

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4302

To address the bark beetle epidemic, to reduce catastrophic wildfires in the highest risk areas, to restore and improve the ecological integrity of forest, grassland, rangeland, and watershed ecosystems across the United States through public and private partnerships with Federal, State, local, and Tribal governments and private partners, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2021

Mrs. BOEBERT (for herself, Mr. BUCK, Mr. CARTER of Texas, Mr. COLE, Mr. GOSAR, Mr. LAMALFA, Mr. LAMBORN, Mr. McCLINTOCK, Mr. NEWHOUSE, Mr. OBERNOLTE, Mr. ROSENDALE, Mr. SESSIONS, Mr. TIFFANY, Mr. HIGGINS of Louisiana, and Mr. MOORE of Alabama) 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 address the bark beetle epidemic, to reduce catastrophic wildfires in the highest risk areas, to restore and improve the ecological integrity of forest, grassland, rangeland, and watershed ecosystems across the United States through public and private partnerships with Federal, State, local, and Tribal governments and private partners, 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; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5 “Active Forest Management, Wildfire Prevention and  
 6 Community Protection Act”.

7        (b) TABLE OF CONTENTS.—The table of contents for  
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PRESCRIBED BURN PROGRAM

Sec. 101. Collaborative prescribed fire program.

Sec. 102. Large cross-boundary prescribed fire incentive program.

TITLE II—WESTERN BARK BEETLE PROGRAM

Sec. 201. Western bark beetle epidemic fund.

TITLE III—ACTIVE MANAGEMENT PROGRAMS

Sec. 301. Use of hazardous fuels reduction or forest health projects for high-risk areas.

Sec. 302. Restoration and resilience partnership program.

Sec. 303. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights of way.

Sec. 304. Selection and implementation of landscape-scale forest restoration projects.

TITLE IV—FOREST RESERVE REVENUE AREA PROGRAM

Sec. 401. Establishment of forest reserve revenue areas and annual volume requirements.

Sec. 402. Management of forest reserve revenue areas.

Sec. 403. Distribution of forest reserve revenues.

Sec. 404. Annual report.

Sec. 405. Secretary defined.

TITLE V—MISCELLANEOUS CLARIFICATIONS AND ADJUSTMENTS

Sec. 501. Wilderness and wilderness study areas.

Sec. 502. Extension of stewardship contracting maximum term limits.

Sec. 503. Clarification of existing categorical exclusion authority related to insect and disease infestation.

TITLE VI—ANALYSIS OF PROPOSED COLLABORATIVE FOREST  
 MANAGEMENT ACTIVITIES

Sec. 601. Analysis of only two alternatives (action versus no action) in proposed collaborative forest management activities.

#### TITLE VII—FOREST MANAGEMENT LITIGATION

Sec. 701. No attorney's fees for forest management activity challenges.

Sec. 702. Injunctive relief (balance of harms).

#### TITLE VIII—CATEGORICAL EXCLUSIONS

Sec. 801. Categorical exclusion for electric utility lines rights-of-way.

Sec. 802. Categorical exclusion for active forest management activities.

Sec. 803. Categorical exclusion to expedite certain critical response actions.

Sec. 804. Categorical exclusion to improve or restore national forest system lands or public land or reduce the risk of wildfire.

Sec. 805. Categorical exclusion to expedite salvage operations in response to catastrophic events.

Sec. 806. Categorical exclusion for forest restoration.

Sec. 807. Categorical exclusion for infrastructure forest management activities.

Sec. 808. Categorical exclusion for developed recreation sites.

Sec. 809. Establishment of fuel breaks in forests and other wildland vegetation.

#### TITLE IX—DEFINITIONS

Sec. 901. Definitions.

## 1                   **TITLE I—NATIONAL** 2                   **PRESCRIBED BURN PROGRAM**

### 3   **SEC. 101. COLLABORATIVE PRESCRIBED FIRE PROGRAM.**

4           Subject to the availability of appropriations, the Sec-  
5   retary of the Interior shall establish within the Depart-  
6   ment of the Interior a collaborative prescribed fire pro-  
7   gram to provide financial assistance to eligible entities, in-  
8   cluding units of Federal land management agencies, coun-  
9   ties, States, Indian Tribes, and prescribed fire councils,  
10   for the implementation of proposals for the conduct of pre-  
11   scribed fires in priority landscapes in accordance with ap-  
12   plicable existing policies, including the National Cohesive  
13   Wildland Fire Management Strategy.

1 **SEC. 102. LARGE CROSS-BOUNDARY PRESCRIBED FIRE IN-**  
2 **CENTIVE PROGRAM.**

3 Subject to the availability of appropriations, the Sec-  
4 retary concerned shall establish an incentive program to  
5 encourage the implementation of large, cross-boundary  
6 prescribed fires by providing incentive payments for con-  
7 ducting a qualified prescribed fire.

8 **TITLE II—WESTERN BARK**  
9 **BEETLE PROGRAM**

10 **SEC. 201. WESTERN BARK BEETLE EPIDEMIC FUND.**

11 (a) **ESTABLISHMENT.**—There is established in the  
12 Treasury a Western Bark Beetle Epidemic Fund (in this  
13 title referred to as the “Fund”).

14 (b) **USE.**—Amounts in the Fund shall be used by the  
15 Secretary concerned to remove or treat bark beetle-killed  
16 or infested trees in a western State specified by the Sec-  
17 retary.

18 (c) **REPORT.**—Not later than 730 days after the date  
19 of the enactment of this Act and every two years there-  
20 after, the Secretary of Agriculture and the Secretary of  
21 the Interior shall submit to the Committee on Agriculture  
22 of the House of Representatives, the Committee on Nat-  
23 ural Resources of the House of Representatives, the Com-  
24 mittee on Agriculture, Nutrition, and Forestry of the Sen-  
25 ate, and the Committee on Energy and Natural Resources  
26 of the Senate a report on—

- 1           (1) the effectiveness of the Fund;  
2           (2) the number of bark beetle trees removed;  
3           and  
4           (3) the number of acres by agency of current  
5           high-risk bark beetle areas.

6           (d) FORM OF REPORT.—The information required by  
7           subsection (c) to be provided with respect to the Fund  
8           shall be presented on a single page for each western State.

9           (e) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
10          tion to amounts otherwise made available for the Fund,  
11          there is authorized to be appropriated for fiscal year 2022  
12          and each fiscal year thereafter, \$126,346,415, adjusted  
13          for inflation as determined by the Congressional Budget  
14          Office.

15          (f) OFFSET.—The amount appropriated from the  
16          Treasury for the Fund shall be offset by the revenues gen-  
17          erated for the Treasury from covered forest reserve  
18          projects to help carry out landscape-scale-forest restora-  
19          tion projects authorized by this Act.

20                                   **TITLE III—ACTIVE**  
21                                   **MANAGEMENT PROGRAMS**

22                   **SEC. 301. USE OF HAZARDOUS FUELS REDUCTION OR FOR-**  
23                                   **EST HEALTH PROJECTS FOR HIGH-RISK**  
24                                   **AREAS.**

25           (a) PROJECT PROPOSALS.—

1           (1) PROPOSALS AUTHORIZED.—Upon designa-  
2           tion of a high-risk area in a State, the Governor of  
3           the State may provide for the development of pro-  
4           posed hazardous fuel reduction projects or forest  
5           health projects for the high-risk area.

6           (2) PROJECT CRITERIA.—In preparing a pro-  
7           posed hazardous fuel reduction project or a forest  
8           health project, the Governor of a State and the Sec-  
9           retary concerned shall—

10                   (A) take into account managing for rights  
11                   of way, protection of watersheds, protection of  
12                   wildlife and endangered species habitat, safe-  
13                   guarding water resources, and protecting at-  
14                   risk communities from wildfires; and

15                   (B) emphasize activities that thin the for-  
16                   est to provide the greatest health and longevity  
17                   of the forest.

18           (b) CONSULTATION.—In preparing a proposed haz-  
19           ardous fuel reduction project or a forest health project,  
20           the Governor of a State shall consult with county govern-  
21           ment from affected counties, and with affected Indian  
22           tribes.

23           (c) SUBMISSION AND IMPLEMENTATION.—The Gov-  
24           ernor of a State shall submit proposed emergency haz-

1 arduous fuel reduction projects and forest health projects  
2 to the Secretary concerned for implementation.

3 **SEC. 302. RESTORATION AND RESILIENCE PARTNERSHIP**  
4 **PROGRAM.**

5 (a) PURPOSES.—The purposes of this section are—

6 (1) to restore and improve the ecological integ-  
7 rity of forest, grassland, and rangeland ecosystems  
8 across the United States in partnership with State,  
9 local, and Tribal governments;

10 (2) to create or sustain outdoor jobs by reduc-  
11 ing the backlog of restoration and resilience projects  
12 on Federal land and non-Federal land;

13 (3) to improve the resilience and carrying ca-  
14 pacity of rangelands in the United States by pre-  
15 venting or mitigating invasive species, such as cheat-  
16 grass, that contribute to rangeland fire; and

17 (4) to reduce uncharacteristic wildfires in the  
18 highest risk areas of the United States by carrying  
19 out, in accordance with applicable law, restoration  
20 and resilience projects.

21 (b) ESTABLISHMENT.—There is established a Res-  
22 toration and Resilience Partnership Program, under which  
23 the Secretary of Agriculture shall carry out restoration  
24 and resilience projects in partnership areas designated  
25 under subsection (c)(1).

1 (c) DESIGNATION OF PARTNERSHIP AREAS.—

2 (1) IN GENERAL.—Not later than 60 days after  
3 the date of enactment of this Act, the Secretary  
4 shall designate, for the purposes of carrying out res-  
5 toration and resilience projects under subsection (d),  
6 any areas of Federal land and non-Federal land that  
7 the Secretary determines to be appropriate.

8 (2) SUBMISSION OF PARTNERSHIP AREAS BY  
9 STATES AND TRIBES.—

10 (A) IN GENERAL.—The Governor of a  
11 State or an authorized representative of an In-  
12 dian Tribe may submit to the Secretary, in  
13 writing, a request to designate certain Federal  
14 land or non-Federal land in the State or Indian  
15 Country, respectively, for restoration and resil-  
16 ience projects under subsection (d).

17 (B) INCLUSIONS.—A written request sub-  
18 mitted under subparagraph (A) may include 1  
19 or more maps or recommendations.

20 (d) REQUIREMENTS.—To be eligible for designation  
21 under subsection (c), an area shall—

22 (1) have a high or very high wildfire potential  
23 as determined by—

24 (A) the map of the Forest Service entitled  
25 “Wildfire Hazard Potential Version 2020”; or



1 (B) any other mapping resource or data  
2 source approved by the Secretary that depicts  
3 the risk of wildfires;

4 (2) have high-priority wildlife habitat urgently  
5 in need of restoration, as determined by the Sec-  
6 retary, in consultation with eligible entities and the  
7 applicable Governor or representative of an Indian  
8 Tribe; or

9 (3) in the case of Federal land, be in the  
10 wildland-urban interface.

11 **SEC. 303. VEGETATION MANAGEMENT, FACILITY INSPEC-**  
12 **TION, AND OPERATION AND MAINTENANCE**  
13 **RELATING TO ELECTRIC TRANSMISSION AND**  
14 **DISTRIBUTION FACILITY RIGHTS OF WAY.**

15 (a) HAZARD TREES WITHIN 500 FEET OF ELECTRIC  
16 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal  
17 Land Policy and Management Act of 1976 (43 U.S.C.  
18 1772(a)(1)(B)(ii)) is amended by striking “10” and in-  
19 serting “500”.

20 (b) CONSULTATION WITH PRIVATE LANDOWNERS.—  
21 Section 512(c)(3)(E) of the Federal Land Policy and  
22 Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is  
23 amended—

24 (1) in clause (i), by striking “and” at the end;

1           (2) in clause (ii), by striking the period and in-  
2           serting “; and”; and

3           (3) by adding at the end the following:

4                     “(iii) consulting with private land-  
5                     owners with respect to any hazard trees  
6                     identified for removal from land owned by  
7                     such private landowners.”.

8           (c) REVIEW AND APPROVAL PROCESS.—Clause (iv)  
9           of section 512(c)(4)(A) of the Federal Land Policy and  
10           Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is  
11           amended to read as follows:

12                     “(iv) ensures that—

13                             “(I) a plan submitted without a  
14                             modification under clause (iii) shall be  
15                             automatically approved 60 days after  
16                             review; and

17                             “(II) a plan submitted with a  
18                             modification under clause (iii) shall be  
19                             automatically approved 67 days after  
20                             review.”.

1 **SEC. 304. SELECTION AND IMPLEMENTATION OF LAND-**  
2 **SCAPE-SCALE FOREST RESTORATION**  
3 **PROJECTS.**

4 (a) IN GENERAL.—The Secretary of Agriculture shall  
5 select, in accordance with this section, landscape-scale for-  
6 est restoration projects—

7 (1) to implement on National Forest System  
8 land; and

9 (2) if applicable, to implement on land adjoin-  
10 ing National Forest System land, in coordination  
11 with other Federal and non-Federal entities.

12 (b) LANDSCAPE ASSESSMENT.—The project selected  
13 under to subsection (a) shall be based on a landscape as-  
14 sessment that shall cover a landscape of—

15 (1) not less than 100,000 acres, except as pro-  
16 vided in subparagraph (B) and (C);

17 (2) not less than 80,000 acres, if—

18 (A) the assessment is completed or sub-  
19 stantially completed on the date of the enact-  
20 ment of this Act; and

21 (B) the Secretary determines that assess-  
22 ing a larger area is not necessary to restore the  
23 integrity, resilience, and fire regimes of the  
24 landscape; or

1           (3) not less than 50,000 acres in the case of a  
2           project that is carried out east of the one-hundredth  
3           meridian.

4           (c) ELIGIBILITY REQUIREMENTS.—To be eligible for  
5           selection and implementation under subsection (a), a land-  
6           scape-scale forest restoration project shall satisfy the fol-  
7           lowing requirements:

8           (1) Restore the ecological integrity and ecologi-  
9           cal resilience of terrestrial and aquatic areas that  
10          have departed from reference conditions within the  
11          forest landscape.

12          (2) Restore appropriate natural fire regimes, in-  
13          cluding by reducing fuel loads and modifying forest  
14          structure in areas that have departed from reference  
15          conditions.

16          (3) Conduct wildfire risk reduction activities  
17          within the wildland-urban interface to the extent  
18          that the project includes lands within the wildland-  
19          urban interface.

1       **TITLE IV—FOREST RESERVE**  
2       **REVENUE AREA PROGRAM**

3       **SEC. 401. ESTABLISHMENT OF FOREST RESERVE REVENUE**  
4                   **AREAS AND ANNUAL VOLUME REQUIRE-**  
5                   **MENTS.**

6           (a) **PURPOSE.**—The purpose of a Forest Reserve  
7 Revenue Area is to provide a dependable source of 25-per-  
8 cent payments and economic activity through sustainable  
9 forest management for each beneficiary county containing  
10 National Forest System land.

11          (b) **ESTABLISHMENT OF FOREST RESERVE REV-**  
12 **ENUE AREAS.**—Not later than 60 days after the date of  
13 the enactment of this Act, the Secretary shall establish  
14 one or more Forest Reserve Revenue Areas within each  
15 unit of the National Forest System.

16          (c) **FIDUCIARY RESPONSIBILITY.**—The Secretary  
17 shall have a fiduciary responsibility to beneficiary counties  
18 to manage Forest Reserve Revenue Areas to satisfy the  
19 annual volume requirement.

20          (d) **DETERMINATION OF ANNUAL VOLUME REQUIRE-**  
21 **MENT.**—Not later than 30 days after the date of the es-  
22 tablishment of a Forest Reserve Revenue Area, the Sec-  
23 retary shall determine the annual volume requirement for  
24 that Forest Reserve Revenue Area.

1 (e) MINIMUM.—The annual volume requirement for  
2 the Forest Revenue Area shall be not less than  
3 6,000,000,000 Board Feet.

4 (f) LIMITATION ON REDUCTION OF FOREST RE-  
5 SERVE REVENUE AREAS.—Once a Forest Reserve Rev-  
6 enue Area is established under subsection (a), the Sec-  
7 retary may not reduce the number of acres of National  
8 Forest System land included in that Forest Reserve Rev-  
9 enue Area.

10 (g) MAP.—The Secretary shall provide a map of all  
11 Forest Reserve Revenue Areas established under sub-  
12 section (a) for each unit of the National Forest System—

13 (1) to the Committee on Agriculture and the  
14 Committee on Natural Resources of the House of  
15 Representatives; and

16 (2) to the Committee on Agriculture, Nutrition,  
17 and Forestry and the Committee on Energy and  
18 Natural Resources of the Senate.

19 (h) RECOGNITION OF VALID AND EXISTING  
20 RIGHTS.—Neither the establishment of Forest Reserve  
21 Revenue Areas under subsection (a) nor any other provi-  
22 sion of this title shall be construed to limit or restrict—

23 (1) access to National Forest System land for  
24 hunting, fishing, recreation, and other related pur-  
25 poses; or

1           (2) valid and existing rights regarding National  
2       Forest System land, including rights of any federally  
3       recognized Indian tribe.

4   **SEC. 402. MANAGEMENT OF FOREST RESERVE REVENUE**  
5                           **AREAS.**

6       (a) **REQUIREMENT TO ACHIEVE ANNUAL VOLUME**  
7   **REQUIREMENT.**—The Secretary shall manage the Forest  
8   Reserve Revenue Area established under section 401 in  
9   the manner necessary to achieve the annual volume re-  
10   quirement for the Forest Reserve Revenue Area.

11       (b) **TIMING.**—The Secretary is authorized and en-  
12   couraged to commence covered forest reserve projects as  
13   soon as practicable after the date of the enactment of this  
14   Act to begin generating forest reserve revenues.

15       (c) **APPLICATION OF NEPA.**—Except as provided in  
16   subsection (d), the National Environmental Policy Act of  
17   1969 (42 U.S.C. 4331 et seq.) shall not apply to covered  
18   forest reserve projects under this section.

19       (d) **ENVIRONMENTAL ANALYSIS PROCESS FOR**  
20   **PROJECTS IN FOREST RESERVE REVENUE AREAS.**—

21           (1) **ENVIRONMENTAL ASSESSMENT.**—The Sec-  
22   retary shall give published notice and complete an  
23   environmental assessment pursuant to section  
24   102(2) of the National Environmental Policy Act of  
25   1969 (42 U.S.C. 4332(2)) for a covered forest re-

1       serve project proposed to be conducted within a For-  
2       est Reserve Revenue Area, except that the Secretary  
3       is not required to study, develop, or describe any al-  
4       ternative to the proposed agency action.

5               (2) CUMULATIVE EFFECTS.—The Secretary  
6       shall consider cumulative effects solely by evaluating  
7       the impacts of a proposed covered forest reserve  
8       project combined with the impacts of any other  
9       projects that were approved with a Decision Notice  
10       or Record of Decision before the date on which the  
11       Secretary published notice of the proposed covered  
12       project. The cumulative effects of past projects may  
13       be considered in the environmental assessment by  
14       using a description of the current environmental  
15       conditions.

16              (3) LENGTH.—The environmental assessment  
17       prepared for a proposed covered forest reserve  
18       project shall not exceed 100 pages in length. The  
19       Secretary may incorporate in the environmental as-  
20       sessment, by reference, any documents that the Sec-  
21       retary determines, in the sole discretion of the Sec-  
22       retary, are relevant to the assessment of the environ-  
23       mental effects of the covered project.

24              (4) DEADLINE FOR COMPLETION.—The Sec-  
25       retary shall complete the environmental assessment



1 for a covered forest reserve project within 180 days  
2 after the date on which the Secretary published no-  
3 tice of the proposed covered project.

4 (5) TREATMENT OF DECISION NOTICE.—The  
5 decision notice for a covered forest reserve project  
6 shall be considered a final agency action and no ad-  
7 ditional analysis under the National Environmental  
8 Policy Act of 1969 (42 U.S.C. 4331 et seq.) shall be  
9 required to implement any portion of the covered  
10 project.

11 (e) APPLICATION OF LAND AND RESOURCE MANAGE-  
12 MENT PLAN.—The Secretary may modify the standards  
13 and guidelines contained in the land and resource manage-  
14 ment plan for the unit of the National Forest System in  
15 which the covered forest reserve project will be carried out  
16 as necessary to achieve the requirements of this Act. Sec-  
17 tion 6(g)(3)(E)(iv) of the Forest and Rangeland Renew-  
18 able Resources Planning Act of 1974 (16 U.S.C.  
19 1604(g)(3)(E)(iv)) shall not apply to a covered forest re-  
20 serve project.

21 **SEC. 403. DISTRIBUTION OF FOREST RESERVE REVENUES.**

22 (a) 25-PERCENT PAYMENTS.—The Secretary shall  
23 use forest reserve revenues generated by a covered forest  
24 reserve project to make 25 percent payments to the one  
25 or more counties within the boundaries of which the rev-

1 revenue is derived, to be allocated among the counties based  
2 on the percentage of land from which the revenue is de-  
3 rived.

4 (b) PAYMENTS IN LIEU OF TAXES.—A payment to  
5 a county under paragraph (1) shall be in addition to a  
6 payment in lieu of taxes received by the county under  
7 chapter 69 of title 31, United States Code.

8 (c) SECURE RURAL SCHOOLS.—A payment to a  
9 county under subsection (a) shall be in addition to a Se-  
10 cure Rural Schools and Community Self-Determination  
11 Act payment received by the county under section 102 of  
12 the Secure Rural Schools and Community Self-Determina-  
13 tion Act (16 U.S.C. 7112).

14 (d) DEPOSIT IN KNUTSON-VANDENBERG AND SAL-  
15 VAGE SALE FUNDS.—In the case of funds remaining after  
16 the Secretary makes the payments required in subsection  
17 (a), the Secretary shall use forest reserve revenues to  
18 make deposits into the fund established under section 3  
19 of the Act of June 9, 1930 (16 U.S.C. 576b; commonly  
20 known as the Knutson-Vandenberg Fund), and the fund  
21 established under section 14(h) of the National Forest  
22 Management Act of 1976 (16 U.S.C. 472a(h); commonly  
23 known as the salvage sale fund) in contributions equal to  
24 the monies otherwise collected under those Acts for  
25 projects conducted on National Forest System land.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated 25 percent of all reve-  
3 nues generated for the Treasury from covered forest re-  
4 serve projects to help carry out landscape-scale-forest res-  
5 toration projects authorized by this title.

6 (f) DEPOSIT IN GENERAL FUND OF THE TREAS-  
7 URY.—In the case of funds remaining after the Secretary  
8 makes the payments required in subsections (a) and (b),  
9 the Secretary shall deposit remaining forest reserve reve-  
10 nues into the general fund of the Treasury.

11 **SEC. 404. ANNUAL REPORT.**

12 (a) REPORT REQUIRED.—Not later than 60 days  
13 after the end of each fiscal year, the Secretary shall sub-  
14 mit to Congress an annual report specifying the annual  
15 volume requirement in effect for that fiscal year for each  
16 Forest Reserve Revenue Area, the volume of board feet  
17 actually harvested for each Forest Reserve Revenue Area,  
18 the average cost of preparation for timber sales, the forest  
19 reserve revenues generated from such sales, and the  
20 amount of receipts distributed to each beneficiary county.

21 (b) FORM OF REPORT.—The information required by  
22 subsection (a) to be provided with respect to a Forest Re-  
23 serve Revenue Area shall be presented on a single page  
24 and made available on the website of the United States  
25 Forest Service.

1 **SEC. 405. SECRETARY DEFINED.**

2 In this title, the term “Secretary” means the Sec-  
3 retary of Agriculture.

4 **TITLE V—MISCELLANEOUS**  
5 **CLARIFICATIONS AND AD-**  
6 **JUSTMENTS**

7 **SEC. 501. WILDERNESS AND WILDERNESS STUDY AREAS.**

8 The designation of a Wilderness Area or Wilderness  
9 Study Area shall not interfere with the authority of the  
10 Secretary concerned to authorize mechanical thinning of  
11 trees or underbrush to prevent or control the spread of  
12 wildfires, or conditions creating the risk of wildfire that  
13 threatens areas outside the boundary of the wilderness,  
14 or the use of mechanized equipment for wildfire pre-sup-  
15 pression and suppression.

16 **SEC. 502. EXTENSION OF STEWARDSHIP CONTRACTING**  
17 **MAXIMUM TERM LIMITS.**

18 Section 604(d) of the Healthy Forests Restoration  
19 Act of 2003 (16 U.S.C. 6591c(d)) is amended by striking  
20 paragraph (3) and inserting the following new paragraph:

21 “(3) **TERM.**—The Chief and the Director may  
22 enter into a contract in accordance with section  
23 3903 of title 41, United States Code.”.

1 **SEC. 503. CLARIFICATION OF EXISTING CATEGORICAL EX-**  
 2 **CLUSION AUTHORITY RELATED TO INSECT**  
 3 **AND DISEASE INFESTATION.**

4 Section 603(c)(2)(B) of the Healthy Forests Restora-  
 5 tion Act of 2003 (16 U.S.C. 6591b(c)(2)(B)) is amended  
 6 by striking “Fire Regime Groups I, II, or III” and insert-  
 7 ing “Fire Regime I, Fire Regime II, Fire Regime III, Fire  
 8 Regime IV, or Fire Regime V”.

9 **TITLE VI—ANALYSIS OF PRO-**  
 10 **POSED COLLABORATIVE FOR-**  
 11 **EST MANAGEMENT ACTIVI-**  
 12 **TIES**

13 **SEC. 601. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**  
 14 **VERSUS NO ACTION) IN PROPOSED COLLABO-**  
 15 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

16 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-  
 17 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-  
 18 MENTS.—This section shall apply whenever the Secretary  
 19 concerned prepares an environmental assessment or an en-  
 20 vironmental impact statement pursuant to section 102 of  
 21 the National Environmental Policy Act of 1969 (42 U.S.C.  
 22 4332) for a forest management activity that—

- 23 (1) is developed through a collaborative process;  
 24 (2) is proposed by a resource advisory com-  
 25 mittee;

1           (3) will occur on lands identified by the Sec-  
2           retary concerned as suitable for timber production;  
3           and

4           (4) will occur on lands designated by the Sec-  
5           retary (or a designee thereof) pursuant to section  
6           602(b) of the Healthy Forests Restoration Act of  
7           2003 (16 U.S.C. 6591a(b)), notwithstanding wheth-  
8           er such forest management activity is covered by a  
9           community wildfire protection plan.

10          (b) CONSIDERATION OF ALTERNATIVES.—In an envi-  
11          ronmental assessment or environmental impact statement  
12          described in subsection (a), the Secretary concerned shall  
13          study, develop, and describe only the following two alter-  
14          natives:

15                 (1) The forest management activity.

16                 (2) The alternative of no action.

17          (c) ELEMENTS OF NO ACTION ALTERNATIVE.—In  
18          the case of the alternative of no action, the Secretary con-  
19          cerned shall consider whether to evaluate—

20                 (1) the effect of no action on—

21                         (A) forest health;

22                         (B) habitat diversity;

23                         (C) wildfire potential;

24                         (D) insect and disease potential; and

25                         (E) timber production; and

1           (2) the implications of a resulting decline in  
2 forest health, loss of habitat diversity, wildfire, or in-  
3 sect or disease infestation, given fire and insect and  
4 disease historic cycles, on—

5           (A) domestic water supply in the project  
6 area;

7           (B) snowpack levels in the project area;

8           (C) wildlife habitat loss; and

9           (D) other economic and social factors.

10                           **TITLE VII—FOREST**  
11                           **MANAGEMENT LITIGATION**

12   **SEC. 701. NO ATTORNEY'S FEES FOR FOREST MANAGEMENT**  
13                           **ACTIVITY CHALLENGES.**

14           Notwithstanding section 1304 of title 31, United  
15 States Code, no award may be made under section 2412  
16 of title 28, United States Code, and no amounts may be  
17 obligated or expended from the Claims and Judgment  
18 Fund of the Treasury to pay any fees or other expenses  
19 under such sections to any plaintiff related to an action  
20 challenging a forest management activity or other author-  
21 ization carried out pursuant to this Act.

22   **SEC. 702. INJUNCTIVE RELIEF (BALANCE OF HARMS).**

23           (a) **BALANCING SHORT- AND LONG-TERM EFFECTS**  
24 **OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING**  
25 **INJUNCTIVE RELIEF.**—As part of its weighing the equities

1 while considering any request for an injunction that ap-  
2 plies to any agency action as part of a forest management  
3 activity or provision in this Act, the court reviewing the  
4 agency action shall balance the impact to the ecosystem  
5 likely affected by the forest management activity of—

6 (1) the short- and long-term effects of under-  
7 taking the agency action; against

8 (2) the short- and long-term effects of not un-  
9 dertaking the action.

10 (b) TIME LIMITATIONS FOR INJUNCTIVE RELIEF.—  
11 Subject to paragraph (2), the length of any preliminary  
12 injunctive relief and stays pending appeal that applies to  
13 any agency action as part of a forest management activity,  
14 shall not exceed 60 days.

## 15 **TITLE VIII—CATEGORICAL** 16 **EXCLUSIONS**

17 **SEC. 801. CATEGORICAL EXCLUSION FOR ELECTRIC UTIL-**  
18 **ITY LINES RIGHTS-OF-WAY.**

19 (a) CATEGORICAL EXCLUSION.—Forest management  
20 activities described in subsection (b) are a category of ac-  
21 tivities designated as being categorically excluded from the  
22 preparation of an environmental assessment or an environ-  
23 mental impact statement under section 102 of the Na-  
24 tional Environmental Policy Act of 1969 (42 U.S.C.  
25 4332).



1 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
2 FOR CATEGORICAL EXCLUSION.—The forest management  
3 activities designated as being categorically excluded under  
4 subsection (a) are—

5 (1) the development and approval of a vegeta-  
6 tion management, facility inspection, and operation  
7 and maintenance plan submitted under section  
8 512(c)(1) of the Federal Land Policy and Manage-  
9 ment Act of 1976 (43 U.S.C. 1772(c)(1)) by the  
10 Secretary concerned; and

11 (2) the implementation of routine activities con-  
12 ducted under the plan referred to in paragraph (1).

13 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
14 On and after the date of the enactment of this Act, the  
15 Secretary concerned may use the categorical exclusion es-  
16 tablished under subsection (a) in accordance with this sec-  
17 tion.

18 (d) EXTRAORDINARY CIRCUMSTANCES.—Use of the  
19 categorical exclusion established under subsection (a) shall  
20 not be subject to the extraordinary circumstances proce-  
21 dures in section 220.6, title 36, Code of Federal Regula-  
22 tions, or section 1508.4, title 40, Code of Federal Regula-  
23 tions.

24 (e) ROADS.—

1           (1) EXISTING ROADS.—The Secretary con-  
2           cerned may carry out necessary maintenance and re-  
3           pair on an existing permanent road for the purposes  
4           of conducting a forest management activity des-  
5           ignated under subsection (b).

6           (2) TEMPORARY ROADS.—The Secretary con-  
7           cerned shall decommission any temporary road con-  
8           structed for a forest management activity designated  
9           under subsection (b) not later than 3 years after the  
10          date on which the action is completed.

11          (f) APPLICABLE LAWS.—A forest management activ-  
12         ity designated under subsection (b) shall not be subject  
13         to section 7 of the Endangered Species Act of 1973 (16  
14         U.S.C. 1536), section 106 of the National Historic Preser-  
15         vation Act, or any other applicable law.

16         **SEC. 802. CATEGORICAL EXCLUSION FOR ACTIVE FOREST**  
17                                 **MANAGEMENT ACTIVITIES.**

18           (a) COORDINATION.—

19           (1) IN GENERAL.—In conducting forest man-  
20           agement activities, the Secretary concerned shall, as  
21           appropriate, coordinate with the Administrator and  
22           State and local agencies and organizations, including  
23           local fire departments and volunteer groups.

24           (2) GOALS.—The coordination of activities  
25           under subparagraph (1) should aim to increase effi-

1       ciencies and maximize the compatibility of manage-  
2       ment practices across public property boundaries.

3       (b) MULTIPLE BENEFITS.—

4             (1) IN GENERAL.—In conducting forest man-  
5       agement activities, the Secretary concerned shall  
6       conduct the activities in a manner that, except as  
7       provided in subsection (a)(2), attains multiple eco-  
8       system benefits, including—

9             (A) maintaining biological diversity;

10            (B) improving wetland and water quality,  
11       including in Stream Environment Zones; and

12            (C) increasing resilience to changing water  
13       temperature and precipitation.

14            (2) EXCEPTION.—Notwithstanding subsection  
15       (a)(2), the attainment of multiple ecosystem benefits  
16       shall not be required if the Secretary determines  
17       that management for multiple ecosystem benefits  
18       would excessively increase the cost of a program in  
19       relation to the additional ecosystem benefits gained  
20       from the management activity.

21       (c) GROUND DISTURBANCE.—Consistent with appli-  
22       cable Federal law, the Secretary shall establish post-pro-  
23       gram ground condition criteria for ground disturbance  
24       caused by forest management activities.

1 (d) AVAILABILITY OF CATEGORICAL EXCLUSION FOR  
2 CERTAIN FOREST MANAGEMENT PROJECTS.—A forest  
3 management activity conducted for the purpose of reduc-  
4 ing forest fuels is categorically excluded from the require-  
5 ments of the National Environmental Policy Act of 1969  
6 (42 U.S.C. 4321 et seq.) if the forest management activ-  
7 ity—

8 (1) notwithstanding section 423 of the Depart-  
9 ment of the Interior, Environment, and Related  
10 Agencies Appropriations Act, 2009 (division E of  
11 Public Law 111–8; 123 Stat. 748), does not exceed  
12 10,000 acres, including not more than 3,000 acres  
13 of mechanical thinning; and

14 (2) is developed—

15 (A) in coordination with impacted parties,  
16 specifically including representatives of local  
17 governments, such as county supervisors or  
18 county commissioners; and

19 (B) in consultation with other interested  
20 parties.

21 **SEC. 803. CATEGORICAL EXCLUSION TO EXPEDITE CER-**  
22 **TAIN CRITICAL RESPONSE ACTIONS.**

23 (a) CATEGORICAL EXCLUSION.—Forest management  
24 activities described in subsection (b) are a category of ac-  
25 tions hereby designated as being categorically excluded

1 from the preparation of an environmental assessment or  
2 an environmental impact statement under section 102 of  
3 the National Environmental Policy Act of 1969 (42 U.S.C.  
4 4332).

5 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
6 FOR CATEGORICAL EXCLUSION.—The forest management  
7 activities designated under this section for a categorical  
8 exclusion are forest management activities carried out by  
9 the Secretary concerned on National Forest System lands  
10 or public lands where the primary purpose of such activity  
11 is—

- 12 (1) to address an insect or disease infestation;
- 13 (2) to reduce hazardous fuel loads;
- 14 (3) to protect a municipal water source;
- 15 (4) to maintain, enhance, or modify critical  
16 habitat to protect it from catastrophic disturbances;
- 17 (5) to increase water yield;
- 18 (6) to facilitate native species restoration; or
- 19 (7) any combination of the purposes specified in  
20 paragraphs (1) through (6).

21 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
22 On and after the date of the enactment of this Act, the  
23 Secretary concerned may use the categorical exclusion es-  
24 tablished under subsection (a) in accordance with this sec-  
25 tion.

1 (d) ACREAGE LIMITATIONS.—

2 (1) IN GENERAL.—Except in the case of a for-  
3 est management activity described in paragraph (2),  
4 a forest management activity covered by the categor-  
5 ical exclusion established under subsection (a) may  
6 not contain treatment units exceeding a total of  
7 10,000 acres.

8 (2) LARGER AREAS AUTHORIZED.—A forest  
9 management activity covered by the categorical ex-  
10 clusion established under subsection (a) may contain  
11 treatment units exceeding a total of 10,000 acres  
12 but not more than a total of 30,000 acres if the for-  
13 est management activity—

14 (A) is developed through a collaborative  
15 process;

16 (B) is proposed by a resource advisory  
17 committee; or

18 (C) is covered by a community wildfire  
19 protection plan.

20 **SEC. 804. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**  
21 **STORE NATIONAL FOREST SYSTEM LANDS OR**  
22 **PUBLIC LAND OR REDUCE THE RISK OF**  
23 **WILDFIRE.**

24 (a) CATEGORICAL EXCLUSION.—Forest management  
25 activities described in subsection (b) are a category of ac-

1 tions hereby designated as being categorically excluded  
2 from the preparation of an environmental assessment or  
3 an environmental impact statement under section 102 of  
4 the National Environmental Policy Act of 1969 (42 U.S.C.  
5 4332).

6 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
7 FOR CATEGORICAL EXCLUSION.—

8 (1) DESIGNATION.—The forest management ac-  
9 tivities designated under this section for a categor-  
10 ical exclusion are forest management activities de-  
11 scribed in paragraph (2) that are carried out by the  
12 Secretary concerned on National Forest System  
13 Lands or public lands where the primary purpose of  
14 such activity is to improve or restore such lands or  
15 reduce the risk of wildfire on those lands.

16 (2) ACTIVITIES AUTHORIZED.—The following  
17 activities may be carried out pursuant to the cat-  
18 egorical exclusion established under subsection (a):

19 (A) Removal of juniper trees, medusahead  
20 rye, conifer trees, piñon pine trees, ponderosa  
21 pine trees, lodgepole pine trees, limber pine  
22 trees, Douglas-fir trees, cheatgrass, and other  
23 noxious or invasive weeds specified on Federal  
24 or State noxious weeds lists through late-season

1 livestock grazing, targeted livestock grazing,  
2 prescribed burns, and mechanical treatments.

3 (B) Performance of hazardous fuels man-  
4 agement.

5 (C) Creation of fuel and fire breaks.

6 (D) Modification of existing fences in order  
7 to distribute livestock and help improve wildlife  
8 habitat.

9 (E) Installation of erosion control devices.

10 (F) Construction of new and maintenance  
11 of permanent infrastructure, including stock  
12 ponds, water catchments, and water spring  
13 boxes used to benefit livestock and improve  
14 wildlife habitat.

15 (G) Performance of soil treatments, native  
16 and non-native seeding, and planting of and  
17 transplanting sagebrush, grass, forb, shrub, and  
18 other species.

19 (H) Use of herbicides, so long as the Sec-  
20 retary concerned determines that the activity is  
21 otherwise conducted consistently with agency  
22 procedures, including any forest plan applicable  
23 to the area covered by the activity.

24 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

25 On and after the date of the enactment of this Act, the



1 Secretary concerned may use the categorical exclusion es-  
2 tablished under subsection (a) in accordance with this sec-  
3 tion.

4 (d) ACREAGE LIMITATIONS.—A forest management  
5 activity covered by the categorical exclusion established  
6 under subsection (a) may not exceed 10,000 acres.

7 (e) DEFINITIONS.—In this section:

8 (1) HAZARDOUS FUELS MANAGEMENT.—The  
9 term “hazardous fuels management” means any  
10 vegetation management activities that reduce the  
11 risk of wildfire.

12 (2) LATE-SEASON GRAZING.—The term “late-  
13 season grazing” means grazing activities that occur  
14 after both the invasive species and native perennial  
15 species have completed their current-year annual  
16 growth cycle until new plant growth begins to ap-  
17 pear in the following year.

18 (3) TARGETED LIVESTOCK GRAZING.—The  
19 term “targeted livestock grazing” means grazing  
20 used for purposes of hazardous fuel reduction.

21 **SEC. 805. CATEGORICAL EXCLUSION TO EXPEDITE SAL-**  
22 **VAGE OPERATIONS IN RESPONSE TO CATA-**  
23 **STROPHIC EVENTS.**

24 (a) CATEGORICAL EXCLUSION.—Salvage operations  
25 carried out by the Secretary concerned on National Forest

1 System lands or public lands are a category of actions  
2 hereby designated as being categorically excluded from the  
3 preparation of an environmental assessment or an environ-  
4 mental impact statement under section 102 of the Na-  
5 tional Environmental Policy Act of 1969 (42 U.S.C.  
6 4332).

7 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
8 On and after the date of the enactment of this Act, the  
9 Secretary concerned may use the categorical exclusion es-  
10 tablished under subsection (a) in accordance with this sec-  
11 tion.

12 (c) ACREAGE LIMITATION.—A salvage operation cov-  
13 ered by the categorical exclusion established under sub-  
14 section (a) may not contain treatment units exceeding a  
15 total of 10,000 acres.

16 (d) REFORESTATION PLAN.—A reforestation plan  
17 shall be developed under section 3 of the Act of June 9,  
18 1930 (commonly known as the Knutson-Vandenberg Act;  
19 16 U.S.C. 576b), as part of a salvage operation covered  
20 by the categorical exclusion established under subsection  
21 (a).

22 **SEC. 806. CATEGORICAL EXCLUSION FOR FOREST RES-**  
23 **TORATION.**

24 (a) CATEGORICAL EXCLUSION.—Forest management  
25 activities described in subsection (b) are a category of ac-

1 tions hereby designated as being categorically excluded  
2 from the preparation of an environmental assessment or  
3 an environmental impact statement under section 102 of  
4 the National Environmental Policy Act of 1969 (42 U.S.C.  
5 4332).

6 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
7 FOR CATEGORICAL EXCLUSION.—

8 (1) DESIGNATION.—The category of forest  
9 management activities designated under this section  
10 for categorical exclusion are forest management ac-  
11 tivities described in paragraph (2) that are carried  
12 out by the Secretary concerned on National Forest  
13 System lands or public lands where the primary pur-  
14 pose of such activity is—

15 (A) to improve forest health and resiliency  
16 to disturbances;

17 (B) to reduce hazardous fuels; or

18 (C) to improve wildlife and aquatic habitat.

19 (2) ACTIVITIES AUTHORIZED.—The following  
20 forest management activities may be carried out  
21 pursuant the categorical exclusion established under  
22 subsection (a):

23 (A) Timber harvests, including commercial  
24 and pre-commercial timber harvest, salvage har-  
25 vest, and regeneration harvest.

1 (B) Hazardous fuels reduction.

2 (C) Prescribed burning.

3 (D) Improvement or establishment of wild-  
4 life and aquatic habitat.

5 (E) Stream restoration and erosion con-  
6 trol.

7 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

8 On and after the date of the enactment of this Act, the  
9 Secretary concerned may use the categorical exclusion es-  
10 tablished under subsection (a) in accordance with this sec-  
11 tion.

12 (d) ACREAGE LIMITATIONS.—A forest management  
13 activity covered by the categorical exclusion established  
14 under subsection (a) may not contain treatment units ex-  
15 ceeding a total of 6,000 acres.

16 (e) LIMITATIONS ON ROAD BUILDING.—

17 (1) PERMANENT ROADS.—A forest management  
18 activity covered by the categorical exclusion estab-  
19 lished by subsection (a) may include—

20 (A) the construction of permanent roads  
21 not to exceed 3 miles; and

22 (B) the maintenance and reconstruction of  
23 existing permanent roads and trails, including  
24 the relocation of segments of existing roads and  
25 trails to address resource impacts.

1           (2) TEMPORARY ROADS.—Any temporary road  
2           constructed for a forest management activity covered  
3           by the categorical exclusion established by subsection  
4           (a) shall be decommissioned not later than 3 years  
5           after the date on which the project is completed.

6 **SEC. 807. CATEGORICAL EXCLUSION FOR INFRASTRUC-**  
7   **TURE FOREST MANAGEMENT ACTIVITIES.**

8           (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
9           est management activities described in subsection (b) are  
10          a category of actions hereby designated as being categori-  
11          cally excluded from the preparation of an environmental  
12          assessment or an environmental impact statement under  
13          section 102 of the National Environmental Policy Act of  
14          1969 (42 U.S.C. 4332).

15          (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
16          FOR CATEGORICAL EXCLUSION.—The category of forest  
17          management activities designated under this section for  
18          categorical exclusion are forest management activities car-  
19          ried out by the Secretary concerned on National Forest  
20          System lands or public lands where the primary purpose  
21          of such activity is—

22                 (1) constructing or reconstructing roads not ex-  
23                 ceeding 3 miles;

24                 (2) adding an existing road to the forest trans-  
25                 portation system;

1           (3) reclassifying a road at a different mainte-  
2           nance level;

3           (4) reconstructing or rehabilitating bridges; or

4           (5) maintaining facilities through the use of  
5           pesticides as authorized by applicable Federal and  
6           State law and as applied in accordance with label in-  
7           structions.

8           (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

9           On and after the date of the enactment of this Act, the  
10          Secretary concerned may use the categorical exclusion es-  
11          tablished under subsection (a) in accordance with this sec-  
12          tion.

13       **SEC. 808. CATEGORICAL EXCLUSION FOR DEVELOPED**  
14                               **RECREATION SITES.**

15          (a) CATEGORICAL EXCLUSION.—Forest management  
16          activities described in subsection (b) are a category of ac-  
17          tions hereby designated as being categorically excluded  
18          from the preparation of an environmental assessment or  
19          an environmental impact statement under section 102 of  
20          the National Environmental Policy Act of 1969 (42 U.S.C.  
21          4332).

22          (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
23          FOR CATEGORICAL EXCLUSION.—

24               (1) DESIGNATION.—The category of forest  
25          management activities designated under this section

1 for a categorical exclusion are forest management  
2 activities described in paragraph (2) carried out by  
3 the Secretary concerned on National Forest System  
4 lands or public lands where the primary purpose of  
5 such activity is to operate, maintain, modify, recon-  
6 struct, or decommission existing developed recreation  
7 sites.

8 (2) ACTIVITIES AUTHORIZED.—The following  
9 forest management activities may be carried out  
10 pursuant to the categorical exclusion under sub-  
11 section (a):

12 (A) Constructing, modifying, or recon-  
13 structing fishing piers, wildlife viewing plat-  
14 forms, docks, or other constructed recreation  
15 sites or facilities.

16 (B) Constructing, reconstructing, or main-  
17 taining, parking areas, roads, or trails within or  
18 connecting to recreation sites, including paving  
19 and road and trail rerouting, except that—

20 (i) permanent roads constructed  
21 under this section may not exceed 3 miles;  
22 and

23 (ii) temporary roads constructed for  
24 projects covered by this section shall be de-

1 commissioned within 3 years of completion  
2 of the project.

3 (C) Modifying or reconstructing existing  
4 water or waste disposal systems.

5 (D) Constructing, modifying, or recon-  
6 structing single or group use sites.

7 (E) Constructing, modifying, or recon-  
8 structing boat landings.

9 (F) Reconstructing existing ski lifts.

10 (G) Modifying or reconstructing a recre-  
11 ation lodging rental.

12 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
13 On and after the date of the enactment of this Act, the  
14 Secretary concerned may use the categorical exclusion es-  
15 tablished under subsection (a) in accordance with this sec-  
16 tion.

17 **SEC. 809. ESTABLISHMENT OF FUEL BREAKS IN FORESTS**  
18 **AND OTHER WILDLAND VEGETATION.**

19 (a) CATEGORICAL EXCLUSION.—Forest management  
20 activities described in subsection (b) are a category of ac-  
21 tions designated as being categorically excluded from the  
22 preparation of an environmental assessment or an environ-  
23 mental impact statement under section 102 of the Na-  
24 tional Environmental Policy Act of 1969 (42 U.S.C.  
25 4332).



1 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
2 FOR CATEGORICAL EXCLUSION.—

3 (1) IN GENERAL.—The category of forest man-  
4 agement activities designated under subsection (a)  
5 for a categorical exclusion are forest management  
6 activities described in paragraph (2) that are carried  
7 out by the Secretary concerned on National Forest  
8 System lands or public lands where the primary pur-  
9 pose of such activity is to establish and maintain lin-  
10 ear fuel breaks that are—

11 (A) up to 1,000 feet in width adjacent to,  
12 and incorporating, existing linear features, such  
13 as roads, trails, transmission lines, and pipe-  
14 lines of any length on Federal land; and

15 (B) intended to reduce the risk of wildfire  
16 on the Federal land or an adjacent at-risk com-  
17 munity.

18 (2) ACTIVITIES.—Subject to paragraph (3), the  
19 forest management activities that may be carried out  
20 pursuant to the categorical exclusion established  
21 under subsection (a) are—

22 (A) mowing or masticating;

23 (B) thinning by manual and mechanical  
24 cutting;

25 (C) piling, yarding, and removal of slash;

- 1 (D) selling of vegetation products, includ-  
2 ing timber, firewood, biomass, slash, and fence  
3 posts;
- 4 (E) targeted grazing;
- 5 (F) application of—
- 6 (i) pesticide;
- 7 (ii) biopesticide; or
- 8 (iii) herbicide;
- 9 (G) seeding of native species;
- 10 (H) controlled burns and broadcast burn-  
11 ing; and
- 12 (I) burning of piles, including jackpot  
13 piles.

14 (c) ACREAGE AND LOCATION LIMITATIONS.—Treat-  
15 ments of vegetation in linear fuel breaks covered by the  
16 categorical exclusion established under subsection (a)—

17 (1) may not contain treatment units in excess  
18 of 3,000 acres; and

19 (2) shall be located primarily in an area de-  
20 scribed in section 605(c)(2) of the Healthy Forests  
21 Restoration Act of 2003 (16 U.S.C. 6591d(c)(2)).

## 22 **TITLE IX—DEFINITIONS**

### 23 **SEC. 901. DEFINITIONS.**

24 In this Act:

1           (1) CATASTROPHIC EVENT.—The term “cata-  
2           strophic event” means any natural disaster (includ-  
3           ing a hurricane, tornado, windstorm, snow or ice  
4           storm, rain storm, high water, wind-driven water,  
5           tidal wave, earthquake, volcanic eruption, landslide,  
6           mudslide, drought, or insect or disease outbreak) or  
7           any fire, flood, or explosion, regardless of cause.

8           (2) COLLABORATIVE PROCESS.—The term “col-  
9           laborative process” refers to a process relating to the  
10          management of National Forest System lands or  
11          public lands by which a project or forest manage-  
12          ment activity is developed and implemented by the  
13          Secretary concerned through collaboration with in-  
14          terested persons, as described in section  
15          603(b)(1)(C) of the Healthy Forests Restoration Act  
16          of 2003 (16 U.S.C. 6591b(b)(1)(C)).

17          (3) COMMUNITY WILDFIRE PROTECTION  
18          PLAN.—The term “community wildfire protection  
19          plan” has the meaning given that term in section  
20          101 of the Healthy Forests Restoration Act of 2003  
21          (16 U.S.C. 6511).

22          (4) COOS BAY WAGON ROAD GRANT LANDS.—  
23          The term “Coos Bay Wagon Road Grant lands”  
24          means the lands reconveyed to the United States

1 pursuant to chapter 47 of the Act of February 26,  
2 1919 (40 Stat. 1179).

3 (5) COVERED FOREST RESERVE PROJECT.—

4 The term “covered forest reserve project” means a  
5 project involving the management or sale of national  
6 forest materials within a Forest Reserve Revenue  
7 Area that generates forest reserve revenues and  
8 achieve the annual volume requirement for the For-  
9 est Reserve Revenue Area.

10 (6) FOREST MANAGEMENT ACTIVITY.—The

11 term “forest management activity” means a project  
12 or activity carried out by the Secretary concerned on  
13 National Forest System lands or public lands con-  
14 sistent with the forest plan covering the lands or the  
15 following activities:

16 (A) Prescribed burning for ecosystem  
17 health and hazardous fuel reduction.

18 (B) Mechanical and minimum tool treat-  
19 ment.

20 (C) Stream environment zone restoration  
21 and other watershed and wildlife habitat en-  
22 hancements.

23 (D) Nonnative invasive species manage-  
24 ment.

1           (7) 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 plan  
9 prepared by the Forest Service for a unit of the  
10 National Forest System pursuant to section 6  
11 of the Forest and Rangeland Renewable Re-  
12 sources Planning Act of 1974 (16 U.S.C.  
13 1604).

14          (8) LARGE-SCALE CATASTROPHIC EVENT.—The  
15 term “large-scale catastrophic event” means a cata-  
16 strophic event that adversely impacts at least 5,000  
17 acres of reasonably contiguous National Forest Sys-  
18 tem lands or public lands, as determined by the Sec-  
19 retary concerned.

20          (9) NATIONAL FOREST SYSTEM.—The term  
21 “National Forest System” has the meaning given  
22 that term in section 11(a) of the Forest and Range-  
23 land Renewable Resources Planning Act of 1974 (16  
24 U.S.C. 1609(a)).

1           (10) OREGON AND CALIFORNIA RAILROAD  
2 GRANT LANDS.—The term “Oregon and California  
3 Railroad Grant lands” means the following lands:

4           (A) All lands in the State of Oregon re-  
5 vested in the United States under the Act of  
6 June 9, 1916 (39 Stat. 218), that are adminis-  
7 tered by the Secretary of the Interior, acting  
8 through the Bureau of Land Management, pur-  
9 suant to the first section of the Act of August  
10 28, 1937 (43 U.S.C. 1181a).

11           (B) All lands in that State obtained by the  
12 Secretary of the Interior pursuant to the land  
13 exchanges authorized and directed by section 2  
14 of the Act of June 24, 1954 (43 U.S.C. 1181h).

15           (C) All lands in that State acquired by the  
16 United States at any time and made subject to  
17 the provisions of title II of the Act of August  
18 28, 1937 (43 U.S.C. 1181f).

19           (11) 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           (12) REFORESTATION ACTIVITY.—The term  
2           “reforestation activity” means a project or forest  
3           management activity carried out by the Secretary  
4           concerned whose primary purpose is the reforest-  
5           ation of impacted lands following a large-scale cata-  
6           strophic event. The term includes planting, evalu-  
7           ating, and enhancing natural regeneration, clearing  
8           competing vegetation, and other activities related to  
9           reestablishment of forest species on the impacted  
10          lands.

11          (13) RESOURCE ADVISORY COMMITTEE.—The  
12          term “resource advisory committee” has the mean-  
13          ing given that term in section 201 of the Secure  
14          Rural Schools and Community Self-Determination  
15          Act of 2000 (16 U.S.C. 7121).

16          (14) SALVAGE OPERATION.—The term “salvage  
17          operation” means a forest management activity or  
18          restoration activity carried out in response to a cata-  
19          strophic event where the primary purpose is—

20                 (A) to prevent wildfire as a result of the  
21                 catastrophic event, or, if the catastrophic event  
22                 was wildfire, to prevent a re-burn of the fire-im-  
23                 pacted area;

1 (B) to provide an opportunity for utiliza-  
2 tion of forest materials damaged as a result of  
3 the catastrophic event; or

4 (C) to provide a funding source for refor-  
5 estation and other restoration activities for the  
6 National Forest System lands or public lands  
7 impacted by the catastrophic event.

8 (15) SECRETARY CONCERNED.—The term  
9 “Secretary concerned” means—

10 (A) the Secretary of Agriculture, with re-  
11 spect to National Forest System lands; and

12 (B) the Secretary of the Interior, with re-  
13 spect to public lands.

14 (16) STATE.—The term “State” means each of  
15 the several States.

16 (17) WESTERN STATE.—The term “western  
17 State” means any of the States of Alaska, Arizona,  
18 California, Colorado, Idaho, Montana, Nevada, New  
19 Mexico, North Dakota, Oregon, South Dakota,  
20 Utah, Washington, or Wyoming.

21 (18) CONSERVATION FINANCE AGREEMENT.—  
22 The term “conservation finance agreement” means a  
23 mutual benefit agreement (excluding a procurement  
24 contract, grant, or cooperative agreement described  
25 in chapter 63 of title 31, United States Code)—



1 (A) the term of which is more than 1, but  
2 not more than 20, years;

3 (B) that may provide that performance  
4 under the agreement during the second and  
5 subsequent years of the agreement is contingent  
6 on the appropriation of funds; and

7 (C) if the agreement does so provide, that  
8 may provide for a cancellation payment to be  
9 made to the partner if those appropriations are  
10 not made.

11 (19) ECOLOGICAL INTEGRITY.—The term “eco-  
12 logical integrity” has the meaning given the term in  
13 section 219.19 of title 36, Code of Federal Regula-  
14 tions (as in effect on the date of enactment of this  
15 Act).

16 (20) RESTORE.—The term “restore” has the  
17 meaning given the term in section 219.19 of title 36,  
18 Code of Federal Regulations (as in effect on the  
19 date of enactment of this Act).

20 (21) WILDLAND-URBAN INTERFACE.—The term  
21 “wildland-urban interface” has the meaning given  
22 the term in section 101 of the Healthy Forests Res-  
23 toration Act of 2003 (16 U.S.C. 6511).

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