To provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Clearwater Basin Project Act”.

SEC. 2. FINDINGS AND DEFINITIONS.

(a) FINDINGS.—Congress finds the following:
(1) Elk populations within the Clearwater Basin in the State of Idaho have diminished drastically, in part because of lack of forage and habitat within the Clearwater and Nez Perce National Forests.

(2) Populations of salmon and steelhead within the Clearwater Basin are listed as endangered or threatened, and restoration and protection of habitat within the Clearwater and Nez Perce National Forests will assist the recovery of these species.

(3) The Red and American River drainages within the Clearwater Basin are experiencing large forest insect infestations and fuel loads that increase the risk of catastrophic fire and extensive destruction of fish, wildlife, and other forest ecosystem and community values.

(4) Other Clearwater and Nez Perce National Forest areas within the Clearwater Basin present similar issues that are related to forest conditions outside the historic range of variability and other factors.

(5) Communities within the Clearwater Basin are dependent upon sustainable, healthy forest conditions for employment and other economic benefits, protection of property, and quality of life.
(6) The Clearwater Basin is an area of significant importance to the Nez Perce Tribe and members of that Tribe continue to exercise treaty-reserved hunting and fishing rights in the Basin.

(7) In order to protect and improve habitat for elk, salmon, steelhead and other key fish and wildlife species, reduce threats of catastrophic fire, and achieve other forest stewardship objectives, there is a need for vegetation treatments and other restoration and enhancement actions on National Forest System land in the Clearwater Basin.

(8) A pilot project, in which an advisory group and the Forest Service engage with the Nez Perce Tribe and other interested parties to identify and complete high priority activities through a collaborative approach, will address a compelling need to improve ecosystem health for fish, wildlife, and other community values and complement existing management of the Clearwater and Nez Perce National Forests.

(b) DEFINITIONS.—In this Act:

(1) The terms “Clearwater Advisory Panel” and “CAP” mean the advisory group established by the Secretary under section 3.
(2) The terms “Clearwater Basin Pilot Project” and “pilot project” mean the pilot project for certain National Forest System lands in the Clearwater Basin authorized by section 4.

(3) The term “pilot project area” means the area described in section 4(a) in which the pilot project will be conducted.

(4) The term “Secretary” means the Secretary of Agriculture.

(5) The term “stewardship contract” means a contract to achieve land management goals for National Forest System lands that meet local and rural community needs, as further described in section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note).

(6) The term “stewardship objectives” means objectives that enhance forest ecosystems, and restore and improve land health and water quality, such as—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;
(C) improvements in forest ecosystem health;
(D) watershed restoration and maintenance;
(E) restoration, maintenance and improvement of wildlife and fish habitat;
(F) control of noxious weeds; and
(G) reestablishment of native species.

SEC. 3. CLEARWATER ADVISORY PANEL.

(a) Establishment and Purpose.—The Secretary shall establish an advisory group, to be known as the “Clearwater Advisory Panel”, for the purpose of improving collaborative relationships and providing advice and recommendations to the Forest Service regarding the Clearwater Basin pilot project and activities under the pilot project, as authorized by and consistent with this Act.

(b) Duties.—The CAP shall—

(1) review and make recommendations to the Forest Service regarding activities proposed for high priority implementation as part of the pilot project under this Act;

(2) provide early and continuous coordination with appropriate Forest Service and other agency of-
ficials in reviewing and recommending activities for high priority implementation under this Act;

(3) provide frequent opportunities for citizens, organizations, tribes, agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the activity schedule development process under this Act.

(c) APPOINTMENT OF MEMBERS.—

(1) APPOINTMENT AND TERM.—Consistent with subsection (d), the Secretary shall appoint the members of the CAP. A member of the CAP shall serve for a term of three years beginning on the date of appointment. The Secretary may reappoint members to subsequent three-year terms.

(2) INITIAL APPOINTMENT.—The Secretary shall make initial appointments to the CAP not later than 90 days after the date of the enactment of this Act.

(3) VACANCIES.—The Secretary shall make appointments to fill vacancies on the CAP as soon as practicable after the vacancy has occurred.

(4) COMPENSATION.—Members of the CAP shall serve without compensation.

(d) COMPOSITION.—
(1) **NUMBER.**—The CAP shall be comprised of 15 members.

(2) **COMMUNITY INTERESTS REPRESENTED.**—Committee members shall be representative of the interests of the following three categories:

(A) Five persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the pilot project area.

(B) Five persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or
(v) nationally or regionally recognized
fish and wildlife interest groups.

(C) Five persons who—

(i) hold State elected office or their
designee;

(ii) hold county or local elected office;

(iii) represent Indian Tribes within or
adjacent to the pilot project area;

(iv) are school officials or teachers; or

(v) represent the affected public at
large.

(3) BALANCED REPRESENTATION.—The Sec-
retary shall provide for balanced and broad rep-
resentation from within each category described in
paragraph (2).

(4) GEOGRAPHIC DISTRIBUTION.—The mem-
bers of the CAP shall reside within the State of
Idaho and, to the extent practicable, within or adja-
cent to the pilot project area.

(e) APPROVAL PROCEDURES.—

(1) ESTABLISHMENT.—Subject to paragraph
(2) and the other requirements of this Act, the CAP
shall establish procedures for proposing, developing,
and reviewing activities and schedules for rec-
ommendation to the Forest Service for approval and
implementation under the pilot project. A quorum
must be present to constitute an official meeting of
the CAP.

(2) MAJORITY VOTE.—An activity or schedule
may be recommended by the CAP to the applicable
Forest Supervisor for approval and implementation
under the pilot program if it has been approved by
a majority of CAP members from each of the three
categories described in subsection (d)(2).

(f) OTHER AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—The CAP may submit
to the Secretary a request for staff assistance from
Federal employees under the jurisdiction of the Sec-
retary.

(2) MEETINGS.—All meetings of the CAP shall
be announced at least one week in advance in a local
newspaper of record and shall be open to the public.

(3) RECORDS.—The CAP shall maintain
records of the meetings of the panel and make the
records available for public inspection.

(4) CHAIRPERSON.—A majority on the CAP
shall select the chairperson of the CAP.

SEC. 4. CLEARWATER BASIN PILOT PROJECT.

(a) PILOT PROJECT REQUIRED.—The Secretary shall
conduct a pilot project under this section, to be known

(b) **ROLE OF CAP.**—The CAP shall review and recommend activities for high priority implementation within the pilot project area that are authorized under this Act, according to the requirements of this Act.

(c) **AUTHORIZED ACTIVITIES.**—The CAP may recommend activities for which funding is authorized and appropriated under this Act or other law. The activities that the CAP recommends for implementation under the pilot project shall be those activities that the CAP determines are high priority to implement stewardship objectives.

(d) **STewardship Contracts.**—A total of four stewardship contracts may be entered into as part of the pilot project. The stewardship contracts shall be divided equally between the two national forests referred to in subsection (a). These contracts are in addition to any stewardship contracts authorized under any other law.

(e) **Activity Schedules.**—

(1) **DEVELOPMENT.**—Within two years after the date of the enactment of this Act, the CAP shall
develop and submit for Forest Supervisor review
schedules of high priority activities to be commenced
within the pilot project area for the ensuing five-year
period. Separate schedules shall be developed for the
Clearwater National Forest portion of the pilot
project area and the Nez Perce National Forest por-
tion of the pilot project area. Thereafter, the CAP
shall develop and submit in advance schedules for
subsequent following five-year periods.

(2) Consultation.—The CAP shall prepare
the schedules in consultation with, and with tech-
nical assistance from, the applicable Forest Super-
visor. The CAP shall also consult with the Nez
Perce Tribe in developing and recommending each
five-year schedule. The Forest Service shall consult
with the Tribe to assure that the activities in the
schedule are consistent with treaty and any other
obligations to the Tribe.

(3) Content.—Each five-year schedule shall
be in sufficient detail to describe the high priority
activities to be conducted in the pilot project area
over the five-year period and the timing for their im-
plementation, and to allow reasonable site-specific,
project level evaluation of their environmental ef-
fects. The scope of the activities included in each
schedule shall be reasonably adjusted to the extent that the CAP and applicable Forest Supervisor determine necessary to allow such evaluation to be completed within the time periods provided by this Act.

(4) Consistency with Forest Plan.—The activities included within the five-year schedules shall be consistent with the applicable forest land and resource management plan. The schedule may include any amendment of the applicable forest land and resource management plan that the CAP recommends or that the applicable Forest Supervisor determines is necessary to allow or facilitate implementation of one or more activities in the schedule.

(f) NEPA Requirements and Related Procedures.—

(1) Process.—The Forest Service shall conduct any applicable procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the approval, at the site-specific, project level, of the activities in each five-year schedule, tiered to the extent appropriate to the environmental impact statement for the applicable forest land and resource management plan. The procedures under such Act, and any review, consultation, or coordina-

(2) RESOURCES.—The Forest Service, and any other Federal agencies involved in the process described in paragraph (1), shall provide sufficient personnel and other resources, directly or through contracting, to complete the review, consultation, or coordination within the required one-year period, and without substantially delaying implementation of other forest management activities in Region 1 of the Forest Service. The Forest Service and other involved agencies may rely upon or use any analysis, documents, or procedures previously performed under the National Environmental Policy Act of 1969 or other law for any activity in the schedule.

(3) EFFECT OF FAILURE TO COMPLETE PROCESS.—If any review, consultation, or coordination required under the National Environmental Policy Act of 1969 or other law has not been completed for a
schedule within the required one-year period, the lack of completion shall not be a basis for challenging or delaying submittal, approval, or implementation of an activity in the schedule, if the applicable Forest Supervisor, in consultation with the CAP, finds that sufficient review, consultation, and coordination regarding the activity has occurred and a sufficient record exists to make a reasoned decision regarding approval of the activity.

(g) Review by Forest Supervisor.—

(1) Submission.—The CAP shall submit a final recommendation regarding each five-year schedule, together with the record of the review, consultation, and coordination performed under subsection (f) for the schedule, to the applicable Forest Supervisor for review. The final recommendation and record shall be submitted to the Forest Supervisor at least 30 days in advance of the date for commencing implementation of activities under the schedule.

(2) Review.—Within 30 days after receiving the CAP-recommended schedule and record, the Forest Supervisor shall issue a project or activity decision document regarding review of the recommended schedule in accordance with the National
Environmental Policy Act of 1969 and any other applicable procedures. In the decision document, the Forest Supervisor may approve the schedule, place conditions on implementing the schedule, or disapprove the schedule and return it to the CAP for further consideration with instructions. If the Forest Supervisor has not issued a decision document upon expiration of the 30-day period, the schedule shall be deemed approved by the Forest Supervisor and subject to administrative appeal under Department of Agriculture procedures applicable to Forest Service project or activity record of decision or decision notice documents issued pursuant to the National Environmental Policy Act of 1969.

(h) IMPLEMENTATION.—Upon approval of the schedule, but subject to any stay that may be in effect pursuant to Forest Service project or activity administrative appeal procedures, the Forest Service may issue permits, contracts, and other authorizations for activities in the schedule.

(i) ACTIVITIES NOT INCLUDED IN A 5-YEAR SCHEDULE; AMENDMENT OF SCHEDULE.—An activity that the CAP determines should proceed in advance of approval of the first five-year schedule, or an activity in the pilot project area that is not included in a five-year schedule,
may be approved and implemented on an individual or grouped basis, upon completing the process and requirements for review and approval of a five-year schedule. A five-year schedule may be amended upon completing the process and requirements for review and approval of the schedule.

(j) Relation to Other Schedules, Plans and Activities.—The five-year schedules and activities authorized under the pilot project shall supplement other schedules, plans, and projects or other activities authorized and implemented under other law. Upon CAP recommendation and applicable Forest Supervisor approval, an activity that is included in another schedule or plan or proposed, authorized, or funded under other law may be authorized and implemented as an activity under the pilot project, if the activity meets the requirements of this section for implementation as a high priority activity.

SEC. 5. MONITORING AND REPORTING REQUIREMENTS.

(a) Report on Applicable Rules and Regulations.—The CAP may submit to the Secretary, the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a compilation of regulations applicable to the pilot project that the CAP determines are inappropriate
for the pilot project, incompatible with the pilot project, or unduly burdensome in conducting the pilot project.

(b) MONITORING, ANNUAL REPORT ON THE PROJECT.—The Secretary shall monitor the activities and achievements in the pilot project area under the pilot project. Not later than two years after the date of the enactment of this Act, and each year thereafter during the pilot project, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives on the results of such monitoring, including detailed information on the sources and uses of funds and the status, outputs, and other results accomplished for each activity recommended for priority implementation by the CAP under the pilot project.

(c) STATE OF IDAHO REPORT.—The Secretary shall request the State of Idaho to prepare a report, through the University of Idaho College of Natural Resources or other source, reviewing the activities and achievements of the pilot project in the pilot project area. The Secretary shall request the State to prepare and submit the report at five-year intervals to the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives. The requested report should include an assessment of
whether, and to what extent, the activities conducted under the pilot project are meeting or enhancing the accomplishment of stewardship objectives.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) **Authorization of Appropriations.**—There is authorized to be appropriated to the Secretary such sums as may be necessary for the following purposes:

1. Developing, submitting, reviewing, and implementing five-year schedules and priority activities under the pilot project, including the stewardship contracts authorized by this Act.

2. Other CAP activities and technical assistance to the CAP for purposes of the pilot project.

3. Monitoring and reporting requirements under section 5.

4. Such other actions as are necessary to implement this Act.

(b) **Duration of Authorization.**—The authorization of appropriations in subsection (a) shall apply through fiscal year 2012.

(c) **Availability.**—Amounts appropriated for the purposes specified in subsection (a) shall remain available until expended.

(d) **Treatment of Receipts.**—Notwithstanding the Secure Rural Schools and Community Self-Determina-
tion Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), any moneys received by the Forest Service from ac-
tivities approved and implemented under the pilot project
shall be distributed in accordance with the sixth paragraph
under the heading “Forest Service” in the Act of May 23,

SEC. 7. SEVERABILITY.

If any provision of this Act or the application of this
Act to any person or circumstances is held to be invalid,
the validity of the remainder of this Act and of the appli-
cation of such provision to other persons and cir-
cumstances shall not be affected.