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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. MOORE of Utah introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend the Healthy Forests Restoration Act of 2003 to establish emergency firehatched 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) ESTABLISHMENT OF FIRESHED MANAGEMENT  
7 AREAS.—

8 “(1) IN GENERAL.—

9 “(A) JOINT AGREEMENTS.—Not later than  
10 90 days after receiving a request from a Gov-  
11 ernor of a State, the Secretary shall enter into  
12 an agreement with such Governor to jointly—

13 “(i) designate 1 or more fireshed  
14 management areas within such State; and

15 “(ii) conduct fireshed management  
16 projects in accordance with subsection (c)  
17 on such fireshed management areas.

18 “(B) ADDITIONAL FIRESHED MANAGE-  
19 MENT AREAS.—With respect to an agreement  
20 with a Governor of a State under subparagraph  
21 (A), the Secretary, if requested by such Gov-  
22 ernor, may—

23 “(i) designate additional fireshed  
24 management areas under such agreement;  
25 and

1                   “(ii) update such agreement to ad-  
2                   dress new wildfire threats.

3                   “(C) SHARED STEWARDSHIP.—A pre-  
4                   viously signed shared stewardship agreement  
5                   between a Governor of a State and the Sec-  
6                   retary (or an update or successor agreement to  
7                   such shared stewardship agreement) may be  
8                   treated as an agreement under subparagraph  
9                   (A) if such Governor approves such treatment.

10                  “(2) DESIGNATION OF FIRESHED MANAGEMENT  
11                  AREAS.—

12                  “(A) IN GENERAL.—A fireshed manage-  
13                  ment area designated under an agreement  
14                  under paragraph (1)—

15                         “(i) shall be—

16                                 “(I) a landscape-scale area; and

17                                 “(II) identified on the date of  
18                                 such designation as a fireshed ranked  
19                                 in the top 10 percent of wildfire expo-  
20                                 sure, as determined by the most re-  
21                                 cently published models of fireshed  
22                                 risk exposure published by the Forest  
23                                 Service;

24                                 “(ii) may not overlap with any other  
25                                 fireshed management area; and

1                   “(iii) may contain Federal and non-  
2                   Federal land.

3                   “(B) APPLICABILITY OF NEPA.—The des-  
4                   ignation of a fireshed management area under  
5                   an agreement under paragraph (1) shall not be  
6                   subject to the requirements of the National En-  
7                   vironmental Policy Act of 1969 (42 U.S.C.  
8                   4321 et seq.).

9                   “(b) STEWARDSHIP AND FIRESHED ASSESS-  
10                  MENTS.—

11                  “(1) IN GENERAL.—Not later than 90 days  
12                  after entering into an agreement with a Governor of  
13                  a State under subsection (a)(1), the Secretary and  
14                  such Governor shall, with respect to the fireshed  
15                  management areas designated under such agree-  
16                  ment, jointly conduct a stewardship and fireshed as-  
17                  sessment that—

18                  “(A) identifies—

19                         “(i) using the best available data,  
20                         wildfire exposure risks within each such  
21                         fireshed management area, including sce-  
22                         nario planning and wildfire hazard map-  
23                         ping and models; and

24                         “(ii) each at-risk community within  
25                         each fireshed management area;

1           “(B) identifies potential fireheshed manage-  
2           ment projects to be carried out in such fireheshed  
3           management areas, giving priority—

4                   “(i) primarily, to projects with the  
5                   purpose of reducing threats to public  
6                   health and safety from catastrophic wild-  
7                   fire; and

8                   “(ii) secondarily, to projects with the  
9                   purpose of protecting—

10                           “(I) critical infrastructure;

11                           “(II) wildlife habitats;

12                           “(III) watersheds or improving  
13                   water yield; or

14                           “(IV) any combination of pur-  
15                   poses described in subclauses (I)  
16                   through (III);

17           “(C) includes—

18                   “(i) a strategy for reducing the threat  
19                   of wildfire to at-risk communities in the  
20                   wildland-urban interface;

21                   “(ii) recommended fireheshed manage-  
22                   ment project size limitations based on the  
23                   best available data;

24                   “(iii) a timeline for the implementa-  
25                   tion of fireheshed management projects; and

1                   “(iv) long-term benchmark goals for  
2                   the completion of fireshed management  
3                   projects in the highest wildfire exposure  
4                   areas; and

5                   “(D) shall be regularly updated based on  
6                   the best available data, as determined by the  
7                   Secretary.

8                   “(2) INFORMATION IMPROVEMENT.—

9                   “(A)       MEMORANDUMS       OF       UNDER-  
10                   STANDING.—In carrying out a stewardship and  
11                   fireshed assessment under this subsection, the  
12                   Secretary may enter into memorandums of un-  
13                   derstanding with other Federal agencies or de-  
14                   partments, States, private entities, or research  
15                   or educational institutions to improve, with re-  
16                   spect to such assessment, the use and integra-  
17                   tion of—

18                   “(i) advanced remote sensing and  
19                   geospatial technologies;

20                   “(ii) statistical modeling and analysis;  
21                   or

22                   “(iii) any other technology the Sec-  
23                   retary determines will benefit the quality of  
24                   information of such an assessment.

1           “(B) STATE INFORMATION.—To the max-  
2           imum extent practicable, the Secretary shall in-  
3           corporate data from State forest action plans,  
4           State wildfire risk assessments, and other State  
5           sources in conducting an assessment under  
6           paragraph (1).

7           “(c) FIRESHED MANAGEMENT PROJECTS.—

8           “(1) IN GENERAL.—The Secretary shall carry  
9           out fireshed management projects in fireshed man-  
10          agement areas designated under an agreement under  
11          subsection (a)(1) in accordance with the timeline  
12          and project size limitations included in the steward-  
13          ship and fireshed assessment relating to such areas  
14          under subsection (b)(1)(C).

15          “(2) REQUIREMENTS.—A fireshed management  
16          project shall—

17                 “(A) be carried out—

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

19                         “(ii) in accordance with the applicable  
20                         forest management plan; and

21                         “(iii) in a manner that maximizes the  
22                         retention of old-growth and large trees, to  
23                         the extent that the trees promote stands  
24                         that are resilient to wildfire; and

25                 “(B) be—

1                   “(i) developed through a collaborative  
2                   process;

3                   “(ii) proposed by a resource advisory  
4                   committee (as defined in section 201 of the  
5                   Secure Rural Schools and Community Self-  
6                   Determination Act of 2000 (16 U.S.C.  
7                   7121)); or

8                   “(iii) covered by a community wildfire  
9                   protection plan.

10                  “(3) AUTHORIZED ACTIVITIES.—A fireshed  
11                  management project shall have the primary purpose  
12                  of—

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

14                         “(B) conducting hazardous fuels manage-  
15                         ment;

16                         “(C) conducting prescribed burns;

17                         “(D) removing dead trees, dying trees, or  
18                         trees at high-risk of dying; or

19                         “(E) carrying out any combination of the  
20                         activities described in subparagraphs (A)  
21                         through (D).

22                  “(4) CATEGORICAL EXCLUSION FOR FIRESHED  
23                  MANAGEMENT PROJECTS.—Fireshed management  
24                  projects under this subsection shall be—

1           “(A) considered an action categorically ex-  
2           cluded from the from the preparation of an en-  
3           vironmental assessment or an environmental  
4           impact statement under section 102 of the Na-  
5           tional Environmental Policy Act of 1969 (42  
6           U.S.C. 4332); and

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

9           “(5) EXCLUSIONS.—A fireshed management  
10          project may not be carried out on lands—

11           “(A) that are included in the National Wil-  
12          derness Preservation System;

13           “(B) that are located within a national or  
14          State-specific inventoried roadless area estab-  
15          lished by the Secretary of Agriculture through  
16          regulation, unless—

17           “(i) the forest management activity to  
18          be carried out under such authority is con-  
19          sistent with the forest plan applicable to  
20          the area; or

21           “(ii) the activity is allowed under the  
22          applicable roadless rule governing such  
23          lands, including—

1                   “(I) the Idaho roadless rule  
2                   under subpart C of part 294 or title  
3                   36, Code of Federal Regulations;

4                   “(II) the Colorado roadless rule  
5                   under subpart D of part 294 of title  
6                   36, Code of Federal Regulations; or

7                   “(III) any other roadless rule de-  
8                   veloped after the date of the enact-  
9                   ment of this section by the Secretary  
10                  with respect to a specific State; or

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

13                  “(6) RULE OF CONSTRUCTION FOR CERTAIN  
14                  ROADLESS RULES.—Nothing in this section shall be  
15                  construed to affect the roadless rules described in  
16                  subclauses (I) and (II) of paragraph (5)(B)(ii).

17                  “(7) USE OF OTHER AUTHORITIES.—To the  
18                  maximum extent practicable, the Secretary shall use  
19                  existing statutory and administrative authorities, in-  
20                  cluding a good neighbor agreement entered into  
21                  under section 8206 of the Agricultural Act of 2014  
22                  (16 U.S.C. 2113a), to carry out each fireshed man-  
23                  agement project.

24                  “(d) JUDICIAL REVIEW.—Section 106 shall apply to  
25                  fireshed management projects conducted under this sec-

1 tion in the same manner as such section applies to an au-  
2 thorized hazardous fuels reduction project conducted  
3 under title I, except that no restraining order, preliminary  
4 injunction, or injunction pending appeal shall be issued  
5 by any court of the United States with respect to any deci-  
6 sion to prepare or conduct a fireshed management project  
7 in the wildland-urban interface.

8 “(e) REPORT REQUIRED.—Not later than 2 years  
9 after the date of the enactment of this section and annu-  
10 ally thereafter, the Secretary shall submit to Congress a  
11 report evaluating the progress and implementation of  
12 fireshed management projects under this section.

13 “(f) DEFINITIONS.—In this section:

14 “(1) COLLABORATIVE PROCESS.—The term  
15 ‘collaborative process’ means a process relating to  
16 the management of National Forest System lands or  
17 public lands by which a project or forest manage-  
18 ment activity is developed and implemented by the  
19 Secretary through collaboration with interested per-  
20 sons, as described in section 603(b)(1)(C).

21 “(2) FIRESHED.—The term ‘fireshed’ means a  
22 landscape-scale area that faces similar wildfire  
23 threat where a response strategy could influence the  
24 wildfire outcome.

1           “(3) FOREST PLAN.—The term ‘forest plan’  
2 means—

3           “(A) a land use plan prepared by the Bu-  
4 reau of Land Management for public lands pur-  
5 suant to section 202 of the Federal Land Policy  
6 and Management Act of 1976 (43 U.S.C.  
7 1712); or

8           “(B) a land and resource management  
9 plan prepared by the Forest Service for a unit  
10 of the National Forest System pursuant to sec-  
11 tion 6 of the Forest and Rangeland Renewable  
12 Resources Planning Act of 1974 (16 U.S.C.  
13 1604).

14           “(4) HAZARDOUS FUELS MANAGEMENT.—The  
15 term ‘hazardous fuels management’ means any vege-  
16 tation management activities that reduce the risk of  
17 wildfire, including mechanical treatments and live-  
18 stock grazing.

19           “(5) PUBLIC LANDS.—The term ‘public lands’  
20 has the meaning given that term in section 103 of  
21 the Federal Land Policy and Management Act of  
22 1976 (43 U.S.C. 1702), except that the term in-  
23 cludes Coos Bay Wagon Road Grant lands and Or-  
24 egon and California Railroad Grant lands.

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

6           “(7) SECRETARY.—The term ‘Secretary’  
7           means—

8                   “(A) the Secretary of Agriculture, with re-  
9                   spect to National Forest System lands; and

10                   “(B) the Secretary of the Interior, with re-  
11                   spect to public lands.

12           “(8) SECTION 101 TERMS.—The terms ‘at-risk  
13           community’, ‘community wildfire protection plan’,  
14           and ‘wildland-urban interface’ have the meanings  
15           given such terms, respectively, in section 101.”.

16 **SEC. 3. GOOD NEIGHBOR AUTHORITY.**

17           Section 8206 of the Agricultural Act of 2014 (16  
18           U.S.C. 2113a) is amended—

19                   (1) in subsection (a)(4)(A)—

20                           (A) in clause (ii), by striking “and” at the  
21                           end;

22                           (B) by redesignating clause (iii) as clause  
23                           (iv);

24                           (C) by inserting after clause (ii) the fol-  
25                           lowing:

1           “(iii) activities conducted under sec-  
2           tion 607 of the Healthy Forests Restora-  
3           tion Act of 2003;”;

4           (D) in clause (iv), as so redesignated, by  
5           striking the period at the end and inserting “;  
6           or”; and

7           (E) by adding at the end the following:

8           “(v) any combination of activities  
9           specified in clauses (i) through (iv).”; and  
10          (2) in subsection (b)(2), by amending subpara-  
11          graph (C) to read as follows:

12           “(C) TREATMENT OF REVENUE.—Funds  
13           received from the sale of timber by a Governor  
14           of a State under a good neighbor agreement  
15           shall be retained and used by the Governor—

16           “(i) to carry out authorized restora-  
17           tion services under such good neighbor  
18           agreement; and

19           “(ii) if funds are remaining after car-  
20           rying out the services under clause (i), to  
21           carry out authorized restoration services  
22           within the State under other good neighbor  
23           agreements.”.