

117TH CONGRESS
1ST SESSION

H. R. 4573

To establish a categorical exclusion to improve or restore National Forest System land or public land or reduce the risk of wildfire, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2021

Mr. NEWHOUSE (for himself, Mr. WESTERMAN, Mr. BENTZ, Mr. OBERNOLTE, Mr. ROSENDALE, Ms. CHENEY, Mr. VALADAO, Mr. TIFFANY, Mr. COLE, Mrs. BOEBERT, Mr. CALVERT, and Mr. STAUBER) 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

A BILL

To establish a categorical exclusion to improve or restore National Forest System land or public land or reduce the risk of 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 “Stop Causing Alarming
5 Tree, Air, and Soil Trauma Resulting from Obstructive
6 Progressives’ and Hypocritical Environmentalists’
7 Schemes Act” or the “Stop CATASTROPHES Act”.

1 **SEC. 2. 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 categor-
16 ical 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
20 such activity is to improve or restore such lands or
21 reduce the risk of wildfire on such lands.

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

25 (A) Removal of noxious weeds through
26 late-season livestock grazing, targeted livestock

1 grazing, prescribed burns, or mechanical treat-
2 ments.

3 (B) Performance of hazardous fuels man-
4 agement.

5 (C) Creation of fuel and fire breaks.

6 (D) Modification of existing fences in order
7 to distribute livestock and help improve wildlife
8 habitat.

9 (E) Installation of erosion control devices.

10 (F) Construction of new permanent infra-
11 structure and maintenance of existing perma-
12 nent infrastructure, including stock ponds,
13 water catchments, and water spring boxes used
14 to benefit livestock and improve wildlife habitat.

15 (G) Performance of soil treatments, native
16 and non-native seeding, and planting and trans-
17 planting of sagebrush, grass, forb, shrub, and
18 other species of grass.

19 (H) Use of herbicides, so long as the Sec-
20 retary concerned determines that the activity is
21 otherwise conducted consistently with any forest
22 plan applicable to the area covered by the activ-
23 ity.

24 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

25 On and after the date of the enactment of this Act, the

1 Secretary concerned may use the categorical exclusion es-
2 tablished under subsection (a) in accordance with this sec-
3 tion.

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

7 (e) EXCLUSIONS.—The authorities provided by this
8 Act do not apply with respect to any National Forest Sys-
9 tem lands or public lands—

10 (1) that are included in the National Wilderness
11 Preservation System;

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

16 (A) the forest management activity to be
17 carried out under such authority is consistent
18 with the forest plan applicable to the area; or

19 (B) the Secretary concerned determines
20 the activity is allowed under the applicable
21 roadless rule governing such lands; or

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

24 (f) DEFINITIONS.—In this Act—

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

6 (2) FOREST PLAN.—The term “forest plan”
7 means—

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

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

19 (3) HAZARDOUS FUELS MANAGEMENT.—The
20 term “hazardous fuels management” means any
21 vegetation management activities that reduce the
22 risk of wildfire.

23 (4) LATE-SEASON GRAZING.—The term “late-
24 season grazing” means grazing activities that
25 occur—

1 (A) after both the invasive species and na-
2 tive perennial species have completed their cur-
3 rent-year annual growth cycle; and

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

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

11 (6) NOXIOUS WEEDS.—The term “noxious
12 weeds” includes juniper trees, medusahead rye, conifer
13 trees, piñon pine trees, cheatgrass, and other
14 noxious or invasive weeds specified on a Federal or
15 State noxious weed list.

16 (7) PUBLIC LANDS.—The term “public lands”
17 has the meaning given that term in section 103 of
18 the Federal Land Policy and Management Act of
19 1976 (43 U.S.C. 1702), except that the term in-
20 cludes Coos Bay Wagon Road Grant lands and Or-
21 egon and California Railroad Grant lands.

22 (8) TARGETED LIVESTOCK GRAZING.—The
23 term “targeted livestock grazing” means grazing
24 used for purposes of hazardous fuel management.

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

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

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

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