

113TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

Mr. HELLER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

## **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 the Emergency Fuel Reduction Act of  
2 2014.”.