

117TH CONGRESS
1ST SESSION

H. R. 4516

To establish a categorical exclusion to expedite certain critical response actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2021

Mr. GARCIA of California (for himself, Mr. WESTERMAN, Mr. LAMALFA, Mr. BENTZ, Mr. OBERNOLTE, Mr. NEWHOUSE, Mr. JOHNSON of South Dakota, Mr. NUNES, and Mr. ROSENDALE) 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 expedite certain critical response actions, 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 “Protecting and Restor-
5 ing Our Trees by Enhancing Conservation and Treat-
6 ments Act” or the “PROTECT Act”.

1 **SEC. 2. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN**
2 **CRITICAL RESPONSE ACTIONS.**

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—

- 17 (1) to address an insect or disease infestation;
18 (2) to reduce hazardous fuel loads;
19 (3) to protect a municipal water source;
20 (4) to maintain, enhance, or modify critical
21 habitat to protect such habitat from catastrophic
22 disturbances;
23 (5) to increase water yield;
24 (6) to remove dead or dying trees or trees at
25 high risk of dying;
26 (7) to facilitate native species restoration; 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 (d) ACREAGE LIMITATIONS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), a forest management activity covered by
11 the categorical exclusion established under sub-
12 section (a) may not contain treatment units exceed-
13 ing a total of 10,000 acres.

14 (2) LARGER AREAS AUTHORIZED.—A forest
15 management activity covered by the categorical ex-
16 clusion established under subsection (a) may contain
17 treatment units exceeding a total of 10,000 acres
18 but not more than a total of 30,000 acres if the for-
19 est management activity is—

20 (A) developed through a collaborative proc-
21 ess;

22 (B) proposed by a resource advisory com-
23 mittee; or

24 (C) covered by a community wildfire pro-
25 tection plan.

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

4 (1) that are included in the National Wilderness
5 Preservation System;

6 (2) that are located within a national or State-
7 specific inventoried roadless area established by the
8 Secretary of Agriculture through regulation, un-
9 less—

10 (A) the forest management activity to be
11 carried out under such authority is consistent
12 with the forest plan applicable to the area; or

13 (B) the Secretary concerned determines
14 the activity is allowed under the applicable
15 roadless rule governing such lands; or

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

18 (f) DEFINITIONS.—In this section:

19 (1) COLLABORATIVE PROCESS.—The term “col-
20 laborative process” means a process relating to the
21 management of National Forest System lands or
22 public lands by which a project or forest manage-
23 ment activity is developed and implemented by the
24 Secretary concerned through collaboration with mul-

1 tiple interested persons representing diverse inter-
2 ests.

3 (2) COMMUNITY WILDFIRE PROTECTION
4 PLAN.—The term “community wildfire protection
5 plan” has the meaning given that term in section
6 101 of the Healthy Forests Restoration Act of 2003
7 (16 U.S.C. 6511).

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

13 (4) FOREST PLAN.—The term “forest plan”
14 means—

15 (A) a land use plan prepared by the Bu-
16 reau of Land Management for public lands pur-
17 suant to section 202 of the Federal Land Policy
18 and Management Act of 1976 (43 U.S.C.
19 1712); or

20 (B) a land and resource management plan
21 prepared by the Forest Service for a unit of the
22 National Forest System pursuant to section 6
23 of the Forest and Rangeland Renewable Re-
24 sources Planning Act of 1974 (16 U.S.C.
25 1604).

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

6 (6) PUBLIC LANDS.—The term “public lands”
7 has the meaning given that term in section 103 of
8 the Federal Land Policy and Management Act of
9 1976 (43 U.S.C. 1702), except that the term in-
10 cludes Coos Bay Wagon Road Grant lands and Or-
11 egon and California Railroad Grant lands.

12 (7) RESOURCE ADVISORY COMMITTEE.—The
13 term “resource advisory committee” has the mean-
14 ing given that term in section 201 of the Secure
15 Rural Schools and Community Self-Determination
16 Act of 2000 (16 U.S.C. 7121).

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

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

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

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