

117TH CONGRESS  
1ST SESSION

# H. R. 4574

To expedite certain activities related to salvage operations and reforestation activities on National Forest System lands or public lands in response to catastrophic events, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2021

Mr. OBERNOLTE (for himself, Mr. WESTERMAN, Mr. NEWHOUSE, Mr. LAMALFA, Mr. BENTZ, Mr. ROSENDALE, Mr. TIFFANY, and Mrs. BOEBERT) 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 expedite certain activities related to salvage operations and reforestation activities on National Forest System lands or public lands in response to catastrophic events, 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 “Salvaging American  
5 Lumber Via Action with Greater Efficiency Act” or the  
6 “SALVAGE Act”.

1 **SEC. 2. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE**  
2 **OPERATIONS IN RESPONSE TO CATA-**  
3 **STROPHIC EVENTS.**

4 (a) CATEGORICAL EXCLUSION ESTABLISHED.—Sal-  
5 vage operations carried out by the Secretary concerned on  
6 National Forest System lands or public lands are a cat-  
7 egory of actions hereby designated as being categorically  
8 excluded from the preparation of an environmental assess-  
9 ment or an environmental impact statement under section  
10 102 of the National Environmental Policy Act of 1969 (42  
11 U.S.C. 4332).

12 (b) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
13 On and after the date of the enactment of this Act, the  
14 Secretary concerned may use the categorical exclusion es-  
15 tablished under subsection (a) in accordance with this sec-  
16 tion.

17 (c) ACREAGE LIMITATION.—A salvage operation cov-  
18 ered by the categorical exclusion established under sub-  
19 section (a) may not contain treatment units exceeding a  
20 total of 10,000 acres.

21 (d) ADDITIONAL REQUIREMENTS.—

22 (1) STREAM BUFFERS.—A salvage operation  
23 covered by the categorical exclusion established  
24 under subsection (a) shall comply with the standards  
25 and guidelines for stream buffers contained in the  
26 applicable forest plan unless waived by the Regional

1 Forester, in the case of National Forest System  
2 lands, or the State Director of the Bureau of Land  
3 Management, in the case of public lands.

4 (2) REFORESTATION PLAN.—A reforestation  
5 plan shall be developed under section 3 of the Act  
6 of June 9, 1930 (commonly known as the Knutson-  
7 Vandenberg Act; 16 U.S.C. 576b), as part of a sal-  
8 vage operation covered by the categorical exclusion  
9 established under subsection (a).

10 **SEC. 3. EXPEDITED SALVAGE OPERATIONS AND REFOREST-**  
11 **ATION ACTIVITIES FOLLOWING LARGE-SCALE**  
12 **CATASTROPHIC EVENTS.**

13 (a) EXPEDITED ENVIRONMENTAL ASSESSMENT.—  
14 Notwithstanding any other provision of law, an environ-  
15 mental assessment prepared by the Secretary concerned  
16 pursuant to section 102 of the National Environmental  
17 Policy Act of 1969 (42 U.S.C. 4332) for a salvage oper-  
18 ation or reforestation activity proposed to be conducted  
19 on National Forest System lands or public lands adversely  
20 impacted by a large-scale catastrophic event shall be com-  
21 pleted within 60 days after the conclusion of the cata-  
22 strophic event.

23 (b) EXPEDITED IMPLEMENTATION AND COMPLE-  
24 TION.—In the case of reforestation activities conducted on  
25 National Forest System lands or public lands adversely

1 impacted by a large-scale catastrophic event, the Secretary  
 2 concerned shall, to the maximum extent practicable,  
 3 achieve reforestation of at least 75 percent of the impacted  
 4 lands during the 5-year period following the conclusion of  
 5 the catastrophic event.

6 (c) AVAILABILITY OF KNUTSON-VANDENBERG  
 7 FUNDS.—Amounts in the special fund established pursu-  
 8 ant to section 3 of the Act of June 9, 1930 (commonly  
 9 known as the Knutson-Vandenberg Act; 16 U.S.C. 576b),  
 10 shall be available to the Secretary of Agriculture for refor-  
 11 estation activities authorized by this section.

12 (d) TIMELINE FOR PUBLIC INPUT PROCESS.—

13 (1) IN GENERAL.—Notwithstanding any other  
 14 provision of law, in the case of a salvage operation  
 15 or reforestation activity proposed to be conducted on  
 16 National Forest System lands or public lands ad-  
 17 versely impacted by a large-scale catastrophic event,  
 18 the Secretary concerned shall allow—

19 (A) 30 days for public scoping and com-  
 20 ment;

21 (B) 15 days for filing an objection; and

22 (C) 15 days for the agency response to the  
 23 filing of an objection.

24 (2) IMPLEMENTATION.—On the final day of the  
 25 process required in paragraph (1), the Secretary

1 concerned shall implement the project for which the  
2 process was initiated.

3 (e) CONVERSION OF TIMBER SALES.—

4 (1) IN GENERAL.—Not later than 60 days after  
5 a wildfire is contained on National Forest System  
6 lands, the Secretary of Agriculture shall convert any  
7 timber sales on lands impacted by such wildfire to  
8 salvage sales.

9 (2) ANALYSIS DEEMED SUFFICIENT.—If the  
10 Regional Forester determines that a proposed timber  
11 sale has been sufficiently analyzed under the Na-  
12 tional Environmental Policy Act, such analysis shall  
13 be deemed to fulfill the requirements of section  
14 102(2)(C) of the National Environmental Policy Act  
15 of 1969 (42 U.S.C. 4332(2)(C)) with respect to such  
16 salvage sale.

17 **SEC. 4. COMPLIANCE WITH FOREST PLAN.**

18 A salvage operation or reforestation activity author-  
19 ized by this Act shall be conducted in a manner consistent  
20 with the forest plan applicable to the National Forest Sys-  
21 tem lands or public lands covered by the salvage operation  
22 or reforestation activity.

1 **SEC. 5. PROHIBITION ON RESTRAINING ORDERS, PRELIMI-**  
2 **NARY INJUNCTIONS, AND INJUNCTIONS**  
3 **PENDING APPEAL.**

4 No restraining order, preliminary injunction, or in-  
5 junction pending appeal shall be issued by any court of  
6 the United States with respect to any decision to prepare  
7 or conduct a salvage operation or reforestation activity in  
8 response to a large-scale catastrophic event.

9 **SEC. 6. EXCLUSIONS.**

10 The authorities provided by this Act do not apply  
11 with respect to any National Forest System lands or pub-  
12 lic lands—

13 (1) that are included in the National Wilderness  
14 Preservation System;

15 (2) that are located within a national or State  
16 specific inventoried roadless area established by the  
17 Secretary of Agriculture through regulation, un-  
18 less—

19 (A) the forest management activity to be  
20 carried out under such authority is consistent  
21 with the forest plan applicable to the area; or

22 (B) the Secretary concerned determines  
23 the activity is allowed under the applicable  
24 roadless rule governing such lands; or

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

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

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

8 (2) **FOREST PLAN.**—The term “forest plan”  
9 means—

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

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

21 (3) **NATIONAL FOREST SYSTEM.**—The term  
22 “National Forest System” has the meaning given  
23 that term in section 11(a) of the Forest and Range-  
24 land Renewable Resources Planning Act of 1974 (16  
25 U.S.C. 1609(a)).

1           (4) PUBLIC LANDS.—The term “public lands”  
2       has the meaning given that term in section 103 of  
3       the Federal Land Policy and Management Act of  
4       1976 (43 U.S.C. 1702), except that the term in-  
5       cludes Coos Bay Wagon Road Grant lands and Or-  
6       egon and California Railroad Grant lands.

7           (5) 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.

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