

107TH CONGRESS
2D SESSION

S. 2811

To direct the Secretary of Agriculture and the Secretary of the Interior to designate certain Federal forest land at risk for catastrophic wildfires as emergency mitigation areas, to authorize the use of alternative arrangements in those areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2002

Mr. ENZI introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To direct the Secretary of Agriculture and the Secretary of the Interior to designate certain Federal forest land at risk for catastrophic wildfires as emergency mitigation areas, to authorize the use of alternative arrangements in those areas, 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 “Emergency Forest
5 Rescue Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) fire and land management policies have con-
2 tributed to the increasing severity and intensity of
3 wildfires over the past few decades;

4 (2) a large proportion of Federal forest land is
5 in a condition of serious degradation because of
6 trees that are—

7 (A) diseased; or

8 (B) dying because of—

9 (i) insect infestation;

10 (ii) invasive plant species; or

11 (iii) other natural disasters (including
12 blowdowns and wildfires);

13 (3) the drought conditions of 2002 are exacer-
14 bating the conditions on Federal forest land, making
15 the Federal forest land particularly susceptible to an
16 increased threat of wildfires;

17 (4) in addition to threatening Federal forest
18 land, wildfires threaten thousands of communities
19 that are located on the border or within the bound-
20 aries of the Federal forest land;

21 (5) the 2000 and 2002 fire seasons dem-
22 onstrate the devastation that is possible if emer-
23 gency action is not taken to reduce the increased
24 threat of wildfire from diseased and dying trees;

1 (6) the combination of drought and diseased
 2 and dying trees creates even more dangerous condi-
 3 tions under which—

4 (A) the severity of wildfires increases; and

5 (B) wildfires pose a greater threat to pub-
 6 lic health and safety; and

7 (7) it is critically important that the heads of
 8 Federal agencies responsible for managing Federal
 9 forest land have the authority to declare as emer-
 10 gency mitigation areas any Federal forest land that
 11 has a dangerous buildup of dead or dying trees be-
 12 cause of disease, insect infestation, invasive plant
 13 species, or other natural disasters, for the purposes
 14 of—

15 (A) reducing the threat of wildfires; and

16 (B) protecting Federal forest land and the
 17 communities located near or adjacent to the
 18 Federal forest land.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **DESIGNEE.**—The term “designee” means—

22 (A) the Chief of the Forest Service;

23 (B) the Director of the Bureau of Land
 24 Management; or

1 (C) the Director of the United States Fish
2 and Wildlife Service.

3 (2) EMERGENCY MITIGATION AREA.—The term
4 “emergency mitigation area” means an area des-
5 ignated by the Secretary under section 4(a).

6 (3) FEDERAL FOREST LAND.—The term “Fed-
7 eral forest land” means any forest land under the
8 jurisdiction of the Secretary.

9 (4) SECRETARY.—The term “Secretary”
10 means—

11 (A) in the case of Federal forest land
12 under the jurisdiction of the Forest Service, the
13 Secretary of Agriculture; or

14 (B) in the case of Federal forest land
15 under the jurisdiction of the Bureau of Land
16 Management or the United States Fish and
17 Wildlife Service, the Secretary of the Interior.

18 **SEC. 4. EMERGENCY MITIGATION AREAS.**

19 (a) DESIGNATION.—The Secretary or a designee
20 shall designate as an emergency mitigation area any Fed-
21 eral forest land that—

22 (1) is experiencing a severe drought; and

23 (2) has a large quantity of trees that are dead
24 or dying because of disease, insect infestation, an
25 invasive plant species, or other natural disaster.

1 (b) EMERGENCY CIRCUMSTANCE.—Designation of an
2 emergency mitigation area under subsection (a) is an
3 emergency circumstance within the meaning of part
4 1506.11 of title 40, Code of Federal Regulations (or a suc-
5 cessor regulation).

6 (c) ALTERNATIVE ARRANGEMENTS.—

7 (1) IN GENERAL.—On designation of an emer-
8 gency mitigation area under subsection (a), the Sec-
9 retary or a designee shall request from the Council
10 on Environmental Quality authority to use any alter-
11 native arrangement (including timber harvesting) in
12 the emergency mitigation area that is necessary to
13 protect trees in the emergency mitigation area from
14 disease, insect infestation, an invasive plant species,
15 or other natural disaster.

16 (2) EXEMPTION FROM APPLICABLE LAW.—In
17 carrying out an alternative arrangement approved by
18 the Council on Environmental Quality under para-
19 graph (1), the Secretary of Agriculture or a designee
20 shall be exempt from the requirements of section
21 322 of the Department of the Interior and Related
22 Agencies Appropriations Act, 1993 (16 U.S.C. 1612
23 note).

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