

119TH CONGRESS  
2D SESSION

# H. R. 8688

To codify the categorical exclusion proposed in the National Environmental Policy Act Implementing Procedures for the Bureau of Land Management related to tree density modification published on April 6, 2026.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2026

Mr. HURD of Colorado (for himself and Mr. NEWHOUSE) introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To codify the categorical exclusion proposed in the National Environmental Policy Act Implementing Procedures for the Bureau of Land Management related to tree density modification published on April 6, 2026.

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 “Forest Health and  
5       Wildfire Risk Reduction Act”.

6       **SEC. 2. CODIFICATION OF CATEGORICAL EXCLUSION.**

7       (a) IN GENERAL.—Tree density modification activi-  
8       ties described in subsection (b) are a category of actions

1 hereby designated as being categorically excluded from the  
2 preparation of an environmental assessment or an environ-  
3 mental impact statement under section 102 of the Na-  
4 tional Environmental Policy Act of 1969 (42 U.S.C.  
5 4332).

6 (b) TREE DENSITY MODIFICATION ACTIVITIES DES-  
7 IGNATED FOR CATEGORICAL EXCLUSION.—

8 (1) CONDITIONS.—The tree density modifica-  
9 tion activities designated under this section for cat-  
10 egorical exclusion are covered actions carried out  
11 within a treatment area of less than 5,000 acres.

12 (2) EXCLUSION.—The categorical exclusion pro-  
13 vided for under subsection (a) does not apply to—

14 (A) silvicultural methods that are intended  
15 to regenerate whole stands, such as even-aged  
16 regeneration harvest, clearcutting, or variable  
17 retention harvest; or

18 (B) vegetation management intended to  
19 convert forest or woodlands to non-forest vege-  
20 tation cover.

21 (3) LIMITATIONS ON ACTIONS.—In addition to  
22 the covered actions under paragraph (1), tree den-  
23 sity modification activities to which the categorical  
24 exclusion under this section applies—

1 (A) may include construction of up to 5  
2 miles of new permanent road to facilitate cov-  
3 ered actions, provided that all segments con-  
4 form to applicable land use planning decisions  
5 with route-specific designations disclosed where  
6 travel management planning has been com-  
7 pleted;

8 (B) may include maintenance and renova-  
9 tion of existing roads as needed;

10 (C) may include construction of temporary  
11 roads not to exceed a ratio of 2.5 miles per  
12 1,000 acres of treatment area as needed, pro-  
13 vided that the temporary roads—

14 (i) are not part of the permanent  
15 transportation system of the Bureau;

16 (ii) are designed to standards appro-  
17 priate for their intended use (safety, ero-  
18 sion control, sedimentation prevention, and  
19 resource protection);

20 (iii) are not needed for long-term re-  
21 source management; and

22 (iv) are decommissioned and stabilized  
23 after use to minimize erosion and protect  
24 water quality; and

(D) require the disclosure of design features, in documentation of finding that an action is excluded pursuant to the use of this categorical exclusion, that address the following resource considerations consistent with applicable land use plan decisions, or, where no plan requirements apply, specify how the following resource considerations are addressed:

(i) Snag and downed wood—amount to be created or retained.

(ii) Erosion control—specifications or measures (e.g., water bars, dispersed slash).

(iii) Soil compaction—criteria for avoidance, minimization, or remediation.

(iv) Logging systems—types and scope of constraints (e.g., seasonal, location, extent, etc.).

(v) Seasonal operations—purpose and extent of operating restrictions.

(vi) Invasive species—measures to prevent or limit spread.

(vii) Riparian areas—buffer widths and/or operating restrictions.

1 (viii) Prescribed fire—operating con-  
2 straints for underburning or pile burning.

3 (ix) Temporary roads—decommis-  
4 sioning standards.

5 (c) DEFINITIONS.—In this section:

6 (1) BUREAU.—The term “Bureau” means the  
7 Bureau of Land Management.

8 (2) COVERED ACTIONS.—The term “covered ac-  
9 tions” means one or more of the following actions:

10 (A) Cutting, yarding, and the use of land-  
11 ings and skid trails to facilitate the removal of  
12 commercial and non-commercial trees.

13 (B) Chipping, grinding, or removal of re-  
14 sidual slash.

15 (C) Group selection silvicultural treatment  
16 to promote regeneration of shade intolerant spe-  
17 cies and early successional habitat in an un-  
18 even-aged context not to exceed 2-acre indi-  
19 vidual patches and 10 percent of the treatment  
20 area (group selection openings will retain  
21 overstory legacy elements consistent with the  
22 applicable land use plan (for example, large fire  
23 resilient trees, snags)).

24 (D) Pile burning or underburning of fuels  
25 created by covered actions described in clauses

1 (i) through (iii) and fuels within or in close  
2 proximity to those actions' treatment bound-  
3 aries whether created by those actions or not.

4 (E) Seeding or planting necessary to accel-  
5 erate native species re-establishment.

6 (3) GROUP SELECTION.—The term “group se-  
7 lection” means an uneven-aged harvest method  
8 where groups of trees are removed to promote spa-  
9 tial heterogeneity, regeneration of desired tree spe-  
10 cies, or the establishment of new cohorts.

11 (4) PERMANENT ROAD.—The term “permanent  
12 road” means a road constructed or reconstructed  
13 and managed as part of the permanent transpor-  
14 tation system of the Bureau.

15 (5) TEMPORARY ROAD.—The term “temporary  
16 road” means a road authorized by contract, permit,  
17 lease, written authorization, or emergency operation,  
18 not added to the permanent transportation system of  
19 the Bureau, and decommissioned after use.

○