

117TH CONGRESS H. R. 2612

To provide for forest landscape projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 16, 2021

Mr. Lamalfa (for himself, Mr. Newhouse, Mr. Johnson of South Dakota, Mr. McCarthy, Mr. Westerman, and Mr. Crawford) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for forest landscape projects, 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 "Restoring Environ-
- 5 ments, Soils, Trees, and Operations to develop the Rural
- 6 Economy Act of 2021" or the "RESTORE Act of 2021".
- 7 SEC. 2. FOREST LANDSCAPE PROJECTS.
- 8 (a) Establishment.—

1 (1) IN GENERAL.—Not later than 90 days after 2 the date of the enactment of this Act, the Secretary 3 shall, at the request of a Governor of a State, select 4 a forest landscape in the State on which to conduct 5 a forest landscape project described in subsection 6 (b)(1). 7 (2) Process.— 8 Proposals.—To request a forest 9 landscape project be carried out in a State 10 under paragraph (1), the Governor of such 11 State may submit to the Secretary a proposal 12 for a forest landscape project in such State. 13 (B) Selection.—The Secretary may only 14 select a proposal submitted under subparagraph 15 (A) if the proposal will be conducted on a forest 16 landscape. 17 (3) APPLICABILITY OF NEPA.—The selection of 18 a forest landscape under this subsection shall not be 19 subject to the National Environmental Policy Act of 20 1969 (42 U.S.C. 4321 et seg.). 21 (b) Forest Landscape Projects.—

(1) In General.—A forest landscape project carried out by the Secretary under this section is a project—

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1	(A) for which the Secretary carries out 1
2	or more covered management activities de-
3	scribed in paragraph (2); and
4	(B) that takes place—
5	(i) on a forest landscape; and
6	(ii) on not more than 75,000 acres
7	of—
8	(I) Federal land; or
9	(II) non-Federal land adjacent to
10	Federal land on which the project is
11	also carried out.
12	(2) Covered management activity.—A cov-
13	ered management activity described in this para-
14	graph is a forest management activity to—
15	(A) install fuel breaks (including shaded
16	fuel breaks) not more than ½-mile wide across
17	a forest landscape in a strategic system that
18	maximizes the reduction of wildfire risk to com-
19	munities or watersheds;
20	(B) carry out mechanical thinning (includ-
21	ing restoration thinning) of a forest landscape
22	to clear—
23	(i) surface fuels, such as slash;
24	(ii) ladder fuels, such as small and
25	medium diameter trees and shrubs; or

1	(iii) both of the fuels described in
2	clauses (i) and (ii);
3	(C) conduct controlled burns; and
4	(D) remove dead trees, dying trees, or
5	trees at high-risk of dying.
6	(3) Requirements.—In carrying out a covered
7	management activity under a forest landscape
8	project, the Secretary—
9	(A) shall—
10	(i) maximize the retention of old-
11	growth stands and large trees, as appro-
12	priate for the forest type, to the extent
13	that the trees promote stands that are re-
14	silient to wildfire and increased average
15	temperature; and
16	(ii) consider the best available sci-
17	entific information to maintain or restore
18	the ecological integrity of the forest land-
19	scape; and
20	(B) may not establish a permanent road.
21	(c) Environmental Analysis.—
22	(1) Application to certain environmental
23	ASSESSMENTS AND ENVIRONMENTAL IMPACT STATE-
24	MENTS.—This subsection shall apply in any case in
25	which the Secretary prepares an environmental as-

1	sessment or an environmental impact statement pur-
2	suant to section 102(2) of the National Environ-
3	mental Policy Act of 1969 (42 U.S.C.4332(2)) for a
4	forest landscape project—
5	(A) that—
6	(i) is developed through a collabo-
7	rative process; or
8	(ii) is covered by a community wildfire
9	protection plan; and
10	(B) the primary purpose of which is—
11	(i) to reduce the risk of wildfire in the
12	forest landscape;
13	(ii) to restore ecological health to the
14	forest landscape; or
15	(iii) to adapt the forest landscape to
16	the increased risk of wildfire due to climate
17	change.
18	(2) Consideration of Alternatives.—In an
19	environmental assessment or an environmental im-
20	pact statement described in paragraph (1), the Sec-
21	retary shall study, develop, and describe only the fol-
22	lowing alternatives:
23	(A) The proposed agency action.
24	(B) The alternative of no action.

1	(3) Waiver.—In preparing an environmental
2	impact statement for a forest landscape project de-
3	scribed in paragraph (1), the Secretary shall not be
4	required to comply with section 1502.11(g) or
5	1502.17 of title 40, Code of Federal Regulations (or
6	successor regulations).
7	(d) Judicial Review in United States District
8	Courts.—
9	(1) Venue.—Notwithstanding section 1391 of
10	title 28, United States Code, or other applicable law,
11	a forest landscape project for which an environ-
12	mental assessment or an environmental impact
13	statement is prepared shall be subject to judicial re-
14	view only in—
15	(A) the United States district court for a
16	district in which the Federal land to be treated
17	under the forest landscape project is located; or
18	(B) the United States district court for the
19	District of Columbia.
20	(2) Expeditious completion of Judicial
21	REVIEW.—In the judicial review of an action chal-
22	lenging a forest landscape project described in para-
23	graph (1), Congress encourages a court of competent
24	jurisdiction to expedite, to the maximum extent

practicable, the proceedings in the action with the

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1	goal of rendering a final determination on jurisdic-
2	tion, and, if jurisdiction exists, a final determination
3	on the merits, as soon as practicable after the date
4	on which a complaint or appeal is filed to initiate
5	the action.
6	(e) Exclusions.—The authorities provided under
7	this section may not apply to—
8	(1) any component of the National Wilderness
9	Preservation System, except with respect to wilder-
10	ness study areas determined, before the date of the
11	enactment of this Act, to not be suitable for wilder-
12	ness designation;
13	(2) any congressionally designated wilderness
14	study area;
15	(3) National Forest System lands—
16	(A) on which the removal of vegetation is
17	prohibited by Act of Congress;
18	(B) that are located within a national or
19	State-specific inventoried roadless area estab-
20	lished by the Secretary through regulation, un-
21	less—
22	(i) the forest management activity to
23	be carried out under such authority is con-
24	sistent with the forest plan applicable to
25	the area:

1	(ii) the Secretary determines the for-
2	est management activity is permissible
3	under the applicable roadless rule gov-
4	erning such lands; or
5	(iii) the inventoried roadless area was
6	not recommended for wilderness designa-
7	tion as a result of—
8	(I) the second roadless area re-
9	view and evaluation program (RARE
10	II); or
11	(II) a subsequent revision of a
12	land and resources management plan
13	under section 6 of the Forest and
14	Rangeland Renewable Resources
15	Planning Act of 1974 (16 U.S.C.
16	1604); or
17	(C) on which timber harvesting for any
18	purpose is prohibited by Federal statute.
19	(f) Definitions.—In this section:
20	(1) Collaborative process.—The term "col-
21	laborative process" means a collaborative process de-
22	scribed in section 4003(b)(2) of the Omnibus Public
23	Land Management Act of 2009 (16 U.S.C.
24	7303(b)(2)).

1	(2) Forest Landscape.—The term "forest
2	landscape" means an area that—
3	(A) primarily or entirely contains land that
4	has a high or very high wildfire hazard poten-
5	tial;
6	(B) due to a fuel management activity in
7	the area, would have a reduced risk, as deter-
8	mined by the Secretary—
9	(i) of wildfire endangering a nearby
10	at-risk community (as defined in section
11	101 of the Healthy Forests Restoration
12	Act of 2003 (16 U.S.C. 6511));
13	(ii) of wildfire damaging a municipal
14	watershed or infrastructure that serves an
15	at-risk community described in clause (i);
16	or
17	(iii) of the transmission of a high in-
18	tensity wildfire from the applicable
19	wildland-urban interface or forest land-
20	scape to a nearby community; and
21	(C) to the extent practicable, is conducive
22	to the development and implementation of
23	projects relating to wildfire resilience and forest
24	health or removal of dead or dying trees that
25	are carried out through a collaborative process.

1	(3) FOREST LANDSCAPE PROJECT.—The term
2	"forest landscape project" means a project described
3	in subsection $(b)(1)$.

- (4) FOREST PLAN.—The term "forest plan" means 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) SECRETARY.—The term "Secretary" means
 the Secretary of Agriculture.
- 12 (g) AUTHORIZATION OF APPROPRIATIONS.—There 13 are authorized to be appropriated to carry out this section 14 \$200,000,000 for fiscal year 2021 and each fiscal year 15 thereafter.

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