

FIX OUR FORESTS ACT

SEPTEMBER 12, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 8790]

The Committee on Natural Resources, to whom was referred the bill (H.R. 8790) to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Fix Our Forests Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—LANDSCAPE-SCALE RESTORATION

Subtitle A—Addressing Emergency Wildfire Risks in High Priority Firesheds

Sec. 101. Designation of fireshed management areas.
Sec. 102. Fireshed center.
Sec. 103. Fireshed registry.
Sec. 104. Shared stewardship.
Sec. 105. Fireshed assessments.
Sec. 106. Emergency fireshed management.
Sec. 107. Sunset.

Subtitle B—Expanding Collaborative Tools to Reduce Wildfire Risk and Improve Forest Health

Sec. 111. Modification of the treatment of certain revenue and payments under good neighbor agreements.

- Sec. 112. Fixing stewardship end result contracting.
- Sec. 113. Intra-agency strike teams.
- Sec. 114. Locally-led restoration.
- Sec. 115. Joint Chiefs landscape restoration partnership program.
- Sec. 116. Collaborative forest landscape restoration program.

Subtitle C—Litigation Reform

- Sec. 121. Commonsense litigation reform.
- Sec. 122. Consultation on forest plans.

TITLE II—PROTECTING COMMUNITIES IN THE WILDLAND-URBAN INTERFACE

- Sec. 201. Community wildfire risk reduction program.
- Sec. 202. Community wildfire defense research program.
- Sec. 203. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.
- Sec. 204. Categorical exclusion for electric utility lines rights-of-way.
- Sec. 205. Seeds of success.

TITLE III—TRANSPARENCY AND TECHNOLOGY

- Sec. 301. Biochar innovations and opportunities for conservation, health, and advancements in research.
- Sec. 302. Accurate hazardous fuels reduction reports.
- Sec. 303. Public-private wildfire technology deployment and testbed partnership.
- Sec. 304. GAO study on Forest Service policies.
- Sec. 305. Forest Service Western headquarters study.
- Sec. 306. Keeping forest plans current and monitored.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **DIRECTOR.**—The term “Director” means the Director of the Fireshed Center appointed under section 102.
- (2) **FIRESHED.**—The term “fireshed” means a landscape-scale area that faces similar wildfire threat where a response strategy could influence the wildfire outcome.
- (3) **FIRESHED MANAGEMENT PROJECT.**—The term “fireshed management project” means a project under section 106.
- (4) **FIRESHED REGISTRY.**—The term “Fireshed Registry” means the fireshed registry established under section 103.
- (5) **FOREST PLAN.**—The term “forest plan” means—
 - (A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712);
 - (B) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or
 - (C) a forest management plan (as defined in section 304 of the National Indian Forests Resources Management Act (25 U.S.C. 3104)) with respect to Indian forest land or rangeland.
- (6) **GOVERNOR.**—The term “Governor” means the Governor or any other appropriate executive official of an affected State or Indian Tribe or the Commonwealth of Puerto Rico.
- (7) **HAZARDOUS FUELS MANAGEMENT ACTIVITIES.**—The term “hazardous fuels management activities” means any vegetation management activities (or combination thereof) that reduce the risk of wildfire, including mechanical thinning, mastication, prescribed burning, cultural burning (as determined by the applicable Indian Tribe), timber harvest, and grazing.
- (8) **HFRA TERMS.**—The terms “at-risk community”, “community wildfire protection plan”, and “wildland-urban interface” have the meanings given such terms, respectively, in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).
- (9) **INDIAN FOREST LAND OR RANGELAND.**—The term “Indian forest land or rangeland” means land that—
 - (A) is held in trust by, or with a restriction against alienation by, the United States for an Indian Tribe or a member of an Indian Tribe; and
 - (B)(i)(I) is Indian forest land (as defined in section 304 of the National Indian Forest Resources Management Act (25 U.S.C. 3103)); or
 - (II) has a cover of grasses, brush, or any similar vegetation; or
 - (ii) formerly had a forest cover or vegetative cover that is capable of restoration.
- (10) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).
- (11) **NATIONAL FOREST SYSTEM LANDS.**—The term “National Forest System lands” has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609).

(12) PUBLIC LANDS.—The term “public lands” has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), except that the term includes Coos Bay Wagon Road Grant lands and Oregon and California Railroad Grant lands.

(13) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant Congressional Committees” means—

(A) the Committees on Natural Resources and Agriculture of the House of Representatives; and

(B) the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate.

(14) RESPONSIBLE OFFICIAL.—The term “responsible official” means an employee of the Department of the Interior or Forest Service who has the authority to make and implement a decision on a proposed action.

(15) SECRETARIES.—The term “Secretaries” means each of—

(A) the Secretary of the Interior; and

(B) the Secretary of Agriculture.

(16) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(17) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to public lands.

(18) STATE.—The term “State” means each of the several States, the District of Columbia, and each territory of the United States

TITLE I—LANDSCAPE-SCALE RESTORATION

Subtitle A—Addressing Emergency Wildfire Risks in High Priority Firesheds

SEC. 101. DESIGNATION OF FIRESHED MANAGEMENT AREAS.

(a) DESIGNATION OF FIRESHED MANAGEMENT AREAS.—

(1) INITIAL DESIGNATIONS.—For the period beginning on the date of enactment of this Act and ending on the date that is 5 years after the date of enactment of this Act, there are designated fireshed management areas, which—

(A) shall be comprised of individual landscape-scale firesheds identified as being a high risk fireshed in the “Wildfire Crisis Strategy” published by the Forest Service in January 2022;

(B) shall be comprised of individual landscape-scale firesheds identified by the Secretary, in consultation with the Secretary of the Interior, as being in the top 20 percent of the 7,688 firesheds published by the Rocky Mountain Research Station of the Forest Service in 2019 for wildfire exposure based on the following criteria—

(i) wildfire exposure and corresponding risk to communities, including risk to structures and life;

(ii) wildfire exposure and corresponding risk to municipal watersheds, including tribal water supplies and systems; and

(iii) risk of forest conversion due to wildfire;

(C) shall not overlap with any other fireshed management areas;

(D) may contain Federal and non-Federal land, including Indian forest lands or rangelands; and

(E) where the Secretary concerned shall carry out fireshed management projects.

(2) FURTHER FIRESHED MANAGEMENT AREA DESIGNATIONS.—

(A) IN GENERAL.—On the date that is 5 years after the date of the enactment of this Act and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit to the relevant Congressional Committees an updated map of firesheds based on the Fireshed Registry maintained under section 103.

(B) DESIGNATION.—Not later than 60 days after submitting an updated fireshed map under subparagraph (A), the Secretary shall, based on such map, designate additional fireshed management areas that are identified as being in the top 20 percent of firesheds at risk of wildfire exposure based on the criteria specified in subparagraphs (B), (C), (D), and (E) of paragraph (1).

(b) **APPLICABILITY OF NEPA.**—The designation of fireshed management areas under this section shall not be subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 102. FIRESHED CENTER.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the U.S. Geological Survey, shall jointly establish a Fireshed Center (hereinafter referred to as the “Center”) comprised of at least one career representative from each of the following:

- (A) The Forest Service.
- (B) The Bureau of Land Management.
- (C) The National Park Service.
- (D) The Bureau of Indian Affairs.
- (E) The U.S. Fish and Wildlife Service.
- (F) The U.S. Geological Survey.
- (G) The Department of Defense.
- (H) The Department of Homeland Security.
- (I) The Department of Energy.
- (J) The Federal Emergency Management Agency.
- (K) The National Science Foundation.
- (L) The National Oceanic and Atmospheric Administration.
- (M) The National Aeronautics and Space Administration.
- (N) The National Institute of Standards and Technology.

(2) **DIRECTOR.**—The Secretary, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the U.S. Geological Survey, shall jointly appoint a Director of the Center, who—

(A) shall be an employee of the U.S. Geological Survey or the Forest Service;

(B) shall serve an initial term of not more than 7 years; and

(C) may serve one additional term of not more than 7 years after the initial term described in subparagraph (B).

(3) **ADDITIONAL REPRESENTATION.**—The Secretary, acting through the Chief of the Forest Service and the Secretary of the Interior, acting through the Director of the U.S. Geological Survey, may jointly appoint additional representatives of Federal agencies to the Center, as the Secretaries determine necessary.

(b) **PURPOSES.**—The purposes of the Center are to—

(1) comprehensively assess and predict fire and smoke in the wildland and built environment interface across jurisdictions to inform—

- (A) land and fuels management;
- (B) community, public health, and built environment risk reduction; and
- (C) fire response and post-fire recovery;

(2) provide data aggregation, real-time predictive services, and science-based decision support services;

(3) reduce fragmentation and duplication across Federal land management agencies with respect to predictive service and decision support functions related to wildland fire and smoke;

(4) promote coordination and sharing of data regarding wildland fire and smoke decision making between Federal agencies, States, Indian Tribes, local governments, academic or research institutions, and private entities;

(5) streamline procurement processes and cybersecurity systems related to addressing wildland fire and smoke;

(6) provide publicly accessible data, models, technologies (including mapping technologies), assessments, and fire weather forecasts to support short- and long-term planning regarding wildland fire and smoke risk reduction and post-fire recovery; and

(7) maintain the Fireshed Registry established under section 103.

(c) **MEMORANDA OF UNDERSTANDING.**—The Center may enter into memorandums of understanding, contracts, or other agreements with State governments, Indian Tribes, local governments, academic or research institutions, and private entities to improve the information and operations of the Center.

(d) **ADMINISTRATIVE SUPPORT, TECHNICAL SERVICES, AND STAFF SUPPORT.**—

(1) **USGS SUPPORT.**—The Secretary of the Interior shall make personnel of the U.S. Geological Survey available to the Center for such administrative support, technical services, and development and dissemination of data as the Secretary determines necessary to carry out this section.

(2) **USFS SUPPORT.**—The Secretary shall make personnel of the Forest Service available to the Center for such administrative support, technical services, and

the development and dissemination of information related to fireshed management and the Fireshed Registry as the Secretary determines necessary to carry out this section.

SEC. 103. FIRESHED REGISTRY.

(a) **FIRESHED REGISTRY.**—The Secretary, acting through the Director of the Fireshed Center appointed under section 102, shall maintain a Fireshed Registry on a publicly accessible website that provides interactive geospatial data on individual firesheds, including information on—

- (1) wildfire exposure delineated by ownership, including rights-of-way for utilities and other public or private purposes;
- (2) any hazardous fuels management activities that have occurred within an individual fireshed in the past 10 years;
- (3) wildfire exposure with respect to such fireshed delineated by—
 - (A) wildfire exposure and corresponding risk to communities, including risk to structures and life;
 - (B) wildfire exposure and corresponding risk to municipal watersheds, including tribal water supplies and systems; and
 - (C) risk of forest conversion due to wildfire;
- (4) the percentage of the fireshed that has burned in wildfires in the past 10 years, including, to the extent practicable, delineations of acres that have burned at a high severity;
- (5) spatial patterns of wildfire exposure, including plausible extreme fire events; and
- (6) any hazardous fuels management activities planned for the fireshed, including fireshed management projects.

(b) **COMMUNITY WILDFIRE PROTECTION PLANS.**—The Director shall make data from the Fireshed Registry available to local communities developing or updating community wildfire protection plans.

(c) **REQUIREMENT TO MAINTAIN.**—As part of the website containing the Fireshed Registry, the Director shall—

- (1) publish fireshed assessments created under section 105; and
- (2) maintain a searchable database to track—
 - (A) the status of Federal environmental reviews, permits, and authorizations for fireshed management projects, including—
 - (i) a comprehensive permitting timetable;
 - (ii) the status of the compliance of each lead agency, cooperating agency, and participating agency with the permitting timetable with respect to such fireshed management projects;
 - (iii) any modifications of the permitting timetable required under clause (i), including an explanation as to why the permitting timetable was modified; and
 - (iv) information about project-related public meetings, public hearings, and public comment periods, which shall be presented in English and the predominant language of the community or communities most affected by the project, as that information becomes available;
 - (B) the projected cost of such fireshed management projects; and
 - (C) in the case of completed fireshed management projects, the effectiveness of such projects in reducing the wildfire exposure within an applicable fireshed, including wildfire exposure described in subparagraphs (A) through (C) of subsection (a)(3).

(d) **RELIANCE ON EXISTING ASSESSMENTS.**—In carrying out this section, the Director may rely on assessments completed or data gathered through existing partnerships, to the extent practicable.

SEC. 104. SHARED STEWARDSHIP.

(a) **JOINT AGREEMENTS.**—Not later than 90 days after receiving a written request from a Governor of a State or an Indian Tribe, the Secretary concerned shall enter into a shared stewardship agreement (or similar agreement) with such Governor or Indian Tribe to jointly—

- (1) promote the reduction of wildfire exposure, based on the criteria in section 101(a)(1)(B), in fireshed management areas across jurisdictional boundaries; and
- (2) conduct fireshed assessments under section 105.

(b) **ADDITIONAL FIRESHED MANAGEMENT AREAS.**—With respect to a shared stewardship agreement (or similar agreement) with a Governor of a State or an Indian Tribe entered into under subsection (a), the Secretary concerned, if requested by such Governor or Indian Tribe, may—

- (1) designate additional fireshed management areas under such agreement; and

(2) update such agreement to address new wildfire threats.

SEC. 105. FIRESHED ASSESSMENTS.

(a) **FIRESHED ASSESSMENTS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date on which the Secretary concerned enters into an agreement with a Governor of a State or an Indian Tribe under section 104, the Secretary concerned and such Governor or Indian Tribe shall, with respect to the fireshed management areas designated in such State, jointly conduct a fireshed assessment that—

- (A) identifies—
 - (i) using the best available science, wildfire exposure risks within each such fireshed management area, including scenario planning and wildfire hazard mapping and models; and
 - (ii) each at-risk community within each fireshed management area;
- (B) identifies potential fireshed management projects to be carried out in such fireshed management areas, giving priority—
 - (i) primarily, to projects with the purpose of reducing—
 - (I) wildfire exposure and corresponding risk to communities, including risk to structures and life;
 - (II) wildfire exposures and corresponding risk to municipal watersheds, including tribal water supplies and systems;
 - (III) risk of forest conversion due to wildfire; or
 - (IV) any combination of purposes described in subclauses (I) through (III); and
 - (ii) secondarily, to projects with the purpose of protecting—
 - (I) critical infrastructure, including utility infrastructure;
 - (II) wildlife habitats, including habitat for species listed under the Endangered Species Act (16 U.S.C. 1531 et seq.);
 - (III) the built environment, including residential and commercial buildings;
 - (IV) resources of an Indian Tribe, as defined by the Indian Tribe;
 - or
 - (V) any combination of purposes described in subclauses (I) through (IV);
- (C) includes—
 - (i) a strategy for reducing the threat of wildfire to at-risk communities in the wildland-urban interface on both Federal and non-Federal land;
 - (ii) a timeline for the implementation of fireshed management projects;
 - (iii) long-term benchmark goals for the completion of fireshed management projects in the highest wildfire exposure areas so that such projects contribute to the development and maintenance of healthy and resilient landscapes; and
 - (iv) policies to ensure fireshed management projects comply with applicable forest plans and incorporate the best available science;
- (D) shall be regularly updated based on the best available science, as determined by the Secretary concerned; and
- (E) shall be publicly available on a website maintained by the Secretary concerned.

(2) **LOCAL GOVERNMENT PARTICIPATION.**—Upon the written request of a local government, the Secretary concerned and the Governor of the State in which the local government is located may allow such local government to participate in producing the fireshed assessment under paragraph (1) for such State.

(3) **INFORMATION IMPROVEMENT.**—

(A) **MEMORANDUMS OF UNDERSTANDING.**—In carrying out a fireshed assessment under this subsection, the Secretary concerned may enter into memorandums of understanding with other Federal agencies or departments, States, Indian Tribes, private entities, or research or educational institutions to improve, with respect to such assessment, the use and integration of—

- (i) advanced remote sensing and geospatial technologies;
- (ii) statistical modeling and analysis; or
- (iii) any other technology or combination of technologies and analyses that the Secretary concerned determines will benefit the quality of information of such an assessment.

(B) **BEST AVAILABLE SCIENCE.**—In using the best available science for the fireshed assessments completed under subsection (a)(1), the Secretary con-

cerned and Governor shall, to the maximum extent practicable, incorporate—

- (i) traditional ecological knowledge from Indian Tribes;
- (ii) data from State forest action plans and State wildfire risk assessments;
- (iii) data from the Fireshed Registry maintained under section 103; and
- (iv) data from other Federal, State, Tribal, and local governments or agencies.

(b) **APPLICABILITY OF NEPA.**—Fireshed assessments conducted under this section shall not be subject to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 106. EMERGENCY FIRESHED MANAGEMENT.

(a) **FIRESHED MANAGEMENT PROJECTS.**—

(1) **IN GENERAL.**—The Secretary concerned, acting through a responsible official, shall carry out fireshed management projects in fireshed management areas designated under section 101 in accordance with this section.

(2) **FIRESHED MANAGEMENT PROJECTS.**—The responsible official shall carry out the following forest and vegetation management activities as fireshed management projects under this section:

- (A) Conducting hazardous fuels management activities.
- (B) Creating fuel breaks and fire breaks.
- (C) Removing hazard trees, dead trees, dying trees, or trees at risk of dying, as determined by the responsible official.
- (D) Developing, approving, or conducting routine maintenance under a vegetation management, facility inspection, and operation and maintenance plan submitted under section 512(c)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(1)).
- (E) Removing trees to address overstocking or crowding in a forest stand, consistent with the appropriate basal area of the forest stand as determined by the responsible official.
- (F) Using chemical or re-seeding and planting treatments to address insects and disease and control vegetation competition or invasive species.
- (G) Any activities recommended by an applicable fireshed assessment carried out under section 105.
- (H) Any activities recommended by an applicable community wildfire protection plan.
- (I) Any combination of activities described in this paragraph.

(3) **EMERGENCY FIRESHED MANAGEMENT.**—

(A) **IN GENERAL.**—For any fireshed management area designated under section 101, the following shall have the force and effect of law:

- (i) Section 220.4(b) of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), with respect to lands under the jurisdiction of the Secretary.
- (ii) Section 46.150 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act), with respect to lands under the jurisdiction of the Secretary of the Interior.
- (iii) Section 402.05 of title 50, Code of Federal Regulations (as in effect on the date of enactment of this Act).
- (iv) Section 800.12 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(B) **UTILIZATION OF EXISTING STREAMLINED AUTHORITIES IN FIRESHED MANAGEMENT AREAS.**—

(i) **IN GENERAL.**—Fireshed management projects carried out under this section shall be considered authorized projects under the following categorical exclusions:

- (I) Section 603(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591b(a)).
- (II) Section 605(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591d(a)).
- (III) Section 606(b) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591e(b)).
- (IV) Section 40806(b) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592b(b)).
- (V) Section 4(c)(4) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353).
- (VI) Subject to subsection (d) of section 40807 of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592c) in the same man-

ner as authorized emergency actions (as defined in subsection (a) of such section) are subject to such subsection.

(ii) USE OF EXPEDITED AUTHORITIES.—In carrying out a fireshed management project, the Secretary shall apply a categorical exclusion under clause (i)—

(I) in a manner consistent with the statute establishing such categorical exclusion; and

(II) in any area—

(aa) designated as suitable for timber production within the applicable forest plan; or

(bb) where timber harvest activities are not prohibited.

(iii) FISCAL RESPONSIBILITY ACT REQUIREMENTS.—In carrying out this section, the Secretary concerned shall ensure compliance with the amendments made to the National Environmental Policy Act (42 U.S.C. 4321 et seq.) by the Fiscal Responsibility Act of 2023 (Public Law 118–5).

(iv) USE OF OTHER AUTHORITIES.—To the maximum extent practicable, the Secretary concerned shall use the authorities provided under this section in combination with other authorities to carry out fireshed management projects, including—

(I) good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) (as amended by this Act);

(II) stewardship contracting projects entered into under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) (as amended by this Act);

(III) self-determination contracts and self-governance compact agreements entered into under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.); and

(IV) agreements entered into under the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.).

(b) EXPANSION.—

(1) HFRA AMENDMENTS.—The Healthy Forests Restoration Act of 2003 is amended—

(A) in section 603(c)(1) (16 U.S.C. 6591b(c)(1)), by striking “3000 acres” and inserting “10,000 acres”;

(B) in section 605(c)(1) (16 U.S.C. 6591d(c)(1)), by striking “3000 acres” and inserting “10,000 acres”; and

(C) in section 606(g) (16 U.S.C. 6591e(g)), by striking “4,500 acres” and inserting “10,000 acres”.

(2) INFRASTRUCTURE INVESTMENT AND JOBS ACT AMENDMENT.—Section 40806(d)(1) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592b(d)(1)), by striking “3,000 acres” and inserting “10,000 acres”.

(3) LAKE TAHOE RESTORATION ACT AMENDMENTS.—Section 4(c)(4)(C) of the Lake Tahoe Restoration Act (Public Law 106–506; 114 Stat. 2353) is amended—

(A) by striking “Lake Tahoe Basin Management Unit”; and

(B) by inserting “applicable to the area” before the period at the end.

SEC. 107. SUNSET.

The authority under this subtitle shall terminate on the date that is 7 years after the date of enactment of this Act.

Subtitle B—Expanding Collaborative Tools to Reduce Wildfire Risk and Improve Forest Health

SEC. 111. MODIFICATION OF THE TREATMENT OF CERTAIN REVENUE AND PAYMENTS UNDER GOOD NEIGHBOR AGREEMENTS.

(a) GOOD NEIGHBOR AUTHORITY.—Section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) is amended—

(1) in subsection (a)(6), by striking “or Indian tribe”; and

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting “, Indian tribe,” after “Governor”;

(B) in paragraph (2)(C)—

(i) by striking clause (i) and inserting the following:

“(i) IN GENERAL.—Funds received from the sale of timber or forest product by a Governor, an Indian tribe, or a county under a good neighbor agreement shall be retained and used by the Governor, Indian tribe, or county, as applicable—

“(I) to carry out authorized restoration services under the good neighbor agreement; and

“(II) if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services under other good neighbor agreements and for the administration of a good neighbor authority program by a Governor, Indian tribe, or county.”; and

(ii) in clause (ii), by striking “2024” and inserting “2029”;

(C) in paragraph (3), by inserting “, Indian tribe,” after “Governor”; and
(D) by striking paragraph (4).

(b) CONFORMING AMENDMENTS.—Section 8206(a) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) is amended—

(1) in paragraph (1)(B), by inserting “, Indian tribe,” after “Governor”; and

(2) in paragraph (5), by inserting “, Indian tribe,” after “Governor”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to any project initiated pursuant to a good neighbor agreement (as defined in section 8206(a) of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)))—

(1) before the date of enactment of this Act, if the project was initiated after the date of enactment of the Agriculture Improvement Act of 2018 (Public Law 115–334; 132 Stat. 4490); or

(2) on or after the date of enactment of this Act.

SEC. 112. FIXING STEWARDSHIP END RESULT CONTRACTING.

Section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) is amended—

(1) in subsection (b), by inserting “, including retaining and expanding existing forest products infrastructure” before the period at the end;

(2) in subsection (d)(3)(B), by striking “10 years” and inserting “20 years”; and

(3) in subsection (h), by adding at the end the following:

“(4) SPECIAL RULE FOR LONG-TERM STEWARDSHIP CONTRACTS.—

“(A) IN GENERAL.—A long-term agreement or contract entered into with an entity under subsection (b) by the Chief or the Director shall provide that in the case of the cancellation or termination by the Chief or the Director of such long-term agreement or contract, the Chief or the Director, as applicable, shall provide 10 percent of the agreement or contract amount to such entity as cancellation or termination costs.

“(B) DEFINITION OF LONG-TERM AGREEMENT OR CONTRACT.—In this paragraph, the term ‘long-term agreement or contract’ means an agreement or contract under subsection (b)—

“(i) with a term of more than 5 years; and

“(ii) entered into on or after the date of the enactment of this paragraph.”.

SEC. 113. INTRA-AGENCY STRIKE TEAMS.

(a) ESTABLISHMENT.—The Secretary concerned shall establish intra-agency strike teams to assist the Secretary concerned with—

(1) any reviews, including analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), consultations under the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and consultations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), with the intent to accelerate and streamline interagency consultation processes;

(2) the implementation of any necessary site preparation work in advance of or as part of a fireshed management project;

(3) the implementation of fireshed management projects under such section; and

(4) any combination of purposes under paragraphs (1) through (3).

(b) MEMBERS.—The Secretary concerned may appoint not more than 10 individuals to serve on an intra-agency strike team comprised of—

(1) employees of the Department under the jurisdiction of the Secretary concerned;

(2) employees of a different Federal agency, with the consent of that agency’s Secretary;

(3) private contractors from any nonprofit organization, State government, Indian Tribe, local government, quasi-governmental agency, academic institution, or private organization; and

(4) volunteers from any nonprofit organization, State government, Indian Tribe, local government, quasi-governmental agency, academic institution, or private organization.

(c) SUNSET.—The authority provided under this section shall terminate on the date that is 7 years after the date of enactment of this Act.

SEC. 114. LOCALLY-LED RESTORATION.

(a) **THRESHOLD ADJUSTMENT.**—Section 14(d) of the National Forest Management Act of 1976 (16 U.S.C. 472a(d)) is amended by—

(1) striking “\$10,000” and inserting “\$55,000”; and

(2) by adding at the end the following: “Beginning on January 1, 2025, and annually thereafter, the amount in the first sentence of this subsection shall be adjusted by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

(b) **FIRESHED MANAGEMENT PROJECTS.**—Beginning on the date that is 30 days after the date of enactment of this Act, the Secretary shall solicit bids under section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a(d)) for fireshed management projects under section 106.

SEC. 115. JOINT CHIEFS LANDSCAPE RESTORATION PARTNERSHIP PROGRAM.

Section 40808 of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592d) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking “or” at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) to recover from wildfires; or

“(E) to enhance soil, water, and related natural resources.”;

(2) in subsection (d)(1)—

(A) in subparagraph (A), by inserting “and post-wildfire impacts” after “wildfire risk”; and

(B) in subparagraph (F), by inserting “, as identified in the corresponding State forest action plan or similar priority plan (such as a State wildlife or water plan)” before the semicolon;

(3) in subsection (g)(2), by inserting “and at least once every 2 fiscal years thereafter” after “and 2023”; and

(4) in subsection (h)(1), by striking “and 2023” and inserting “through 2028”.

SEC. 116. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

Section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) is amended—

(1) in subsection (b)(3)—

(A) in subparagraph (D), by striking “species,” and inserting “species or pathogens;”;

(B) in subparagraph (G), by striking “and” at the end;

(C) in subparagraph (H), by adding “and” after the semicolon at the end; and

(D) by adding at the end the following:

“(I) address standardized monitoring questions and indicators;”;

(2) in subsection (c)(3)(A)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by adding “and” at the end; and

(C) by adding at the end the following:

“(iii) include a plan to provide support to collaborative processes established pursuant to subsection (b)(2);”;

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (E), by striking “and” at the end;

(ii) in subparagraph (F), by striking the period at the end and inserting “, and”; and

(iii) by adding at the end the following:

“(G) proposals that seek to use innovative implementation mechanisms, including good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a);

“(H) proposals that seek to reduce the risk of uncharacteristic wildfire or increase ecological restoration activities—

“(i) within areas across land ownerships, including State, Tribal, and private land; and

“(ii) within the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)); and

“(I) proposals that seek to enhance watershed health and drinking water sources.”; and

(B) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

- “(A) 4 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and”;
- (ii) by striking subparagraph (B); and
 - (iii) by redesignating subparagraph (C) as subparagraph (B); and
- (4) in subsection (f)(6), by striking “2019 through 2023” and inserting “2023 through 2029”.

Subtitle C—Litigation Reform

SEC. 121. COMMONSENSE LITIGATION REFORM.

(a) **IN GENERAL.**—A court shall not enjoin a covered agency action if the court determines that the plaintiff is unable to demonstrate that the claim of the plaintiff is likely to succeed on the merits.

(b) **BALANCING SHORT-AND LONG-TERM EFFECTS OF COVERED AGENCY ACTION IN CONSIDERING INJUNCTIVE RELIEF.**—As part of its weighing the equities while considering any request for an injunction that applies to a covered agency action, the court reviewing such action shall balance the impact to the ecosystem likely affected by such action of—

- (1) the short- and long-term effects of undertaking such action; against
- (2) the short- and long-term effects of not undertaking such action.

(c) **LIMITATIONS ON JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (except this section), in the case of a claim arising under Federal law seeking judicial review of a covered agency action—

(A) a court shall not hold unlawful, set aside, or otherwise limit, delay, stay, vacate, or enjoin such agency action unless the court determines that—

- (i) such action poses or will pose a risk of a proximate and substantial environmental harm; and
- (ii) there is no other equitable remedy available as a matter of law; and

(B) if a court determines that subparagraph (A) does not apply to the covered agency action the only remedy the court may order with regard to such agency action is to remand the matter to the agency with instructions to, during the 180-day period beginning on the date of the order, take such additional actions as may be necessary to redress any legal wrong suffered by, or adverse effect on, the plaintiff, except such additional actions may not include the preparation of a new agency document unless the court finds the agency was required and failed to prepare such agency document.

(2) **EFFECT OF REMAND.**—In the case of a covered agency action to which paragraph (1)(B) applies, the agency may—

(A) continue to carry out such agency action to the extent the action does not impact the additional actions required pursuant to such paragraph; and

(B) if the agency action relates to an agency document, use any format to correct such document (including a supplemental environmental document, memorandum, or errata sheet).

(d) **LIMITATIONS ON CLAIMS.**—Notwithstanding any other provision of law (except this section), a claim arising under Federal law seeking judicial review of a covered agency action shall be barred unless—

(1) with respect to an agency document or the application of a categorical exclusion noticed in the Federal Register, such claim is filed not later than 120 days after the date of publication of a notice in the Federal Register of agency intent to carry out the finished management project relating to such agency document or application, unless a shorter period is specified in such Federal law;

(2) in the case of an agency document or the application of a categorical exclusion not described in paragraph (1), such claim is filed not later than 120 days after the date that is the earlier of—

(A) the date on which such agency document or application is published; and

(B) the date on which such agency document or application is noticed; and

(3) in the case of a covered agency action for which there was a public comment period, such claim—

(A) is filed by a party that—

- (i) participated in the administrative proceedings regarding the finished management project relating to such action; and

- (ii) submitted a comment during such public comment period and such comment was sufficiently detailed to put the applicable agency on notice of the issue upon which the party seeks judicial review; and (B) is related to such comment.
- (e) DEFINITIONS.—In this section:
- (1) AGENCY DOCUMENT.—The term “agency document” means, with respect to a fireshed management project, a record of decision, environmental document, or programmatic environmental document.
- (2) COVERED AGENCY ACTION.—The term “covered agency action” means—
- (A) the establishment of a fireshed management project by an agency;
- (B) the application of a categorical exclusion to a fireshed management project;
- (C) the preparation of any agency document for a fireshed management project; or
- (D) any other agency action as part of a fireshed management project.
- (3) NEPA TERMS.—The terms “categorical exclusion”, “environmental document”, and “programmatic environmental document” have the meanings given such terms, respectively, in section 111 of the National Environmental Policy Act of 1969 (42 U.S.C. 4336e).

SEC. 122. CONSULTATION ON FOREST PLANS.

(a) FOREST SERVICE PLANS.—Section 6(d)(2) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as follows:

“(2) NO ADDITIONAL CONSULTATION REQUIRED UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding any other provision of law, the Secretary shall not be required to reinstate consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a land management plan approved, amended, or revised under this section when—

“(A) a new species is listed or critical habitat is designated under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

“(B) new information reveals effects of the land management plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.”.

(b) BUREAU OF LAND MANAGEMENT PLANS.—Section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) is amended by adding at the end the following:

“(g) NO ADDITIONAL CONSULTATION REQUIRED UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding any other provision of law, the Secretary shall not be required to reinstate consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a land use plan approved, amended, or revised under this section when—

“(1) a new species is listed or critical habitat is designated under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

“(2) new information reveals effects of the land use plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.”.

TITLE II—PROTECTING COMMUNITIES IN THE WILDLAND-URBAN INTERFACE

SEC. 201. COMMUNITY WILDFIRE RISK REDUCTION PROGRAM.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretaries shall jointly establish an interagency program to be known as the “Community Wildfire Risk Reduction Program” that shall consist of at least one representative from each of the following:

- (1) The Office of Wildland Fire of the Department of the Interior.
- (2) The National Park Service.
- (3) The Bureau of Land Management.
- (4) The United States Fish and Wildlife Service.
- (5) The Bureau of Indian Affairs.
- (6) The Forest Service.
- (7) The Federal Emergency Management Agency.
- (8) The United States Fire Administration.
- (9) The National Institute of Standards and Technology.

(b) **PURPOSE.**—The purpose of the program established under subsection (a) is to support interagency coordination in reducing the risk of, and the damages resulting from, wildfires in communities (including tribal communities) in the wildland-urban interface through—

(1) advancing research and science in wildfire resilience and land management, including support for non-Federal research partnerships;

(2) supporting adoption by Indian Tribes and local governmental entities of fire-resistant building methods, codes, and standards;

(3) supporting efforts by Indian Tribes or local governmental entities to address the effects of wildland fire on such communities, including property damages, air quality, and water quality;

(4) encouraging public-private partnerships to conduct hazardous fuels management activities in the wildland-urban interface;

(5) providing technical and financial assistance targeted towards communities, including tribal communities, through streamlined and unified technical assistance and grant management mechanisms, including the portal and grant application established under subsection (c), to—

(A) encourage critical risk reduction measures on private property with high wildfire risk exposure in such communities; and

(B) mitigate costs for and improve capacity among such communities.

(c) **PORTAL AND UNIFORM GRANT APPLICATION.**—

(1) **IN GENERAL.**—As part of the program established under subsection (a), the Secretaries and the Administrator of the Federal Emergency Management Agency shall establish a portal through which a person may submit a single, uniform application for any of the following:

(A) A community wildfire defense grant under section 40803(f) of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592(f)).

(B) An emergency management performance grant under section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 761).

(C) A grant under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(D) A grant under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

(E) Financial or technical assistance or a grant under sections 203, 205, 404, 406, or 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5135, 5170c, 5172, 5187).

(2) **SIMPLIFICATION OF APPLICATION.**—In establishing the portal and application under paragraph (1), the Secretaries and the Administrator shall seek to reduce the complexity and length of the application process for the grants described in paragraph (1).

(3) **TECHNICAL ASSISTANCE.**—The Secretaries shall provide technical assistance to communities or persons seeking to apply for financial assistance through the portal using the application established under paragraph (1).

(d) **SUNSET.**—The program established under this section shall terminate on the date that is 7 years after the date of enactment of this Act.

SEC. 202. COMMUNITY WILDFIRE DEFENSE RESEARCH PROGRAM.

(a) **IN GENERAL.**—The Secretaries shall, acting jointly, expand the Joint Fire Science Program to include a performance-driven research and development program known as the “Community Wildfire Defense Research Program” for the purpose of testing and advancing innovative designs to create or improve the wildfire-resistance of structures and communities.

(b) **PROGRAM PRIORITIES.**—In carrying out the program established under subsection (a), the Secretaries shall evaluate opportunities to create wildfire-resistant structures and communities through—

(1) different affordable building materials, including mass timber;

(2) home hardening, including policies to incentivize and incorporate defensible space;

(3) subdivision design and other land use planning and design;

(4) landscape architecture; and

(5) other wildfire-resistant designs, as determined by the Secretary.

(c) **COMMUNITY WILDFIRE DEFENSE INNOVATION PRIZE.**—

(1) **IN GENERAL.**—In carrying out the program established under subsection (a), the Secretaries shall carry out a competition through which a person may submit to the Secretaries innovative designs for the creation or improvement of an ignition-resistant structure or fire-adapted communities.

(2) **PRIZE.**—Subject to the availability of appropriations made in advance for such purpose, the Secretaries may award a prize under the competition de-

scribed in paragraph (1), based on criteria established by the Secretaries and in accordance with paragraph (3).

(3) SCALE.—In awarding a prize under paragraph (2), the Secretaries shall prioritize for an award designs with the most potential to scale to existing infrastructure.

(d) SUNSET.—The program established under subsection (a) shall terminate on the date that is 7 years after the date of enactment of this Act.

SEC. 203. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS-OF-WAY.

(a) HAZARD TREES WITHIN 150 FEET OF ELECTRIC POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(a)(1)(B)(ii)) is amended by striking “10” and inserting “150”.

(b) CONSULTATION WITH PRIVATE LANDOWNERS.—Section 512(c)(3)(E) of such Act (43 U.S.C. 1772(c)(3)(E)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(iii) consulting with a private landowner with respect to any hazard trees identified for removal from land owned by the private landowner.”.

(c) REVIEW AND APPROVAL PROCESS.—Section 512(c)(4)(A)(iv) of such Act (43 U.S.C. 1772(c)(4)(A)(iv)) is amended to read as follows:

“(iv) ensures that—

“(I) a plan submitted without a modification under clause (iii) shall be automatically approved 120 days after being submitted; and

“(II) with respect to a plan submitted with a modification under clause (iii), if not approved within 120 days after being submitted, the Secretary concerned shall develop and submit a letter to the owner and operator describing—

“(aa) a detailed timeline (to conclude within 165 days after the submission of the plan) for completing review of the plan;

“(bb) any identified deficiencies with the plan and specific opportunities for the owner and operator to address such deficiencies; and

“(cc) any other relevant information, as determined by the Secretary concerned.”.

SEC. 204. CATEGORICAL EXCLUSION FOR ELECTRIC UTILITY LINES RIGHTS-OF-WAY.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of activities hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The forest management activities designated under subsection (a) for a categorical exclusion are—

(1) the development and approval of a vegetation management, facility inspection, and operation and maintenance plan submitted under section 512(c)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(1)) by the Secretary concerned; and

(2) the implementation of routine activities conducted under the plan referred to in paragraph (1).

(c) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (a) in accordance with this section.

(d) EXCLUSION OF CERTAIN AREAS FROM CATEGORICAL EXCLUSION.—The categorical exclusion established under subsection (a) shall not apply to any forest management activity conducted—

(1) in a component of the National Wilderness Preservation System; or

(2) on National Forest System lands on which the removal of vegetation is restricted or prohibited by an Act of Congress.

(e) PERMANENT ROADS.—

(1) PROHIBITION ON ESTABLISHMENT.—A forest management activity designated under subsection (b) shall not include the establishment of a permanent road.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repair on an existing permanent road for the purposes of conducting a forest management activity designated under subsection (b).

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed for carrying out a forest management activity designated under subsection (b) not later than the date that is 3 years after the date on which the forest management activity is completed.

(f) APPLICABLE LAWS.—Clauses (iii) and (iv) of section 106(a)(3) shall apply to forest management activities designated under subsection (b).

SEC. 205. SEEDS OF SUCCESS.

(a) STRATEGY ESTABLISHED.—Not later than 2 years after the date of enactment of this Act, the Secretaries and the Secretary of Defense shall jointly develop and implement a strategy, to be known as the “Seeds of Success strategy”, to enhance the domestic supply chain of seeds.

(b) ELEMENTS.—The strategy required under subsection (a) shall include a plan for each of the following:

(1) Facilitating sustained interagency coordination in, and a comprehensive approach to, native plant materials development and restoration.

(2) Promoting the re-seeding of native or fire-resistant vegetation post-wild-fire, particularly in the wildland-urban interface.

(3) Creating and consolidating information on native or fire-resistant vegetation and sharing such information with State governments, Indian Tribes, and local governments.

(4) Building regional programs and partnerships to promote the development of materials made from plants native to the United States and restore such plants to their respective, native habitats within the United States, giving priority to the building of such programs and partnerships in regions of the Bureau of Land Management where such partnerships and programs do not already exist as of the date of enactment of this Act.

(5) Expanding seed storage and seed-cleaning infrastructure.

(6) Expanding the Warehouse System of the Bureau of Land Management, particularly the cold storage capacity of the Warehouse System.

(7) Shortening the timeline for the approval of permits to collect seeds on public lands managed by the Bureau of Land Management.

(c) REPORT.—The Secretaries and the Secretary of Defense shall submit to the relevant Congressional Committees the strategy developed under paragraph (1).

TITLE III—TRANSPARENCY AND TECHNOLOGY

SEC. 301. BIOCHAR INNOVATIONS AND OPPORTUNITIES FOR CONSERVATION, HEALTH, AND ADVANCEMENTS IN RESEARCH.

(a) DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the covered Secretaries shall establish a program to enter into partnerships with eligible entities to carry out demonstration projects to support the development and commercialization of biochar in accordance with this subsection.

(B) LOCATION OF DEMONSTRATION PROJECTS.—In carrying out the program established under subparagraph (A), the covered Secretaries shall, to the maximum extent practicable, enter into partnerships with eligible entities such that not fewer than one demonstration project is carried out in each region of the Forest Service and each region of the Bureau of Land Management.

(2) PROPOSALS.—To be eligible to enter into a partnership to carry out a biochar demonstration project under paragraph (1)(A), an eligible entity shall submit to the covered Secretaries a proposal at such time, in such manner, and containing such information as the covered Secretaries may require.

(3) PRIORITY.—In selecting proposals under paragraph (2), the covered Secretaries shall give priority to entering into partnerships with eligible entities that submit proposals to carry out biochar demonstration projects that—

(A) have the most carbon sequestration potential;

(B) have the most potential to create new jobs and contribute to local economies, particularly in rural areas;

(C) have the most potential to demonstrate—

(i) new and innovative uses of biochar;

(ii) market viability for cost effective biochar-based products;

- (iii) the ecosystem services created or supported by the use of biochar;
- (iv) the restorative benefits of biochar with respect to forest health and resiliency, including forest soils and watersheds; or
- (v) any combination of purposes specified in clauses (i) through (iv); and
- (D) are located in areas that have a high need for biochar production, as determined by the covered Secretaries, due to—
 - (i) nearby lands identified as having high or very high or extreme risk of wildfire;
 - (ii) availability of sufficient quantities of feedstocks;
 - (iii) a high level of demand for biochar or other commercial byproducts of biochar; or
 - (iv) any combination of purposes specified in subparagraphs (A) through (D).
- (4) USE OF FUNDS.—In carrying out the program established under paragraph (1)(A), the covered Secretaries may enter into partnerships and provide funding to such partnerships to carry out demonstration projects to—
 - (A) acquire and test various feedstocks and their efficacy;
 - (B) develop and optimize commercially and technologically viable biochar production units, including mobile and permanent units;
 - (C) demonstrate—
 - (i) the production of biochar from forest residue; and
 - (ii) the use of biochar to restore forest health and resiliency;
 - (D) build, expand, or establish biochar facilities;
 - (E) conduct research on new and innovative uses of biochar;
 - (F) demonstrate cost-effective market opportunities for biochar and biochar-based products;
 - (G) carry out any other activities the covered Secretaries determine appropriate; or
 - (H) any combination of the purposes specified in subparagraphs (A) through (F).
- (5) FEEDSTOCK REQUIREMENTS.—To the maximum extent practicable, an eligible entity that carries out a biochar demonstration project under this subsection shall, with respect to the feedstock used under such project, derive at least 50 percent of such feedstock from forest thinning and management activities, including mill residues, conducted on National Forest System lands or public lands.
- (6) REVIEW OF BIOCHAR DEMONSTRATION.—
 - (A) IN GENERAL.—The covered Secretaries shall conduct regionally-specific research, including economic analyses and life-cycle assessments, on any biochar produced from a demonstration project carried out under the program established in paragraph (1)(A), including—
 - (i) the effects of such biochar on—
 - (I) forest health and resiliency;
 - (II) carbon capture and sequestration, including increasing soil carbon in the short-term and long-term;
 - (III) productivity, reduced input costs, and water retention in agricultural practices;
 - (IV) the health of soil and grasslands used for grazing activities, including grazing activities on National Forest System land and public land;
 - (V) environmental remediation activities, including abandoned mine land remediation; and
 - (VI) other ecosystem services created or supported by the use of biochar;
 - (ii) the effectiveness of biochar as a co-product of biofuels or in biochemicals; and
 - (iii) the effectiveness of other potential uses of biochar to determine if any such use is technologically and commercially viable.
 - (B) COORDINATION.—The covered Secretaries shall, to the maximum extent practicable, provide data, analyses, and other relevant information collected under subparagraph (A) with recipients of a grant under subsection (b).
- (7) LIMITATION ON FUNDING FOR ESTABLISHING BIOCHAR FACILITIES.—If the covered Secretaries provide to an eligible entity that enters into a partnership with the covered Secretaries under paragraph (1)(A) funding for establishing a biochar facility, such funding may not exceed 35 percent of the total capital cost of establishing such biochar facility.

(b) BIOCHAR RESEARCH AND DEVELOPMENT GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of the Interior shall establish or expand an existing applied biochar research and development grant program to make competitive grants to eligible institutions to carry out the activities described in paragraph (3).

(2) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible institution shall submit to the Secretary a proposal at such time, in such manner, and containing such information as the Secretary may require.

(3) USE OF FUNDS.—An eligible institution that receives a grant under this subsection shall use the grant funds to conduct applied research on—

(A) the effect of biochar on forest health and resiliency, accounting for variations in biochar, soil, climate, and other factors;

(B) the effect of biochar on soil health and water retention, accounting for variations in biochar, soil, climate, and other factors;

(C) the long-term carbon sequestration potential of biochar;

(D) the best management practices with respect to biochar and biochar-based products that maximize—

(i) carbon sequestration benefits; and

(ii) the commercial viability and application of such products in forestry, agriculture, environmental remediation, water quality improvement, and any other similar uses, as determined by the Secretary;

(E) the regional uses of biochar to increase productivity and profitability, including—

(i) uses in agriculture and environmental remediation; and

(ii) use as a co-product in fuel production;

(F) new and innovative uses for biochar byproducts; and

(G) opportunities to expand markets for biochar and create related jobs, particularly in rural areas.

(c) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the covered Secretaries shall submit to Congress a report that—

(A) includes policy and program recommendations to improve the widespread use of biochar;

(B) identifies any area of research needed to advance biochar commercialization; and

(C) identifies barriers to further biochar commercialization, including permitting and siting considerations.

(2) MATERIALS SUBMITTED IN SUPPORT OF THE PRESIDENT'S BUDGET.—Beginning with the second fiscal year that begins after the date of enactment of this Act and annually thereafter until the date described in subsection (d), the covered Secretaries shall include in the materials submitted to Congress in support of the President's budget pursuant to section 1105 of title 31, United States Code, a report describing, for the fiscal year covered by the report, the status of each demonstration project carried out under subsection (a) and each research and development grant carried out under subsection (b).

(d) SUNSET.—The authority to carry out this section shall terminate on the date that is 7 years after the date of enactment of this Act.

(e) DEFINITIONS.—In this section:

(1) BIOCHAR.—The term “biochar” means carbonized biomass produced by converting feedstock through reductive thermal processing for non-fuel uses.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State, local, or Tribal government;

(B) an eligible institution; or

(C) a private, non-private, or cooperative entity.

(3) ELIGIBLE INSTITUTION.—The term “eligible institution” means land-grant colleges and universities, including institutions eligible for funding under the—

(A) Act of July 2, 1862 (12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

(B) Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 321 et seq.), including Tuskegee University;

(C) Public Law 87–788 (commonly known as the “McIntire-Stennis Act of 1962”); or

(D) Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382).

(4) FEEDSTOCK.—The term “feedstock” means excess biomass in the form of plant matter or materials that serves as the raw material for the production of biochar.

(5) COVERED SECRETARIES.—The term “covered Secretaries” means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service;

- (B) the Secretary of the Interior, acting through the Director of the Bureau of Land Management; and
- (C) the Secretary of Energy, acting through the Director of the Office of Science.

SEC. 302. ACCURATE HAZARDOUS FUELS REDUCTION REPORTS.

(a) **INCLUSION OF HAZARDOUS FUELS REDUCTION REPORT IN MATERIALS SUBMITTED IN SUPPORT OF THE PRESIDENT'S BUDGET.**—

(1) **IN GENERAL.**—Beginning with the first fiscal year that begins after the date of enactment of this Act, and each fiscal year thereafter, the Secretary concerned shall include in the materials submitted to Congress in support of the President's budget pursuant to section 1105 of title 31, United States Code, a report on the number of acres of Federal land on which the Secretary concerned carried out hazardous fuels reduction activities during the preceding fiscal year.

(2) **REQUIREMENTS.**—For purposes of the report required under paragraph (1), the Secretary concerned shall—

(A) in determining the number of acres of Federal land on which the Secretary concerned carried out hazardous fuels reduction activities during the period covered by the report—

- (i) record acres of Federal land on which hazardous fuels reduction activities were completed during such period; and
- (ii) record each acre described in clause (i) once in the report, regardless of whether multiple hazardous fuels reduction activities were carried out on such acre during such period; and

(B) with respect to the acres of Federal land recorded in the report, include information on—

- (i) which such acres are located in the wildland-urban interface;
- (ii) the level of wildfire risk (high, moderate, or low) on the first and last day of the period covered by the report;
- (iii) the types of hazardous fuels activities completed for such acres, delineating between whether such activities were conducted—
 - (I) in a wildfire managed for resource benefits; or
 - (II) through a planned project;
- (iv) the cost per acre of hazardous fuels activities carried out during the period covered by the report;
- (v) the region or system unit in which the acres are located; and
- (vi) the effectiveness of the hazardous fuels reduction activities on reducing the risk of wildfire.

(3) **TRANSPARENCY.**—The Secretary concerned shall make each report submitted under paragraph (1) publicly available on the websites of the Department of Agriculture and the Department of the Interior, as applicable.

(b) **ACCURATE DATA COLLECTION.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary concerned shall implement standardized procedures for tracking data related to hazardous fuels reduction activities carried out by the Secretary concerned.

(2) **ELEMENTS.**—The standardized procedures required under paragraph (1) shall include—

- (A) regular, standardized data reviews of the accuracy and timely input of data used to track hazardous fuels reduction activities;
- (B) verification methods that validate whether such data accurately correlates to the hazardous fuels reduction activities carried out by the Secretary concerned;
- (C) an analysis of the short- and long-term effectiveness of the hazardous fuels reduction activities on reducing the risk of wildfire; and
- (D) for hazardous fuels reduction activities that occur partially within the wildland-urban interface, methods to distinguish which acres are located within the wildland-urban interface and which acres are located outside the wildland-urban interface.

(3) **REPORT.**—Not later than 2 weeks after implementing the standardized procedures required under paragraph (1), the Secretary concerned shall submit to Congress a report that describes—

- (A) such standardized procedures; and
- (B) program and policy recommendations to Congress to address any limitations in tracking data related to hazardous fuels reduction activities under this subsection.

(c) **GAO STUDY.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

- (1) conduct a study on the implementation of this section, including any limitations with respect to—
 - (A) reporting hazardous fuels reduction activities under subsection (a); or
 - (B) tracking data related to hazardous fuels reduction activities under subsection (b); and
- (2) submit to Congress a report that describes the results of the study under paragraph (1).
- (d) DEFINITIONS.—In this section:
 - (1) HAZARDOUS FUELS REDUCTION ACTIVITY.—The term “hazardous fuels reduction activity”—
 - (A) means any vegetation management activity to reduce the risk of wildfire, including mechanical treatments and prescribed burning; and
 - (B) does not include the awarding of contracts to conduct hazardous fuels reduction activities.
 - (2) FEDERAL LANDS.—The term “Federal lands” means lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture.
 - (e) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this section, and the activities authorized by this section are subject to the availability of appropriations made in advance for such purposes.

SEC. 303. PUBLIC-PRIVATE WILDFIRE TECHNOLOGY DEPLOYMENT AND TESTBED PARTNERSHIP.

- (a) DEFINITIONS.—In this section:
 - (1) COVERED AGENCY.—The term “covered agency” means—
 - (A) each Federal land management agency (as such term is defined in the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801));
 - (B) the National Oceanic and Atmospheric Administration;
 - (C) the United States Fire Administration;
 - (D) the Federal Emergency Management Agency;
 - (E) the National Aeronautics and Space Administration;
 - (F) the Bureau of Indian Affairs;
 - (G) the Department of Defense; and
 - (H) any other Federal agency involved in wildfire response.
 - (2) COVERED ENTITY.—The term “covered entity” means—
 - (A) a private entity;
 - (B) a nonprofit organization; or
 - (C) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).
 - (b) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretaries, in coordination with the heads of the covered agencies, shall establish a deployment and testbed pilot program (in this section referred to as “Pilot Program”) for new and innovative wildfire prevention, detection, communication, and mitigation technologies.
 - (c) FUNCTIONS.—In carrying out the Pilot Program, the Secretaries shall—
 - (1) incorporate the Pilot Program into existing interagency coordinating groups on wildfires;
 - (2) in consultation with the heads of covered agencies, identify and advance key technology priority areas with respect to wildfire prevention, detection, communication, and mitigation technologies, including—
 - (A) hazardous fuels reduction treatments or activities;
 - (B) dispatch communications;
 - (C) remote sensing, detection, and tracking;
 - (D) safety equipment; and
 - (E) common operating pictures or operational dashboards; and
 - (3) connect each covered entity selected to participate in the Pilot Program with the appropriate covered agency to coordinate real-time and on-the-ground testing of technology during wildland fire mitigation activities and training.
 - (d) APPLICATIONS.—To be eligible to be selected to participate in the Pilot Program, a covered entity shall submit to the Secretaries an application at such time, in such manner, and containing such information as the Secretaries may require, including a proposal to test technologies specific to the key technology priority areas identified pursuant to subsection (c)(2).
 - (e) PRIORITIZATION OF EMERGING TECHNOLOGIES.—In selecting covered entities to participate in the Pilot Program, the Secretaries shall give priority to covered entities developing and applying emerging technologies, including artificial intelligence, quantum sensing, computing and quantum-hybrid applications, augmented reality, and 5G private networks and device-to-device communications supporting nomadic mesh networks, for wildfire mitigation.

(f) **OUTREACH.**—The Secretaries, in coordination with the heads of covered agencies, shall make public the key technology priority areas identified pursuant to subsection (c)(2) and invite covered entities to apply under subsection (d) to test and demonstrate their technologies to address such priority areas.

(g) **REPORTS AND RECOMMENDATIONS.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the Pilot Program, the Secretaries shall submit to the relevant Congressional Committees, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report that includes, with respect to the Pilot Program, the following:

- (1) A list of participating covered entities.
- (2) A brief description of the technologies tested by each such covered entity.
- (3) An estimate of the cost of acquiring each such technology and applying the technology at scale.
- (4) Outreach efforts by Federal agencies to covered entities developing wildfire technologies.
- (5) Assessments of, and recommendations relating to, new technologies with potential adoption and application at-scale in Federal land management agencies' wildfire prevention, detection, communication, and mitigation efforts.

(h) **SUNSET.**—The authority to carry out this section shall terminate on the date that is 7 years after the date of enactment of this Act.

SEC. 304. GAO STUDY ON FOREST SERVICE POLICIES.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall—

- (1) conduct a study evaluating—
 - (A) the effectiveness of Forest Service wildland firefighting operations;
 - (B) transparency and accountability measures in the Forest Service's budget and accounting process; and
 - (C) the suitability and feasibility of establishing a new Federal agency with the responsibility of responding and suppressing wildland fires on Federal lands; and
- (2) submit to Congress a report that describes the results of the study required under paragraph (1).

SEC. 305. FOREST SERVICE WESTERN HEADQUARTERS STUDY.

Not later than 5 years after the date of enactment of this Act, the Chief of the Forest Service shall—

- (1) conduct a study evaluating—
 - (A) potential locations for a Western headquarters for the Forest Service, including potential locations in at least 3 different States located west of the Mississippi river; and
 - (B) the potential benefits of creating a Western headquarters for the Forest Service, including expected—
 - (i) improvements to customer service;
 - (ii) improvements to employee recruitment and retention; and
 - (iii) operational efficiencies and cost savings; and
- (2) submit to Congress a report that describes the results of the study required under paragraph (1).

SEC. 306. KEEPING FOREST PLANS CURRENT AND MONITORED.

(a) **IN GENERAL.**—The Secretary—

- (1) to the greatest extent practicable and subject to the availability of appropriations made in advance for such purpose—
 - (A) ensure forest plans comply with the requirements of section 6(f)(5)(A) of the Forest and Rangeland Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)); and
 - (B) prioritize revising any forest plan not in compliance with such section 6(f)(5)(A);
- (2) not be considered to be in violation of section 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System;
- (3) not later than 120 days after the date of the enactment of this Act, submit to the relevant Congressional Committees the date on which each forest plan required by such section 6 was most recently revised, amended, or modified;
- (4) seek to publish a new, complete version of a forest plan that the Secretary has been directed to amend, revise, or modify by a court order within 60 days of such amendment, revision, or modification, subject to the availability of appropriations made in advance for such purpose; and

- (5) maintain a central, publicly accessible website with links to—
 (A) the most recently available forest plan adopted, amended, or modified by a court order as a single document; and
 (B) the most recently published forest plan monitoring report for each unit of the National Forest System.

(b) GOOD FAITH UPDATES.—If the Secretary is not acting expeditiously and in good faith, within the funding available to revise, amend, or modify a plan for a unit of the National Forest System as required by law or a court order, subsection (a) shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the relevant Congressional Committees summarizing the implementation of this section.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 8790 is to expedite under the National Environmental Policy Act of 1969 and improve forest management activities on National Forest System lands, on public lands under the jurisdiction of the Bureau of Land Management, and on Tribal lands to return resilience to overgrown, fire-prone forested lands, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

OVERVIEW

Across the country, more than one billion acres are at risk of wildland fire.¹ Federal land management agencies now identify a combined 117 million acres of federal land at high or very high risk for wildfire, representing nearly one-fifth of the overall land overseen by these agencies.² High-risk federal forests are overloaded with dangerous dry fuels that have accumulated through a century of fire suppression combined with a lack of thinning, prescribed burns, and mechanical treatments.³ Overstocking makes forests less resilient by increasing competition among trees for the water, minerals, and sunlight necessary to sustain a healthy forest. In California over 4 million acres burned in 2020, and a record-breaking “gigafire”—a term referring to a blaze that consumes more than 1 million acres—exemplifies this situation.⁴ Before European settlement, California forests had roughly 64 trees per acre. Those same forests now have over 300 trees per acre.⁵ As a result, over 173 million trees died across the state in the past 20 years, and an estimated 36.3 million trees died in 2022 alone, a 282 percent increase from the year prior.⁶ Unprecedented drought facing the West further weakened overgrown national forests, leaving them

¹ Testimony of Christopher French, Deputy Chief, U.S. Forest Service, before the Senate Energy and Natural Resources Committee, June 24, 2021, <https://www.energy.senate.gov/services/files/AAF7DF40-2A47-4951-ADA4-4B124AD3894F>.

² Hoover, Katie, “Federal Wildfire Management: Ten-Year Funding Trends and Issues (FY2011–FY2020),” October 28, 2020, CRS, R46583.

³ Ingram, Robert G. “Robert G. Ingram: Forest Fuel Management—the Ugly Truth.” *TheUnion.com*, October 9, 2020, www.theunion.com/opinion/columns/robert-g-ingram-forest-fuel-management-the-ugly-truth/.

⁴ CNN, “California fire is now a ‘gigafire,’ a rare designation for a blaze that burns at least a million acres, 10/6/20,” <https://www.cnn.com/2020/10/06/us/gigafire-california-august-complex-trnd/index.html>.

⁵ Data provided by the U.S. Forest Service.

⁶ Fehely, Devin, “California drought leading to tens of millions of trees dying in state,” CBS News, July 25, 2022, <https://www.cbsnews.com/sanfrancisco/news/california-drought-leading-to-tens-of-millions-of-trees-dying-in-state/>. CNN, “Drought and disease in California forests leaves behind an estimated 36 million dead trees, survey finds,” 2/10/2023, <https://www.cnn.com/2023/02/10/us/california-drought-millions-trees-dead/index.html>.

extremely vulnerable to wildfire. Recent research shows that some areas are experiencing the driest conditions in 1,200 years.⁷ These conditions turned vast swaths of the nation's forests into ticking time bombs that can ignite with a single spark. It is no longer a matter of "if" these areas will experience catastrophic wildfire but "when."

In the last 20 years, the United States lost an average of 7 million acres per year to catastrophic wildfires, more than double the average seen during the 1990's.⁸ Since 2000, wildfires damaged over 164 million acres, a collective area roughly three times the size of the entire State of Utah.⁹ Prior to 2015, the United States never burned more than 10 million acres in a single wildfire season. In the past decade, the country has now hit that ominous mark three times during some of the worst wildfire seasons on record (2015, 2017, and 2020).¹⁰ This crisis has wreaked unprecedented havoc on landscapes and communities across the Western United States. Catastrophic wildfires have destroyed lives and property, degraded air and water quality, and irreparably damaged millions of acres of wildlife habitat. A new study has shown a 246 percent increase in the number of homes and properties destroyed between 2010 and 2020 compared to the prior decade.¹¹ In the last five years, wildfires caused over \$22 billion in property damages.¹² Perhaps most concerning, worsening wildfires continue to cause unthinkable and tragic losses of life, with 430 people sadly perishing in wildfires since 2013.¹³

We know what needs to be done to turn the tide of this crisis and restore our forests to healthy, resilient conditions. Despite the fearmongering of increasingly isolated, radical environmentalists, there is a scientific consensus among a broad array of stakeholders recognizing the importance of active forest management.¹⁴ In fact, research published this year "found overwhelming evidence" that forest treatments like mechanical thinning and prescribed burning reduce wildfire severity by as much as 72 percent compared to untreated areas.¹⁵ Active forest management encourages sustained, healthy growth while removing much of the dangerous fuel build-ups that lead to catastrophic wildfires.¹⁶

Despite this clear consensus, land managers still struggle to increase the pace and scale of forest management due in large part to a mixture of bureaucratic red tape, onerous regulations, and frivolous litigation. For decades, land management agencies consist-

⁷*Id.*

⁸Congressional Research Service, "Wildfire Statistics", Katie Hoover, June 1, 2023, <https://www.crs.gov/Reports/IF10244?source=search&guid=b82a4d954677449b918a65ece823396f&index=0>.

⁹NIFC, "Wildfires and Acres, <https://www.nifc.gov/fire-information/statistics/wildfires>.

¹⁰*Id.*

¹¹PNAS Nexus, "Shifting social-ecological fire regimes explain increasing structure loss from Western wildfires", Philip E. Higuera et al., March 2023, <https://academic.oup.com/pnasnexus/article/2/3/pgad005/7017542>.

¹²Value Penguin, "Wildfire Statistics: Damage, Fatalities, and Insurance Rates", Lindsay Bishop, March 15, 2024, <https://www.valuepenguin.com/homeowners-insurance/wildfire-statistics>.

¹³Statista, "Number of deaths due to wildfire in the United States from 1990 to 2023", Erick Burgueo Salas, November 8, 2023, <https://www.statista.com/statistics/1422130/usa-number-of-deaths-due-to-wildfires/>.

¹⁴American Forest Resource Council, "Solutions", <https://amforest.org/solutions/>.

¹⁵Davis, et al., "Tamm review: A meta-analysis of thinning, prescribed fire, and wildfire effects on subsequent wildfire severity in conifer dominated forests of the Western US," *Forest Ecology and Management* Volume 561, 1 June 2024, 121885.

¹⁶*Id.*

ently fell short of carrying out forest management activities at the pace and scale necessary to truly confront the wildfire crisis in a meaningful way. The U.S. Forest Service (USFS), for instance, only carried out 2 million acres of treatments on average annually in recent decades.¹⁷ At this paltry rate, it would take USFS over 30 years to complete the necessary treatments to treat just the highest risk areas. Increased funding alone cannot address this crisis. Despite billions of dollars from the Inflation Reduction Act and Infrastructure Investment and Jobs Act (IIJA), USFS still failed to meaningfully ramp up the number of acres treated.¹⁸ In fact, the agency plans to treat fewer acres this year than it did two years prior.¹⁹

The National Environmental Policy Act (NEPA), in particular, creates a major roadblock in improving the health of our nation's forests.²⁰ Vital forest management projects are often delayed or canceled as land managers divert finite agency time and resources from important management activities to endless analysis to “bulletproof” NEPA documents, circular consultations with other agencies, and combating obstructionist lawsuits. For example, USFS spent seven years and an estimated 15,000 pages of documentation analyzing a roughly 7,000-acre treatment project in the Nez-Perce Clearwater National Forest in Idaho, or approximately 0.008 percent of the National Forest acreage estimated to be at moderate to high risk of catastrophic wildfire.²¹ In another example in Montana, USFS completed 1,300 pages of documentation for a project on the Lewis and Clark National Forest that proposed treating roughly 330 acres per year over 20 years.²²

THE FIX OUR FORESTS ACT

The bipartisan “Fix Our Forests Act” (FOFA), championed by Chairman Bruce Westerman (R-AR) and Congressman Scott Peters (D-CA), is a comprehensive package that would restore forest health, increase resiliency to catastrophic wildfires, and protect communities in the wildland-urban interface (WUI). FOFA is the culmination of the House Committee on Natural Resources’ efforts this Congress to advance thoughtful solutions to increase the pace and scale of forest management, protect vulnerable communities, and deliver transparency and innovation. The bill would accomplish these goals by expediting environmental analyses, reducing frivolous lawsuits, and improving existing and successful tools that promote collaboration and partnerships. The legislation would give federal land managers, including USFS and Bureau of Land Management (BLM), the critical tools they need to implement forest restoration treatments immediately. This bill will revolutionize the way we manage our forests and support active and responsible management of federal lands with the best available technology and science, leaving them more resilient for generations to come.

¹⁷ PERC, “Does Environmental Review Worsen the Wildfire Crisis”, Eric Edwards, Sara Sutherland, June 14, 2022, <https://perc.org/2022/06/14/does-environmental-review-worsen-the-wildfire-crisis/>.

¹⁸ P.L. 117-58. P.L. 117-169.

¹⁹ U.S. Department of Agriculture, U.S. Forest Service, “Fiscal Year 2025 Budget Justification”, <https://www.fs.usda.gov/sites/default/files/fs-fy25-congressional-budget-justification.pdf>.

²⁰ 43 U.S. Code § 1638.

²¹ Data provided by FFRC.

²² Ibid. FFRC.

TITLE I—LANDSCAPE-SCALE RESTORATION

Subtitle A—Addressing Emergency Wildfire Risks in High-Priority Firesheds

The enormity of the wildfire threat requires broader and more strategic forest management efforts that transcend traditional man-made boundaries. Finding ways to empower landscape-scale treatments across multiple jurisdictions remains key to this effort. In an attempt to better track and manage wildfire risk, USFS scientists developed a Fireshed Registry that tracks “risk trajectories on lands where destructive wildfires are likely to originate.”²³ This geospatial mapping framework identified 7,688 firesheds that are, on average, about 250,000 acres in size and include planning areas that are roughly 25,000 acres each.²⁴ This cutting-edge technology maps firesheds across the nation that face the greatest risk of experiencing a catastrophic wildfire that would affect nearby communities. This technology became instrumental in formulating the basis of USFS’s 10-year “Confronting the Wildfire Crisis” strategy.²⁵

The results of the Fireshed Registry are very concerning. They identify hundreds of Western communities exposed to a predicted wildfire risk higher than those that existed just before the Camp Fire, a horrific 2018 tragedy that leveled the California towns of Concow and Paradise.²⁶ In total, USFS researchers identified 1,812 communities in the Western United States that could be significantly impacted by future wildfires, exposing an estimated 4,000 structures to wildfire on average annually.²⁷ Sobering fire models even predicted plausible extreme fire scenarios in the near future where almost 500,000 buildings could be lost to wildfire in a single fire season.²⁸ Other scenarios identified the probability of wildfires igniting on USFS lands and burning over 1.5 million acres in Southern California, destroying 100,000 structures and putting thousands of lives at risk.²⁹

Title I of the Fix Our Forests Act utilizes this new science as an innovative blueprint to target the top 20 percent of high-risk firesheds, where many of these threatened communities are located. This will prioritize treatments in the highest-risk areas with the most degraded forest health conditions and where the greatest community and watershed risks are present. To increase the pace

²³ U.S. Forest Service Rocky Mountain Research Station, “Development and Application of the Fireshed Registry”, Alan Ager et al, https://www.fs.usda.gov/rm/pubs_series/rmrs/gtr/rmrs_gtr425.pdf.

²⁴ A fireshed is a landscape-scale area that faces similar wildfire threats where a fire management strategy could affect fire outcomes. U.S. Forest Service, “The Fireshed Registry: Prioritizing forest and fuel management investments to reduce wildfire risk to developed areas”, <https://www.iawfonline.org/wp-content/uploads/2020/12/BP2-Fireshed-Registry.pdf>.

²⁵ USDA, “Secretary Vilsack Announces New 10 Year Strategy to Confront the Wildfire Crisis,” January 18, 2022, <https://www.usda.gov/media/press-releases/2022/01/18/secretary-vilsack-announces-new-10-year-strategy-confront-wildfire>.

²⁶ *Id.*

²⁷ U.S. Forest Service Rocky Mountain Research Station, “Cross-Boundary Wildfire and Community Exposure: A Framework and Application in the Western U.S.” Alan Ager et al, 2019, https://www.fs.usda.gov/rm/pubs_series/rmrs/gtr/rmrs_gtr392.pdf.

²⁸ Finney MA, McHugh CW, Grenfell IC, Riley KL, Short KC. A simulation of probabilistic wildfire risk components for the continental United States. *Stochastic Environmental Research and Risk Assessment*, 2011; 25:973–1000. Short KC, Finney MA, Vogler K, Scott JH, Gilbertson-Day JW, Julie W, Grenfell IC. Spatial datasets of probabilistic wildfire risk components for the United States (270m) 2020. Available at: <https://doi.org/10.2737/RDS-2016-0034>.

²⁹ Eliza Barclay, “This is a worst-possible wildfire scenario for Southern California,” Vox, <https://www.vox.com/2019/9/10/20804560/climate-change-california-wildfire-2019>.

of treatments, Section 106 of the bill codifies emergency authorities that the Biden administration utilized in Region 5 to address hazard trees and threats to Giant Sequoias.³⁰ This authority has been a successful tool that allows agencies to complete critical work before completing an environmental analysis under NEPA without waiving any environmental laws. This section addresses the challenge of scaling up forest management projects by encouraging the use of existing categorical exclusions (CEs) under NEPA and increasing the limitations on those CEs from 3,000–4,500 acres to 10,000 acres.

Title I will also establish a brand-new Fireshed Center comprised of relevant land management and science-focused agencies to comprehensively assess and predict fire in the wildland and wildland-urban interface. This will reduce fragmentation and create a “one-stop shop” for predictive services that can help inform suppression and management decisions across jurisdictional landscapes. The Fireshed Center will also be tasked with maintaining an easily accessible fireshed registry for the public that provides interactive geospatial data on individual firesheds, including wildfire risk, burn history, past fuels treatments, and at-risk communities. This concept aligns with a recommendation from the Wildland Fire Commission.³¹ In recognition of the importance of cross-boundary coordination, this bipartisan bill also codifies the principles of shared stewardship between federal and state land managers to designate additional fireshed management areas.

Subtitle B—Expanding Collaborative Tools To Reduce Wildfire Risk and Improve Forest Health

The size and scope of the wildfire and forest health crisis cannot be tackled by any one entity alone. It is vital that more be done to encourage coordination and empower cross-boundary management on a landscape scale. Roughly 47 percent of Western lands are managed by the federal government, primarily under the jurisdiction of USFS and BLM.³² Western states, Tribes, and counties all possess a significant stake in how federal lands are managed for wildfires. Several tools are in place to empower more state, Tribal, and local coordination on forest management and restoration work, yet many have not achieved their full potential.

A major impediment to carrying out necessary fuels management has been the loss of sawmill infrastructure. Since 2000, over 1,500 sawmills, which is one-third of the total number of sawmills in operation at that time, have closed.³³ The loss of this critically important infrastructure and mill capacity greatly hampers efforts to ramp up forest management activities and process hazardous fuels, exacerbating the wildfire crisis across the nation. A lack of reliable

³⁰USFS, “Giant Sequoia Emergency Response,” <https://www.fs.usda.gov/detail/r5/landmanagement/resourcemanagement/?cid=fseprd1078184#:~:text=An%20Emergency%20Response%20was%20approved,threatens%20these%20giant%2C%20iconic%20trees.> USFS, “Region 5 Post-Disturbance Hazardous Tree Management Project,” <https://www.fs.usda.gov/project/?project=60950&exp=overview#:~:text=Region%205%20Post%2DDisturbance%20Hazardous%20Tree%20Management%20Project&text=Hazard%20tree%20felling%20and%20removal,level%20analyses%20and%20nine%20decisions.>

³¹*Id.*

³²New York Times, “Why the Government Owns So Much Land in the West”, Quoc Trung Bui and Margo Sanger-Katz, January 5, 2016, <https://www.nytimes.com/2016/01/06/upshot/why-the-government-owns-so-much-land-in-the-west.html#:~:text=The%20United%20States%20government%20owns,owned%20by%20the%20federal%20government.>

³³Congressional Budget Office, “Wildfires”, June 2022, <https://www.cbo.gov/publication/58212.>

federal timber is consistently cited as a primary cause of many of these mill closures in Western states with large amounts of federal land. In spring of 2024, C&D Lumber, which began operations in southern Oregon in 1890, announced its permanent closure, explaining that “timber supply issues” among other challenges, “have made it impossible for us to envision a sustainable future for the company.”³⁴ Without a stable supply of timber, investments in new sawmills, which often cost more than \$100 million, make little sense for private industry.³⁵

Title I tackles these problems in several ways. First, the bill addresses technical issues with Good Neighbor Authority (GNA) that prevent the full participation of Tribes and counties.³⁶ Under GNA, states, counties, and Tribes can enter into agreements with USFS or BLM, known as Good Neighbor Agreements, to conduct restoration projects, such as fuels reduction or habitat improvement. GNA has been a successful program for states, with over 490 projects started in 34 states since 2014.³⁷ This legislation allows Tribes and counties to retain receipts from GNA timber sales, similar to states, in order to incentivize greater participation in the program. Second, Title I seeks to address the problem of unreliable federal timber by permanently codifying 20-year stewardship contracting and addressing issues with the current cancellation ceiling. Stewardship contracting allows USFS and BLM to work with non-federal partners and apply the value of harvested forest products in exchange for restoration services.³⁸ Generally, a stewardship contract must be completed in 10 years; however, in the fiscal year (FY) 2018 omnibus appropriations bill, Congress authorized USFS and the BLM to extend contract terms to 20 years on a one-time basis on select lands.³⁹ Making 20-year stewardship contracting permanent will encourage even more participation in this program by providing long-term stability and an assurance of a steady supply of federal timber. Finally, this Title amends the National Forest Management Act to increase the dollar value of sales USFS can award directly to a timber purchaser with no further competitive bidding for small areas of timber.⁴⁰ This will enable the USFS to make direct sales for small but meaningful forest management projects that benefit local logging workforces and forest management outcomes.

At markup, the Committee unanimously adopted an amendment from Representative Val Hoyle (D-OR) adding two new sections to this subtitle. The first section reauthorizes and amends the Joint Chiefs’ Landscape Restoration Partnership (JCLRP). The JCLRP, a joint venture between USFS and the Natural Resources Conservation Service (NRCS), works across jurisdictional boundaries to re-

³⁴ KQEN News Radio, “C&D Lumber Announces Permanent Closure”, April 5, 2024, <https://kgnewsradio.com/2024/04/05/cd-lumber-announces-permanent-closure/>.

³⁵ The Advocate, “More than half a billion investment in sawmills planned across Louisiana amid higher lumber prices”, Kristen Mosbrucker, July 26, 2021.

³⁶ Congressional Research Service, The Good Neighbor Authority on Federal Lands, January 11, 2023, <https://crsreports.congress.gov/product/pdf/IF/IF11658>.

³⁷ National Association of State Foresters, “Good Neighbor Authority”, <https://www.stateforesters.org/state-defined-solutions/good-neighbor-authority/#:~:text=It%20is%20simply%20good%20government,more%20than%20490%20GNA%20projects>.

³⁸ Congressional Research Service, “Stewardship End Result Contracting: Forest Service and Bureau of Land Management”, Anne A. Riddle, September 27, 2022, <https://www.crs.gov/Reports/IF11179?source=search>.

³⁹ *Id.*

⁴⁰ 16 U.S. Code § 1604.

duce wildfire risks and improve forest health. In the past decade, USFS and NRCS invested more than \$423 million in 134 projects in 42 states and several territories through the JCLRP.⁴¹ The second section reauthorizes and makes improvements to the Collaborative Forest Landscape Restoration Program (CFLRP). Currently, CFLRP projects cover 29 million acres over 17 projects, an area larger than the State of Ohio.⁴² By working with multiple partners, CFLRP emphasizes large-scale risk reduction and forest health improvements.

Subtitle C—Addressing Frivolous Litigation

Frivolous litigation remains a major impediment to increasing the pace and scale of active management on our federal lands and forests. It takes an average of 3.6 years to begin a mechanical treatment on federal lands and 4.7 years to begin a prescribed burn.⁴³ These prolonged start times are largely caused by efforts to “bulletproof” actions from potential litigation. According to a recent paper by Yale Associate Professor Zachery D. Liscow, “approximately 90 percent of the detail in environmental review statements is prompted by a desire to address any conceivable issues that might be raised in litigation.”⁴⁴ Litigation represents a particular challenge for USFS, which faced more than 150 lawsuits in the past decade “seeking to block timber projects” that tied up 1.8 billion board feet of timber.⁴⁵ A prime example of how litigation can delay vital forest management projects can be seen in the case of the Bozeman Municipal Watershed project. This project, which would address a wildfire risk in the Custer-Gallatin National Forest threatening 80 percent of the City of Bozeman’s water supply, was delayed by more than 15 years due to challenges by litigious environmental groups.⁴⁶

FOFA addresses one of the most common sources of litigation for USFS, the disastrous *Cottonwood* decision. In 2015, the Ninth Circuit Court of Appeals ruled in *Cottonwood Environmental Law Center v. United States Forest Service (Cottonwood)* that USFS must reinstate Endangered Species Act (ESA) consultation on completed forest plans when a new species is listed, when critical habitat is designated, or when new information is brought forward.⁴⁷ Since January 2016, there have been at least 35 *Cottonwood*-related lawsuits in 13 states and 57 notices of intent (NOIs) to sue involving ESA new information claims, challenging both plan-level and

⁴¹“Joint Chiefs’ Landscape Restoration Partnership,” NRCS, <https://www.nrcs.usda.gov/programs-initiatives/joint-chiefs-landscape-restoration-partnership>.

⁴²“Collaborative Forest Landscape Restoration Program,” USFS, <https://www.fs.usda.gov/restoration/CFLRP/>.

⁴³Property and Environment Research Center, “Does Environmental Review Worsen the Wildfire Crisis?” Eric Edwards and Sara Sutherland, June 14, 2022, <https://perc.org/2022/06/14/does-environmental-review-worsen-the-wildfire-crisis/>.

⁴⁴Zachery D. Liscow, “Getting Infrastructure Built: The Law and Economics of Permitting”, March 28, 2024, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4775481.

⁴⁵Federal Forest Resource Coalition, December 7, 2023, https://www.facebook.com/story.php?story_fbid=pfbid0MngkPgBDjL23eFj1xeeZpAzvvXDWhqcaqvLtCBatCynD1KW3k8zJ8rcHJEf2SnBul&id=100080394122697&paipv=0&eav=AfY4BXVWVvezhfhz4goRuXOaq1-ff14F11pakwAr67va7ADy7naxBL4A3qqgQJ060WOQ&_rdr.

⁴⁶PERC, “Progress for the Bozeman Municipal Watershed Project”, Holly Fretweel and Jack Smith, May 14th, 2021, <https://www.perc.org/2021/05/14/progress-for-the-bozeman-municipal-watershed-project/>.

⁴⁷*Cottonwood Environmental Law Center v. U.S. Forest Service*, No. 13-35624 (9th Cir. 2015).

project-level decisions.⁴⁸ According to USFS, “the cumulative cost to fully complete the backlog of consultations could exceed \$23,000,000 with an average estimated cost per plan of \$264,367 based on 87 plans currently identified.”⁴⁹ While the Consolidated Appropriations Act of 2018 implemented a partial fix to the *Cottonwood* ruling, this fix expired on March 23, 2023.⁵⁰ Both the Obama and Trump administrations attempted to address the *Cottonwood* decision through agency rulemaking, although those efforts were never finalized.⁵¹

In addition to these provisions, FOFA expands existing litigation reforms from IJA and the Healthy Forests Restoration Act.⁵² Specifically, FOFA protects targeted fire management projects from an injunction if the plaintiff is unlikely to succeed in the case. Courts would also be required to balance harms when considering an injunction on fire management projects. This bill also creates reasonable time limits on injunctions, directions for remand, and provides that only those who participated in the comment process are able to later challenge a fire management project.

TITLE II—PROTECTING COMMUNITIES IN THE WILDLAND-URBAN INTERFACE

Wildfires are an increasingly severe threat to communities located in the WUI. Since 2005, wildfires destroyed more than 89,000 structures, leading to an untold number of deaths and enormous personal losses.⁵³ Entire towns have gone up in smoke. Across the U.S., there are more than 70,000 communities and 44 million homes at risk from wildfire in the WUI.⁵⁴ In recent years, the country watched this reality tragically play out again and again as wildfires destroyed and severely damaged several communities. In 2020, the Labor Day Fires in Oregon torched more than 1.2 million acres, destroyed roughly 5,000 homes and buildings, and killed nine people in the most destructive single wildfire event in the state’s history.⁵⁵ In 2021, the Marshall Fire in Colorado became the most destructive in the state’s history, burning over 6,000 acres, destroying over 1,000 homes and businesses, causing over \$2 billion in damage, and tragically claiming the lives of 2 people.⁵⁶ In 2017, the Tubbs Fire in California killed 22 people and destroyed 5,600

⁴⁸ Information provided by the U.S. Forest Service.

⁴⁹ Chris French, Questions for the Record, House Committee on Natural Resources, March 23, 2023, <https://docs.house.gov/meetings/II/II10/20230323/115529/HHRG-118-II10-20230323-SD050.pdf>.

⁵⁰ Public Law 115-141.

⁵¹ U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration, “Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation,” published in the Federal Register on August 27, 2019, <https://www.federalregister.gov/documents/2019/08/27/2019-17517/endangered-and-threatened-wildlife-and-plants-regulations-for-inter-agency-cooperation>.

⁵² 16 U.S. Code Chapter 84.

⁵³ Barrett, Kimiko. “Wildfires Destroy Thousands of Structures Each Year.” *Headwaters Economics*, 4 Dec. 2020, <http://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/>. Note: Dr. Barrett is the Minority’s witness at this hearing.

⁵⁴ U.S. Forest Service, “Fire Adapted Communities” <https://www.fs.usda.gov/managing-land/fire/fac>.

⁵⁵ Oregon Debris Management Taskforce, “2020 Labor Day Wildfires Hazard Tree and Debris Removal Operations”, July 2022, <https://wildfire-auth.oregon.gov/Documents/DMTF%20After%20Action%20Report.pdf>.

⁵⁶ 9News, “2 years after the Marshall Fire: Some families rebuild, others stuck in limbo”, Rachel Krause, December 30, 2023, <https://www.9news.com/article/news/local/wildfire/marshall-fire/two-years-after-marshall-fire-families-rebuild/73-4e6eb4ca-20b2-4ddb-b730-bde1e2dad702>.

structures.⁵⁷ In August 2023, a wildfire in Maui devastated the community of Lahaina, took the lives of 115 people, destroyed over 2,200 homes and structures, and caused over \$5.5 billion in damages.⁵⁸ The Maui fire was the deadliest U.S. wildfire in over a century, and many residents only survived by jumping into the ocean and waiting hours for rescue.⁵⁹ In early 2024, Texas was hit with the worst wildfire in its history. The Smokehouse Creek Fire destroyed over 1.2 million acres and 500 structures.⁶⁰ These horrific tragedies, along with the obvious vulnerabilities many communities still face, create a pressing need to address the wildfire risk to communities.

To help address this worsening problem, FOFA creates a new “Community Wildfire Risk Reduction Program” comprised of several agencies. This joint program, recommended by the Wildland Fire Commission, would advance research and science in wildfire resilience and land management in the WUI and support the adoption of fire-resistant building methods and standards. Additionally, the Community Wildfire Risk Reduction Program would encourage public-private partnerships to reduce hazardous fuels in the WUI and provide assistance to communities. This program would also help create a centralized process for community grants associated with mitigating wildfire risk and create additional support for communities looking to apply for them. Title II also establishes a “Community Wildfire Defense Research Program” that focuses on advancing innovative designs to create wildfire-resistant structures and communities. This proposed program will be charged with hosting a competition for innovative, wildfire-resistant designs.

Finally, a significant risk to communities remains hazard trees within utility rights-of-way. The largest single wildfire in California state history, the Dixie Fire, ignited when a tree fell onto electrical lines.⁶¹ Instances mentioned above, including the Maui and Texas fires, have also been linked to downed utility lines. Title II strengthens existing expedited authorities with respect to rights-of-ways to allow the clearing of hazard trees within 150 feet of utility lines instead of just 10 feet. This bill also requires automatic approval of vegetation management plans submitted by electric utility companies after a certain period and creates a new categorical exclusion to expedite activities under a vegetation management, facility inspection, and operation and maintenance plan. These policies will help utilities address hazardous fuels in rights-of-ways to significantly reduce the threat of a catastrophic wildfire to nearby communities.

⁵⁷ Phil Helsel, “California wildfire that killed 22 in wine country was caused by homeowner equipment, not PG&E,” 1/24/19, NBC News, <https://www.nbcnews.com/news/us-news/california-wildfire-killed-22-wine-country-was-caused-homeowner-equipment-n962521>.

⁵⁸ U.S. Fire Administration, “Preliminary After-Action Report: 2023 Maui Wildfire”, February 8, 2024, <https://www.usfa.fema.gov/blog/preliminary-after-action-report-2023-maui-wildfire/>.

⁵⁹ NPR, “Maui’s wildfires are among the deadliest on record in the U.S. Here are some others”, Rachel Treisman, August 15, 2023, <https://www.npr.org/2023/08/15/1193710165/maui-wildfires-deadliest-us-history>.

⁶⁰ Reinsurance News, “500+ structures destroyed by Smokehouse Creek fire”, Kane Wells, March 4, 2024, <https://www.reinsurancene.ws/500-structures-destroyed-by-smokehouse-creek-fire/>.

⁶¹ NBC News, “California’s massive Dixie Fire ignited”, Tim Stelloh, January 4, 2022, <https://www.nbcnews.com/news/us-news/californias-massive-dixie-fire-ignited-tree-fell-pge-electrical-lines-rcna10973>.

TITLE III—TRANSPARENCY AND TECHNOLOGY

Title III of FOFA focuses on fostering greater transparency and accountability at the agencies, creating new markets for low-value materials, and encouraging technological innovations. To improve accountability, FOFA would require USFS and the Department of the Interior to produce yearly hazardous fuels reduction reports based on the actual number of acres that the respective agencies treated over the past year without double-counting any acreage. Recent investigative reporting uncovered agencies like USFS overstate their hazardous fuels treatment numbers by more than 20 percent.⁶² The investigative reporting found USFS counted treatments on the same pieces of land toward its risk reduction goals multiple times, even up to more than 30 times in some cases.⁶³ The discrepancy arises because USFS will record multiple treatments (i.e., mechanical thinning, prescribed burning, chipping and piling, etc.) on the same acre separately as if multiple acres had been treated. In addition to only counting acres once, the bill requires additional transparency measures to detail the location, type, effectiveness, and cost of forest treatments. Additionally, this bill includes two studies focused on evaluating the effectiveness of USFS policies and the potential of improving customer service by establishing a Western headquarters, where 86 percent of USFS lands are located.⁶⁴ Finally, the bill includes a provision to keep forest plans up to date, monitor forest plans that are outdated, and prioritize updating out-of-date forest plans.

This Title also encourages the use of a new technology rooted in ancient techniques, biochar, to create desperately needed markets for excess, low-value hazardous fuels. Biochar is produced by burning biomass or organic waste (a feedstock) at very high temperatures in the absence of oxygen through a process known as pyrolysis.⁶⁵ Biochar contains numerous benefits for improving forest health, agricultural productivity, and rural economies. Because producers can create biochar from low-value materials, biochar can make forest management projects, such as thinning, more viable and cost-effective. This, in turn, improves forest health and reduces the risk of catastrophic fire. Despite the promises of biochar, commercialization of this technology remains in its early stages. This bill would create demonstration projects in each USFS and BLM region to test biochar using different feedstocks in various facilities. FOFA would require 50 percent of the feedstock for these projects to come from mechanical thinning and forest health activities carried out on federal land. This proposal also directs the Secretary of the Interior to conduct research on biochar uses and its carbon sequestration potential and encourages research at various academic institutions and national labs.

⁶² NBC News, “The Forest Service is overstating its wildfire prevention progress to Congress despite decades of warning not to”, Adiel Kaplan, Monica Hersher, August 9, 2022, <https://www.nbcnews.com/news/investigations/forest-service-overstating-wildfire-prevention-progress-congress-decad-rcna41576>.

⁶³ *Id.*

⁶⁴ The Western Planner, “Federal Lands in the West: A few facts and figures”, Candace h. Stowell, <https://www.westernplanner.org/201604issue/2017/8/9/federal-lands-in-the-west-a-few-facts-and-figures>.

⁶⁵ U.S. Department of Agriculture, “Biochar”, <https://www.climatehubs.usda.gov/hubs/north-west/topic/biochar>.

Lastly, Title III encourages technological innovations such as drones, artificial intelligence (AI), and machine learning to lower suppression costs, protect communities, and improve firefighting efficiencies. Technology can be an effective tool for fast fire detection, monitoring, and planning while reducing the safety risk of those on the front lines.⁶⁶ For example, drones allow firefighting teams to monitor fires when manned flights are unable to, including during nighttime operations or in areas of thick smoke and high winds, while also eliminating aviation risks.⁶⁷ Federal spending on fire suppression averaged \$2.5 billion between 2016 and 2020.⁶⁸ Investing in new technologies that catch fires early can ultimately reduce the amount of money spent annually on fire suppression. While many state agencies and private landowners are adopting these new technologies, the federal government historically lagged behind in testing out new wildfire suppression technologies.⁶⁹ FOFA creates a federal testbed and development pilot program to identify, test, and adopt new and innovative wildfire prevention, detection, communication, and mitigation technologies at scale.

COMMITTEE ACTION

H.R. 8790 was introduced on June 18, 2024, by Rep. Bruce Westerman (R-AR). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committees on Agriculture and Science, Space, and Technology. On April 17, 2024, the Subcommittee on Federal Lands held a hearing on the discussion draft of the bill. On June 26, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of H.R. 8790 by unanimous consent. Representative Tom Tiffany (R-WI) offered an Amendment in the Nature of a Substitute designated Tiffany ANS_FOFA. Representative Jared Huffman (D-CA) offered a Substitute Amendment in the Nature of a Substitute designated Huffman 100 Substitute ANS. The amendment designated Huffman 100 Substitute ANS was not agreed to by a roll call vote of 14 to 19, as follows:

⁶⁶ Western Fire Chiefs Association, “New Technology to Fight Wildfires”, March 30, 2023, <https://wfca.com/articles/new-technology-wildfires/>.

⁶⁷ Wildfire Today, Drones are playing an increasingly important role in fighting wildfires, October 5, 2022, <https://wildfiretoday.com/2022/10/05/drones-are-playing-an-increasingly-important-role-in-fighting-wildfires/>.

⁶⁸ *Id.*

⁶⁹ NPR, “Firefighters and researchers are turning to AI to help fight fires,” July 25, 2023, <https://www.npr.org/2023/07/25/1189901985/firefighters-and-researchers-are-turning-to-ai-to-help-fight-fires>.

Committee on Natural Resources							
U.S. House of Representatives							
118th Congress							
Date: June 26, 2024			Roll Call: #1				
Meeting on / Amendment on: Huffman _100 Substitute Amendment in the Nature of a Substitute to H.R. 8790 (Rep. Westerman), "Fix Our Forests Act"							
MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking			
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ			
Mr. Graves, LA		X		Mr. Neguse, CO			
Mrs. Radewagen, AS				Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID		X		Mrs. Peltola, AK	X		
Mr. Stauber, MN				Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA			
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY			
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam				Ms. Lee, NV	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL							
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	14	19	

Representative Russ Fulcher (R-ID) offered an amendment to the Amendment in the Nature of a Substitute designated Westerman #1. The amendment was agreed to by voice vote. Representative Susie Lee (D-NV) offered an amendment to the Amendment in the Nature of a Substitute designated Leger Fernandez #5. The amendment was not agreed to by a roll call vote of 14 to 19, as follows:

Committee on Natural Resources							
U.S. House of Representatives							
118th Congress							
Date: June 26, 2024			Roll Call: #2				
Meeting on / Amendment on: Leger Fernandez #5 amendment, offered by Rep. Susie Lee of NV, to the Tiffany ANS to H.R. 8790 (Rep. Westerman), "Fix Our Forests Act"							
MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking			
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ			
Mr. Graves, LA		X		Mr. Neguse, CO			
Mrs. Radewagen, AS				Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID		X		Mrs. Peltola, AK	X		
Mr. Stauber, MN				Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA			
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY			
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam				Ms. Lee, NV	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL							
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	14	19	

Representative Katie Porter (D-CA) offered an amendment to the Amendment in the Nature of a Substitute designated Porter #1. The amendment was not agreed to by a roll call vote of 14 to 19, as follows:

Committee on Natural Resources							
U.S. House of Representatives							
118th Congress							
Date: June 26, 2024			Roll Call: #3				
Meeting on / Amendment on: Porter #1 amendment to the Tiffany ANS to H.R. 8790 (Rep. Westerman), "Fix Our Forests Act"							
MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking			
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ			
Mr. Graves, LA		X		Mr. Neguse, CO			
Mrs. Radewagen, AS				Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID		X		Mrs. Peltola, AK	X		
Mr. Stauber, MN				Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA			
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY			
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam				Ms. Lee, NV	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL							
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	14	19	

Representative Val Hoyle (D-OR) offered an amendment to the Amendment in the Nature of a Substitute designated Hoyle_038. The amendment was agreed to by voice vote. Representative Val Hoyle (D-OR) offered an amendment to the Amendment in the Nature of a Substitute designated HoyleG7X037. The amendment was withdrawn. Representative Jared Huffman (D-CA) offered an amendment to the Amendment in the Nature of a Substitute designated Kamlager-Dove #3. The amendment was not agreed to by a roll call vote of 14 to 19, as follows:

Committee on Natural Resources							
U.S. House of Representatives							
118th Congress							
Date: June 26, 2024			Roll Call: #4				
Meeting on / Amendment on: Kamlager-Dove #3 amendment, offered by Rep. Jared Huffman of CA, to the Tiffany ANS to H.R. 8790 (Rep. Westerman), "Fix Our Forests Act"							
MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking			
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ			
Mr. Graves, LA		X		Mr. Neguse, CO			
Mrs. Radewagen, AS				Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID		X		Mrs. Peltola, AK	X		
Mr. Stauber, MN				Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA			
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY			
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam				Ms. Lee, NV	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL							
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	14	19	

The Amendment in the Nature of a Substitute designated Tiffany ANS FOFA, as amended, was agreed to by voice vote. The bill, as amended, was ordered favorably reported to the House of Representatives by voice vote.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on April 17, 2024.

SECTION-BY-SECTION ANALYSIS

TITLE I—LANDSCAPE-SCALE RESTORATION

SUBTITLE A—ADDRESSING EMERGENCY WILDFIRE RISKS IN HIGH PRIORITY FIRESHEDS

Section 101. Designation of fireshed management areas

Section 101 designates fireshed management areas, which are comprised of individual landscape-scale firesheds identified as being in the top 20 percent of the 7,688 firesheds identified in the Fireshed Registry for fireshed risk exposure, for five years. This section also designates existing high-risk firesheds identified in the “Wildfire Crisis Strategy” as fireshed management areas. A criterion is also established under this section to consider ranking fireshed management areas based on wildfire exposure to communities, including risk to structures and life, wildfire exposure to municipal watersheds, and risk of forest conversion due to wildfire. This section also requires the Secretary of Agriculture, in consultation with the Secretary of the Interior, to submit an updated fireshed map after five years and to update fireshed management area designations based on the updated map.

Section 102. Fireshed center

Section 102 establishes an interagency office within the Forest Service (USFS) and U.S. Geological Survey (USGS) known as the Fireshed Center comprised of USFS, USGS, Bureau of Land Management (BLM), National Park Service (NPS), Bureau of Indian Affairs (BIA), U.S. Fish and Wildlife Service (USFWS), Department of Defense (DOD), Department of Homeland Security (DHS), Department of Energy (DOE), Federal Emergency Management Agency (FEMA), National Science Foundation (NSF), National Oceanic and Atmospheric Administration (NOAA), National Aeronautics and Space Administration (NASA), and the National Institute of Standards and Technology. This section provides for a Director, member term limits, and additional appointments.

The Fireshed Center established under this section will be tasked with focusing on comprehensively assessing and predicting fire and smoke in the wildland and built environment interface through data integration and science-based decision support service. The Center will also focus on reducing fragmentation and duplication across federal land managers with respect to predictive service and decision support functions for wildland fire. The Center will promote inter-organizational coordination, the sharing of data regarding wildland fire decision-making, and streamlining procurement processes and cyber security systems. Additionally, under this

section, the Fireshed Center will be responsible for providing publicly accessible data, models, technologies, assessments, and fire weather forecasts, as well as maintaining the Fireshed Registry. This section allows for cooperative agreements with State governments, Tribal governments, local governments, academic institutions, and private entities to support operations of the Center. Finally, USFS and USGS are both permitted to provide administrative support, technical services, and staff support to the Center.

Section 103. Fireshed registry

Section 103 requires the Fireshed Center to maintain a registry on a publicly accessible website that provides interactive geospatial data on individual firesheds. Information for each fireshed is required to include wildfire exposure by ownership, including rights-of-ways; hazardous fuels treatments that occurred in the previous decade; wildfire exposure threat delineated by threats to communities and municipal watersheds, as well as the risk of forest conversion; the percentage of the fireshed that burned in wildfires in the previous decade, delineated to include high severity acres; spatial patterns of wildfire exposure, including plausible extreme fire events, and any planned hazardous fuels reduction treatments. This section requires the sharing of this information with communities to help inform community wildfire protection plans. The Director of the Center is required to publish fireshed assessments and maintain a public, searchable permitting dashboard, based on the FAST 41 permitting dashboard, to track the status of fireshed management projects.

Section 104. Shared stewardship

Section 104 codifies the principles of shared stewardship to promote cross-boundary collaboration between federal and state land managers by requiring the Secretaries of the Interior and Agriculture to enter into shared stewardship agreements within 90 days of receiving a request from a state or Indian Tribe. Shared stewardship agreements will promote joint wildfire risk reduction and the completion of fireshed assessments. This section also allows the Secretaries to designate additional fireshed management areas upon the request of a Governor or Tribe. Existing shared stewardship agreements, or similar agreements, are permitted to satisfy the requirements of this section.

Section 105. Fireshed assessments

Section 105 directs the applicable Secretary and Governor or Indian Tribe, after signing a shared stewardship agreement, to conduct a fireshed assessment of the fireshed management areas within the state. The fireshed assessment will be regularly updated and identify wildfire exposure risks, at-risk communities, and potential fireshed management projects. This will include a strategy for reducing the threat of wildfire to at-risk communities in the wildland-urban interface and timelines or long-term benchmark goals for the completion of fireshed management projects. This section allows local governments within an applicable state to participate in fireshed assessments. The Secretary is permitted under this section to enter into memorandums of understanding to improve the technology informing fireshed assessments. This section re-

quires the Secretary to utilize the best available science from sources such as traditional ecological knowledge and state forest action plans. Finally, this section clarifies the assessments are not subject to the National Environmental Policy Act (NEPA).

Section 106. Emergency fireshed management

Section 106 directs the Secretary concerned to carry out fireshed management projects in fireshed management areas. This includes conducting hazardous fuels management, including mechanical thinning, prescribed burning, cultural burning, timber harvest, mastication, and grazing; creating fuel breaks and fire breaks; removing hazard trees, dead trees, dying trees, or trees at risk of dying; developing, approving, or conducting routine maintenance under a vegetation management, facility inspection, and operation and maintenance plan; removing trees to address overstocking or crowding in a forest stand, consistent with the appropriate basal area of the forest stand as determined by the responsible official; using chemical treatments to address insects and disease and control vegetation competition or invasive species; any activities recommended by the state-specific fireshed assessment carried out under section 105; and any activities recommended by an applicable community wildfire protection plan.

This section codifies emergency NEPA, National Historic Preservation Act (NHPA), and Endangered Species Act (ESA) regulations in fireshed management areas. Fireshed management projects under this section are also permitted to occur under existing statutory categorical exclusions (CEs).

This section increases acreage limitations on the insects and disease CE from 3,000 acres to 10,000 acres; the wildfire resilience CE from 3,000 acres to 10,000 acres; the sage grouse and mule deer CE from 4,500 acres to 10,000 acres; and the fuel breaks CE from 3,000 acres to 10,000 acres. The 10,000-acre Tahoe CE is expanded beyond the Tahoe Basin.

This section applies the exemption for administrative reviews from the Infrastructure Investment and Jobs Act (IIJA). Federal land managers are directed by this section to apply CEs for fireshed management projects in a manner consistent with the statute establishing such CE and in all areas designated as suitable for timber production within the applicable forest plan or where timber harvesting is not prohibited. This section directs the federal land managers to comply with NEPA, as amended by the Fiscal Responsibility Act of 2023.

Finally, the Secretaries are directed to use the authorities provided by this section in conjunction with other authorities, such as Good Neighbor Authority (GNA), stewardship contracting, self-determination contracts and self-governance compact agreements with Indian Tribes, and agreements under the Tribal Forest Protection Act of 2004.

Section 107. Sunset

Section 107 sunsets authorities in this subtitle after seven years.

SUBTITLE B—EXPANDING COLLABORATIVE TOOLS TO REDUCE
WILDFIRE RISK AND IMPROVE FOREST HEALTH

Section 111. Modification of the treatment of certain revenue and payments under Good Neighbor Agreements

Section 111 revises the GNA program to modify the treatment of revenue from timber sale contracts under good neighbor agreements with the U.S. Department of Agriculture (USDA) and Department of the Interior (DOI). Under this section, Indian Tribes and counties are permitted to retain revenue generated from timber sales under a good neighbor agreement and states, Indian Tribes, and counties may use such revenue for authorized restoration projects on non-federal lands under a good neighbor agreement. This section allows remaining funds to be used to administer a GNA program by a state, Indian Tribe, or county. GNA is extended through fiscal year (FY) 2029 by this section.

Section 112. Fixing stewardship end result contracting

Section 112 codifies 20-year stewardship contracting and adds the retention and expansion of existing forest products infrastructure as a goal under stewardship contracting. This section also provides that any long-term stewardship contract cancelled by USFS or BLM shall provide 10 percent of the contract amount as cancellation costs.

Sec. 113. Intra-agency strike teams

Section 113 allows the Secretaries to each create 10-person intra-agency strike teams to assist with environmental reviews, site preparation, and the implementation of fire-shed management projects. Strike teams can be comprised of DOI or USFS employees, private contractors, Tribal governments, State governments, local governments, or volunteers. Under this section, this authority will expire after seven years.

Sec. 114. Locally-led restoration

Section 114 raises the threshold on advertised timber sales from \$10,000 to \$55,000, adjusted for inflation, to allow for more direct bids of timber sales. This section also requires the Secretary of Agriculture to solicit bids under the National Forest Management Act of 1976 for fire-shed management projects.

Section. 115. Joint Chiefs Landscape Restoration Partnership Program

Section 115 reauthorizes the Joint Chiefs' Landscape Restoration Partnership Program through FY 2028. This section also adds recovery from wildfire and the enhancement of soil, water, and related natural resources to the list of eligible activities under the program.

Section. 116. Collaborative Forest Landscape Restoration Program

Section 116 reauthorizes the Collaborative Forest Landscape Restoration Program (CFLRP) through FY 2029. Regional foresters are required by this section to develop a plan to provide support for collaborative processes for each nominated project proposal. This section encourages the further utilization of innovative tools

such as GNA as part of CFLRP projects. This section encourages the prioritization of proposals seeking to reduce uncharacteristic wildfire risk or increase ecological restoration across jurisdictions or within the wildland-urban interface. Finally, this section modifies the limitation on the amount of overall CFLRP projects that can occur in a given year to no more than four per USFS region.

SUBTITLE C—ADDRESSING FRIVOLOUS LITIGATION

Section 121. Commonsense litigation reform

Section 121 expands existing litigation reforms from IIJA (no injunctions if the plaintiff is unlikely to succeed in the case) and the Healthy Forests Restoration Act (balance of harms when considering an injunction, time limitations for injunctive relief).

This section also provides that a court shall not hold unlawful, set aside, limit, delay, stay, vacate, or enjoin a fireshed management project unless the project poses a risk of proximate and substantial environmental harm and no other equitable remedy is available. This section limits applicable remedies by only allowing courts to remand a project back to the agencies for a period of 180 days with instructions to address specific errors or deficiencies. Such instructions cannot include the preparation of a new environmental document unless the court finds the agency failed to prepare the appropriate document. During remand, a project may continue if a specific action being conducted under the project does not impact the additional actions that must be addressed on remand.

This section also limits those who can file claims against a fireshed management project to those who participated in the administrative proceedings regarding such project and submitted a comment related to the subject of their lawsuit. Such claims must be filed within 120 days of a final notice or decision on a project.

Section 122. Consultation on forest plans

Section 122 amends the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Federal Land Management and Policy Act of 1976 to specify that neither USFS nor BLM, respectively, are required to reinstate consultation on a land management or use plan approved, amended, or revised when a species is listed as threatened or endangered, critical habitat is designated, or new information concerning a listed species or critical habitat becomes available.

TITLE II—PROTECTING COMMUNITIES IN THE WILDLAND-URBAN
INTERFACE

Section 201. Community Wildfire Risk Reduction Program

Section 201 creates a joint program between DOI's Office of Wildland Fire, NPS, BLM, USFWS, BIA, USFS, FEMA, the U.S. Fire Administration, and the National Institute of Standards and Technology to advance research and science in wildfire resilience and land management in the wildland-urban interface. This program is also tasked with supporting Tribal and local adoption of fire-resistant building methods, codes, and standards; supporting Tribal and local efforts to address the effects of wildland fires on communities, including property damage, air quality, and water quality; encouraging public-private partnerships to reduce haz-

ardous fuels in the wildland-urban interface, and providing technical and financial assistance to communities through streamlined and unified mechanisms. This section creates a centralized, uniform application process for the various federal grants provided to communities to address wildfire risk. The Secretary is permitted under this section to provide technical assistance to communities looking to apply for various grant programs. This program will sunset after seven years.

Section 202. Community Wildfire Defense Research Program

Section 202 establishes a joint DOI USDA “Community Wildfire Defense Research Program” under the Joint Fire Science Program for the purpose of testing and advancing innovative designs to create wildfire-resistant structures and communities. This can include evaluations of different affordable building materials, including mass timber; home hardening techniques, including policies to incentivize and incorporate defensible space; subdivision design and other land use planning and design; landscape architecture; and other wildfire-resistant designs for structures or communities, as determined by the Secretary.

This section allows the Secretaries, in carrying out the research program, to carry out a competition for innovative wildfire-resistant designs, to be known as the Community Wildfire Defense Innovation Prize.

This program will sunset after seven years.

Section 203. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way

Section 203 amends existing expedited authorities under the Federal Land Policy and Management Act of 1976 (FLPMA) with respect to rights of ways to allow the clearing of hazard trees within 150 feet of an electric power line (currently this limit is set at 10 feet). This section also allows for additional consultation with private landowners. Under this section, vegetation management plans submitted by electric utilities will be automatically approved after approximately four months without amendment. For plans with a modification, this section sets specific timelines for plan approval by the agencies.

Sec. 204. Categorical exclusion for electric utility lines rights-of-way

Section 204 creates a new CE for activities under a vegetation management, facility inspection, and operation and maintenance plan developed and approved under FLPMA for utility rights-of-way. Wilderness areas and areas where the removal of vegetation is restricted or prohibited are excluded under this section. This section prohibits the establishment of permanent roads. Finally, this section applies emergency regulations for ESA and NHPA consultations.

Section 205. Seeds of success

Section 205 directs DOI, USDA, and DOD to develop and implement a joint strategy to facilitate sustained interagency coordination and a comprehensive approach to native plant materials development and restoration. This strategy will also promote the re-

seeding of native or fire-resistant vegetation post-wildfire, particularly in the wildland-urban interface, and create information on native or fire-resistant vegetation that can be shared with state, Tribal, and local governments. Additionally, the agencies will be tasked with building regional programs and partnerships to promote native plant materials development and native plant restoration, giving priority to regions of the BLM where such partnerships and programs do not already exist. The strategy will also expand seed storage and seed-cleaning infrastructure; expand the BLM's Seed Warehouse System, particularly its cold storage capacity; and shorten the timeline for the approval of permits to collect seeds on public lands managed by the BLM. This section directs the agencies to submit the strategy to Congress.

TITLE III—TRANSPARENCY AND TECHNOLOGY

Section 301. Biochar innovations and opportunities for conservation, health, and advancements in research

Section 301 directs the Secretaries of Agriculture, the Interior, and Energy to enter into partnerships to conduct biochar demonstration projects in each region of the USFS and BLM in two years. Under this section, the Secretaries must give priority to project proposals that have the most carbon sequestration potential, create new jobs in rural areas, demonstrate the benefits of biochar, and are located in markets that have the greatest need for biochar production units due to high demand or wildfire risk. Feedstocks used for biochar demonstration projects must derive at least 50 percent of their materials from thinning activities conducted on federal lands under this section.

The Secretaries are permitted under this section to provide technical and financial assistance for demonstration projects to acquire and test various feedstocks, develop and optimize biochar production units, and build or expand biochar production facilities. This section limits the Secretaries from providing more than 35 percent of the capital costs of establishing a biochar facility as part of a demonstration project.

This section also directs the Secretaries to conduct regionally specific research, including economic analyses and life-cycle assessments, on biochar produced under the demonstration projects. Such research will evaluate biochar's effects on forest health and resiliency, carbon sequestration, agricultural productivity, and environmental remediation. The Secretaries will provide this data to other research institutions.

Additionally, this section directs the Secretary of the Interior to establish or expand an existing biochar research and development grant program to land grant universities and historically black colleges and universities. The research will cover the ecosystem and economic benefits of biochar.

Finally, this section requires annual reporting to Congress and sunsets after seven years.

Section 302. Accurate hazardous fuels reduction reports

Section 302 requires USFS, NPS, and BLM to submit to Congress a yearly hazardous fuels reduction report based on the actual number of acres that the respective agencies treated over the past

year. This section specifies the agencies may only record acres once for the purposes of the report, regardless of the number of treatments performed on a single acre. The report required by this section must include the acreage treated in the wildland-urban interface; the level of wildfire risk of treated acres before and after treatment; the types of treatment utilized; the cost per acre; the region or specific unit where acres are located; and the overall effectiveness of the treatments in reducing the risk of wildfire. The report is to be made available on USDA and DOI's websites.

This section directs the Secretaries to standardize procedures for tracking data for hazardous fuels reduction activities. This includes regular, standardized data reviews of the accuracy and timely input of data used to track hazardous fuels as well as verification that this data directly correlates to hazardous fuels reduction activity. This must also include an analysis of the short and long-term effectiveness of hazardous fuels reduction on reducing the risk of wildfires. Under this section, the Secretaries are required to establish methods to distinguish between wildland-urban interface acres in reporting hazardous fuels reduction work for projects that encompass both categories. The Secretaries are required to submit a report to Congress after implementing these standardized procedures with details about the changes made and any policy recommendations needed to address further limitations in tracking data for hazardous fuels reduction activities.

The U.S. Government Accountability Office (GAO) is tasked under this section with completing a study on the implementation of the bill within two years of enactment and submitting its findings to Congress.

Finally, this section defines hazardous fuels reduction activities to exclude wildland fire managed for resource benefits and the awarding of contracts to conduct hazardous fuels reduction activities.

Section 303. Public-private wildfire technology deployment and testbed partnership

Section 303 directs the Secretaries of the Interior and Agriculture, in consultation with other agencies, to develop a pilot program focused on new and innovative wildfire prevention, detection, communication, and mitigation technologies. This section directs the Secretaries to incorporate the pilot program into existing inter-agency coordinating groups on wildfire to identify priority areas and improve hazard fuels treatments, communication, remote sensing, safety equipment, and common operational pictures and dashboards. The Secretaries are required to prioritize emerging technologies, such as AI and 5G networks, and make those priority technologies public. The Secretaries are required to provide a report to Congress on the implementation of the program. This program will sunset after seven years.

Section 304. GAO study on forest service policies

Section 304 requires GAO to conduct a study on USFS operations, including the effectiveness of USFS firefighting, USFS's budget process, and the suitability of establishing a new federal agency with the responsibility of responding and suppressing wildland fire on federal lands.

Section 305. Forest service western headquarters study

Section 305 directs USFS to conduct a study within five years evaluating at least three suitable locations for a Western headquarters and the potential benefits of establishing such Western headquarters including improved customer service, employee recruitment and retention, and operational efficiencies and cost savings.

Section 306. Keeping forest plans current and monitored

Section 306 encourages USFS to prioritize revising forest plans that are out of date. This section requires USFS to submit a report to Congress that details when each forest plan was last revised, amended or modified. Finally, this section directs USFS to make forest plans and plan amendments available on a central, publicly accessible website.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

PERFORMANCE GOALS AND OBJECTIVES

As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to prohibit the use of Federal funds to provide housing to specified aliens on any land under the administrative jurisdiction of the Federal land management agencies.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to the Congressional Budget Act of 1974.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

The Committee adopts as its own the estimate of the Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

HEALTHY FORESTS RESTORATION ACT OF 2003

* * * * *

TITLE VI—MISCELLANEOUS

* * * * *

SEC. 603. ADMINISTRATIVE REVIEW.

(a) IN GENERAL.—Except as provided in subsection (d), a project described in subsection (b) that is conducted in accordance with section 602(d) may be—

- (1) considered an action categorically excluded from the requirements of Public Law 91–190 (42 U.S.C. 4321 et seq.); and
- (2) exempt from the special administrative review process under section 105.

(b) COLLABORATIVE RESTORATION PROJECT.—

(1) IN GENERAL.—A project referred to in subsection (a) is a project to carry out forest restoration treatments that—

(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease;

(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

(C) is developed and implemented through a collaborative process that—

(i) includes multiple interested persons representing diverse interests; and

(ii)(I) is transparent and nonexclusive; or

(II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

(2) INCLUSION.—A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

(c) LIMITATIONS.—

(1) PROJECT SIZE.—A project under this section may not exceed **3000 acres** 10,000 acres.

(2) LOCATION.—A project under this section shall be limited to areas—

(A) in the wildland-urban interface; or

(B) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface.

(3) ROADS.—

(A) PERMANENT ROADS.—

(i) PROHIBITION ON ESTABLISHMENT.—A project under this section shall not include the establishment of permanent roads.

(ii) EXISTING ROADS.—The Secretary may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(B) TEMPORARY ROADS.—The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(d) EXCLUSIONS.—This section does not apply to—

(1) a component of the National Wilderness Preservation System;

(2) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(3) a congressionally designated wilderness study area; or

(4) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(e) **FOREST MANAGEMENT PLANS.**—All projects and activities carried out under this section shall be consistent with the land and resource management plan established under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for the unit of the National Forest System containing the projects and activities.

(f) **PUBLIC NOTICE AND SCOPING.**—The Secretary shall conduct public notice and scoping for any project or action proposed in accordance with this section.

(g) **ACCOUNTABILITY.**—

(1) **IN GENERAL.**—The Secretary shall prepare an annual report on the use of categorical exclusions under this section that includes a description of all acres (or other appropriate unit) treated through projects carried out under this section.

(2) **SUBMISSION.**—Not later than 1 year after the date of enactment of this section, and each year thereafter, the Secretary shall submit the reports required under paragraph (1) to—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Agriculture of the House of Representatives;

(D) the Committee on Natural Resources of the House of Representatives; and

(E) the Government Accountability Office.

SEC. 604. STEWARDSHIP END RESULT CONTRACTING PROJECTS.

(a) **DEFINITIONS.**—In this section:

(1) **CHIEF.**—The term “Chief” means the Chief of the Forest Service.

(2) **DIRECTOR.**—The term “Director” means the Director of the Bureau of Land Management.

(b) **PROJECTS.**—The Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs, *including retaining and expanding existing forest products infrastructure.*

(c) **LAND MANAGEMENT GOALS.**—The land management goals of a project under subsection (b) may include any of the following:

(1) Road and trail maintenance or obliteration to restore or maintain water quality.

(2) Soil productivity, habitat for wildlife and fisheries, or other resource values.

(3) Setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat.

(4) Removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives.

(5) Watershed restoration and maintenance.

(6) Restoration and maintenance of wildlife and fish.

(7) Control of noxious and exotic weeds and reestablishing native plant species.

(d) AGREEMENTS OR CONTRACTS.—

(1) PROCUREMENT PROCEDURE.—A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

(2) CONTRACT FOR SALE OF PROPERTY.—A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

(3) TERM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chief and the Director may enter into a contract under subsection (b) in accordance with section 3903 of title 41, United States Code.

(B) MAXIMUM.—The period of the contract under subsection (b) may exceed 5 years but may not exceed **10 years** *20 years*.

(4) OFFSETS.—

(A) IN GENERAL.—The Chief and the Director may apply the value of timber or other forest products removed as an offset against the cost of services received under the agreement or contract described in subsection (b).

(B) METHODS OF APPRAISAL.—The value of timber or other forest products used as an offset under subparagraph (A)—

(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

(ii) may—

(I) be determined using a unit of measure appropriate to the contracts; and

(II) may include valuing products on a per-acre basis.

(5) RELATION TO OTHER LAWS.—Notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Chief may enter into an agreement or contract under subsection (b). Notwithstanding the Materials Act of 1947 (30 U.S.C. 602(a)), the Director may enter into an agreement or contract under subsection (b).

(6) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (b).

(7) FIRE LIABILITY PROVISIONS.—Not later than 90 days after the date of enactment of this section, the Chief shall issue for use in all contracts and agreements under this section fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400–13, part H, section H.4; and

(B) timber sale contracts conducted pursuant to section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

(e) RECEIPTS.—

(1) IN GENERAL.—The Chief and the Director may collect monies from an agreement or contract under subsection (b) if the collection is a secondary objective of negotiating the contract that will best achieve the purposes of this section.

(2) USE.—Monies from an agreement or contract under subsection (b)—

(A) may be retained by the Chief and the Director; and

(B) shall be available for expenditure without further appropriation at the project site from which the monies are collected or at another project site.

(3) RELATION TO OTHER LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

(B) KNUTSON-VANDERBERG ACT.—The Act of June 9, 1930 (commonly known as the “Knutson-Vanderberg Act”) (16 U.S.C. 576 et seq.) shall not apply to any agreement or contract under subsection (b).

(f) COSTS OF REMOVAL.—Notwithstanding the fact that a contractor did not harvest the timber, the Chief may collect deposits from a contractor covering the costs of removal of timber or other forest products under—

(1) the Act of August 11, 1916 (16 U.S.C. 490); and

(2) the Act of June 30, 1914 (16 U.S.C. 498).

(g) PERFORMANCE AND PAYMENT GUARANTEES.—

(1) IN GENERAL.—The Chief and the Director may require performance and payment bonds under sections 28.103–2 and 28.103–3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

(2) EXCESS OFFSET VALUE.—If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director may—

(A) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

(B) if there are no outstanding liabilities described in subparagraph (A), apply the excess to other authorized stewardship projects.

(h) CANCELLATION CEILINGS.—

(1) IN GENERAL.—Notwithstanding section 3903(b)(1) of title 41, United States Code, the Chief and the Director may obligate funds in stages that are economically or programmatically viable to cover any potential cancellation or termination costs for an agreement or contract under subsection (b).

(2) ADVANCE NOTICE TO CONGRESS OF CANCELLATION CEILING IN EXCESS OF \$25,000,000.—Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of \$25,000,000,

but does not include proposed funding for the costs of cancelling the agreement or contract up to that cancellation ceiling, the Chief or the Director, as applicable, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

(A) a description of the cancellation ceiling amounts proposed for each program year in the agreement or contract;

(B) the reasons why the cancellation ceiling amounts described under subparagraph (A) were selected;

(C) a description of the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

(3) TRANSMITTAL OF NOTICE TO OMB.—Not later than 14 days after the date on which written notice is provided under paragraph (2), the Chief or the Director, as appropriate, shall transmit a copy of the notice to the Director of the Office of Management and Budget.

(4) SPECIAL RULE FOR LONG-TERM STEWARDSHIP CONTRACTS.—

(A) IN GENERAL.—A long-term agreement or contract entered into with an entity under subsection (b) by the Chief or the Director shall provide that in the case of the cancellation or termination by the Chief or the Director of such long-term agreement or contract, the Chief or the Director, as applicable, shall provide 10 percent of the agreement or contract amount to such entity as cancellation or termination costs.

(B) DEFINITION OF LONG-TERM AGREEMENT OR CONTRACT.—In this paragraph, the term “long-term agreement or contract” means an agreement or contract under subsection (b)—

(i) with a term of more than 5 years; and

(ii) entered into on or after the date of the enactment of this paragraph.

(i) MONITORING AND EVALUATION.—

(1) IN GENERAL.—The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

(2) PARTICIPANTS.—Other than the Chief and Director, participants in the process described in paragraph (1) may include—

(A) any cooperating governmental agencies, including tribal governments; and

(B) any other interested groups or individuals.

(j) REPORTING.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Chief and the Director shall submit to the congressional committees described in subsection (h)(2) a report on—

- (1) the status of development, execution, and administration of agreements or contracts under subsection (b);
- (2) the specific accomplishments that have resulted; and
- (3) the role of local communities in the development of agreements or contract plans.

SEC. 605. WILDFIRE RESILIENCE PROJECTS.

(a) **IN GENERAL.**—Hazardous fuels reduction projects, as defined in the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(2)) may be—

- (1) carried out in accordance with subsections (b), (c), and (d) of section 102 and sections 104 and 105;
- (2) considered an action categorically excluded from the requirements of Public Law 91–190 (42 U.S.C. 4321 et seq.); and
- (3) exempt from the special administrative review process under section 105.

(b) **COLLABORATIVE RESTORATION PROJECT**—

(1) **IN GENERAL**—A project referred to in subsection (a) is a project to carry out forest restoration treatments that—

(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires;

(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

(C) is developed and implemented through a collaborative process that—

(i) includes multiple interested persons representing diverse interests; and

(ii)(I) is transparent and nonexclusive; or

(II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).

(2) **INCLUSION**—A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

(c) **LIMITATIONS**—

(1) **PROJECT SIZE**—A project under this section may not exceed **[3000 acres]** *10,000 acres*.

(2) **LOCATION**—A project under this section shall be—

(A) Prioritized within the wildland-urban interface;

(B) If located outside the wildland-urban interface, limited to areas within Condition Classes 2 or 3 in Fire Regime Groups I, II, or III that contain very high wildfire hazard potential; and

(C) Limited to areas designated under section 602(b) as of the date of enactment of this Act.

(3) **ROADS**—

(A) **PERMANENT ROADS**—

(i) PROHIBITION ON ESTABLISHMENT—A project under this section shall not include the establishment of permanent roads.

(ii) EXISTING ROADS—The Secretary may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(B) TEMPORARY ROADS—The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(4) EXTRAORDINARY CIRCUMSTANCES—The Secretary shall apply the extraordinary circumstances procedures under section 220.6 of title 36, code of Federal regulations (or successor regulations), when using the categorical exclusion under this section.

(d) EXCLUSIONS—This section does not apply to—

(1) a component of the National Wilderness Preservation System;

(2) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(3) a congressionally designated wilderness study area; or

(4) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(e) FOREST MANAGEMENT PLANS—All projects and activities carried out under this section shall be consistent with the land and resource management plan established under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for the unit of the National Forest System containing the projects and activities.

(f) PUBLIC NOTICE AND SCOPING—The Secretary shall conduct public notice and scoping for any project or action proposed in accordance with this section.

(g) ACCOUNTABILITY—

(1) IN GENERAL—The Secretary shall prepare an annual report on the use of categorical exclusions under this section that includes a description of all acres (or other appropriate unit) treated through projects carried out under this section.

(2) SUBMISSION—Not later than 1 year after the date of enactment of this section, and each year thereafter, the Secretary shall submit the reports required under paragraph (1) to—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Environment and Public Works of the Senate;

(C) the Committee on Agriculture of the House of Representatives;

(D) the Committee on Natural Resources of the House of Representatives; and

(E) the Government Accountability Office.

SEC. 606. CATEGORICAL EXCLUSION FOR GREATER SAGE-GROUSE AND MULE DEER HABITAT.

(a) DEFINITIONS.—In this section:

(1) COVERED VEGETATION MANAGEMENT ACTIVITY.—

(A) IN GENERAL.—The term “covered vegetation management activity” means any activity described in subparagraph (B) that—

(i)(I) is carried out on National Forest System land administered by the Forest Service; or

(II) is carried out on public land administered by the Bureau of Land Management;

(ii) with respect to public land, meets the objectives of the order of the Secretary of the Interior numbered 3336 and dated January 5, 2015;

(iii) conforms to an applicable forest plan or land use plan;

(iv) protects, restores, or improves greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—

(I) Circular 1416 of the United States Geological Survey entitled “Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration” (2015); or

(II) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies;

(v) will not permanently impair—

(I) the natural state of the treated area;

(II) outstanding opportunities for solitude;

(III) outstanding opportunities for primitive, unconfined recreation;

(IV) economic opportunities consistent with multiple-use management; or

(V) the identified values of a unit of the National Landscape Conservation System;

(vi)(I) restores native vegetation following a natural disturbance;

(II) prevents the expansion into greater sage-grouse or mule deer habitat of—

(aa) juniper, pinyon pine, or other associated conifers; or

(bb) nonnative or invasive vegetation;

(III) reduces the risk of loss of greater sage-grouse or mule deer habitat from wildfire or any other natural disturbance; or

(IV) provides emergency stabilization of soil resources after a natural disturbance; and

(vii) provides for the conduct of restoration treatments that—

(I) maximize the retention of old-growth and large trees, as appropriate for the forest type;

(II) consider the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity;

(III) are developed and implemented through a collaborative process that—

(aa) includes multiple interested persons representing diverse interests; and

(bb)(AA) is transparent and nonexclusive; or (BB) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125); and

(IV) may include the implementation of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

(B) DESCRIPTION OF ACTIVITIES.—An activity referred to in subparagraph (A) is—

(i) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

(ii) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

(iii) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;

(iv) collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method;

(v) seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization;

(vi) targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;

(vii) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;

(viii) temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met;

(ix) in coordination with the affected permit holder, modification or adjustment of permissible usage under an annual plan of use of a grazing permit issued by the Secretary concerned to achieve restoration treatment objectives;

(x) installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or

(xi) necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.

(C) EXCLUSIONS.—The term “covered vegetation management activity” does not include—

(i) any activity conducted in a wilderness area or wilderness study area;

(ii) any activity for the construction of a permanent road or permanent trail;

(iii) any activity conducted on Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(iv) any activity conducted in an area in which activities under subparagraph (B) would be inconsistent with the applicable land and resource management plan; or

(v) any activity conducted in an inventoried roadless area.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public land.

(3) TEMPORARY ROAD.—The term “temporary road” means a road that is—

(A) authorized—

(i) by a contract, permit, lease, other written authorization; or

(ii) pursuant to an emergency operation;

(B) not intended to be part of the permanent transportation system of a Federal department or agency;

(C) not necessary for long-term resource management;

(D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—

(i) safety;

(ii) the cost of transportation; and

(iii) impacts to land and resources; and

(E) managed to minimize—

(i) erosion; and

(ii) the introduction or spread of invasive species.

(b) CATEGORICAL EXCLUSION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary concerned shall develop a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse or mule deer.

(2) ADMINISTRATION.—In developing and administering the categorical exclusion under paragraph (1), the Secretary concerned shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) with respect to National Forest System land, apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion;

(C) with respect to public land, apply the extraordinary circumstances procedures under section 46.215 of title 43,

Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion; and (D) consider—

- (i) the relative efficacy of landscape-scale habitat projects;
- (ii) the likelihood of continued declines in the populations of greater sage-grouse and mule deer in the absence of landscape-scale vegetation management; and
- (iii) the need for habitat restoration activities after wildfire or other natural disturbances.

(c) IMPLEMENTATION OF COVERED VEGETATIVE MANAGEMENT ACTIVITIES WITHIN THE RANGE OF GREATER SAGE-GROUSE AND MULE DEER.—If the categorical exclusion developed under subsection (b) is used to implement a covered vegetative management activity in an area within the range of both greater sage-grouse and mule deer, the covered vegetative management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.

(d) LONG-TERM MONITORING AND MAINTENANCE.—Before commencing any covered vegetation management activity that is covered by the categorical exclusion under subsection (b), the Secretary concerned shall develop a long-term monitoring and maintenance plan, covering at least the 20-year period beginning on the date of commencement, to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.

(e) DISPOSAL OF VEGETATIVE MATERIAL.—Subject to applicable local restrictions, any vegetative material resulting from a covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may be—

- (1) used for—
 - (A) fuel wood; or
 - (B) other products; or
- (2) piled or burned, or both.

(f) TREATMENT FOR TEMPORARY ROADS.—

(1) IN GENERAL.—Notwithstanding subsection (a)(1)(B)(xi), any temporary road constructed in carrying out a covered vegetation management activity that is covered by the categorical exclusion under subsection (b)—

(A) shall be used by the Secretary concerned for the covered vegetation management activity for not more than 2 years; and

(B) shall be decommissioned by the Secretary concerned not later than 3 years after the earlier of the date on which—

- (i) the temporary road is no longer needed; and
- (ii) the project is completed.

(2) REQUIREMENT.—A treatment under paragraph (1) shall include reestablishing native vegetative cover—

(A) as soon as practicable; but

(B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

(g) LIMITATIONS.—

(1) **PROJECT SIZE.**—A covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may not exceed **[4,500 acres]** *10,000 acres*.

(2) **LOCATION.**—A covered vegetation management activity carried out on National Forest System land that is covered by the categorical exclusion under subsection (b) shall be limited to areas designated under section 602(b), as of the date of enactment of this section.

LAKE TAHOE RESTORATION ACT

* * * * *

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

(a) **IN GENERAL.**—The Lake Tahoe Basin Management Unit shall be administered by the Secretary in accordance with this Act and the laws applicable to the National Forest System.

(b) **RELATIONSHIP TO OTHER AUTHORITY.**—

(1) **PRIVATE OR NON-FEDERAL LAND.**—Nothing in this Act grants regulatory authority to the Secretary over private or other non-Federal land.

(2) **PLANNING AGENCY.**—Nothing in this Act affects or increases the authority of the Planning Agency.

(3) **ACQUISITION UNDER OTHER LAW.**—Nothing in this Act affects the authority of the Secretary to acquire land from willing sellers in the Lake Tahoe Basin under any other law.

(c) **FOREST MANAGEMENT ACTIVITIES.**—

(1) **COORDINATION.**—

(A) **IN GENERAL.**—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

(B) **GOALS.**—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

(2) **MULTIPLE BENEFITS.**—

(A) **IN GENERAL.**—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

(I) reducing forest fuels;

(II) maintaining biological diversity;

(III) improving wetland and water quality, including in Stream Environment Zones; and

(IV) increasing resilience to changing water temperature and precipitation; and

(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A)(i), the attainment of multiple ecosystem benefits shall not be

- required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a program in relation to the additional ecosystem benefits gained from the management activity.
- (3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—
- (A) establish post-program ground condition criteria for ground disturbance caused by forest management activities; and
- (B) provide for monitoring to ascertain the attainment of the post-program conditions.
- (4) AVAILABILITY OF CATEGORICAL EXCLUSION FOR CERTAIN FOREST MANAGEMENT PROJECTS.—A forest management activity conducted in the Lake Tahoe Basin Management Unit for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest management activity—
- (A) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111–8; 123 Stat. 748), does not exceed 10,000 acres, including not more than 3,000 acres of mechanical thinning;
- (B) is developed—
- (i) in coordination with impacted parties, specifically including representatives of local governments, such as county supervisors or county commissioners; and
- (ii) in consultation with other interested parties; and
- (C) is consistent with the [Lake Tahoe Basin Management Unit] land and resource management plan *applicable to the area*.
- (d) WITHDRAWAL OF FEDERAL LAND.—
- (1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—
- (A) all forms of entry, appropriation, or disposal under the public land laws;
- (B) location, entry, and patent under the mining laws; and
- (C) disposition under all laws relating to mineral and geothermal leasing.
- (2) EXCEPTIONS.—A conveyance of land shall be exempt from withdrawal under this subsection if carried out under—
- (A) this Act; or
- (B) Public Law 96–586 (94 Stat. 3381) (commonly known as the “Santini-Burton Act”).
- (e) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.
- (f) COOPERATIVE AUTHORITIES.—During the 4 fiscal years following the date of enactment of the Water Resources Development Act of 2016, the Secretary, in conjunction with land adjustment programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private

entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the programs.

* * * * *

AGRICULTURAL ACT OF 2014

* * * * *

TITLE VIII—FORESTRY

* * * * *

Subtitle C—Reauthorization of Other Forestry-Related Laws

* * * * *

SEC. 8206. GOOD NEIGHBOR AUTHORITY.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED RESTORATION SERVICES.—The term “authorized restoration services” means similar and complementary forest, rangeland, and watershed restoration services carried out—

- (A) on Federal land, non-Federal land, and land owned by an Indian tribe; and
- (B) by either the Secretary or a Governor, *Indian tribe*, or county, as applicable, pursuant to a good neighbor agreement.

(2) COUNTY.—The term “county” means—

- (A) the appropriate executive official of an affected county; or
- (B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.

(3) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means land that is—

- (i) National Forest System land; or
- (ii) public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)); or
- (iii) National Park System land; or
- (iv) National Wildlife Refuge Land.

(B) EXCLUSIONS.—The term “Federal land” does not include—

- (i) a component of the National Wilderness Preservation System;
- (ii) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(4) FOREST, RANGELAND, AND WATERSHED RESTORATION SERVICES.—

(A) IN GENERAL.—The term “forest, rangeland, and watershed restoration services” means—

(i) activities to treat insect- and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term “forest, rangeland, and watershed restoration services” does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas, other than the reconstruction, repair, or restoration of a National Forest System, Bureau of Land Management, National Park Service, or National Wildlife Refuge managed road that is—

(I) necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

(II) in the case of a National Forest System road that is determined to be unneeded in accordance with section 212.5(b)(2) of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act), decommissioned in accordance with subparagraph (A)(iii)—

(aa) in a manner that is consistent with the applicable travel management plan; and

(bb) not later than 3 years after the date on which the applicable authorized restoration services project is completed; or

(ii) construction, alteration, repair or replacement of public buildings or works.

(5) GOOD NEIGHBOR AGREEMENT.—The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor, *Indian tribe*, or county, as applicable, to carry out authorized restoration services under this section.

(6) GOVERNOR.—The term “Governor” means the Governor or any other appropriate executive official of an affected State [or Indian tribe] or the Commonwealth of Puerto Rico.

(7) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(8) NATIONAL FOREST SYSTEM ROAD.—The term “National Forest System road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act).

(9) ROAD.—The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act).

- (10) SECRETARY.—The term “Secretary” means—
- (A) the Secretary of Agriculture, with respect to National Forest System land; and
 - (B) the Secretary of the Interior, with respect to Bureau of Land Management land.
- (b) GOOD NEIGHBOR AGREEMENTS.—
- (1) GOOD NEIGHBOR AGREEMENTS.—
 - (A) IN GENERAL.—The Secretary may enter into a good neighbor agreement with a Governor, *Indian tribe*, or county to carry out authorized restoration services in accordance with this section.
 - (B) PUBLIC AVAILABILITY.—The Secretary shall make each good neighbor agreement available to the public.
 - (2) TIMBER SALES.—
 - (A) IN GENERAL.—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a(d) and (g)) shall not apply to services performed under a good neighbor agreement.
 - (B) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.
 - (C) TREATMENT OF REVENUE.—
 - [(i) IN GENERAL.—Funds received from the sale of timber by a Governor of a State under a good neighbor agreement shall be retained and used by the Governor—
 - [(I) to carry out authorized restoration services on Federal land under the good neighbor agreement; and
 - [(II) if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services on Federal land within the State under other good neighbor agreements.]]
 - (i) *IN GENERAL.—Funds received from the sale of timber or forest product by a Governor, an Indian tribe, or a county under a good neighbor agreement shall be retained and used by the Governor, Indian tribe, or county, as applicable—*
 - (I) *to carry out authorized restoration services under the good neighbor agreement; and*
 - (II) *if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services under other good neighbor agreements and for the administration of a good neighbor authority program by a Governor, Indian tribe, or county.*
 - (ii) TERMINATION OF EFFECTIVENESS.—The authority provided by this subparagraph terminates effective October 1, [2024] 2029.
 - (3) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on

Federal land shall not be delegated to a Governor, *Indian tribe*, or county.

[(4) RECEIPTS.—Notwithstanding any other provision of law, any payment made by a county to the Secretary under a project conducted under a good neighbor agreement shall not be considered to be monies received from National Forest System, Bureau of Land Management, National Park System, or U.S. Fish and Wildlife Service land, as applicable.]

* * * * *

NATIONAL FOREST MANAGEMENT ACT OF 1976

* * * * *

TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS

SEC. 14. (a) For the purpose of achieving the policies set forth in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–531) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476; 16 U.S.C. 1601–1610), the Secretary of Agriculture, under such rules and regulations as he may prescribe, may sell, at not less than appraised value, trees, portions of trees, or forest products located on National Forest System lands.

(b) All advertised timber sales shall be designated on maps, and a prospectus shall be available to the public and interested potential bidders.

(c) The length and other terms of the contract shall be designed to promote orderly harvesting consistent with the principles set out in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Unless there is a finding by the Secretary of Agriculture that better utilization of the various forest resources (consistent with the provisions of the Multiple-Use Sustained-Yield Act of 1960) will result, sales contracts shall be for a period not to exceed ten years: *Provided*, That such period may be adjusted at the discretion of the Secretary to provide additional time due to time delays caused by an act of an agent of the United States or by other circumstances beyond the control of the purchaser. The Secretary shall require the purchaser to file as soon as practicable after execution of a contract for any advertised sale with a term of two years or more, a plan of operation, which shall be subject to concurrence by the Secretary. The Secretary shall not extend any contract period with an original term of two years or more unless he finds (A) that the purchaser has diligently performed in accordance with an approved plan of operation or (B) that the substantial overriding public interest justifies the extension.

(d) The Secretary of Agriculture shall advertise all sales unless he determines that extraordinary conditions exist, as defined by regulation, or that the appraised value of the sale is less than **[\$10,000] \$55,000**. If, upon proper offering, no satisfactory bid is received for a sale, or the bidder fails to complete the purchase, the sale may be offered and sold without further advertisement. *Beginning on January 1, 2025, and annually thereafter, the amount in the first sentence of this subsection shall be adjusted by the Sec-*

retary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(e)(1) In the sale of trees, portions of trees, or forest products from National Forest System lands (hereinafter referred to in this subsection as “national forest materials”), the Secretary of Agriculture shall select the bidding method or methods which—

(A) insure open and fair competition;

(B) insure that the Federal Government receive not less than the appraised value as required by subsection (a) of this section;

(C) consider the economic stability of communities whose economies are dependent on such national forest materials, or achieve such other objectives as the Secretary deems necessary; and

(D) are consistent with the objectives of this Act and other Federal statutes.

The Secretary shall select or alter the bidding method or methods as he determines necessary to achieve the objectives stated in clauses (A), (B), (C), and (D) of this paragraph.

(2) In those instances when the Secretary selects oral auction as the bidding method for the sale of any national forest materials, he shall require that all prospective purchasers submit written sealed qualifying bids. Only prospective purchasers whose written sealed qualifying bids are equal to or in excess of the appraised value of such national forest materials may participate in the oral bidding process.

(3) The Secretary shall monitor bidding patterns involved in the sale of national forest materials. If the Secretary has a reasonable belief that collusive bidding practices may be occurring, then—

(A) he shall report any such instances of possible collusive bidding or suspected collusive bidding practices to the Attorney General of the United States with any and all supporting data;

(B) he may alter the bidding methods used within the affected area; and

(C) he shall take such other action as he deems necessary to eliminate such practices within the affected area.

(f) The Secretary of Agriculture, under such rules and regulations as he may prescribe, is authorized to dispose of, by sale or otherwise, trees, portions of trees, or other forest products related to research and demonstration projects.

(g) DESIGNATION AND SUPERVISION OF HARVESTING.—

(1) IN GENERAL.—Designation, including marking when necessary, designation by description, or designation by prescription, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture.

(2) REQUIREMENT.—Persons employed by the Secretary of Agriculture under paragraph (1)—

(A) shall have no personal interest in the purchase or harvest of the products; and

(B) shall not be directly or indirectly in the employment of the purchaser of the products.

(3) METHODS FOR DESIGNATION.—Designation by prescription and designation by description shall be considered valid meth-

ods for designation, and may be supervised by use of post-harvest cruise, sample weight scaling, or other methods determined by the Secretary of Agriculture to be appropriate.

(h) The Secretary of Agriculture shall develop utilization standards methods of measurement, and harvesting practices for the removal of trees, portions of trees, or forest products to provide for the optimum practical use of the wood material. Such standards, methods, and practices shall reflect consideration of opportunities to promote more effective wood utilization, regional conditions, and species characteristics and shall be compatible with multiple use resource management objectives in the affected area. To accomplish the purpose of this subsection in situations involving salvage of insect-infested, dead, damaged, or down timber, and to remove associated trees for stand improvement, the Secretary is authorized to require the purchasers of such timber to make monetary deposits, as a part of the payment for the timber, to be deposited in a designated fund from which sums are to be used, to cover the cost to the United States for design, engineering, and supervision of the construction of needed roads and the cost for Forest Service sale preparation and supervision of the harvesting of such timber. Deposits of money pursuant to this subsection are to be available until expended to cover the cost to the United States of accomplishing the purposes for which deposited: *Provided*, That such deposits shall not be considered as moneys received from the national forests within the meaning of sections 500 and 501 of title 16, United States Code: *And provided further*, That sums found to be in excess of the cost of accomplishing the purposes for which deposited on any national forest shall be transferred to miscellaneous receipts in the Treasury of the United States.

(i)(1) For sales of timber which include a provision for purchaser credit for construction of permanent roads with an estimated cost in excess of \$20,000, the Secretary of Agriculture shall promulgate regulations requiring that the notice of sale afford timber purchasers qualifying as "small business concerns" under the Small Business Act, as amended, and the regulations issued thereunder, an estimate of the cost and the right, when submitting a bid, to elect that the Secretary build the proposed road.

(2) If the purchaser makes such an election, the price subsequently paid for the timber shall include all of the estimated cost of the road. In the notice of sale, the Secretary of Agriculture shall set a date when such road shall be completed which shall be applicable to either construction by the purchaser or the Secretary, depending on the election. To accomplish requested work, the Secretary is authorized to use from any receipts from the sale of timber a sum equal to the estimate for timber purchaser credits, and such additional sums as may be appropriated for the construction of roads, such funds to be available until expended, to construct a road that meets the standards specified in the notice of sale.

(3) The provisions of this subsection shall become effective on October 1, 1976.

* * * * *

INFRASTRUCTURE INVESTMENT AND JOBS ACT

* * * * *

DIVISION D—ENERGY

* * * * *

TITLE VIII—NATURAL RESOURCES-RELATED INFRASTRUCTURE, WILDFIRE MANAGEMENT, AND ECOSYSTEM RESTORATION

* * * * *

SEC. 40806. ESTABLISHMENT OF FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) **DEFINITION OF SECRETARY CONCERNED.**—In this section, the term “Secretary concerned” means—

(1) the Secretary of Agriculture, with respect to National Forest System land; and

(2) the Secretary of the Interior, with respect to public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management.

(b) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the categorical exclusion is documented through a supporting record and decision memorandum.

(c) **FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—

(1) **IN GENERAL.**—The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management or National Forest System land the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.

(2) **ACTIVITIES.**—Subject to paragraph (3), the forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (b) are—

(A) mowing or masticating;

- (B) thinning by manual and mechanical cutting;
 - (C) piling, yarding, and removal of slash or hazardous fuels;
 - (D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;
 - (E) targeted grazing;
 - (F) application of—
 - (i) pesticide;
 - (ii) biopesticide; or
 - (iii) herbicide;
 - (G) seeding of native species;
 - (H) controlled burns and broadcast burning; and
 - (I) burning of piles, including jackpot piles.
- (3) EXCLUDED ACTIVITIES.—A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—
- (A) in a component of the National Wilderness Preservation System;
 - (B) on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan), or regulation;
 - (C) in a wilderness study area; or
 - (D) in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.
- (4) EXTRAORDINARY CIRCUMSTANCES.—The Secretary concerned shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).
- (d) ACREAGE AND LOCATION LIMITATIONS.—Treatments of vegetation in linear fuel breaks covered by the categorical exclusion established under subsection (b)—
- (1) may not contain treatment units in excess of **[3,000 acres]** *10,000 acres*;
 - (2) shall be located primarily in—
 - (A) the wildland-urban interface or a public drinking water source area;
 - (B) if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or
 - (C) an insect or disease area designated by the Secretary concerned as of the date of enactment of this Act; and
 - (3) shall consider the best available scientific information.
- (e) ROADS.—
- (1) PERMANENT ROADS.—A project under this section shall not include the establishment of permanent roads.
 - (2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.
 - (3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed under a project

under this section not later than 3 years after the date on which the project is completed.

(f) PUBLIC COLLABORATION.—To encourage meaningful public participation during the preparation of a project under this section, the Secretary concerned shall facilitate, during the preparation of each project—

- (1) collaboration among State and local governments and Indian Tribes; and
- (2) participation of interested persons.

* * * * *

SEC. 40808. JOINT CHIEFS LANDSCAPE RESTORATION PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CHIEFS.—The term “Chiefs” means the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service.

(2) ELIGIBLE ACTIVITY.—The term “eligible activity” means an activity—

- (A) to reduce the risk of wildfire;
- (B) to protect water quality and supply; [or]
- (C) to improve wildlife habitat for at-risk species[.];
- (D) to recover from wildfires; or
- (E) to enhance soil, water, and related natural resources.

(3) PROGRAM.—The term “Program” means the Joint Chiefs Landscape Restoration Partnership program established under subsection (b)(1).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Joint Chiefs Landscape Restoration Partnership program to improve the health and resilience of forest landscapes across National Forest System land and State, Tribal, and private land.

(2) ADMINISTRATION.—The Secretary shall administer the Program by coordinating eligible activities conducted on National Forest System land and State, Tribal, or private land across a forest landscape to improve the health and resilience of the forest landscape by—

(A) assisting producers and landowners in implementing eligible activities on eligible private or Tribal land using the applicable programs and authorities administered by the Chief of the Natural Resources Conservation Service under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), not including the conservation reserve program established under subchapter B of chapter 1 of subtitle D of that title (16 U.S.C. 3831 et seq.); and

(B) conducting eligible activities on National Forest System land or assisting landowners in implementing eligible activities on State, Tribal, or private land using the applicable programs and authorities administered by the Chief of the Forest Service.

(c) **SELECTION OF ELIGIBLE ACTIVITIES.**—The appropriate Regional Forester and State Conservationist shall jointly submit to the Chiefs on an annual basis proposals for eligible activities under the Program.

(d) **EVALUATION CRITERIA.**—In evaluating and selecting proposals submitted under subsection (c), the Chiefs shall consider—

(1) criteria including whether the proposal—

(A) reduces wildfire risk *and post-wildfire impacts* in a municipal watershed or the wildland-urban interface;

(B) was developed through a collaborative process with participation from diverse stakeholders;

(C) increases forest workforce capacity or forest business infrastructure and development;

(D) leverages existing authorities and non-Federal funding;

(E) provides measurable outcomes; or

(F) supports established State and regional priorities, *as identified in the corresponding State forest action plan or similar priority plan (such as a State wildlife or water plan)*; and

(2) such other criteria relating to the merits of the proposals as the Chiefs determine to be appropriate.

(e) **OUTREACH.**—The Secretary shall provide—

(1) public notice on the websites of the Forest Service and the Natural Resources Conservation Service describing—

(A) the solicitation of proposals under subsection (c); and

(B) the criteria for selecting proposals in accordance with subsection (d); and

(2) information relating to the Program and activities funded under the Program to States, Indian Tribes, units of local government, and private landowners.

(f) **EXCLUSIONS.**—An eligible activity may not be carried out under the Program—

(1) in a wilderness area or designated wilderness study area;

(2) in an inventoried roadless area;

(3) on any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(4) in an area in which the eligible activity would be inconsistent with the applicable land and resource management plan.

(g) **ACCOUNTABILITY.**—

(1) **INITIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report providing recommendations to Congress relating to the Program, including a review of—

(A) funding mechanisms for the Program;

(B) staff capacity to carry out the Program;

(C) privacy laws applicable to the Program;

(D) data collection under the Program;

(E) monitoring and outcomes under the Program; and

(F) such other matters as the Secretary considers to be appropriate.

(2) **ADDITIONAL REPORTS.**—For each of fiscal years 2022 and 2023 *and at least once every 2 fiscal years thereafter*, the Chiefs

shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on Agriculture and the Committee on Appropriations of the House of Representatives a report describing projects for which funding is provided under the Program, including the status and outcomes of those projects.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Program \$90,000,000 for each of fiscal years 2022 [and 2023] through 2028.

(2) ADDITIONAL FUNDS.—In addition to the funds described in paragraph (1), the Secretary may obligate available funds from accounts used to carry out the existing Joint Chiefs’ Landscape Restoration Partnership prior to the date of enactment of this Act to carry out the Program.

(3) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(4) DISTRIBUTION OF FUNDS.—Of the funds made available under paragraph (1)—

(A) not less than 40 percent shall be allocated to carry out eligible activities through the Natural Resources Conservation Service;

(B) not less than 40 percent shall be allocated to carry out eligible activities through the Forest Service; and

(C) the remaining funds shall be allocated by the Chiefs to the Natural Resources Conservation Service or the Forest Service—

(i) to carry out eligible activities; or

(ii) for other purposes, such as technical assistance, project development, or local capacity building.

* * * * *

OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

* * * * *

TITLE IV—FOREST LANDSCAPE RESTORATION

* * * * *

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

- (1) be based on a landscape restoration strategy that—
 - (A) is complete or substantially complete;
 - (B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—
 - (i) at least 50,000 acres;
 - (ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;
 - (iii) in need of active ecosystem restoration; and
 - (iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;
 - (C) incorporates the best available science and scientific application tools in ecological restoration strategies;
 - (D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;
 - (E) would carry out any forest restoration treatments that reduce hazardous fuels by—
 - (i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and
 - (ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and
 - (F)(i) does not include the establishment of permanent roads; and
 - (ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;
- (2) be developed and implemented through a collaborative process that—
 - (A) includes multiple interested persons representing diverse interests; and
 - (B)(i) is transparent and nonexclusive; or
 - (ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106-393 (16 U.S.C. 500 note);
- (3) describe plans to—
 - (A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

- (B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;
 - (C) maintain or improve water quality and watershed function;
 - (D) prevent, remediate, or control invasions of exotic [species;] *species or pathogens*;
 - (E) maintain, decommission, and rehabilitate roads and trails;
 - (F) use woody biomass and small-diameter trees produced from projects implementing the strategy;
 - (G) report annually on performance, including through performance measures from the plan entitled the “10 Year Comprehensive Strategy Implementation Plan” and dated December 2006; [and]
 - (H) take into account any applicable community wildfire protection plan; *and*
 - (I) *address standardized monitoring questions and indicators*;
- (4) analyze any anticipated cost savings, including those resulting from—
- (A) reduced wildfire management costs; and
 - (B) a decrease in the unit costs of implementing ecological restoration treatments over time;
- (5) estimate—
- (A) the annual Federal funding necessary to implement the proposal; and
 - (B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;
- (6) describe the collaborative process through which the proposal was developed, including a description of—
- (A) participation by or consultation with State, local, and Tribal governments; and
 - (B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and
- (7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—
- (A) local private, nonprofit, or cooperative entities;
 - (B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;
 - (C) existing or proposed small or micro-businesses, clusters, or incubators; or
 - (D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and
- (8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.
- (c) NOMINATION PROCESS.—
- (1) SUBMISSION.—A proposal shall be submitted to—
- (A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

- (i) State Director of the Bureau of Land Management;
- (ii) Regional Director of the Bureau of Indian Affairs; or
- (iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

- (i) State Director of the Bureau of Land Management;
- (ii) Regional Director of the Bureau of Indian Affairs; or
- (iii) other official of the Department of the Interior.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; **[and]**

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary; *and*

(iii) *include a plan to provide support to collaborative processes established pursuant to subsection (b)(2);*

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

- (i) State Director of the Bureau of Land Management;
 - (ii) Regional Director of the Bureau of Indian Affairs; or
 - (iii) other official of the Department of the Interior;
- and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

- (A) have been nominated under subsection (c)(2); and
- (B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

- (A) the strength of the proposal and strategy;
- (B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;
- (C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;
- (D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;
- (E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; **and**
- (F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal **and**; *and*

(G) *proposals that seek to use innovative implementation mechanisms, including good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a);*

(H) *proposals that seek to reduce the risk of uncharacteristic wildfire or increase ecological restoration activities—*

(i) within areas across land ownerships, including State, Tribal, and private land; and

(ii) within the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)); and

(I) proposals that seek to enhance watershed health and drinking water sources.

(3) LIMITATION.—The Secretary may select not more than—

[(A) 10 proposals to be funded during any fiscal year;]

(A) 4 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

[(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and]

[(C)] (B) the number of proposals that the Secretary determines are likely to receive adequate funding.

(4) WAIVER.—

(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the advisory panel established under subsection (e), if the Secretary determines that a proposal that has been selected under paragraph (1) and is being carried out continues to meet the eligibility criteria established by subsection (b), the Secretary, on a case-by-case basis, may issue for the proposal a 1-time extension of the 10-year pe-

riod requirement under paragraph (1)(B) of that subsection.

(B) LIMITATION.—The extension described in subparagraph (A)—

- (i) shall be for the shortest period of time practicable to complete implementation of the proposal, as determined by the Secretary; and
- (ii) shall not exceed 10 years.

(e) ADVISORY PANEL.—

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Collaborative Forest Landscape Restoration Fund”, to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

- (i) during a period of more than 10 fiscal years; or
- (ii) in excess of \$4,000,000 in any 1 fiscal year.

(C) EXCEPTION.—The limitation described in subparagraph (B)(i) shall not apply to a proposal for which a 1-time extension is granted under subsection (d)(4).

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund \$80,000,000 for each of fiscal

years **[2019 through 2023]** *2023 through 2029*, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.— The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.— The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected

proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

- (1) the Committee on Energy and Natural Resources of the Senate;
- (2) the Committee on Appropriations of the Senate;
- (3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;
- (4) the Committee on Natural Resources of the House of Representatives;
- (5) the Committee on Appropriations of the House of Representatives; and
- (6) the Committee on Agriculture of the House of Representatives.

* * * * *

FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974

* * * * *

SEC. 6. NATIONAL FOREST SYSTEM RESOURCE PLANNING.—(a) As a part of the Program provided for by section 4 of this Act, the Secretary shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(b) In the development and maintenance of land management plans for use on units of the National Forest System, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

(c) The Secretary shall begin to incorporate the standards and guidelines required by this section in plans for units of the National Forest System as soon as practicable after enactment of this subsection and shall attempt to complete such incorporation for all such units by no later than September 30, 1985. The Secretary shall report to the Congress on the progress of such incorporation in the annual report required by section 8(c) of this Act. Until such time as a unit of the National Forest System is managed under plans developed in accordance with this Act, the management of such unit may continue under existing land and resource management plans.

(d) PUBLIC PARTICIPATION AND CONSULTATION.—

- (1) IN GENERAL.—The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient loca-

tions in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

[(2) NO ADDITIONAL CONSULTATION REQUIRED AFTER APPROVAL OF LAND MANAGEMENT PLANS.—

[(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding any other provision of law, the Secretary shall not be required to engage in consultation under this section or any other provision of law (including section 7 of Public Law 93–205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)) with respect to—

[(i) the listing of a species as threatened or endangered, or a designation of critical habitat pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), if a land management plan has been adopted by the Secretary as of the date of listing or designation; and

[(ii) any provision of a land management plan adopted as described in clause (i).

[(B) EXCEPTION.—Subparagraph (A) shall not apply if—

[(i) 15 years have passed since the date on which the Secretary adopted the land management plan described in clause (i) of that subparagraph; and

[(ii) 5 years have passed since the date of enactment of this section or the date of the listing of a species as threatened or endangered for a species known to occur on the unit or the designation of critical habitat within the unit as described in clause (i) of that subparagraph, whichever is later.

[(C) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects any applicable requirement of the Secretary to consult with the head of any other Federal department or agency—

[(i) regarding any project carried out, or proposed to be carried out, to implement a land management plan pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of cumulative impacts of completed, ongoing, and planned projects; or

[(ii) with respect to—

[(I) the development of a modification to a land management plan; or

[(II) an amendment or revision to a land management plan in accordance with paragraph (4) or (5) of subsection (f).]

(2) NO ADDITIONAL CONSULTATION REQUIRED UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding any other provision of law, the Secretary shall not be required to reinstate consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code of Federal Regulations (or a successor regulation), on a land management plan approved, amended, or revised under this section when—

(A) a new species is listed or critical habitat is designated under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(B) new information reveals effects of the land management plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.

(e) In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans—

(1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960, and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness; and

(2) determine forest management systems, harvesting levels, and procedures in the light of all of the uses set forth in subsection (c)(1), the definition of the terms “multiple use” and “sustained yield” as provided in the Multiple-Use Sustained-Yield Act of 1960, and the availability of lands and their suitability for resources management.

(f) Plans developed in accordance with this section shall—

(1) form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents, available to the public at convenient locations, all of the features required by this section;

(2) be embodied in appropriate written material, including maps and other descriptive documents, reflecting proposed and possible actions, including the planned timber sale program and the proportion of probable methods of timber harvest within the unit necessary to fulfill the plan;

(3) be prepared by an interdisciplinary team. Each team shall prepare its plan based on inventories of the applicable resources of the forest;

(4) be amended in any manner whatsoever after final adoption after public notice, and, if such amendment would result in a significant change in such plan, in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section; and

(5) be revised (A) from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every fifteen years, and (B) in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section.

(g) As soon as practicable, but not later than two years after enactment of this subsection, the Secretary shall in accordance with the procedures set forth in section 553 of title 5, United States Code, promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960, that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

(1) specifying procedures to insure that land management plans are prepared in accordance with the National Environ-

mental Policy Act of 1969, including, but not limited to, direction on when and for what plans an environmental impact statement required under section 102(2)(C) of that Act shall be prepared;

(2) specifying guidelines which—

(A) require the identification of the suitability of lands for resource management;

(B) provide for obtaining inventory data on the various renewable resources, and soil and water, including pertinent maps, graphic material, and explanatory aids; and

(C) provide for methods to identify special conditions or situations involving hazards to the various resources and their relationship to alternative activities;

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

(A) insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources, to provide for outdoor recreation (including wilderness), range, timber, watershed, wildlife, and and fish;

(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;

(C) insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;

(D) permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if (i) such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960, and (ii) such harvest levels are decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned;

(E) insure that timber will be harvested from National Forest System lands only where—

(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

(ii) there is assurance that such lands can be adequately restocked within five years after harvest;

(iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat; and

(iv) the harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber; and

(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an evenaged stand of timber will be used as a cutting method on National Forest System lands only where—

(i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;

(ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area;

(iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;

(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: *Provided*, That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and

(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

(h)(1) In carrying out the purposes of subsection (g) of this section, the Secretary shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations, but the Secretary may, from time to time, appoint similar committees when considering revisions of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

(2) Clerical and technical assistance, as may be necessary to discharge the duties of the committee, shall be provided from the personnel of the Department of Agriculture.

(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section

5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(i) Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in present or future permits, contracts, and other instruments made pursuant to this section shall be subject to valid existing rights.

(j) Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under section 6(d) of this Act.

(k) In developing land management plans pursuant to this Act, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use values, no timber harvesting shall occur on such lands for a period of 10 years. Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple-use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production.

(l) The Secretary shall—

(1) formulate and implement, as soon as practicable, a process for estimating long-term costs and benefits to support the program evaluation requirements of this Act. This process shall include requirements to provide information on a representative sample basis of estimated expenditures associated with the reforestation, timber stand improvement, and sale of timber from the National Forest System, and shall provide a comparison of these expenditures to the return to the Government resulting from the sale of timber; and

(2) include a summary of data and findings resulting from these estimates as a part of the annual report required pursuant to section 8(c) of this Act, including an identification on a representative sample basis of those advertised timber sales made below the estimated expenditures for such timber as determined by the above cost process; and

(m) The Secretary shall establish—

(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discretion of the Secretary): *Provided:* That these standards shall not preclude the use of sound sil-

vicultural practices, such as thinning or other stand improvement measures: *Provided further*, That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to be multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.

* * * * *

**FEDERAL LAND POLICY AND MANAGEMENT ACT OF
1976**

* * * * *

**TITLE II—LAND USE PLANNING; LAND ACQUISITION AND
DISPOSITION**

* * * * *

LAND USE PLANNING

SEC. 202. (a) The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest System with the land use planning and management programs of and for Indian tribes by among other things, considering the policies of approved tribal land resource management programs.

(c) In the development and revision of land use plans, the Secretary shall—

- (1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;
- (2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;
- (3) give priority to the designation and protection of areas of critical environmental concern;
- (4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;
- (5) consider present and potential uses of the public lands;
- (6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(7) weigh long-term benefits to the public against short-term benefits;

(8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under chapter 2003 of title 54, United States Code, and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Governmental plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

(d) Any classification of public lands or any land use plan in effect on the date of enactment of this Act is subject to review in the land use planning process conducted under this section, and all public lands, regardless of classification, are subject to inclusion in any land use plan developed pursuant to this section. The Secretary may modify or terminate any such classification consistent with such land use plans.

(e) The Secretary may issue management decisions to implement land use plans developed or revised under this section in accordance with the following:

(1) Such decisions, including but not limited to exclusions (that is, total elimination) of one or more of the principal or major uses made by a management decision shall remain subject to reconsideration, modification, and termination through revision by the Secretary or his delegate, under the provisions of this section, of the land use plan involved.

(2) Any management decision or action pursuant to a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years

with respect to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the House of Representatives and the Senate. If within ninety days from the giving of such notice (exclusive of days on which either House has adjourned for more than three consecutive days), the Congress adopts a concurrent resolution of nonapproval of the management decision or action, then the management decision or action shall be promptly terminated by the Secretary. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the management decision or action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same management decision or action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 204 of this Act may be used in carrying out management decisions, but public lands shall be removed from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318–2352; 30 U.S.C. 21 et. seq.) or transferred to another department, bureau, or agency only by withdrawal action pursuant to section 204 or other action pursuant to applicable law: *Provided*, That nothing in this section shall prevent a wholly owned Government corporation from acquiring and holding rights as a citizen under the Mining Law of 1872.

(f) The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

(g) *NO ADDITIONAL CONSULTATION REQUIRED UNDER CERTAIN CIRCUMSTANCES.*—*Notwithstanding any other provision of law, the Secretary shall not be required to reinstate consultation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code of Federal Regulations*

(or a successor regulation), on a land use plan approved, amended, or revised under this section when—

(1) a new species is listed or critical habitat is designated under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(2) new information reveals effects of the land use plan that may affect a species listed or critical habitat designated under that Act in a manner or to an extent not previously considered.

* * * * *

TITLE V—RIGHTS-OF-WAY

* * * * *

SEC. 512. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.

(a) DEFINITIONS.—In this section:

(1) HAZARD TREE.—The term “hazard tree” means any tree or part thereof (whether located inside or outside a right-of-way) that has been designated, prior to tree failure, by a certified or licensed arborist or forester under the supervision of the Secretary concerned or the owner or operator of a transmission or distribution facility to be—

(A) dead, likely to die within the routine vegetation management cycle, or likely to fail within the routine vegetation management cycle; and

(B) if the tree or part of the tree failed, likely to—

(i) cause substantial damage or disruption to a transmission or distribution facility; or

(ii) come within **[10]** 150 feet of an electric power line.

(2) OWNER; OPERATOR.—The terms “owner” and “operator” include contractors or other agents engaged by the owner or operator of an electric transmission or distribution facility.

(3) PLAN.—The term “plan” means a vegetation management, facility inspection, and operation and maintenance plan that—

(A) is prepared by the owner or operator of 1 or more electric transmission or distribution facilities to cover 1 or more electric transmission and distribution rights-of-way; and

(B) provides for the long-term, cost-effective, efficient, and timely management of facilities and vegetation within the width of the right-of-way and abutting Federal land, including hazard trees, to enhance electric reliability, promote public safety, and avoid fire hazards.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary, with respect to public lands; and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) GUIDANCE.—

(1) IN GENERAL.—To enhance the reliability of the electric grid and reduce the threat of wildfire damage to, and wildfire

caused by vegetation-related conditions within, electric transmission and distribution rights-of-way and abutting Federal land, including hazard trees, the Secretary concerned shall issue and periodically update guidance to ensure that provisions are appropriately developed and implemented for utility vegetation management, facility inspection, and operation and maintenance of rights-of-way, regardless of the means by which the rights-of-way are established (including by grant, special use authorization, and easement).

(2) **LIMITATION.**—The guidance issued under paragraph (1) shall be compatible with mandatory reliability standards established by the Electric Reliability Organization.

(3) **CONSIDERATIONS.**—The guidance issued under paragraph (1) shall take into account—

(A) all applicable law, including fire safety and electric system reliability requirements (including reliability standards established by the Electric Reliability Organization under section 215 of the Federal Power Act (16 U.S.C. 824o)); and

(B) the Memorandum of Understanding on Vegetation Management for Powerline Rights-of-Way between the Edison Electric Institute, Utility Arborist Association, the Department of the Interior, the Department of Agriculture, and the Environmental Protection Agency signed in 2016.

(4) **REQUIREMENTS.**—The guidance issued under paragraph (1) shall—

(A) be developed in consultation with the owners of transmission and distribution facilities that hold rights-of-way;

(B) seek to minimize the need for case-by-case approvals for —

(i) routine vegetation management, facility inspection, and operation and maintenance activities; and

(ii) utility vegetation management activities that are necessary to control hazard trees; and

(C) provide for prompt and timely review of requests to conduct vegetation management activities that require approval of the Secretary concerned, especially activities requiring expedited or immediate action.

(c) **VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.**—

(1) **DEVELOPMENT AND SUBMISSION.**—Consistent with subsection (b), the Secretary concerned shall provide owners and operators of electric transmission or distribution facilities located on public lands and National Forest System land, as applicable, with the option to develop and submit a plan.

(2) **ERO STANDARDS.**—Owners and operators subject to mandatory reliability standards established by the Electric Reliability Organization (or superseding standards) may use those standards as part of the plan.

(3) **PLAN REQUIREMENTS.**—A plan developed under paragraph (1) shall—

(A) identify the applicable transmission or distribution facilities to be maintained;

- (B) take into account operations and maintenance plans for the applicable transmission or distribution line;
 - (C) describe the vegetation management, inspection, and operation and maintenance methods that may be used to comply with all applicable law, including fire safety requirements and reliability standards established by the Electric Reliability Organization;
 - (D) include schedules for—
 - (i) the applicable owner or operator to notify the Secretary concerned about routine and major maintenance;
 - (ii) the applicable owner or operator to request approval from the Secretary concerned about undertaking routine and major maintenance; and
 - (iii) the Secretary concerned to respond to a request by an owner or operator under clause (ii); and
 - (E) describe processes for—
 - (i) identifying changes in conditions; **[and]**
 - (ii) modifying the approved plan, if necessary**【.】**;

and

 - (iii) *consulting with a private landowner with respect to any hazard trees identified for removal from land owned by the private landowner.*
- (4) REVIEW AND APPROVAL PROCESS.—
- (A) IN GENERAL.—The Secretary concerned shall jointly develop a consolidated and coordinated process for the review and approval of plans submitted under paragraph (1) that—
- (i) includes timelines and benchmarks for—
 - (I) the submission of agency comments on the plans and schedules for final decision; and
 - (II) the timely review of modifications of the plans in cases in which modifications are necessary;
 - (ii) is consistent with applicable law; and
 - (iii) includes a process for modifications to a plan in a prompt manner if changed conditions necessitate a modification to a plan; and
 - 【(iv) ensures, to the maximum extent practicable, a prompt review and approval process not to exceed 120 days.】**
 - (iv) *ensures that—*
 - (I) *a plan submitted without a modification under clause (iii) shall be automatically approved 120 days after being submitted; and*
 - (II) *with respect to a plan submitted with a modification under clause (iii), if not approved within 120 days after being submitted, the Secretary concerned shall develop and submit a letter to the owner and operator describing—*
 - (aa) *a detailed timeline (to conclude within 165 days after the submission of the plan) for completing review of the plan;*

(bb) any identified deficiencies with the plan and specific opportunities for the owner and operator to address such deficiencies; and

(cc) any other relevant information, as determined by the Secretary concerned.

(B) PLAN MODIFICATION.—Upon reasonable advance notice to an owner or operator of an electric transmission or distribution facility of any changed conditions that warrant a modification to a plan, the Secretary concerned shall—

(i) provide an opportunity for the owner or operator to submit a proposed plan modification, consistent with the process described under subparagraph (A)(iii), to address the changed condition identified by the Secretary concerned;

(ii) consider the proposed plan modification consistent with the process described under paragraph (4)(A); and

(iii) allow the owner or operator to continue to implement any element of the approved plan that does not directly and adversely affect the condition precipitating the need for modification.

(5) CATEGORIES OF ACTIONS NOT REQUIRING ENVIRONMENTAL ANALYSIS.—With respect to the development and approval of plans submitted under paragraph (1), as well as with respect to actions carried out under such plans, the Secretary concerned shall identify categories of actions for which neither an environmental impact statement nor an environmental assessment shall be required under section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation).

(d) CERTAIN OWNERS AND OPERATORS.—

(1) IN GENERAL.—The owner or operator of an electric transmission or distribution facility that is not subject to the mandatory reliability standards established by the Electric Reliability Organization or that sold less than or equal to 1,000,000 megawatt hours of electric energy for purposes other than resale during each of the 3 calendar years immediately preceding the date of enactment of this section may enter into an agreement with the Secretary concerned in lieu of a plan under subsection (c).

(2) MINIMUM REQUIREMENTS.—The Secretary concerned shall ensure that the minimum requirements for an agreement under paragraph (1)—

(A) reflect the relative financial resources of the applicable owner or operator compared to other owners or operators of an electric transmission or distribution facility;

(B) include schedules as described in subsection (c)(3)(D);

(C) are subject to modification requirements as described in subsection (c)(4)(B); and

(D) comply with applicable law.

(e) EMERGENCY CONDITIONS.—If vegetation or hazard trees have contacted or present an imminent danger of contacting an electric transmission or distribution line from within or adjacent to an electric transmission or distribution right-of-way, the owner or operator of the electric transmission or distribution lines—

- (1) may prune or remove the vegetation or hazard tree—
 - (A) to avoid the disruption of electric service; and
 - (B) to eliminate immediate fire and safety hazards; and
- (2) shall notify the appropriate local agent of the Secretary concerned not later than 1 day after the date of the response to emergency conditions.

(f) ACTIVITIES THAT REQUIRE APPROVAL.—

(1) IN GENERAL.—Except as provided under paragraph (3), the owner or operator of an electric transmission or distribution facility may conduct vegetation management activities that require approval of the Secretary concerned in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d) only with the approval of the Secretary concerned.

(2) REQUIREMENT TO RESPOND.—The Secretary concerned shall respond to a request for approval to conduct vegetation management activities in accordance with the applicable schedules in a plan approved under subsection (c) or an agreement entered into under subsection (d).

(3) AUTHORIZED ACTIVITIES.—The owner or operator of an electric transmission or distribution facility may conduct vegetation management activities that require approval of the Secretary concerned in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d) without the approval of the Secretary concerned if—

(A) the owner or operator submitted a request to the Secretary concerned in accordance with the applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d);

(B) the vegetation management activities, including the removal of hazard trees, proposed in the request under subparagraph (A) are in accordance with a plan approved under subsection (c) or an agreement entered into under subsection (d); and

(C) the Secretary concerned fails to respond to the request under subparagraph (A) in accordance with the applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d).

(g) LIABILITY.—

(1) IN GENERAL.—The Secretary concerned shall not impose strict liability for damages or injury resulting from—

(A) the Secretary concerned unreasonably withholding or delaying—

(i) approval of a plan under subsection (c); or

(ii) entrance into an agreement under subsection (d);

or

(B) the Secretary concerned unreasonably failing to adhere to an applicable schedule in a plan approved under subsection (c) or an agreement entered into under subsection (d).

(2) DAMAGES.—For the period ending 10 years after the date of the enactment of this subsection, the Secretary concerned shall not impose strict liability in an amount greater than \$500,000 per incident for damages or injury resulting from ac-

tivities conducted by an owner or operator in accordance with an approved agreement under subsection (d).

(3) **RULE OF CONSTRUCTION.**—Nothing in paragraph (2) shall be construed to effect any liability imposed by the Secretary concerned under section 251.56(d) of title 36, Code of Federal Regulations (as in effect on the date of the enactment of this section) and section 2807.12 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this section), for activities conducted by an owner or operator in accordance with an approved plan under subsection (c).

(h) **REPORTING REQUIREMENT.**—

(1) **ACTIVITIES THAT REQUIRE APPROVAL.**—The Secretary concerned shall report requests and actions made under subsection (f) annually on the website of the Secretary concerned.

(2) **LIABILITY.**—Not later than four years after the date of enactment of this subsection, the Secretary concerned shall prepare and submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that describes the effect on the Treasury of the strict liability limitation established by subsection (g)(2).

(i) **TRAINING AND GUIDANCE.**—In consultation with the electric utility industry, the Secretary concerned is encouraged to develop a program to train personnel of the Department of the Interior and the Forest Service involved in vegetation management decisions relating to electric transmission and distribution facilities to ensure that the personnel—

(1) understand electric system reliability requirements as the requirements relate to vegetation management of transmission and distribution rights-of-way on Federal land, including reliability standards established by the Electric Reliability Organization and fire safety requirements;

(2) assist owners and operators of electric transmission and distribution facilities in complying with applicable electric reliability and fire safety requirements;

(3) encourage and assist willing owners and operators of electric transmission and distribution facilities to incorporate on a voluntary basis vegetation management practices to enhance habitats and forage for pollinators and for other wildlife if the practices are compatible with the integrated vegetation management practices necessary for reliability and safety; and

(4) understand how existing and emerging unmanned technologies can help electric utilities, the Federal Government, State and local governments, and private landowners—

(A) to more efficiently identify vegetation management needs;

(B) to reduce the risk of wildfires; and

(C) to lower ratepayer energy costs.

(j) **IMPLEMENTATION.**—The Secretary concerned shall—

(1) not later than 1 year after the date of enactment of this section, propose regulations, or amend existing regulations, to implement this section; and

(2) not later than 2 years after the date of enactment of this section, finalize regulations, or amend existing regulations, to implement this section.

(k) EXISTING VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE PLANS.—Nothing in this section requires an owner or operator to develop and submit a new plan under this section if a plan consistent with this section has already been approved by the Secretary concerned before the date of enactment of this section.

* * * * *

COMMITTEE CORRESPONDENCE

U.S. House of Representatives
Committee on Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515-6001
(202) 225-2171

September 3, 2024

GLENN THOMPSON, PENNSYLVANIA, CHAIRMAN
FRANK O. LUPTON, DELAWARE
AUSTIN SCOTT, GEORGIA, VICE CHAIRMAN
ERIC L. BIPST, OHIO
SCOTT DEGRAZIA, TENNESSEE
DORIS L. SMITH, CALIFORNIA
DAVID BLOTTEN, NORTH CAROLINA
TERRY ROYCE, TEXAS
DON HIGDON, NEBRASKA
RICHIE RAMSEY, MISSISSIPPI
NORTH CAROLINA
JAMES W. BAPCO, ILLINOIS
NICKY D. BROWN, MISSISSIPPI
SANDY E. HILL, MISSISSIPPI
RUBY HAYNE, ALABAMA
KAT LAMMADA, FLORIDA
FRANK ROSTER, MISSISSIPPI
JOHN W. ROSE, TENNESSEE
HEATHER HANCOCK, TEXAS
MARCUS J. MOLINARO, NEW YORK
RODOLFO LA FRAY, TEXAS
NICHOLAS A. LAVANORTH, NEW YORK
JONATHAN T. QUARTZ, CALIFORNIA
TODD R. STEIN, IOWA
BRIAN ALBERT, MISSOURI
DERRICK WALKER, MISSISSIPPI
LOU CHAVEZ, ARIZONA
MAY V. MULLER, NEW YORK

DAVID SCOTT, GEORGIA, RANKING MEMBER
JIM COSTA, CALIFORNIA
JAMES F. MCGOVERN, MASSACHUSETTS
ALAN S. ADAMS, NORTH CAROLINA
ANGIE CRAIG, MISSISSIPPI
JAHARA HAYES, CONNECTICUT
SUSAN W. BOND, MISSISSIPPI
SHARICE DAVIS, ARIZONA
ELISA SCOTT, MISSISSIPPI
YONNIE HARRIS, ILLINOIS
ANDREA SALINAS, TEXAS
MARIQUELLE DAVIS, MISSISSIPPI
GOSALDO DA SILVA, NORTH CAROLINA
SUE BARRING, MISSISSIPPI
JILL N. TROTTA, MISSISSIPPI
FRANK ROSTER, MISSISSIPPI
ERIC L. BIPST, OHIO
GARET VASQUEZ, NEW MEXICO
JACOBIE PROCKYTT, TEXAS
JOSEPHAN L. JACKSON, ILLINOIS
DREW CASAR, TEXAS
CHLIEE FINNELL, MISSISSIPPI
SALUD O. CARRAZAL, CALIFORNIA
ANNE CHANG, MISSISSIPPI
GABRIEL ROTE, FLORIDA
DANFORDD BISHOP, JR., GEORGIA
PARRISH BRADEN, STAFF DIRECTOR
ANNE SIMMONS, MINORITY STAFF DIRECTOR

The Honorable Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 8790, the "Fix Our Forests Act". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 8790 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,

Glenn "GT" Thompson
Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Mike Johnson, Speaker of the House
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

VIVIAN MORGLÉN
STAFF DIRECTOR

RAUL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

LORA SNYDER
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 11, 2024

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

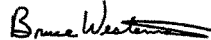
Dear Mr. Chairman:

I write regarding H.R. 8790, the "Fix Our Forests Act," which was ordered reported by the Committee on Natural Resources on June 26, 2024.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo any further consideration of this bill. I acknowledge that the Committee on Agriculture will not formally consider H.R. 8790 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker of the House
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

FRANK D. LUCAS, CHAIRMAN
114603-01ZOE LOFGREN, CHAIRMAN
244187-01

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371

www.committees.gov

September 10, 2024

The Honorable Bruce Westerman
Chair
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Westerman:

H.R. 8790, the “Fix Our Forests Act”, was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Science, Space, and Technology.

H.R. 8790 contains provisions within the Committee on Science, Space, and Technology’s Rule X jurisdiction. As a result of your having consulted with the Committee and to expedite this bill for floor consideration, the Committee on Science, Space, and Technology will forego action on the bill. This is being done based on our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Science, Space, and Technology with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the committee report or in the *Congressional Record* during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,



Frank D. Lucas
Chairman

cc: The Honorable Mike Johnson, Speaker
The Honorable Zoe Lofgren, Ranking Member, Committee on Science, Space, & Technology
The Honorable Raúl Grijalva., Ranking Member, Committee on Natural Resources

The Honorable Bruce Westerman
Chair
Page 2 of 2
Mr. Jason Smith, Parliamentarian

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

VIVIAN MDSGLEIN
STAFF DIRECTOR

RAÚL M. GRIJALVA OF ARIZONA
RANKING DEMOCRAT

LORA SHYDET
DEMOCRATIC STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 12, 2024

The Honorable Frank D. Lucas
Chairman
Committee on Science, Space, and Technology
2321 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 8790, the "Fix Our Forests Act," which was ordered reported by the Committee on Natural Resources on June 26, 2024.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology and appreciate your willingness to forgo any further consideration of this bill. I acknowledge that the Committee on Science, Space, and Technology will not formally consider H.R. 8790 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I will ensure that our exchange of letters is included in the committee report and the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Mike Johnson, Speaker of the House
The Honorable Zoe Lofgren, Ranking Member, Committee on Science, Space, and
Technology
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

DISSENTING VIEWS

Democrats are committed to responding to the wildfire crisis in a way that promotes the restoration of our forests and public lands, strengthens community resilience and safety, and supports the sustainable management of national forests. In fact, House Democrats have taken real action to responsibly address wildfire and forest management. Historic investments outlined in the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act enabled the Biden-Harris administration to achieve record acres of hazard fuels reduction and prescribed burns in the most at-risk priority landscapes identified in the Wildfire Crisis Strategy.¹

In addition to securing investments and policy reforms, House Democrats helped establish the Wildland Fire Mitigation and Management Commission (WFMMC), which published a final report containing 148 policy recommendations to address nearly every facet of the wildfire crisis, including mitigation, management, and postfire rehabilitation and recovery.² Unfortunately, H.R. 8790, as reported by committee, strays from these consensus-based recommendations and instead advances longstanding Republican policy priorities that undermine bedrock environmental standards and jeopardize public involvement in forest planning.

Title I of the bill does lean into ongoing work outlined in the Wildfire Crisis Strategy by requiring the U.S. Forest Service (USFS) and Department of the Interior (DOI) to identify new fire-shed management areas (in addition to those already established by the Wildfire Crisis Strategy), roll out a fire-shed registry, develop a fire-shed data center, conduct fire-shed assessments, and implement fire-shed management projects. Several of these provisions align with the recommendations from the WFMMC Report. For example, the Fire-shed Data Center outlined in section 102 of the bill would be a new program in line with the recommendation to establish “an interagency joint office with dedicated and separate funding to fulfill the mission of comprehensive assessment and prediction of fire in the wildland and built environment interface through data aggregation and science-based decision support services.”³ This is a critical need and innovation, but H.R. 8790 lacks any language to ensure the availability of funding. The lack of funding is a critical shortcoming that impacts the potential success of this program.

Additionally, as reported, the bill continues to include provisions that go beyond or even counter the WFMMC recommendations. For example, Title I waives all environmental planning requirements

¹ USFS, WILDFIRE CRISIS STRATEGY (2022), https://www.fs.usda.gov/sites/default/files/fs_media/fs_document/Confronting-the-Wildfire-Crisis.pdf.

² WFMMC, ON FIRE: THE REPORT OF THE WILDLAND FIRE MITIGATION AND MANAGEMENT COMMISSION (2023), <https://www.usda.gov/sites/default/files/documents/wfmmc-final-report-09-2023.pdf>.

³ *Id.* at 195.

for the establishment of priority firesheds, codifies the National Environmental Policy Act (NEPA) alternative arrangements typically utilized only for discrete emergency situations, and includes a blanket authorization to utilize expanded categorical exclusions (CEs) for a broad range of so-called firesheds management projects. Taken together, these provisions shortcut critical opportunities to accelerate environmental reviews while protecting communities, the environment and public input opportunities in the development of forest management projects. Achieving cross-boundary restoration goals across millions of acres of public, state, private, and tribal land requires collaboration. This is often achieved through the NEPA process, especially as projects get bigger and more complex. Removing these safeguards and opportunities for public input is a step in the wrong direction.

Section 121 of the bill would place limits on injunctive relief and block the public's access to the courts for judicial review of firesheds management projects. Under the bill, the public would be required to file a claim or protest to a project within 120 days of when the notice is filed in the *Federal Register*. In the case of projects developed with a public comment process—a potentially rare feature of future projects developed under the authority provided by this bill—judicial review would be limited to parties who participated in the public comment period. While these attacks on public participation are being sold as “commonsense” reforms designed to end “frivolous” litigation, they would unfairly shut off access to the courts. A 2020 study showed that only one out of every 450 NEPA reviews are ever litigated.⁴ Limiting judicial review is not the solution to permitting delays and/or costs. In fact, it could come with swaths of unintended consequences and limit necessary checks on agency action.

Furthermore, section 122 consists of the so-called “*Cottonwood Fix*.” Committee Democrats continue to oppose the controversial H.R. 200, the so-called FIR Act, which the majority has insisted on marking up as a standalone bill and as part of Chair Westerman's so-called Recovering America's Habitat Act. Now making its third markup appearance in the Fix Our Forests Act, this language limits thoughtful planning when new endangered species are listed, critical habitat is designated, or new scientific information arises on USFS lands. This could be damaging for newly listed species and for adapting management plans as the impacts of climate change grow. Federal forests are managed for multiple benefits and uses, including providing critical habitat for endangered and threatened species. Protections and safeguards that exist on federal land mitigate the impacts of development that occurs elsewhere. Undermining the Endangered Species Act (ESA) upsets that balance and has the potential to do lasting harm to threatened and endangered wildlife populations.

Consultation is not the obstacle or detriment to project implementation as it is characterized by proponents of the FIR Act. In fact, a peer reviewed article published in the *Proceedings of the National Academy of Sciences of the United States of America* ana-

⁴John C. Ruple & Kayla M. Race, *Measuring the NEPA Litigation Burden*, 50(2) ENV'T L. 479 (Lewis and Clark Law School) (2020), <https://www.jstor.org/stable/26939867>.

lyzed 81,461 informal consultations and 6,829 formal consultations from January 2008 through January 2015 and found that the median duration of consultation was 13 days for informal consultation and 62 days for formal consultations. Claims to the contrary cherry-pick extreme examples to undermine ESA protections. Rather than focus on hyperbolic rhetoric that ignores evidence, Congress should provide federal agencies with the tools and resources they need to make science-informed decisions. Allowing land managers to rely on decades-old plans that turn a blind eye to the latest information is counterproductive at best.

Title II of the reported bill falls short in its supposed goal of addressing concerns about the built environment and the wildland-urban interface. It would establish a severely narrowed down version of a Community Wildfire Risk Reduction Program (recommendation from WFMMC Report) and a Wildfire Defense Research Program. Given the urgent need to prioritize and provide funding for urgent activities like community planning and home hardening, these are potentially critical components of confronting the wildfire crisis. That's exactly why House Democrats fought to include \$1 billion in the IIJA to establish the Community Wildfire Defense Program.⁵

Title II purports to build on this success but falls short of identifying new funds. Additionally, this Title would establish another set of CEs for vegetation management projects adjacent to electrical utility lines and expands the range definition of a hazard tree from the existing 10-foot range up to 150 feet. The language would also classify these projects as emergencies under the ESA and the National Historic Preservation Act, a procedure that could have unintended impacts on both threatened and endangered species and vulnerable cultural resources.

Title III is almost entirely composed of pieces of legislation that have already been considered as standalone bills by the Federal Lands Subcommittee, some of which have even been reported out of committee and passed by the House. The Title purports to increase programs dedicated to new and innovative ways of responding to wildfires, including by promoting biochar development and new wildfire detection devices. It also would require a new Government Accountability Office (GAO) study on USFS's wildland fire operations and a pointless and expensive USFS study about relocating its headquarters to the West. Some sections are duplicative and mirror already existing programs (see Fire Weather Testbed⁶ and Seeds of Success⁷). Like many aspects of H.R. 8790, Title III would require a significant investment from U.S. Forest Service and, again, does not provide any additional resources.

Democrats offered various amendments to modify the most contentious provisions and shape a bill that could be supported on a truly bipartisan basis. Subcommittee on Water, Wildlife, and Fisheries Ranking Member Jared Huffman offered an amendment that would have removed many of the more problematic sections highlighted in these views. In addition to removing attacks on NEPA

⁵ <https://www.fs.usda.gov/managing-land/fire/grants/cwdg>.

⁶ <https://gsl.noaa.gov/fire-wx/fire-weather-testbed>.

⁷ <https://www.blm.gov/programs/natural-resources/native-plant-communities/native-plant-and-seed-material-development/collection>.

and ESA, the amendment would have incorporated additional improvements throughout the bill to retain federal decision-making authority, improve and enhance tribal representation, and incorporate technical assistance provided by the Forest Service and the Department of the Interior. While the amendment presented by the minority retained most of the bill and sought only to rein in its most extreme elements, it was rejected on a party-line vote. Democrats also offered a standalone amendment to strike Section 121.

Committee Republicans were unwilling to work on the sections of this bill that are most concerning to Democrats to make this a truly bipartisan bill among committee members. Votes were split on a party line.

In addition to highlighting specific policy concerns, Democrats presented a findings amendment that emphasized the impact that climate change has on wildfire and forest health. Democrats also offered an amendment to authorize approximately \$1 billion over seven years to actually enable the various new authorities and requirements presented in this bill. Effective wildfire work requires both pre-fire and suppression financial support. You cannot have one without the other. One billion over seven years is minimal compared to the \$3.17 billion the U.S. government spent on suppression in 2023 alone.

Both of these amendments were similarly rejected by the majority in party-line votes. Chair Westerman contended that the climate amendment was “talk and no action” suggesting that active forest management is the solution. However, this bill does not work to balance forest management with restoration and climate goals and instead favors logging in the name of wildfire prevention. Further, Committee Republicans did not support the funding amendment, claiming that it would hold the bill up because it would not be eligible for floor process. However, a lack of funding will ultimately be detrimental to the directions in this bill as the agencies will be *further burdened* without proper support. These investments are necessary.

Many of the management challenges associated with our national forests are related to the lack of federal funding. That should not be a partisan issue. The Committee should focus on improving existing management tools and implementing the WFMMC’s consensus-based recommendations.

There is common ground on these issues. Democrats stand ready to work with the majority to move forward on a bipartisan basis on forest health, fire, disease, bugs, and providing economic opportunity in rural, forest counties across the country.

Unfortunately, this bill is anchored in the false notion that public participation and environmental review are impeding active management, and the bill ignores experts who continuously cite the lack of agency capacity, unstable budgets, and outdated technology as the main sources of delays. That’s what actually needs to be “fixed.”

RAÚL M. GRIJALVA,
Ranking Member.