

117TH CONGRESS  
1ST SESSION

# H. R. 4518

To establish a categorical exclusion for certain forest management activities related to wildfire prevention and drought mitigation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2021

Ms. HERRELL (for herself, Mr. WESTERMAN, Mr. LAMALFA, Mr. GOSAR, Mr. MCCLINTOCK, Mr. NEWHOUSE, Mr. BENTZ, Mr. JOHNSON of South Dakota, Mr. OBERNOLTE, Mr. ROSENDALE, and Mrs. BOEBERT) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish a categorical exclusion for certain forest management activities related to wildfire prevention and drought mitigation, 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 “Wildfire Prevention  
5 and Drought Mitigation Act of 2021”.

1 **SEC. 2. CATEGORICAL EXCLUSION FOR WILDFIRE PREVEN-**  
2 **TION AND DROUGHT MITIGATION.**

3 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
4 est management activities described in subsection (b) are  
5 a category of actions hereby designated as being categori-  
6 cally excluded from the preparation of an environmental  
7 assessment or an environmental impact statement under  
8 section 102 of the National Environmental Policy Act of  
9 1969 (42 U.S.C. 4332).

10 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
11 FOR CATEGORICAL EXCLUSION.—The forest management  
12 activities designated under this section for a categorical  
13 exclusion are forest management activities carried out by  
14 the Secretary concerned on National Forest System lands  
15 or public lands where the primary purpose of such activity  
16 is to—

17 (1) protect a municipal or Tribal water source  
18 from damage caused by wildfire;

19 (2) improve ecosystem health, resilience, and  
20 other watershed and habitat conditions;

21 (3) improve, maintain, or restore water yield or  
22 quality;

23 (4) improve, maintain, or restore snowpack;

24 (5) adapt the forest landscape to an increased  
25 threat of drought; or

1           (6) any combination of the purposes specified in  
2       paragraphs (1) through (5).

3       (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

4       On and after the date of the enactment of this Act, the  
5       Secretary concerned may use the categorical exclusion es-  
6       tablished under subsection (a) in accordance with this sec-  
7       tion.

8       (d) ACREAGE LIMITATIONS.—

9           (1) IN GENERAL.—Except in the case of a for-  
10       est management activity described in paragraph (2),  
11       a forest management activity covered by the categor-  
12       ical exclusion established under subsection (a) may  
13       not contain treatment units exceeding a total of  
14       10,000 acres.

15          (2) LARGER AREAS AUTHORIZED.—A forest  
16       management activity covered by the categorical ex-  
17       clusion established under subsection (a) may contain  
18       treatment units exceeding a total of 10,000 acres  
19       but not more than a total of 30,000 acres if the for-  
20       est management activity is located in an area that,  
21       at the time of such activity—

22           (A) is in a severe, extreme, or exceptional  
23       drought; or

24           (B) has been in a severe, extreme, or ex-  
25       ceptional drought in the previous 5 years.

1 (e) EXCLUSIONS.—The authorities provided by this  
2 Act do not apply with respect to any National Forest Sys-  
3 tem lands or public lands—

4 (1) that are included in the National Wilderness  
5 Preservation System;

6 (2) that are located within a national or State  
7 specific inventoried roadless area established by the  
8 Secretary of Agriculture through regulation, un-  
9 less—

10 (A) the forest management activity to be  
11 carried out under such authority is consistent  
12 with the forest plan applicable to the area; or

13 (B) the Secretary concerned determines  
14 the activity is allowed under the applicable  
15 roadless rule governing such lands; or

16 (3) on which timber harvesting for any purpose  
17 is prohibited by Federal statute.

18 (f) DEFINITIONS.—In this Act—

19 (1) FOREST MANAGEMENT ACTIVITY.—The  
20 term “forest management activity” means a project  
21 or activity carried out by the Secretary concerned on  
22 National Forest System lands or public lands con-  
23 sistent with the forest plan covering such lands.

24 (2) FOREST PLAN.—The term “forest plan”  
25 means—

1 (A) a land use plan prepared by the Bu-  
2 reau of Land Management for public lands pur-  
3 suant to section 202 of the Federal Land Policy  
4 and Management Act of 1976 (43 U.S.C.  
5 1712); or

6 (B) a land and resource management plan  
7 prepared by the Forest Service for a unit of the  
8 National Forest System pursuant to section 6  
9 of the Forest and Rangeland Renewable Re-  
10 sources Planning Act of 1974 (16 U.S.C.  
11 1604).

12 (3) NATIONAL FOREST SYSTEM.—The term  
13 “National Forest System” has the meaning given  
14 that term in section 11(a) of the Forest and Range-  
15 land Renewable Resources Planning Act of 1974 (16  
16 U.S.C. 1609(a)).

17 (4) PUBLIC LANDS.—The term “public lands”  
18 has the meaning given that term in section 103 of  
19 the Federal Land Policy and Management Act of  
20 1976 (43 U.S.C. 1702), except that the term in-  
21 cludes Coos Bay Wagon Road Grant lands and Or-  
22 egon and California Railroad Grant lands.

23 (5) SECRETARY CONCERNED.—The term “Sec-  
24 retary concerned” means—

1                   (A) the Secretary of Agriculture, with re-  
2                   spect to National Forest System lands; and

3                   (B) the Secretary of the Interior, with re-  
4                   spect to public lands.

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