

Place-Based National Forest Legislation & Agreements: Appendix

Table of Contents

Landscape-Scale Restoration	3
Land Designations/Zoning	5
Timber Supply, Industry & Economic Development	6
Funding and Contracts	8
Protected Lands (Federal Wilderness and Special Management Designations)	9
Roads and Roadless Areas	10
Environmental Law (NEPA excluded)	11
Appeals & Litigation	12
Planning	13
NEPA	14
Recreation and Travel	15
Adaptive Management and Monitoring	16
Advisory Committees and Collaboration	17
Science Guidance	19
Biomass	20
Old Growth	21
Riparian/Aquatic	22

Landscape-Scale Restoration

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Carried out in a watershed or sub-watershed of at least 50,000 acres. • Focused on USFS lands, but may include other ownerships. • Forest management in defined “Stewardship Areas” focused on producing commercial wood products and reducing risk, severity, and costs of uncharacteristic wildland fire and insect infestations. • Restoration includes road relocation and closures, culvert and bridge replacements, stream restoration and bank stabilization, invasive species management, trail head and campground improvements, understory removal and vegetation treatments, tree planting, precommercial thinning, commercial timber harvesting, prescribed burning, trail reclamation and relocation, other stewardship activities. • Implementation through stewardship contracting authority. • Identifies priority areas for restoration (e.g., areas with road densities exceeding 1.5 miles per square mile of land, fragmented habitat, forests in high risk from insect epidemics or high-severity wildfires). • Provides forest-specific road-density restrictions. • FLRA reference: “An ecological restoration treatment selected by the Secretary [as part of the FLRA program] shall qualify as a landscape-scale restoration project under this section.”
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Bill applies to six national forests covering nearly 10 million acres. • “Applies to a large geographic area that is normally measured in terms of a watershed of approximately 25,000 acres or a sub-basin of roughly 1,000,000 acres” . . . exhibiting various landscape-scale/transboundary features (e.g., water flow, wildlife, natural disturbances). • Creates affirmative duty for the USFS to conserve and restore forest/watershed health. • Establishes new management goals for eastside forests: <ul style="list-style-type: none"> • to conserve and restore forests and watersheds. • reduce the risk of uncharacteristic natural disturbances. • allow for characteristic disturbances. • to increase resistance and resiliency to uncharacteristic events. • Ecologically based definition of forest health. • Landscape Forest Restoration Assessment guides ecological restoration projects (and incorporated into forest plans). • No explicit provisions related to salvage/no explicit protection for dead trees.
Pub. L. No. 111-II, Forest Landscape Restoration Act (FLRA)	<ul style="list-style-type: none"> • Establishes program to select and fund ecological restoration treatments that are based on landscape restoration strategies. • Landscape-scale restoration strategy at least 50,000 acres, comprised primarily of USFS lands, but may include others. • Further defined by accessibility to wood products infrastructure. • Restoration to include several non-timber-related needs: <ul style="list-style-type: none"> • reducing risk of uncharacteristic wildfire. • maintaining/reestablishing natural fire regimes. • habitat improvement. • improving water quality. • prevention/remediation/control of exotics. • Road/trail maintenance/decommissioning/rehabilitation. • Use woody biomass and small-diameter trees. • Restoration at sufficient scale to improve wildfire management, reduce management costs, restore ecosystem functions, and facilitate the use of biomass and small-diameter trees.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • Permits timber harvest of small-diameter timber if to improve fish and wildlife habitat and to “maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period.” • Requires preparation of management plan for conservation management area that includes a comprehensive weed management strategy to guide noxious weed control efforts and activities.

Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • Blueprint includes an “old forest restoration area” (zone), roughly 1/3 of Colville National Forest: <ul style="list-style-type: none"> • Managed to protect old trees and speed recovery of old forests and wildlife habitat. • Use of prescribed fire to reestablish/maintain natural fire regimes and where appropriate to reduce fuel loads after thinning. • No new permanent roads (with exceptions).
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Goals of Stewardship Unit include: to sustain and restore a healthy, diverse, and resilient forest ecosystem that can accommodate human and natural disturbances and to sustain and restore the land’s capacity to absorb, store, and distribute quality water. <p>Includes focus on fire and fuels in dry, low-elevation ponderosa pine forests.</p>
Misc/In Development	
Clearwater Basin Collaborative (Clearwater and Nez Perce National Forests, Idaho)	<ul style="list-style-type: none"> • Preliminary agreement focuses on linkages between restoration and economic development. • Forest Health and Functions Subcommittee is drafting comprehensive list of restoration needs and landscape-level principles for forest health. • Preliminary agreement focuses on: <ul style="list-style-type: none"> • Protecting and restoring elk habitat. • Aquatic resource protection/anadromous fisheries. • Preliminary agreement states that “a viable timber industry is critical to the economy of the Basin as a means of accomplishing restoration management.” • CBC drafting restoration proposal for FLRA program.
Tongass Futures Roundtable	<ul style="list-style-type: none"> • Charter goals include recommending ways for Congress and Administration “to incentivize a restoration economy.”
Four Forest Restoration Initiative (Arizona)	<ul style="list-style-type: none"> • Working toward a collaborative agreement/MOU with the USFS focused on restoration of northern Arizona’s ponderosa pine forests, covering roughly 2.4 million acres. • Tentative restoration goals include: <ul style="list-style-type: none"> • Accelerate landscape-scale restoration across the Mogollon Rim to support resilient, diverse stands that sustain populations of native plants and animals. • Restore forests so that they pose little threat of destructive wildfire to communities. • Create sustainable forest industries that strengthen local economies while conserving natural resources and aesthetic values. • MOU between Arizona Forest Restoration Products, Inc., the Center for Biological Diversity (CBD), and the Grand Canyon Trust (GCT) (2009) acknowledges: <ul style="list-style-type: none"> • “Urgent need to restore ponderosa pine forests ecosystems, manage fires, and protect communities from unnaturally severe fire in northern Arizona.” • “Landscape-scale restoration is a corrective step for conserving ecological systems and native biological diversity;” “affords an opportunity to realize socio-economic benefits in addition to ecological benefits;” and “requires a comprehensive, integrated and strategic combination of ecological restoration, community protection, and fire management.” • An “historic social, political and scientific consensus for landscape-scale restoration of northern Arizona ponderosa pine ecosystems” and this “forms a mandate for ambitious action.” • MOU between Arizona Forest Restoration Products, Inc., the Center for Biological Diversity, and the Grand Canyon Trust (2009) includes agreement on various terms and conditions of restoration, including: <ul style="list-style-type: none"> • “Limit the cutting of ponderosa pine trees in restoration projects outside the Community Protection Management Areas . . . to trees smaller than 16” dbh. • “The Parties agree to aggressively and cooperatively pursue the development of long-term stewardship contracts and/or agreements . . . that support an additional annual 30,000 acres of mechanical thinning over a 20-year period . . .” • “The Parties agree to clearly identify and support smaller scaled wood products industries that may be able to support and benefit from implementation of . . . long-term landscape-scale stewardship contracts and/or agreement.”

Land Designations/Zoning

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Designates roughly 677,000 acres of wilderness and 336,000 acres of special management areas on three national forests. • Forest management in defined Stewardship Areas focused on producing commercial wood products and reducing risk, severity, and costs of uncharacteristic wildland fire and insect infestations. • Identifies priority areas for restoration.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Creates new management goals and decisionmaking processes for the eastside forests of Oregon (on those NFS lands in Oregon that are not covered by the Northwest Forest Plan). • Requires a 10-year restoration plan to be incorporated into forest plans.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • NA (though selected projects will focus on program's restoration goals in specified geographical areas).
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • Designates 307,010 acres as "Rocky Mountain Front Conservation Management Area" with "customized" purposes and restrictions. <ul style="list-style-type: none"> • Codifies travel and motorized use prohibitions. • Emphasis on traditional, non-mechanized uses of Rocky Mountain Front (i.e., as working agricultural landscape, including grazing use). • Generally restricts logging to small-diameter timber needed for restoration purposes and personal/administrative use.
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • Based on three different management zones: <ol style="list-style-type: none"> 1. Responsible Management Areas: Roughly 1/3 of national forest near homes, communities, and existing roads. Managed to reduce/maintain fire risk and to provide timber harvest with minimum of new road construction. 2. Restoration Areas: Roughly 1/3 of national forest with management to enhance wildlife habitat and improve ecosystem function by restoring natural processes and resiliency. Use of prescribed fire to reestablish and maintain natural fire regimes and reduce fuel loads. No new permanent roads, with exceptions. 3. Wilderness: Roughly 1/3 of national forest. Managed to maintain or restore wilderness characteristics. Seeks to protect 16 inventoried roadless areas.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Long-range strategy intended to provide an overall management framework for the Lakeview Sustained Yield Unit, and to prioritize areas for active restoration.
Misc./In Development	
Clearwater Basin Collaborative (Clearwater and Nez Perce National Forests, Idaho)	<ul style="list-style-type: none"> • CBC's Land Allocation Subcommittee studying potential legislative designations for inventoried roadless areas, including Wilderness, Wild and Scenic River, National Recreation Areas, and other legislative vehicles.

Tongass Futures Roundtable	<ul style="list-style-type: none"> Charter includes goal of recommending a “stabilized land base” and reaching consensus on (1) how to address Alaska Native land entitlements from Tongass land base, (2) which areas of Tongass to allow for timber harvest, and (3) which watersheds of Tongass should be conserved.
----------------------------	--

Timber Supply, Industry & Economic Development

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> Purpose(s) “to generate a more predictable flow of wood products for local communities of the State;” “to maintain the infrastructure of wood products manufacturing facilities that provide economic stability to communities located in close proximity to the aggregate parcel,” “to produce commercial wood products,” to demonstrate how “the use of forest restoration byproducts can offset treatment costs while benefitting rural economies.” Implemented via stewardship contracting (with proposed language change to give preference to local contractors). Mandates the USFS to mechanically treat timber on a minimum of 70,000 acres on the Beaverhead-Deerlodge National Forest over 10 years. Mandates the USFS to mechanically treat timber on a minimum of 30,000 acres on the Kootenai National Forest over 10 years. “Mechanical treatment” not defined in original bill. Discussion draft now defines it as “an activity that uses a tool that the Secretary determines to be appropriate to remove from the forest fiber that could be used for a commercial purpose.” Prioritization for proposals benefitting local communities through employment or training opportunities, in-state processing, and that which promotes value-added industry.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> One purpose “to create an immediate, predictable, and increased timber flow to support locally based restoration economies.” In carrying out projects the Secretary shall consider methodologies that could potentially help achieve “wood harvests to sustain adequate levels of industry infrastructure.” Interim projects to include mechanical treatments producing an average of 100,000 acres/year (over three years). Mechanical treatments/interim projects to “emphasize saw timber as a byproduct.”
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> Restoration strategy/proposal to “benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring.”
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> Blueprint includes “responsible management area,” roughly 1/3 of forest, to be managed to reduce and maintain low fire risk and provide sustainable timber harvest with minimum new road construction. Blueprint and MOU provides more predictable land base from which sustainable flow of wood products produced. Seeks steadier supply of timber through successful collaboration: collaborative process/MOU seeks to gain public support and reduce appeals/litigation; expedite decisionmaking processes; ensure adequate funding provided. Coalition claims successful collaboration on 22 projects (as of 2010), with increased annual harvest volume on Colville National Forest from 18 to 61 MMBF—with no appeals or litigation.

<p>Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)</p>	<ul style="list-style-type: none"> • Part of landscape includes 495,000 acres on Fremont National Forest that is the “Lakeview Federal Sustained Yield Unit,” first established as part of the Sustained Yield Forest Management Act (1944) (Pub. L. No. 78-273). That Act established sustained yield forest management units and sought to “promote the stability of forest industries, of employment, of communities, and of taxable forest wealth, through continuous supplies of timber.” The Lakeview Unit was reauthorized for 10 years in 2001. • MOU creates 20-year timber supply agreement: <ul style="list-style-type: none"> • As stated in MOU, Fremont-Winema National Forest shall “to the extent permitted by and consistent with all applicable laws and land use plans, offer a minimum of 3,000 treatment acres per year outside of the Lakeview Federal Stewardship Unit” . . . and “offer a minimum of 3,000 treatment acres per year within the Lakeview Federal Stewardship Unit.” • As stated in MOU, Lakeview District of BLM shall “to the extent permitted by and consistent with funding, all applicable laws, and land use plans, offer a minimum of 2,000 treatment acres per year District-Wide.” • MOU purposes include facilitating economic opportunities in economically depressed areas, the continued economic vitality of existing forest products industry. infrastructure, including emphasizing the best and highest markets for forest products. • Long-range strategy includes several objectives related to providing community/ economic benefits from the Unit’s management.
<p>Misc/In Development</p>	
<p>Clearwater Basin Collaborative (Clearwater and Nez Perce National Forests, Idaho)</p>	<ul style="list-style-type: none"> • Preliminary agreement links restoration and economic development. • Preliminary agreement states that “a secure timber industry is critical to the economy of the Basin, and is needed for restoring the landscape.” • Rural Economies Subcommittee working on package of options to increase economic stability. Options include diversification of timber industry and development of the capacity of outdoor recreation. • CBC and Rural Economies Subcommittee studying legislative options related to: 1) Payment in Lieu of Taxes (PILT) Program, and 2) the Secure Rural Schools and Community Self-Determination Act, among other measures, to ensure Basin counties are duly supported for the services they provide. • Recreation Use Subcommittee is analyzing recreational and economic activities that will support counties in the Basin.
<p>Tongass Futures Roundtable</p>	<ul style="list-style-type: none"> • Charter includes goal of recommending a “stabilized land base” and reaching consensus of which areas of Tongass to allow for timber harvest. • Charter includes recommending a long-term stable supply of timber.

Funding & Contracts

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Restoration through stewardship contracting. • Direction on receipt retention. • “There are authorized to be appropriated such sums as are necessary to carry out this title.” • Restrictions on general administration/overhead spending. • Will seek funding from the Collaborative Forest Landscape Restoration Fund (Pub. L. No. 111-11). • Creates new account/receipt rules for covered national forests. • Allows year-end excess funds on covered national forests to be used to meet Act’s purposes.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Restoration through stewardship contracting. • Stewardship contracts of 20-year duration (with 10-year adjustment option based on defined benchmarks). • Reduced performance and payment guarantees/bonds as contractor achieves benchmarks. • Local procurement/contractor preferences (within 100 miles of national forest where project is located). • Restricts USFS overhead spending. • \$50,000,000 authorized to carry out Act. • Does not change other receipt laws.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • Establishes “Collaborative Forest Landscape Restoration Fund” to pay up to 50% of costs. • Authorized appropriations of \$40,000,000 for fiscal years 2009-2019. • Seeks to leverage local resources with national/private resources. • Premised upon economic use of restoration byproducts. • Requires analysis of anticipated cost savings. • Requires documentation that the USFS has capacity to implement strategy and projects.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • Stewardship contracting and authorities that allow for retained receipts emphasized. • Coalition and the USFS pursuing other necessary funding sources. • Coalition requested 1.5 million dollars from the USFS (Title VII of Pub. L. No. 111-5) for large-scale timber management projects on Colville National Forest (totaling 100,000 acres).
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Using multiple contracting methods, including integrated resource stewardship contracts. • The USFS/BLM committed, to the extent feasible, to offering indefinite duration, indefinite quantity (IDIQ) clauses in contracts, implemented via more flexible task orders. • MOU objective to explore options regarding the potential for stewardship contracting to generate revenue back to counties in lieu of timber receipts or in lieu of Secure Rural Schools Act. • Makes explicit that MOU objectives dependent upon annual appropriations.
Misc/In Development	
Clearwater Basin Collaborative (Clearwater and Nez Perce National Forests, Idaho)	<ul style="list-style-type: none"> • CBC writing proposal for federal funding provided by Pub. L. No. 111-11, Forest Landscape Restoration Act.
Tongass Futures Roundtable	<ul style="list-style-type: none"> • Supports “increased Forest Service capacity for contracting, and implementation of stewardship contracts.”

Protected Lands (Federal Wilderness and Special Management Designations)

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Designates roughly 677,000 acres of wilderness and 336,000 acres of special management areas on three national forests. • (Note: There is disagreement about the status of inventoried roadless lands that are not designated wilderness or special management/recreation areas: are they covered by 2001 roadless rule or essentially released to newly created “stewardship areas”?)
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • NA
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • NA
Rocky Mountain Front Heritage Act (un-sponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • Designates roughly 86,000 acres as federal wilderness. • Designates approximately 218,327 acres as the “Rocky Mountain Front Conservation Management Area,” with customized uses and restrictions (focused on traditional and agricultural uses and conservation values).
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • Blueprint includes wilderness area/zone—protection sought for 16 inventoried roadless areas.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • NA
Misc/In Development	
Clearwater Basin Collaborative (Clearwater and Nez Perce National Forests, Idaho)	<ul style="list-style-type: none"> • Preliminary agreement says CBC is committed to protecting backcountry values of inventoried roadless lands. <ul style="list-style-type: none"> • CBC’s Land Allocation Subcommittee studying potential legislative designations for these areas, including Wilderness, Wild and Scenic River, National Recreation Areas, and other legislative vehicles. • Preliminary agreement includes focus on protecting Nez Perce treaty rights and protection of cultural resources, sacred sites, use patterns, and subsistence values.
Tongass Futures Roundtable	<ul style="list-style-type: none"> • Charter goals include a stabilized land base, including reaching consensus on which watersheds of the Tongass should be conserved.

Roads & Roadless Areas

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Areas exceeding certain road density standards are given priority for restoration projects (e.g., 1.5 miles per square mile of road and motorized trail density on Beaverhead-Deerlodge National Forest; Grizzly Bear Management Plan standards on Lolo and Kootenai National Forests). • Prohibits construction of permanent roads in carrying out restoration projects. • (Note: There is disagreement about the status of inventoried roadless lands that are not designated wilderness or special management/recreation areas: are they covered by 2001 roadless rule or essentially released to newly created “stewardship areas”?)
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Generally prohibits construction of permanent roads in covered areas (with exceptions). • Limitations on construction of temporary roads. • Must examine opportunities for and achieve net reduction of roads when developing ecological restoration projects. • Provides road decommissioning definition and standards.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • Restoration strategy will commit funding to decommissioning temporary roads. • Restoration strategy will not include the establishment of permanent roads.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • Prohibits construction of new roads and motorized trails in designated conservation management area, with exceptions.
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • Blueprint’s “old forest restoration area” zone restricts construction of new roads unless beneficial to fish/wildlife.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Strategy recommends keeping roadless areas free of road building and logging.

Environmental Law (NEPA excluded)

Congressional Bills & Legislation	
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> Except as otherwise provided, the Act to be done in accordance with applicable laws and regulations.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> Nothing in the Act “supersedes any biological opinion that addresses any land and resource management plan” or modifies ESA requirements. Provides Indian Treaty savings clause.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> To be done in accordance with other applicable laws.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> No language in draft bill.
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> MOU states the USFS must comply with applicable federal laws.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> Timber treatment mandates done “to the extent permitted by and consistent with all applicable laws and land use plans.”
Misc./In Development	
Clearwater Basin Collaborative (Clearwater and Nez Perce National Forests, Idaho)	<ul style="list-style-type: none"> CBC’s preliminary agreement says “existing Forest Service management and environmental protection legal requirements will remain unchanged. No prescriptive legislation requiring specified on the ground action by the Forest Service will be recommended.”

Appeals & Litigation

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • New disposition of appeal rules: <ol style="list-style-type: none"> 1) meeting between USFS official and appellant within 30 days. 2) to be in the vicinity of the land affected by decision. • Proposed change to bill to include balance of harms provision, as found in Healthy Forest Restoration Act, Pub. L. No. 108-148: “. . . the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of: the short- and long-term effects of undertaking the agency action; against the short- and long-term effects of not undertaking the agency action.” • Proposed change to bill to include mediated appeals process and limiting length of injunctions.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Disallows administrative appeals during interim transition period. • Encourages expedited judicial review. • Must exhaust administrative process before seeking judicial review. • Balance of harms provision: court shall consider short/long-term effects of undertaking or not undertaking the agency action. • Provides statutory right to intervene in litigation.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • No changes.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • No changes.
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • MOU establishes protocol to provide the USFS “with a written statement articulating the level of support the Coalition has for a project prior to signing decision document.” • Protocol defines four levels of support with accompanying commitments: <ul style="list-style-type: none"> • Consensus without Reservation: No members will appeal or litigate or support outside challenges. • Consensus with Reservation: No members will appeal or litigate or support outside challenges. Opportunities to record and express reservations. • No Consensus, but majority vote approval: Members reserve right to appeal or litigate. • Majority vote disapproval: Coalition will inform Colville National Forest that the Coalition does not support project and recommend Colville National Forest drop the proposal. • Coalition claims successful collaboration on 22 projects (as of 2010), with increased annual harvest volume on Colville National Forest from 18 to 61 MMBF—with no appeals or litigation.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • No changes.

Planning

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Codifies “stewardship areas” that are based on those parcels of land designated as “suitable for timber production and timber harvest is allowed” in the Beaverhead-Deerlodge Revised Plan. • Codifies “stewardship areas” on the Lolo National Forest that are consistent with the forest plan and deemed suitable for timber. • Codifies “stewardship areas” on the Kootenai National Forest that are consistent with the forest plan and deemed suitable for timber. • Requires the writing of management plans for designated protected areas/recreation areas when Beaverhead-Deerlodge Forest Plan is revised.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • A “landscape forest restoration assessment” will guide restoration projects and be incorporated into forest plans when they are revised or amended.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • Restoration strategies to take into account any applicable community wildfire protection plan.
Rocky Mountain Front Heritage Act (un-sponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • Though the travel plan is no longer referenced, the proposal basically uses the existing Lewis and Clark National Forest Travel Plan as a way to limit future motorized use in the Conservation Management Area: “The use of motorized vehicles in the Conservation Management Area shall be permitted only on existing roads, trails, and areas designated for use by such vehicles as of the date of enactment of this Act.” • Requires preparation of a comprehensive management plan for designated conservation management area. <ul style="list-style-type: none"> • Required management plan must include comprehensive weed management strategy.
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • MOU states the USFS shall comply with Colville Forest Plan. • Coalition submitted blueprint management zones (active management, restoration, proposed wilderness) to forest planning team.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • The USFS and BLM shall “consider the purpose and objectives of this MOU during development of all projects that fall within its scope, using adaptive management principles.” • Long-range strategy incorporates elements of Klamath Tribes’ forest management plan for former reservation land now managed by Fremont-Winema National Forest.

NEPA

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • The USFS shall prepare one EIS covering all components of one landscape-scale restoration project (>50,000 acres). • Restrictions on supplemental EISs and additional environmental analysis. • Mandates (NEPA) records of decision be completed for restoration projects in one year.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • The USFS shall prepare, to the maximum extent practicable, one EIS covering one ecological restoration project (>25,000 acres). • Creates new NEPA objection process. • One purpose “to streamline administrative processes for ecological restoration projects.”
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • To be done in accordance with NEPA.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • No language provided.
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • As stated in MOU, the USFS must comply with NEPA and retains sole responsibility for making decisions pursuant to NEPA. • The USFS works with Coalition to develop 18-month action plan of projects.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Must comply with NEPA. • The USFS in MOU commits to testing ways of doing environmental analyses at landscape-scale, including contracting out portions of NEPA work.

Recreation & Travel

Congressional Bills & Legislation	
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Purposes include to “permanently protect and enhance motorized recreational opportunities” and “existing primitive and semiprimitive recreational activities.” • The USFS may develop plan for enhanced recreational trail opportunities as part of restoration project (e.g., conversion of reclaimed roads into trails, to increase trail connectivity, etc.). • Designates roughly 336,000 acres of special management/national recreation areas with site-specific rules pertaining to motorized recreation and bicycle usage. • Release of some wilderness study areas having restrictions on motorized use. • Requires all-terrain vehicle study on Kootenai National Forest, to include A) opportunities for expanded routes and trails, B) interconnectedness of routes, C) opportunities for expanded access points to existing trails.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • NA
Pub. L. No. 111-II, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • NA
Rocky Mountain Front Heritage Act (un-sponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • Codifies travel and motorized use prohibitions in Rocky Mountain Front Conservation Management Area (307,010 acres).
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • NA
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • One strategy goal to “provide opportunities for people to realize their material, spiritual, and recreational values and relationships with the forest.” • Strategy guidelines include to A) identify funding needs to maintain and improve recreational sites, and B) to evaluate ORV recreational opportunities and identify a potential system of designated routes.

Adaptive Management & Monitoring

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Congressional reporting requirements (progress report due every three years) (proposed change to bill). Report to include: <ul style="list-style-type: none"> • Acres treated and restoration projects accomplished. • Cost-effectiveness of restoration projects. • Reduction of appeals and litigation. • Proposed change to bill calls for more “scientific monitoring”—whether ecological goals of Act are being met. • Requires recommendations on legislative or administrative actions that might better achieve Act’s purposes. • Requires identification of additional resources/authorities needed to implement Act.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Collaborative groups “may monitor and evaluate each ecological restoration project.” • Scope of evaluation may include: 1) development, execution, and administration, accomplishments of restoration project; 2) ecological, economic, social costs and benefits to federal and local governments resulting from restoration project.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • The Secretary shall “use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.” • Congressional reporting requirements.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • As stated in MOU, the USFS will use adaptive management to implement forest restoration and community wildfire reduction projects and silvicultural prescriptions to test, develop, and demonstrate different treatments. The USFS and Coalition will monitor the implementation and effectiveness of project actions. • Yearly review of MOU.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Long-range strategy includes biophysical monitoring component to support adaptive management. • Upper Chewaucan River drainage chosen by group as location to begin monitoring program, since it reflects many characteristics found across Unit. • Monitoring team recruited from local high schools. • 35 indicators chosen to measure on more than 300 plots spread across watershed. • Plots chosen to answer questions (posed by the USFS and environmental organizations) about effectiveness of restoration projects and general health of watershed. • Fremont-Winema RAC authorized Title II funds to pay for inventory-monitoring costs.

Advisory Committees & Collaboration

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Mandates establishment of resource advisory committees for Beaverhead-Deerlodge National Forest and Three Rivers District on Kootenai National Forest. • Each RAC shall establish another advisory committee for each restoration project to assist “in determining the location for, completing the design of, and implementing each landscape-scale restoration project under the jurisdiction of the advisory committee.” • Compositional requirements for advisory committees, to include: industrial, recreational, conservation, and livestock organizations, and applicable local collaborative forest management groups. • RACs shall advise on how to disburse excess receipts that result from restoration projects.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Establishes seven-member scientific and technical advisory panel responsible for recommending how best to achieve objectives of bill and to report to Congress on the bill’s implementation after five years. • Secretary must implement each ecological restoration project “in a manner consistent with the advice of the advisory panel” (which must use the best available science). • Encourages new and existing collaborative groups to assist in development and implementation of restoration assessment and restoration projects. • Establishes standards for recognizing collaborative groups: <ul style="list-style-type: none"> • Must be comprised of “diverse backgrounds” and “represent various interests” to include environmental groups, timber and industry representatives, county governments, and others. • Must be comprised of citizens of the state who represent various interests of the state. • The Secretary shall consider the recommendation of each collaborative group. • Collaborative group must agree to “work cooperatively to effectuate the purposes of this Act.”
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • Proposal to be developed and implemented through collaborative process that “includes multiple interested persons representing diverse interests,” is transparent and nonexclusive or meets RAC requirements (Pub. L. No. 106-393). • Requires description of “any established record of successful collaborative planning and implementation of ecological restoration projects on NFS land.” • Criteria for selecting proposals includes the strength of collaborative process and the likelihood of successful collaboration throughout implementation.
Rocky Mountain Front Heritage Act (un-sponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • Coalition signed MOU with Colville National Forest in 2003. • MOU formalized relationship with the USFS with purpose to “provide a framework of cooperation and to facilitate community-based collaborative processes for forest health restoration activities.” • MOU establishes protocol to provide the USFS “with a written statement articulating the level of support the Coalition has for a project prior to signing decision document. • Protocol defines four levels of support with accompanying commitments: <ul style="list-style-type: none"> • Consensus without Reservation: No members will appeal or litigate or support outside challenges. • Consensus with Reservation: No members will appeal or litigate or support outside challenges. Opportunities to record and express reservations. • No Consensus, but majority vote approval: Members reserve right to appeal or litigate. • Majority vote disapproval: Coalition will inform Colville National Forest that the Coalition does not support project and recommend Colville National Forest drop the proposal. • Bimonthly joint meetings between the USFS/Coalition. • Coalition works with the USFS (through MOU) to develop proposed actions.

Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none">• Multi-member group completed long-range management strategy for Lakeview Federal Stewardship Unit in the Fremont-Winema National Forest.• Members of Stewardship Group signed MOU with the USFS and BLM to achieve multiple objectives (as stated in other tables).• The USFS and BLM shall “consider the purpose and objectives of this MOU during development of all projects that fall within its scope, using adaptive management principles.”
---	--

Science Guidance (as referenced in bills, law, and agreements)

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • NA
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Establishes seven-member scientific and technical advisory panel responsible for recommending how best to achieve objectives of bill and to report to Congress on the bill's implementation after five years. • Secretary must implement each ecological restoration project "in a manner consistent with the advice of the advisory panel" (which must use the best available science). • The USFS must consider best available science.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • Landscape strategy to incorporate best available science. • Advisory panel to include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization. • Criteria for selecting proposals includes the strength of the "ecological case" of the proposal and restoration strategy.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • NA
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Long-range strategy utilizes regional ecosystem assessment (Interior Columbia Basin Ecosystem Management Project), third-party reviews, USFS watershed analyses, and University of Washington fire study.

Biomass

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • Authorizes use of funds “to pay the Federal share of the cost of installation of combined heat and power biomass systems that can use materials made available from the landscape-scale restoration projects . . .” • Requires studies to A) examine feasibility of the sustainable development of biomass supplies and combined heat and power generation, and B) to develop a means by which to facilitate and encourage the use of biomass recovered from forest land as an energy source to reduce the risk of severe wildfire.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • Notwithstanding other laws, the USFS “shall take such actions as are necessary to further enhance the use of woody biomass in the covered area.” • Must be done in accordance with 1) restoration purposes of Act, 2) Advisory Panel recommendations. • The USFS shall develop estimate of volume that could be supplied sustainably over a contract term of not more than 20 years (with subsequent option).
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • “Landscape-scale” restoration partially defined by accessibility to wood products infrastructure at an appropriate scale to use woody biomass.
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • No biomass provisions in Blueprint/MOU
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Biomass and other small wood utilization is important part of group’s long-range strategy. • Purpose of biomass utilization component of MOU is to create a local and financially viable use and market for woody biomass material. • The USFS and BLM commits in MOU to offering woody biomass for utilization as a component of all applicable contracts or agreements. • Conducting studies on economic feasibility of biomass plant (including carbon and energy credits), with caveat “that a biomass plant must be a tool to meet the goals of the Unit and not an industrial facility that creates an unsustainable demand for resources.”
Misc./In Development	
Tongass Futures Roundtable	<ul style="list-style-type: none"> • Roundtable consensus statement is that “biomass energy provides both a near-term and long-term solution to many problems in Southeast.” Roundtable wants biomass projects to meet nine stated goals, from improving regional energy self-reliance to making forest restoration more economically viable.

Old Growth

Congressional Bills & Legislation	Related Provisions
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> • NA
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> • One purpose “to protect, restore, and increase old growth forest stands and trees.” • Defined as “the oldest stage at which a plant community or a tree is capable of existing on a site, given the frequency of natural disturbance events.” • Prohibits the cutting of live trees exceeding 21 inches in diameter (with some administrative exceptions) (legislates existing old growth protections).
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> • Restoration strategy to fully maintain or contribute toward the restoration of old growth stands according to pre-fire suppression conditions. • Treatments to maximize retention of large trees to promote fire-resilient stands.
Rocky Mountain Front Heritage Act (un-sponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> • NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> • Blueprint includes an “Old Forest Restoration Area” zone where the recovery of old forests are prioritized.
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> • Restoration strategy aims to retain large, fire-resistant old growth pines wherever possible.
Four Forests Restoration Initiative (Arizona)	<ul style="list-style-type: none"> • Agreed to “large tree retention strategy” that is not based on a strict diameter cap. “Large trees in the ponderosa pine forest type, defined by the socio-political process as those greater than 16” diameter at breast height shall be retained throughout the 4FRI landscape,” with various exceptions provided.

Riparian/Aquatic

Congressional Bills & Legislation	
S. 1470 Forest Jobs & Recreation Act (Tester/Montana Bill)	<ul style="list-style-type: none"> Codifies INFISH.
S. 2895 Oregon Eastside Forests Restoration, Old Growth Protection, and Jobs Act of 2009 (Wyden Bill)	<ul style="list-style-type: none"> Codifies INFISH & PACFISH as minimum standards.
Pub. L. No. 111-11, Forest Landscape Restoration Act	<ul style="list-style-type: none"> NA
Rocky Mountain Front Heritage Act (unsponsored proposal) (Lewis & Clark National Forest, Montana)	<ul style="list-style-type: none"> NA
Agreements	
Northeast Washington Forestry Coalition Blueprint (Colville National Forest)	<ul style="list-style-type: none"> NA
Lakeview Stewardship Group (Fremont-Winema National Forest, Oregon)	<ul style="list-style-type: none"> Includes goal of reducing road density and improving remaining roads to minimize impacts on water quality and flow.