds by the Secretary among the States  
9 shall be made only after giving appropriate consider-  
10 ation to—

11 “(1) the acres of nonindustrial private  
12 forestland and highly erodible land in each State;

13 “(2) each State’s efforts to conserve forests;

14 “(3) the acres of forests in each State that have  
15 been lost or degraded or where forests can play a  
16 role in restoring watersheds; and

17 “(4) the number of nonindustrial private forest  
18 landowners in each State.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
20 is authorized to be appropriated to carry out this section  
21 \$15,000,000 for each of the fiscal years 2004 through  
22 2008.”.



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# TITLE IV—INSECT INFESTATIONS

## SEC. 401. DEFINITIONS, FINDINGS, AND PURPOSE.

(a) DEFINITIONS.—In this title:

(1) APPLIED SILVICULTURAL ASSESSMENT.—

The term “applied silvicultural assessment” means any vegetative or other treatment, including timber harvest, thinning, prescribed burning, and pruning, as single treatment or any combination of these treatments.

(2) FEDERAL LANDS.—The term “Federal lands” means—

(A) National Forest System lands; and

(B) public lands administered by the Secretary of the Interior, acting through the Bureau of Land Management.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System lands; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally



1 owned land administered by the Secretary of  
2 the Interior.

3 (4) 1890 INSTITUTIONS.—The term “1890 In-  
4 stitution” means a college or university eligible to  
5 receive funds under the Act of August 30, 1890 (7  
6 U.S.C. 321 et seq.), including Tuskegee University.

7 (b) FINDINGS.—Congress finds the following:

8 (1) High levels of tree mortality due to insect  
9 infestation result in—

10 (A) increased fire risk;

11 (B) loss of old growth;

12 (C) loss of threatened and endangered spe-  
13 cies;

14 (D) loss of species diversity;

15 (E) degraded watershed conditions;

16 (F) increased potential for damage from  
17 other agents of disturbance, including exotic,  
18 invasive species; and

19 (G) decreased timber values.

20 (2) Bark beetles destroy hundreds of thousands  
21 of acres of trees each year. In the West, over  
22 21,000,000 acres are at high risk of bark beetle in-  
23 festation and in the South over 57,000,000 acres are  
24 at risk across all land ownerships. Severe drought



1 conditions in many areas of the South and West will  
2 increase risk of bark beetle infestations.

3 (3) The hemlock woolly adelgid is destroying  
4 streamside forests throughout the mid-Atlantic and  
5 Appalachian region, threatening water quality and  
6 sensitive aquatic species, and posing a potential  
7 threat to valuable commercial timber lands in North-  
8 ern New England.

9 (4) The emerald ash borer is a nonnative,  
10 invasive pest that has quickly become a major threat  
11 to hardwood forests as a emerald ash borer infesta-  
12 tion is almost always fatal to the affected trees. This  
13 pest threatens to destroy over 692,000,000 ash trees  
14 in forests in Michigan and Ohio alone, and between  
15 five and ten percent of urban street trees in the  
16 Upper Midwest.

17 (5) Epidemic populations of Southern pine bee-  
18 tle are ravaging forests in Alabama, Arkansas, Flor-  
19 ida, Georgia, Kentucky, Mississippi, North Carolina,  
20 South Carolina, Tennessee, and Virginia. In 2001,  
21 Florida and Kentucky experienced 146 percent and  
22 111 percent increases, respectively, in beetle popu-  
23 lations.

24 (6) These epidemic outbreaks of Southern pine  
25 beetle have forced private landowners to harvest



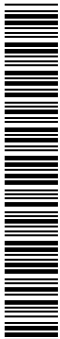
1 dead and dying trees, in both rural areas and in-  
2 creasingly urbanized settings.

3 (7) According to the Forest Service, recent out-  
4 breaks of the red oak borer in Arkansas have been  
5 unprecedented, with almost 800,000 acres infested  
6 at population levels never seen before.

7 (8) Much of the damage from the red oak borer  
8 has taken place in National forests, and the Federal  
9 response has been inadequate to protect forest eco-  
10 systems and other ecological and economic resources.

11 (9) Previous silvicultural assessments, while  
12 useful and informative, have been limited in scale  
13 and scope of application, and there has not been suf-  
14 ficient resources available to adequately test a full  
15 array of individual and combined applied silvicult-  
16 tural assessments.

17 (10) Only through the rigorous funding, devel-  
18 opment, and assessment of potential applied silvicult-  
19 tural assessments over specific time frames across  
20 an array of environmental and climatic conditions  
21 can the most innovative and cost effective manage-  
22 ment applications be determined that will help re-  
23 duce the susceptibility of forest ecosystems to attack  
24 by forest pests.



1           (11) Funding and implementation of an initia-  
2           tive to combat forest pest infestations should not  
3           come at the expense of supporting other programs  
4           and initiatives of the Secretary concerned.

5           (c) PURPOSE.—It is the purpose of this title—

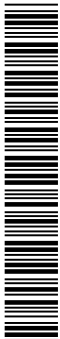
6           (1) to require the Secretary concerned to de-  
7           velop an accelerated basic and applied assessment  
8           program to combat infestations by bark beetles, in-  
9           cluding Southern pine beetles, hemlock woolly  
10          adelgids, emerald ash borers, red oak borers, and  
11          white oak borers;

12          (2) to enlist the assistance of universities and  
13          forestry schools, including Land Grant Colleges and  
14          Universities and 1890 Institutions, to carry out the  
15          program; and

16          (3) to carry out applied silvicultural assess-  
17          ments.

18 **SEC. 402. ACCELERATED INFORMATION GATHERING RE-**  
19                   **GARDING BARK BEETLES, INCLUDING**  
20                   **SOUTHERN PINE BEETLES, HEMLOCK WOOL-**  
21                   **LY ADELGIDS, EMERALD ASH BORERS, RED**  
22                   **OAK BORERS, AND WHITE OAK BORERS.**

23          (a) INFORMATION GATHERING.—The Secretary con-  
24          cerned shall establish, acting through the Forest Service



1 and United States Geological Survey, as appropriate, an  
2 accelerated program—

3 (1) to plan, conduct, and promote comprehen-  
4 sive and systematic information gathering on bark  
5 beetles, including Southern pine beetles, hemlock  
6 woolly adelgids, emerald ash borers, red oak borers,  
7 and white oak borers, including an evaluation of—

8 (A) infestation prevention and control  
9 methods;

10 (B) effects of infestations on forest eco-  
11 systems;

12 (C) restoration of the forest ecosystem ef-  
13 forts;

14 (D) utilization options regarding infested  
15 trees; and

16 (E) models to predict the occurrence, dis-  
17 tribution, and impact of outbreaks of bark bee-  
18 tles, including Southern pine beetles, hemlock  
19 woolly adelgids, emerald ash borers, red oak  
20 borers, and white oak borers;

21 (2) to assist land managers in the development  
22 of treatments and strategies to improve forest health  
23 and reduce the susceptibility of forest ecosystems to  
24 severe infestations of bark beetles, including South-  
25 ern pine beetles, hemlock woolly adelgids, emerald



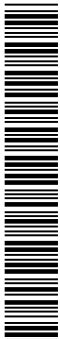
1 ash borers, red oak borers, and white oak borers on  
2 Federal lands and State and private lands; and  
3 (3) to disseminate the results of such informa-  
4 tion gathering, treatments, and strategies.

5 (b) COOPERATION AND ASSISTANCE.—The Secretary  
6 concerned shall establish and carry out the program in co-  
7 operation with scientists from universities and forestry  
8 schools, State agencies, and private and industrial land  
9 owners. The Secretary concerned shall designate univer-  
10 sities and forestry schools, including Land Grant Colleges  
11 and Universities and 1890 Institutions, to assist in car-  
12 rying out the program.

13 **SEC. 403. APPLIED SILVICULTURAL ASSESSMENTS.**

14 (a) ASSESSMENT EFFORTS.—For information gath-  
15 ering purposes, the Secretary concerned may conduct ap-  
16 plied silvicultural assessments on Federal lands that the  
17 Secretary concerned determines, in the sole discretion of  
18 the Secretary concerned, is at risk of infestation by, or  
19 is infested with, bark beetles, including Southern pine bee-  
20 tles, hemlock woolly adelgids, emerald ash borers, red oak  
21 borers, and white oak borers. Any applied silvicultural as-  
22 sessments carried out under this section shall be con-  
23 ducted on not more than 1,000 acres per treatment.

24 (b) LIMITATIONS.—



1 (1) EXCLUSION OF CERTAIN AREAS.—Sub-  
2 section (a) does not apply to—

3 (A) a component of the National Wilder-  
4 ness Preservation System;

5 (B) Federal lands where, by Act of Con-  
6 gress or Presidential proclamation, the removal  
7 of vegetation is restricted or prohibited; or

8 (C) congressionally designated wilderness  
9 study areas.

10 (2) CERTAIN TREATMENT PROHIBITED.—Sub-  
11 section (a) does not authorize the application of in-  
12 secticides in municipal watersheds and associated ri-  
13 parian areas.

14 (c) CATEGORICAL EXCLUSION.—Applied silvicultural  
15 assessments carried out under this section are deemed to  
16 be categorically excluded from further analysis under the  
17 National Environmental Policy Act of 1969 (42 U.S.C.  
18 4321 et seq.). The Secretary concerned need not make any  
19 findings as to whether the project, either individually or  
20 cumulatively, has a significant effect on the environment.

21 **SEC. 404. RELATION TO OTHER LAWS.**

22 The authorities provided to the Secretary concerned  
23 by this title are supplemental to their respective authori-  
24 ties provided in any other law.



1 **SEC. 405. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated for fiscal years  
3 2004 through 2008 such sums as may be necessary to  
4 carry out this title.

5 **TITLE V—HEALTHY FORESTS**  
6 **RESERVE PROGRAM**

7 **SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RE-**  
8 **SERVE PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Agriculture  
10 shall establish the healthy forests reserve program as a  
11 program within the Forest Service for the purpose of pro-  
12 tecting, restoring, and enhancing degraded forest eco-  
13 systems to promote the recovery of threatened and endan-  
14 gered species as well as improve biodiversity and enhance  
15 carbon sequestration.

16 (b) COOPERATION.—The Secretary of Agriculture  
17 shall carry out the healthy forests reserve program in co-  
18 operation with the Secretary of the Interior, acting  
19 through the United States Fish and Wildlife Service.

20 **SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN**  
21 **PROGRAM.**

22 (a) ELIGIBLE LANDS.—The Secretary of Agriculture,  
23 in consultation with the Secretary of the Interior, shall  
24 designate rare forest ecosystems to be eligible for the  
25 healthy forests reserve program. The following lands are



1 eligible for enrollment in the healthy forests reserve pro-  
2 gram:

3 (1) Private lands whose enrollment will protect,  
4 restore, enhance, or otherwise measurably increase  
5 the likelihood of recovery of an endangered species  
6 or threatened species in the wild.

7 (2) Private lands whose enrollment will protect,  
8 restore, enhance, or otherwise measurably increase  
9 the likelihood of the recovery of an animal or plant  
10 species before the species reaches threatened or en-  
11 dangered status, such as candidate, State-listed spe-  
12 cies, rare, peripheral, and special concern species.

13 (b) OTHER CONSIDERATIONS.—In enrolling lands  
14 that satisfy the criteria in paragraph (1) or (2) of sub-  
15 section (a), the Secretary of Agriculture shall give addi-  
16 tional consideration to those lands whose enrollment will  
17 also improve biological diversity and increase carbon se-  
18 questration.

19 (c) ENROLLMENT BY WILLING OWNERS.—The Sec-  
20 retary of Agriculture shall enroll lands in the healthy for-  
21 ests reserve program only with the consent of the owner  
22 of the lands.

23 (d) MAXIMUM ENROLLMENT.—The total number of  
24 acres enrolled in the healthy forests reserve program shall  
25 not exceed 1,000,000 acres.



1 (e) METHODS OF ENROLLMENT.—Lands may be en-  
2 rolled in the healthy forests reserve program pursuant to  
3 a 10-year cost-share agreement, a 30-year easement, or  
4 a permanent easement with buyback option. The extent  
5 to which each enrollment method is used shall be based  
6 on the approximate proportion of owner interest expressed  
7 in that method in comparison to the other methods.

8 (f) ENROLLMENT PRIORITY.—The Secretary of Agri-  
9 culture shall give priority to the enrollment of lands that,  
10 in the sole discretion of the Secretary, will provide the best  
11 opportunity to resolve conflicts between the presence of  
12 an animal or plant species referred to in paragraph (1)  
13 or (2) of subsection (a) and otherwise lawful land use ac-  
14 tivities.

15 **SEC. 503. CONSERVATION PLANS.**

16 (a) PLAN REQUIRED.—Lands enrolled in the healthy  
17 forests reserve program shall be subject to a conservation  
18 plan, to be developed jointly by the land owner and the  
19 United States Fish and Wildlife Service. The conservation  
20 plan shall include a description of the land-use activities  
21 that are permissible on the enrolled lands.

22 (b) INVOLVEMENT BY OTHER AGENCIES AND ORGA-  
23 NIZATIONS.—A State fish and wildlife agency, State for-  
24 estry agency, State environmental quality agency, and  
25 other State conservation agencies and nonprofit conserva-



1 tion organizations may assist in providing technical or fi-  
2 nancial assistance, or both, for the development and imple-  
3 mentation of conservation plans.

4 (c) COST EFFECTIVENESS.—The conservation plan  
5 shall maximize the environmental benefits per dollar ex-  
6 pended.

7 **SEC. 504. FINANCIAL ASSISTANCE.**

8 (a) PERMANENT EASEMENT WITH BUYBACK OP-  
9 TION.—

10 (1) PAYMENT AMOUNT.—In the case of land  
11 enrolled in the healthy forests reserve program using  
12 a permanent easement with a buyback option, the  
13 Secretary of Agriculture shall pay the owner of the  
14 land an amount equal to—

15 (A) the fair market value of the enrolled  
16 land less the fair market value of the land en-  
17 cumbered by the easement; plus

18 (B) the actual costs of the approved con-  
19 servation practices or the average cost of ap-  
20 proved practices, as established by the Sec-  
21 retary.

22 (2) BUYBACK OPTION.—Beginning on the 50th  
23 anniversary of the enrollment of the land, and every  
24 10th-year thereafter, the owner shall be able to pur-  
25 chase the easement back from the United States at



1 a rate equal to the fair market value of the easement  
2 plus the costs, adjusted for inflation, of the approved  
3 conservation practices.

4 (b) 30-YEAR EASEMENT.—In the case of land en-  
5 rolled in the healthy forests reserve program using a 30-  
6 year easement, the Secretary of Agriculture shall pay the  
7 owner of the land an amount equal to—

8 (1) 75 percent of the fair market value of the  
9 land less the fair market value of the land encum-  
10 bered by the easement; plus

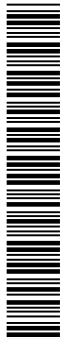
11 (2) 75 percent of the actual costs of the ap-  
12 proved conservation practices or 75 percent of the  
13 average cost of approved practices, as established by  
14 the Secretary.

15 (c) 10-YEAR AGREEMENT.—In the case of land en-  
16 rolled in the healthy forests reserve program using a 10-  
17 year cost-share agreement, the Secretary of Agriculture  
18 shall pay the owner of the land an amount equal to—

19 (1) 75 percent of the actual costs of the ap-  
20 proved conservation practices; or

21 (2) 75 percent of the average cost of approved  
22 practices, as established by the Secretary.

23 (d) ACCEPTANCE OF CONTRIBUTIONS.—The Sec-  
24 retary of Agriculture may accept and use contributions of  
25 non-Federal funds to make payments under this section.



1 **SEC. 505. TECHNICAL ASSISTANCE.**

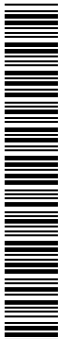
2 The Forest Service and the United States Fish and  
3 Wildlife Service shall provide landowners with technical  
4 assistance to comply with the terms of agreements and  
5 easements under the healthy forests reserve program and  
6 conservation plans.

7 **SEC. 506. SAFE HARBOR.**

8 In implementing the healthy forests reserve program,  
9 the Secretary of the Interior shall provide safe harbor or  
10 similar assurances, through section 7 or other authorities  
11 under the Endangered Species Act of 1973 (16 U.S.C.  
12 1531 et seq.), consistent with the implementing regula-  
13 tions of the United States Fish and Wildlife Service, to  
14 landowners who enroll land in the healthy forests reserve  
15 program when such enrollment will result in a net con-  
16 servation benefit for listed species.

17 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated \$15,000,000  
19 for each of the fiscal years 2004 through 2008 to carry  
20 out this title.



1           **TITLE VI—MISCELLANEOUS**  
 2                           **PROVISIONS**

3   **SEC. 601. FOREST STANDS INVENTORY AND MONITORING**  
 4                           **PROGRAM TO IMPROVE DETECTION OF AND**  
 5                           **RESPONSE TO ENVIRONMENTAL THREATS.**

6           (a) IN GENERAL.—The Secretary of Agriculture shall  
 7 carry out a comprehensive program to inventory, monitor,  
 8 characterize, assess, and identify forest stands (with em-  
 9 phasis on hardwood forest stands) and potential forest  
 10 stands—

11                   (1) in units of the National Forest System  
 12                   (other than those units created from the public do-  
 13                   main); and

14                   (2) on private forest land, with the consent of  
 15                   the owner of the land.

16           (b) ISSUES TO BE ADDRESSED.—In carrying out the  
 17 program, the Secretary shall address issues including—

18                   (1) early detection, identification, and assess-  
 19                   ment of environmental threats (including insect, dis-  
 20                   ease, invasive species, fire, and weather-related risks  
 21                   and other episodic events);

22                   (2) loss or degradation of forests;

23                   (3) degradation of the quality forest stands  
 24                   caused by inadequate forest regeneration practices;

25                   (4) quantification of carbon uptake rates; and



1           (5) management practices that focus on pre-  
2           venting further forest degradation.

3           (c) EARLY WARNING SYSTEM.—In carrying out the  
4 program, the Secretary shall develop a comprehensive  
5 early warning system for potential catastrophic environ-  
6 mental threats to forests to increase the likelihood that  
7 forest managers will be able to—

8           (1) isolate and treat a threat before the threat  
9           gets out of control; and

10           (2) prevent epidemics, such as the American  
11 chestnut blight in the first half of the twentieth cen-  
12 tury, that could be environmentally and economically  
13 devastating to forests.

14           (d) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out this section  
16 \$5,000,000 for each of the fiscal years 2004 through  
17 2008.

