

107TH CONGRESS  
2D SESSION

# S. 2920

To expedite procedures for hazardous fuels reductions activities and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2002

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

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## A BILL

To expedite procedures for hazardous fuels reductions activities 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. EXPEDITED HAZARDOUS FUELS REDUCTION**  
4                   **PROCEDURES.**

5       (a) IN GENERAL.—The Secretaries of Agriculture  
6 and the Interior shall conduct immediately and to comple-  
7 tion projects consistent with the Implementation Plan for  
8 the 10-year Comprehensive Strategy for a Collaborative  
9 Approach for Reducing Wildland Fire Risks to Commu-  
10 nities and the Environment, dated May 2002, developed

1 pursuant to the Conference Report to the Department of  
2 the Interior and Related Agencies Appropriations Act,  
3 2001 (House Report 106–646) to reduce hazardous fuels.

4 Any project carried out pursuant to this section shall be  
5 consistent with the applicable forest plan, resource man-  
6 agement plan, or other applicable agency plans.

7 (b) PRIORITY.—In implementing projects under this  
8 section, the Secretaries of Agriculture and the Interior  
9 shall give highest priority to—

- 10 (1) wildland urban interface areas;
- 11 (2) municipal watersheds; or
- 12 (3) forested or rangeland areas affected by dis-  
13 ease, insect activity, or wind throw.

14 (c) ACREAGE LIMITATION.—In implementing this  
15 section, the Secretaries of Agriculture and the Interior  
16 shall treat an aggregate area of not more than 3.75 million  
17 acres of federal land.

18 (d) PROCESS.—The Secretaries of Agriculture and  
19 the Interior shall jointly develop a collaborative process  
20 with interested parties consistent with the Implementation  
21 Plan described in subsection (a) for the selection of  
22 projects carried out under this section consistent with sub-  
23 section (b). Such collaborative process may be the process  
24 set forth in title II of the Secure Rural Schools and Com-  
25 munity Self-Determination Act, Public Law 106–393.

## 1       (e) ADMINISTRATIVE PROCESS.—

2               (1) REVIEW.—Projects implemented pursuant  
3               to this section shall not be subject to appeal require-  
4               ments of the Appeals Reform Act (section 322 of  
5               Public Law 102–381) or Department of the Interior  
6               Board of Land Appeals Review.

7               (2) REGULATIONS.—The Secretaries of Agri-  
8               culture and the Interior, as appropriate, may pro-  
9               mulgate such regulations as are necessary to imple-  
10               ment this section.

11       (f) CONCLUSIVE PRESUMPTION.—Subject to the re-  
12       quirements of subsection (h), unless there are extraor-  
13       dinary circumstances, hazardous fuels reduction actions  
14       authorized by subsection (g) are conclusively determined  
15       to be categorically excluded from further analysis under  
16       the National Environmental Policy Act, and the Secretary  
17       of Agriculture or the Secretary of the Interior as appro-  
18       priate need not make any findings as to whether the  
19       projects individually or cumulatively have a significant ef-  
20       fect on the human environment.

21       (g) CATEGORICAL EXCLUSIONS.—

22               (1) Subject to paragraph (2), until September  
23               30, 2003, the Secretary of Agriculture and the Sec-  
24               retary of the Interior may categorically exclude a  
25               proposed hazardous fuels reduction action, including

1       prescribed fire, from documentation in an environ-  
2       mental impact statement or environmental assess-  
3       ment if the proposed hazardous fuels reduction ac-  
4       tion is located on lands identified as condition class  
5       3 on the map attached to the Forest Service Rocky  
6       Mountain Research Station General Technical Re-  
7       port RMRS-87 dated April 2002 and removes no  
8       more than 250,000 board feet of merchantable wood  
9       products or removes as salvage 1,000,000 board feet  
10      or less of merchantable wood products and assures  
11      regeneration of harvested or salvaged areas.

12           (2) Scoping is required on all actions proposed  
13       pursuant to this section.

14           (h) **LIMITATION ON THE AVAILABILITY OF CONCLU-**  
15       **SIVE PRESUMPTION.**— The conclusive presumption au-  
16       thorized by subsection (f) shall apply only to projects lo-  
17       cated in areas identified as condition class 3 as defined  
18       in subsection (g), and that are located:

19               (1) within wildland urban interface areas, or

20               (2) within a municipal watershed, or

21               (3) within forested or rangeland areas affected  
22       by disease, insect activity, or wind throw.

23           (i) **EXTRAORDINARY CIRCUMSTANCES.**— For all  
24       projects implemented pursuant to this section, if there are  
25       extraordinary circumstances, the Secretary of Agriculture

1 and the Secretary of the Interior shall follow agency proce-  
2 dures related to categorical exclusions and extraordinary  
3 circumstances.

4 (j) REDUCE FIRE RISK.— In order to ensure that  
5 the agencies are implementing projects that reduce the  
6 risk of unnaturally intense wildfires, the Secretary of Agri-  
7 culture and the Secretary of the Interior—

8 (1) shall not construct new roads as part of any  
9 project implemented pursuant to this section;

10 (2) must maintain old and large trees appro-  
11 priate for each ecosystem type and must focus on  
12 generally small diameter trees and brush for all  
13 projects implemented pursuant to this section; and

14 (3) must deposit in the Treasury of the United  
15 States all revenues and receipts generated from  
16 projects implemented pursuant to this section.

17 (k) HAZARDOUS FUELS REDUCTION FUNDING  
18 FOCUS.— In order to focus hazardous fuels reduction ac-  
19 tivities on the highest priority areas where critical issues  
20 of human safety and property loss are the most serious,  
21 the Forest Service and the Department of the Interior  
22 shall expend all of the hazardous fuels operations funds  
23 provided in this Act only on projects in areas identified  
24 as condition class 3 as defined in subsection (g).

1        (l) SMALL COMMUNITIES.— At least ten percent of  
2 the hazardous fuels operations funds provided in this Act  
3 shall be spent on projects that benefit businesses that use  
4 hazardous fuels and that are located in small, economically  
5 disadvantaged communities.

6        (m) MONITORING.—

7                (1) The Secretary of Agriculture and the Sec-  
8 retary of the Interior shall jointly establish a com-  
9 mission to complete an assessment of the positive or  
10 negative impacts and effectiveness of projects imple-  
11 mented pursuant to this Act. The commission shall  
12 be composed of 12 to 15 members with equal rep-  
13 resentation from conservation interests, local com-  
14 munities, and commodity interests. The Commission  
15 shall submit a report to Congress within 24 months  
16 after the date of enactment of this Act.

17                (2) The Secretaries shall establish a multiparty  
18 monitoring process in order to assess a representa-  
19 tive sampling of the projects implemented pursuant  
20 to this section. The Secretaries shall include any in-  
21 terested individual or organization in the monitoring  
22 and evaluation process.

23                (3) Funds to implement this subsection shall be  
24 derived from hazardous fuels reduction funds.

