

107TH CONGRESS
2^D SESSION

H. R. 5214

To authorize and direct the Secretary of Agriculture to take actions to promptly address the risk of fire and insect infestation in National Forest System lands.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2002

Mr. REHBERG (for himself, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Alaska, Mr. GOODLATTE, Mr. HERGER, Mr. SIMPSON, Mr. OTTER, Mr. CANNON, Mr. JONES of North Carolina, Mr. DOOLITTLE, Mr. DUNCAN, Mr. GIBBONS, Mr. RADANOVICH, Mr. TANCREDO, Mr. TAUZIN, Mr. GUTKNECHT, Mr. GOODE, Mrs. EMERSON, Mr. SCHAFFER, Mr. SESSIONS, Mrs. CUBIN, Mr. FLAKE, Mr. GALLEGLY, Mr. HAYWORTH, and Mr. HASTINGS of Washington) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on 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 authorize and direct the Secretary of Agriculture to take actions to promptly address the risk of fire and insect infestation in National Forest System lands.

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 “National Forest Fire
5 Prevention Act”.

1 **SEC. 2. ACTIONS TO ADDRESS FIRE AND INSECT DANGER**
2 **IN NATIONAL FOREST SYSTEM LANDS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Forest health conditions within National
5 Forest System lands are deteriorating and imme-
6 diate action to treat these lands is in the public in-
7 terest.

8 (2) Pending litigation prevents timely action to
9 reduce the risk of wildfire in National Forest System
10 lands.

11 (3) Existing administrative and legal processes
12 cannot address the fire danger in time to enable the
13 Secretary of Agriculture to take action to reduce the
14 danger.

15 (4) Immediate action to address the fire danger
16 in an environmentally responsive manner is sup-
17 ported by the States and local governments, local in-
18 dustry users, and some environmental groups.

19 (5) The Forest Service and State and local fire
20 officials are encouraged to take actions as necessary
21 to create a defensible fuel zone within State owned
22 lands adjacent to National Forest System lands.

23 (b) FIRE AND INSECT RISK REDUCTION IN EXISTING
24 TIMBER SALE ANALYSIS AREAS.—

25 (1) IN GENERAL.—Subject to paragraph (2),
26 the Secretary is authorized to treat additional timber

1 within or outside the existing cutting units for Na-
2 tional Forest System timber sales and within the
3 analysis areas for these sales as is necessary to re-
4 duce insect infestation or fire hazard. The Secretary
5 may authorize such treatments by modifying existing
6 timber sale contracts upon agreement with pur-
7 chaser or by offering additional timber sales within
8 such timber sale analysis areas.

9 (2) CRITERIA.—In implementing additional
10 treatments within the timber sale analysis areas re-
11 ferred to in paragraph (1), the Secretary shall use,
12 in order of priority, the following criteria:

13 (A) Areas within $\frac{1}{4}$ mile of private prop-
14 erties where private property owners have taken
15 or are taking actions to treat their lands.

16 (B) Stands that are a fire hazard or insect
17 infested, and are near private lands or in prox-
18 imity to communities.

19 (C) Areas that have the highest intensity
20 or concentration of insect infestation that will
21 move to other areas.

22 (D) Stands that are a fire hazard or insect
23 infested, and are near areas of high resource
24 value where retaining green trees is important,

1 such as wildlife habitats, sensitive landscapes,
2 recreation areas, and developments.

3 (E) Stands that are a high fire hazard or
4 insect infested, and are within skidding distance
5 of existing roads.

6 (F) Concentrations of insect infested trees
7 or areas that are high fire hazards.

8 (G) Stands with the highest density that
9 are most susceptible to insect attack and are in
10 close proximity to infested trees.

11 (c) PROCESS.—Actions the Secretary undertakes pur-
12 suant to this section shall proceed immediately and to
13 completion notwithstanding any other provision of law, in-
14 cluding the National Environmental Policy Act of 1969
15 and the National Forest Management Act (16 U.S.C.
16 1601 et seq.). Any actions taken pursuant to this section
17 shall not be subject to the notice, comment, and appeal
18 requirements of section 322 of Public Law 102–381 (com-
19 monly referred to as the “Appeals Reform Act”; 16 U.S.C.
20 1612 note). Any action determined by the Secretary to
21 be authorized by this section and the determination by the
22 Secretary shall not be subject to judicial review by any
23 court of the United States.

24 (d) ROADLESS CHARACTER.—The actions authorized
25 by this section shall not affect the determination of any

1 area's wilderness capability, wilderness suitability, or
2 roadless character.

3 (e) REPORTING.—The Secretary shall report to Con-
4 gress on the implementation of this section on or by No-
5 vember 30, 2002, June 30, 2003, and November 30, 2003.

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