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,

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—In this Act:
(1) ADVISORY PANEL.—The term “advisory panel” means the Clearwater Advisory Panel, established by the Secretary under section 3.

(2) PILOT PROJECT.—The term “pilot project” means the Clearwater Basin Pilot Project authorized by section 4.

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

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


(6) STEWARDSHIP OBJECTIVES.—The term “stewardship objectives” means objectives that enhance forest ecosystems, and restore and improve land health 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 advisory panel shall—

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

(2) provide early and continuous coordination with appropriate Forest Service and other agency officials in reviewing and recommending activities for high priority implementation; and
(3) provide frequent opportunities for citizens, organizations, tribes, agencies, and other interested parties to participate in all stages of the activity schedule development process.

(c) APPOINTMENT OF MEMBERS.—

(1) APPOINTMENT AND TERM.—No later than 90 days after the date of enactment of this Act, and consistent with subsection (d), the Secretary shall appoint the members of the advisory panel and each member shall serve without compensation for a term of three years beginning on the date of appointment. The Secretary may reappoint members to subsequent three-year terms.

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

(d) COMPOSITION OF ADVISORY PANEL.—The advisory panel shall be comprised of 15 members who shall be representative of the interests of the following categories:

(1) CATEGORY I.—

(A) organized labor;

(B) developed outdoor recreation, off highway vehicle users, or commercial recreation activities;
(C) energy and mineral development interests;

(D) commercial timber industry; and

(E) Federal grazing permit holders, or other land use permit holders within the pilot project area.

(2) CATEGORY II.—

(A) national environmental organizations;

(B) regional or local environmental organizations;

(C) dispersed recreational activities;

(D) archaeological and historical interests;

and

(E) national or regional fish and wildlife interest groups.

(3) CATEGORY III.—

(A) State elected officeholders or their designee;

(B) county or local elected officeholders;

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

(D) school officials or teachers; and

(E) the affected public at large.

(4) BALANCED REPRESENTATION.—The Secretary shall provide for balanced representation from
among the categories described in paragraphs (1),
(2), and (3).

(5) Geographic Distribution.—The mem-
bers of the advisory panel shall reside within the
State of Idaho, and to the extent practicable, within
or adjacent to the pilot project area.

(e) Approval Procedures.—

(1) Establishment.—Subject to paragraph
(2) and the other requirements of this Act, the advi-
sory panel shall establish procedures for proposing,
developing, and reviewing activities and schedules
for recommendation to the Forest Service for ap-
proval and implementation under the pilot project. A
majority must be present to constitute an official
meeting of the advisory panel.

(2) Majority Vote.—An activity or schedule
may be recommended by the advisory panel to the
applicable Forest Supervisor for approval and imple-
mentation under the pilot program if it is approved
by a majority of the advisory panel members from
each of the three categories described in subsection
(d).

(f) Other Authorities and Requirements.—

(1) Chairperson.—A majority of the advisory
panel shall select a chairperson.
(2) **Staff Assistance.**—The Secretary may provide staff assistance to the advisory panel from employees under the jurisdiction of the Secretary.

(3) **Meetings.**—All meetings of the advisory panel shall be announced at least one week in advance in a local newspaper of record and shall be open to the public. Records of the meetings shall be retained and made available for public inspection.

**Sec. 4 Clearwater Basin Pilot Project.**

(a) **Pilot Project Authorized.**—The Secretary may conduct a pilot project under this section, to be known as the “Clearwater Basin pilot project”, on those National Forest System land encompassed by the North Fork, Powell, and Lochsa Ranger Districts of the Clearwater National Forest in the State of Idaho, and the Red River/Elk City, Moose Creek and Clearwater Ranger Districts of the Nez Perce National Forest in the State of Idaho.

(b) **Role of Advisory Panel.**—The advisory panel shall review and recommend activities for high priority implementation of stewardship objectives within the pilot project area, for which funding is authorized under this Act or other laws.

(c) **Stewardship Contracts.**—A total of three stewardship contracts are authorized for recommendation
by the advisory panel and for approval and implementation in accordance with, and to achieve the purposes of, the pilot project. These contracts are in addition to any stewardship contracts authorized under any other law.

(d) Activity Schedules.—

(1) Development.—Within two years after the date of the enactment of this Act, the advisory panel 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. Thereafter, the advisory panel shall develop and submit in advance schedules for subsequent five-year periods.

(2) Consultation.—The advisory panel shall develop each five-year schedule in consultation with, and with technical assistance from, the applicable Forest Supervisor and the Nez Perce Tribe. The Forest Service shall ensure that the activities in the schedules 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 implementation, and to allow reasonable site-specific, project-level evaluation of their environmental effects. The scope of the activities included in each schedule shall be reasonably adjusted to the extent that the advisory panel 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 advisory panel 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 of the activities in each five-
year schedule, tiered to the environmental impact
statement for the applicable forest land and resource
management plan. The procedures under such Act,
and any review, consultation, or coordination under
other laws, including the Forest and Rangeland Re-
1600 et seq.), Endangered Species Act of 1973 (16
U.S.C. 1531 et seq.) and National Historic Preser-
vation Act (16 U.S.C. 470), shall be completed with-
in one year after the Forest Service, in consultation
with the North Central Idaho resource advisory com-
mittee, issues the public scoping notice regarding the
proposed schedule.

(2) RESOURCES.—The Forest Service, and any
other Federal agencies involved in the process de-
scribed in paragraph (1), shall provide sufficient per-
sonnel and other resources, directly or through con-
tracting, to complete the review, consultation, or co-
ordination 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 in-
volved 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 advisory panel, 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 advisory panel 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 schedule and record from the advisory panel, 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, or disapprove the schedule and return it to the advisory panel 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 any permits, contracts, or other authorizations for activities in the schedule
without further review, consultation, or coordination under
the National Environmental Policy Act of 1969 or other
laws.

(i) Activities Not Included in a 5-Year Schedule; Amendment of Schedule.—An activity that the
advisory panel 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 indi-
vidual or group basis, upon completing the process and
requirements for review and approval of a five-year sched-
ule. A five-year schedule may be amended upon completed
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 au-
thorized under the pilot project shall supplement other
schedules plans and projects or other activities authorized
and implemented under other law. Upon advisory panel
recommendation and applicable Forest Supervisor ap-
proval, 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 advisory panel 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 advisory panel 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 achievement 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 advisory panel under the pilot project.

(c) STATE OF IDAHO REPORT.—The Secretary shall request the State of Idaho, through the University of Idaho College of Natural Resource or other source, to pre-
pare a report 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 ac-
complishment of stewardship objectives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—There is
authorized to be appropriated to the Secretary, through
fiscal year 2012, such sums as may be necessary for the
following purposes:

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

(2) Other advisory panel activities and technical
assistance to the advisory panel for the 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) Availability.—Amount appropriated for the purposes specified in subsection (a) shall remain available until expended.

c) Treatment of Receipts.—Notwithstanding the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), any moneys received by the Forest Service from activities 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, 1908 (16 U.S.C. 500).

SEC. 7. SEVERABILITY.

If any provisions 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 application of such provision to other persons and circumstances shall not be affected.