

115TH CONGRESS
1ST SESSION

H. R. 2921

To establish a vegetation management pilot program on National Forest System land to better protect utility infrastructure from passing wildfire, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2017

Mr. CRAMER (for himself, Mr. POLIS, Mr. COFFMAN, Mr. PETERSON, Mr. BUCK, Mr. PERLMUTTER, Mr. TIPTON, Ms. DEGETTE, and Mr. KIND) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a vegetation management pilot program on National Forest System land to better protect utility infrastructure from passing wildfire, 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.**

4 This Act may be cited as the “National Forest Sys-
5 tem Vegetation Management Pilot Program Act of 2017”.

1 **SEC. 2. UTILITY INFRASTRUCTURE RIGHTS-OF-WAY VEGE-**
2 **TATION MANAGEMENT PILOT PROGRAM.**

3 (a) **PILOT PROGRAM REQUIRED.**—To encourage
4 owners or operators of rights-of-way on National Forest
5 System land to partner with the Forest Service to volun-
6 tarily perform vegetation management on a proactive basis
7 to better protect utility infrastructure from potential pass-
8 ing wildfires, the Secretary shall conduct a limited, vol-
9 untary pilot program, in the manner described in this sec-
10 tion, to permit vegetation management projects on Na-
11 tional Forest System land adjacent to or near such rights-
12 of-way.

13 (b) **ELIGIBLE PARTICIPANTS.**—A participant in the
14 pilot program must have a right-of-way on National For-
15 est System land. In selecting participants, the Secretary
16 shall give priority to holders of a right-of-way who have
17 worked with Forest Service fire scientists and used tech-
18 nologies, such as Light Detection and Ranging surveys,
19 to improve utility infrastructure protection prescriptions.

20 (c) **PROJECT ELEMENTS.**—A vegetation management
21 project under the pilot program involves limited and selec-
22 tive vegetation management activities, which—

23 (1) shall create the least amount of disturbance
24 reasonably necessary to protect utility infrastructure
25 from passing wildfires based on applicable models,
26 including Forest Service fuel models;

1 (2) may include thinning, fuel reduction, cre-
2 ation and treatment of shaded fuel breaks, and other
3 measures as appropriate;

4 (3) shall only take place adjacent to the partici-
5 pant's right-of-way or within 75 feet of the partici-
6 pant's right-of-way;

7 (4) shall not take place in any designated wil-
8 derness area, wilderness study area, or inventoried
9 roadless area; and

10 (5) shall be subject to approval by the Forest
11 Service in accordance with this Act.

12 (d) PROJECT COSTS.—A participant in the pilot pro-
13 gram shall be responsible for all costs, as determined by
14 the Secretary, incurred in participating in the pilot pro-
15 gram, unless the Secretary determines that it is in the
16 public interest for the Forest Service to contribute funds
17 for a vegetation management project conducted under the
18 pilot program.

19 (e) LIABILITY.—

20 (1) IN GENERAL.—Participation in the pilot
21 program does not affect any existing legal obliga-
22 tions or liability standards that—

23 (A) arise under the right-of-way for activi-
24 ties in the right-of-way; or

1 (B) apply to fires resulting from causes
2 other than activities conducted pursuant to an
3 approved vegetation management project.

4 (2) PROJECT WORK.—A participant shall not be
5 liable to the United States for damage proximately
6 caused by activities conducted pursuant to an ap-
7 proved vegetation management project unless—

8 (A) such activities were carried out in a
9 manner that was grossly negligent or that vio-
10 lated criminal law; or

11 (B) the damage was caused by the failure
12 of the participant to comply with specific safety
13 requirements expressly imposed by the Forest
14 Service as a condition of participating in the
15 pilot program.

16 (f) IMPLEMENTATION.—The Secretary shall utilize
17 existing laws and regulations in the conduct of the pilot
18 program and, in order to implement the pilot program in
19 an efficient and expeditious manner, may waive or modify
20 specific provisions of the Federal Acquisition Regulation,
21 including modifications to allow for formation of contracts
22 or agreements on a noncompetitive basis.

23 (g) TREATMENT OF PROCEEDS.—Notwithstanding
24 any other provision of law, the Secretary may—

1 (1) retain any funds provided to the Forest
2 Service by a participant in the pilot program; and

3 (2) use such funds, in such amounts as may be
4 appropriated, in the conduct of the pilot program.

5 (h) DEFINITIONS.—In this section:

6 (1) NATIONAL FOREST SYSTEM LAND.—The
7 term “National Forest System land” means land
8 within the National Forest System, as defined in
9 section 11(a) of the Forest and Rangeland Renew-
10 able Resources Planning Act of 1974 (16 U.S.C.
11 1609(a)) exclusive of the National Grasslands and
12 land utilization projects designated as National
13 Grasslands administered pursuant to the Act of July
14 22, 1937 (7 U.S.C. 1010–1012).

15 (2) PASSING WILDFIRE.—The term “passing
16 wildfire” means a wildfire that originates outside the
17 right-of-way.

18 (3) RIGHT-OF-WAY.—The term “right-of-way”
19 means a special use authorization issued by the For-
20 est Service allowing the placement of utility infra-
21 structure.

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

24 (5) UTILITY INFRASTRUCTURE.—The term
25 “utility infrastructure” means electric transmission

1 lines, natural gas infrastructure, or related struc-
2 tures.

3 (i) DURATION.—The authority to conduct the pilot
4 program, and any vegetation management project under
5 the pilot program, expires December 21, 2027.

6 (j) REPORT TO CONGRESS.—Not later than Decem-
7 ber 31, 2019, and every two years thereafter, the Sec-
8 retary shall issue a report to the Committee on Energy
9 and Natural Resources of the Senate, the Committee on
10 Agriculture, Nutrition, and Forestry of the Senate, the
11 Committee on Natural Resources of the House of Rep-
12 resentatives, and the Committee on Agriculture of the
13 House of Representatives on the status of the program
14 and any projects established under this section.

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