

114TH CONGRESS
1ST SESSION

S. 1780

To amend the Omnibus Public Land Management Act of 2009 to promote watershed health, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2015

Mr. HEINRICH (for himself and Mr. FLAKE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Omnibus Public Land Management Act of 2009 to promote watershed health, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring America’s
5 Watersheds Act of 2015”.

6 **SEC. 2. WATER SOURCE PROTECTION PROGRAM.**

7 Subtitle A of title III of the Omnibus Public Land
8 Management Act of 2009 (Public Law 111–11; 123 Stat.
9 1126) is amended by adding at the end the following:

1 **“SEC. 3002. WATER SOURCE PROTECTION PROGRAM.**

2 “(a) IN GENERAL.—The Secretary of Agriculture,
3 acting through the Chief of the Forest Service (referred
4 to in this section as the ‘Secretary’), shall establish and
5 maintain a Water Source Protection Program (referred to
6 in this section as the ‘Program’) for National Forest Sys-
7 tem land derived from the public domain.

8 “(b) WATER SOURCE INVESTMENT PARTNER-
9 SHIPS.—

10 “(1) IN GENERAL.—In carrying out the Pro-
11 gram, the Secretary may enter into water source in-
12 vestment partnerships with end water users (includ-
13 ing States, political subdivisions, Indian tribes, utili-
14 ties, municipal water systems, irrigation districts,
15 nonprofit organizations, and corporations) to protect
16 and restore the condition of National Forest water-
17 sheds that provide water to the non-Federal part-
18 ners.

19 “(2) FORM.—A partnership described in para-
20 graph (1) may take the form of memoranda of un-
21 derstanding, cost-share or collection agreements,
22 long-term match funding commitments, or other ap-
23 propriate instruments.

24 “(c) WATER SOURCE MANAGEMENT PLAN.—

25 “(1) IN GENERAL.—In carrying out the Pro-
26 gram, the Secretary may produce a water source

1 management plan in cooperation with the water
2 source investment partnership participants and
3 State, local, and tribal governments.

4 “(2) FIREWOOD.—A water source management
5 plan may give priority to projects that facilitate the
6 gathering of firewood for personal use pursuant to
7 section 223.5 of title 36, Code of Federal Regula-
8 tions (or successor regulations).

9 “(3) ENVIRONMENTAL ANALYSIS.—The Sec-
10 retary may conduct—

11 “(A) a single environmental impact state-
12 ment or similar analysis required under the Na-
13 tional Environmental Policy Act of 1969 (42
14 U.S.C. 4321 et seq.) for all or part of the res-
15 toration projects in the water source manage-
16 ment plan; and

17 “(B) a statement or analysis described in
18 subparagraph (A) as part of the development of
19 the water source management plan or after the
20 finalization of the plan.

21 “(4) ENDANGERED SPECIES ACT.—In carrying
22 out the Program, the Secretary may use the Manual
23 on Adaptive Management of the Department of the
24 Interior, including any associated guidance, for pur-
25 poses of fulfilling any requirements under the En-

1 dangered Species Act of 1973 (16 U.S.C. 1531 et
2 seq.).

3 “(5) FUNDS AND SERVICES.—

4 “(A) IN GENERAL.—In carrying out the
5 Program, the Secretary may accept and use
6 funding, services, and other forms of investment
7 and assistance from water source investment
8 partnership participants to implement the water
9 source management plan.

10 “(B) MANNER OF USE.—The Secretary
11 may accept and use investments described in
12 subparagraph (A) directly or indirectly through
13 the National Forest Foundation.

14 “(C) WATER SOURCE PROTECTION
15 FUND.—

16 “(i) IN GENERAL.—Subject to the
17 availability of appropriations, the Secretary
18 may establish a Water Source Protection
19 Fund to match funds or in-kind support
20 contributed by water source investment
21 partnership participants under subpara-
22 graph (A).

23 “(ii) USE OF APPROPRIATED
24 FUNDS.—The Secretary may use funds ap-
25 propriated to carry out this subparagraph

1 to make multiyear commitments, if nec-
2 essary, to implement 1 or more water
3 source investment partnership agree-
4 ments.”.

5 **SEC. 3. WATERSHED CONDITION FRAMEWORK.**

6 Subtitle A of title III of the Omnibus Public Land
7 Management Act of 2009 (as amended by section 2) is
8 amended by adding at the end the following:

9 **“SEC. 3003. WATERSHED CONDITION FRAMEWORK.**

10 “(a) IN GENERAL.—The Secretary of Agriculture,
11 acting through the Chief of the Forest Service (referred
12 to in this section as the ‘Secretary’), shall establish and
13 maintain a Watershed Condition Framework for National
14 Forest System land derived from the public domain—

15 “(1) to evaluate and classify the condition of
16 watersheds, taking into consideration—

17 “(A) water quality and quantity;

18 “(B) aquatic habitat and biota;

19 “(C) riparian and wetland vegetation;

20 “(D) the presence of roads and trails;

21 “(E) soil type and condition;

22 “(F) groundwater-dependent ecosystems;

23 “(G) relevant terrestrial indicators, such as
24 fire regime, risk of catastrophic fire, forest and

1 rangeland vegetation, invasive species, and in-
2 sects and disease; and

3 “(H) other significant factors, as deter-
4 mined by the Secretary;

5 “(2) to identify for restoration up to 5 priority
6 watersheds in each National Forest, and up to 2 pri-
7 ority watersheds in each national grassland, taking
8 into consideration the impact of the condition of the
9 watershed condition on—

10 “(A) wildfire behavior;

11 “(B) flood risk;

12 “(C) fish and wildlife;

13 “(D) drinking water supplies;

14 “(E) irrigation water supplies;

15 “(F) forest-dependent communities; and

16 “(G) other significant impacts, as deter-
17 mined by the Secretary;

18 “(3) to develop a watershed restoration action
19 plan for each priority watershed that—

20 “(A) takes into account existing restora-
21 tion activities being implemented in the water-
22 shed; and

23 “(B) includes, at a minimum—

1 “(i) the major stressors responsible
2 for the impaired condition of the water-
3 shed;

4 “(ii) a set of essential projects that,
5 once completed, will address the identified
6 stressors and improve watershed condi-
7 tions;

8 “(iii) a proposed implementation
9 schedule;

10 “(iv) potential partners and funding
11 sources; and

12 “(v) a monitoring and evaluation pro-
13 gram;

14 “(4) to prioritize restoration activities for each
15 watershed restoration action plan;

16 “(5) to implement each watershed restoration
17 action plan; and

18 “(6) to monitor the effectiveness of restoration
19 actions and indicators of watershed health.

20 “(b) COORDINATION.—Throughout the process de-
21 scribed in subsection (a), the Secretary shall—

22 “(1) coordinate with interested non-Federal
23 landowners and with State, tribal, and local govern-
24 ments within the relevant watershed; and

1 “(2) provide for an active and ongoing public
2 engagement process.

3 “(c) **EMERGENCY DESIGNATION.**—Notwithstanding
4 subsection (a)(2), the Secretary may identify a watershed
5 as a priority for rehabilitation in the Watershed Condition
6 Framework without using the process described in sub-
7 section (a), if a Forest Supervisor determines that—

8 “(1) a wildfire has significantly diminished the
9 condition of the watershed; and

10 “(2) the emergency stabilization activities of the
11 Burned Area Emergency Response Team are insuffi-
12 cient to return the watershed to proper function.”.

13 **SEC. 4. COLLABORATIVE FOREST LANDSCAPE RESTORA-**
14 **TION PROGRAM.**

15 (a) **SELECTION PROCESS.**—Section 4003(f)(4) of the
16 Omnibus Public Land Management Act of 2009 (16
17 U.S.C. 7303(f)(4)) is amended by adding at the end the
18 following:

19 “(C) **PREQUALIFICATION.**—

20 “(i) **IN GENERAL.**—Before awarding a
21 contract funded by the Fund, the Sec-
22 retary shall determine whether the con-
23 tractor has the ability to complete the pro-
24 posed restoration activities, including—

1 “(I) the financial ability to raise
2 the funds necessary for the proposed
3 restoration activities; and

4 “(II) sufficient capacity to per-
5 form the type and scope of the pro-
6 posed restoration activities.

7 “(ii) CRITERIA.—If the Department
8 does not have sufficient expertise to de-
9 velop and evaluate criteria to make a de-
10 termination under clause (i), the Secretary
11 shall seek the assistance of other agencies
12 or third-party consultants for purposes of
13 developing and evaluating the criteria.”.

14 (b) REAUTHORIZATION OF COLLABORATIVE FOREST
15 LANDSCAPE RESTORATION FUND.—Section 4003(f)(6) of
16 the Omnibus Public Land Management Act of 2009 (16
17 U.S.C. 7303(f)(6)) is amended by striking “2019, to re-
18 main available until expended” and inserting “2014, and
19 \$60,000,000 for each of fiscal years 2016 through 2024,
20 to remain available until expended”.

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