

111TH CONGRESS  
1ST SESSION

# H. R. 4233

To amend the Healthy Forests Restoration Act of 2003 to expand the areas of Federal land on which hazardous fuel reduction projects may be conducted under that Act, to add protection of infrastructure in rural communities as an additional purpose of that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2009

Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, Mr. BAIRD, Mrs. MCMORRIS RODGERS, and Mr. SCHRADER) 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

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## A BILL

To amend the Healthy Forests Restoration Act of 2003 to expand the areas of Federal land on which hazardous fuel reduction projects may be conducted under that Act, to add protection of infrastructure in rural communities as an additional purpose of that Act, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Healthy Forests Res-  
3 toration Amendments Act of 2009”.

4 **SEC. 2. ADDITIONAL PURPOSE OF ACT.**

5 Section 2(6) of the Healthy Forests Restoration Act  
6 of 2003 (16 U.S.C. 6501(6)) is amended—

7 (1) by striking “and” at the end of subpara-  
8 graph (B);

9 (2) by striking the period at the end of sub-  
10 paragraph (C) and inserting “; and”; and

11 (3) by adding at the end the following new sub-  
12 paragraph:

13 “(D) to protect infrastructure in rural  
14 communities.”.

15 **SEC. 3. DEFINITION OF WILDLAND-URBAN INTERFACE.**

16 Section 101(16)(A) of the Healthy Forests Restora-  
17 tion Act of 2003 (16 U.S.C. 6511(16)(A)) is amended by  
18 inserting after “protection plan” the following: “, as estab-  
19 lished in the manner described in section 101(3)”.

20 **SEC. 4. EXPANSION OF FEDERAL LAND ELIGIBLE FOR HAZ-  
21 ARDOUS FUEL REDUCTION PROJECTS.**

22 (a) COVERED LANDS.—Section 102(a) of the  
23 Healthy Forests Restoration Act of 2003 (16 U.S.C.  
24 6512(a)) is amended—

25 (1) in the matter preceding paragraph (1), by  
26 inserting “necessary connected actions (as described

1 in section 1508.25(a)1 of title 40, Code of Federal  
2 Regulations), and forest and rangeland health res-  
3 toration,” after “hazardous fuels reduction  
4 projects,”;

5 (2) by striking paragraphs (2), (3), and (4) and  
6 inserting the following new paragraphs:

7 “(2) condition class 2 or condition class 3 Fed-  
8 eral land located within fire regime I, fire regime II,  
9 or fire regime III;

10 “(3) Federal land on which windthrow or blow-  
11 down, ice storm damage, the existence of an infesta-  
12 tion of disease or insects, or the presence of such an  
13 infestation on immediately adjacent land and the  
14 risk it will spread, poses a significant threat to a  
15 forest or rangeland resource on the Federal land or  
16 adjacent non-Federal land; and”;

17 (3) by redesignating paragraph (5) as para-  
18 graph (4) and, in such paragraph, by striking “para-  
19 graphs (1) through (4)” and inserting “paragraphs  
20 (1) through (3)”.

21 (b) ACREAGE LIMITATION.—Section 102 of the  
22 Healthy Forests Restoration Act of 2003 (16 U.S.C.  
23 6512) is amended by striking subsection (c).

1 **SEC. 5. FUNDING PRIORITIES.**

2 Section 103(d)(1)(A) of the Healthy Forests Restora-  
3 tion Act of 2003 (16 U.S.C. 6513(d)(1)(A)) is amended  
4 by inserting after “interface” the following: “, as estab-  
5 lished in the manner described in section 101(3)”.

6 **SEC. 6. ALTERNATIVE ENVIRONMENTAL ANALYSIS.**

7 Subsection (d) of section 104 of the Healthy Forests  
8 Restoration Act of 2003 (16 U.S.C. 6514) is amended to  
9 read as follows:

10 “(d) ALTERNATIVE ANALYSIS PROCESS FOR  
11 PROJECTS IN WILDLAND-URBAN INTERFACE.—

12 “(1) PROPOSED AGENCY ACTION AND NO AC-  
13 TION ALTERNATIVE.—The Secretary is not required  
14 to study, develop, or describe more than the pro-  
15 posed agency action and a no action alternative in  
16 the environmental assessment or environmental im-  
17 pact statement prepared pursuant to section 102(2)  
18 of the National Environmental Policy Act of 1969  
19 (42 U.S.C. 4332(2)) for an authorized hazardous  
20 fuel reduction project that is proposed to be con-  
21 ducted—

22 “(A) in the wildland-urban interface, as es-  
23 tablished in the manner described in section  
24 101(3);

25 “(B) if subparagraph (A) does not apply,  
26 in the wildland-urban interface located no fur-

1           ther than 1½ miles from the boundary of an  
2           at-risk community; or

3                   “(C) on Federal land identified as condi-  
4           tion class 2 or condition class 3 and not with-  
5           drawn in this Act.

6                   “(2) ADDITIONAL ALTERNATIVE.—If an at-risk  
7           community has adopted a community wildfire pro-  
8           tection plan in the manner described in section  
9           101(3) and the proposed agency action for an au-  
10          thorized hazardous fuel reduction project does not  
11          implement the recommendations in the plan regard-  
12          ing the general location and basic method of treat-  
13          ments, the Secretary shall evaluate the recommenda-  
14          tions in the plan as an additional alternative to the  
15          proposed agency action in the environmental assess-  
16          ment or environmental impact statement prepared  
17          pursuant to section 102(2) of the National Environ-  
18          mental Policy Act of 1969 (42 U.S.C. 4332(2)).”.

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