

**AMENDMENT TO DIVISION A OF  
RULES COMMITTEE PRINT 117-57  
OFFERED BY MR. NEWHOUSE OF WASHINGTON**

At the end of division A, add the following:

1 **SEC. 303. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**  
2 **STORE NATIONAL FOREST SYSTEM LANDS OR**  
3 **PUBLIC LAND OR REDUCE THE RISK OF**  
4 **WILDFIRE.**

5 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-  
6 est management activities described in subsection (b) are  
7 a category of actions hereby designated as being categori-  
8 cally excluded from the preparation of an environmental  
9 assessment or an environmental impact statement under  
10 section 102 of the National Environmental Policy Act of  
11 1969 (42 U.S.C. 4332).

12 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
13 FOR CATEGORICAL EXCLUSION.—

14 (1) DESIGNATION.—The forest management ac-  
15 tivities designated under this section for a categori-  
16 cal exclusion are forest management activities de-  
17 scribed in paragraph (2) that are carried out by the  
18 Secretary concerned on National Forest System  
19 Lands or public lands where the primary purpose of

1 such activity is to improve or restore such lands or  
2 reduce the risk of wildfire on such lands.

3 (2) ACTIVITIES AUTHORIZED.—The following  
4 activities may be carried out pursuant to the cat-  
5 egorical exclusion established under subsection (a):

6 (A) Removal of noxious weeds through  
7 late-season livestock grazing, targeted livestock  
8 grazing, prescribed burns, or mechanical treat-  
9 ments.

10 (B) Performance of hazardous fuels man-  
11 agement.

12 (C) Creation of fuel and fire breaks.

13 (D) Modification of existing fences in order  
14 to distribute livestock and help improve wildlife  
15 habitat.

16 (E) Installation of erosion control devices.

17 (F) Construction of new permanent infra-  
18 structure and maintenance of existing perma-  
19 nent infrastructure, including stock ponds,  
20 water catchments, and water spring boxes used  
21 to benefit livestock and improve wildlife habitat.

22 (G) Performance of soil treatments, native  
23 and non-native seeding, and planting and trans-  
24 planting of sagebrush, grass, forb, shrub, and  
25 other species of grass.

1                   (H) Use of herbicides, so long as the Sec-  
2                   retary concerned determines that the activity is  
3                   otherwise conducted consistently with any forest  
4                   plan applicable to the area covered by the activ-  
5                   ity.

6           (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
7 On and after the date of the enactment of this Act, the  
8 Secretary concerned may use the categorical exclusion es-  
9 tablished under subsection (a) in accordance with this sec-  
10 tion.

11           (d) ACREAGE LIMITATIONS.—A forest management  
12 activity covered by the categorical exclusion established  
13 under subsection (a) may not exceed 10,000 acres.

14           (e) EXLCUSIONS.—The authorities provided by this  
15 section do not apply with respect to any National Forest  
16 System lands or public lands—

17                   (1) that are included in the National Wilderness  
18                   Preservation System;

19                   (2) that are located within a national or State-  
20                   specific inventoried roadless area established by the  
21                   Secretary of Agriculture through regulation, un-  
22                   less—

23                   (A) the forest management activity to be  
24                   carried out under such authority is consistent  
25                   with the forest plan applicable to the area; or

1 (B) the Secretary concerned determines  
2 the activity is allowed under the applicable  
3 roadless rule governing such lands; or

4 (3) on which timber harvesting for any purpose  
5 is prohibited by Federal statute.

6 (f) DEFINITIONS.—In this section:

7 (1) FOREST MANAGEMENT ACTIVITY.—The  
8 term “forest management activity” means a project  
9 or activity carried out by the Secretary concerned on  
10 National Forest System lands or public lands con-  
11 sistent with the forest plan covering such lands.

12 (2) FOREST PLAN.—The term “forest plan”  
13 means—

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

19 (B) a land and resource management plan  
20 prepared by the Forest Service for a unit of the  
21 National Forest System pursuant to section 6  
22 of the Forest and Rangeland Renewable Re-  
23 sources Planning Act of 1974 (16 U.S.C.  
24 1604).

1           (3) HAZARDOUS FUELS MANAGEMENT.—The  
2 term “hazardous fuels management” means any  
3 vegetation management activities that reduce the  
4 risk of wildfire.

5           (4) LATE-SEASON GRAZING.—The term “late-  
6 season grazing” means grazing activities that  
7 occur—

8                   (A) after both the invasive species and na-  
9 tive perennial species have completed their cur-  
10 rent-year annual growth cycle; and

11                   (B) before new plant growth begins to ap-  
12 pear in the following year.

13           (5) NATIONAL FOREST SYSTEM.—The term  
14 “National Forest System” has the meaning given  
15 that term in section 11(a) of the Forest and Range-  
16 land Renewable Resources Planning Act of 1974 (16  
17 U.S.C. 1609(a)).

18           (6) NOXIOUS WEEDS.—The term “noxious  
19 weeds” includes juniper trees, medusahead rye, conifer  
20 trees, piñon pine trees, cheatgrass, and other  
21 noxious or invasive weeds specified on a Federal or  
22 State noxious weed list.

23           (7) PUBLIC LANDS.—The term “public lands”  
24 has the meaning given that term in section 103 of  
25 the Federal Land Policy and Management Act of

1       1976 (43 U.S.C. 1702), except that the term in-  
2       cludes Coos Bay Wagon Road Grant lands and Or-  
3       regon and California Railroad Grant lands.

4           (8) TARGETED LIVESTOCK GRAZING.—The  
5       term “targeted livestock grazing” means grazing  
6       used for purposes of hazardous fuel management.

7           (9) SECRETARY CONCERNED.—The term “Sec-  
8       retary concerned” means—

9                   (A) the Secretary of Agriculture, with re-  
10       spect to National Forest System lands; and

11                   (B) the Secretary of the Interior, with re-  
12       spect to public lands.

