



New Public-Private Authorities for Land Management Agencies

An Overview of Four Authorities that can Support Restoration Activities on Public and Private Lands

Introduction

Federal land management agencies have an increasing array of authorities they can use to undertake forest restoration activities on our federal lands. Some of these authorities also provide for federal support and engagement in forest restoration on neighboring private lands and tribal lands. This document offers an overview of four authorities Sustainable Northwest believes have significant potential to increase restoration activities on high priority lands.

Wyden Amendment

Description: The Wyden Amendment authority allows federal funds to be spent on non-federal lands through cooperative agreements with willing state, tribal, and local governments, private and non-profit entities, and private landowners. Examples of domestic cooperative agreements or grants with willing participants include the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and for the reduction of risk from natural disaster where public safety is threatened that benefit these resources within the watershed.

Authorizing Statute: The Wyden Amendment authority was initially authorized within the FY 1999 Omnibus Appropriations Act (P.L. 105-277) and given permanent authorization in the Omnibus Land Management Act of 2009 (P.L. 111-11).

Applicable Land Management Agency: Available to both the US Forest Service and Bureau of Land Management.

Funding: The Wyden Authority does not provide for additional funding. Rather, funds spent under this Authority must come from existing appropriations.

Additional Resources:

[Catalog of Federal Domestic Assistance – Wyden Amendment](#)

Good Neighbor Authority

Description: The Good Neighbor Authority allows for state agencies to act as an agent for federal agencies to complete watershed and other restoration treatments. Authorizes states to enter into cooperative agreements or contracts to provide restoration and protection services on adjacent federal land.

Authorizing Statute: The Good Neighbor Authority was originally authorized in the FY 2001 Interior Appropriations Act (P.L. 106-291) as a pilot program of the state of Colorado through year 2004. It was later amended by the FY 2005 Consolidated Appropriations Act (P.L. 108-447) and the FY 2010 Department of the Interior, Environment and Related Agencies Appropriations Act (P.L. 111-88), extending the duration of the Authority and expanding it to Utah. The Good Neighbor Authority was most recently permanently authorized nationwide in the Agriculture Act of 2014 (P.L. 113-79).

Applicable Land Management Agency: Available to both the US Forest Service and the Bureau of Land Management.

Funding: The Good Neighbor Authority does not provide for additional funding. Rather, funds spent under this Authority must come from existing appropriations.

Additional Resources:

[Forestry Provisions in the 2014 Farm Bill](#)

[Good Neighbor Authority Questions & Answers](#)

[Catalog of Federal Domestic Assistance – Good Neighbor Authority](#)

Tribal Forest Protection Act

Description: The Tribal Forest Protection Act authorizes the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land. This is a tool for tribes to propose work and enter into contracts and agreements with federal agencies to reduce fire and/or other threats posed by USFS for BLM lands to Indian resources, such as forests, grasslands or tribal communities. This authority also applies to land restoration activities, such as post-fire rehabilitation.

Authorizing Statute: The Tribal Forest Protection Act was signed into law July 22, 2004 (P.L. 108-278).

Applicable Land Management Agency: Applies to both US Forest Service and Bureau of Land Management.

Funding: The Tribal Forest Protection Act does not provide for additional funding. Rather, funds spent under the authority of this Act must come from existing appropriations.

Additional Resources:

[USDA Forest Service Tribal Forest Protection Act in Brief](#)

[USDA Forest Service Tribal Forest Protection Act Briefing Paper](#)

Forest Service NEPA Categorical Exclusions

Description: NEPA Categorical Exclusions are activities that are deemed not to individually or cumulatively have a significant impact on the human environment. Forest Service NEPA Categorical Exclusions can be found at 36 CFR 220. In September 2013, the Forest Service issued a rule designating three new categories of activities that qualify as Categorical Exclusions.

Category 18 allows the restoration of wetlands, streams, and riparian areas by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, drainage tiles, ditches, culverts, pipes, valves, gates, and fencing to allow waters to flow into natural channels and floodplains that restore natural flow regimes to the extent practicable.

Category 19 allows for the removal of debris and sediment following disturbance events (such as floods, hurricanes, tornados, mechanical/ engineering failures, etc.) to restore uplands, wetlands, or riparian systems to pre-disturbance conditions, to the extent practicable, such that site conditions will not impede or negatively alter natural processes.

Category 20 allows for implementing restoration activities that restore, rehabilitate, and/or stabilize lands occupied by roads and trails, excluding National Forest System roads and National Forest System trails, to a more natural condition by removing, replacing, or modifying drainage structures and ditches, reestablishing vegetation, reshaping natural contours and slopes, reestablishing drainage-ways, or other activities that will restore site productivity and reduce environmental impacts.

Authorizing Statue: The final rule establishing Forest Service Categorical Exclusions for restoration activities was published in the Federal Register on September 12, 2013, and has been codified at 36 CFR 220.

Applicable Land Management Agency: Applies to US Forest Service only.

Funding: There are no appropriated funds for specific use for activities permitted under Categorical Exclusions. Such activities are funded from existing appropriations.

Additional Resources:

[USDA Forest Service Categorical Exclusions for Soil and Water Restoration Activities Forestry Provisions in the 2014 Farm Bill](#)

For more information contact:

Alice Williamson, (503) 221-6911 x103, awilliamson@sustainablenorthwest.org