

115TH CONGRESS  
2D SESSION

# H. R. 7315

To protect American communities from wildfire, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2018

Mr. WESTERMAN (for himself, Ms. CHENEY, Mr. GIANFORTE, Mr. GOSAR, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, 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 protect American communities from wildfire, 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 “Protecting American  
5       Communities from Wildfire Act”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds that—

8               (1) catastrophic wildfire represents a major  
9       threat to American lives, properties, and livelihoods;

1           (2) more and more Americans are living within  
2           the wildland-urban interface, and thus living closer  
3           to unmanaged, overgrown Federal forests; and

4           (3) a lack of large-scale forest management  
5           practices has increased the risk of catastrophic wild-  
6           fire within the wildland-urban interface.

7           (b) PURPOSE.—The purposes of this Act are as fol-  
8           lows:

9           (1) To provide the Forest Service with the clear  
10          authority to protect lives, homes, and businesses  
11          within the wildland-urban interface by authorizing  
12          forest management projects in the wildland-urban  
13          interface.

14          (2) To provide State, local, and Tribal entities  
15          the authority to collaboratively manage the forests  
16          within the wildland-urban interface.

17          (3) To provide additional resources for existing  
18          disaster mitigation and educational programs for  
19          communities located in the wildland-urban interface.

20   **SEC. 3. DEFINITIONS.**

21       In this Act:

22          (1) AT-RISK COMMUNITY.—The term “at-risk  
23          community” has the meaning given the term in sec-  
24          tion 101 of the Healthy Forests Restoration Act of  
25          2003 (16 U.S.C. 6511).

(2) AT-RISK WATERSHED.—The term “at-risk watershed” means any watershed supplying an at-risk community.

(3) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means—

(i) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(ii) land held in trust for Indian Tribes; or

(iii) National Forest System land.

(B) EXCLUSIONS.—The term “Federal land” does not include—

(i) a component of the National Wilderness Preservation System;

(ii) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(4) GOVERNORS CONCERNED.—The term “Governors concerned” means the respective Governors who have entered into good neighbor agreements (as

1 defined in section 8206 of the Agricultural Act of  
 2 2014 (16 U.S.C. 2113a)).

3 (5) SECRETARY CONCERNED.—The term “Sec-  
 4 retary concerned” means—

5 (A) the Secretary of the Interior, with re-  
 6 spect to public lands; and

7 (B) the Secretary of Agriculture, with re-  
 8 spect to National Forest System lands.

9 (6) TREATMENT PROGRAMS.—The term “treat-  
 10 ment programs” means any removal or modification  
 11 of flammable vegetation including, but not limited  
 12 to, prescribed fire, mechanical thinning, timber  
 13 sales, mastication, pruning, slash treatment, or a  
 14 combination of those methods.

15 (7) WILDLAND-URBAN INTERFACE.—The term  
 16 “wildland-urban interface” has the meaning given  
 17 the term in section 101 of the Healthy Forests Res-  
 18 toration Act of 2003 (16 U.S.C. 6511).

19 **SEC. 4. CATEGORICAL EXCLUSION FOR ACCELERATED**  
 20 **TREATMENT PROGRAMS FOR THE**  
 21 **WILDLAND-URBAN INTERFACE.**

22 (a) CATEGORICAL EXCLUSION ESTABLISHED.—  
 23 Treatment programs described in subsection (b) are a cat-  
 24 egory of actions designated as categorically excluded from  
 25 the preparation of an environmental assessment or an en-

1 vironmental impact statement under section 102 of the  
2 National Environmental Policy Act of 1969 (42 U.S.C.  
3 4332).

4 (b) TREATMENT PROGRAM DESCRIBED.—The treat-  
5 ment programs described in this subsection are forest  
6 management activities carried out by the Secretary con-  
7 cerned to—

8 (1) reduce the risk of wildfire to at-risk commu-  
9 nities and at-risk watersheds by prescribing treat-  
10 ment programs in the wildland-urban interface  
11 which remove overstocked timber; and

12 (2) subject to subsection (c), remove or modify  
13 woody vegetation and ground material to reduce can-  
14 opy closure, ground fuels, and ladder fuels to achieve  
15 a forest composition that maximizes low-intensity  
16 fires and ease of suppression, establish fire breaks,  
17 and access for fire suppression.

18 (c) LIMITATION OF TREATMENT PROGRAMS.—The  
19 Secretary concerned may only carry out vegetation treat-  
20 ments necessary to achieve conditions that support low-  
21 intensity fire and allow for direct suppression.

22 (d) JUDICIAL REVIEW.—Treatment programs de-  
23 scribed in subsection (b) shall not be subject to judicial  
24 review.

1 **SEC. 5. GOOD NEIGHBOR AGREEMENTS FOR AT-RISK**  
 2 **AREAS.**

3 Section 8206(a)(3)(B) of the Agricultural Act of  
 4 2014 (16 U.S.C. 2113a(a)(3)(B)) is amended—

5 (1) in clause (i)(II)(bb), by striking “or”;

6 (2) in clause (ii), by striking the period at the  
 7 end and inserting “; or”; and

8 (3) by inserting after clause (ii) the following  
 9 new clause:

10 “(iii) activities to reduce hazardous  
 11 fuels and risk for loss of human life and  
 12 property within the wildland-urban inter-  
 13 face (as defined in section 101 of the  
 14 Healthy Forests Restoration Act of 2003  
 15 (16 U.S.C. 6511)).”.

16 **SEC. 6. SUPPLEMENTAL STATE FIRE ASSISTANCE FUND-**  
 17 **ING.**

18 Section 10A of the Cooperative Forestry Assistance  
 19 Act of 1978 (16 U.S.C. 2106c) is amended—

20 (1) in subsection (a), by striking “may” and in-  
 21 serting “shall”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (C), by striking  
 25 “and” at the end;

1 (ii) in subparagraph (D), by striking  
2 “wildfires.” and inserting “wildfires; and”;  
3 and

4 (iii) by adding at the end the fol-  
5 lowing new subparagraph:

6 “(E) to incentivize State, local, tribal, and  
7 private landowners within the wildland-urban  
8 interface to implement cooperative land man-  
9 agement plans and treatment programs which  
10 reduce the risk of wildfire.”; and

11 (B) in paragraph (2)—

12 (i) by striking “The Program” and in-  
13 serting the following:

14 “(A) IN GENERAL.—The program”; and

15 (ii) by striking “State foresters or  
16 equivalent State officials” and inserting  
17 “appropriate stakeholders”; and

18 (iii) by adding at the end the fol-  
19 lowing:

20 “(B) PREFERRED CONSIDERATION.—  
21 State, local, tribal, and private landowners with  
22 preexisting, collaborative wildland-urban inter-  
23 face fire mitigation plan shall receive preferred  
24 consideration when applying for competitive,  
25 cost-sharing grants.”;

1 (C) in paragraph (3)—

2 (i) in subparagraph (G), by striking  
3 “and” at the end;

4 (ii) in subparagraph (H), by striking  
5 “projects.” and inserting “projects; and”;  
6 and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(J) community and landowner forest  
10 management incentive programs.”; and

11 (3) by amending subsection (d) to read as fol-  
12 lows:

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There is authorized to be  
15 appropriated to carry out this section—

16 “(A) \$100,000,000 for each of fiscal years  
17 2019 through 2024; and

18 “(B) such sums as may be necessary for  
19 fiscal year 2025 and each fiscal year thereafter.

20 “(2) RESERVATION.—Of the funds appro-  
21 priated under paragraph (1), 25 percent shall be re-  
22 served to carry out wildfire mitigation and fuels re-  
23 duction within the wildland-urban interface (as de-  
24 fined in section 101 of the Healthy Forests Restora-  
25 tion Act of 2003 (16 U.S.C. 6511)).”.



1 **SEC. 7. SAVINGS PROVISION.**

2       Nothing in this Act shall provide the Secretary con-  
3 cerned or Governors concerned the authority to prescribe  
4 clear cutting as part of a treatment plan.

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