

117TH CONGRESS  
1ST SESSION

# H. R. 2585

To conduct fire salvage on certain National Forest System lands burned by wildfire, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2021

Mr. JOHNSON of South Dakota (for himself, Mr. LAMALFA, Mr. WESTERMAN, and Mr. CRAWFORD) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To conduct fire salvage on certain National Forest System lands burned by wildfire, 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 “Forestry Improve-  
5 ments to Restore the Environment Act of 2021” or the  
6 “FIRE Act of 2021”.

1 **SEC. 2. FOREST MANAGEMENT ACTIVITIES REQUIRED**  
2 **AFTER WILDFIRE.**

3 (a) SURVEY OF NATIONAL FOREST SYSTEM LANDS  
4 IMPACTED BY WILDFIRE.—

5 (1) SURVEY REQUIRED.—To the maximum ex-  
6 tent practicable, not later than 60 days after a wild-  
7 fire is contained on National Forest System lands,  
8 the Secretary of Agriculture, acting through the  
9 Chief of the Forest Service, shall complete a survey  
10 of the National Forest System lands that were im-  
11 pacted by such wildfire.

12 (2) PRIORITY OF LAND SURVEYED.—In car-  
13 rying out a survey required under paragraph (1), the  
14 Secretary of Agriculture shall give priority to Na-  
15 tional Forest System lands in the following order:

16 (A) Lands for which there is, at the time  
17 of such survey—

18 (i) timber under a contract pursuant  
19 to section 14(a) of the National Forest  
20 Management Act of 1976 (16 U.S.C.  
21 472a); or

22 (ii) a stewardship contract under sec-  
23 tion 604 of the Healthy Forests Restora-  
24 tion Act of 2003 (16 U.S.C. 6591c).

25 (B) Lands for which, at the time of such  
26 survey—

1 (i) a timber sale described in subpara-  
2 graph (A)(i) or a stewardship contract de-  
3 scribed in subparagraph (A)(ii) is planned;  
4 and

5 (ii) with respect to such sale or con-  
6 tract, an environmental decision document  
7 has been completed pursuant to section  
8 102 of the National Environmental Policy  
9 Act of 1969 (42 U.S.C. 4332).

10 (b) CONVERSION OF TIMBER SALES.—

11 (1) TIMBER SALES TO SALVAGE SALES.—Not  
12 later than 60 days after a wildfire is contained on  
13 National Forest System lands, the Secretary of Agri-  
14 culture shall, with respect to the timber sales appli-  
15 cable to such lands that were impacted by such wild-  
16 fire, convert such timber sales to salvage sales.

17 (2) TREATMENT OF CONVERTED TIMBER  
18 SALES.—In the case of a project relating to the tim-  
19 ber sales applicable to the National Forest System  
20 lands described in paragraph (1), the conversion of  
21 such timber sales to salvage sales under such para-  
22 graph shall be deemed to meet the purpose and need  
23 of such project for purposes of an environmental as-  
24 sessment or an environmental impact statement pur-

1 suant to section 102 of the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4332).

3 (c) SUPPLEMENTAL INFORMATION REPORTS.—The  
4 Secretary of Agriculture shall give priority to completing  
5 supplemental information reports that determine, with re-  
6 spect to a pending project planned for National Forest  
7 System lands prior to a wildfire, whether—

8 (1) timber salvage constitutes substantial  
9 changes to the proposed action that are relevant to  
10 environmental concerns; and

11 (2) wildfire constitutes significant new cir-  
12 cumstances or information relevant to environmental  
13 concerns.

14 **SEC. 3. ROADSIDE SALVAGE CATEGORICAL EXCLUSION.**

15 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
16 est management activities described in subsection (b) are  
17 a category of actions hereby designated as being categori-  
18 cally excluded from the preparation of an environmental  
19 assessment or an environmental impact statement pursu-  
20 ant to section 102 of the National Environmental Policy  
21 Act of 1969 (42 U.S.C. 4332).

22 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
23 FOR CATEGORICAL EXCLUSION.—The category of forest  
24 management activities designated under this section for  
25 a categorical exclusion are forest management activities

1 carried out by the Secretary of Agriculture on National  
2 Forest System lands where the primary purpose of such  
3 activity is for roadside salvage activities that allow for the  
4 removal of hazard trees that are within 200 feet of a road-  
5 way center line.

6 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
7 On and after the date of the enactment of this Act, the  
8 Secretary of Agriculture may use the categorical exclusion  
9 established under subsection (a) in accordance with this  
10 section.

11 (d) ACREAGE LIMITATIONS.—The categorical exclu-  
12 sion established under subsection (a) shall not be limited  
13 in size or scope.

14 (e) EXCLUSION OF EXTRAORDINARY CIRCUMSTANCE  
15 PROCEDURES.—The procedures relating to extraordinary  
16 circumstances under section 220.6 of title 36, Code of  
17 Federal Regulations (or a successor regulation), shall not  
18 apply to the use of the categorical exclusion established  
19 under subsection (b).

20 **SEC. 4. JUDICIAL REVIEW.**

21 (a) OBJECTION PERIOD.—For any action taken pur-  
22 suant to the authorities in this Act, the objection time de-  
23 scribed in section 219.56 of title 36, Code of Federal Reg-  
24 ulations (or successor regulations), shall be 30 days.

1 (b) JUDICIAL REVIEW.—Except as provided in sub-  
2 section (c), an activity carried out pursuant to this Act  
3 shall be subject to judicial review in the same manner as  
4 an authorized hazardous fuels reduction project is subject  
5 to judicial review under section 106 of the Healthy Forests  
6 Restoration Act of 2003 (16 U.S.C. 6516).

7 (c) PRELIMINARY INJUNCTION PROHIBITED.—Not-  
8 withstanding any other provision of law, a court may not  
9 order a preliminary injunction enjoining the Secretary of  
10 Agriculture from proceeding with timber sales authorized  
11 under this Act.

12 **SEC. 5. RULE OF APPLICATION FOR NATIONAL FOREST**  
13 **SYSTEM LANDS.**

14 The authorities provided by this Act may not apply  
15 with respect to any National Forest System lands—

16 (1) that are included in the National Wilderness  
17 Preservation System;

18 (2) that are located within a national or State-  
19 specific inventoried roadless area established by the  
20 Secretary of Agriculture through regulation, un-  
21 less—

22 (A) the forest management activity to be  
23 carried out under such authority is consistent  
24 with the forest plan applicable to the area; or

1           (B) the Secretary of Agriculture deter-  
2           mines the forest management activity is permis-  
3           sible under the applicable roadless rule gov-  
4           erning such lands; or  
5           (3) on which timber harvesting for any purpose  
6           is prohibited by Federal statute.

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