

114TH CONGRESS
1ST SESSION

H. R. 695

To address the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires on National Forest System land and land under the jurisdiction of the Bureau of Land Management by expanding authorities established in the Healthy Forest Restoration Act of 2003 to provide emergency measures for high-risk areas identified by such States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2015

Mr. TIPTON (for himself, Mr. BENISHEK, Mr. AMODEI, Mrs. LUMMIS, Mr. STEWART, Mr. PEARCE, Mr. ISSA, Mr. ZINKE, Mr. LABRADOR, Mr. COSTA, Mr. GOSAR, Mr. THOMPSON of Pennsylvania, Mr. COOK, Mr. LAMBORN, and Mr. CHAFFETZ) 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

A BILL

To address the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires on National Forest System land and land under the jurisdiction of the Bureau of Land Management by expanding authorities established in the Healthy Forest Restoration Act of 2003 to provide emergency measures for high-risk areas identified by such States, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Healthy Forest Management and Wildfire Prevention
 6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Congressional declaration of bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires in States as imminent threat.

Sec. 4. State designation of high-risk areas of National Forest System and public lands.

Sec. 5. Designation of high-risk areas by the Secretary concerned.

Sec. 6. Use of emergency hazardous fuels reduction projects for high-risk areas.

Sec. 7. Applicability of expedited procedures and authorities of Healthy Forests Restoration Act of 2003 to emergency hazardous fuels reduction projects.

Sec. 8. Authorized duration of stewardship end result contracting project contracts.

9 **SEC. 2. DEFINITIONS.**

10 In this Act:

11 (1) EMERGENCY HAZARDOUS FUELS REDUC-
 12 TION PROJECT.—The term “emergency hazardous
 13 fuels reduction project” means a project or activity
 14 carried out in a high-risk area to address the bark
 15 beetle epidemic, drought, or deteriorating forest
 16 health conditions and the resulting imminent risk of
 17 devastating wildfires.

18 (2) HIGH-RISK AREA.—The term “high-risk
 19 area” means an area of National Forest System

1 land or public lands identified under section 4 as an
2 area suffering from the bark beetle epidemic,
3 drought, or deteriorating forest health conditions,
4 with the resulting imminent risk of devastating
5 wildfires, or otherwise at high risk for bark beetle
6 infestation, drought, or wildfire.

7 (3) NATIONAL FOREST SYSTEM.—The term
8 “National Forest System” has the meaning given
9 that term in section 11(a) of the Forest and Range-
10 land Renewable Resources Planning Act of 1974 (16
11 U.S.C. 1609(a)).

12 (4) PUBLIC LANDS.—The term “public lands”
13 has the meaning given that term in section 103(e)
14 of the Federal Land Policy and Management Act of
15 1976 (43 U.S.C. 1702(e)).

16 (5) SECRETARY CONCERNED.—The term “Sec-
17 retary concerned” means—

18 (A) the Secretary of Agriculture, with re-
19 spect to the National Forest System; and

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

22 (6) The term “State” means any of the several
23 States containing National Forest System land or
24 public lands. The term includes the Commonwealth
25 of Puerto Rico.

1 **SEC. 3. CONGRESSIONAL DECLARATION OF BARK BEETLE**
2 **EPIDEMIC, DROUGHT, DETERIORATING FOR-**
3 **EST HEALTH CONDITIONS, AND HIGH RISK**
4 **OF WILDFIRES IN STATES AS IMMINENT**
5 **THREAT.**

6 Congress hereby declares that the bark beetle epi-
7 demic, drought, and deteriorating forest health conditions
8 on National Forest System land and public lands in the
9 States, with the resulting imminent risk of devastating
10 wildfires that pose a significant threat to the economic sta-
11 bility of communities in the affected areas and the health,
12 safety, and well-being of residents, firefighters, and visi-
13 tors to the areas, is an “imminent threat” within the
14 meaning of section 294.12(b)(1) of title 36, Code of Fed-
15 eral Regulations (2002 Edition) and any existing or pend-
16 ing roadless area management rule applicable to a State.

17 **SEC. 4. STATE DESIGNATION OF HIGH-RISK AREAS OF NA-**
18 **TIONAL FOREST SYSTEM AND PUBLIC LANDS.**

19 (a) DESIGNATION AUTHORITY.—The Governor of a
20 State may designate high-risk areas of the National For-
21 est System and public lands in the State for the purposes
22 of addressing—

23 (1) deteriorating forest health conditions in ex-
24 istence as of the date of the enactment of this Act
25 due to the bark beetle epidemic or drought, with the
26 resulting imminent risk of devastating wildfires; and

1 (2) the future risk of insect infestations or dis-
2 ease outbreaks through preventative treatments to
3 improve forest health conditions.

4 (b) CONSULTATION.—In designating high-risk areas,
5 the Governor of a State shall consult with county govern-
6 ment from affected counties and with affected Indian
7 tribes.

8 (c) EXCLUSION OF CERTAIN AREAS.—The following
9 National Forest System land or public lands may not be
10 designated as a high-risk area:

11 (1) A component of the National Wilderness
12 Preservation System.

13 (2) A National Monument.

14 (d) STANDARDS FOR DESIGNATION.—Designation of
15 high-risk areas shall be consistent with standards and
16 guidelines contained in the land and resource management
17 plan or land use plan for the unit of the National Forest
18 System or public lands for which the designation is being
19 made, except that the Secretary concerned may modify
20 such standards and guidelines to correspond with a spe-
21 cific high-risk area designation.

22 (e) TIME FOR INITIAL DESIGNATIONS.—The first
23 high-risk areas should be designated not later than 60
24 days after the date of the enactment of this Act but may
25 be designated at any time consistent with subsection (a).

1 (f) DURATION OF DESIGNATION.—The designation of
2 a high-risk area in a State shall expire 20 years after the
3 date of the designation, unless earlier terminated by the
4 Governor of the State.

5 (g) REDESIGNATION.—The expiration of the 20-year
6 period specified in subsection (f) does not prohibit the
7 Governor from redesignating an area of the National For-
8 est System land or public lands as a high-risk area under
9 this section if the Governor determines that the area of
10 National Forest System land or public lands continues to
11 be subject to the terms of this section.

12 (h) RECOGNITION OF VALID AND EXISTING
13 RIGHTS.—The designation of a high-risk area shall not
14 be construed to limit or restrict—

15 (1) access to National Forest System land or
16 public lands included in the area for hunting, fish-
17 ing, and other related purposes; or

18 (2) valid and existing rights regarding the Na-
19 tional Forest System land or public lands.

20 **SEC. 5. DESIGNATION OF HIGH-RISK AREAS BY THE SEC-**
21 **RETARY CONCERNED.**

22 (a) DESIGNATION AUTHORITY.—The Secretary con-
23 cerned may designate high-risk areas of the National For-
24 est System and the public lands for the purposes of ad-
25 dressing—

1 (1) deteriorating forest health conditions in ex-
2 istence as of the date of the enactment of this Act
3 due to the bark beetle epidemic or drought, with the
4 resulting imminent risk of devastating wildfires; and

5 (2) the future risk of insect infestations or dis-
6 ease outbreaks through preventative treatments to
7 improve forest health conditions.

8 (b) CONSULTATION.—In designating high-risk areas,
9 the Secretary concerned shall consult with Governors of
10 affected States, county government from affected counties,
11 and with affected Indian tribes.

12 (c) EXCLUSION OF CERTAIN AREAS.—The following
13 National Forest System land or public lands may not be
14 designated as a high-risk area:

15 (1) A component of the National Wilderness
16 Preservation System.

17 (2) A National Monument.

18 (d) STANDARDS FOR DESIGNATION.—Designation of
19 high risk areas shall be consistent with standards and
20 guidelines contained in the land and resource management
21 plan or land use plan for the unit of the National Forest
22 System or public lands for which the designation is being
23 made, except that the Secretary concerned may modify
24 such standards and guidelines to correspond with a spe-
25 cific high-risk area designation.

1 (e) TIME FOR INITIAL DESIGNATIONS.—The first
2 high-risk areas should be designated not later than 60
3 days after the date of the enactment of this Act but may
4 be designated at any time consistent with subsection (a).

5 (f) DURATION OF DESIGNATION.—The designation of
6 a high-risk area in a State shall expire 20 years after the
7 date of the designation, unless earlier terminated by the
8 Secretary concerned.

9 (g) REDESIGNATION.—The expiration of the 20-year
10 period specified in subsection (f) does not prohibit the Sec-
11 retary concerned from redesignating an area of the Na-
12 tional Forest System or public lands as a high-risk area
13 if the Secretary determines that the National Forest Sys-
14 tem land or public lands continues to be subject to the
15 terms of this section, except that such redesignation is
16 subject to consultation with Governors from affected
17 States, county government from affected counties, and af-
18 fected Indian tribes.

19 (h) RECOGNITION OF VALID AND EXISTING
20 RIGHTS.—The designation of a high-risk area shall not
21 be construed to limit or restrict—

22 (1) access to National Forest System land or
23 public lands included in the area for hunting, fish-
24 ing, and other related purposes; or

1 (2) valid and existing rights regarding the Na-
2 tional Forest System land or public lands.

3 **SEC. 6. USE OF EMERGENCY HAZARDOUS FUELS REDUC-**
4 **TION PROJECTS FOR HIGH-RISK AREAS.**

5 (a) PROJECT PROPOSALS.—

6 (1) PROPOSALS AUTHORIZED.—Upon designa-
7 tion of a high-risk area in a State, the Governor of
8 the State may provide for the development of pro-
9 posed emergency hazardous fuels reduction projects
10 for the high-risk area. The Secretary concerned also
11 may develop emergency hazardous fuels reduction
12 projects.

13 (2) PROJECT CRITERIA.—In preparing proposed
14 emergency hazardous fuels reduction projects, the
15 Governor of a State and the Secretary concerned
16 shall—

17 (A) take into account managing for rights
18 of way, protection of watersheds, protection of
19 wildlife and endangered species habitat, safe-
20 guarding water resources, and protecting local
21 communities from wildfires; and

22 (B) emphasize activities that thin the for-
23 est to provide the greatest health and longevity
24 of the forest.

1 (b) CONSULTATION.—In preparing proposed emer-
2 gency hazardous fuels reduction projects, the Governor of
3 a State shall consult with county government from af-
4 fected counties, and with affected Indian tribes. If the Sec-
5 retary concerned develops a proposal, the Secretary con-
6 cerned shall consult with the Governor of the affected
7 State, county government from affected counties, and af-
8 fected Indian tribes.

9 (c) SUBMISSION AND IMPLEMENTATION.—The Gov-
10 ernor of a State shall submit proposed emergency haz-
11 ardous fuels reduction projects to the Secretary concerned
12 for implementation.

13 (d) IMPLEMENTATION OF PROJECTS.—

14 (1) STATE PROPOSED PROJECTS.—The Sec-
15 retary concerned shall implement hazardous fuels re-
16 duction projects proposed by Governors within 60
17 days of the date on which the Secretary receives the
18 proposal.

19 (2) SECRETARY PROPOSED PROJECTS.—The
20 Secretary concerned shall implement hazardous fuels
21 reduction projects proposed by the Secretary con-
22 cerned within 60 days of the date on which the pro-
23 posal is finalized.

1 **SEC. 7. APPLICABILITY OF EXPEDITED PROCEDURES AND**
2 **AUTHORITIES OF HEALTHY FORESTS RES-**
3 **TORATION ACT OF 2003 TO EMERGENCY HAZ-**
4 **ARDOUS FUELS REDUCTION PROJECTS.**

5 (a) **APPLICABILITY.**—Subject to subsections (b)
6 through (e), title I of the Healthy Forests Restoration Act
7 of 2003 (16 U.S.C. 6511 et seq.) (including the environ-
8 mental analysis requirements of section 104 of that Act
9 (16 U.S.C. 6514), the special administrative review proc-
10 ess under section 105 of that Act (16 U.S.C. 6515), and
11 the judicial review process under section 106 of that Act
12 (16 U.S.C. 6516)), shall apply to all emergency hazardous
13 fuels reduction projects developed under section 6.

14 (b) **REQUIRED MODIFICATIONS.**—In applying title I
15 of the Healthy Forests Restoration Act of 2003 (16
16 U.S.C. 6511 et seq.) to emergency hazardous fuels reduc-
17 tion projects, the Secretary concerned shall make the fol-
18 lowing modifications:

19 (1) The authority shall apply to the entire high-
20 risk area, including land that is outside of a
21 wildland-urban interface area or that does not sat-
22 isfy any of the other eligibility criteria specified in
23 section 102(a) of that Act (16 U.S.C. 6512(a)).

24 (2) All projects and activities of the Secretary
25 concerned, including necessary connected actions (as
26 described in section 1508.25(a)(1) of title 40, Code

1 of Federal Regulations), of the emergency hazardous
2 fuels reduction project shall be deemed to be an au-
3 thorized hazardous fuel reduction project for pur-
4 poses of applying the title.

5 (3) The Secretary is not required to study, de-
6 velop, or describe more than the proposed agency ac-
7 tion and a no-action alternative in the environmental
8 assessment or environmental impact statement pre-
9 pared pursuant to section 102(2) of the National
10 Environmental Policy Act of 1969 (42 U.S.C.
11 4332(2)) for an emergency hazardous fuels reduc-
12 tion project, except that, if an at-risk community
13 has adopted a community wildfire protection plan
14 (as defined in section 101(3) of the Healthy Forest
15 Restoration Act of 2003 (16 U.S.C. 6511(3))) that
16 includes the land covered by the proposed agency ac-
17 tion, but the proposed agency action does not imple-
18 ment the recommendations in the plan regarding the
19 general location and basic method of treatments, the
20 Secretary shall evaluate the recommendations in the
21 plan as an additional alternative to the proposed
22 agency action.

23 (c) FOREST MANAGEMENT PLANS.—All projects and
24 activities carried out as part of an emergency hazardous
25 fuels reduction project in a designated high-risk area shall

1 be consistent with standards and guidelines contained in
2 the land and resource management plan or land use plan
3 for the unit of the National Forest System or public lands
4 for which the designation is made, except that the Sec-
5 retary concerned may modify such standards and guide-
6 lines to correspond with a specific high-risk area designa-
7 tion.

8 (d) RETENTION OF NEPA RESPONSIBILITIES.—Any
9 decision required to be made under the National Environ-
10 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with
11 respect to any project or activity to be carried out as part
12 of an emergency hazardous fuels reduction project in a
13 high-risk area shall not be delegated to a State forester
14 or any other officer or employee of the State in which the
15 emergency hazardous fuels reduction project will be car-
16 ried out.

17 (e) CATEGORICAL EXCLUSION.—If a project or activ-
18 ity to be carried out as part of an emergency hazardous
19 fuels reduction project in a high-risk area involves the re-
20 moval of insect-infected trees or other hazardous fuels
21 within 500 feet of utility or telephone infrastructure,
22 campgrounds, roadsides, heritage sites, recreation sites,
23 schools, or other infrastructure, the project or activity is
24 categorically excluded from the requirement to prepare an
25 environmental assessment or an environmental impact

1 statement under the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) so long as the project
3 or activity is otherwise conducted consistently with agency
4 and departmental procedures and the applicable land and
5 resource management plan or land use plan.

6 **SEC. 8. AUTHORIZED DURATION OF STEWARDSHIP END RE-**
7 **SULT CONTRACTING PROJECT CONTRACTS.**

8 Section 604(d)(3)(B) of the Healthy Forest Restora-
9 tion Act of 2003 (16 U.S.C. 6591c(d)(3)(B)) is amended
10 by striking “10 years” and inserting “20 years”.

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