

115TH CONGRESS
1ST SESSION

H. R. 3715

To expedite salvage and reforestation projects in the Columbia Gorge National Scenic Area and other National Scenic Areas in response to certain catastrophic events, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2017

Mr. WALDEN introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, 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 expedite salvage and reforestation projects in the Columbia Gorge National Scenic Area and other National Scenic Areas in response to certain catastrophic events, 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 “Scenic Columbia Gorge
5 Restoration Act of 2017”.

1 **SEC. 2. EXPEDITED RECOVERY ACTIVITIES IN RESPONSE**
2 **TO CATASTROPHIC EVENTS IN NATIONAL**
3 **SCENIC AREAS.**

4 (a) DEFINITIONS.—In this section:

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

12 (2) CONCLUSION.—The term “conclusion”, with
13 respect to a catastrophic event, includes containment
14 of the catastrophic event if occurring before the ac-
15 tual end of the catastrophic event.

16 (3) NATIONAL SCENIC AREA.—The term “Na-
17 tional Scenic Area” means an area of the National
18 Forest System federally designated as a National
19 Scenic Area in recognition of the outstanding nat-
20 ural, scenic, and recreational values of the area.

21 (4) RESPONSE ACTIVITY.—The term “response
22 activity” means any salvage operation or reforest-
23 ation activity proposed to be conducted within a Na-
24 tional Scenic Area adversely impacted by a cata-
25 strophic event to address conditions caused or exac-
26 erbated by the catastrophic event.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, acting through the
3 Chief of the Forest Service.

4 (b) PROMPT PROPOSAL OF RESPONSE ACTIVITIES.—
5 Within 30 days after the conclusion of a catastrophic event
6 within a National Scenic Area, the Secretary shall begin
7 proposing response activities for lands within the National
8 Scenic Area adversely impacted by the catastrophic event.

9 (c) PUBLIC INPUT AND RESPONSE PROCESS.—Not-
10 withstanding any other provision of law, the Secretary
11 shall allow 30 days for public scoping and comment re-
12 garding a National Scenic Area response activity, 15 days
13 for filing an objection to the response activity, and 15 days
14 for the agency response to the filing of an objection. Upon
15 completion of this process and expiration of the period
16 specified in subsection (d)(1) if applicable, the Secretary
17 shall implement the response activity.

18 (d) ENVIRONMENTAL REVIEW.—

19 (1) EXPEDITED ENVIRONMENTAL ASSESS-
20 MENT.—Except as provided in paragraph (2), not-
21 withstanding any other provision of law, an environ-
22 mental assessment prepared by the Secretary con-
23 cerned pursuant to section 102 of the National En-
24 vironmental Policy Act of 1969 (42 U.S.C. 4332) for
25 a National Scenic Area response activity shall be

1 completed within 60 days after the conclusion of the
2 catastrophic event.

3 (2) CATEGORICAL EXCLUSION.—A categorical
4 exclusion is available for any National Scenic Area
5 response activity that—

6 (A) does not exceed 10,000 acres within
7 the National Scenic Area; and

8 (B) includes lands that—

9 (i) are visible from key viewing areas,
10 as described in the management plan for
11 the National Scenic Area;

12 (ii) provide screening for human de-
13 velopment;

14 (iii) are part of a municipal water-
15 shed; or

16 (iv) contain utility or power trans-
17 mission right-of-ways.

18 (e) CONSULTATION UNDER THE ENDANGERED SPE-
19 CIES ACT.—

20 (1) NO CONSULTATION IF RESPONSE ACTIVITY
21 NOT LIKELY TO ADVERSELY AFFECT A LISTED SPE-
22 CIES OR DESIGNATED CRITICAL HABITAT.—Con-
23 sultation under section 7 of the Endangered Species
24 Act of 1973 (16 U.S.C. 1536) shall not be required
25 if the Secretary determines that a response activity

1 is not likely to adversely affect a listed species or
2 designated critical habitat.

3 (2) EXPEDITED CONSULTATION.—

4 (A) IN GENERAL.—With respect to a re-
5 sponse activity that is not covered by paragraph
6 (1), consultation required under section 7 of the
7 Endangered Species Act of 1973 (16 U.S.C.
8 1536) shall be concluded within the 90-day pe-
9 riod beginning on the date on which such con-
10 sultation was requested by the Secretary.

11 (B) EFFECT OF NO CONCLUSION.—In the
12 case of a consultation described in subpara-
13 graph (A) that is not concluded within the 90-
14 day period specified in such subparagraph, the
15 response activity for which such consultation
16 was initiated—

17 (i) shall be deemed to have not vio-
18 lated section 7 of the Endangered Species
19 Act of 1973 (16 U.S.C. 1536(a)(2)); and

20 (ii) may be carried out.

21 (f) PROHIBITION ON RESTRAINING ORDERS, PRE-
22 LIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING AP-
23 PEAL.—No restraining order, preliminary injunction, or
24 injunction pending appeal shall be issued by any court of
25 the United States with respect to any decision to prepare

1 or conduct a response activity. Section 705 of title 5,
2 United States Code, shall not apply to any challenge to
3 the response activity.

4 (g) FUNDING SOURCE.—Amounts in the special fund
5 established pursuant to section 3 of the Act of June 9,
6 1930 (commonly known as the Knutson-Vandenberg Act;
7 16 U.S.C. 576b), shall be available to the Secretary for
8 response activities.

9 (h) REFORESTATION OBJECTIVE.—In the case of re-
10 sponse activities conducted on National Scenic Area lands
11 adversely impacted by a catastrophic event, the Secretary
12 shall achieve reforestation of at least 75 percent of the
13 impacted lands before the end of the two-year period fol-
14 lowing the conclusion of the catastrophic event.

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