To amend the Healthy Forests Restoration Act of 2003 to promote timely emergency rehabilitation and restoration of Federal forest land impacted by catastrophic events, to redirect for a 5-year-period funding normally made available for land acquisition to mechanical forest treatment and salvage operations due to catastrophic events, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2013

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Healthy Forests Restoration Act of 2003 to promote timely emergency rehabilitation and restoration of Federal forest land impacted by catastrophic events, to redirect for a 5-year-period funding normally made available for land acquisition to mechanical forest treatment and salvage operations due to catastrophic events, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. EMERGENCY FOREST REHABILITATION AND
RESTORATION.

Title VI of the Healthy Forests Restoration Act of
2003 (16 U.S.C. 6591) is amended by adding at the end
the following:

“SEC. 602. EMERGENCY FOREST REHABILITATION AND
RESTORATION.

“(a) DEFINITION.—In this section:

“(1) CATASTROPHIC EVENT.—

“(A) IN GENERAL.—The term ‘cata-
strophic event’ means any natural disaster or
any fire, flood, or explosion, regardless of cause,
that the Secretary determines has caused or
has the potential to cause damage of significant
severity and magnitude to Federal land.

“(B) NATURAL DISASTER.—For purposes
of subparagraph (A), a natural disaster, as de-
termined by the Secretary, may include a hurri-
cane, tornado, windstorm, snow or ice storm,
rain storm, high water, wind-driven water, tidal
wave, earthquake, volcanic eruption, landslide,
mudslide, drought, or insect or disease out-
break.

“(2) SECRETARY.—The term ‘Secretary’ has
the meaning given term in section 101.

“(b) MECHANICAL FOREST TREATMENT.—
“(1) IN GENERAL.—The Secretary shall implement such procedures as are necessary to ensure that not less than 600,000 acres of Federal land each fiscal year are treated with mechanical treatments intended to produce merchantable wood.

“(2) FUNDING.—The Secretary shall use to carry out paragraph (1)—

“(A) funds described in subsection (f)(3); and

“(B) any other funds made available for the purposes described in paragraph (1).

“(c) EMERGENCY CIRCUMSTANCES.—

“(1) IN GENERAL.—The Secretary shall—

“(A) declare that emergency circumstances exist for all Federal land subject to the effects of a catastrophic event, including on Federal land outside urban interface areas; and

“(B) as soon as practicable, take all actions necessary for the rehabilitation or restoration of the Federal land, with highest priority given to Federal land impacted by large-scale beetle infestations.

“(2) EMERGENCY ALTERNATIVE ARRANGEMENTS.—In accordance with section 220.4 of title 36, Code of Federal Regulations and section
1506.11 of title 40, Code of Federal Regulations (or successor regulations), for any Federal land for which the Secretary declares the existence of emergency circumstances under paragraph (1), the Secretary may use emergency alternative arrangements to comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) Limitation on Administrative Appeals.—Notwithstanding any other provision of law, no administrative appeal shall be allowed for any action classified as an emergency alternative arrangement under paragraph (2) or a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) due to emergency circumstances declared under paragraph (1).

“(d) Catastrophic Events.—

“(1) In General.—As soon as practicable during but not later than 30 days after the conclusion of a catastrophic event, the Secretary shall initiate timely salvage activities on the Federal land affected by the catastrophic event so as to prevent significant deterioration of timber values, development of significant fire hazard, or other forest mortality that would prevent the Federal land from regenerating to forest within 5 years.
“(2) FUNDING.—The Secretary shall use to carry out paragraph (1)—

“(A) funds described in subsection (f)(3); and

“(B) any other funds made available for the purposes described in paragraph (1).

“(e) EXCLUSION OF CERTAIN FEDERAL LAND.—This section shall not apply to—

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

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

“(3) a wilderness study area.

“(f) LIMITATION ON ACQUISITION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, except as provided in paragraph (2), beginning on the date of enactment of this section and during each of the subsequent 5 full fiscal years, none of the funds made available to the Secretary under any law may be used—

“(A) to survey land for future acquisition as Federal land; or
“(B) to enter into discussions with non-
Federal landowners to identify land for acquisi-
tion as Federal land.
“(2) EXCEPTION.—Paragraph (1) does not
apply to the use of funds—
“(A) to complete land transactions under-
way on the date of enactment of this section;
“(B) to exchange Federal land for non-
Federal land; or
“(C) to accept donations of non-Federal
land as Federal land.
“(3) USE OF FUNDS.—The Secretary shall use
funds that would otherwise have been used for pur-
chase of non-Federal land by the Forest Service to
carry out—
“(A) mechanical forest treatments de-
scribed in subsection (b); and
“(B) salvage activities described in sub-
section (d).”.

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