113	TH CONGRESS 2D SESSION Solve Session
Т	o 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
Mr.	Heller introduced the following bill; which was read twice and referred to the Committee on
То	A BILL 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

(1) to expedite wildfire prevention projects to

reduce the chances of wildfire on certain high-risk

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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)
	(1) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively;
15	
15 16	as subsections (f) through (i), respectively;
15 16 17	as subsections (f) through (i), respectively; (2) in subsection (c)(1)(C)(i), by striking "sub-
15 16 17 18	as subsections (f) through (i), respectively; (2) in subsection (c)(1)(C)(i), by striking "subsection (f)" and inserting "subsection (g)"; and
15 16 17 18	as subsections (f) through (i), respectively; (2) in subsection (c)(1)(C)(i), by striking "subsection (f)" and inserting "subsection (g)"; and (3) by inserting after subsection (d) the fol-
115 116 117 118 119 220	as subsections (f) through (i), respectively; (2) in subsection (c)(1)(C)(i), by striking "subsection (f)" and inserting "subsection (g)"; and (3) by inserting after subsection (d) the following:
115 116 117 118 119 220 221	as subsections (f) through (i), respectively; (2) in subsection (c)(1)(C)(i), by striking "subsection (f)" and inserting "subsection (g)"; and (3) by inserting after subsection (d) the following: "(e) Categorical Exclusion of Certain
14 15 16 17 18 19 20 21 22 23	as subsections (f) through (i), respectively; (2) in subsection (c)(1)(C)(i), by striking "subsection (f)" and inserting "subsection (g)"; and (3) by inserting after subsection (d) the following: "(e) CATEGORICAL EXCLUSION OF CERTAIN PROJECTS.—

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	senting 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	"(n) 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

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the Emergency Fuel Reduction Act of 2014.".

S.L.C.