

House Ag Reconciliation Markup

LaMalfa Comprehensive Forestry Amendment Summary

This amendment

- Moves funding to increase hazardous fuels reduction, vegetation management, forest restoration and reforestation funding
- Requires the Forest Service to focus fuels reduction projects on the most at risk acres by using the Forest Service's most recent maps and data
- Contains Representative LaMalfa's RESTORE Act and Representative Johnson's FIRE Act, while funding them both. These proposals would give the Forest Service authorities to perform more landscape scale treatments and expedite the removal of salvage after a fire

Page 13, line 9, strike “\$250,000,000” and insert “\$1,000,000,000”.

Page 13, line 14, strike the semicolon and insert a period.

Page 13, strike line 15 and all that follows through page 20, line 23.

Strike section 11003 and insert the following:

1 **SEC. 11003. RESTORING ENVIRONMENTS, SOILS, TREES,**
2 **AND OPERATIONS TO DEVELOP THE RURAL**
3 **ECONOMY.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this section, the Sec-
7 retary shall, at the request of a Governor of a State,
8 select a forest landscape in the State on which to
9 conduct a forest landscape project described in sub-
10 section (b)(1).

11 (2) PROCESS.—

12 (A) PROPOSALS.—To request a forest
13 landscape project be carried out in a State
14 under paragraph (1), the Governor of such
15 State may submit to the Secretary a proposal
16 for a forest landscape project in such State.

1 (B) SELECTION.—The Secretary may only
2 select a proposal submitted under subparagraph
3 (A) if the proposal will be conducted on a forest
4 landscape.

5 (3) APPLICABILITY OF NEPA.—The selection of
6 a forest landscape under this subsection shall not be
7 subject to the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.).

9 (b) FOREST LANDSCAPE PROJECTS.—

10 (1) IN GENERAL.—A forest landscape project
11 carried out by the Secretary under this section is a
12 project—

13 (A) for which the Secretary carries out 1
14 or more covered management activities de-
15 scribed in paragraph (2); and

16 (B) that takes place—

17 (i) on a forest landscape; and

18 (ii) on not more than 75,000 acres
19 of—

20 (I) Federal land; or

21 (II) non-Federal land adjacent to
22 Federal land on which the project is
23 also carried out.

1 (2) COVERED MANAGEMENT ACTIVITY.—A cov-
2 ered management activity described in this para-
3 graph is a forest management activity to—

4 (A) install fuel breaks (including shaded
5 fuel breaks) not more than ½-mile wide across
6 a forest landscape in a strategic system that
7 maximizes the reduction of wildfire risk to com-
8 munities or watersheds;

9 (B) carry out mechanical thinning (includ-
10 ing restoration thinning) of a forest landscape
11 to clear—

12 (i) surface fuels, such as slash;

13 (ii) ladder fuels, such as small and
14 medium diameter trees and shrubs; or

15 (iii) both of the fuels described in
16 clauses (i) and (ii);

17 (C) conduct controlled burns; and

18 (D) remove dead trees, dying trees, or
19 trees at high-risk of dying.

20 (3) REQUIREMENTS.—In carrying out a covered
21 management activity under a forest landscape
22 project, the Secretary—

23 (A) shall—

24 (i) maximize the retention of old-
25 growth stands and large trees, as appro-

1 priate for the forest type, to the extent
2 that the trees promote stands that are re-
3 siliant to wildfire and increased average
4 temperature; and

5 (ii) consider the best available sci-
6 entific information to maintain or restore
7 the ecological integrity of the forest land-
8 scape; and

9 (B) may not establish a permanent road.

10 (c) ENVIRONMENTAL ANALYSIS.—

11 (1) APPLICATION TO CERTAIN ENVIRONMENTAL
12 ASSESSMENTS AND ENVIRONMENTAL IMPACT STATE-
13 MENTS.—This subsection shall apply in any case in
14 which the Secretary prepares an environmental as-
15 sessment or an environmental impact statement pur-
16 suant to section 102(2) of the National Environ-
17 mental Policy Act of 1969 (42 U.S.C.4332(2)) for a
18 forest landscape project—

19 (A) that—

20 (i) is developed through a collabo-
21 rative process; or

22 (ii) is covered by a community wildfire
23 protection plan; and

24 (B) the primary purpose of which is—

- 1 (i) to reduce the risk of wildfire in the
2 forest landscape;
3 (ii) to restore ecological health to the
4 forest landscape; or
5 (iii) to adapt the forest landscape to
6 the increased risk of wildfire due to climate
7 change.

8 (2) CONSIDERATION OF ALTERNATIVES.—In an
9 environmental assessment or an environmental im-
10 pact statement described in paragraph (1), the Sec-
11 retary shall study, develop, and describe only the fol-
12 lowing alternatives:

13 (A) The proposed agency action.

14 (B) The alternative of no action.

15 (3) WAIVER.—In preparing an environmental
16 impact statement for a forest landscape project de-
17 scribed in paragraph (1), the Secretary shall not be
18 required to comply with section 1502.11(g) or
19 1502.17 of title 40, Code of Federal Regulations (or
20 successor regulations).

21 (d) JUDICIAL REVIEW IN UNITED STATES DISTRICT
22 COURTS.—

23 (1) VENUE.—Notwithstanding section 1391 of
24 title 28, United States Code, or other applicable law,
25 a forest landscape project for which an environ-

1 mental assessment or an environmental impact
2 statement is prepared shall be subject to judicial re-
3 view only in—

4 (A) the United States district court for a
5 district in which the Federal land to be treated
6 under the forest landscape project is located; or

7 (B) the United States district court for the
8 District of Columbia.

9 (2) EXPEDITIOUS COMPLETION OF JUDICIAL
10 REVIEW.—In the judicial review of an action chal-
11 lenging a forest landscape project described in para-
12 graph (1), Congress encourages a court of competent
13 jurisdiction to expedite, to the maximum extent
14 practicable, the proceedings in the action with the
15 goal of rendering a final determination on jurisdic-
16 tion, and, if jurisdiction exists, a final determination
17 on the merits, as soon as practicable after the date
18 on which a complaint or appeal is filed to initiate
19 the action.

20 (e) EXCLUSIONS.—The authorities provided under
21 this section may not apply to—

22 (1) any component of the National Wilderness
23 Preservation System, except with respect to wilder-
24 ness study areas determined, before the date of the

1 enactment of this Act, to not be suitable for wilder-
2 ness designation;

3 (2) any congressionally designated wilderness
4 study area;

5 (3) National Forest System lands—

6 (A) on which the removal of vegetation is
7 prohibited by Act of Congress;

8 (B) that are located within a national or
9 State-specific inventoried roadless area estab-
10 lished by the Secretary through regulation, un-
11 less—

12 (i) the forest management activity to
13 be carried out under such authority is con-
14 sistent with the forest plan applicable to
15 the area;

16 (ii) the Secretary determines the for-
17 est management activity is permissible
18 under the applicable roadless rule gov-
19 erning such lands; or

20 (iii) the inventoried roadless area was
21 not recommended for wilderness designa-
22 tion as a result of—

23 (I) the second roadless area re-
24 view and evaluation program (RARE
25 II); or

1 (II) a subsequent revision of a
2 land and resources management plan
3 under section 6 of the Forest and
4 Rangeland Renewable Resources
5 Planning Act of 1974 (16 U.S.C.
6 1604); or

7 (C) on which timber harvesting for any
8 purpose is prohibited by Federal statute.

9 (f) DEFINITIONS.—In this section:

10 (1) COLLABORATIVE PROCESS.—The term “col-
11 laborative process” means a collaborative process de-
12 scribed in section 4003(b)(2) of the Omnibus Public
13 Land Management Act of 2009 (16 U.S.C.
14 7303(b)(2)).

15 (2) FOREST LANDSCAPE.—The term “forest
16 landscape” means an area that—

17 (A) primarily or entirely contains land that
18 has a high or very high wildfire hazard poten-
19 tial;

20 (B) due to a fuel management activity in
21 the area, would have a reduced risk, as deter-
22 mined by the Secretary—

23 (i) of wildfire endangering a nearby
24 at-risk community (as defined in section

1 101 of the Healthy Forests Restoration
2 Act of 2003 (16 U.S.C. 6511));

3 (ii) of wildfire damaging a municipal
4 watershed or infrastructure that serves an
5 at-risk community described in clause (i);
6 or

7 (iii) of the transmission of a high in-
8 tensity wildfire from the applicable
9 wildland-urban interface or forest land-
10 scape to a nearby community; and

11 (C) to the extent practicable, is conducive
12 to the development and implementation of
13 projects relating to wildfire resilience and forest
14 health or removal of dead or dying trees that
15 are carried out through a collaborative process.

16 (3) FOREST LANDSCAPE PROJECT.—The term
17 “forest landscape project” means a project described
18 in subsection (b)(1).

19 (4) FOREST PLAN.—The term “forest plan”
20 means a land and resource management plan pre-
21 pared by the Forest Service for a unit of the Na-
22 tional Forest System pursuant to section 6 of the
23 Forest and Rangeland Renewable Resources Plan-
24 ning Act of 1974 (16 U.S.C. 1604).

1 (g) APPROPRIATIONS.—In addition to amounts other-
2 wise available, there are appropriated to the Secretary for
3 each of fiscal years 2022 through 2031, out of any money
4 in the Treasury not otherwise appropriated,
5 \$4,000,000,000 to remain available until September 30,
6 2031, to carry out this section.

Strike section 11004 and insert the following:

7 **SEC. 11004. FORESTRY IMPROVEMENTS TO RESTORE THE**
8 **ENVIRONMENT ACT.**

9 (a) SURVEY OF NATIONAL FOREST SYSTEM LANDS
10 IMPACTED BY WILDFIRE.—

11 (1) SURVEY REQUIRED.—To the maximum ex-
12 tent practicable, not later than 60 days after a wild-
13 fire is contained on National Forest System lands,
14 the Secretary of Agriculture, acting through the
15 Chief of the Forest Service, shall complete a survey
16 of the National Forest System lands that were im-
17 pacted by such wildfire.

18 (2) PRIORITY OF LAND SURVEYED.—In car-
19 rying out a survey required under paragraph (1), the
20 Secretary of Agriculture shall give priority to Na-
21 tional Forest System lands in the following order:

22 (A) Lands for which there is, at the time
23 of such survey—

1 (i) timber under a contract pursuant
2 to section 14(a) of the National Forest
3 Management Act of 1976 (16 U.S.C.
4 472a); or

5 (ii) a stewardship contract under sec-
6 tion 604 of the Healthy Forests Restora-
7 tion Act of 2003 (16 U.S.C. 6591c).

8 (B) Lands for which, at the time of such
9 survey—

10 (i) a timber sale described in subpara-
11 graph (A)(i) or a stewardship contract de-
12 scribed in subparagraph (A)(ii) is planned;
13 and

14 (ii) with respect to such sale or con-
15 tract, an environmental decision document
16 has been completed pursuant to section
17 102 of the National Environmental Policy
18 Act of 1969 (42 U.S.C. 4332).

19 (3) CONVERSION OF TIMBER SALES.—

20 (A) TIMBER SALES TO SALVAGE SALES.—

21 Not later than 60 days after a wildfire is con-
22 tained on National Forest System lands, the
23 Secretary of Agriculture shall, with respect to
24 the timber sales applicable to such lands that

1 were impacted by such wildfire, convert such
2 timber sales to salvage sales.

3 (B) TREATMENT OF CONVERTED TIMBER
4 SALES.—In the case of a project relating to the
5 timber sales applicable to the National Forest
6 System lands described in paragraph (1), the
7 conversion of such timber sales to salvage sales
8 under such paragraph shall be deemed to meet
9 the purpose and need of such project for pur-
10 poses of an environmental assessment or an en-
11 vironmental impact statement pursuant to sec-
12 tion 102 of the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4332).

14 (4) SUPPLEMENTAL INFORMATION REPORTS.—
15 The Secretary of Agriculture shall give priority to
16 completing supplemental information reports that
17 determine, with respect to a pending project planned
18 for National Forest System lands prior to a wildfire,
19 whether—

20 (A) timber salvage constitutes substantial
21 changes to the proposed action that are relevant
22 to environmental concerns; and

23 (B) wildfire constitutes significant new cir-
24 cumstances or information relevant to environ-
25 mental concerns.

1 (b) ROADSIDE SALVAGE CATEGORICAL EXCLU-
2 SION.—

3 (1) CATEGORICAL EXCLUSION ESTABLISHED.—

4 Forest management activities described in paragraph
5 (2) are a category of actions hereby designated as
6 being categorically excluded from the preparation of
7 an environmental assessment or an environmental
8 impact statement pursuant to section 102 of the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4332).

11 (2) FOREST MANAGEMENT ACTIVITIES DES-
12 IGNATED FOR CATEGORICAL EXCLUSION.—The cat-
13 egory of forest management activities designated
14 under this paragraph for a categorical exclusion are
15 forest management activities carried out by the Sec-
16 retary of Agriculture on National Forest System
17 lands where the primary purpose of such activity is
18 for roadside salvage activities that allow for the re-
19 moval of hazard trees that are within 200 feet of a
20 roadway center line.

21 (3) AVAILABILITY OF CATEGORICAL EXCLU-
22 SION.—On and after the date of the enactment of
23 this Act, the Secretary of Agriculture may use the
24 categorical exclusion established under paragraph
25 (1) in accordance with this section.

1 (4) ACREAGE LIMITATIONS.—The categorical
2 exclusion established under this subsection shall not
3 be limited in size or scope.

4 (5) EXCLUSION OF EXTRAORDINARY CIR-
5 CUMSTANCE PROCEDURES.—The procedures relating
6 to extraordinary circumstances under section 220.6
7 of title 36, Code of Federal Regulations (or a suc-
8 cessor regulation), shall not apply to the use of the
9 categorical exclusion established under this sub-
10 section.

11 (c) JUDICIAL REVIEW.—

12 (1) OBJECTION PERIOD.—For any action taken
13 pursuant to the authorities in this section, the objec-
14 tion time described in section 219.56 of title 36,
15 Code of Federal Regulations (or successor regula-
16 tions), shall be 30 days.

17 (2) JUDICIAL REVIEW.—Except as provided in
18 paragraph (3), an activity carried out pursuant to
19 this section shall be subject to judicial review in the
20 same manner as an authorized hazardous fuels re-
21 duction project is subject to judicial review under
22 section 106 of the Healthy Forests Restoration Act
23 of 2003 (16 U.S.C. 6516).

24 (3) PRELIMINARY INJUNCTION PROHIBITED.—
25 Notwithstanding any other provision of law, a court

1 may not order a preliminary injunction enjoining the
2 Secretary of Agriculture from proceeding with tim-
3 ber sales authorized under this Act.

4 (d) RULE OF APPLICATION FOR NATIONAL FOREST
5 SYSTEM LANDS.—The authorities provided by this section
6 may not apply with respect to any National Forest System
7 lands—

8 (1) that are included in the National Wilderness
9 Preservation System;

10 (2) that are located within a national or State-
11 specific inventoried roadless area established by the
12 Secretary of Agriculture through regulation, un-
13 less—

14 (A) the forest management activity to be
15 carried out under such authority is consistent
16 with the forest plan applicable to the area; or

17 (B) the Secretary of Agriculture deter-
18 mines the forest management activity is permis-
19 sible under the applicable roadless rule gov-
20 erning such lands; or

21 (3) on which timber harvesting for any purpose
22 is prohibited by Federal statute.

23 (e) APPROPRIATIONS.—In addition to amounts other-
24 wise available, there are appropriated to the Secretary for
25 each of fiscal years 2022 through 2031, out of any money

1 in the Treasury not otherwise appropriated,
2 \$1,000,000,000 to remain available until September 30,
3 2031, to carry out this section.

