

115TH CONGRESS  
1ST SESSION

# H. R. 865

To make a categorical exclusion available to the Secretary of Agriculture and the Secretary of the Interior to develop and carry out a forest management activity on National Forest system lands derived from the public domain or public lands to address insect or disease infestation declared as an emergency in a State by the Governor of such State, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2017

Mr. McCLINTOCK (for himself, Mr. COOK, Mr. GOSAR, Mr. STEWART, Mr. VALADAO, Mr. NEWHOUSE, Mr. MCCARTHY, Mr. LAMALFA, Mr. WESTERMAN, Mr. LABRADOR, Mr. NUNES, Mr. DENHAM, and Mr. KNIGHT) 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 make a categorical exclusion available to the Secretary of Agriculture and the Secretary of the Interior to develop and carry out a forest management activity on National Forest system lands derived from the public domain or public lands to address insect or disease infestation declared as an emergency in a State by the Governor of such State, 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 “Emergency Forest  
5 Restoration Act”.

6 **SEC. 2. CATEGORICAL EXCLUSION TO ADDRESS A DE-**  
7 **CLARED EMERGENCY.**

8       (a) **AUTHORITY TO CONDUCT FOREST MANAGEMENT**  
9 **ACTIVITY.**—The Secretary concerned may develop and  
10 carry out a forest management activity on National Forest  
11 System lands or public lands in a State when the primary  
12 purpose of the forest management activity is to address  
13 a declared emergency.

14       (b) **AVAILABILITY OF CATEGORICAL EXCLUSION.**—  
15 Except as provided in section 4, a categorical exclusion  
16 is available to the Secretary concerned to develop and  
17 carry out a forest management activity described in sub-  
18 section (a).

19       (c) **AUTHORIZATION OF APPROPRIATIONS.**—For pur-  
20 poses of this section, there is authorized to be appro-  
21 priated to the Secretary concerned \$300,000,000 for each  
22 of fiscal years 2018 through 2025.

1 **SEC. 3. USE OF TIMBER SALE REVENUES TO OFFSET FUNDS**  
2 **APPROPRIATED TO ADDRESS A DECLARED**  
3 **EMERGENCY.**

4 (a) **TIMBER SALES REQUIRED.**—

5 (1) **IDENTIFICATION OF AMOUNTS APPRO-**  
6 **PRIATED.**—For fiscal year 2019 and each fiscal year  
7 thereafter, the Secretary of Agriculture shall identify  
8 the amount of funds, if any, appropriated in the  
9 prior fiscal year pursuant to the authorization of ap-  
10 propriations in section 2(c).

11 (2) **SALES.**—Not later than 5 years after the  
12 end of the fiscal year in which an identification is  
13 made under paragraph (1), the Secretary of Agri-  
14 culture shall sell (in the manner provided for under  
15 section 14 of the National Forest Management Act  
16 of 1976 (16 U.S.C. 472a)) an amount of timber the  
17 sale of which is sufficient to recoup the amount  
18 identified under paragraph (1) and any costs associ-  
19 ated with such sale.

20 (3) **PROCEEDS.**—Proceeds from the sale of tim-  
21 ber described under paragraph (2) shall be deposited  
22 as follows:

23 (A) An amount equal to the appropriated  
24 amount identified under paragraph (1) shall be  
25 deposited in the general fund of the Treasury of  
26 the United States as miscellaneous receipts.

1           (B) An amount equal to the costs associ-  
2           ated with the sale shall be deposited in a des-  
3           ignated fund from which sums are to be used,  
4           to cover the cost to the United States for de-  
5           sign, engineering, and supervision of the con-  
6           struction of needed roads and the cost for For-  
7           est Service sale preparation and supervision of  
8           the harvesting of such timber.

9           (C) Any amounts not described under sub-  
10          paragraph (A) or (B) shall be deposited in the  
11          general fund of the Treasury of the United  
12          States as miscellaneous receipts.

13          (b) CATEGORICAL EXCLUSION.—Except as provided  
14          in section 4, a categorical exclusion is available to the Sec-  
15          retary of Agriculture for timber sales conducted pursuant  
16          to subsection (a).

17          **SEC. 4. LIMITATION OF CATEGORICAL EXCLUSION.**

18          A categorical exclusion under this Act may not be  
19          used on National Forest System lands or public lands—

20                  (1) that are included in the National Wilderness  
21          Preservation System;

22                  (2) that are located within an inventoried  
23          roadless area unless the reforestation activity is con-  
24          sistent with the forest plan applicable to the area; or

1           (3) on which timber harvesting for any purpose  
2           is prohibited by statute.

3 **SEC. 5. DEFINITIONS.**

4           In this Act:

5           (1) CATEGORICAL EXCLUSION.—The term “cat-  
6           egorical exclusion” means an exception to the re-  
7           quirements of the National Environmental Policy  
8           Act of 1969 (42 U.S.C. 4331 et seq.) for a project  
9           or activity relating to the management of National  
10          Forest System lands or public lands that would oth-  
11          erwise be considered a major Federal action.

12          (2) DECLARED EMERGENCY.—The term “de-  
13          clared emergency” means an insect or disease infes-  
14          tation in a State that has been declared an emer-  
15          gency by the Governor of such State.

16          (3) NATIONAL FOREST SYSTEM LANDS.—The  
17          term “National Forest System lands” means Fed-  
18          eral lands derived from the public domain that are  
19          included in the National Forest System (as such  
20          term is defined in section 11(a) of the Forest and  
21          Rangeland Renewable Resources Planning Act of  
22          1974 (16 U.S.C. 1609(a))), including such lands  
23          within the boundaries of a national monument man-  
24          aged by the Forest Service.

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

3                   (A) the Secretary of Agriculture, with re-  
4       spect to National Forest System lands; or

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

7           (5) STATE.—The term “State” means any of  
8       the several States, the District of Columbia, the  
9       Commonwealth of Puerto Rico, and any other terri-  
10      tory or possession of the United States.

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