

FORESTRY PROVISIONS--BIPARTISAN INFRASTRUCTURE DEAL (ENROLLED BILL)

Section	Funding/change in authority
Sec. 11101. Federal Lands Transportation Program	Provides funding to the Forest Service through DOT's Federal Lands Transportation Program over 5 years as follows: \$24M (FY22), \$25M (FY23), \$26M (FY24), \$27M (FY25) and \$28M (FY26)
Sec. 11105 – National Highway Performance Program.	Section 119 of title 23, United States Code, is amended—...C) by adding at the end the following: “(4) to provide support for activities to increase the resiliency of the National Highway System to mitigate the cost of damages from sea level rise, extreme weather events, flooding, wildfires, or other natural disasters.” Allows funding under DOT's National Highway Performance Program for activities that increase the resiliency of the National Highway System to mitigate the cost of damages from wildfires.
Sec 11311. Efficient Implementation of NEPA for Federal Land Management Projects.	Allows Federal land management agencies to adopt environmental review documents prepared by the Federal Highway Administration (FHA) for certain transportation projects if the document addresses all areas of analysis required by the land management agency. Allows Federal land management agencies to use environmental documents previously prepared by FHA for projects addressing the same or substantially the same action. Under certain circumstances, allows Federal land management agencies to use Categorical Exclusions established by the FHA.
Sec. 40206. Critical Minerals Supply Chains and Reliability	Requires BLM and Forest Service to complete the Federal permitting and review processes with maximum efficiency and effectiveness while supporting economic growth. Requires DOI and USDA to provide a report that identifies measures that would increase the timeliness of permitting activities for the exploration of domestic critical minerals (among other requirements). After submission of the report, DOI and USDA are required to develop and publish a performance metric for evaluating progress to expedite permitting for exploration.
Sec. 40601. Orphaned well site plugging, remediation, and restoration.	Provides funding for plugging orphan wells on both federal and nonfederal lands. \$250 million for federal lands. Larger amounts for several State programs.
Sec. 40801. Forest service legacy road and trail remediation program. - supports restoring fish passages, road decommissioning, preparing roads for long-term storage, relocating NFS roads and converting NFS roads to trails.	Establishes the Forest Service Legacy Road and Trail Remediation Program Authorization of appropriations of \$250 million for FY 2022 through 2026.
Sec. 40803. Wildfire risk reduction.	40803(a) - Authorization of appropriations for \$3,369,200,000 for FY 2022 through 2026, shared between FS and DOI.
	40803(b) - directs DOI and FS to Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service to conduct restoration treatments and improve the Fire Regime

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	<p>Condition Class of 10,000,000 acres that are located in the wildland-urban interface or a public drinking water source area by September 30, 2027 <i>(note: this mandate is not directly tied to funding in (a)).</i></p>
	<p>40803(c) Activities. Of the amounts made available under subsection (a) for FY 2022 through 2026 for the Forest Service —</p> <ul style="list-style-type: none"> • (1) \$10 million for the FS to spend on Geostationary Operational Environmental Satellite Program to rapidly detect and report wildfire starts (DOI and FS funds) • (2) \$480 million for FS firefighter salaries and expenses. • (4) \$30 million for USDA grants to States and of local governments to establish and operate Reverse-911 telecommunication systems. • (6) \$1.2 million to FS, in coordination with DOI, to develop and publish, within 180 days and every 5 years thereafter, a map depicting at-risk communities • (7) \$50 million to FS for pre-planning fire response workshops that develop Potential Operational Delineations and select potential control locations and workforce training for staff, non-Federal firefighters, and Native village fire crews. • (8) \$20 million for FS to SWERI to compile and display data for fuels treatments and wildfire, to facilitate coordination and use of existing and future interagency fuel treatment data, and to carry out other related activities of a Southwest Ecological Restoration Institute. • (9) \$10 million to FS for joint fire sciences • (10) \$100 million to FS for collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under the CFLRP program, in accordance with subsection (e). • (11) \$400 million for FS to conduct for conducting mechanical thinning and timber harvesting in an ecologically appropriate manner that maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; or precommercial thinning in young growth stands for wildlife habitat benefits to provide subsistence resources • (12) \$500 million for USDA, in cooperation with States, to award community wildfire defense grants to at-risk communities in accordance with subsection (f). • (13) \$250 million for FS for prescribed burning. • (14) \$250 million for FS for developing or improving potential control locations, including installing fuelbreaks, with a focus on shaded fuelbreaks • (15) \$100 million to FS for contracting or employing crews of laborers to modify and remove flammable vegetation on Federal land and for using materials from treatments, to the extent practicable, to produce biochar and other innovative wood products, including through the use of existing locally based organizations that engage young adults, Native youth, and veterans in service projects, such as youth and conservation corps • (16) \$100 million to FS for restoration activities that are implemented not later than 3 years after the date that a wildland fire is contained.

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	<ul style="list-style-type: none"> • (17) \$8 million for FS to provide feedstock to firewood banks and provide financial assistance for the operation of firewood banks • (18) \$10 million shared between FS and DOI for the procurement and placement of wildfire detection and real-time monitoring equipment, such as sensors, cameras, and other relevant equipment, in areas at risk of wildfire or post-burned areas.
	<p>40803(d) -- Contains provisions to change firefighter positions and pay:</p> <ul style="list-style-type: none"> • directs USDA and DOI, in coordination with the Office of Personnel Management, to establish a new “wildland firefighter” occupational series. Employees would have choice of switching to the new series. • The new series would not affect hazardous duty differential • Using the amounts made available under subsection (c)(2), starting in FY22, FS and DOI will seek to <ul style="list-style-type: none"> a) convert no fewer than 1,000 seasonal wildland firefighters to wildland fire managers that are full-time, permanent and year-round while also holding responsibilities for reducing hazardous fuels on federal land (no fewer than 800 hours per year) and (b) increase the base salary of a Federal wildland firefighter by the lesser of an amount that is commensurate with an increase of \$20,000 per year or an amount equal to 50 percent of the base salary, if the Secretary concerned, in coordination with the Director of the Office of Personnel Management, makes a written determination that the position of the Federal wildland firefighter is located within a specified geographic area in which it is difficult to recruit or to retain a Federal wildland firefighter. • Using the amounts made available under subsection (c)(2), starting in FY22, DOI and FS shall—develop and adhere to recommendations for mitigation strategies for wildland firefighters to minimize exposure due to line-of-duty environmental hazards and establish programs for permanent, temporary, seasonal, and year-round wildland firefighters to recognize and address mental health needs, including post-traumatic stress disorder care.
	<p>40803(e)-- Using the amounts made available under subsection (c)(10)—FS shall: solicit new project proposals under CFLRP; provide up to 5 years of additional funding of any CFLRP proposal originally selected for funding under the Program prior to September 30, 2018—</p> <ul style="list-style-type: none"> • that has been approved for an extension of funding by the Secretary of Agriculture prior to the date of enactment of this Act or that has been recommended for an extension of funding by the advisory panel, prior to the date of enactment of this Act, that the Secretary of Agriculture subsequently approves; • select project proposals for funding under the Program in a manner that gives priority to a project proposal that will treat acres that have been identified as having very high wildfire hazard potential and are located in the wildland-urban interface or a public drinking water source area; takes into consideration the cost per acre of Federal land or Indian forest land or rangeland acres to be treated and the number of acres to be treated; gives priority to a project proposal that is proposed by a

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	<p>collaborative that has successfully accomplished treatments consistent with a written plan that included a proposed schedule of completing those treatments, which is not limited to an earlier proposal funded under the Program; and</p> <ul style="list-style-type: none"> discontinues funding for a project that fails to achieve the results included in a project proposal for more than 2 consecutive years.
	<p>40803(f) directs USDA to establish a grant program (using the funds in (C)(12)) to develop or revise a community wildfire protection plan (CWPP) and to carry out projects described in a CWPP community wildfire protection plan, focused on areas with high or very high hazard potential, that are low-income, or in a community impacted by a severe disaster is an important component of a national effort to reduce risk to life and property from wildfire.</p>
	<p>Section 40803(g) prioritizes funding under this section for projects— where NEPA was already completed by the date of the Act, that reduce the likelihood of experiencing uncharacteristically severe wildfire, thin stands by removing small diameter trees; and areas strategically important for reducing the risks associated with wildfires.</p> <p>In addition, the section requires maximizing the retention of large trees, not including the establishment of permanent roads; decommissioning all temporary roads constructed to carry out the project; and fully maintaining or contributing toward the restoration of the structure and composition of old growth stands.</p>
	<p>Section 40803(h) requires: an annual report to Congress describing the number of acres of land on which projects carried out using funds made available under section (c).</p>
	<p>Section 40803(i) requires a Wildfire Prevention Study of the construction and maintenance of a system of strategically placed fuelbreaks to control wildfires in western States. Upon completion of the study, the Secretary of Agriculture is required to determine whether to initiate a programmatic environmental impact statement to implement the system of strategically placed fuel breaks.</p>
	<p>Section 40803(j) requires USDA and DOI to establish a 5-year monitoring, maintenance and treatment plan that describes the how both will use the funding in subsection (c) to reduce the risk of wildfire and improve the Fire Regime Condition Class of 10,000 acres of Federal, Tribal or rangeland that is at very high risk of wildfire. Not later than 5 years after enactment, USDA and DOI are required to publish a long-term strategy to maintain forest health improvements and wildfire risk and to continue treatments at levels necessary to address the 20M acres needing priority treatment over the 10 year period post publication of the strategy.</p>
	<p>Section 40803(k) indicates that funding under subsection (c) for mechanical thinning and timber</p>

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	harvesting, Rx burning and improving control locations are considered an authorized hazardous fuel reduction pursuant to Section 102 of HFRA
SEC. 40804. ECOSYSTEM RESTORATION.	40804(a) -- Authorization of appropriations for \$2,130,000,000 for FY 2022 through 2026, shared between FS and DOI.
	<p>40804(b) the portion designated for the FS is directed to be spent as follows:</p> <ul style="list-style-type: none"> • (1) \$150 million for FS to enter into landscape-scale contracts, including stewardship contracts, to restore ecological health on federal land (over 10,000 acres per contract) and \$100 million to DOI to establish a Working Capital Fund that may be accessed by both DOI and USDA to fund requirements of landscape-scale contracts, including cancellation and termination costs, consistent with section 604(h) of HFRA and periodic payments over the span of the contract period • (2) \$160 million for FS to provide funds to States and Tribes for implementing restoration projects on federal land through the Good Neighbor Authority • (3) \$400 million for USDA to provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects, based on a ranking of the need to remove the vegetation and whether the presence of a new or existing wood product facility would substantially reduce the cost of removing the material. Also encourages the spending of other federal funds based on the ranking criteria for removal of vegetation and presence of a wood processing facility or forest worker is seeking to conduct restoration treatment work on or in close proximity to the unit. • (5) \$50 million for FS to award grants to States and Tribes to establish rental programs for portable skidder bridges to minimize stream bed disturbance on non-Federal land and Federal land. • (6) \$100 million for FS to detect, prevent, and eradicate invasive species at points of entry and grants for eradication of invasive species on non-federal land and on federal land • (7) \$100 million (split between DOI and FS) shall be made available to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland with (as described in 40804(e)): <ul style="list-style-type: none"> ○ \$35 million shall be made available to FS to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites. ○ \$20 million shall be made available to FS for the operation, repair, reconstruction, and construction of public use recreation cabins on National Forest System land; and the repair or reconstruction of historic buildings that are to be outleased under section 306121 of title 54, United States Code. Of the 20 million, \$5 million shall be made available to the Secretary of Agriculture for associated salaries and expenses in carrying out that subparagraph. ○ A project shall not be eligible for funding under this subsection if funding for the project would be used for deferred maintenance, as defined by Federal Accounting Standards Advisory Board;

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	<p>and the DOI or USDA has identified the project for funding from the National Parks and Public Land Legacy Restoration Fund.</p> <ul style="list-style-type: none"> • (8) \$100 million to FS to restore native vegetation and mitigate environmental hazards on federal and non-federal previously mined land. • (9) \$130 million for FS to establish and implement a national revegetation effort on Federal and non-Federal land. • (10) \$80 million to FS establish a collaborative-based, landscape scale restoration program to restore water quality or fish passage on Federal land, in coordination with DOI. Section 8004(f) includes language establishing this competitive program for five-year proposals of not more than \$5 million each. Gives priority to a project proposal that would result in the most miles of streams restored for the lowest amount of Federal funding.
	40804(c)- requires an annual list of landscape-scale contract projects to be funded in the next fiscal year, including a detailed description of each project and an estimate of the cost, including salaries and expenses, for the project. Appropriations Acts may provide an alternative allocation and, if not allocated in the Approps bill, the President may allocate.
	40804(e)—The Secretary of Agriculture may enter into a lease or cooperative agreement with a State, Indian Tribe, local government, or private entity for the operation, repair, reconstruction, and construction of public use recreation cabins or to manage the renting of a cabin or building under this section to the public.
SEC. 40805. GAO Study	Not later than 6 years after the date of enactment of this Act, GAO shall conduct a study on this title and whether it has effectively reduced wildfire risk and restored ecosystems on Federal and non-Federal land
SEC. 40806. Establishment Of Fuel Breaks in Forests and Other Wildland Vegetation	Establishes a Categorical Exclusion for fuel breaks up to 1,000 feet in width, not more than 3,000 acres of treatments and located primarily in — the wildland-urban interface or a public drinking water source area; if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or an insect or disease area designated by the Secretary concerned as of the date of enactment of this Act.
SEC. 40807. Emergency Actions	<p>Establishes a new statutory tool (separate from and in addition to the agency’s administrative emergency situation determination process) that authorizes the Secretary to determine that an emergency situation exists on National Forest System lands and allows treatment to be carried out pursuant to the Secretary’s emergency situation determination. If the Secretary determines that an authorized emergency action requires an environmental assessment or an environmental impact statement the Secretary shall study, develop, and describe only—(A) the proposed agency action; and (B) the alternative of no action. Requires the opportunity for public comment during the preparation of both environmental assessments and environmental impact statements for authorized emergency actions. Actions under this section are not subject to the objection process and a court shall not enjoin an authorized emergency action under this section if the court determines that the plaintiff is unable to demonstrate that the claim of the plaintiff</p>

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	is likely to succeed on the merits.
SEC. 40808. Joint Chiefs Landscape Restoration Partnership Program.	Codifies the Joint Chiefs Landscape Restoration Partnership Program, includes criteria for evaluation of proposals, and authorizes the appropriation of \$90 million for each of fiscal years 2022 and 2023, with not less than 40 percent allocated to carry out eligible activities through NRCS and not less than 40 percent allocated to carry out eligible activities through the Forest Service.
SEC. 41202. Extension of Secure Rural Schools and Community Self-Determination Act Of 2000	Extends SRS funding through 2023. Establishes a regional pilot program for RACs in AZ and MT and a national pilot program for RACs, where the Secretary only has 30 days to consider nominees for RACs before they are automatically appointed.
SEC 70201- 70207. Establishment of Wildfire Commission	Establishes an interagency and intergovernmental commission to study and make recommendations to improve federal policies related to the prevention, mitigation, suppression, and management of wildland fires and post-fire rehabilitation.
Sec 70301-70303. REPLANT Act	Sec. 70302 removes the cap of \$30 million per year on the Reforestation Trust Fund and allows the Forest Service to access additional funds already being collected through tariffs on foreign wood products. Also directs the agency to prioritize National Forest System (NFS) lands in need of reforestation due to natural disasters.
Division J – Agriculture Section	\$300 million in additional funding for the Emergency Watershed Protection Program to repair damages to the waterways and watersheds resulting from natural disasters, to remain available until expended.
Division J – Interior Section (Forest Service)	In S&PF –\$1,526,800,000 (spread over five fiscal years), of which: <ul style="list-style-type: none"> • \$718,000,000 (spread over five FYs) is for Sec. 40803 and 40804; • an additional not less than \$500 million for grants to at-risk communities for wildfire mitigation activities; • an additional no less than \$88,000,000 for State Fire Assistance; and • an additional no less than \$20,000,000 for Volunteer Fire Assistance.
	In NFS (amounts are available until expended) - \$2,854,000,000 (spread over five FYs). These funds may also be transferred to the FWS or NMFS for ESA section 7 consultation. <ul style="list-style-type: none"> • \$2,115,000,000 (spread over five FYs) to carry out activities for the Department of Agriculture as authorized in sections 40803 and 40804 of division D of this Act. • In addition to the amounts available for Sec. 40803 and 40804— <ul style="list-style-type: none"> ○ a) \$102,800,000 for hazardous fuels management for each of fiscal years 2022 through 2026. Of the additional hazardous fuels funds, <ul style="list-style-type: none"> ▪ \$12 million per FY may be used to make grants, using any authorities available for the Forest Service under the “State and Private Forestry” appropriation for the purposes of creating incentives for increased use of biomass from National Forest System lands, including the Community Wood Energy Program and the Wood Innovation Grants Program and

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	<ul style="list-style-type: none">▪ up to \$8 million of the additional hazardous fuels funds may be used for TFPA projects.○ b) \$45,000,000 for each of fiscal years 2022 through 2026 for burned area recovery.
	In Capital Improvement and Maintenance -- \$360 million available for the course of Five years, with \$250 million of it for Legacy Roads and Trails, \$100 million for construction of temporary roads or reconstruction and maintenance of roads to facilitate forest restoration and management projects that reduce wildfire risk; and \$10 million for removal of non-hydropower Federal dams and for providing dam removal technical assistance.
	In Wildland Fire Management , \$696,200,000 to remain available until expended, for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture as authorized in Section 40803.
	General Provision – within 90 days of enactment submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Forest Service in this title in this Act for FY22, and for each FY through FY26, as part of the annual budget submission, the Secretary shall submit a detailed spend plan for the funds provided to the Forest Service in this title in this Act for that fiscal year.