

117TH CONGRESS
1ST SESSION

H. R. 2612

To provide for forest landscape projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2021

Mr. LAMALFA (for himself, Mr. NEWHOUSE, Mr. JOHNSON of South Dakota, Mr. MCCARTHY, Mr. WESTERMAN, and Mr. CRAWFORD) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and the Judiciary, 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

A BILL

To provide for forest landscape projects, 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 “Restoring Environ-
5 ments, Soils, Trees, and Operations to develop the Rural
6 Economy Act of 2021” or the “RESTORE Act of 2021”.

7 **SEC. 2. FOREST LANDSCAPE PROJECTS.**

8 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 shall, at the request of a Governor of a State, select
4 a forest landscape in the State on which to conduct
5 a forest landscape project described in subsection
6 (b)(1).

7 (2) PROCESS.—

8 (A) PROPOSALS.—To request a forest
9 landscape project be carried out in a State
10 under paragraph (1), the Governor of such
11 State may submit to the Secretary a proposal
12 for a forest landscape project in such State.

13 (B) SELECTION.—The Secretary may only
14 select a proposal submitted under subparagraph
15 (A) if the proposal will be conducted on a forest
16 landscape.

17 (3) APPLICABILITY OF NEPA.—The selection of
18 a forest landscape under this subsection shall not be
19 subject to the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.).

21 (b) FOREST LANDSCAPE PROJECTS.—

22 (1) IN GENERAL.—A forest landscape project
23 carried out by the Secretary under this section is a
24 project—

1 (A) for which the Secretary carries out 1
2 or more covered management activities de-
3 scribed in paragraph (2); and

4 (B) that takes place—

5 (i) on a forest landscape; and

6 (ii) on not more than 75,000 acres
7 of—

8 (I) Federal land; or

9 (II) non-Federal land adjacent to
10 Federal land on which the project is
11 also carried out.

12 (2) COVERED MANAGEMENT ACTIVITY.—A cov-
13 ered management activity described in this para-
14 graph is a forest management activity to—

15 (A) install fuel breaks (including shaded
16 fuel breaks) not more than ½-mile wide across
17 a forest landscape in a strategic system that
18 maximizes the reduction of wildfire risk to com-
19 munities or watersheds;

20 (B) carry out mechanical thinning (includ-
21 ing restoration thinning) of a forest landscape
22 to clear—

23 (i) surface fuels, such as slash;

24 (ii) ladder fuels, such as small and
25 medium diameter trees and shrubs; or

1 (iii) both of the fuels described in
2 clauses (i) and (ii);

3 (C) conduct controlled burns; and

4 (D) remove dead trees, dying trees, or
5 trees at high-risk of dying.

6 (3) REQUIREMENTS.—In carrying out a covered
7 management activity under a forest landscape
8 project, the Secretary—

9 (A) shall—

10 (i) maximize the retention of old-
11 growth stands and large trees, as appro-
12 priate for the forest type, to the extent
13 that the trees promote stands that are re-
14 silient to wildfire and increased average
15 temperature; and

16 (ii) consider the best available sci-
17 entific information to maintain or restore
18 the ecological integrity of the forest land-
19 scape; and

20 (B) may not establish a permanent road.

21 (c) ENVIRONMENTAL ANALYSIS.—

22 (1) APPLICATION TO CERTAIN ENVIRONMENTAL
23 ASSESSMENTS AND ENVIRONMENTAL IMPACT STATE-
24 MENTS.—This subsection shall apply in any case in
25 which the Secretary prepares an environmental as-

1 sessment or an environmental impact statement pur-
2 suant to section 102(2) of the National Environ-
3 mental Policy Act of 1969 (42 U.S.C.4332(2)) for a
4 forest landscape project—

5 (A) that—

6 (i) is developed through a collabo-
7 rative process; or

8 (ii) is covered by a community wildfire
9 protection plan; and

10 (B) the primary purpose of which is—

11 (i) to reduce the risk of wildfire in the
12 forest landscape;

13 (ii) to restore ecological health to the
14 forest landscape; or

15 (iii) to adapt the forest landscape to
16 the increased risk of wildfire due to climate
17 change.

18 (2) CONSIDERATION OF ALTERNATIVES.—In an
19 environmental assessment or an environmental im-
20 pact statement described in paragraph (1), the Sec-
21 retary shall study, develop, and describe only the fol-
22 lowing alternatives:

23 (A) The proposed agency action.

24 (B) The alternative of no action.

1 (3) WAIVER.—In preparing an environmental
2 impact statement for a forest landscape project de-
3 scribed in paragraph (1), the Secretary shall not be
4 required to comply with section 1502.11(g) or
5 1502.17 of title 40, Code of Federal Regulations (or
6 successor regulations).

7 (d) JUDICIAL REVIEW IN UNITED STATES DISTRICT
8 COURTS.—

9 (1) VENUE.—Notwithstanding section 1391 of
10 title 28, United States Code, or other applicable law,
11 a forest landscape project for which an environ-
12 mental assessment or an environmental impact
13 statement is prepared shall be subject to judicial re-
14 view only in—

15 (A) the United States district court for a
16 district in which the Federal land to be treated
17 under the forest landscape project is located; or

18 (B) the United States district court for the
19 District of Columbia.

20 (2) EXPEDITIOUS COMPLETION OF JUDICIAL
21 REVIEW.—In the judicial review of an action chal-
22 lenging a forest landscape project described in para-
23 graph (1), Congress encourages a court of competent
24 jurisdiction to expedite, to the maximum extent
25 practicable, the proceedings in the action with the

1 goal of rendering a final determination on jurisdic-
2 tion, and, if jurisdiction exists, a final determination
3 on the merits, as soon as practicable after the date
4 on which a complaint or appeal is filed to initiate
5 the action.

6 (e) EXCLUSIONS.—The authorities provided under
7 this section may not apply to—

8 (1) any component of the National Wilderness
9 Preservation System, except with respect to wilder-
10 ness study areas determined, before the date of the
11 enactment of this Act, to not be suitable for wilder-
12 ness designation;

13 (2) any congressionally designated wilderness
14 study area;

15 (3) National Forest System lands—

16 (A) on which the removal of vegetation is
17 prohibited by Act of Congress;

18 (B) that are located within a national or
19 State-specific inventoried roadless area estab-
20 lished by the Secretary through regulation, un-
21 less—

22 (i) the forest management activity to
23 be carried out under such authority is con-
24 sistent with the forest plan applicable to
25 the area;

(ii) the Secretary determines the forest management activity is permissible under the applicable roadless rule governing such lands; or

(iii) the inventoried roadless area was not recommended for wilderness designation as a result of—

(I) the second roadless area review and evaluation program (RARE II); or

(II) a subsequent revision of a land and resources management plan under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

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

(f) DEFINITIONS.—In this section:

(1) COLLABORATIVE PROCESS.—The term “collaborative process” means a collaborative process described in section 4003(b)(2) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)(2)).

1 (2) FOREST LANDSCAPE.—The term “forest
2 landscape” means an area that—

3 (A) primarily or entirely contains land that
4 has a high or very high wildfire hazard poten-
5 tial;

6 (B) due to a fuel management activity in
7 the area, would have a reduced risk, as deter-
8 mined by the Secretary—

9 (i) of wildfire endangering a nearby
10 at-risk community (as defined in section
11 101 of the Healthy Forests Restoration
12 Act of 2003 (16 U.S.C. 6511));

13 (ii) of wildfire damaging a municipal
14 watershed or infrastructure that serves an
15 at-risk community described in clause (i);
16 or

17 (iii) of the transmission of a high in-
18 tensity wildfire from the applicable
19 wildland-urban interface or forest land-
20 scape to a nearby community; and

21 (C) to the extent practicable, is conducive
22 to the development and implementation of
23 projects relating to wildfire resilience and forest
24 health or removal of dead or dying trees that
25 are carried out through a collaborative process.

1 (3) FOREST LANDSCAPE PROJECT.—The term
2 “forest landscape project” means a project described
3 in subsection (b)(1).

4 (4) FOREST PLAN.—The term “forest plan”
5 means a land and resource management plan pre-
6 pared by the Forest Service for a unit of the Na-
7 tional Forest System pursuant to section 6 of the
8 Forest and Rangeland Renewable Resources Plan-
9 ning Act of 1974 (16 U.S.C. 1604).

10 (5) SECRETARY.—The term “Secretary” means
11 the Secretary of Agriculture.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$200,000,000 for fiscal year 2021 and each fiscal year
15 thereafter.

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