

117TH CONGRESS  
1ST SESSION

# H. R. 4584

To establish a categorical exclusion for certain forest management activities relating to early successional forests and a categorical exclusion for certain activities relating to outdoor recreation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2021

Mr. STAUBER (for himself, Mr. LAMALFA, Mr. BENTZ, Mr. WESTERMAN, Mr. NEWHOUSE, Mr. OBERNOLTE, Mr. ROSENDALE, Mrs. BOEBERT, and Mr. TIFFANY) 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 establish a categorical exclusion for certain forest management activities relating to early successional forests and a categorical exclusion for certain activities relating to outdoor recreation, 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 “Healthy Forests for  
5 Hunters Act of 2021”.

1 **SEC. 2. CATEGORICAL EXCLUSION FOR EARLY SUCCES-**  
2 **SIONAL FORESTS.**

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

10 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED  
11 FOR CATEGORICAL EXCLUSION.—The forest management  
12 activities designated under this section for a categorical  
13 exclusion are forest management activities carried out by  
14 the Secretary concerned on National Forest System lands  
15 or public lands where the primary purpose of such activity  
16 is, consistent with the applicable forest plan, to modify,  
17 improve, enhance, or create early successional forests for  
18 wildlife habitat improvement and other purposes.

19 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—  
20 On and after the date of the enactment of this Act, the  
21 Secretary concerned may use the categorical exclusion es-  
22 tablished under subsection (a) in accordance with this sec-  
23 tion.

24 (d) PROJECT GOALS.—To the maximum extent prac-  
25 ticable, the Secretary concerned shall design forest man-  
26 agement activities described in subsection (b)—

- 1           (1) to meet early successional forest goals; and  
2           (2) to maximize production and regeneration of  
3       priority species, as identified in the forest plan and  
4       consistent with the capability of the treatment units.

5       (e) ACREAGE LIMITATIONS.—A forest management  
6       activity covered by the categorical exclusion established  
7       under subsection (a) may not contain treatment units ex-  
8       ceeding a total of 10,000 acres.

9       **SEC. 3. CATEGORICAL EXCLUSION FOR OUTDOOR RECRE-**  
10           **ATION.**

11       (a) CATEGORICAL EXCLUSION ESTABLISHED.—Ac-  
12       tivities described in subsection (b) are a category of ac-  
13       tions hereby designated as being categorically excluded  
14       from the preparation of an environmental assessment or  
15       an environmental impact statement under section 102 of  
16       the National Environmental Policy Act of 1969 (42 U.S.C.  
17       4332).

18       (b) ACTIVITIES DESIGNATED FOR CATEGORICAL EX-  
19       CLUSION.—The activities designated under this section for  
20       a categorical exclusion are activities carried out by the  
21       Secretary concerned on National Forest System lands or  
22       public lands where the primary purpose of such activity  
23       is to—

- 24           (1) issue, amend, replace, or extend the admin-  
25       istrative terms of an existing or expired special use

1 authorization, if the holder or applicant of such spe-  
2 cial use authorization is in full compliance with the  
3 terms and conditions of such special use authoriza-  
4 tion;

5 (2) modify, remove, repair, maintain, recon-  
6 struct, or replace a facility for an existing special  
7 use authorization;

8 (3) issue a new special use authorization or  
9 amendment to an existing special use authorization  
10 for activities that will occur on existing roads, trails,  
11 facilities, or areas approved for use in an applicable  
12 forest plan or other documented decision;

13 (4) approve, modify, or continue special uses of  
14 National Forest System lands or public lands for  
15 less than 5 years;

16 (5) approve, modify, or continue special use au-  
17 thorizations on National Forest System land that re-  
18 quire less than 20 acres of contiguous land;

19 (6) operate, maintain, modify, construct, recon-  
20 struct, improve, decommission, relocate, or dispose  
21 of buildings, infrastructure, or other improvements  
22 at developed recreation sites;

23 (7) remove hazard trees for the purpose of pro-  
24 tecting public health or safety or improving access to  
25 a recreation site; or

1           (8) any combination of the purposes specified in  
2       paragraphs (1) through (7).

3       (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—

4       On and after the date of the enactment of this Act, the  
5       Secretary concerned may use the categorical exclusion es-  
6       tablished under subsection (a) in accordance with this sec-  
7       tion.

8       **SEC. 4. EXCLUSIONS.**

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

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

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

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

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

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

1 **SEC. 5. 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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