

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To expand the use of categorical exclusions for hazardous fuel reduction projects.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.**

**S. 2569**

To provide an incentive for businesses to bring jobs back to America.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by \_\_\_\_\_

Viz:

1 On page 13, after line 3, add the following:

2 **SEC. 4. EMERGENCY FUEL REDUCTION.**

3 (a) PURPOSES.—The purposes of this section are—

4 (1) to expedite wildfire prevention projects to  
5 reduce the chances of wildfire on certain high-risk  
6 Federal land adjacent to communities, private prop-  
7 erty, and critical infrastructure;

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

9 (3) to promote the recovery of threatened and  
10 endangered species, or other species under consider-  
11 ation for listing under the Endangered Species Act  
12 of 1973 (16 U.S.C. 1531 et seq.), including sage-

1 grouse, whose habitat is negatively impacted by  
2 wildland fire.

3 (b) EXPEDITED REVIEW OF PROJECTS ON FEDERAL  
4 LAND.—Section 104 of the Healthy Forests Restoration  
5 Act of 2003 (16 U.S.C. 6514) is amended—

6 (1) by redesignating subsections (e) through (h)  
7 as subsections (f) through (i), respectively;

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

10 (3) by inserting after subsection (d) the fol-  
11 lowing:

12 “(e) CATEGORICAL EXCLUSION OF CERTAIN  
13 PROJECTS.—

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

17 “(A) that, while not located in the  
18 wildland-urban interface, is located within not  
19 more than 5 miles of non-Federal land; and

20 “(B) on which the Secretary determines  
21 that conditions, such as the risk of wildfire, an  
22 insect or disease epidemic, or the presence of  
23 invasive species, pose a risk to the adjacent  
24 non-Federal land.

1           “(2) CATEGORICAL EXCLUSION OF CERTAIN  
2 PROJECTS.—

3           “(A) IN GENERAL.—An authorized haz-  
4 arduous fuel reduction project shall be categori-  
5 cally excluded from the requirements of the Na-  
6 tional Environmental Policy Act of 1969 (42  
7 U.S.C. 4321 et seq.) if the project—

8           “(i) involves the removal of insect-in-  
9 fected trees, dead or dying trees, trees pre-  
10 senting a threat to public safety or elec-  
11 trical reliability, or the removal of other  
12 hazardous fuels within 500 feet of utility  
13 or communications infrastructure, a mu-  
14 nicipal water supply system, campground,  
15 roadside, heritage site, recreation site,  
16 school, or other infrastructure;

17           “(ii) is intended to treat 10,000 acres  
18 or less of public land or National Forest  
19 System land that—

20           “(I) contains threatened and en-  
21 dangered species habitat; or

22           “(II) provides conservation bene-  
23 fits to species that are not listed as  
24 endangered or threatened under sec-  
25 tion 4 of the Endangered Species Act

1 of 1973 (16 U.S.C. 1533) but are a  
2 State- listed species, a special concern  
3 species, or candidates for a listing  
4 under the Endangered Species Act of  
5 1973 (16 U.S.C. 1531 et seq.);

6 “(iii) is proposed to be conducted on  
7 adjacent Federal land or is recommended  
8 in a community wildfire protection plan  
9 if—

10 “(I) the Secretary determines  
11 that the project is consistent with the  
12 applicable resource management plan;  
13 and

14 “(II) the decision to categorically  
15 exclude the project is made in accord-  
16 ance with applicable extraordinary cir-  
17 cumstances procedures established  
18 pursuant to section 1508.4 of title 40,  
19 Code of Federal Regulations (or a  
20 successor regulation).

21 “(B) CONSULTATION.—In determining  
22 whether an area contains trees or other haz-  
23 ardous fuels described in clause (i), the Sec-  
24 retary shall consult with any utility or other en-  
25 tity that manages the area.

1           “(C) PRIORITY FOR CERTAIN PROJECTS.—  
2           In providing categorical exclusions under sub-  
3           paragraph (A), the Secretary shall give priority  
4           to authorized hazardous fuel reduction projects  
5           and other projects recommended in a commu-  
6           nity wildfire protection plan.

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

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

12                   “(ii) on which the removal of vegeta-  
13                   tion is specifically prohibited by Federal  
14                   law; or

15                   “(iii) that is within a National Monu-  
16                   ment as of the date of the enactment of  
17                   the Bring Jobs Home Act.”.