



MAR 28 2019



**United States
Department of
the Interior**

**United States
Department of
Agriculture**

The Honorable Michael Pence
President of the Senate
The White House
1600 Pennsylvania Avenue, NW.
Washington, D.C. 20500

Dear Mr. Vice President:

Enclosed are proposed draft bills and section-by-section analyses for the Wildfire Risk Reduction and Vegetation Restoration Activities Act, the Forest and Rangeland Catastrophic Event and Infrastructure Management Improvement Act, and the Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act. These three draft bills comprise a package of proposed legislation to provide categorical exclusions from the National Environmental Policy Act for certain forest and rangeland management activities carried out by the Secretary of Agriculture on National Forest System lands and the Secretary of the Interior on lands the Department of the Interior manages.

During 2018, more than 5,600 wildfires burned over 2.3 million acres of National Forest System lands, and more than 6,200 wildfires have burned over 2 million acres of Department of the Interior-managed lands. Currently, the Departments have very limited availability of appropriate categorical exclusions for fuels management work. These proposals would create a suite of landscape-based categorical exclusions designed to expedite forest and vegetation management projects that will support healthy forests and rangelands and aid in efforts to protect homes and infrastructure from catastrophic wildfires.

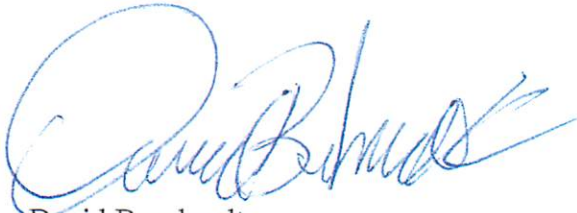
Enactment of these new authorities will allow agencies to be more efficient and effective in conducting environmental analysis. The Departments will be able to focus efforts, funding, and staffing on active forest, woodland, and rangeland management, which will in turn protect infrastructure, communities, and people from wildfire. In addition, the provisions would provide economic value to forest communities.

We recommend that the bills be introduced, referred to the appropriate Committee for consideration, and enacted.

The Honorable Michael Pence
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The Office of Management and Budget advises that it has no objection to the presentation of these legislative proposals to Congress and that their enactment would be in accord with the President's program.

Sincerely,



David Bernhardt
Acting Secretary of the Interior



Sonny Perdue
Secretary of Agriculture

Enclosures



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**United States
Department of
the Interior**

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Agriculture**

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232 Capitol Building
Washington, D.C. 20515

Dear Madam Speaker:

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Enactment of these new authorities will allow agencies to be more efficient and effective in conducting environmental analysis. The Departments will be able to focus efforts, funding, and staffing on active forest, woodland, and rangeland management, which will in turn protect infrastructure, communities, and people from wildfire. In addition, the provisions would provide economic value to forest communities.

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David Bernhardt
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Sonny Perdue
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WILDFIRE RISK REDUCTION AND VEGETATION RESTORATION ACTIVITIES ACT

SECTIONAL ANALYSIS

Section 101. Short Title

This section establishes the title of the bill as “Wildfire Risk Reduction and Vegetation Restoration Act”.

Section 102. Purpose

This section generally establishes that the purposes of the Act, including to increase public and firefighter safety; reduce wildfire risk to communities and infrastructure, natural, historic and cultural resources, wildlife habitat, and agency facilities; mitigate impacts to air quality; recover economic value from wood products and contribute to local economies; and enhance the opportunities to more effectively manage wildfires by reducing the accumulation of excess vegetation. It also delineates the benefits of the Act as a reduction in wildfire intensity and severity and enhancing opportunities to more effectively manage Department of the Interior and Forest Service resources.

Section 103. Definitions

This section provides definitions for terms used in the Act, including Catastrophic Wildfire, Forest Management Activity, Land Management Plan, Federal Land, Vegetation Restoration, Fuels Management, Targeted Grazing, and Salvage Operation.

Section 104. Categorical Exclusion to Establish Linear Fuel Breaks in Forests and Other Wildland Vegetation

This section establishes a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (NEPA) for forest management activities where the primary purpose of the activity is to establish and maintain linear fuel breaks that are intended to reduce the risk of wildfire on federal land. Activities that may be carried out pursuant to this categorical exclusion include: mowing; manual and mechanical cutting or thinning; piling, yarding, and removal of vegetative material; selling of vegetation products including but not limited to firewood, biomass, timber and fenceposts; targeted grazing; application of pesticide, biopesticide, or herbicide; seeding of native and non-native species; jackpot burning; and pile burning. The categorical exclusion may not be applied to treatment units in excess of 10,000 acres.

Section 105. Categorical Exclusion to Actively Manage Wildland Fuels, Using Mechanical Methods in Forests and Other Wildland Vegetation

This section establishes a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement under section 102 of NEPA for forest management activities where the primary purpose of the activity is to actively manage forests and vegetation on federal lands using mechanical methods to reduce the risk of catastrophic wildfire on the federal land; restore wildland vegetation to the federal land; and increase resilience of the federal land to wildfires. Activities that may be carried out pursuant to this categorical exclusion include: mowing; manual and mechanical cutting or thinning; piling, yarding, and removal of vegetative material; selling of vegetation products including but not

limited to firewood, biomass, timber and fenceposts; targeted grazing; and seeding of native species. The categorical exclusion may not be applied to treatment units in excess of 10,000 acres.

Section 106. Categorical Exclusion to Actively Manage Wildland Fuels Using Prescribed Fire in Forests and Other Wildland Vegetation

This section establishes a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement under section 102 of NEPA for forest management activities where the primary purpose of the activity is to actively manage and restore forests and other vegetation on federal land by using prescribed fire to reduce the risk of catastrophic wildfire on the federal land; restore wildland vegetation to the federal land; and increase resilience of the federal land to wildfire. Activities that may be carried out pursuant to this categorical exclusion include: underburning; jackpot or pile burning; broadcast burning outside the Mojave, Sonoran, and Great Basin Deserts; and post-burn seeding of native or non-native species necessary to control invasive non-native plants. The categorical exclusion may not be applied to treatment units in excess of 10,000 acres.

Section 107. Categorical Exclusion to Treat Invasive, Non-native Plants Through Active Forest and Rangeland Management

This section establishes a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement under section 102 of NEPA for forest management activities where the primary purpose of the activity is to treat invasive, non-native plants through the active management of forests and other federal lands. Activities that may be carried out pursuant to this categorical exclusion include: the use of targeted grazing; the application of approved pesticides, biopesticides, or herbicides; and seeding with native and non-native plant species to control the areal extent and expansion of invasive, non-native plants. The categorical exclusion may not be applied to treatment units in excess of 10,000 acres.

Section 108. Categorical Exclusion to Address Resiliency through Active Forest and Woodland Management

This section establishes a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement under section 102 of NEPA for forest management activities where the primary purpose of the activity is to actively manage wildland vegetation, including the removal of biomass for economic uses, in order to increase the resilience of federal land to wildland fire, restore vegetation and federal land, and reduce the risk of wildland fire. Activities that may be carried out pursuant to this categorical exclusion include: cutting, yarding and removal of trees; chipping or grinding of residual woody debris; removal of residual woody debris for biomass utilization; jackpot burning of residual debris; pile burning of residual woody debris; underburning; and regeneration harvest in units up to 5 acres where not more than 10 percent of the project area is treated in this manner, and snags and larger fire resilient trees are retained. The categorical exclusion may not be applied to treatment units in excess of 10,000 acres.

Section 109. Categorical Exclusion to Actively Manage Wildland Fuels In and Immediately Adjacent To Rights-Of-Way To Address Wildfire Prevention And Powerlines

This section establishes a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement under section 102 of NEPA for forest management activities where the primary purpose of the activity is to manage wildland fuels to reduce wildfire risk within, and adjacent to, an electric transmission line right-of-way for an activity within the scope of the land use authorization for the right-of-way. Activities that may be carried out pursuant to this categorical exclusion include: mowing of grasses, shrubs and tree seedlings; commercial cutting of vegetation; non-commercial cutting of vegetation; chipping or grinding of residual vegetative material; removal of residual woody debris; burning of residual woody debris; application of herbicides as approved by the Environmental Protection Agency; and seeding or planning of desired vegetation. The categorical exclusion may not be applied to treatment units in excess of 10,000 acres.

Section 110. Categorical Exclusion to Allow Improvement of Existing Roads And Construction Of Temporary Roads To Facilitate Forests And Other Wildland Vegetation Management And Restoration

This section establishes a categorical exclusion from the preparation of an environmental assessment or an environmental impact statement under section 102 of NEPA for forest management activities where the primary purpose of the activity is to make improvements to existing roads or construct temporary roads on federal land, consistent with general land use limitations and management plans, in order to provide access to federal land for vegetation management and restoration activities under this Act. Activities that may be carried out pursuant to this categorical exclusion include: improvement of existing permanent or temporary roads and trails, including the relocation of existing road and trail segments to address resource management concerns; construction of temporary roads and trails and landings, storage or parking areas; improvement of existing landings, storage areas and parking areas; decommissioning of existing roads and trails; and restoration of culverts and drainage of existing roads and trails. The section also contains limitations on the use and construction of supporting roads and trails.

Section 111. Extraordinary Circumstances.

This section provides that the categorical exclusions established under this Act are not subject to the extraordinary circumstances procedures of the Department.

Section 112. Availability of Categorical Exclusions

This section establishes that the categorical exclusions established in the Act shall be available for use by the Secretary concerned beginning on the date of enactment of the Act.

Section 113. Secretarial Discretion in the Case of Two or More Categorical Exclusions.

To the extent that the categorical exclusions in this Act or other laws may overlap, this section gives full discretion about which categorical exclusion may be used for a forest and rangeland management activity.

WILDFIRE RISK REDUCTION AND VEGETATION RESTORATION ACTIVITIES ACT

SEC. 101. SHORT TITLE.

This act may be cited as the “Wildfire Risk Reduction and Vegetation Restoration Activities Act.”

SEC. 102. PURPOSE.

(a) **IN GENERAL.**— The purpose of these authorities is to—

- (1) increase public and firefighter safety;
- (2) reduce wildfire risk to communities and infrastructure, natural, historic and cultural resources, wildlife habitat, and agency facilities and infrastructure;
- (3) mitigate impacts to air quality; recover economic value from wood products and contribute to local economies; and
- (4) enhance opportunities to more effectively manage wildfires by reducing the accumulation of excess vegetation.

(b) **BENEFITS.**—The benefits achieved by the use of these authorities include the timely modification of vegetation, enabling a reduction in wildfire intensity and severity and enhancing opportunities to more effectively manage resources entrusted to the Secretary of the Interior and the Secretary of Agriculture.

(c) **CONSISTENT USE.**—The use of these authorities shall be consistent with land management plans, as defined in Section 103(3).

SEC. 103. DEFINITIONS.

(1) **CATASTROPHIC WILDFIRE.**— The term “catastrophic wildfire” means any wildfire, whether by human or natural cause, that threatens or greatly impacts firefighter or public safety, natural resources (including soil, water, vegetation, wildlife or air), historic or cultural resources (including Tribal resources), communities, agency facilities, or infrastructure.

(2) **FOREST MANAGEMENT ACTIVITY.**— The term “forest management” means a project or activity carried out by the Secretary concerned on or to the benefit of National Forest System land or federal land consistent with the management plan covering the lands.

(3) **LAND MANAGEMENT PLAN.**— The term “land management plan” means—

(A) for the Secretary of the Interior—

(i) a Land Use Plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C.1712); or

(ii) a Conservation Plan prepared by the Fish and Wildlife Service for a unit of

the national wildlife refuge system pursuant to the National Wildlife Refuge System Administration Act (16 U.S.C. 668); or

(iii) a National Park Plan prepared by the National Park Service for a unit of the national park system pursuant to the National Park Service Organic Act (16 U.S.C. 1); or

(iv) a Management Plan for Trust Lands prepared by the Bureau of Indian Affairs; and

(B) for the Secretary of Agriculture, a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(4) FEDERAL LAND. — The term “Federal Land” means—

(A) for land administered by the Secretary of the Interior -

(i) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(ii) units of the National Park System;

(iii) units of the National Wildlife Refuge System; and

(iv) land held in trust for an Indian Tribe; and

(B) for the Secretary of Agriculture, lands in National Forest System as that term is defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(6) VEGETATION RESTORATION.— The term “vegetation restoration” means a forest management activity carried out by the Secretary concerned where the primary purpose is to restore vegetation or reduce the risk of wildfire and its effects on land, and to mitigate the potential effects of a catastrophic event. The term includes planting, evaluating and enhancing natural regeneration, clearing competing vegetation, and other activities related to reestablishment of forest and other vegetation species on the impacted lands.

(7) FUELS MANAGEMENT.— The term “fuels management” means any vegetation management activity that manages the risk or potential impact of wildfire.

(78 TARGETED GRAZING.—The term “targeted grazing” means grazing by livestock for purposes of fuels management.

(9) SECRETARY CONCERNED.— The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to public lands and other federal land managed by the bureaus of the Department of the Interior; and

(B) the Secretary of Agriculture for National Forest System lands.

SEC 104. CATEGORICAL EXCLUSION TO ESTABLISH LINEAR FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION. —

(1) The category of forest management activities designated under this section for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on federal lands where the primary purpose of the activity is to establish and maintain linear fuel breaks that are—

- (A) up to 600 feet in width adjacent to, and incorporating, existing linear features such as, but not limited to, roads, trails, transmission lines, and pipelines of any length on federal land; and
- (B) intended to reduce the risk of wildfire on the federal land.

(2) The following forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (a) include:

- (A) mowing;
- (B) manual and mechanical cutting or thinning;
- (C) piling, yarding, and removal of vegetative material;
- (D) selling of vegetation products including but not limited to firewood, biomass, timber and fenceposts;
- (E) targeted grazing;
- (F) application of —
 - (i) pesticide;
 - (ii) biopesticide; or,
 - (iii) herbicide;
- (G) seeding of native and non-native species;
- (H) jackpot burning; and
- (I) pile burning.

(c) ACREAGE LIMITATIONS. —

Treatments of vegetation in linear fuelbreaks covered by the categorical exclusion established under this section may not contain treatment units in excess of 10,000 acres.

SEC. 105. CATEGORICAL EXCLUSION TO ACTIVELY MANAGE WILDLAND FUELS, USING MECHANICAL METHODS IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION. —

(1) The category of forest management activities designated under this section for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on federal lands where the primary purpose of the activity is to actively manage forests and vegetation on federal lands using mechanical methods in order to—

- (A) reduce the risk of catastrophic wildfire on the federal land;
- (B) restore wildland vegetation to the federal land; and
- (C) increase resilience of the federal land to wildfires.

(2) The following forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (a) include:

- (A) mowing;
- (B) manual and mechanical cutting or thinning;
- (C) piling, yarding, and removal of vegetative material;
- (D) selling of vegetation products including but not limited to firewood, biomass, timber and fenceposts;
- (E) targeted grazing; and
- (F) seeding of native species.

(c) ACREAGE LIMITATIONS. —

The active management of vegetation using mechanical methods covered by the categorical exclusion established by this section may not contain treatment units in excess of 10,000 acres.

SEC. 106. CATEGORICAL EXCLUSION TO ACTIVELY MANAGE WILDLAND FUELS USING PRESCRIBED FIRE IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION. —

(1) The category of forest management activities designated under this section for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on federal lands where the primary purpose of the activity is to actively manage and restore forests and other vegetation on federal land by using prescribed fire to—

- (A) reduce the risk of catastrophic wildfire on the federal land;
- (B) restore wildland vegetation to the federal land; and
- (C) increase resilience of the federal land to wildfire.

(2) The following forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (a) include:

- (A) underburning;
- (B) jackpot or pile burning;(C) broadcast burning outside the Mojave, Sonoran, and Great Basin Deserts; and
- (D) post-burn seeding of native or non-native species necessary to control invasive non-native plants.

(c) ACREAGE LIMITATIONS. —

The active management of wildland fuels using prescribed fire covered by the categorical exclusion established by this section may not contain treatment units in excess of 10,000 acres.

SEC. 107. CATEGORICAL EXCLUSION TO TREAT INVASIVE, NON-NATIVE PLANTS THROUGH ACTIVE FOREST AND RANGELAND MANAGEMENT.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION. —The category of forest management activities designated under this section for a categorical exclusion are forest management activities that are carried out by the Secretary concerned on federal lands where the primary purpose of the activity is to treat invasive, non-native plants through the active management of federal lands —

- (1) the use of targeted grazing;
- (2) the application of approved pesticides, biopesticides, or herbicides; and
- (3) seeding with native and non-native plant species to control the areal extent and expansion of invasive, non-native plants.

(c) ACREAGE LIMITATIONS. —

The treatment of invasive, non-native plants on federal land through the use of active vegetation management covered by the categorical exclusion established by this section may not contain treatment units in excess of 10,000 acres.

SEC. 108. CATEGORICAL EXCLUSION TO ADDRESS RESILIENCY THROUGH ACTIVE FOREST AND WOODLAND MANAGEMENT.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION. —

(1) The category of forest management activities designated under this section are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on federal lands where the primary purpose of the activity is to actively manage wildland vegetation, including the removal of biomass for economic uses, in order to increase the resilience of federal land to wildland fire, restore vegetation and federal land, and reduce the risk of wildland fire.

(2) The following forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (a) include:

- (A) cutting, yarding and removal of trees;
- (B) chipping or grinding of residual woody debris;
- (C) removal of residual woody debris for biomass utilization;
- (D) jackpot burning of residual debris;
- (E) pile burning of residual woody debris;
- (F) underburning; and,
- (G) regeneration harvest in units up to 5 acres where—
 - (i) not more than 10 percent of the project area is treated in this manner; and
 - (ii) snags and larger fire resilient trees are retained.

(c) ACREAGE LIMITATIONS. —

Treatments of vegetation to enhance resilience to wildfires on federal land covered by the categorical exclusion established by this section may not contain treatment units in excess of 10,000 acres.

SEC. 109. CATEGORICAL EXCLUSION TO ACTIVELY MANAGE WILDLAND FUELS IN AND IMMEDIATELY ADJACENT TO RIGHTS-OF-WAY TO ADDRESS WILDFIRE PREVENTION AND POWERLINES

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION. —

(1) The category of forest management activities designated under this section for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned, or by an owner under a vegetation management plan approved by the Secretary concerned, on federal lands where the primary purpose of the activity is to manage wildland fuels to reduce wildfire risk within, and adjacent to, an electric transmission line right-of-way for an activity that is within the scope of the land use authorization for the right-of-way.

(2) The following forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (a), in conformity with a utility's approved vegetation management plan, include:

- (A) mowing of grasses, shrubs and tree seedlings;
- (B) commercial cutting of vegetation;
- (C) non-commercial cutting of vegetation;
- (D) chipping or grinding of residual vegetative material;
- (E) removal of residual woody debris;
- (F) burning of residual woody debris;
- (G) application of herbicides as approved by the Environmental Protection Agency; and
- (H) seeding or planting of desired vegetation.

(c) ACREAGE LIMITATIONS. —

Forest management activities that are covered by the categorical exclusion established by this section may not contain treatment units in excess of 10,000 acres.

SEC 110. CATEGORICAL EXCLUSION TO ALLOW IMPROVEMENT OF EXISTING ROADS AND CONSTRUCTION OF TEMPORARY ROADS TO FACILITATE FORESTS AND OTHER WILDLAND VEGETATION MANAGEMENT AND RESTORATION.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—The activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION. —

(1) The category of activities designated under this section for a categorical exclusion are activities described in paragraph (2) that are carried out by the Secretary concerned on federal lands where the primary purpose of the activity is to make improvements to existing roads or construct temporary roads on federal land, consistent with general Departmental and bureau land use limitations and land management plans, in order to provide access to federal land for vegetation management and restoration activities carried out under this Act.

(2) The following forest management activities may be carried out pursuant to the categorical exclusion established under subsection (a):

(A) improvement of existing permanent or temporary roads and trails, including the relocation of existing road and trail segments to address resource management concerns;

(B) construction of temporary—

(i) roads and trails; and

(ii) landings, storage, or parking areas;

(C) improvement of existing landings, storage areas and parking areas;

(D) decommissioning of existing—

(i) temporary roads and trails;

(ii) permanent roads and trails; and

(E) restoration of culverts and drainage of existing roads and trails.

(c) LIMITATIONS. —

(1) Projects in support of projects carried out under the categorical exclusions in this Act shall not include construction of new permanent roads or new permanent trails.

(2) Temporary roads may be constructed only when—

(A) motorized travel to a site is required;

(B) no existing roads are available; and

(C) travel across federal land where no road exists would be impractical or would cause more damage to resources than building a temporary road would cause.

(3) Temporary roads constructed in connection with projects carried out under the categorical exclusions in this Act shall—

(A) be closed promptly upon completion of all planned actions; and

(B) treated to ensure the reestablishment of vegetative cover, as necessary, to minimize erosion from the area disturbed by the road construction or use.

(4) Any treatment carried out under paragraph (3)(B) shall be designed to re-establish vegetative cover as soon as practicable with a goal of adequate native plant cover within 5 years or less after the completion of the covered activity.

SEC 111. EXTRAORDINARY CIRCUMSTANCES.—

An action categorically excluded under the provisions of this Act shall not be subject to extraordinary circumstances procedures of the Secretary concerned.

SEC 112. AVAILABILITY OF CATEGORICAL EXCLUSIONS.—

For the period beginning on and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusions established in this Act in accordance with the conditions and limitations described herein.

SEC. 113. SECRETARIAL DISCRETION IN THE CASE OF TWO OR MORE CATEGORICAL EXCLUSIONS.

To the extent that a forest management activity may be categorically excluded under more than one of the sections of this Act or any other law, the Secretary concerned shall have full discretion to determine which categorical exclusion to use.

FOREST AND RANGELAND CATASTROPHIC EVENT AND INFRASTRUCTURE MANAGEMENT IMPROVEMENT ACT.

SECTIONAL ANALYSIS

These amendments are designed to improve federal land management agencies' responses to the impacts of catastrophic events on federal forest and rangelands and resources and to making improvements to infrastructure on those lands. Among other things, the provisions would streamline the processes for carrying out critical response actions on federal lands, including restoration and fuels management activities and infrastructure construction, repair, and decommissioning.

Section 101. Definitions.

This section defines important terms used in the Act.

Section 102. Categorical Exclusion to Expedite Certain Critical Response Actions.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of the National Environmental Policy Act (NEPA) for forest and rangeland management activities carried out on National Forest System Lands or Federal lands under the jurisdiction of the Department of the Interior, that do not exceed 10,000 acres per treatment unit, and where the primary purpose of the activity is to address insect or disease infestation; to reduce hazardous fuel loads; protect a municipal water source or increase water yield; or maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances.

Section 103. Categorical Exclusion to Expedite Salvage Operations in Response to Catastrophic Events.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management activities defined as "salvage operations" after catastrophic events, which are defined as natural disasters, fires, floods, or explosions. The section also contains a 10,000 acre limitation for salvage operations, and includes additional requirements for those operations.

Section 104. Categorical Exclusion to Meet Forest Plan Goals for Early Successional Forests.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management activities where the primary purpose of the activity is to improve, enhance, or create early successional

forests for wildlife habitat improvement and other purposes, consistent with the applicable forest or other resource management plan. The section contains a 10,000 acre limitation for treatment units, and requires at subsection (d) that the Secretary concerned shall, to the maximum extent practicable, design an activity to meet early successional forest goals in a manner to maximize production and regeneration of priority species, as identified in a forest or other resource management plan.

Section 105. Categorical Exclusion for Hazard Trees.

This section authorizes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for the removal of hazard trees to ensure the protection of public health or safety, protection of water supplies, or public infrastructure.

Section 106. Categorical Exclusion to Improve or Restore Lands or Reduce the Risk of Wildfire.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management and rangeland management activities where the primary purpose of the activity is to improve or restore the lands or reduce the risk of wildfire on those lands. Subsection (b) contains a list of activities that may be carried out pursuant to the categorical exclusion. The section contains a 10,000 acre limitation for treatment units, and a list of definitions specific to the section.

Section 107. Categorical Exclusion for Forest and Rangeland Restoration.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management and rangeland management activities where the primary purpose of the activity is to improve the health and resiliency of forest and rangeland; to reduce hazardous fuels on those lands; or to improve wildlife and aquatic habitat. The section contains a 10,000 acre limitation for treatment units and includes additional requirements at subsection (e) related to road building.

Section 108. Categorical Exclusion for Forest and Rangeland Infrastructure Management Activities.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management and rangeland management activities where the primary purpose of the activity is one of six categories of actions delineated at subsection (b). These include the construction, reconstruction, decommissioning, or reclassifying of certain roads; dam removal; bridgework; and pesticide applications.

Section 109. Categorical Exclusion for Developed Recreation Sites.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management and rangeland management activities where the primary purpose of the activity is to operate, maintain, modify, reconstruct, or decommission existing developed recreation sites. The section includes at subsection (b) a list of activities that may be carried out under the categorical exclusion.

Section 110. Categorical Exclusion for Administrative Sites.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management and rangeland management activities where the primary purpose of the activity is to construct, reconstruct, maintain, decommission, relocate, or dispose of an administrative site. The section contains specific project limitations related to roads and the use of pesticides, and includes a list of definitions specific to the section.

Section 111. Categorical Exclusion for Special Use Authorizations.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of NEPA for forest management and rangeland management activities where the primary purpose of the activity is related to a limited set of circumstances related to certain special use authorizations, which are delineated in subsection (b). Subsection (d) provides that the Secretary is not required to prepare a project file or decision memorandum for certain of the activities delineated in subsection (b) of this section.

Section 112. Extraordinary Circumstances.

This section clarifies that actions categorically excluded under this Act are not subject to the extraordinary circumstances procedures that each Department may have in place.

Section 113. Availability of Categorical Exclusions.

This section establishes that the categorical exclusions established by the legislation are available upon the date of enactment of this Act.

Section 114. Secretarial Discretion in the Case of Two or More Categorical Exclusions.

To the extent that the categorical exclusions in this Act or other laws may overlap, this section gives full discretion about which categorical exclusion may be used for a forest and rangeland management activity.

**FOREST AND RANGELAND
CATASTROPHIC EVENT AND INFRASTRUCTURE MANAGEMENT
IMPROVEMENT ACT.**

SEC. 101. DEFINITIONS.

In this Act:

(1) **CATASTROPHIC EVENT.**—The term “catastrophic event” means any natural disaster (such as hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak) or any fire, flood, or explosion, regardless of cause.

(2) **COOS BAY WAGON ROAD GRANT LANDS.**—The term “Coos Bay Wagon Road Grant lands” means the lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179).

(3) **FOREST AND RANGELAND MANAGEMENT ACTIVITY.**—The term “forest and rangeland management activity” means a project or activity carried out by the Secretary concerned on National Forest System lands or Federal lands, as defined in this section, consistent with the forest plan or other resource management plan covering the lands.

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

(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

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

(6) **OREGON AND CALIFORNIA RAILROAD GRANT LANDS.**—The term “Oregon and California Railroad Grant lands” means the following lands:

(A) All lands in the State of Oregon revested in the United States under the Act of June 9, 1916 (39 Stat. 218), that are administered by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 2601).

(B) All lands in that State obtained by the Secretary of the Interior pursuant to the land exchanges authorized and directed by section 2 of the Act of June 24, 1954 43 U.S.C. 2632).

(C) All lands in that State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

(7) **FEDERAL LAND.**—The term “Federal land” means the following lands administered by the Secretary of the Interior:

(A) Public lands as that term is defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), except that the term includes Coos Bay Wagon Road Grant lands and Oregon and California Railroad Grant lands.

(B) Units of the National Park System.

(C) Units of the National Wildlife Refuge System.

(D) Land held in trust for an Indian Tribe.

(8) **REFORESTATION ACTIVITY.**—The term “reforestation activity” means a forest management activity carried out by the Secretary concerned where the primary purpose is the reforestation of impacted National Forest System lands or Federal lands following a catastrophic event. The term includes planting, evaluating and enhancing natural regeneration, clearing competing vegetation, and other activities related to reestablishment of forest species on the impacted lands.

(9) **RESOURCE ADVISORY COMMITTEE.**—The term “resource advisory committee” has the meaning given that term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).

(10) **SALVAGE OPERATION.**—The term “salvage operation” means a forest and rangeland management activity carried out in response to a catastrophic event in an area affected by the catastrophic event where the primary purpose is—

(A) to prevent wildfire as a result of the catastrophic event, or, if the catastrophic event was wildfire, to prevent a re-burn of the fire-impacted area;

(B) to provide an opportunity for utilization of forest materials damaged as a result of the catastrophic event; or

(C) to provide a funding source for reforestation and other restoration activities for the National Forest System lands or other federal lands impacted by the catastrophic event.

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

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

(B) the Secretary of the Interior, with respect to Federal lands.

(12) HAZARD TREE.—The term “Hazard Tree” means any tree that has an increased chance of failure and poses a risk to public health or safety, property, water supply, or infrastructure.

SEC. 102. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The category of forest and rangeland management activities designated under this section for a categorical exclusion are forest and rangeland management activities carried out by the Secretary concerned on National Forest System lands or Federal land where the primary purpose of such activity is—

(1) to address an insect or disease infestation;

(2) to reduce hazardous fuel loads;

(3) to protect a municipal water source;

(4) to maintain, enhance, or modify critical habitat to protect it from catastrophic disturbances;

(5) to increase water yield; or

(6) any combination of the purposes specified in paragraphs (1) through (5)

(c) ACREAGE LIMITATIONS.—A forest or rangeland management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

SEC. 103. CATEGORICAL EXCLUSION TO EXPEDITE SALVAGE OPERATIONS IN RESPONSE TO CATASTROPHIC EVENTS.

(a) CATEGORICAL EXCLUSION ESTABLISHED.—Salvage operations carried out by the Secretary concerned on National Forest System lands or Federal land are a category of actions hereby designated as being categorically excluded from the preparation of an environmental

assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **ACREAGE LIMITATION.**—A salvage operation covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

(c) **ADDITIONAL REQUIREMENTS.**—

(1) **STREAM BUFFERS.**—A salvage operation covered by the categorical exclusion established under subsection (a) shall comply with the standards and guidelines, or the goals, objectives and management direction for stream buffers contained in the applicable forest or other resource management plan, except that the Regional Forester, in the case of National Forest System lands, or the appropriate State or Regional Director, in the case of Federal lands, may, on a case-by-case basis, waive the standards and guidelines.

(2) **REFORESTATION PLAN.**—For National Forest System lands, a reforestation plan shall be developed under section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; (16 U.S.C. 576b)), as part of a salvage operation covered by the categorical exclusion established under subsection (a).

SEC. 104. CATEGORICAL EXCLUSION TO MEET FOREST PLAN GOALS FOR EARLY SUCCESSIONAL FORESTS.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—The category of forest and rangeland management activities designated under this section for a categorical exclusion are forest management and rangeland activities carried out by the Secretary concerned on National Forest System lands or Federal land where the primary purpose of such activity is to improve, enhance, or create early successional forests for wildlife habitat improvement and other purposes, consistent with the applicable forest or other resource management plan.

(c) **PROJECT GOALS.**—To the maximum extent practicable, the Secretary concerned shall design a forest or rangeland management activity under this section to meet early successional forest goals in such a manner so as to maximize production and regeneration of priority species, as identified in the forest or other resource management plan and consistent with the capability of the activity site.

(d) **ACREAGE LIMITATIONS.**—A forest or rangeland management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

SEC. 105. CATEGORICAL EXCLUSION FOR HAZARD TREES.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities carried out by the Secretary concerned to remove hazard trees for purposes of the protection of public health or safety, water supply, or public infrastructure are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 106. CATEGORICAL EXCLUSION TO IMPROVE OR RESTORE NATIONAL FOREST SYSTEM LANDS OR FEDERAL LAND OR REDUCE THE RISK OF WILDFIRE.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—

(1) **DESIGNATION.**—The category of forest and rangeland management activities designated under this section for a categorical exclusion are forest and rangeland management activities described in paragraph (2) that are carried out by the Secretary concerned on National Forest System lands or Federal land where the primary purpose of such activity is to improve or restore such lands or reduce the risk of wildfire on those lands.

(2) **ACTIVITIES AUTHORIZED.**—The following forest and rangeland management activities may be carried out pursuant to the categorical exclusion established under subsection (a):

(A) Removal of juniper trees, medusahead rye, conifer trees, piñon pine trees, cheatgrass, and other noxious or invasive weeds specified on Federal or State noxious weeds lists through late-season livestock grazing, targeted livestock grazing, prescribed burns, and mechanical treatments.

(B) Performance of hazardous fuels management.

(C) Creation of fuel and fire breaks.

(D) Modification of existing fences in order to distribute livestock and help improve wildlife habitat.

(E) Stream restoration and erosion control, including the installation of erosion control devices.

(F) Construction of new and maintenance of permanent infrastructure, including stock ponds, water catchments, and water spring boxes used to benefit livestock and improve wildlife habitat.

(G) Performance of soil treatments, native and non-native seeding, and planting of and transplanting sagebrush, grass, forb, shrub, and other species.

(H) Use of herbicides, so long as the Secretary concerned determines that the activity is otherwise conducted consistently with agency procedures, including any forest plan applicable to the area covered by the activity.

(c) **ACREAGE LIMITATIONS.**—A forest and rangeland management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

(d) **DEFINITIONS.**—In this section:

(1) **HAZARDOUS FUELS MANAGEMENT.**—The term “hazardous fuels management” means any vegetation management activities that reduce the risk of wildfire.

(2) **LATE-SEASON GRAZING.**—The term “late-season grazing” means grazing activities that occur after both the invasive species and native perennial species have completed their current-year annual growth cycle until new plant growth begins to appear in the following year.

(3) **TARGETED LIVESTOCK GRAZING.**—The term “targeted livestock grazing” means grazing used for purposes of hazardous fuels management.

SEC. 107. CATEGORICAL EXCLUSION FOR FOREST AND RANGELAND RESTORATION.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—

(1) DESIGNATION.—The category of forest and rangeland management activities designated under this section for categorical exclusion are forest and rangeland management activities described in paragraph (2) that are carried out by the Secretary concerned on National Forest System lands or Federal land where the primary purpose of such activity is—

(A) to improve forest and rangeland health and resiliency to disturbances;

(B) to reduce hazardous fuels; or

(C) to improve wildlife and aquatic habitat.

(2) ACTIVITIES AUTHORIZED.—The following forest and rangeland management activities may be carried out pursuant the categorical exclusion established under subsection (a):

(A) Timber harvests, including commercial and pre-commercial timber harvest, salvage harvest, and regeneration harvest.

(B) Hazardous fuels reduction.

(C) Prescribed burning.

(D) Improvement or establishment of wildlife and aquatic habitat.

(E) Stream restoration and erosion control.

(F) Road and trail decommissioning.

(c) ACREAGE LIMITATIONS.—A forest or rangeland management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

(d) LIMITATIONS ON ROAD BUILDING.—

(1) PERMANENT ROADS.—A forest or rangeland management activity covered by the categorical exclusion established by subsection (a) may include—

(A) the construction of permanent roads not to exceed 3 miles; and

(B) the maintenance and reconstruction of existing permanent roads and trails, including the relocation of segments of existing roads and trails to address resource impacts.

(2) TEMPORARY ROADS.—Any temporary road constructed for a forest or rangeland management activity covered by the categorical exclusion established by subsection (a)

shall be decommissioned not later than 3 years after the date on which the project is completed.

SEC. 108. CATEGORICAL EXCLUSION FOR FOREST AND RANGELAND INFRASTRUCTURE MANAGEMENT ACTIVITIES.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—The category of forest and rangeland management activities designated under this section for categorical exclusion are forest and rangeland management activities carried out by the Secretary concerned on National Forest System lands and Federal land where the primary purpose of such activity is—

- (1) constructing, reconstructing, or decommissioning National Forest System roads or roads on Federal land not exceeding 3 miles;
- (2) adding an existing road to the forest transportation system or to the relevant transportation system on Federal lands;
- (3) reclassifying a National Forest System road or roads on Federal lands at a different maintenance level;
- (4) reconstructing, rehabilitating, or decommissioning bridges;
- (5) removing dams; or
- (6) maintaining facilities through the use of pesticides as authorized by applicable Federal and State law and as applied in accordance with label instructions.

SEC. 109. CATEGORICAL EXCLUSION FOR DEVELOPED RECREATION SITES.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—

(1) **DESIGNATION.**—The category of forest and rangeland management activities designated under this section for a categorical exclusion are forest and rangeland management activities described in paragraph (2) carried out by the Secretary concerned on National Forest System lands or Federal Land where the primary purpose of such activity is to operate, maintain, modify, reconstruct, or decommission existing developed recreation sites.

(2) **ACTIVITIES AUTHORIZED.**—The following forest and rangeland management activities may be carried out pursuant to the categorical exclusion under subsection (a):

(A) Constructing, modifying, or reconstructing toilet or shower facilities.

(B) Constructing, modifying, or reconstructing fishing piers, wildlife viewing platforms, docks, or other constructed recreation sites or facilities.

(C) Constructing, reconstructing, or maintaining, parking areas, National Forest System roads, National Forest System trails, or such areas on Federal lands, within or connecting to recreation sites, including paving and road and trail rerouting, except that—

(i) permanent roads constructed under this section may not exceed 3 miles; and

(ii) temporary roads constructed for projects covered by this section shall be decommissioned within 3 years of completion of the project.

(D) Modifying or reconstructing existing water or waste disposal systems.

(E) Constructing, modifying, or reconstructing single or group use sites.

(F) Decommissioning recreation facilities or portions of recreation facilities.

(G) Decommissioning National Forest System roads or National Forest System trails or such areas on Federal land not exceeding 3 miles within or connecting to developed recreation sites.

(H) Constructing, modifying, or reconstructing boat landings.

(I) Reconstructing existing ski lifts.

(K) Modifying or reconstructing a recreation lodging rental.

SEC. 110. CATEGORICAL EXCLUSION FOR ADMINISTRATIVE SITES.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental

impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) **FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—The category of forest and rangeland management activities designated under this section for a categorical exclusion are forest and rangeland management activities carried out by the Secretary concerned on National Forest System lands or Federal land where the primary purpose of such activity is to construct, reconstruct, maintain, decommission, relocate, or dispose of an administrative site.

(c) **LIMITATIONS.**—

(1) **PERMANENT ROADS.**—A project covered by the categorical exclusion established by subsection (a) may include—

(A) the construction of permanent roads not to exceed 3 miles; and

(B) the maintenance and reconstruction of existing permanent roads and trails, including the relocation of segments of existing roads and trails to address resource impacts.

(2) **TEMPORARY ROADS.**—Any temporary road constructed for a project covered by the categorical exclusion established by subsection (a) shall be decommissioned not later than 3 years after the date on which the project is completed.

(3) **PESTICIDES.**—Pesticides may only be used to carry out a project covered by the categorical exclusion established by subsection (a) as authorized by applicable Federal and State law and as applied in accordance with label instructions.

(d) **DEFINITION OF ADMINISTRATIVE SITE.**—In this section, the term “administrative site” includes:

(1) The meaning given the term in section 502(1) of the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note).

(2) Facilities related to visitor experiences, visitor recreation, and concession services on Federal land managed by the Secretary of the Interior.

SEC. 111. CATEGORICAL EXCLUSION FOR SPECIAL USE AUTHORIZATIONS.

(a) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest and rangeland management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) FOREST AND RANGELAND MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The category of forest and rangeland management activities designated under this section for a categorical exclusion are forest and rangeland management activities carried out by the Secretary concerned on National Forest System lands and Federal land where the primary purpose of such activity is:

(1) Issuance of a new special use authorization for an existing or expired special use authorization, without any substantial change in the scope and scale of the authorized use and occupancy when—

(A) the issuance is a purely ministerial action to account for administrative changes, such as a change in ownership or expiration of the current authorization; and

(B) the applicant or holder is in compliance with the terms and conditions of the existing or expired special use authorization.

(2) Modification, removal, repair, maintenance, reconstruction, or replacement of a facility or improvement for an existing special use authorization.

(3) Issuance of a new special use authorization or amendment to an existing special use authorization for activities that will occur on existing roads, trails, facilities, or areas approved for use in a land or resource management plan or other documented decision.

(4) Approval, modification, or continuation of minor, short-term (5 years or less) special uses of National Forest System lands or Federal land.

(5) Issuance of a special use authorization for an existing unauthorized use or occupancy that has not been deemed in trespass where no new ground disturbance is proposed.

(6) Approval or modification of minor special uses of National Forest System lands or Federal land that require less than 20 contiguous acres.

(7) Approval of vegetative management plans, and vegetation management activities in accordance with an approved vegetation management plan, under a special use authorization for an electric transmission and distribution facility right-of-way.

(c) DOCUMENT REQUIREMENTS.—The Secretary concerned shall not be required to prepare a project file or decision memorandum to categorically exclude a forest or rangeland management activity described under paragraphs (1) through (4) of subsection (b).

SEC 112. EXTRAORDINARY CIRCUMSTANCES.—

An action categorically excluded under the provisions of this Act shall not be subject to extraordinary circumstances procedures of the Secretary concerned.

SEC 113. AVAILABILITY OF CATEGORICAL EXCLUSIONS.—

For the period beginning on and after the date of enactment of this Act, the Secretary concerned may use the categorical exclusions established in this Act in accordance with the conditions and limitations described herein.

SEC. 114. SECRETARIAL DISCRETION IN THE CASE OF TWO OR MORE CATEGORICAL EXCLUSIONS.

To the extent that a forest and rangeland management activity may be categorically excluded under more than one of the sections of this Act or any other law, the Secretary concerned shall have full discretion to determine which categorical exclusion to use.

SAGE-GROUSE AND MULE DEER HABITAT CONSERVATION AND RESTORATION ACT.

SECTIONAL ANALYSIS

These amendments are designed to improve treatment of rangeland, and to protect sage-grouse and mule deer habitat.

Section 1. Short Title

This section establishes the name of the Act as the “Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2018.”

Section 2. Definitions.

This section defines important terms used in the Act, including the terms “Secretary concerned”; “temporary road;” and “federal land.”

Section 3. Improvement of Habitat for Greater Sage-Grouse and Mule Deer.

This section establishes a categorical exclusion from the preparation of an environmental assessment or impact statement under section 102 of the National Environmental Policy Act (NEPA) for vegetation management activities that: are carried out on public land administered by the Bureau of Land Management and National Forest System land; protect, restore, or improve greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem; will not permanently impair the natural state of the treated area, opportunities for solitude, opportunities for recreation or economic opportunities, or the identified values of a unit of the NLCS; restore native vegetation following a natural disturbance or prevent expansion thereof to greater sage-grouse or mule deer habitat; and reduce the risk of loss of that habitat or provide emergency stabilization of soil resources after a natural disturbance.

Vegetation management activities that may be carried out pursuant to the categorical exclusion include: manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation; mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding; removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation; collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method; seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization; targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans; targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds; temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met; in coordination with the affected permit holder, modification or adjustment of

permissible usage under an annual plan of use of a grazing permit issued by the Secretary to achieve restoration treatment objectives; installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described.

The section directs that if a categorical exclusion is used to implement a vegetation management activity in an area within the range of both greater sage-grouse and mule deer, the activity must benefit habitat for both species, and limits to two years the duration of use of any temporary road constructed in carrying out vegetation management activities under this categorical exclusion and requires any temporary road be decommissioned no later than three years after project completion.

Section 4. Extraordinary Circumstances.

This section establishes that the use of the categorical exclusion created in this Act shall not be subject to extraordinary circumstances procedures of the Secretary concerned.

Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act Proposal

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2018”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—

(A) the Secretary of the Interior with respect to public lands; and

(B) the Secretary of Agriculture with respect to National Forest System lands.

(2) **TEMPORARY ROAD.**—The term “temporary road” means a road that is—

(A) authorized—

(i) by a contract, permit, lease, other written authorization; or

(ii) pursuant to an emergency operation;

(B) not intended to be part of the permanent transportation system of a Federal department or agency;

(C) not necessary for long-term resource management;

(D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—

(i) safety;

(ii) the cost of transportation; and

(iii) impacts to land and resources; and

(E) managed to minimize—

(i) erosion; and

(ii) the introduction or spread of invasive species.

(2) FEDERAL LAND. — The term “Federal Land” means—

(A) for land administered by the Secretary of the Interior, public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(B) for land administered by the Secretary of Agriculture, National Forest System as that term is defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

SEC. 3. IMPROVEMENT OF HABITAT FOR GREATER SAGE-GROUSE AND MULE DEER.

(a) CATEGORICAL EXCLUSION ESTABLISHED.— Vegetation management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) VEGETATION MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—

(1) DESIGNATION. — The category of vegetation management activities designated under this section for a categorical exclusion are vegetation management activities described in paragraph (2) that are carried out by the Secretary concerned on federal lands where the primary purpose of the activity is to —

(A) meet the objectives of the order of the Secretary numbered 3336 dated January 5, 2015, if applicable;

(B) conform to an applicable land use plan;

(C) protect, restore, or improve greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—

(i) Circular 1416 of the United States Geological Survey entitled “Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration” (2015), if applicable; or

(ii) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies, if applicable;

(D) will not permanently impair—

- (i) the natural state of the treated area;
- (ii) outstanding opportunities for solitude;
- (iii) outstanding opportunities for primitive, unconfined recreation;
- (iv) economic opportunities consistent with multiple-use management; or
- (v) the identified values of a unit of the National Landscape Conservation System or the National Forest System, as applicable; and

(F) (i) restore native vegetation following a natural disturbance;

(ii) prevent the expansion into greater sage-grouse or mule deer habitat of—

(I) juniper, pinyon pine, or other associated conifers; or

(II) nonnative or invasive vegetation;

(iii) reduce the risk of loss of greater sage-grouse or mule deer habitat from wildfire or any other natural disturbance; or

(iv) provide emergency stabilization of soil resources after a natural disturbance.

(2) **ACTIVITIES AUTHORIZED.**—The following vegetation management activities may be carried out pursuant to the categorical exclusion established under subsection (a):

(A) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

(B) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

(C) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;

(D) collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method;

(E) seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization;

(F) targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;

(G) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;

(H) temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met;

(I) in coordination with the affected permit holder, modification or adjustment of permissible usage under an annual plan of use of a grazing permit issued by the Secretary to achieve restoration treatment objectives;

(J) installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or

(K) necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.

(3) EXCLUSIONS.—Vegetation management activities authorized to be carried out under the categorical exclusion established by this section do not include—

(A) any activity conducted in a wilderness area or wilderness study area; or

(B) any activity for the construction of a permanent road or permanent trail.

(c) IMPLEMENTATION OF VEGETATION MANAGEMENT ACTIVITIES WITHIN THE RANGE OF GREATER SAGE-GROUSE AND MULE DEER.—If a categorical exclusion is used to implement a vegetation management activity in an area within the range of both greater sage-grouse and mule deer, the vegetation management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.

(d) LONG-TERM MONITORING AND MAINTENANCE.—Before commencing any vegetation management activity that is covered by a categorical exclusion under subsection (a), the Secretary concerned shall develop a long-term monitoring and maintenance plan, covering at least the 20 year-period beginning on the date of commencement, to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.

(e) **DISPOSAL OF VEGETATIVE MATERIAL.**—Subject to applicable local restrictions, any vegetative material resulting from vegetation management activity that is covered by a categorical exclusion under subsection (a) may be—

(1) used for—

(A) fuel wood; or

(B) other products; or

(2) piled or burned, or both.

(f) **TREATMENT FOR TEMPORARY ROADS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (b)(2)(K), any temporary road constructed in carrying out vegetation management activity that is covered by a categorical exclusion under subsection (a)—

(A) shall be used by the Secretary concerned for the vegetation management activity for not more than 2 years; and

(B) shall be decommissioned by the Secretary concerned not later than 3 years after the earlier of the date on which—

(i) the temporary road is no longer needed; and

(ii) the project is completed.

(2) **REQUIREMENT.**—A treatment under paragraph (1) shall include reestablishing native vegetative cover—

(A) as soon as practicable; but

(B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

(g) **ACREAGE LIMITATIONS.**—A vegetation management activity covered by the categorical exclusion established under subsection (a) may not contain treatment units exceeding a total of 10,000 acres.

SEC 4. EXTRAORDINARY CIRCUMSTANCES.—

An action categorically excluded under the provisions of this Act shall not be subject to extraordinary circumstances procedures of the Secretary concerned.