

The Wyden Amendment (Public Law 105-277, Section 323 as amended by Public Law 109-54, Section 434) authorizes the Forest Service to enter into cooperative agreements with willing Federal, tribal, State, and local governments, private and nonprofit entities, and landowners to conduct activities on public or private lands for the protection, restoration, and enhancement of fish and wildlife habitat and other resources, for the reduction of risk for natural disaster where public safety is threatened, or for a combination of both that benefit resources on National Forest System lands within the watershed.

This authority was initially provided in FY 1998 and has been extended through the end of FY 2011. Since the authorization does not provide for additional funding, any dollars spent on private land must come from existing appropriations.

Agreements may be either: (a) directly with a willing landowner or (b) indirectly through an agreement with a State, local, or tribal government or other public entity, educational institution, or private nonprofit organization.

Questions to consider before deciding to use Wyden authorities include:

- Does the project achieve Forest Service objectives?
- Is the principle objective restoration, protection, and enhancement of NFS resources?
- Does the project result in tangible and demonstrable benefits to resources on public lands administered by the Forest Service?
- Is the expenditure in the public interest?

At a minimum, the following items should be discussed and agreed upon before entering into an agreement with landowner or other partner:

- Project description including methodology and technical requirements,
- Each participant's responsibilities of completion of project work,
- Cost of project and funding responsibilities,
- Deliverables or desired end results,
- Period of performance, and
- Long-term maintenance responsibilities.

The following are examples of acceptable types of work:

- Providing technical assistance to a watershed council to develop a watershed restoration plan.
- Working with a non-profit organization to repair or replace road culverts on private lands that have been identified as negatively impacting watershed on National Forest System (NFS) lands.
- Working with a private landowner for stream bank stabilization in areas that are negatively impacting fish habitat on NFS lands.
- Supporting local non-profit organization in constructing a watershed-wide GIS system.
- Establishing partnership with the governmental body of a local community to align work to improve quality of natural resource jobs.

- Supporting a local non-profit financially to complete a watershed-wide assessment.
- Coordinating efforts with a State to treat an entire area for fuel reduction.