

115TH CONGRESS
2D SESSION

H. R. 7315

To protect American communities from wildfire, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2018

Mr. WESTERMAN (for himself, Ms. CHENEY, Mr. GIANFORTE, Mr. GOSAR, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 protect American communities from 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 “Protecting American
5 Communities from Wildfire Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) catastrophic wildfire represents a major
9 threat to American lives, properties, and livelihoods;

1 (2) more and more Americans are living within
2 the wildland-urban interface, and thus living closer
3 to unmanaged, overgrown Federal forests; and

4 (3) a lack of large-scale forest management
5 practices has increased the risk of catastrophic wild-
6 fire within the wildland-urban interface.

7 (b) PURPOSE.—The purposes of this Act are as fol-
8 lows:

9 (1) To provide the Forest Service with the clear
10 authority to protect lives, homes, and businesses
11 within the wildland-urban interface by authorizing
12 forest management projects in the wildland-urban
13 interface.

14 (2) To provide State, local, and Tribal entities
15 the authority to collaboratively manage the forests
16 within the wildland-urban interface.

17 (3) To provide additional resources for existing
18 disaster mitigation and educational programs for
19 communities located in the wildland-urban interface.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) AT-RISK COMMUNITY.—The term “at-risk
23 community” has the meaning given the term in sec-
24 tion 101 of the Healthy Forests Restoration Act of
25 2003 (16 U.S.C. 6511).

1 (2) AT-RISK WATERSHED.—The term “at-risk
2 watershed” means any watershed supplying an at-
3 risk community.

4 (3) FEDERAL LAND.—

5 (A) IN GENERAL.—The term “Federal
6 land” means—

7 (i) public lands (as defined in section
8 103 of the Federal Land Policy and Man-
9 agement Act of 1976 (43 U.S.C. 1702));

10 (ii) land held in trust for Indian
11 Tribes; or

12 (iii) National Forest System land.

13 (B) EXCLUSIONS.—The term “Federal
14 land” does not include—

15 (i) a component of the National Wil-
16 derness Preservation System;

17 (ii) Federal land on which the removal
18 of vegetation is prohibited or restricted by
19 Act of Congress or Presidential proclama-
20 tion (including the applicable implementa-
21 tion plan); or

22 (iii) a wilderness study area.

23 (4) GOVERNORS CONCERNED.—The term “Gov-
24 ernors concerned” means the respective Governors
25 who have entered into good neighbor agreements (as

1 defined in section 8206 of the Agricultural Act of
2 2014 (16 U.S.C. 2113a)).

3 (5) SECRETARY CONCERNED.—The term “Sec-
4 retary concerned” means—

5 (A) the Secretary of the Interior, with re-
6 spect to public lands; and

7 (B) the Secretary of Agriculture, with re-
8 spect to National Forest System lands.

9 (6) TREATMENT PROGRAMS.—The term “treat-
10 ment programs” means any removal or modification
11 of flammable vegetation including, but not limited
12 to, prescribed fire, mechanical thinning, timber
13 sales, mastication, pruning, slash treatment, or a
14 combination of those methods.

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

19 **SEC. 4. CATEGORICAL EXCLUSION FOR ACCELERATED**
20 **TREATMENT PROGRAMS FOR THE**
21 **WILDLAND-URBAN INTERFACE.**

22 (a) CATEGORICAL EXCLUSION ESTABLISHED.—
23 Treatment programs described in subsection (b) are a cat-
24 egory of actions designated as categorically excluded from
25 the preparation of an environmental assessment or an en-

1 vironmental impact statement under section 102 of the
2 National Environmental Policy Act of 1969 (42 U.S.C.
3 4332).

4 (b) TREATMENT PROGRAM DESCRIBED.—The treat-
5 ment programs described in this subsection are forest
6 management activities carried out by the Secretary con-
7 cerned to—

8 (1) reduce the risk of wildfire to at-risk commu-
9 nities and at-risk watersheds by prescribing treat-
10 ment programs in the wildland-urban interface
11 which remove overstocked timber; and

12 (2) subject to subsection (c), remove or modify
13 woody vegetation and ground material to reduce can-
14 opy closure, ground fuels, and ladder fuels to achieve
15 a forest composition that maximizes low-intensity
16 fires and ease of suppression, establish fire breaks,
17 and access for fire suppression.

18 (c) LIMITATION OF TREATMENT PROGRAMS.—The
19 Secretary concerned may only carry out vegetation treat-
20 ments necessary to achieve conditions that support low-
21 intensity fire and allow for direct suppression.

22 (d) JUDICIAL REVIEW.—Treatment programs de-
23 scribed in subsection (b) shall not be subject to judicial
24 review.

1 **SEC. 5. GOOD NEIGHBOR AGREEMENTS FOR AT-RISK**
2 **AREAS.**

3 Section 8206(a)(3)(B) of the Agricultural Act of
4 2014 (16 U.S.C. 2113a(a)(3)(B)) is amended—

5 (1) in clause (i)(II)(bb), by striking “or”;

6 (2) in clause (ii), by striking the period at the
7 end and inserting “; or”; and

8 (3) by inserting after clause (ii) the following
9 new clause:

10 “(iii) activities to reduce hazardous
11 fuels and risk for loss of human life and
12 property within the wildland-urban inter-
13 face (as defined in section 101 of the
14 Healthy Forests Restoration Act of 2003
15 (16 U.S.C. 6511)).”.

16 **SEC. 6. SUPPLEMENTAL STATE FIRE ASSISTANCE FUND-**
17 **ING.**

18 Section 10A of the Cooperative Forestry Assistance
19 Act of 1978 (16 U.S.C. 2106c) is amended—

20 (1) in subsection (a), by striking “may” and in-
21 serting “shall”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (C), by striking
25 “and” at the end;

1 (ii) in subparagraph (D), by striking
2 “wildfires.” and inserting “wildfires; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing new subparagraph:

6 “(E) to incentivize State, local, tribal, and
7 private landowners within the wildland-urban
8 interface to implement cooperative land man-
9 agement plans and treatment programs which
10 reduce the risk of wildfire.”; and

11 (B) in paragraph (2)—

12 (i) by striking “The Program” and in-
13 sserting the following:

14 “(A) IN GENERAL.—The program”; and

15 (ii) by striking “State foresters or
16 equivalent State officials” and inserting
17 “appropriate stakeholders”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(B) PREFERRED CONSIDERATION.—

21 State, local, tribal, and private landowners with
22 preexisting, collaborative wildland-urban inter-
23 face fire mitigation plan shall receive preferred
24 consideration when applying for competitive,
25 cost-sharing grants.”;

1 (C) in paragraph (3)—

2 (i) in subparagraph (G), by striking
3 “and” at the end;

4 (ii) in subparagraph (H), by striking
5 “projects.” and inserting “projects; and”;
6 and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(J) community and landowner forest
10 management incentive programs.”; and

11 (3) by amending subsection (d) to read as fol-
12 lows:

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There is authorized to be
15 appropriated to carry out this section—

16 “(A) \$100,000,000 for each of fiscal years
17 2019 through 2024; and

18 “(B) such sums as may be necessary for
19 fiscal year 2025 and each fiscal year thereafter.

20 “(2) RESERVATION.—Of the funds appro-
21 priated under paragraph (1), 25 percent shall be re-
22 served to carry out wildfire mitigation and fuels re-
23 duction within the wildland-urban interface (as de-
24 fined in section 101 of the Healthy Forests Restora-
25 tion Act of 2003 (16 U.S.C. 6511)).”.

1 **SEC. 7. SAVINGS PROVISION.**

2 Nothing in this Act shall provide the Secretary con-
3 cerned or Governors concerned the authority to prescribe
4 clear cutting as part of a treatment plan.

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