

119TH CONGRESS  
2D SESSION

# H. R. 7578

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to carry out forest management activities that reduce the risk of catastrophic wildfires, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2026

Mr. KENNEDY of Utah 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

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## A BILL

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to carry out forest management activities that reduce the risk of catastrophic wildfires, 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.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Targeted Operations to Remove Catastrophic Hazards  
6 Act” or the “TORCH Act”.

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

Sec. 1. Short title; table of contents.

#### TITLE I—HAZARDOUS FUEL REDUCTION ACTIVITIES

Sec. 101. Categorical exclusion for high-priority hazard tree activities.

Sec. 102. Utilizing timber sales on National Forest System land for extreme risk reduction.

Sec. 103. Utilizing grazing for wildfire risk reduction.

Sec. 104. Amendments to the Healthy Forest Restoration Act of 2003 to improve wildfire mitigation.

Sec. 105. Amendment to fuel breaks in forests and other wildland vegetation.

#### TITLE II—GOOD NEIGHBOR AUTHORITY

Sec. 201. Modification of the treatment of certain revenue and payments under good neighbor agreements.

#### TITLE III—ELECTRICAL UTILITY LINES RIGHTS-OF-WAYS AND RELATED VEGETATION MANAGEMENT

Sec. 301. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.

Sec. 302. Categorical exclusion for electric utility lines rights-of-way.

Sec. 303. Permits and agreements with electrical utilities.

#### TITLE IV—REFORM OF CERTAIN ADMINISTRATIVE REQUIREMENTS

Sec. 401. Nonapplicability of certain additional consultation requirements of the Endangered Species Act of 1973.

Sec. 402. Amendment to categorical exclusion for collaborative restoration projects.

## 3 **TITLE I—HAZARDOUS FUEL** 4 **REDUCTION ACTIVITIES**

### 5 **SEC. 101. CATEGORICAL EXCLUSION FOR HIGH-PRIORITY** 6 **HAZARD TREE ACTIVITIES.**

7 (a) CATEGORICAL EXCLUSION.—

8 (1) IN GENERAL.—Not later than 1 year after  
 9 the date of enactment of this Act, the Secretary of  
 10 Agriculture shall develop a categorical exclusion (as  
 11 defined in section 1508.4 of title 40, Code of Fed-

1       eral Regulations (or a successor regulation)) for  
2       high-priority hazard tree activities.

3           (2) ADMINISTRATION.—In developing and ad-  
4       ministering the categorical exclusion under para-  
5       graph (1), the Secretary shall—

6           (A) comply with the National Environ-  
7       mental Policy Act of 1969 (42 U.S.C. 4321 et  
8       seq.); and

9           (B) apply the extraordinary circumstances  
10      procedures under section 220.6 of title 36, Code  
11      of Federal Regulations (or successor regula-  
12      tions), in determining whether to use the cat-  
13      egorical exclusion.

14      (b) PROJECT SIZE LIMITATIONS.—A project to carry  
15      out high-priority hazard tree activities to which a categor-  
16      ical exclusion under subsection (a) is applied may not ex-  
17      ceed 3,000 acres.

18      (c) DEFINITIONS.—In this section:

19           (1) HIGH-PRIORITY HAZARD TREE.—The term  
20      “high-priority hazard tree” means a standing tree  
21      that—

22           (A) presents a visible hazard to people or  
23      property due to conditions such as deterioration  
24      of, or damage to, the root system, trunk, stem,  
25      or limbs of the tree, or due to the direction or

1 lean of the tree, as determined by the Sec-  
2 retary;

3 (B) is determined by the Secretary to be  
4 highly likely to fail and, if it failed, would be  
5 highly likely to cause injury to people or dam-  
6 age to property; and

7 (C) is within 300 feet of a National Forest  
8 System road with a maintenance level of 3, 4,  
9 or 5, a National Forest System trail, or a devel-  
10 oped recreation site on National Forest System  
11 lands that is operated and maintained by the  
12 Secretary.

13 (2) HIGH-PRIORITY HAZARD TREE ACTIVI-  
14 TIES.—The term “high-priority hazard tree activi-  
15 ties”—

16 (A) means forest management activities  
17 that mitigate the risks associated with high-pri-  
18 ority hazard trees, including pruning, felling,  
19 and disposal of those trees; and

20 (B) does not include any activity—

21 (i) conducted in a wilderness area or  
22 wilderness study area;

23 (ii) for the construction of a perma-  
24 nent road or permanent trail;

1 (iii) conducted on Federal land on  
 2 which, by Act of Congress or Presidential  
 3 proclamation, the removal of vegetation is  
 4 restricted or prohibited;

5 (iv) that would be inconsistent with  
 6 the applicable land and resource manage-  
 7 ment plan; or

8 (v) conducted in an inventoried  
 9 roadless area.

10 **SEC. 102. UTILIZING TIMBER SALES ON NATIONAL FOREST**  
 11 **SYSTEM LAND FOR EXTREME RISK REDUC-**  
 12 **TION.**

13 Section 14 of the National Forest Management Act  
 14 of 1976 (16 U.S.C. 472a) is amended—

15 (1) in subsection (d) by striking “\$10,000” and  
 16 inserting “\$50,000”; and

17 (2) by adding at the end the following new sub-  
 18 section:

19 “(j) In the event of extreme risks to a unit of Na-  
 20 tional Forest System land, including catastrophic wildfire,  
 21 insect and disease outbreak, wind, hurricane, flood,  
 22 drought, or to avoid adverse effects from such extreme  
 23 events, the Secretary may, without an appraisal and under  
 24 rules and regulations prescribed by the Secretary, dispose  
 25 of (by sale or otherwise) portions of trees or forest prod-

1 ucts located on such unit of National Forest System  
2 lands.”.

3 **SEC. 103. UTILIZING GRAZING FOR WILDFIRE RISK REDUC-**  
4 **TION.**

5 The Secretary of Agriculture, acting through the  
6 Chief of the Forest Service, in coordination with holders  
7 of permits to graze livestock on lands subject to the juris-  
8 diction of the Forest Service, shall develop a strategy to  
9 increase opportunities to utilize livestock grazing as wild-  
10 fire risk reduction strategy, including—

11 (1) completion of reviews required under the  
12 National Environmental Policy Act of 1969 (U.S.C.  
13 4321 et seq.) so to allow permitted grazing on va-  
14 cant grazing allotments during instances of drought,  
15 wildfire, or other natural disasters that disrupt graz-  
16 ing on allotments already permitted;

17 (2) use of targeted grazing;

18 (3) increase use of temporary permits to pro-  
19 mote targeted fuels reduction and reduction of  
20 invasive annual grasses;

21 (4) increased use of grazing as a postfire recov-  
22 ery and restoration strategy, where appropriate; and

23 (5) use all applicable authorities under the law.

1 **SEC. 104. AMENDMENTS TO THE HEALTHY FOREST RES-**  
 2 **TORATION ACT OF 2003 TO IMPROVE WILD-**  
 3 **FIRE MITIGATION.**

4 (a) PROMOTING CROSS-BOUNDARY WILDFIRE MITI-  
 5 GATION.—Section 103(e)(5) of the Healthy Forests Res-  
 6 toration Act of 2003 (16 U.S.C. 6513(e)(5)) is amended  
 7 by striking “2023” and inserting “2030”.

8 (b) WILDFIRE RESILIENCE PROJECT SIZE.—Section  
 9 605(c)(1) of the Healthy Forests Restoration Act of 2003  
 10 (16 U.S.C. 6591d(c)(1)) is amended by striking “3000  
 11 acres” and inserting “10,000 acres”.

12 **SEC. 105. AMENDMENT TO FUEL BREAKS IN FORESTS AND**  
 13 **OTHER WILDLAND VEGETATION.**

14 Section 40806(d)(1) of the Infrastructure Investment  
 15 and Jobs Act (16 U.S.C. 6592b(d)(1)) is amended by  
 16 striking “3,000 acres” and inserting “10,000 acres”.

17 **TITLE II—GOOD NEIGHBOR**  
 18 **AUTHORITY**

19 **SEC. 201. MODIFICATION OF THE TREATMENT OF CERTAIN**  
 20 **REVENUE AND PAYMENTS UNDER GOOD**  
 21 **NEIGHBOR AGREEMENTS.**

22 (a) GOOD NEIGHBOR AUTHORITY.—Section 8206 of  
 23 the Agricultural Act of 2014 (16 U.S.C. 2113a) is amend-  
 24 ed—

25 (1) in subsection (a)(6), by striking “or Indian  
 26 tribe”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1)(A), by inserting “,  
3 Indian tribe,” after “Governor”;

4 (B) in paragraph (2)(C), by striking clause  
5 (i) and inserting the following:

6 “(i) IN GENERAL.—Funds received  
7 from the sale of timber by a Governor, an  
8 Indian tribe, or a county under a good  
9 neighbor agreement shall be retained and  
10 used by the Governor, Indian tribe, or  
11 county, as applicable—

12 “(I) to carry out authorized res-  
13 toration services under the good  
14 neighbor agreement; and

15 “(II) if there are funds remain-  
16 ing after carrying out subclause (I),  
17 to carry out authorized restoration  
18 services under other good neighbor  
19 agreements.”;

20 (C) in paragraph (3), by inserting “, In-  
21 dian tribe,” after “Governor”; and

22 (D) by striking paragraph (4).

23 (b) CONFORMING AMENDMENTS.—Section 8206(a)  
24 of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) is  
25 amended—



1 (1) in paragraph (1)(B), by inserting “, Indian  
2 tribe,” after “Governor”; and

3 (2) in paragraph (5), by inserting “, Indian  
4 tribe,” after “Governor”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this Act apply to any project initiated pursuant to a good  
7 neighbor agreement (as defined in section 8206(a) of the  
8 Agricultural Act of 2014 (16 U.S.C. 2113a(a))) entered  
9 into—

10 (1) on or after the date of enactment of this  
11 Act; or

12 (2) before the date of enactment of this Act, if  
13 the project was initiated after the date of enactment  
14 of the Agriculture Improvement Act of 2018 (Public  
15 Law 115–334; 132 Stat. 4490).

## 16 **TITLE III—ELECTRICAL UTILITY** 17 **LINES RIGHTS-OF-WAYS AND** 18 **RELATED VEGETATION MAN-** 19 **AGEMENT**

### 20 **SEC. 301. VEGETATION MANAGEMENT, FACILITY INSPEC-** 21 **TION, AND OPERATION AND MAINTENANCE** 22 **RELATING TO ELECTRIC TRANSMISSION AND** 23 **DISTRIBUTION FACILITY RIGHTS-OF-WAY.**

24 (a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC  
25 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal

1 Land Policy and Management Act of 1976 (43 U.S.C.  
2 1772(a)(1)(B)(ii)) is amended by striking “10” and in-  
3 serting “50”.

4 (b) CONSULTATION WITH PRIVATE LANDOWNERS.—  
5 Section 512(c)(3)(E) of the Federal Land Policy and  
6 Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is  
7 amended—

8 (1) in clause (i), by striking “and” at the end;

9 (2) in clause (ii), by striking the period and in-  
10 serting “; and”; and

11 (3) by adding at the end the following:

12 “(iii) consulting with private land-  
13 owners with respect to any hazard trees  
14 identified for removal from land owned by  
15 such private landowners.”.

16 (c) REVIEW AND APPROVAL PROCESS.—Clause (iv)  
17 of section 512(c)(4)(A) of the Federal Land Policy and  
18 Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is  
19 amended to read as follows:

20 “(iv) ensures that—

21 “(I) a plan submitted without a  
22 modification under clause (iii) shall be  
23 automatically approved 60 days after  
24 review; and

1 “(II) a plan submitted with a  
2 modification under clause (iii) shall be  
3 automatically approved 67 days after  
4 review.”.

5 **SEC. 302. CATEGORICAL EXCLUSION FOR ELECTRIC UTIL-**  
6 **ITY LINES RIGHTS-OF-WAY.**

7 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
8 est management activities described in subsection (b) are  
9 a category of activities designated as being categorically  
10 excluded from the preparation of an environmental assess-  
11 ment or an environmental impact statement under section  
12 102 of the National Environmental Policy Act of 1969 (42  
13 U.S.C. 4332).

14 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
15 FOR CATEGORICAL EXCLUSION.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2), the forest management activities des-  
18 ignated as being categorically excluded under sub-  
19 section (a) are—

20 (A) the development and approval of a  
21 vegetation management, facility inspection, and  
22 operation and maintenance plan submitted  
23 under section 512(c)(1) of the Federal Land  
24 Policy and Management Act of 1976 (43 U.S.C.  
25 1772(c)(1)) by the Secretary concerned; and

1 (B) the implementation of routine activi-  
2 ties conducted under the plan referred to in  
3 paragraph (1).

4 (2) EXCLUSION OF CERTAIN AREAS.—The for-  
5 est management activities designated as being cat-  
6 egorically excluded under subsection (a) do not in-  
7 clude any forest management activity conducted—

8 (A) in a component of the National Wilder-  
9 ness Preservation System; or

10 (B) on National Forest System lands on  
11 which, by Act of Congress, the removal of vege-  
12 tation is restricted or prohibited.

13 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
14 On and after the date of the enactment of this Act, the  
15 Secretary concerned may use the categorical exclusion es-  
16 tablished under subsection (a) in accordance with this sec-  
17 tion.

18 (d) EXTRAORDINARY CIRCUMSTANCES.—Use of the  
19 categorical exclusion established under subsection (a) shall  
20 not be subject to the extraordinary circumstances proce-  
21 dures in section 220.6, title 36, Code of Federal Regula-  
22 tions, or section 1508.4, title 40, Code of Federal Regula-  
23 tions.

24 (e) PERMANENT ROADS.—

1           (1) PROHIBITION ON ESTABLISHMENT.—The  
2           categorical exclusion established under subsection  
3           (a) may not be used for the establishment of a per-  
4           manent road or any forest management activity that  
5           necessitates the establishment of a permanent road.

6           (2) EXISTING ROADS.—The Secretary con-  
7           cerned may carry out maintenance and repairs on an  
8           existing permanent road, if necessary, to carry out  
9           a forest management activity under the categorical  
10          exclusion established under subsection (a).

11          (3) TEMPORARY ROADS.—The Secretary con-  
12          cerned shall decommission any temporary road con-  
13          structed for a forest management activity carried  
14          out under the categorical exclusion established under  
15          subsection (a) not later than the date that is 3 years  
16          after completion of the forest management activity.

17          (f) APPLICABLE LAWS.—A forest management activ-  
18          ity carried out under the categorical exclusion established  
19          under subsection (a) shall not be subject to section 7 of  
20          the Endangered Species Act of 1973 (16 U.S.C. 1536),  
21          section 106 of the National Historic Preservation Act, or  
22          any other applicable law.

23          (g) SECRETARY CONCERNED DEFINED.—In this sec-  
24          tion, the term “Secretary concerned” means—

1 (1) the Secretary of Agriculture, with respect to  
2 National Forest System lands; and

3 (2) the Secretary of the Interior, with respect  
4 to public lands.

5 **SEC. 303. PERMITS AND AGREEMENTS WITH ELECTRICAL**  
6 **UTILITIES.**

7 (a) IN GENERAL.—In any special use permit or ease-  
8 ment on National Forest System lands provided to an elec-  
9 tric utility company (as defined in section 1262 of the En-  
10 ergy Policy Act of 2005 (42 U.S.C. 16451)), the Secretary  
11 of Agriculture may provide permission to cut and remove  
12 trees or other vegetation from within the vicinity of dis-  
13 tribution lines or transmission lines, including hazardous  
14 vegetation that increases fire risk, without requiring a sep-  
15 arate timber sale if that cutting and removal is consistent  
16 with the applicable land management plan.

17 (b) USE OF PROCEEDS.—A special use permit or  
18 easement that includes permission for the cutting and re-  
19 moval of trees or other vegetation described in subsection  
20 (a), shall include a requirement that, if the applicable elec-  
21 trical utility sells any portion of the material removed  
22 under the permit or easement, the electrical utility shall  
23 provide to the Secretary, acting through the Chief of the  
24 Forest Service, any proceeds received from the sale, less  
25 any transportation costs incurred in the sale.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
 2 tion shall be construed to require the sale of any material  
 3 removed under a special use permit or easement that in-  
 4 cludes permission for the cutting and removal of trees or  
 5 other vegetation described in subsection (a).

## 6 **TITLE IV—REFORM OF CERTAIN** 7 **ADMINISTRATIVE REQUIRE-** 8 **MENTS**

### 9 **SEC. 401. NONAPPLICABILITY OF CERTAIN ADDITIONAL** 10 **CONSULTATION REQUIREMENTS OF THE EN-** 11 **DANGERED SPECIES ACT OF 1973.**

12 (a) FOREST SERVICE PLANS.—Section 6(d)(2) of the  
 13 Forest and Rangeland Renewable Resources Planning Act  
 14 of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as  
 15 follows:

16 “(2) NO ADDITIONAL CONSULTATION RE-  
 17 QUIRED UNDER CERTAIN CIRCUMSTANCES.—Not-  
 18 withstanding any other provision of law, the Sec-  
 19 retary shall not be required to reinitiate consultation  
 20 under section 7(a)(2) of the Endangered Species Act  
 21 of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of  
 22 title 50, Code of Federal Regulations (or a successor  
 23 regulation), on a land management plan approved,  
 24 amended, or revised under this section when—

1           “(A) a new species is listed, or critical  
2           habitat is designated, under the Endangered  
3           Species Act of 1973 (16 U.S.C. 1531 et seq.);  
4           or

5           “(B) new information reveals effects of the  
6           land management plan that may affect a spe-  
7           cies listed, or critical habitat designated, under  
8           that Act in a manner or to an extent not pre-  
9           viously considered.”.

10       (b) BUREAU OF LAND MANAGEMENT PLANS.—Sec-  
11       tion 202 of the Federal Land Policy and Management Act  
12       of 1976 (43 U.S.C. 1712) is amended by adding at the  
13       end the following:

14       “(g) Notwithstanding any other provision of law, the  
15       Secretary is not required to reinitiate consultation under  
16       section 7(a)(2) of the Endangered Species Act of 1973  
17       (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50, Code  
18       of Federal Regulations (or a successor regulation), on a  
19       land use plan approved, amended, or revised under this  
20       section when—

21           “(1) a new species is listed, or critical habitat  
22           is designated, under the Endangered Species Act of  
23           1973 (16 U.S.C. 1531 et seq.); or

24           “(2) new information reveals effects of the land  
25           use plan that may affect a species listed, or critical



1 habitat designated, under that Act in a manner or  
2 to an extent not previously considered.”.

3 **SEC. 402. AMENDMENT TO CATEGORICAL EXCLUSION FOR**  
4 **COLLABORATIVE RESTORATION PROJECTS.**

5 Section 603(c)(1) of the Healthy Forests Restoration  
6 Act of 2003 (16 U.S.C. 6591b(c)(1)) is amended by strik-  
7 ing “3000 acres” and inserting “10,000 acres”.

○