

108TH CONGRESS  
1ST SESSION

# S. 1352

To expedite procedures for hazardous fuels reduction activities and restoration in wildland fire prone national forests and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

Mr. WYDEN (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To expedite procedures for hazardous fuels reduction activities and restoration in wildland fire prone national forests and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Community and Forest Protection Act”.

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

- Sec. 1. Short title; table of contents; findings.
- Sec. 2. Hazardous fuels reduction projects.
- Sec. 3. Expedited process.
- Sec. 4. Judicial review in the United States district courts.

- Sec. 5. Contracting.
- Sec. 6. Biomass grants.
- Sec. 7. Forest stands inventory and monitoring program.
- Sec. 8. Emergency fuels reduction grants.
- Sec. 9. Market incentives for home protection.
- Sec. 10. Ongoing projects and existing authorities.
- Sec. 11. Preference to communities that have ordinances on fire prevention.
- Sec. 12. Sunset.
- Sec. 13. Authorization of appropriations.
- Sec. 14. Definitions.

1           (c) FINDINGS.—Congress finds that:

2                   (1) In 2002, approximately six and one-half  
3 million acres of forest lands in the U.S. burned with  
4 varying degrees of severity, twenty-one people lost  
5 their lives, and over three thousand structures were  
6 destroyed. The Forest Service and Bureau of Land  
7 Management spent more than \$1,000,000,000 fight-  
8 ing these fires.

9                   (2) Seventy-three million acres of public lands  
10 are classified as condition class 3 fire risks. This in-  
11 cludes twenty-three million acres that are in stra-  
12 tegic areas designated by the U.S. Forest Service for  
13 emergency treatment to withstand catastrophic fire.

14                   (3) The forest management policy of fire sup-  
15 pression has resulted in an accumulation of fuel  
16 loads, dead and dying trees, and nonnative species  
17 that create fuel ladders which allow fires to reach  
18 the crowns of large old trees and cause catastrophic  
19 fire.

1           (4) The U.S. Forest Service and the Depart-  
2           ment of the Interior should immediately undertake  
3           an emergency program to reduce the risk of cata-  
4           strophic fire.

5           (5) This emergency program should prioritize  
6           the protection of homes and communities and the  
7           restoration of forest health on lands at the highest  
8           risk of catastrophic fire. All fuel reduction treat-  
9           ments should protect old-growth stands and large  
10          trees to ensure a rich and continued species diversity  
11          in the Nation's forests.

12 **SEC. 2. HAZARDOUS FUELS REDUCTION PROJECTS.**

13          (a) IN GENERAL.—The Secretaries of Agriculture  
14          and the Interior shall conduct immediately and to comple-  
15          tion hazardous fuels reduction projects consistent with the  
16          Comprehensive Strategy for a Collaborative Approach for  
17          Reducing Wildlife Fire Risks to Communities and the En-  
18          vironment on an aggregate area of twenty million acres  
19          of Federal land.

20                 (1) These projects shall be conducted on the  
21                 priority lands identified in subsection (d), using the  
22                 expedited procedures in section 3.

23                 (2) The Secretaries shall protect old growth  
24                 stands and large trees pursuant to subsection (h).

1 (b) SELECTION OF PROJECTS.—The Secretaries of  
2 Agriculture and the Interior shall jointly select hazardous  
3 fuels reduction projects identified by the Implementation  
4 Plan of the Comprehensive Strategy.

5 (c) CONSISTENCY WITH EXISTING FOREST MANAGE-  
6 MENT PLANS AND ENVIRONMENTAL LAWS.—Any project  
7 carried out pursuant to this Act shall be consistent with  
8 the applicable forest plan, resource management plan, or  
9 other applicable agency plans or environmental laws ex-  
10 cept as specifically amended by this Act.

11 (d) PRIORITY LANDS.—In implementing projects  
12 under this Act, the Secretaries of Agriculture and the In-  
13 terior shall give highest priority to:

14 (1) WILDLAND-URBAN INTERFACE.—Condition  
15 class 3 or condition class 2 Federal lands or, where  
16 appropriate, non-Federal lands.

17 (2) MUNICIPAL WATERSHEDS.—Condition class  
18 3 Federal lands located in such proximity to a mu-  
19 nicipal water supply system that a hazardous fuels  
20 reduction project must be carried out to reduce the  
21 risk of harm to such system resulting from wildfire.

22 (3) FIRE REGIME I LANDS.—Federal lands that  
23 are condition class 3.

24 (4) FIRE REGIMES II AND III LANDS.—Condi-  
25 tion class 3 Federal lands identified by the Secretary

1 as an area where windthrow or blowdown, or the ex-  
2 istence of disease or insect infestation, pose a signifi-  
3 cant threat to forest health or adjacent private  
4 lands.

5 (e) PUBLIC NOTICE AND PUBLIC RESPONSE.—

6 (1) QUARTERLY NOTICE.—The Secretary shall  
7 provide quarterly notice of each hazardous fuels re-  
8 duction project which uses the streamlined processes  
9 established by this Act. The quarterly notice shall be  
10 provided for all projects in the Federal Register and  
11 on an agency Web site and in a local paper of record  
12 for local projects. The Secretary may combine this  
13 quarterly notice with other quarterly notices other-  
14 wise issued regarding Federal forest management.

15 (2) CONTENT.—For each hazardous fuels re-  
16 duction project for which the processes established  
17 by this Act are to be used the notice required by  
18 paragraph (1) shall include at a minimum—

19 (A) identification of each project as a haz-  
20 ardous fuels reduction project for which the  
21 processes established by this Act are to be used;

22 (B) a description of the project, including  
23 as much information on its geographic location  
24 as practicable;

1 (C) the approximate date on which scoping  
2 for the project will begin; and

3 (D) information regarding how interested  
4 members of the public can take part in the de-  
5 velopment of the project, including, but not lim-  
6 ited to, project related public meeting notifica-  
7 tion.

8 (3) PUBLIC MEETING.—Following publication  
9 of each quarterly notice under paragraph (1), but  
10 before the beginning of scoping under section 3(a),  
11 the Secretary shall conduct a public meeting at an  
12 appropriate location in each administrative unit of  
13 the Federal lands regarding those hazardous fuels  
14 reduction projects contained in the quarterly notice  
15 that are proposed to be conducted in that adminis-  
16 trative unit. The Secretary shall provide advance no-  
17 tice of the date and time of the meeting in the quar-  
18 terly notice or using the same means described in  
19 paragraph (1).

20 (4) PUBLIC RESPONSE TO NOTICE OF  
21 PROJECTS.—

22 (A) IN GENERAL.—A federally formed re-  
23 source advisory committee may petition, with  
24 supporting evidence, the Secretary to better as-  
25 sess ground conditions of land to be covered by

1 projects, during scoping or public comment on  
2 specific hazardous fuels reduction projects iden-  
3 tified under subsection (b).

4 (B) PRIORITY LANDS INCLUDED IN THE  
5 PROJECTS.—For specific hazardous fuels reduc-  
6 tion projects the petitioner may seek to correct  
7 the inclusion or exclusion of priority lands iden-  
8 tified in subsection (d). The petitioner may also  
9 seek designation of large trees or old growth  
10 stands to be protected under subsection (h).

11 (C) SECRETARIAL RESPONSE.—The Sec-  
12 retary must respond to the petition within thir-  
13 ty days by public notice by the same means de-  
14 scribed in paragraph (1). The Secretary shall  
15 provide a public viewing of the area in question  
16 if requested in the petition within ninety days  
17 of receipt of the petition, with the petitioner  
18 and any other interested parties.

19 (D) DETERMINATION OF PETITION.—The  
20 Secretary must accept or deny the petition  
21 within one hundred and twenty days of its re-  
22 ceipt, based on site-specific review of historic  
23 ecological conditions, forest type, present fuel  
24 loads, and determination of whether the area

1 properly qualifies as priority lands under sub-  
2 section (d).

3 (5) FINAL AGENCY ACTION.—The Secretary  
4 shall provide notice by the same means described in  
5 paragraph (1) of any final agency action regarding  
6 a hazardous fuels reduction project for which the  
7 processes established by this Act are used.

8 (f) PRIORITY HAZARDOUS FUELS REDUCTION  
9 FUNDING.—The Secretaries shall expend no less than 70  
10 percent of funds under this Act on projects within the  
11 wildland-urban interface, provided that the Secretaries  
12 may adjust this funding formula for a particular State at  
13 the request of its Governor. In no event shall the Secre-  
14 taries expend less than 50 percent or greater than 75 per-  
15 cent of funds within the wildland-urban interface for a  
16 particular State.

17 (g) MONITORING.—The Secretaries shall establish a  
18 multiparty monitoring process with representation from  
19 resource industries, environmentalists, independent sci-  
20 entists, community-based organizations, and other inter-  
21 ested parties in order for Congress to assess a representa-  
22 tive sampling of the hazardous fuels reduction projects im-  
23 plemented pursuant to this Act.

24 (h) LIMITATIONS.—In implementing hazardous fuels  
25 reduction projects under this Act the Secretary—



1           (1) shall not undertake any hazardous fuels re-  
2           duction projects in wilderness study areas or compo-  
3           nents of the National Wilderness Preservation Sys-  
4           tem;

5           (2) shall not construct new roads in inventoried  
6           roadless areas as part of any hazardous fuels reduc-  
7           tion project;

8           (3) shall fully maintain the structure, function,  
9           processes and composition of structurally complex  
10          older forests (old growth) according to each eco-  
11          system type; and

12          (4) outside old growth stands—

13                (A) shall focus on small diameter trees and  
14                thin from below to modify fire behavior as  
15                measured by rate of spread, height to live  
16                crown, and flame length; and

17                (B) shall maximize the retention of large  
18                trees to the extent that they promote fire-resist-  
19                ant stands and species diversity as appropriate  
20                for the forest type and site.

21 **SEC. 3. EXPEDITED PROCESS.**

22          (a) SCOPING.—The Secretary shall conduct scoping  
23          for each hazardous fuels reduction project implemented  
24          pursuant to this Act.

1 (b) CATEGORICAL EXCLUSIONS IN THE WILDLAND-  
2 URBAN INTERFACE.—

3 (1) IN GENERAL.—The wildland-urban interface  
4 hazardous fuels reduction projects authorized by this  
5 Act are conclusively determined to be categorically  
6 excluded from further analysis under the National  
7 Environmental Policy Act of 1969 (“NEPA”) (42  
8 U.S.C. 4332) and the Secretary need not make any  
9 findings as to whether the projects individually or  
10 cumulatively have a significant effect on the environ-  
11 ment.

12 (2) VARIED TREATMENTS.—The Secretary shall  
13 vary the treatments and avoid clear cuts inside the  
14 wildland-urban interface to ensure forest health. The  
15 Secretary shall also protect old growth and large  
16 trees pursuant to subsection 2(h).

17 (3) EXTRAORDINARY CIRCUMSTANCES EXCEP-  
18 TION.—For all hazardous fuels reduction projects  
19 implemented pursuant to this subsection, if there are  
20 extraordinary circumstances, the Secretary shall fol-  
21 low agency procedures related to categorical exclu-  
22 sions and extraordinary circumstances. For the pur-  
23 poses of this subsection, a project’s location within  
24 a municipal watershed shall not be considered an ex-  
25 traordinary circumstance.

1           (4) APPEALS.—No hazardous fuels reduction  
2 projects implemented pursuant to this subsection  
3 shall be subject to appeal requirements of the Ap-  
4 peals Reform Act (sec. 322 of Public Law 102–381)  
5 or the Department of the Interior Office of Hearings  
6 and Appeals.

7           (c) ENVIRONMENTAL ASSESSMENTS OUTSIDE THE  
8 WILDLAND-URBAN INTERFACE.—

9           (1) IN GENERAL.—For hazardous fuels reduc-  
10 tion projects implemented pursuant to this Act on  
11 priority lands identified in section 2(d), if a categor-  
12 ical exclusion does not apply, the Secretary shall de-  
13 termine, consistent with NEPA, whether an environ-  
14 mental assessment is sufficient and use the proce-  
15 dures set forth in the Council on Environmental  
16 Quality “Guidance for Environmental Assessments  
17 of Forest Health Projects”, of December 9, 2002, or  
18 as amended.

19           (2) ISSUANCE OF DOCUMENTATION AND SHORT-  
20 ENED APPEALS.—Notwithstanding the Appeals Re-  
21 form Act, section 322 of the Department of the In-  
22 terior and Related Agencies Appropriations Act,  
23 1993 (Public Law 102–381; 16 U.S.C. 1612 note),  
24 or regulations pertaining to the Department of the  
25 Interior Office of Hearings and Appeals procedures,

1 for hazardous fuels reduction projects implemented  
2 by environmental assessments pursuant to sub-  
3 section (c)(1):

4 (A) The Secretary may issue the environ-  
5 mental documentation and the decision docu-  
6 ment for the project simultaneously without  
7 public comment. Such issuance shall begin the  
8 administrative appeals process immediately.

9 (B) Persons must file any administrative  
10 appeal of projects under this subsection within  
11 thirty days after the date of issuance of a deci-  
12 sion.

13 (C) The Secretary shall resolve any appeal  
14 not later than thirty days after the closing date  
15 for filing an appeal.

16 (D) If the review officer determines that  
17 an appeal has merit, in lieu of remanding the  
18 proposed agency action, the review officer, in  
19 consultation with the parties, may sign a new  
20 decision.

21 (E) The Secretary shall stay implementa-  
22 tion of the project for fifteen days beginning on  
23 the date on which the Secretary resolves any  
24 administrative appeal that complies with the re-  
25 quirements in subsection (d).

1 (d) STANDING TO APPEAL.—If a draft document  
2 prepared pursuant to NEPA for a hazardous fuels reduc-  
3 tion project was available for public comment, or the  
4 project had scoping, the Secretary may require that a per-  
5 son filing an administrative appeal with respect to the  
6 project must have been involved in the public comment  
7 process for the project by submitting specific and sub-  
8 stantive written comments with regard to the project or  
9 must have participated in the scoping of the project.

10 (e) SALVAGE MONITORING PILOT PROGRAM.—

11 (1) SALVAGE PILOT.—The Secretary is author-  
12 ized to use the administrative appeals authorities  
13 under this subsection, pursuant to paragraph (2),  
14 for salvage hazardous fuels reduction projects in the  
15 area popularly known as the Biscuit Fire and ref-  
16 erence on the map entitled \_\_\_\_\_ and dated \_\_\_\_\_ on  
17 file at the Forest Service \_\_\_\_\_ office.

18 (2) MONITORING.—The Secretary shall require  
19 that any salvage hazardous fuels reduction project  
20 on the Biscuit Fire be subject to ecological and eco-  
21 nomic monitoring of its effects, including onsite eval-  
22 uation and inspections. The monitoring shall be con-  
23 ducted by a group with representation from inde-  
24 pendent scientists, industry representatives, environ-  
25 mentalists, community-based organizations, and

1 other interested parties. Group selection shall be  
2 through the Western Governors Association collabo-  
3 rative process. The group shall report to the public  
4 under section 2(e)(1) on the ecological and economic  
5 effects of individual salvage hazardous fuels projects.

6 **SEC. 4. JUDICIAL REVIEW IN THE UNITED STATES DIS-**  
7 **TRICT COURTS.**

8 (a) VENUE.—A hazardous fuels reduction project  
9 conducted under this Act shall be subject to judicial review  
10 only in the United States district court for the district in  
11 which the Federal lands to be treated by the hazardous  
12 fuels reduction project are located, notwithstanding 28  
13 U.S.C. 1391 or any other applicable venue statutes.

14 (b) EXPEDITIOUS COMPLETION OF JUDICIAL RE-  
15 VIEW.—Congress intends and encourages any court in  
16 which is filed a lawsuit or appeal of a lawsuit concerning  
17 an authorized hazardous fuels reduction project to expe-  
18 dite, to the maximum extent practicable, the proceedings  
19 in such lawsuit or appeal with the goal of rendering a final  
20 determination on jurisdiction, and if jurisdiction exists, a  
21 final determination on the merits, as soon as possible from  
22 the date the complaint or appeal is filed.

23 (c) DURATION OF INJUNCTION.—Any temporary in-  
24 junctive relief granted regarding a project undertaken pur-  
25 suant to this Act shall be limited to sixty days, with au-

1 thority to renew each temporary injunction without limita-  
2 tion. For each injunctive renewal the parties shall present  
3 the court with updates on the status of the project.

4 (d) STANDARD OF REVIEW.—Nothing in this section  
5 shall change the standards of judicial review for any action  
6 concerning a project authorized under this Act.

7 **SEC. 5. CONTRACTING.**

8 (a) BEST VALUE CONTRACTING.—The Secretary  
9 shall use best value contracting criteria in awarding at  
10 least 50 percent of contracts and agreements for haz-  
11 ardous fuels reduction projects pursuant to this Act. Best  
12 value contract criteria will include, but not be limited to—

13 (1) the ability of the contractor to meet the eco-  
14 logical goals of the projects;

15 (2) the use of equipment that will minimize or  
16 eliminate impacts on soils; and

17 (3) benefits to local economies in performing  
18 the restorative treatments and ensuring that wood  
19 byproducts are processed locally.

20 (b) MONITORING.—The Forest Service shall monitor  
21 the business and employment impacts of hazardous fuels  
22 reduction projects including the total dollar value of con-  
23 tracts and agreements awarded to qualifying entities.

24 (c) PUBLIC LANDS CORPS.—

25 (1) CONTRACTS AND AGREEMENTS.—

1 (A) IN GENERAL.—The Secretaries are au-  
2 thorized to enter into contracts or cooperative  
3 agreements with a Public Lands Corps—

4 (i) to implement and complete  
5 projects prioritized in section 2 (b) and (d)  
6 of this Act; and

7 (ii) to perform appropriate rehabilita-  
8 tion, enhancement, or beautification  
9 projects with the department of natural re-  
10 sources, department of forestry, or depart-  
11 ment of agriculture of any State.

12 (B) INDIAN LANDS.—Such projects may  
13 also be carried out on Indian lands with the ap-  
14 proval of the relevant Indian tribe.

15 (C) PREFERENCE.—The Secretaries shall  
16 give preference to those projects which take  
17 place on lands identified as priorities in section  
18 2(d) of this Act and can be planned and initi-  
19 ated promptly.

20 (D) SUPPORTIVE SERVICES.—The Secre-  
21 taries are authorized to provide such services as  
22 the Secretaries deem necessary to carry out the  
23 purposes of this Act.

24 (E) TECHNICAL ASSISTANCE.—The Secre-  
25 taries shall work with the National Association



1 of Service and Conservation Corps to provide  
2 technical assistance, oversight, monitoring, and  
3 evaluation to the United States Departments of  
4 Agriculture and the Interior, State departments  
5 of natural resources and agriculture, and Public  
6 Lands Corps.

7 (2) NONDISPLACEMENT.—The nondisplacement  
8 requirements of section 177 of the National and  
9 Community Service Trust Act of 1990 shall be ap-  
10 plicable to all activities carried out under this Act by  
11 the Public Lands Corps.

12 (3) AUTHORIZATION OF APPROPRIATIONS.—For  
13 the purposes of this subsection there are authorized  
14 to be appropriated \$12,500,000 annually for five  
15 years after the enactment of this Act.

16 (d) DEFINITIONS.—For the purposes of this section:

17 (1) CONTRACTS AND AGREEMENTS.—The term  
18 “contracts and agreements” means service contracts,  
19 timber sale contracts, construction contracts, supply  
20 contracts, emergency equipment rental agreements,  
21 architectural and engineering contracts, challenge  
22 cost-share agreements, cooperative agreements, and  
23 participating agreements.

24 (2) QUALIFYING ENTITY.—The term “quali-  
25 fying entity” means—

1 (A) a natural-resource-related small or  
2 micro-enterprise;

3 (B) a Youth Conservation Corps or Public  
4 Lands Corps crew or related partnership with  
5 State, local, and other non-Federal conservation  
6 corps;

7 (C) an entity that will hire and train local  
8 people to complete the contract or agreement;

9 (D) an entity that will retrain nonlocal tra-  
10 ditional forest workers to complete the contract  
11 or agreement; or

12 (E) a local entity that meets the criteria to  
13 qualify for the Historically Underutilized Busi-  
14 ness Zone Program under section 32 of the  
15 Small Business Act (15 U.S.C. 657a).

16 (3) PUBLIC LANDS CORPS.—The term “Public  
17 Lands Corps” means any organization established  
18 by a State or local government, nonprofit organiza-  
19 tion, or Indian tribe that—

20 (A) has demonstrated the ability—

21 (i) to provide labor intensive produc-  
22 tive work to individuals;

23 (ii) to recruit and train economically  
24 disadvantaged or at-risk youth;

1 (iii) to give participants a combination  
 2 of work experience, basic and life skills,  
 3 education, training and support services;  
 4 and

5 (iv) to provide participants with the  
 6 opportunity to develop citizenship values  
 7 through service to their communities and  
 8 the United States; and

9 (B) has also successfully completed, or is  
 10 engaged in, a peer-reviewed, standards based  
 11 program assessment process.

12 (4) STATE.—The term “State” means any  
 13 State of the United States, the District of Columbia,  
 14 Puerto Rico, Guam, the Virgin Islands of the United  
 15 States, or the Commonwealth of the Northern Mar-  
 16 iana Islands.

17 **SEC. 6. BIOMASS GRANTS.**

18 (a) DEFINITIONS.—For the purposes of this section:

19 (1) ELIGIBLE OPERATION.—The term “eligible  
 20 operation” means a facility that is located within the  
 21 boundaries of an eligible community and uses bio-  
 22 mass from Federal or tribal lands as a raw material  
 23 to produce electric energy, sensible heat, transpor-  
 24 tation fuels, or substitutes for petroleum-based prod-  
 25 ucts.

1           (2) BIOMASS.—The term “biomass” means pre-  
2           commercial thinnings of trees and woody plants, or  
3           nonmerchantable material, from hazardous fuels re-  
4           duction projects.

5           (3) GREEN TON.—The term “green ton” means  
6           two thousand pounds of biomass that have not been  
7           mechanically or artificially dried.

8           (4) ELIGIBLE COMMUNITY.—The term “eligible  
9           community” means any Indian reservation, or any  
10          county, town, township, municipality, or other simi-  
11          lar unit of local government that has a population  
12          of not more than fifty thousand individuals and is  
13          determined by the Secretary to be located in an area  
14          near Federal or tribal lands which is at significant  
15          risk of catastrophic wildfire, disease, or insect infes-  
16          tation or which suffers from disease or insect infes-  
17          tation.

18          (5) INDIAN TRIBE.—The term “Indian tribe”  
19          has the meaning given the term in section 4(e) of  
20          the Indian Self-Determination and Education Assist-  
21          ance Act (25 U.S.C. 450b(e)).

22          (b) BIOMASS COMMERCIAL UTILIZATION GRANT  
23          PROGRAM.—

24                 (1) IN GENERAL.—The Secretary may make  
25                 grants to any individual, community, Indian tribe,

1 small business or corporation, or nonprofit that owns  
2 or operates an eligible operation to offset capital ex-  
3 penses and costs incurred to purchase biomass for  
4 use by such eligible operation with priority given to  
5 operations using biomass from the highest risk  
6 areas.

7 (2) LIMITATION.—No grant provided under this  
8 subsection shall be paid at a rate that exceeds \$20  
9 per green ton of biomass delivered.

10 (3) RECORDS.—Each grant recipient shall keep  
11 such records as the Secretary may require to fully  
12 and correctly disclose the use of the grant funds and  
13 all transactions involved in the purchase of biomass.  
14 Upon notice by the Secretary, the grant recipient  
15 shall provide the Secretary reasonable access to ex-  
16 amine the inventory and records of any eligible oper-  
17 ation receiving grant funds.

18 (4) AUTHORIZATION OF APPROPRIATIONS.—For  
19 the purposes of this subsection, there are authorized  
20 to be appropriated \$12,500,000 each to the Sec-  
21 retary of the Interior and the Secretary of Agri-  
22 culture for each fiscal year for five years after the  
23 date of enactment of this Act.

24 (c) IMPROVED BIOMASS UTILIZATION PROGRAM.—

1           (1) IN GENERAL.—The Secretary may make  
2 grants to persons in eligible communities to offset  
3 the costs of developing or researching proposals to  
4 improve the use of biomass or add value to biomass  
5 utilization.

6           (2) SELECTION.—Grant recipients shall be se-  
7 lected based on the potential for the proposal to—

8                   (A) develop affordable thermal or electric  
9 energy resources for the benefit of an eligible  
10 community;

11                   (B) provide opportunities for the creation  
12 or expansion of small businesses within an eligi-  
13 ble community;

14                   (C) create new job opportunities within an  
15 eligible community; and

16                   (D) reduce the hazardous fuels from the  
17 highest risk areas.

18           (3) LIMITATION.—No grant awarded under this  
19 subsection shall exceed \$500,000.

20           (4) AUTHORIZATION OF APPROPRIATIONS.—For  
21 the purposes of this subsection, there are authorized  
22 to be appropriated \$12,500,000 each to the Sec-  
23 retary of the Interior and the Secretary of Agri-  
24 culture for each fiscal year for the five years after  
25 enactment of this Act.

1 (d) REPORT.—Not later than three years after the  
2 date of enactment of this Act, the Secretary of the Interior  
3 and the Secretary of Agriculture shall jointly submit to  
4 the Congress a report that describes the interim results  
5 of the programs authorized under this section.

6 **SEC. 7. FOREST STANDS INVENTORY AND MONITORING**  
7 **PROGRAM.**

8 (a) IN GENERAL.—The Secretary of Agriculture and  
9 the Secretary of the Interior shall carry out, in conjunc-  
10 tion with the National Aeronautics and Space Administra-  
11 tion and other relevant agencies and research facilities (in-  
12 cluding the Forest Service research stations and academic  
13 institutions), a comprehensive program to inventory and  
14 assess forest stands on Federal forestland and, with the  
15 consent of the owner, private forestland. The objective of  
16 this program shall be to evaluate current and future forest  
17 health conditions and address ecological impacts of insect,  
18 disease, invasive species, fire, and weather-related episodic  
19 events. Emphasis shall be placed upon coordinating, rec-  
20 onciling, and field verification of existing data (including  
21 remotely sensed and modeled data utilized to characterize  
22 vegetation/cover types, density, fire regimes, fire effects,  
23 and condition classes), and improving the accuracy of such  
24 data to assist in management activities.

1 (b) LOCATION.—The facility for this program shall  
2 be located at the Ochoco National Forest Headquarters  
3 in Prineville, Oregon.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—For the  
5 purposes of this section, there are authorized to be appro-  
6 priated \$5,000,000 each fiscal year for the five years after  
7 enactment of this Act.

8 **SEC. 8. EMERGENCY FUELS REDUCTION GRANTS.**

9 (a) IN GENERAL.—The Secretary of Agriculture shall  
10 establish an Emergency Fuels Reduction Grant Program  
11 to provide State and local agencies with financial assist-  
12 ance for hazardous fuels reduction projects addressing  
13 threats of catastrophic fire that have been determined by  
14 the United States Forest Service to pose a serious threat  
15 to human life.

16 (b) ELIGIBILITY.—Fuels reduction projects eligible  
17 for funding under the Emergency Fuels Reduction Grant  
18 Program shall—

19 (1) be surrounded by or immediately adjacent  
20 to national forest boundaries;

21 (2) have been determined to be of paramount  
22 urgency by virtue of declarations of emergency by  
23 both local officials and the Governor of the State in  
24 which they are located; and



1           (3) remove fuel loading determined to pose a  
2           serious threat to human life by the United States  
3           Forest Service.

4           (c) USE OF GRANT FUNDS.—Funds authorized  
5           under this section shall be limited to the following uses:

6           (1) Removal of trees, shrubs, or other potential  
7           fuels adjacent to primary evacuation routes.

8           (2) Removal of trees, shrubs, or other potential  
9           fuels adjacent to emergency response centers, emer-  
10          gency communication facilities or sites designated as  
11          shelter-in-place facilities.

12          (3) Evacuation drills and preparation.

13          (d) REVOLVING FUND.—For work done on private  
14          property and county lands, the grant recipients shall de-  
15          posit into a revolving fund any proceeds from sale of the  
16          timber or biomass from the projects funded under this sec-  
17          tion. The revolving fund shall be used to assist with subse-  
18          quent grants under this section.

19          (e) EMERGENCY FUELS REDUCTION GRANTS.—For  
20          the purposes of funding the Emergency Fuels Reduction  
21          Grant Program under this Act, there are authorized to  
22          be appropriated to the Secretary of Agriculture  
23          \$50,000,000 each fiscal year that this Act is in effect.  
24          Subject to section 13, amounts appropriated in one fiscal

1 year and unobligated before the end of that fiscal year  
2 shall remain available for use in subsequent fiscal years.

3 **SEC. 9. MARKET INCENTIVES FOR HOME PROTECTION.**

4 It is the Sense of Congress that insurers should re-  
5 duce premiums for homeowners in condition class 2 and  
6 condition class 3 areas within the wildland-urban interface  
7 who—

8 (1) clear brush and other flammable material in  
9 the vicinity of their homes;

10 (2) use nonflammable building materials for  
11 roofs and other critical structures; or

12 (3) otherwise improve the defensibility of their  
13 homes against catastrophic fire.

14 **SEC. 10. ONGOING PROJECTS AND EXISTING AUTHORITIES.**

15 Nothing in this Act shall affect projects begun prior  
16 to enactment of this Act or affect authorities otherwise  
17 granted to the Secretaries under existing law.

18 **SEC. 11. PREFERENCE TO COMMUNITIES THAT HAVE ORDI-**

19 **NANCES ON FIRE PREVENTION.**

20 (a) IN GENERAL.—In determining the allocation of  
21 funding for the Community and Private Land Fire Assist-  
22 ance Program (16 U.S.C. 2106c/PL-171, sec. 10A(b)),  
23 the Secretary shall prioritize funding to those communities  
24 which have taken proactive steps through the enactment  
25 of ordinances and other means, including those that have

1 developed a comprehensive fire protection plan encom-  
2 passing all ownerships, to encourage property owners to  
3 reduce fire risk on private property.

4 (b) PRIVATE LANDS.—Nothing in this Act shall af-  
5 fect existing authorities to use appropriations authorized  
6 by this Act to carry out the provisions under this Act on  
7 non-Federal lands with the consent of the landowner.

8 **SEC. 12. SUNSET.**

9 The provisions of this Act shall expire five years after  
10 the date of enactment, except that projects for which a  
11 decision notice has been issued by that date may continue  
12 to be implemented.

13 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) NATIONAL FOREST SYSTEM LANDS.—For the  
15 purposes of planning and conducting hazardous fuels re-  
16 duction projects under this Act on National Forest System  
17 lands, there are authorized to be appropriated to the Sec-  
18 retary of Agriculture \$1,943,100,000 during the five-fis-  
19 cal-year period beginning October 1, 2003. Subject to sec-  
20 tion 12, amounts appropriated in one fiscal year and unob-  
21 ligated before the end of that fiscal year shall remain  
22 available for use in subsequent fiscal years.

23 (b) BLM LANDS.—For the purpose of planning and  
24 conducting hazardous fuels reduction projects under this  
25 Act on Federal lands managed by the Secretary of the In-

1 terior, there are authorized to be appropriated to the Sec-  
2 retary of the Interior \$1,888,000,000 during the five-fis-  
3 cal-year period beginning October 1, 2003. Subject to sec-  
4 tion 12, amounts appropriated in one fiscal year and unob-  
5 ligated before the end of that fiscal year shall remain  
6 available for use in subsequent fiscal years.

7 **SEC. 14. DEFINITIONS.**

8 (a) **LAND TYPES AND FIRE REGIME AREAS.**—In this  
9 Act definitions of land types and fire regimes originate  
10 from the U.S. Forest Service Rocky Mountain Research  
11 Station, as follows:

12 (1) **CONDITION CLASS 2.**—The term “condition  
13 class 2” refers to lands on which—

14 (A) fire frequencies have been moderately  
15 altered and have departed from historic fire re-  
16 turn frequencies (either increased or decreased)  
17 by one or more return interval, which results in  
18 moderate changes to fire size, frequency, inten-  
19 sity, severity, or landscape patterns;

20 (B) there exists a moderate risk of losing  
21 key ecosystem components; and

22 (C) vegetation attributes have been mod-  
23 erately altered from their historic range.

24 (2) **CONDITION CLASS 3.**—The term “condition  
25 class 3” refers to lands on which—

1 (A) fire regimes have been significantly al-  
2 tered from their historic range, which results in  
3 dramatic changes to fire size, frequency, inten-  
4 sity, severity, or landscape patterns;

5 (B) there exists a high risk of losing key  
6 ecosystem components; and

7 (C) vegetation attributes have been signifi-  
8 cantly altered from their historic range.

9 (3) FIRE REGIME I.—The term “fire regime I”  
10 refers to lands on which historically fire recurs in  
11 zero- to thirty-five-year intervals and burns with low  
12 severity.

13 (4) FIRE REGIME II.—The term “fire regime  
14 II” refers to lands on which historically fire recurs  
15 in zero- to thirty-five-year intervals and replaces ex-  
16 isting vegetation.

17 (5) FIRE REGIME III.—The term “fire regime  
18 III” refers to lands on which historically fire recurs  
19 in thirty-five- to one hundred-year intervals and  
20 burns with mixed severity.

21 (b) AT-RISK COMMUNITY.—The term “at-risk com-  
22 munity” means a geographic area designated by the Sec-  
23 retary as any area—

1           (1) defined as an interface community in vol-  
2           ume 66, page 753, of the January 4, 2001, Federal  
3           Register;

4           (2) on which conditions are conducive to large-  
5           scale wildland fire disturbance events; and

6           (3) for which a significant threat to human life  
7           exists as a result of wildland fire disturbance events.

8           (c) BEST VALUE CONTRACTING.—The term “best  
9           value contracting” means the contracting process de-  
10          scribed in section 15.101 of title 48, Code of Federal Reg-  
11          ulations, which allows the inclusion of noncost factors in  
12          the Federal contract process.

13          (d) COMPREHENSIVE STRATEGY.—The term “Com-  
14          prehensive Strategy” means the Comprehensive Strategy  
15          for a Collaborative Approach for Reducing Wildland Fire  
16          Risks to Communities and the Environment, dated May  
17          2002, including by reference the related Implementation  
18          Plan, which was developed pursuant to the conference re-  
19          port to accompany the Department of Interior and Related  
20          Agencies Appropriations Act, 2001 (H. Rept. 106–646).

21          (e) FEDERAL LANDS.—The term “Federal lands”  
22          means National Forest System lands and public forested  
23          lands administered by the Secretary of the Interior acting  
24          through the Bureau of Land Management.

1 (f) GEOGRAPHIC FEATURE.—The term “geographic  
2 feature” means a ridge top, road, stream, or other land-  
3 scape feature which can serve naturally as a firebreak,  
4 staging ground for firefighting, or boundary affecting fire  
5 behavior.

6 (g) HAZARDOUS FUELS REDUCTION PROJECT.—The  
7 term “hazardous fuels reduction project” means a  
8 project—

9 (1) undertaken for the purpose of reducing the  
10 amount of hazardous fuels resulting from alteration  
11 of a natural fire regime as a result of fire suppres-  
12 sion or other management activities; and

13 (2) accomplished through the use of prescribed  
14 burning or mechanical treatment, or a combination  
15 thereof.

16 (h) INVENTORIED ROADLESS AREA.—The term  
17 “inventoried roadless area” means one of the areas identi-  
18 fied in the set of inventoried roadless area maps contained  
19 in the Forest Service Roadless Areas Conservation, Final  
20 Environmental Impact Statement, volume 2, dated No-  
21 vember 2000.

22 (i) LOCAL PREFERENCE CONTRACTING.—The term  
23 “local preference contracting” means the Federal con-  
24 tracting process that gives preference to local businesses  
25 described in section 333 of the Department of Interior and

1 Related Agencies Appropriations Act, 2003 (div. F of  
2 Public Law 108–7, 117 Stat. 277).

3 (j) MUNICIPAL WATER SUPPLY SYSTEM.—The term  
4 “municipal water supply system” means reservoirs, canals,  
5 ditches, flumes, laterals, pipes, pipelines, or other surface  
6 facilities and systems constructed or installed for the im-  
7 poundment, storage, transportation, or distribution of  
8 drinking water for a community.

9 (k) SECRETARY.—The term “Secretary” means the  
10 Secretary of Agriculture, or the Secretary’s designee, with  
11 respect to National Forest System lands; and the Sec-  
12 retary of the Interior, or the Secretary’s designees, with  
13 respect to public lands administered by the Secretary  
14 through the Bureau of Land Management.

15 (l) WILDLAND-URBAN INTERFACE.—The term  
16 “wildland-urban interface” means the area either within  
17 an at-risk community or within the area—

18 (1) extending out to a geographic feature, if  
19 there is such a feature within approximately three-  
20 quarters of a mile of the community boundary; or

21 (2) if there is no such geographic feature, ex-  
22 tending out one-half mile from the community  
23 boundary.

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