

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the establishment of fuel breaks
in forests and other wildland vegetation.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. _____

To invest in the energy and outdoor infrastructure of the
United States to deploy new and innovative technologies,
update existing infrastructure to be reliable and resilient,
and secure energy infrastructure against physical and
cyber threats, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DAINES

Viz:

1 At the end of title VIII, add the following:

2 **SEC. 8 ____ . ESTABLISHMENT OF FUEL BREAKS IN FORESTS**

3 **AND OTHER WILDLAND VEGETATION.**

4 (a) DEFINITION OF SECRETARY CONCERNED.—In
5 this section, the term “Secretary concerned” means—

6 (1) the Secretary of Agriculture, with respect to
7 National Forest System land; and

8 (2) the Secretary of the Interior, with respect
9 to public lands (as defined in section 103 of the
10 Federal Land Policy and Management Act of 1976

1 (43 U.S.C. 1702)) administered by the Bureau of
2 Land Management.

3 (b) CATEGORICAL EXCLUSION ESTABLISHED.—For-
4 est management activities described in subsection (c) are
5 a category of actions designated as being categorically ex-
6 cluded from the preparation of an environmental assess-
7 ment or an environmental impact statement under the Na-
8 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
9 et seq.) if the categorical exclusion is documented through
10 a supporting record and decision memorandum.

11 (c) FOREST MANAGEMENT ACTIVITIES DESIGNATED
12 FOR CATEGORICAL EXCLUSION.—

13 (1) IN GENERAL.—The category of forest man-
14 agement activities designated under subsection (b)
15 for a categorical exclusion are forest management
16 activities described in paragraph (2) that are carried
17 out by the Secretary concerned on public lands (as
18 defined in section 103 of the Federal Land Policy
19 and Management Act of 1976 (43 U.S.C. 1702)) ad-
20 ministered by the Bureau of Land Management or
21 National Forest System land the primary purpose of
22 which is to establish and maintain linear fuel breaks
23 that are—

24 (A) up to 1,000 feet in width contiguous
25 with or incorporating existing linear features,

1 such as roads, water infrastructure, trans-
2 mission and distribution lines, and pipelines of
3 any length on Federal land; and

4 (B) intended to reduce the risk of
5 uncharacteristic wildfire on Federal land or cat-
6 astrophic wildfire for an adjacent at-risk com-
7 munity.

8 (2) ACTIVITIES.—Subject to paragraph (3), the
9 forest management activities that may be carried out
10 pursuant to the categorical exclusion established
11 under subsection (b) are—

12 (A) mowing or masticating;

13 (B) thinning by manual and mechanical
14 cutting;

15 (C) piling, yarding, and removal of slash or
16 hazardous fuels;

17 (D) selling of vegetation products, includ-
18 ing timber, firewood, biomass, slash, and fence-
19 posts;

20 (E) targeted grazing;

21 (F) application of—

22 (i) pesticide;

23 (ii) biopesticide; or

24 (iii) herbicide;

25 (G) seeding of native species;

1 (H) controlled burns and broadcast burn-
2 ing; and

3 (I) burning of piles, including jackpot
4 piles.

5 (3) EXCLUDED ACTIVITIES.—A forest manage-
6 ment activity described in paragraph (2) may not be
7 carried out pursuant to the categorical exclusion es-
8 tablished under subsection (b) if the activity is con-
9 ducted—

10 (A) in a component of the National Wilder-
11 ness Preservation System;

12 (B) on Federal land on which the removal
13 of vegetation is prohibited or restricted by Act
14 of Congress, Presidential proclamation (includ-
15 ing the applicable implementation plan), or reg-
16 ulation;

17 (C) in a wilderness study area; or

18 (D) in an area in which carrying out the
19 activity would be inconsistent with the applica-
20 ble land management plan or resource manage-
21 ment plan.

22 (4) EXTRAORDINARY CIRCUMSTANCES.—The
23 Secretary concerned shall apply the extraordinary
24 circumstances procedures under section 220.6 of
25 title 36, Code of Federal Regulations (or a successor

1 regulation), in determining whether to use a categor-
2 ical exclusion under subsection (b).

3 (d) ACREAGE AND LOCATION LIMITATIONS.—Treat-
4 ments of vegetation in linear fuel breaks covered by the
5 categorical exclusion established under subsection (b)—

6 (1) may not contain treatment units in excess
7 of 3,000 acres;

8 (2) shall be located primarily in—

9 (A) the wildland-urban interface or a pub-
10 lic drinking water source area;

11 (B) if located outside the wildland-urban
12 interface or a public drinking water source
13 area, an area within Condition Class 2 or 3 in
14 Fire Regime Group I, II, or III that contains
15 very high wildfire hazard potential; or

16 (C) an insect or disease area designated by
17 the Secretary concerned as of the date of enact-
18 ment of this Act; and

19 (3) shall consider the best available scientific
20 information.

21 (e) ROADS.—

22 (1) PERMANENT ROADS.—A project under this
23 section shall not include the establishment of perma-
24 nent roads.

1 (2) EXISTING ROADS.—The Secretary con-
2 cerned may carry out necessary maintenance and re-
3 pairs on existing permanent roads for the purposes
4 of this section.

5 (3) TEMPORARY ROADS.—The Secretary con-
6 cerned shall decommission any temporary road con-
7 structed under a project under this section not later
8 than 3 years after the date on which the project is
9 completed.

10 (f) PUBLIC COLLABORATION.—To encourage mean-
11 ingful public participation during the preparation of a
12 project under this section, the Secretary concerned shall
13 facilitate, during the preparation of each project—

14 (1) collaboration among State and local govern-
15 ments and Indian Tribes; and

16 (2) participation of interested persons.