To direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes.

A BILL

To direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona Wallow Fire Recovery and Monitoring Act".

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of Agriculture to take certain actions—

(1) to rehabilitate and restore the Wallow Fire Area;

(2) to recover material that is fire-damaged, but still merchantable, from the Wallow Fire Area before the material loses economic value;

(3) to create defensible space around communities to effectively and safely fight future fires in the vicinity of the Wallow Fire Area;

(4) to monitor the environmental and economic effects of the removal of fire-damaged trees from the Wallow Fire Area; and

(5) to provide a mechanism to offset the costs of forest restoration in the Wallow Fire Area.

SEC. 3. DEFINITIONS.

In this Act:

(1) BURNED AREA EMERGENCY RESPONSE.—The term "burned area emergency response" means the process used by the Secretary to plan and implement emergency stabilization actions on Federal
(3) COMMUNITY WILDFIRE PROTECTION PLAN.—The term "community wildfire protection plan" has the meaning given the term in section 101.

(4) **Hazard tree and commercial timber evaluation.**—The term "hazard tree and commercial timber evaluation" means an evaluation of the hazard trees and fire-damaged, dead, and dying timber resources on the National Forest System land in the Wallow Fire Area conducted in accordance with section 4.

(5) **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. 450b).

(6) **National Forest System.**—The term "National Forest System" 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(a)).

(7) **Secretary.**—The term "Secretary" means the Secretary of Agriculture.

(8) **Timber removal project.**—The term "timber removal project" means a timber removal project for the Wallow Fire Area identified under a hazard tree and commercial timber evaluation.
(9) **WALLOW FIRE.**—The term “Wallow Fire” means the fire that originated in the Bear Wallow Wilderness on May 29, 2011.

(10) **WALLOW FIRE AREA.**—The term “Wallow Fire Area” means the approximately 538,000-acre fire perimeter in the State of Arizona, as depicted on the map entitled “Wallow Fire Az-ASF-110152 Progression Map” and dated June 28, 2011.

**SEC. 4. HAZARD TREE AND COMMERCIAL TIMBER EVALUATION.**

(a) **In General.**—The Secretary shall conduct a hazard tree and commercial timber evaluation that identifies timber resources appropriate for removal within the Wallow Fire Area not later than the date that is the earlier of—

(1) the date that is 30 days after the completion of the burned area emergency response for the Wallow Fire Area; or

(2) the date that is 45 days after the date of containment of the Wallow Fire.

(b) **REPORT REQUIRED.**—In conducting a hazard tree and commercial timber evaluation under subsection (a), the Secretary shall prepare a report that includes—

(1) a description of—
(A) the forest conditions in the burned
areas of the Wallow Fire Area; and

(B) the short- and long-term risks the con-
ditions pose to forest users, communities, pri-
ivate property, and remaining resources;

(2) a map of areas for potential hazard tree re-
moval, areas for potential fire-damaged commercial
tree removal, and areas for potential elimination
from harvest consideration, including a delineation
of the Community Protection Management Area for
the Wallow Fire Area;

(3) a map of the burn intensity within the Wal-
low Fire Area;

(4) a preliminary determination of—

(A) the anticipated receipts to be derived
from the hazard and fire-damaged commercial
timber identified for removal in the Wallow Fire
Area;

(B) the estimated costs to the Secretary
associated with the removal of the timber; and

(C) to the maximum extent practicable, re-
ceipts likely to be lost if action is not taken in
a timely manner;

(5) a description of 1 or more proposals for
timber removal projects providing for the removal of
hazard trees and fire-damaged, dead, and dying timber resources in the Wallow Fire Area; and

(6) a description of the desired outcomes of rehabilitation and tree removal in burned portions of the Wallow Fire Area.

(c) EXCLUDED AREAS.—In identifying areas for tree removal under subsection (a), the Secretary shall exclude high fire-severity burned areas on steep slopes, slopes with an incline greater than 40 percent, riparian areas, and fragile erosive sites; unless tree removal in those areas is necessary to address public health and safety concerns.

(d) PUBLIC INVOLVEMENT.—The Secretary shall facilitate the meaningful involvement of State and local officials, Indian tribes, institutions of higher education, and other interested persons during the preparation of the hazard tree and commercial timber evaluation conducted under this section.

(e) DEADLINE FOR COMPLETION.—Not later than 45 days after the date on which the Secretary commences the hazard tree and commercial timber evaluation, the Secretary shall complete the hazard tree and commercial timber evaluation.

SEC. 5. TIMBER REMOVAL PROJECTS.

(a) TIMBER REMOVAL PROJECT REQUIREMENTS.—
(1) In General.—The Secretary shall limit the removal of trees under a timber removal project under this Act to hazard trees and trees that are already down, dead, or severely root-sprung, such that mortality is highly probable.

(2) Considerations.—In selecting tree removal techniques for a timber removal project under this Act, the Secretary shall take into account the degree of ground disturbances, soil types, soil saturation, worker safety, threatened and endangered species, aquatic systems, and other ecological values associated with the site of the timber removal project.

(3) Monitoring Requirements.—The Secretary shall use an effectiveness monitoring framework to assess the ecological and economic effects of tree removal projects carried out under this Act with respect to accomplishing desired outcomes identified in the hazard tree and commercial timber evaluation.

(4) Limitation.—Nothing in this Act authorizes new permanent road construction for timber removal.

(5) Congressional Intent.—It is the intent of Congress that all timber removal projects carried out under this Act be completed by the date that is
not later than 18 months after the date of enactment of this Act.

(b) Environmental Compliance.—

(1) In General.—Except as otherwise provided in this Act, the Secretary shall comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws in planning and conducting timber removal projects.

(2) NEPA Requirements.—

(A) In General.—In the case of a timber removal project to be conducted in a Community Protection Management Area under this Act, the Secretary shall prepare an environmental assessment for the proposed agency action under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

(B) Alternatives.—Nothing in this subsection requires the Secretary to study, develop, or describe any alternative to the proposed agency action in the environmental assessment conducted under subparagraph (A).

(C) Public Participation.—The Secretary shall provide an opportunity for public participation during the preparation of the envi-
enmental assessment under subparagraph (A),
in accordance with existing protocols.

(3) ADMINISTRATIVE AND JUDICIAL REVIEW.—
Timber removal projects carried out under this Act
are subject to the special administrative process and
judicial review process under sections 105 and 106
of the Healthy Forests Restoration Act of 2003 (16

(4) USE OF RECEIPTS.—Amounts collected by
the Secretary from a timber removal project carried
out under this Act shall be available for expenditure
by the Secretary without further appropriation for
forest restoration treatments on the Apache-
Sitgreaves National Forest in the State of Arizona.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Arizona Wallow Fire
Recovery and Monitoring Act”.

SEC. 2. DEFINITIONS.
In this Act:

(1) COMMUNITY PROTECTION MANAGEMENT
AREA.—The term “community protection manage-
ment area” means—

(A) the wildland-urban interface in a com-
munity wildfire protection plan; and
(B) human development areas having special significance, including critical communication sites, high voltage transmission lines, developed recreation sites, and other structures that, if destroyed by fire, would result in hardship to communities.

(2) Community Wildfire Protection Plan.—The term “community wildfire protection plan” has the meaning given the term in section 101 of the Healthy Forest Restoration Act of 2003 (16 U.S.C. 6511).

(3) Evaluation.—The term “evaluation” means the evaluation required by section 3(a).

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

(5) Wallow Fire Area.—The term “Wallow Fire Area” means the land within the perimeter of the Wallow Fire, as depicted on the map entitled “Wallow Fire AZ-ASF-110152 Progression Map” and dated June 28, 2011.

SEC. 3. HAZARD TREE AND COMMERCIAL TIMBER EVALUATION.

(a) In General.—The Secretary shall conduct an evaluation of the Wallow Fire Area in accordance with this section.
(b) **Timeline.**—To ensure the timely completion of the evaluation, the Secretary shall—

(1) not later than 30 days after the date of enactment of this Act, commence the evaluation; and

(2) not later than 75 days after the date of enactment of this Act, complete the evaluation.

(c) **Contents.**—The evaluation shall include—

(1) a map of the burn intensity within the Wallow Fire Area;

(2) a description of—

   (A) the forest conditions in the burned areas of the Wallow Fire Area;

   (B) the short- and long-term risks that the conditions in the Wallow Fire Area may pose to forest users, communities, private property, and natural resources; and

   (C) the actions undertaken by the Forest Service to reduce the risks described in subparagraph (B);

(3) a map and description of areas for potential hazard tree removal and areas for potential fire-damaged commercial tree removal in the Wallow Fire Area, including a delineation of the community protection management area within the Wallow Fire Area;
(4) a preliminary estimate of—

   (A) the costs and receipts to be derived from
   the hazard tree and fire-damaged commercial
   timber identified for potential removal in the
   Wallow Fire Area; and

   (B) to the maximum extent practicable, the
   receipts likely to be lost if action is not taken in
   a timely manner; and

   (5) a description of the desired outcomes of reha-
   bilitation and tree removal in burned portions of the
   Wallow Fire Area.

(d) EXCLUDED AREAS.—In identifying areas for po-
tential tree removal under subsection (c)(3), the Secretary
shall exclude high fire-severity burned areas on steep slopes,
slopes with an incline greater than 40 percent, riparian
areas, and fragile erosive sites, unless tree removal in those
areas is necessary to address concerns relating to public
health or safety.

SEC. 4. TIMBER REMOVAL PROJECTS.

   (a) IDENTIFICATION.—Not later than 90 days after the
date of enactment of this Act, the Secretary shall identify
1 or more projects to reduce the risks described in section
3(c)(2)(B) by removing hazard trees and fire-damaged,
dead, and dying timber resources in the Wallow Fire Area.
(b) CONGRESSIONAL INTENT.—It is the intent of Congress that all projects identified under subsection (a) be completed by September 30, 2013.

(c) CONSIDERATIONS.—

(1) EVALUATION.—In identifying projects under subsection (a), the Secretary shall consider the results of the evaluation.

(2) TREE REMOVAL TECHNIQUES.—In selecting tree removal techniques for a project identified under subsection (a), the Secretary shall take into account the degree of ground disturbances, soil types, soil saturation, worker safety, threatened or endangered species, aquatic systems, and other ecological values associated with the site of the project.

(d) MONITORING.—The Secretary shall use an effectiveness monitoring framework to assess the ecological and economic effects of each project that is identified and carried out under this section with respect to accomplishing the desired outcomes identified in the evaluation.

(e) LIMITATIONS.—In carrying out a project identified under subsection (a), the Secretary—

(1) shall focus the removal of trees under the project to hazard trees and trees that are already down, dead, or so severely root-sprung that mortality is highly probable; and
(2) shall not construct any permanent road

(f) **ADMINISTRATIVE REVIEW.**—

(1) **IN GENERAL.**—In lieu of an administrative appeal under section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (16 U.S.C. 1612 note; Public Law 102–381), the Secretary may subject to administrative review under part 218 of title 36, Code of Federal Regulations (or successor regulations), any collaboratively-developed project to remove hazard trees and fire-damaged, dead, and dying timber resources in the Wallow Fire Area—

(A) that is identified under subsection (a); and

(B) for which a decision notice or record of decision has been issued by September 30, 2012.

(2) **AUTHORIZED PROJECTS.**—A project identified under subsection (a) shall be considered an authorized hazardous fuel reduction project for purposes of part 218 of title 36, Code of Federal Regulations (or successor regulations).
To direct the Secretary of Agriculture to take immediate action to recover ecologically and economically from a catastrophic wildfire in the State of Arizona, and for other purposes.

January 13, 2012

Reported with an amendment