

118TH CONGRESS
1ST SESSION

H. R. 3522

To amend the Healthy Forests Restoration Act of 2003 to establish emergency firehatched management areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. MOORE of Utah (for himself and Mr. CUELLAR) 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

A BILL

To amend the Healthy Forests Restoration Act of 2003 to establish emergency firehatched management areas, 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 “Forest Improvements
5 through Research and Emergency Stewardship for
6 Healthy Ecosystem Development and Sustainability Act”
7 or the “FIRESHEDS Act”.

1 **SEC. 2. EMERGENCY FIRESHED MANAGEMENT.**

2 Title VI of the Healthy Forests Restoration Act of
3 2003 (16 U.S.C. 6591 et seq.) is amended by adding at
4 the end the following:

5 **“SEC. 607. EMERGENCY FIRESHED MANAGEMENT.**

6 “(a) ESTABLISHMENT OF FIRESHED MANAGEMENT
7 AREAS.—

8 “(1) IN GENERAL.—

9 “(A) JOINT AGREEMENTS.—Not later than
10 90 days after receiving a request from a Gov-
11 ernor of a State, the Secretary shall enter into
12 an agreement with such Governor to jointly—

13 “(i) designate 1 or more fireshed
14 management areas within such State; and

15 “(ii) conduct fireshed management
16 projects in accordance with subsection (c)
17 on such fireshed management areas.

18 “(B) ADDITIONAL FIRESHED MANAGE-
19 MENT AREAS.—With respect to an agreement
20 with a Governor of a State under subparagraph
21 (A), the Secretary, if requested by such Gov-
22 ernor, may—

23 “(i) designate additional fireshed
24 management areas under such agreement;
25 and

1 “(ii) update such agreement to ad-
2 dress new wildfire threats.

3 “(C) SHARED STEWARDSHIP.—A pre-
4 viously signed shared stewardship agreement
5 between a Governor of a State and the Sec-
6 retary (or an update or successor agreement to
7 such shared stewardship agreement) may be
8 treated as an agreement under subparagraph
9 (A) if such Governor approves such treatment.

10 “(2) DESIGNATION OF FIRESHED MANAGEMENT
11 AREAS.—

12 “(A) IN GENERAL.—A fireshed manage-
13 ment area designated under an agreement
14 under paragraph (1)—

15 “(i) shall be—

16 “(I) a landscape-scale area; and

17 “(II) identified on the date of
18 such designation as a fireshed ranked
19 in the top 10 percent of wildfire expo-
20 sure, as determined by the most re-
21 cently published models of fireshed
22 risk exposure published by the Forest
23 Service;

24 “(ii) may not overlap with any other
25 fireshed management area; and

1 “(iii) may contain Federal and non-
2 Federal land.

3 “(B) APPLICABILITY OF NEPA.—The des-
4 ignation of a fireshed management area under
5 an agreement under paragraph (1) shall not be
6 subject to the requirements of the National En-
7 vironmental Policy Act of 1969 (42 U.S.C.
8 4321 et seq.).

9 “(b) STEWARDSHIP AND FIRESHED ASSESS-
10 MENTS.—

11 “(1) IN GENERAL.—Not later than 90 days
12 after entering into an agreement with a Governor of
13 a State under subsection (a)(1), the Secretary and
14 such Governor shall, with respect to the fireshed
15 management areas designated under such agree-
16 ment, jointly conduct a stewardship and fireshed as-
17 sessment that—

18 “(A) identifies—

19 “(i) using the best available data,
20 wildfire exposure risks within each such
21 fireshed management area, including sce-
22 nario planning and wildfire hazard map-
23 ping and models; and

24 “(ii) each at-risk community within
25 each fireshed management area;

1 “(B) identifies potential fireshed manage-
2 ment projects to be carried out in such fireshed
3 management areas, giving priority—

4 “(i) primarily, to projects with the
5 purpose of reducing threats to public
6 health and safety from catastrophic wild-
7 fire; and

8 “(ii) secondarily, to projects with the
9 purpose of protecting—

10 “(I) critical infrastructure;

11 “(II) wildlife habitats;

12 “(III) watersheds or improving
13 water yield; or

14 “(IV) any combination of pur-
15 poses described in subclauses (I)
16 through (III);

17 “(C) includes—

18 “(i) a strategy for reducing the threat
19 of wildfire to at-risk communities in the
20 wildland-urban interface;

21 “(ii) recommended fireshed manage-
22 ment project size limitations based on the
23 best available data;

24 “(iii) a timeline for the implementa-
25 tion of fireshed management projects; and

1 “(iv) long-term benchmark goals for
2 the completion of fireshed management
3 projects in the highest wildfire exposure
4 areas; and

5 “(D) shall be regularly updated based on
6 the best available data, as determined by the
7 Secretary.

8 “(2) INFORMATION IMPROVEMENT.—

9 “(A) MEMORANDUMS OF UNDER-
10 STANDING.—In carrying out a stewardship and
11 fireshed assessment under this subsection, the
12 Secretary may enter into memorandums of un-
13 derstanding with other Federal agencies or de-
14 partments, States, private entities, or research
15 or educational institutions to improve, with re-
16 spect to such assessment, the use and integra-
17 tion of—

18 “(i) advanced remote sensing and
19 geospatial technologies;

20 “(ii) statistical modeling and analysis;
21 or

22 “(iii) any other technology the Sec-
23 retary determines will benefit the quality of
24 information of such an assessment.

1 “(B) STATE INFORMATION.—To the max-
2 imum extent practicable, the Secretary shall in-
3 corporate data from State forest action plans,
4 State wildfire risk assessments, and other State
5 sources in conducting an assessment under
6 paragraph (1).

7 “(c) FIRESHED MANAGEMENT PROJECTS.—

8 “(1) IN GENERAL.—The Secretary shall carry
9 out fireshed management projects in fireshed man-
10 agement areas designated under an agreement under
11 subsection (a)(1) in accordance with the timeline
12 and project size limitations included in the steward-
13 ship and fireshed assessment relating to such areas
14 under subsection (b)(1)(C).

15 “(2) REQUIREMENTS.—A fireshed management
16 project shall—

17 “(A) be carried out—

18 “(i) in accordance with paragraph (3);

19 “(ii) in accordance with the applicable
20 forest management plan; and

21 “(iii) in a manner that maximizes the
22 retention of old-growth and large trees, to
23 the extent that the trees promote stands
24 that are resilient to wildfire; and

25 “(B) be—

1 “(i) developed through a collaborative
2 process;

3 “(ii) proposed by a resource advisory
4 committee (as defined in section 201 of the
5 Secure Rural Schools and Community Self-
6 Determination Act of 2000 (16 U.S.C.
7 7121)); or

8 “(iii) covered by a community wildfire
9 protection plan.

10 “(3) AUTHORIZED ACTIVITIES.—A fireshed
11 management project shall have the primary purpose
12 of—

13 “(A) creating fuel breaks and fire breaks;

14 “(B) conducting hazardous fuels manage-
15 ment;

16 “(C) conducting prescribed burns;

17 “(D) removing dead trees, dying trees, or
18 trees at high-risk of dying; or

19 “(E) carrying out any combination of the
20 activities described in subparagraphs (A)
21 through (D).

22 “(4) CATEGORICAL EXCLUSION FOR FIRESHED
23 MANAGEMENT PROJECTS.—Fireshed management
24 projects under this subsection shall be—

1 “(A) considered an action categorically ex-
2 cluded from the from the preparation of an en-
3 vironmental assessment or an environmental
4 impact statement under section 102 of the Na-
5 tional Environmental Policy Act of 1969 (42
6 U.S.C. 4332); and

7 “(B) exempt from the special administra-
8 tive review process under section 105.

9 “(5) EXCLUSIONS.—A fireshed management
10 project may not be carried out on lands—

11 “(A) that are included in the National Wil-
12 derness Preservation System;

13 “(B) that are located within a national or
14 State-specific inventoried roadless area estab-
15 lished by the Secretary of Agriculture through
16 regulation, unless—

17 “(i) the forest management activity to
18 be carried out under such authority is con-
19 sistent with the forest plan applicable to
20 the area; or

21 “(ii) the activity is allowed under the
22 applicable roadless rule governing such
23 lands, including—

1 “(I) the Idaho roadless rule
2 under subpart C of part 294 or title
3 36, Code of Federal Regulations;

4 “(II) the Colorado roadless rule
5 under subpart D of part 294 of title
6 36, Code of Federal Regulations; or

7 “(III) any other roadless rule de-
8 veloped after the date of the enact-
9 ment of this section by the Secretary
10 with respect to a specific State; or

11 “(C) on which timber harvesting for any
12 purpose is prohibited by Federal statute.

13 “(6) RULE OF CONSTRUCTION FOR CERTAIN
14 ROADLESS RULES.—Nothing in this section shall be
15 construed to affect the roadless rules described in
16 subclauses (I) and (II) of paragraph (5)(B)(ii).

17 “(7) USE OF OTHER AUTHORITIES.—To the
18 maximum extent practicable, the Secretary shall use
19 existing statutory and administrative authorities, in-
20 cluding a good neighbor agreement entered into
21 under section 8206 of the Agricultural Act of 2014
22 (16 U.S.C. 2113a), to carry out each fireshed man-
23 agement project.

24 “(d) JUDICIAL REVIEW.—Section 106 shall apply to
25 fireshed management projects conducted under this sec-

1 tion in the same manner as such section applies to an au-
2 thorized hazardous fuels reduction project conducted
3 under title I, except that no restraining order, preliminary
4 injunction, or injunction pending appeal shall be issued
5 by any court of the United States with respect to any deci-
6 sion to prepare or conduct a fireshed management project
7 in the wildland-urban interface.

8 “(e) REPORT REQUIRED.—Not later than 2 years
9 after the date of the enactment of this section and annu-
10 ally thereafter, the Secretary shall submit to Congress a
11 report evaluating the progress and implementation of
12 fireshed management projects under this section.

13 “(f) DEFINITIONS.—In this section:

14 “(1) COLLABORATIVE PROCESS.—The term
15 ‘collaborative process’ means a process relating to
16 the management of National Forest System lands or
17 public lands by which a project or forest manage-
18 ment activity is developed and implemented by the
19 Secretary through collaboration with interested per-
20 sons, as described in section 603(b)(1)(C).

21 “(2) FIRESHED.—The term ‘fireshed’ means a
22 landscape-scale area that faces similar wildfire
23 threat where a response strategy could influence the
24 wildfire outcome.

1 “(3) FOREST PLAN.—The term ‘forest plan’
2 means—

3 “(A) a land use plan prepared by the Bu-
4 reau of Land Management for public lands pur-
5 suant to section 202 of the Federal Land Policy
6 and Management Act of 1976 (43 U.S.C.
7 1712); or

8 “(B) a land and resource management
9 plan prepared by the Forest Service for a unit
10 of the National Forest System pursuant to sec-
11 tion 6 of the Forest and Rangeland Renewable
12 Resources Planning Act of 1974 (16 U.S.C.
13 1604).

14 “(4) HAZARDOUS FUELS MANAGEMENT.—The
15 term ‘hazardous fuels management’ means any vege-
16 tation management activities that reduce the risk of
17 wildfire, including mechanical treatments and live-
18 stock grazing.

19 “(5) PUBLIC LANDS.—The term ‘public lands’
20 has the meaning given that term in section 103 of
21 the Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1702), except that the term in-
23 cludes Coos Bay Wagon Road Grant lands and Or-
24 egon and California Railroad Grant lands.

1 “(6) RESOURCE ADVISORY COMMITTEE.—The
2 term ‘resource advisory committee’ has the meaning
3 given that term in section 201 of the Secure Rural
4 Schools and Community Self-Determination Act of
5 2000 (16 U.S.C. 7121).

6 “(7) SECRETARY.—The term ‘Secretary’
7 means—

8 “(A) the Secretary of Agriculture, with re-
9 spect to National Forest System lands; and

10 “(B) the Secretary of the Interior, with re-
11 spect to public lands.

12 “(8) SECTION 101 TERMS.—The terms ‘at-risk
13 community’, ‘community wildfire protection plan’,
14 and ‘wildland-urban interface’ have the meanings
15 given such terms, respectively, in section 101.”.

16 **SEC. 3. GOOD NEIGHBOR AUTHORITY.**

17 Section 8206 of the Agricultural Act of 2014 (16
18 U.S.C. 2113a) is amended—

19 (1) in subsection (a)(4)(A)—

20 (A) in clause (ii), by striking “and” at the
21 end;

22 (B) by redesignating clause (iii) as clause
23 (iv);

24 (C) by inserting after clause (ii) the fol-
25 lowing:

1 “(iii) activities conducted under sec-
2 tion 607 of the Healthy Forests Restora-
3 tion Act of 2003;”;

4 (D) in clause (iv), as so redesignated, by
5 striking the period at the end and inserting “;
6 or”; and

7 (E) by adding at the end the following:

8 “(v) any combination of activities
9 specified in clauses (i) through (iv).”; and
10 (2) in subsection (b)(2), by amending subpara-
11 graph (C) to read as follows:

12 “(C) TREATMENT OF REVENUE.—Funds
13 received from the sale of timber by a Governor
14 of a State under a good neighbor agreement
15 shall be retained and used by the Governor—

16 “(i) to carry out authorized restora-
17 tion services under such good neighbor
18 agreement; and

19 “(ii) if funds are remaining after car-
20 rying out the services under clause (i), to
21 carry out authorized restoration services
22 within the State under other good neighbor
23 agreements.”.

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