

117TH CONGRESS
1ST SESSION

S. 2436

To amend the Healthy Forests Restoration Act of 2003 to establish emergency fireheshed management areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2021

Mr. RISCH (for himself, Mr. BARRASSO, Mr. DAINES, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Healthy Forests Restoration Act of 2003 to establish emergency fireheshed management areas, 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 “Forest Improvements
5 through Research and Emergency Stewardship for
6 Healthy Ecosystem Development and Sustainability Act”
7 or the “FIRESHEDS Act”.

1 **SEC. 2. EMERGENCY FIRESHED MANAGEMENT.**

2 Title VI of the Healthy Forests Restoration Act of
3 2003 (16 U.S.C. 6591 et seq.) is amended by adding at
4 the end the following:

5 **“SEC. 607. EMERGENCY FIRESHED MANAGEMENT.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COLLABORATIVE PROCESS.—The term
8 ‘collaborative process’ means a process relating to
9 the management of National Forest System land or
10 public land by which a project or forest management
11 activity is developed and implemented by the Sec-
12 retary through collaboration with interested persons,
13 as described in section 603(b)(1)(C).

14 “(2) FIRESHED.—The term ‘fireshed’ means a
15 landscape-scale area that faces a similar wildfire
16 threat where a response strategy could influence the
17 wildfire outcome.

18 “(3) FOREST PLAN.—The term ‘forest plan’
19 means—

20 “(A) a land use plan prepared by the Sec-
21 retary of the Interior, acting through the Direc-
22 tor of the Bureau of Land Management, for
23 public land under section 202 of the Federal
24 Land Policy and Management Act of 1976 (43
25 U.S.C. 1712); or

1 “(B) a land and resource management
2 plan prepared by the Secretary of Agriculture,
3 acting through the Chief of the Forest Service,
4 for a unit of the National Forest System pursu-
5 ant to section 6 of the Forest and Rangeland
6 Renewable Resources Planning Act of 1974 (16
7 U.S.C. 1604).

8 “(4) HAZARDOUS FUELS MANAGEMENT.—The
9 term ‘hazardous fuels management’ means any vege-
10 tation management activity that reduces the risk of
11 wildfire, including mechanical treatments and live-
12 stock grazing.

13 “(5) NATIONAL FOREST SYSTEM.—The term
14 ‘National Forest System’ means national forest
15 lands reserved or withdrawn from the public domain
16 of the United States described in section 11(a) of
17 the Forest and Rangeland Renewable Resources
18 Planning Act of 1974 (16 U.S.C. 1609(a)).

19 “(6) PUBLIC LAND.—

20 “(A) IN GENERAL.—The term ‘public land’
21 has the meaning given the term ‘public lands’
22 in section 103 of the Federal Land Policy and
23 Management Act of 1976 (43 U.S.C. 1702).

1 “(B) INCLUSIONS.—The term ‘public land’
2 includes Coos Bay Wagon Road Grant land and
3 Oregon and California Railroad Grant land.

4 “(7) RESOURCE ADVISORY COMMITTEE.—The
5 term ‘resource advisory committee’ has the meaning
6 given the term in section 201 of the Secure Rural
7 Schools and Community Self-Determination Act of
8 2000 (16 U.S.C. 7121).

9 “(8) SECRETARY.—The term ‘Secretary’
10 means—

11 “(A) the Secretary of the Interior, with re-
12 spect to public land; and

13 “(B) the Secretary of Agriculture, with re-
14 spect to National Forest System land.

15 “(9) SECTION 101 TERMS.—The terms ‘at-risk
16 community’, ‘community wildfire protection plan’,
17 and ‘wildland-urban interface’ have the meanings
18 given those terms in section 101.

19 “(b) ESTABLISHMENT OF FIRESHED MANAGEMENT
20 AREAS.—

21 “(1) IN GENERAL.—

22 “(A) JOINT AGREEMENTS.—Not later than
23 90 days after receiving a request from a Gov-
24 ernor of a State, the Secretary shall enter into
25 an agreement with that Governor to jointly—

1 “(i) designate 1 or more fireshed
2 management areas within that State; and

3 “(ii) conduct fireshed management
4 projects in accordance with subsection (d)
5 in those fireshed management areas.

6 “(B) ADDITIONAL FIRESHED MANAGE-
7 MENT AREAS.—With respect to an agreement
8 with a Governor of a State under subparagraph
9 (A), the Secretary, if requested by that Gov-
10 ernor, may—

11 “(i) designate additional fireshed
12 management areas under that agreement;
13 and

14 “(ii) update that agreement to ad-
15 dress new wildfire threats.

16 “(C) SHARED STEWARDSHIP.—A pre-
17 viously signed stewardship agreement between a
18 Governor of a State and the Secretary (or an
19 update or successor agreement to such a stew-
20 ardship agreement) may be treated as an agree-
21 ment under subparagraph (A) if that Governor
22 approves that treatment.

23 “(2) DESIGNATION OF FIRESHED MANAGEMENT
24 AREAS.—

1 “(A) IN GENERAL.—A fireshed manage-
2 ment area designated under an agreement
3 under paragraph (1)—

4 “(i) shall be—

5 “(I) a landscape-scale area; and

6 “(II) identified on the date of
7 that designation as a fireshed ranked
8 in the top 10 percent of wildfire expo-
9 sure, as determined by the most re-
10 cently published models of fireshed
11 risk exposure published by the Sec-
12 retary of Agriculture, acting through
13 the Chief of the Forest Service;

14 “(ii) may not overlap with any other
15 fireshed management area; and

16 “(iii) may contain Federal and non-
17 Federal land.

18 “(B) APPLICABILITY OF NEPA.—The des-
19 ignation of a fireshed management area under
20 an agreement under paragraph (1) shall not be
21 subject to the requirements of the National En-
22 vironmental Policy Act of 1969 (42 U.S.C.
23 4321 et seq.).

24 “(c) STEWARDSHIP AND FIRESHED ASSESSMENTS.—

1 “(1) IN GENERAL.—Not later than 90 days
2 after entering into an agreement with a Governor of
3 a State under subsection (b)(1), the Secretary and
4 that Governor shall, with respect to the fireshed
5 management areas designated under that agreement,
6 jointly conduct a stewardship and fireshed assess-
7 ment that—

8 “(A) identifies—

9 “(i) using the best available data,
10 wildfire exposure risks within each of those
11 fireshed management areas, including sce-
12 nario planning and wildfire hazard map-
13 ping and models; and

14 “(ii) each at-risk community within
15 each fireshed management area;

16 “(B) identifies potential fireshed manage-
17 ment projects to be carried out in those fireshed
18 management areas, giving priority—

19 “(i) primarily, to projects with the
20 purpose of reducing threats to public
21 health and safety from catastrophic wild-
22 fire; and

23 “(ii) secondarily, to projects with the
24 purpose of—

1 “(I) protecting critical infrastruc-
2 ture;

3 “(II) protecting wildlife habitats;

4 “(III) protecting watersheds or
5 improving water yield; or

6 “(IV) any combination of pur-
7 poses described in subclauses (I)
8 through (III);

9 “(C) includes—

10 “(i) a strategy for reducing the threat
11 of wildfire to at-risk communities in the
12 wildland-urban interface;

13 “(ii) recommended fireshed manage-
14 ment project size limitations based on the
15 best available data;

16 “(iii) a timeline for the implementa-
17 tion of fireshed management projects; and

18 “(iv) long-term benchmark goals for
19 the completion of fireshed management
20 projects in the highest wildfire exposure
21 areas; and

22 “(D) shall be regularly updated based on
23 the best available data, as determined by the
24 Secretary.

25 “(2) INFORMATION IMPROVEMENT.—

1 “(A) MEMORANDA OF UNDERSTANDING.—

2 In carrying out a stewardship and fireshed as-
3 sessment under this subsection, the Secretary
4 may enter into memoranda of understanding
5 with other Federal agencies or departments,
6 States, private entities, or research or edu-
7 cational institutions to improve, with respect to
8 that assessment, the use and integration of—

9 “(i) advanced remote sensing and
10 geospatial technologies;

11 “(ii) statistical modeling and analysis;

12 or

13 “(iii) any other technology the Sec-
14 retary determines will benefit the quality of
15 information of that assessment.

16 “(B) STATE INFORMATION.—To the max-
17 imum extent practicable, the Secretary shall in-
18 corporate data from State forest action plans,
19 State wildfire risk assessments, and other State
20 sources in conducting an assessment under
21 paragraph (1).

22 “(d) FIRESHED MANAGEMENT PROJECTS.—

23 “(1) IN GENERAL.—The Secretary shall carry
24 out fireshed management projects in fireshed man-
25 agement areas designated under an agreement under

1 subsection (b)(1) in accordance with the timeline
2 and project size limitations included in the steward-
3 ship and fireshed assessment relating to those areas
4 under subsection (c)(1)(C).

5 “(2) REQUIREMENTS.—A fireshed management
6 project shall—

7 “(A) be carried out—

8 “(i) in accordance with paragraph (3);

9 “(ii) in accordance with the applicable
10 forest plan; and

11 “(iii) in a manner that maximizes the
12 retention of old-growth and large trees, to
13 the extent that the trees promote stands
14 that are resilient to wildfire; and

15 “(B) be—

16 “(i) developed through a collaborative
17 process;

18 “(ii) proposed by a resource advisory
19 committee;

20 “(iii) covered by a community wildfire
21 protection plan; or

22 “(iv) proposed by a resource advisory
23 council described in subpart 1784 of part
24 1700 of title 43, Code of Federal Regula-
25 tions (or successor regulations).

1 “(3) AUTHORIZED ACTIVITIES.—A fireshed
2 management project shall have the primary purpose
3 of—

4 “(A) creating fuel breaks and fire breaks;

5 “(B) conducting hazardous fuels manage-
6 ment;

7 “(C) conducting prescribed burns;

8 “(D) removing dead trees or dying trees;

9 or

10 “(E) carrying out any combination of the
11 activities described in subparagraphs (A)
12 through (D).

13 “(4) CATEGORICAL EXCLUSION FOR FIRESHED
14 MANAGEMENT PROJECTS.—Fireshed management
15 projects under this subsection shall be—

16 “(A) considered an action categorically ex-
17 cluded from the preparation of an environ-
18 mental assessment or an environmental impact
19 statement under section 102 of the National
20 Environmental Policy Act of 1969 (42 U.S.C.
21 4332); and

22 “(B) exempt from the special administra-
23 tive review process under section 105.

24 “(5) EXCLUSIONS.—A fireshed management
25 project may not be carried out on land—

1 “(A) that is included in the National Wil-
2 derness Preservation System;

3 “(B) that is located within a national or
4 State-specific inventoried roadless area estab-
5 lished by the Secretary of Agriculture through
6 regulation, unless—

7 “(i) the forest management activity to
8 be carried out under that authority is con-
9 sistent with the forest plan applicable to
10 the area; or

11 “(ii) the activity is allowed under the
12 applicable roadless area conservation rule
13 governing that land, including—

14 “(I) the Idaho roadless area con-
15 servation rule under subpart C of part
16 294 of title 36, Code of Federal Regu-
17 lations;

18 “(II) the Colorado roadless area
19 conservation rule under subpart D of
20 part 294 of title 36, Code of Federal
21 Regulations; or

22 “(III) any other roadless area
23 conservation rule developed after the
24 date of enactment of this section by

1 the Secretary with respect to a spe-
2 cific State; or

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

5 “(6) EFFECT RELATING TO CERTAIN ROADLESS
6 AREA CONSERVATION RULES.—Nothing in this sec-
7 tion affects the roadless area conservation rules de-
8 scribed in subclauses (I) and (II) of paragraph
9 (5)(B)(ii).

10 “(7) USE OF OTHER AUTHORITIES.—To the
11 maximum extent practicable, the Secretary shall use
12 existing statutory and administrative authorities, in-
13 cluding a good neighbor agreement entered into
14 under section 8206 of the Agricultural Act of 2014
15 (16 U.S.C. 2113a), to carry out each fireshed man-
16 agement project.

17 “(e) JUDICIAL REVIEW.—Section 106 shall apply to
18 a fireshed management project conducted under this sec-
19 tion in the same manner as that section applies to an au-
20 thorized hazardous fuel reduction project conducted under
21 title I, except that no restraining order, preliminary in-
22 junction, or injunction pending appeal shall be issued by
23 any court of the United States with respect to any decision
24 to prepare or conduct a fireshed management project
25 under this section in the wildland-urban interface.

1 “(f) REPORT.—Not later than 2 years after the date
2 of enactment of this section, and annually thereafter, the
3 Secretary shall submit to Congress a report evaluating the
4 progress and implementation of firehosed management
5 projects under this section.”.

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