

113TH CONGRESS
2D SESSION

S. 2768

To amend the Healthy Forests Restoration Act of 2003 to expand the use of categorical exclusions for hazardous fuel reduction projects.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. HELLER (for himself, Mr. CRAPO, Mr. RISCH, Mr. BARRASSO, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Healthy Forests Restoration Act of 2003 to expand the use of categorical exclusions for hazardous fuel reduction projects.

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 Fuel Re-
5 duction Act of 2014”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to expedite wildfire prevention projects to
9 reduce the chances of wildfire on certain high-risk

1 Federal land adjacent to communities, private prop-
 2 erty, and critical infrastructure;

3 (2) to improve forest and wildland health; and

4 (3) to promote the recovery of threatened and
 5 endangered species, or other species under consider-
 6 ation for listing under the Endangered Species Act
 7 of 1973 (16 U.S.C. 1531 et seq.), including sage-
 8 grouse, whose habitat is negatively impacted by
 9 wildland fire.

10 **SEC. 3. EXPEDITED REVIEW OF PROJECTS ON FEDERAL**
 11 **LAND.**

12 Section 104 of the Healthy Forests Restoration Act
 13 of 2003 (16 U.S.C. 6514) is amended—

14 (1) by redesignating subsections (e) through (h)
 15 as subsections (f) through (i), respectively;

16 (2) in subsection (c)(1)(C)(i), by striking “sub-
 17 section (f)” and inserting “subsection (g)”; and

18 (3) by inserting after subsection (d) the fol-
 19 lowing:

20 “(e) CATEGORICAL EXCLUSION OF CERTAIN
 21 PROJECTS.—

22 “(1) DEFINITION OF ADJACENT FEDERAL
 23 LAND.—In this subsection, the term ‘adjacent Fed-
 24 eral land’ means an area of Federal land—

1 “(A) that, while not located in the
2 wildland-urban interface, is located within not
3 more than 2 miles of non-Federal land; and

4 “(B) on which the Secretary determines
5 that conditions, such as the risk of wildfire, an
6 insect or disease epidemic, or the presence of
7 invasive species, pose a risk to the adjacent
8 non-Federal land.

9 “(2) CATEGORICAL EXCLUSION OF CERTAIN
10 PROJECTS.—

11 “(A) IN GENERAL.—An authorized haz-
12 ardous fuel reduction project shall be categori-
13 cally excluded from the requirements of the Na-
14 tional Environmental Policy Act of 1969 (42
15 U.S.C. 4321 et seq.) if the project—

16 “(i) involves the removal of insect-in-
17 fected trees, dead or dying trees, trees pre-
18 sented a threat to public safety or elec-
19 trical reliability, or the removal of other
20 hazardous fuels within 500 feet of utility
21 or communications infrastructure, a mu-
22 nicipal water supply system, campground,
23 roadside, heritage site, recreation site,
24 school, or other infrastructure;

1 “(ii) is intended to treat 10,000 acres
2 or less of public land or National Forest
3 System land that—

4 “(I) contains threatened and en-
5 dangered species habitat; or

6 “(II) provides conservation bene-
7 fits to species that are not listed as
8 endangered or threatened under sec-
9 tion 4 of the Endangered Species Act
10 of 1973 (16 U.S.C. 1533) but are a
11 State-listed species, a special concern
12 species, or candidates for a listing
13 under the Endangered Species Act of
14 1973 (16 U.S.C. 1531 et seq.);

15 “(iii) is proposed to be conducted on
16 adjacent Federal land or is recommended
17 in a community wildfire protection plan
18 if—

19 “(I) the Secretary determines
20 that the project is consistent with the
21 applicable resource management plan;
22 and

23 “(II) the decision to categorically
24 exclude the project is made in accord-
25 ance with applicable extraordinary cir-

1 cumstances procedures established
2 pursuant to section 1508.4 of title 40,
3 Code of Federal Regulations (or a
4 successor regulation).

5 “(B) CONSULTATION.—In determining
6 whether an area contains trees or other haz-
7 ardous fuels described in clause (i), the Sec-
8 retary shall consult with any utility or other en-
9 tity that manages the area.

10 “(C) PRIORITY FOR CERTAIN PROJECTS.—
11 In providing categorical exclusions under sub-
12 paragraph (A), the Secretary shall give priority
13 to authorized hazardous fuel reduction projects
14 and other projects recommended in a commu-
15 nity wildfire protection plan.

16 “(D) EXCLUSIONS.—National Forest Sys-
17 tem land or public land eligible for treatment
18 under this subsection shall not include land—

19 “(i) that is a component of the Na-
20 tional Wilderness Preservation System;

21 “(ii) on which the removal of vegeta-
22 tion is specifically prohibited by Federal
23 law; or

24 “(iii) that is within a National Monu-
25 ment as of the date of the enactment of

1 the Emergency Fuel Reduction Act of
2 2014.”.

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