

116TH CONGRESS  
2D SESSION

# H. R. 5744

To establish a categorical exclusion for electric utility rights-of-way, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2020

Mr. LAMALFA 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 electric utility rights-of-way, 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 “Clearing Lines along  
5 Electrical At-Risk Zones Act”.

1 **SEC. 2. VEGETATION MANAGEMENT, FACILITY INSPECTION,**  
2 **AND OPERATION AND MAINTENANCE RELAT-**  
3 **ING TO ELECTRIC TRANSMISSION AND DIS-**  
4 **TRIBUTION FACILITY RIGHTS OF WAY.**

5 (a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC  
6 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal  
7 Land Policy and Management Act of 1976 (43 U.S.C.  
8 1772(a)(1)(B)(ii)) is amended by striking “10” and in-  
9 serting “50”.

10 (b) CONSULTATION WITH PRIVATE LANDOWNERS.—  
11 Section 512(c)(3)(E) of the Federal Land Policy and  
12 Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is  
13 amended—

14 (1) in clause (i), by striking “and” at the end;

15 (2) in clause (ii), by striking the period and in-  
16 serting “; and”; and

17 (3) by adding at the end the following:

18 “(iii) consulting with private land-  
19 owners with respect to any hazard trees  
20 identified for removal from land owned by  
21 such private landowners.”.

22 (c) REVIEW AND APPROVAL PROCESS.—Clause (iv)  
23 of section 512(c)(4)(A) of the Federal Land Policy and  
24 Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is  
25 amended to read as follows:

26 “(iv) ensures that—

1                   “(I) a plan submitted without a  
2                   modification under clause (iii) shall be  
3                   automatically approved 60 days after  
4                   review; and

5                   “(II) a plan submitted with a  
6                   modification under clause (iii) shall be  
7                   automatically approved 67 days after  
8                   review.”.

9   **SEC. 3. CATEGORICAL EXCLUSION FOR ELECTRIC UTILITY**  
10                   **LINES RIGHTS-OF-WAY.**

11           (a) **SECRETARY CONCERNED DEFINED.**—The term  
12 “Secretary concerned” means—

13                   (1) the Secretary of Agriculture, with respect to  
14                   National Forest System lands; and

15                   (2) the Secretary of the Interior, with respect  
16                   to public lands.

17           (b) **CATEGORICAL EXCLUSION ESTABLISHED.**—For-  
18 est management activities described in subsection (c) are  
19 a category of activities designated as being categorically  
20 excluded from the preparation of an environmental assess-  
21 ment or an environmental impact statement under section  
22 102 of the National Environmental Policy Act of 1969 (42  
23 U.S.C. 4332).

24           (c) **FOREST MANAGEMENT ACTIVITIES DESIGNATED**  
25 **FOR CATEGORICAL EXCLUSION.**—The forest management

1 activities designated as being categorically excluded under  
2 subsection (b) are—

3 (1) the development and approval of a vegeta-  
4 tion management, facility inspection, and operation  
5 and maintenance plan submitted under section  
6 512(c)(1) of the Federal Land Policy and Manage-  
7 ment Act of 1976 (43 U.S.C. 1772(c)(1)) by the  
8 Secretary concerned; and

9 (2) the implementation of routine activities con-  
10 ducted under the plan referred to in paragraph (1).

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

16 (e) EXTRAORDINARY CIRCUMSTANCES.—Use of the  
17 categorical exclusion established under subsection (b) shall  
18 not be subject to the extraordinary circumstances proce-  
19 dures in section 220.6, title 36, Code of Federal Regula-  
20 tions, or section 1508.4, title 40, Code of Federal Regula-  
21 tions.

22 (f) EXCLUSION OF CERTAIN AREAS.—The categor-  
23 ical exclusion established under subsection (b) shall not  
24 apply to any forest management activity conducted—

1           (1) in a component of the National Wilderness  
2           Preservation System; or

3           (2) on National Forest System lands on which,  
4           by Act of Congress, the removal of vegetation is re-  
5           stricted or prohibited.

6           (g) PERMANENT ROADS.—

7           (1) PROHIBITION ON ESTABLISHMENT.—A for-  
8           est management activity designated under subsection  
9           (c) shall not include the establishment of a perma-  
10          nent road.

11          (2) EXISTING ROADS.—The Secretary con-  
12          cerned may carry out necessary maintenance and re-  
13          pair on an existing permanent road for the purposes  
14          of conducting a forest management activity des-  
15          ignated under subsection (c).

16          (3) TEMPORARY ROADS.—The Secretary con-  
17          cerned shall decommission any temporary road con-  
18          structed for a forest management activity designated  
19          under subsection (c) not later than 3 years after the  
20          date on which the action is completed.

21          (h) APPLICABLE LAWS.—A forest management activ-  
22          ity designated under subsection (c) shall not be subject  
23          to section 7 of the Endangered Species Act of 1973 (16

1 U.S.C. 1536), section 106 of the National Historic Preser-  
2 vation Act, or any other applicable law.

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