

AMENDMENT TO THE RULES COMMITTEE PRINT

117-57

OFFERED BY MR. MOORE OF UTAH

At the end of title II of division A, add the following:

1 **Subtitle C—Emergency Fireshed**
2 **Management**

3 **SEC. ____ . EMERGENCY FIRESHED MANAGEMENT.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Forest Improvements through Research and Emergency
6 Stewardship for Healthy Ecosystem Development and
7 Sustainability Act” or the “FIRESHEDS Act”.

8 (b) EMERGENCY FIRESHED MANAGEMENT.—Title
9 VI of the Healthy Forests Restoration Act of 2003 (16
10 U.S.C. 6591 et seq.) is amended by adding at the end
11 the following:

12 **“SEC. 607. EMERGENCY FIRESHED MANAGEMENT.**

13 “(a) ESTABLISHMENT OF FIRESHED MANAGEMENT
14 AREAS.—

15 “(1) IN GENERAL.—

16 “(A) JOINT AGREEMENTS.—Not later than
17 90 days after receiving a request from a Gov-

1 ernor of a State, the Secretary shall enter into
2 an agreement with such Governor to jointly—

3 “(i) designate 1 or more fireshed
4 management areas within such State; and

5 “(ii) conduct fireshed management
6 projects in accordance with subsection (c)
7 on such fireshed management areas.

8 “(B) ADDITIONAL FIRESHED MANAGE-
9 MENT AREAS.—With respect to an agreement
10 with a Governor of a State under subparagraph
11 (A), the Secretary, if requested by such Gov-
12 ernor, may—

13 “(i) designate additional fireshed
14 management areas under such agreement;
15 and

16 “(ii) update such agreement to ad-
17 dress new wildfire threats.

18 “(C) SHARED STEWARDSHIP.—A pre-
19 viously signed shared stewardship agreement
20 between a Governor of a State and the Sec-
21 retary (or an update or successor agreement to
22 such shared stewardship agreement) may be
23 treated as an agreement under subparagraph
24 (A) if such Governor approves such treatment.

1 “(2) DESIGNATION OF FIRESHED MANAGEMENT
2 AREAS.—

3 “(A) IN GENERAL.—A fireshed manage-
4 ment area designated under an agreement
5 under paragraph (1)—

6 “(i) shall be—

7 “(I) a landscape-scale area; and

8 “(II) identified on the date of
9 such designation as a fireshed ranked
10 in the top 10 percent of wildfire expo-
11 sure, as determined by the most re-
12 cently published models of fireshed
13 risk exposure published by the Forest
14 Service;

15 “(ii) may not overlap with any other
16 fireshed management area; and

17 “(iii) may contain Federal and non-
18 Federal land.

19 “(B) APPLICABILITY OF NEPA.—The des-
20 ignation of a fireshed management area under
21 an agreement under paragraph (1) shall not be
22 subject to the requirements of the National En-
23 vironmental Policy Act of 1969 (42 U.S.C.
24 4321 et seq.).

1 “(b) STEWARDSHIP AND FIRESHED ASSESS-
2 MENTS.—

3 “(1) IN GENERAL.—Not later than 90 days
4 after entering into an agreement with a Governor of
5 a State under subsection (a)(1), the Secretary and
6 such Governor shall, with respect to the fireshed
7 management areas designated under such agree-
8 ment, jointly conduct a stewardship and fireshed as-
9 sessment that—

10 “(A) identifies—

11 “(i) using the best available data,
12 wildfire exposure risks within each such
13 fireshed management area, including sce-
14 nario planning and wildfire hazard map-
15 ping and models; and

16 “(ii) each at-risk community within
17 each fireshed management area;

18 “(B) identifies potential fireshed manage-
19 ment projects to be carried out in such fireshed
20 management areas, giving priority—

21 “(i) primarily, to projects with the
22 purpose of reducing threats to public
23 health and safety from catastrophic wild-
24 fire; and

1 “(ii) secondarily, to projects with the
2 purpose of protecting—

3 “(I) critical infrastructure;

4 “(II) wildlife habitats;

5 “(III) watersheds or improving
6 water yield; or

7 “(IV) any combination of pur-
8 poses described in subclauses (I)
9 through (III);

10 “(C) includes—

11 “(i) a strategy for reducing the threat
12 of wildfire to at-risk communities in the
13 wildland-urban interface;

14 “(ii) recommended fireshed manage-
15 ment project size limitations based on the
16 best available data;

17 “(iii) a timeline for the implementa-
18 tion of fireshed management projects; and

19 “(iv) long-term benchmark goals for
20 the completion of fireshed management
21 projects in the highest wildfire exposure
22 areas; and

23 “(D) shall be regularly updated based on
24 the best available data, as determined by the
25 Secretary.

1 “(2) INFORMATION IMPROVEMENT.—

2 “(A) MEMORANDUMS OF UNDER-
3 STANDING.—In carrying out a stewardship and
4 fireshed assessment under this subsection, the
5 Secretary may enter into memorandums of un-
6 derstanding with other Federal agencies or de-
7 partments, States, private entities, or research
8 or educational institutions to improve, with re-
9 spect to such assessment, the use and integra-
10 tion of—

11 “(i) advanced remote sensing and
12 geospatial technologies;

13 “(ii) statistical modeling and analysis;
14 or

15 “(iii) any other technology the Sec-
16 retary determines will benefit the quality of
17 information of such an assessment.

18 “(B) STATE INFORMATION.—To the max-
19 imum extent practicable, the Secretary shall in-
20 corporate data from State forest action plans,
21 State wildfire risk assessments, and other State
22 sources in conducting an assessment under
23 paragraph (1).

24 “(c) FIRESHED MANAGEMENT PROJECTS.—

1 “(1) IN GENERAL.—The Secretary shall carry
2 out fireshed management projects in fireshed man-
3 agement areas designated under an agreement under
4 subsection (a)(1) in accordance with the timeline
5 and project size limitations included in the steward-
6 ship and fireshed assessment relating to such areas
7 under subsection (b)(1)(C).

8 “(2) REQUIREMENTS.—A fireshed management
9 project shall—

10 “(A) be carried out—

11 “(i) in accordance with paragraph (3);

12 “(ii) in accordance with the applicable
13 forest management plan; and

14 “(iii) in a manner that maximizes the
15 retention of old-growth and large trees, to
16 the extent that the trees promote stands
17 that are resilient to wildfire; and

18 “(B) be—

19 “(i) developed through a collaborative
20 process;

21 “(ii) proposed by a resource advisory
22 committee (as defined in section 201 of the
23 Secure Rural Schools and Community Self-
24 Determination Act of 2000 (16 U.S.C.
25 7121)); or

1 “(iii) covered by a community wildfire
2 protection plan.

3 “(3) AUTHORIZED ACTIVITIES.—A fireshed
4 management project shall have the primary purpose
5 of—

6 “(A) creating fuel breaks and fire breaks;

7 “(B) conducting hazardous fuels manage-
8 ment;

9 “(C) conducting prescribed burns;

10 “(D) removing dead trees, dying trees, or
11 trees at high-risk of dying; or

12 “(E) carrying out any combination of the
13 activities described in subparagraphs (A)
14 through (D).

15 “(4) CATEGORICAL EXCLUSION FOR FIRESHED
16 MANAGEMENT PROJECTS.—Fireshed management
17 projects under this subsection shall be—

18 “(A) considered an action categorically ex-
19 cluded from the from the preparation of an en-
20 vironmental assessment or an environmental
21 impact statement under section 102 of the Na-
22 tional Environmental Policy Act of 1969 (42
23 U.S.C. 4332); and

24 “(B) exempt from the special administra-
25 tive review process under section 105.

1 “(5) EXCLUSIONS.—A fireshed management
2 project may not be carried out on lands—

3 “(A) that are included in the National Wil-
4 derness Preservation System;

5 “(B) that are located within a national or
6 State-specific inventoried roadless area estab-
7 lished by the Secretary of Agriculture through
8 regulation, unless—

9 “(i) the forest management activity to
10 be carried out under such authority is con-
11 sistent with the forest plan applicable to
12 the area; or

13 “(ii) the activity is allowed under the
14 applicable roadless rule governing such
15 lands, including—

16 “(I) the Idaho roadless rule
17 under subpart C of part 294 or title
18 36, Code of Federal Regulations;

19 “(II) the Colorado roadless rule
20 under subpart D of part 294 of title
21 36, Code of Federal Regulations; or

22 “(III) any other roadless rule de-
23 veloped after the date of the enact-
24 ment of this section by the Secretary
25 with respect to a specific State; or

1 “(C) on which timber harvesting for any
2 purpose is prohibited by Federal statute.

3 “(6) RULE OF CONSTRUCTION FOR CERTAIN
4 ROADLESS RULES.—Nothing in this section shall be
5 construed to affect the roadless rules described in
6 subclauses (I) and (II) of paragraph (5)(B)(ii).

7 “(7) USE OF OTHER AUTHORITIES.—To the
8 maximum extent practicable, the Secretary shall use
9 existing statutory and administrative authorities, in-
10 cluding a good neighbor agreement entered into
11 under section 8206 of the Agricultural Act of 2014
12 (16 U.S.C. 2113a), to carry out each fireshed man-
13 agement project.

14 “(d) JUDICIAL REVIEW.—Section 106 shall apply to
15 fireshed management projects conducted under this sec-
16 tion in the same manner as such section applies to an au-
17 thorized hazardous fuels reduction project conducted
18 under title I, except that no restraining order, preliminary
19 injunction, or injunction pending appeal shall be issued
20 by any court of the United States with respect to any deci-
21 sion to prepare or conduct a fireshed management project
22 in the wildland-urban interface.

23 “(e) REPORT REQUIRED.—Not later than 2 years
24 after the date of the enactment of this section and annu-
25 ally thereafter, the Secretary shall submit to Congress a

1 report evaluating the progress and implementation of
2 fireshed management projects under this section.

3 “(f) DEFINITIONS.—In this section:

4 “(1) COLLABORATIVE PROCESS.—The term
5 ‘collaborative process’ means a process relating to
6 the management of National Forest System lands or
7 public lands by which a project or forest manage-
8 ment activity is developed and implemented by the
9 Secretary through collaboration with interested per-
10 sons, as described in section 603(b)(1)(C).

11 “(2) FIRESHED.—The term ‘fireshed’ means a
12 landscape-scale area that faces similar wildfire
13 threat where a response strategy could influence the
14 wildfire outcome.

15 “(3) FOREST PLAN.—The term ‘forest plan’
16 means—

17 “(A) a land use plan prepared by the Bu-
18 reau of Land Management for public lands pur-
19 suant to section 202 of the Federal Land Policy
20 and Management Act of 1976 (43 U.S.C.
21 1712); or

22 “(B) a land and resource management
23 plan prepared by the Forest Service for a unit
24 of the National Forest System pursuant to sec-
25 tion 6 of the Forest and Rangeland Renewable

1 Resources Planning Act of 1974 (16 U.S.C.
2 1604).

3 “(4) HAZARDOUS FUELS MANAGEMENT.—The
4 term ‘hazardous fuels management’ means any vege-
5 tation management activities that reduce the risk of
6 wildfire, including mechanical treatments and live-
7 stock grazing.

8 “(5) PUBLIC LANDS.—The term ‘public lands’
9 has the meaning given that term in section 103 of
10 the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1702), except that the term in-
12 cludes Coos Bay Wagon Road Grant lands and Or-
13 egon and California Railroad Grant lands.

14 “(6) RESOURCE ADVISORY COMMITTEE.—The
15 term ‘resource advisory committee’ has the meaning
16 given that term in section 201 of the Secure Rural
17 Schools and Community Self-Determination Act of
18 2000 (16 U.S.C. 7121).

19 “(7) SECRETARY.—The term ‘Secretary’
20 means—

21 “(A) the Secretary of Agriculture, with re-
22 spect to National Forest System lands; and

23 “(B) the Secretary of the Interior, with re-
24 spect to public lands.

1 “(8) SECTION 101 TERMS.—The terms ‘at-risk
2 community’, ‘community wildfire protection plan’,
3 and ‘wildland-urban interface’ have the meanings
4 given such terms, respectively, in section 101.”.

5 (c) GOOD NEIGHBOR AUTHORITY.—Section 8206 of
6 the Agricultural Act of 2014 (16 U.S.C. 2113a) is amend-
7 ed—

8 (1) in subsection (a)(4)(A)—

9 (A) in clause (ii), by striking “and” at the
10 end;

11 (B) by redesignating clause (iii) as clause
12 (iv);

13 (C) by inserting after clause (ii) the fol-
14 lowing:

15 “(iii) activities conducted under sec-
16 tion 607 of the Healthy Forests Restora-
17 tion Act of 2003;”;

18 (D) in clause (iv), as so redesignated, by
19 striking the period at the end and inserting “;
20 or”; and

21 (E) by adding at the end the following:

22 “(v) any combination of activities
23 specified in clauses (i) through (iv).”; and

24 (2) in subsection (b)(2), by amending subpara-
25 graph (C) to read as follows:

1 “(C) TREATMENT OF REVENUE.—Funds
2 received from the sale of timber by a Governor
3 of a State under a good neighbor agreement
4 shall be retained and used by the Governor—

5 “(i) to carry out authorized restora-
6 tion services under such good neighbor
7 agreement; and

8 “(ii) if funds are remaining after car-
9 rying out the services under clause (i), to
10 carry out authorized restoration services
11 within the State under other good neighbor
12 agreements.”.

