

implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this chapter on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

(Pub. L. 106-393, title II, §202, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3901.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 106-393, Oct. 30, 2000, 114 Stat. 1607, known as the Secure Rural Schools and Community Self-Determination Act of 2000, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

PRIOR PROVISIONS

A prior section 202 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

§ 7123. Submission of project proposals

(a) Submission of project proposals to Secretary concerned

(1) Projects funded using project funds

Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

(2) Projects funded using other funds

A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) Joint projects

Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 7125 of this title.

(b) Required description of projects

In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

- (1) The purpose of the project and a description of how the project will meet the purposes of this subchapter.

- (2) The anticipated duration of the project.

- (3) The anticipated cost of the project.

- (4) The proposed source of funding for the project, whether project funds or other funds.

(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that—

(A) tracks and identifies the positive or negative impacts of the project, implementation,¹ and provides for validation monitoring; and

(B) includes an assessment of the following:

(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this subchapter.

(7) An assessment that the project is to be in the public interest.

(c) Authorized projects

Projects proposed under subsection (a) shall be consistent with section 7101 of this title.

(Pub. L. 106-393, title II, §203, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3901.)

PRIOR PROVISIONS

A prior section 203 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

§ 7124. Evaluation and approval of projects by Secretary concerned

(a) Conditions for approval of proposed project

The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 7123 of this title only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws (including regulations).

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 7125 of this title, including the procedures issued under subsection (e) of that section.

(4) A project description has been submitted by the resource advisory committee to the

¹ So in original.

Secretary concerned in accordance with section 7123 of this title.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) Environmental reviews

(1) Request for payment by county

The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

(2) Conduct of environmental review

If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

(3) Effect of refusal to pay

(A) In general

If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this subchapter.

(B) Effect of withdrawal

A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 7127(c) of this title.

(c) Decisions of Secretary concerned

(1) Rejection of projects

(A) In general

A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

(B) No administrative appeal or judicial review

Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

(C) Notice of rejection

Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) Notice of project approval

The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

(d) Source and conduct of project

Once the Secretary concerned accepts a project for review under section 7123 of this

title, the acceptance shall be deemed a Federal action for all purposes.

(e) Implementation of approved projects

(1) Cooperation

Notwithstanding chapter 63 of title 31, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) Best value contracting

(A) In general

For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

(B) Factors

The Secretary concerned shall determine best value based on such factors as—

- (i) the technical demands and complexity of the work to be done;
- (ii)(I) the ecological objectives of the project; and
- (II) the sensitivity of the resources being treated;
- (iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and
- (iv) the commitment of the contractor to hiring highly qualified workers and local residents.

(3) Merchantable timber contracting pilot program

(A) Establishment

The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

- (i) the harvesting or collection of merchantable timber; and
- (ii) the sale of the timber.

(B) Annual percentages

Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

- (i) For fiscal year 2008, 35 percent.
- (ii) For fiscal year 2009, 45 percent.
- (iii) For each of fiscal years 2010 and 2011, 50 percent.

(C) Inclusion in pilot program

The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this subchapter.

(D) Assistance

(i) In general

The Secretary concerned may use funds from any appropriated account available

to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

(ii) Maximum amount of assistance

The total amount obligated under this subparagraph may not exceed \$1,000,000 for any fiscal year during which the pilot program is in effect.

(E) Review and report

(i) Initial report

Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

(ii) Annual report

The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

(f) Requirements for project funds

The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

- (1) to road maintenance, decommissioning, or obliteration; or
- (2) to restoration of streams and watersheds.

(Pub. L. 106-393, title II, §204, as added Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3902.)

PRIOR PROVISIONS

A prior section 204 of Pub. L. 106-393 was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

§ 7125. Resource advisory committees

(a) Establishment and purpose of resource advisory committees

(1) Establishment

The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) Purpose

The purpose of a resource advisory committee shall be—

- (A) to improve collaborative relationships; and
- (B) to provide advice and recommendations to the land management agencies consistent with the purposes of this subchapter.

(3) Access to resource advisory committees

To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of

view represented and the functions to be performed, the Secretary concerned may,¹ establish resource advisory committees for part of, or 1 or more, units of Federal land.

(4) Existing advisory committees

(A) In general

An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this subchapter.

(B) Charter

A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this chapter.

(C) Bureau of land management advisory committees

The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this subchapter.

(b) Duties

A resource advisory committee shall—

- (1) review projects proposed under this subchapter by participating counties and other persons;
- (2) propose projects and funding to the Secretary concerned under section 7123 of this title;
- (3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this chapter under this subchapter;
- (4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this subchapter;
- (5)(A) monitor projects that have been approved under section 7124 of this title; and
(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and
- (6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

(c) Appointment by the Secretary

(1) Appointment and term

(A) In general

The Secretary concerned,¹ shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

(B) Reappointment

The Secretary concerned may reappoint members to subsequent 4-year terms.

¹ So in original. The comma probably should not appear.