

(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,<sup>1</sup> 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; amended Pub. L. 112-141, div. F, title I, §100101(a)(2), July 6, 2012, 126 Stat. 905.)

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.

AMENDMENTS

2012—Subsec. (a)(1). Pub. L. 112-141 substituted “2012” for “2011”.

**§ 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 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.

<sup>1</sup> So in original.

**(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 through 2012, 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 as-

ist 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; amended Pub. L. 112-141, div. F, title I, §100101(a)(6), July 6, 2012, 126 Stat. 906.)

## 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.

## AMENDMENTS

2012—Subsec. (e)(3)(B)(iii). Pub. L. 112-141 substituted “through 2012” for “and 2011”.

**§ 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