

PROVIDING FOR CONSIDERATION OF H.R. 1904, HEALTHY  
FORESTS RESTORATION ACT OF 2003

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MAY 19, 2003.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 239]

The Committee on Rules, having had under consideration House Resolution 239, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 1904, the Healthy Forests Restoration Act of 2003, under a modified closed rule.

The rule provides one hour of debate in the House, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment printed in Part A of this report shall be considered as adopted.

The rule makes in order the amendment printed in Part B of this report, if offered by Representative George Miller of California or his designee, which shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against the amendment printed in Part B of this report.

Finally, the rule provides one motion to recommit with or without instructions.

The waiver of all points of order against consideration of the bill in the rule includes a waiver of clause 4(a) of rule XIII (requiring a three-day layover of the committee report), which is necessary be-

cause the Committee on the Judiciary did not file its report (H. Rept. 108–96, Part II) until Friday, May 16, 2003, and the bill may be considered by the House as early as Tuesday, May 20, 2003.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee record vote No. 72*

Date: May 19, 2003.

Measure: H.R. 1904—Healthy Forest Restoration Act of 2003.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the amendment offered by Mr. Inslee, which clarifies that the Secretary is not required to consider more than one alternative and a “no-action” alternative in addition to the proposed agency action for authorized hazardous fuels reduction projects.

Results: Defeated 2 to 7.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Reynolds—Nay; Frost—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 73*

Date: May 19, 2003.

Measure: H.R. 1904—Healthy Forest Restoration Act of 2003.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the appropriate waivers for the amendment offered by Mr. Udall of New Mexico, which strikes Sections 106, relating to special requirements regarding judicial review of authorized hazardous fuels reduction projects, and 107, relating to the standard for injunctive relief for agency action to restore fire-adapted forest or rangeland ecosystems, from the bill.

Results: Defeated 2 to 7.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Hastings (WA)—Nay; Myrick—Nay; Reynolds—Nay; Frost—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

(Summaries derived from information provided by sponsors.)

*Part A—Summary of amendment to be considered as adopted*

Goodlatte: Manager’s Amendment. Clarifies that condition class 3 and condition class 2 lands include perennial streams that feed a municipal water supply system which are at risk of substantial adverse effects on water quality. Addresses concerns that there would be no environmental assessment (EA) or environmental impact statement (EIS) required on authorized fire risk reduction projects. Makes explicit the requirement to do an EA or an EIS. Addresses concerns that those who are interested in challenging a fire risk reduction project authorized would lose their eligibility because they didn’t submit specific and substantive written comments during the preparation state of the authorized project because they didn’t know about the project. Requires the U.S. Forest Service to

notice a planned project in a manner sufficient to permit interested persons to participate. Requires a court considering a motion for an injunction to both balance the short-term effects against the long-term benefits. Instead of giving deference to the Secretary's decision that the long-term benefits outweigh the short-term effects the court needs to give the Secretary's decision weight. Addresses concerns that all applicable endangered species and riparian protections are complied with. Requires the silvicultural assessment projects authorized in Title IV be peer reviewed for scientific merit. The peer review team must include non-governmental experts (i.e. the peer review team cannot be completely comprised of USFS employees).

*Part B—Summary of amendment to be made in order*

Miller, George (CA)/DeFazio/Rahall/Conyers: Amendment in the Nature of a Substitute. Allows for projects within ½ mile of threatened communities to be “categorically excluded” from the National Environmental Policy Act. Codifies the Bush Administration’s guidance to regarding the preparation environmental documents for projects in watersheds and outside of the ½ mile zone. Focuses critical federal resources on the need to protect communities. Provides for an up-front collaborative process that brings communities and federal land managers together to identify and prioritize areas most in need of thinning. Gives new authority to federal land managers to enter into cooperative agreements with local and state governments, local fire districts, and homeowner associations to plan projects across ownership boundaries. Requires that 85 percent of funding be spent around homes, communities, or in a watershed.

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

**(Page and line numbers refer to the introduced bill)**

Page 8, line 14, strike “the Secretary” and insert “the ‘Secretary’”.  
Page 9, strike lines 16 through 23, and insert the following:

(3) Condition class 3 or condition class 2 Federal lands located in such proximity to a municipal water supply system, or to a perennial stream feeding a municipal water supply system, that a significant risk exists that a fire disturbance event would have substantial adverse effects on the water quality of the municipal water supply, including the risk to water quality posed by erosion following such a fire disturbance event.

Page 11, strike lines 7 through 14, and redesignate subsequent subsections accordingly.

Page 12, strike lines 1 through 4.

Page 12, line 16, insert after the period at the end the following new sentence: “The Secretary concerned shall prepare an environmental assessment or an environmental impact statement for each authorized hazardous fuels reduction project.”

Page 14, line 22, strike “subsection (c)” and insert “subsection (b)”.

Page 15, line 4, insert after the period at the end the following new sentence: “The Secretary of Agriculture shall ensure that, during the preparation stage of each authorized hazardous fuels reduction project, notice and comment is provided in a manner sufficient

to permit interested persons a reasonable opportunity to satisfy the requirements of this subsection.”.

Page 17, beginning line 15, strike section 107 and insert the following new section (and conform the table of contents accordingly):

**SEC. 107. INJUNCTIVE RELIEF FOR AGENCY ACTION TO RESTORE FIRE-ADAPTED FOREST OR RANGELAND ECOSYSTEMS.**

(a) COVERED PROJECTS.—This section applies with respect to a motion for an injunction in an action brought against the Secretary concerned under section 703 of title 5, United States Code, that involves an agency action on Federal lands, including an authorized hazardous fuels reduction project, that is necessary to restore a fire-adapted forest or rangeland system.

(b) INJUNCTIVE RELIEF.—When considering a motion described in subsection (a), in determining whether there would be harm to the defendant from the injunction and whether the injunction would be in the public interest, the court reviewing the agency action shall—

(1) balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action; and

(2) give weight to a finding by the Secretary concerned in the administrative record of the agency action concerning the short-term and long-term effects of undertaking the agency action and of not undertaking the agency action, unless the court finds that the finding was arbitrary and capricious.

Page 25, after line 4, insert the following new subsection and redesignate the subsequent subsection accordingly:

(c) RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.—The Secretary concerned shall comply with applicable endangered species and riparian protections in making grants under this section. Projects funded using grant proceeds shall be required to comply with such protections.

Page 39, line 24, strike “sole”.

Page 40, after line 23, insert the following new paragraph:

(4) PEER REVIEW.—Each applied silvicultural assessment under this title, prior to being carried out, shall be peer reviewed by scientific experts selected by the Secretary concerned, which shall include non-Federal experts. The Secretary concerned may use existing peer review processes to the extent they comply with the preceding sentence.

**PART B—TEXT OF AMENDMENT MADE IN ORDER UNDER THE RULE**

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

(a) SHORT TITLE.—This Act may be cited as the “Hazardous Fuels Reduction Act of 2003”.

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

- Sec. 1. Short title.
- Sec. 2. Definitions.
- Sec. 3. Hazardous fuels reduction projects authorized.
- Sec. 4. Collaboration and public input process.
- Sec. 5. Expedited planning and implementation process.

- Sec. 6. Development of definitions of old and large trees.
- Sec. 7. Ongoing projects and existing authorities.
- Sec. 8. Preference to communities with fire prevention ordinances.
- Sec. 9. Sunset.
- Sec. 10. Authorization of appropriations.

**SEC. 2. DEFINITIONS.**

(a) **LAND TYPE AND FIRE REGIME DEFINITIONS FROM FOREST SERVICE ROCKY MOUNTAIN RESEARCH STATION.**—In this Act:

(1) **CONDITION CLASS 2.**—The term “condition class 2” refers to lands on which—

(A) fire regimes have been moderately altered from their historical fire return intervals;

(B) there exists a moderate risk of losing key ecosystem components; and

(C) vegetation attributes have been moderately altered from their historical range.

(2) **CONDITION CLASS 3.**—The term “condition class 3” refers to lands on which—

(A) fire regimes have been significantly altered from their historical fire return intervals; and

(B) there exists a high risk of losing key ecosystem components.

(3) **FIRE REGIME I.**—The term “fire regime I” refers to lands—

(A) on which historically there are low severity fires with a frequency of 0–35 years; and

(B) are located primarily in low elevation forests of pine, oak, and pinyon-juniper.

(4) **FIRE REGIME II.**—The term “fire regime II” refers to lands—

(A) on which historically there are stand replacement severity fires with a frequency of 0–35 years; and

(B) are located primarily in low- to mid-elevation forests, rangelands, grasslands, or shrublands.

(5) **FIRE REGIME III.**—The term “fire regime III” refers to lands—

(A) on which historically there are mixed severity fires with a frequency of 35–100 years; and

(B) are located primarily in forests of mixed conifer, dry Douglas Fir, and wet Ponderosa pine.

(b) **OTHER DEFINITIONS.**—In this Act:

(1) **ADMINISTRATIVE UNIT.**—The term “administrative unit”, with respect to Federal lands, means a unit of the National Forest System or a land management district of the Bureau of Land Management.

(2) **AT-RISK COMMUNITY.**—The term “at-risk community” means a geographic area designated by the Secretary concerned as any area—

(A) defined as an interface community on page 753 of volume 66 of the Federal Register, as published on January 4, 2001, or consisting of a collection of homes or other structures with basic infrastructure and services, such as utilities, collectively maintained transportation routes, and emergency services;

(B) on which conditions are conducive to large-scale fire disturbance events; and

- (C) for which a significant risk exists of a resulting spread of the fire disturbance event, after ignition, which would threaten human life and property.
- (3) BEST VALUE CONTRACTING.—The term “best value contracting” means the contracting process described in section 15.101 of title 48, Code of Federal Regulations, which allows the inclusion of non-cost factors in the contract process.
- (4) COMPREHENSIVE STRATEGY.—The term “Comprehensive Strategy” means the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646).
- (5) FEDERAL LANDS.—Except as provided in subsection (c), the term “Federal lands” means—
- (A) National Forest System lands; and
  - (B) public lands administered by the Secretary of the Interior acting through the Bureau of Land Management.
- (6) GOODS FOR SERVICE CONTRACTING.—The term “goods for service contracting” means the contracting process described in section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note).
- (7) HAZARDOUS FUELS REDUCTION PROJECT.—The term “hazardous fuels reduction project” means a project—
- (A) undertaken for the purpose of reducing the amount of hazardous fuels resulting from alteration of a natural fire regime as a result of fire suppression or other activities; and
  - (B) accomplished through the use of prescribed burning or mechanical treatment, or a combination thereof.
- (8) INVENTORIED ROADLESS AREA.—The term “inventoried roadless area” means one of the areas identified in the set of inventoried roadless areas maps contained in the Forest Service Roadless Areas Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000.
- (9) LOCAL PREFERENCE CONTRACTING.—The term “local preference contracting” means the contracting process described in section 333 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108–7; 117 Stat. 277), that gives preference to local businesses.
- (10) MUNICIPAL WATER SUPPLY SYSTEM.—The term “municipal water supply” means reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, or other surface facilities and systems constructed or installed for the impoundment, storage, transportation, or distribution of drinking water for a community.
- (11) SECRETARY CONCERNED.—The term “Secretary concerned” means—
- (A) the Secretary of Agriculture (or the designee of the Secretary) with respect to National Forest System lands; and

- (B) the Secretary of the Interior (or the designee of the Secretary) with respect to public lands administered by the Secretary through the Bureau of Land Management.
- (c) EXCLUDED FEDERAL LANDS.—This Act, including the expedited process described in section 5, does not apply to any Federal lands—
- (1) included as a component of the National Wilderness Preservation System;
  - (2) where logging is prohibited or restricted by Act of Congress, presidential proclamation, or agency determination;
  - (3) included in a wilderness study area; or
  - (4) included in an inventoried roadless area.

**SEC. 3. HAZARDOUS FUELS REDUCTION PROJECTS AUTHORIZED.**

(a) CONSISTENCY WITH IMPLEMENTATION PLAN.—The processes authorized or required by this Act shall be consistent with the implementation plan for the Comprehensive Strategy to reduce hazardous fuels on Federal lands.

(b) PRIORITY HAZARDOUS FUELS REDUCTION PROJECTS.—

(1) PROJECTS ON CERTAIN LANDS.—In implementing hazardous fuels reduction projects under this Act, the Secretary concerned shall give priority to projects on the following Federal lands and other lands:

(A) Lands that are located within one-half mile of an at-risk community where fire regime I, fire regime II, or fire regime III exists and that are in condition class 2 or condition class 3.

(B) Lands where fire regime I, fire regime II, or fire regime III exists that are in condition class 3, or condition class 2 if the lands are intermingled with condition class 3 lands, and that are located in such proximity to a municipal water supply system that a hazardous fuels reduction project should be carried out in order to reduce the risk of harm to such system or the quality of a municipal water supply resulting from an unusually severe wildfire.

(2) LIMITATION ON OTHER PROJECTS PENDING COMPLETION OF PRIORITY PROJECTS.—With respect to projects on Federal lands in a State, the Secretary concerned shall complete all projects on Federal lands identified in paragraph (1) in that State before carrying out projects in areas outside of those Federal lands in that State.

(c) COMPLIANCE WITH LAND MANAGEMENT PLANS.—A hazardous fuels reduction project planned and conducted under this Act must be consistent with the land and resource management plan, land use plan, and other agency plans and regulations applicable to the Federal lands covered by the project.

(d) PROJECT CONTRACTING.—To conduct a hazardous fuels reduction project under this Act, the Secretary concerned shall use local preference contracting and best value contracting. Payments under a contract entered into to implement a project under this Act shall only be made on a fee-for-service basis. The Secretary concerned shall not use goods-for-service contracting to implement a project under this Act.

(e) OLD GROWTH AND OTHER LIMITATIONS.—In conducting a hazardous fuels reduction project under this Act, the Secretary concerned—

- (1) shall not construct new permanent or temporary roads;
- (2) shall maintain all old and large trees and the structure, function, and composition of late-successional forest stands appropriate for each ecosystem type, until the process required by section 6 is complete and Congress formally adopts or rejects the recommendations by Act of Congress;
- (3) shall focus on thinning from below when using mechanical treatment.

(f) **ACREAGE LIMITATION.**—Not more than 20,000,000 acres of Federal land may be treated using the authorities provided by this Act.

(g) **FUNDING PRIORITY.**—Of funds expended for hazardous fuels reduction projects under this Act, at least 85 percent shall be expended on projects on lands described in subparagraphs (A) and (B) of subsection (b)(1). Upon forming cooperative agreements with the appropriate parties, the Secretary concerned may use these funds for treatment of non-Federal lands.

(h) **MONITORING.**—

(1) **MONITORING REQUIRED.**—The Secretary concerned shall establish a balanced multiparty monitoring process in order for Congress to assess a representative sampling of the hazardous fuels reduction projects implemented under this Act.

(2) **REPORT REQUIRED.**—Not later than one year after the expiration of this Act, as provided in section 9, the Secretary concerned shall submit to Congress a report containing, at a minimum, the following:

(A) An assessment of the cumulative accomplishments or adverse impacts of the fuels reduction projects conducted under this Act.

(B) A description of the ecological effects of the projects conducted under this Act.

(C) A description of the economic viability, impacts, and costs of the projects conducted under this Act.

#### **SEC. 4. COLLABORATION AND PUBLIC INPUT PROCESS.**

(a) **PROCESS REQUIRED.**—

(1) **DEVELOPMENT.**—As a condition on the selection of hazardous fuels reduction projects under section 3, the Secretary of Agriculture and the Secretary of the Interior shall jointly develop a collaborative process with interested parties, consistent with the implementation plan for the Comprehensive Strategy. The collaborative process developed by the Secretaries may be the process set forth in title II of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note).

(2) **REQUIRED MAPS AND PUBLIC MEETINGS.**—As part of the process developed under subsection (a), the Secretaries shall—

(A) produce maps, at the appropriate landscape scale, designating the condition class of Federal lands and other lands and including a fire risk assessment based on natural and human-caused factors, including insect and disease mortality, associated with those lands;

(B) make such maps readily available for public inspection; and

(C) hold a public meeting by administrative unit to discuss condition class and associated fire risk factors and to



identify priority areas for the hazardous fuels reduction projects.

(b) PUBLIC NOTICE.—

(1) QUARTERLY NOTICE.—The Secretary concerned shall provide quarterly notice of each hazardous fuels reduction project proposed to be conducted using the expedited process described in section 5. The quarterly notice shall be provided in the Federal Register, in a local paper of record, and on an agency website. The Secretary concerned may combine this quarterly notice with other quarterly notices otherwise issued regarding Federal land management.

(2) CONTENT.—The notice required by paragraph (1) shall include, at a minimum, the following information regarding each hazardous fuels reduction project contained in the notice:

(A) Specific identification that the project is a hazardous fuels reduction project for which the expedited process described in section 5 will be used, including a clear statement whether the agency intends to use a categorical exclusion or to prepare an environmental assessment or environmental impact statement.

(B) A description of the project, including as much information on its geographic location as practicable.

(C) The approximate date on which scoping for the project will begin.

(D) Information regarding how interested members of the public can take part in the development of the project pursuant to the expedited process described in section 5.

(c) PUBLIC MEETING.—Following publication of each quarterly notice under subsection (b), but before the beginning of scoping for the project pursuant to the expedited process described in section 5, the Secretary concerned shall conduct a public meeting at an appropriate location in each administrative unit of the Federal lands regarding those hazardous fuels reduction projects contained in the quarterly notice that are proposed to be conducted in that administrative unit. The Secretary concerned shall provide advance notice of the date and time of the meeting in the quarterly notice or using the same means described in subsection (b)(1).

(d) FINAL AGENCY ACTION.—The Secretary concerned shall provide notice in the local paper of record and on an agency website of any final agency action regarding a hazardous fuels reduction project for which the expedited process described in section 5 are used.

(e) PUBLIC PETITIONS FOR INCLUSION OR EXCLUSION OF LANDS.—

(1) RIGHT TO PETITION.—An entity referred to in paragraph (4) may submit to the Secretary concerned a petition, with supporting evidence, that requests the inclusion or exclusion of an area of Federal lands in subsection (a) with regard to condition class.

(2) EVALUATION.—The Secretary concerned shall respond to a petition under paragraph (1) by public notice of a public viewing of the area in question, within 90 days of receipt the petition, with the petitioner and any other interested parties.

(3) RESPONSE.—The Secretary concerned shall accept or deny the petition within 180 days of its receipt, based on the site evaluation under paragraph (2) and a specific review of the

historical conditions, forest type, and present fuel loads of the Federal lands covered by the petition.

(4) AUTHORIZED PETITIONERS.—A petition under paragraph (1) may be submitted by any of the following:

(A) A political subdivision of a State.

(B) A federally formed resource advisory council or provincial advisory committee.

(C) A resource advisory committee established under section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note).

**SEC. 5. EXPEDITED PLANNING AND IMPLEMENTATION PROCESS.**

(a) SCOPING.—The Secretary concerned shall conduct scoping with respect to each hazardous fuels reduction project for which the expedited process established by this section are to be used.

(b) CATEGORICAL EXCLUSIONS.—

(1) PRESUMPTION NEAR COMMUNITIES.—If a hazardous fuels reduction project covered by section 3, for which the collaborative and public input process required by section 4 is used, covers Federal lands located within one-half mile of an at-risk community, the project is deemed to be categorically excluded from further analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). The Secretary concerned need not make any findings as to whether the project, either individually or cumulatively, has a significant effect on the environment. However, within one-half mile of an at-risk community, the Secretary concerned shall vary the treatments used to achieve heterogeneity of forest conditions and to ensure forest health.

(2) EXTRAORDINARY CIRCUMSTANCES EXCEPTION.—Paragraph (1) shall not apply to Federal lands located within one-half mile of an at-risk community if extraordinary circumstances exist with respect to the lands.

(3) EXTRAORDINARY CIRCUMSTANCES.—In the case of a hazardous fuels reduction project for which a categorical exclusion applies under paragraph (1), if extraordinary circumstances exist with respect to the project, the Secretary concerned shall follow agency procedures (as contained in CEQ regulation 1508.4, Forest Service Handbook 1909.15, chapters 30–33, as of August 22, 2002, and Bureau of Land Management Handbook H–1790–1, 516 DM 2.1–2.10) related to categorical exclusions and extraordinary circumstances.

(4) APPEALS.—Hazardous fuels reduction projects implemented using a categorical exclusion under paragraph (1) are not subject to appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals.

(c) ENVIRONMENTAL ASSESSMENTS.—

(1) IN GENERAL.—With respect to priority lands identified in section 3(b), if a categorical exclusion does not apply under subsection (b) to a hazardous fuels reduction project under section 3 for the lands, the Secretary concerned shall determine, consistent with the National Environmental Policy Act of 1969,

whether an environmental assessment will be sufficient to meet the requirements for the project under such Act.

(2) CONTENT.—An environmental assessment prepared for a hazardous fuels reduction project under section 3 shall—

(A) be concise, if possible not more than 10–15 pages;

(B) describe sufficient information and analyses for determining whether to prepare an environmental impact statement or a finding of no significant impact;

(C) state the need for the proposed action;

(D) describe alternative actions, as required by section 102(2)(E) of the National Environmental Policy Act of 1969;

(E) briefly describe the environmental impacts of the proposed action and alternatives;

(F) list the agencies and persons consulted, as required by section 1508.9 of title 40, Code of Federal Regulations, with respect to National Forest System lands;

(G) reference supporting data, inventories and other documents on which the Secretary concerned relied to make the decision; and

(H) involve interested agencies and the public in the preparation of the environmental assessment.

(3) AVAILABILITY OF DECISION DOCUMENT.—When the decision document is complete for a hazardous fuels reduction project under section 3 for which an environmental assessment or categorical exclusion memo is prepared, the Secretary concerned shall—

(A) provide notice of the decision document in the Federal Register, the local paper of record, and an agency website, including notice stating how the documentation listed in subparagraph (B) will be available; and

(B) make the environmental analysis document, administrative record, and decision document or memo for the project, pursuant to section 215.2 of title 36, Code of Federal Regulations, readily available for public review.

(4) APPEALS.—Notwithstanding the appeal requirements imposed by section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), or the Department of the Interior Office of Hearings and Appeals—

(A) persons must file any administrative appeal of a project under this subsection within 30 days after the date of issuance of the decision document for the project;

(B) the Secretary concerned shall resolve any appeal not later than 20 days after the closing date for filing an appeal; and

(C) the Secretary concerned shall stay implementation of the project until the end of the 15-day period beginning on date on which the Secretary concerned resolves any administrative appeal that complies with the requirements in subsection (d).

(d) ADDITIONAL LIMITATION ON ADMINISTRATIVE APPEALS.—Notwithstanding section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612 note), if a draft document prepared pursuant to the

National Environmental Policy Act of 1969 for a hazardous fuels reduction project covered by section 3 was available for public comment, the Secretary of Agriculture may require that a person filing an administrative appeal with respect to the project must have been involved in the public comment process for the project by submitting written comments raising specific issues with regard to the project.

(e) STATEMENT OF COMPLIANCE.—A categorical exclusion memo or environmental assessment decision document prepared under this section shall include a short statement as to how the hazardous fuels reduction project complies with the requirement of section 3(c).

**SEC. 6. DEVELOPMENT OF DEFINITIONS OF OLD AND LARGE TREES.**

(a) USE OF NATIONAL ACADEMY OF SCIENCES.—The Secretary of Agriculture and the Secretary of the Interior shall jointly enter into a contract with the National Academy of Sciences for the preparation of recommended definitions of old and large trees appropriate for each ecosystem type to be used for purposes of this Act.

(b) QUALIFICATIONS.—To be eligible to serve on the panel of the National Academy of Sciences used to prepare the recommended definitions of old and large trees, a member of the panel shall have scientific expertise in the characteristics of old growth and the seral stages of forest types.

(c) SUBMISSION OF RECOMMENDED DEFINITIONS.—Not later than one year after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary of Agriculture, the Secretary of the Interior, and Congress the recommended definitions of old and large trees appropriate for each ecosystem type.

**SEC. 7. ONGOING PROJECTS AND EXISTING AUTHORITIES.**

Nothing in this Act shall affect a hazardous fuels reduction projects for which scoping has begun before the date of the enactment of this Act or affect authorities otherwise granted to the Secretary concerned under existing law.

**SEC. 8. PREFERENCE TO COMMUNITIES WITH FIRE PREVENTION ORDINANCES.**

In determining the allocation of funding for the Community and Private Land Fire Assistance program under section 10A(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C 2106c(b)), the Secretary of Agriculture shall prioritize funding to those communities that have taken proactive steps through the enactment of ordinances and other means to encourage property owners to reduce fire risk on private property.

**SEC. 9. SUNSET.**

The provisions of this Act shall expire at the end of the five-year period beginning on the date of the enactment of this Act, except that a hazardous fuels reduction project for which a decision notice, or memo in the case of a categorical exclusion, has been issued before the end of such period may continue to be implemented using the provisions of this Act.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIONAL FOREST SYSTEM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on National Forest System Lands, there are authorized to be

appropriated to the Secretary of Agriculture \$1,943,100,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(b) BLM LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on Federal lands described in section 2(b)(2)(B), there are authorized to be appropriated to the Secretary of the Interior \$1,888,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

(c) OTHER LANDS.—For the purpose of planning and conducting hazardous fuels reduction projects under this Act on tribal lands, nonindustrial private lands, and State lands, there are authorized to be appropriated to the Secretary of the Interior \$500,000,000 during the five-fiscal year period beginning October 1, 2003. Subject to section 9, amounts appropriated in one fiscal year and unobligated before the end of that fiscal year shall remain available for use in subsequent fiscal years.

○