

117TH CONGRESS  
1ST SESSION

# S. 2436

To amend the Healthy Forests Restoration Act of 2003 to establish emergency fireheshed management areas, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 22, 2021

Mr. RISCH (for himself, Mr. BARRASSO, Mr. DAINES, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Healthy Forests Restoration Act of 2003 to establish emergency fireheshed management areas, 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 “Forest Improvements  
5 through Research and Emergency Stewardship for  
6 Healthy Ecosystem Development and Sustainability Act”  
7 or the “FIRESHEDS Act”.

1 **SEC. 2. EMERGENCY FIRESHED MANAGEMENT.**

2 Title VI of the Healthy Forests Restoration Act of  
3 2003 (16 U.S.C. 6591 et seq.) is amended by adding at  
4 the end the following:

5 **“SEC. 607. EMERGENCY FIRESHED MANAGEMENT.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) COLLABORATIVE PROCESS.—The term  
8 ‘collaborative process’ means a process relating to  
9 the management of National Forest System land or  
10 public land by which a project or forest management  
11 activity is developed and implemented by the Sec-  
12 retary through collaboration with interested persons,  
13 as described in section 603(b)(1)(C).

14 “(2) FIRESHED.—The term ‘fireshed’ means a  
15 landscape-scale area that faces a similar wildfire  
16 threat where a response strategy could influence the  
17 wildfire outcome.

18 “(3) FOREST PLAN.—The term ‘forest plan’  
19 means—

20 “(A) a land use plan prepared by the Sec-  
21 retary of the Interior, acting through the Direc-  
22 tor of the Bureau of Land Management, for  
23 public land under section 202 of the Federal  
24 Land Policy and Management Act of 1976 (43  
25 U.S.C. 1712); or

1           “(B) a land and resource management  
2           plan prepared by the Secretary of Agriculture,  
3           acting through the Chief of the Forest Service,  
4           for a unit of the National Forest System pursu-  
5           ant to section 6 of the Forest and Rangeland  
6           Renewable Resources Planning Act of 1974 (16  
7           U.S.C. 1604).

8           “(4) HAZARDOUS FUELS MANAGEMENT.—The  
9           term ‘hazardous fuels management’ means any vege-  
10          tation management activity that reduces the risk of  
11          wildfire, including mechanical treatments and live-  
12          stock grazing.

13          “(5) NATIONAL FOREST SYSTEM.—The term  
14          ‘National Forest System’ means national forest  
15          lands reserved or withdrawn from the public domain  
16          of the United States described in section 11(a) of  
17          the Forest and Rangeland Renewable Resources  
18          Planning Act of 1974 (16 U.S.C. 1609(a)).

19          “(6) PUBLIC LAND.—

20                 “(A) IN GENERAL.—The term ‘public land’  
21                 has the meaning given the term ‘public lands’  
22                 in section 103 of the Federal Land Policy and  
23                 Management Act of 1976 (43 U.S.C. 1702).

1           “(B) INCLUSIONS.—The term ‘public land’  
2 includes Coos Bay Wagon Road Grant land and  
3 Oregon and California Railroad Grant land.

4           “(7) RESOURCE ADVISORY COMMITTEE.—The  
5 term ‘resource advisory committee’ has the meaning  
6 given the term in section 201 of the Secure Rural  
7 Schools and Community Self-Determination Act of  
8 2000 (16 U.S.C. 7121).

9           “(8) SECRETARY.—The term ‘Secretary’  
10 means—

11           “(A) the Secretary of the Interior, with re-  
12 spect to public land; and

13           “(B) the Secretary of Agriculture, with re-  
14 spect to National Forest System land.

15           “(9) SECTION 101 TERMS.—The terms ‘at-risk  
16 community’, ‘community wildfire protection plan’,  
17 and ‘wildland-urban interface’ have the meanings  
18 given those terms in section 101.

19           “(b) ESTABLISHMENT OF FIRESHED MANAGEMENT  
20 AREAS.—

21           “(1) IN GENERAL.—

22           “(A) JOINT AGREEMENTS.—Not later than  
23 90 days after receiving a request from a Gov-  
24 ernor of a State, the Secretary shall enter into  
25 an agreement with that Governor to jointly—

1           “(i) designate 1 or more fireshed  
2 management areas within that State; and

3           “(ii) conduct fireshed management  
4 projects in accordance with subsection (d)  
5 in those fireshed management areas.

6           “(B) ADDITIONAL FIRESHED MANAGE-  
7 MENT AREAS.—With respect to an agreement  
8 with a Governor of a State under subparagraph  
9 (A), the Secretary, if requested by that Gov-  
10 ernor, may—

11           “(i) designate additional fireshed  
12 management areas under that agreement;  
13 and

14           “(ii) update that agreement to ad-  
15 dress new wildfire threats.

16           “(C) SHARED STEWARDSHIP.—A pre-  
17 viously signed stewardship agreement between a  
18 Governor of a State and the Secretary (or an  
19 update or successor agreement to such a stew-  
20 ardship agreement) may be treated as an agree-  
21 ment under subparagraph (A) if that Governor  
22 approves that treatment.

23           “(2) DESIGNATION OF FIRESHED MANAGEMENT  
24 AREAS.—

1           “(A) IN GENERAL.—A fireshed manage-  
2           ment area designated under an agreement  
3           under paragraph (1)—

4                   “(i) shall be—

5                           “(I) a landscape-scale area; and

6                           “(II) identified on the date of  
7                           that designation as a fireshed ranked  
8                           in the top 10 percent of wildfire expo-  
9                           sure, as determined by the most re-  
10                          cently published models of fireshed  
11                          risk exposure published by the Sec-  
12                          retary of Agriculture, acting through  
13                          the Chief of the Forest Service;

14                       “(ii) may not overlap with any other  
15                       fireshed management area; and

16                       “(iii) may contain Federal and non-  
17                       Federal land.

18           “(B) APPLICABILITY OF NEPA.—The des-  
19           ignation of a fireshed management area under  
20           an agreement under paragraph (1) shall not be  
21           subject to the requirements of the National En-  
22           vironmental Policy Act of 1969 (42 U.S.C.  
23           4321 et seq.).

24           “(c) STEWARDSHIP AND FIRESHED ASSESSMENTS.—

1           “(1) IN GENERAL.—Not later than 90 days  
2 after entering into an agreement with a Governor of  
3 a State under subsection (b)(1), the Secretary and  
4 that Governor shall, with respect to the fireshed  
5 management areas designated under that agreement,  
6 jointly conduct a stewardship and fireshed assess-  
7 ment that—

8           “(A) identifies—

9           “(i) using the best available data,  
10 wildfire exposure risks within each of those  
11 fireshed management areas, including sce-  
12 nario planning and wildfire hazard map-  
13 ping and models; and

14           “(ii) each at-risk community within  
15 each fireshed management area;

16           “(B) identifies potential fireshed manage-  
17 ment projects to be carried out in those fireshed  
18 management areas, giving priority—

19           “(i) primarily, to projects with the  
20 purpose of reducing threats to public  
21 health and safety from catastrophic wild-  
22 fire; and

23           “(ii) secondarily, to projects with the  
24 purpose of—

1 “(I) protecting critical infrastruc-  
2 ture;

3 “(II) protecting wildlife habitats;

4 “(III) protecting watersheds or  
5 improving water yield; or

6 “(IV) any combination of pur-  
7 poses described in subclauses (I)  
8 through (III);

9 “(C) includes—

10 “(i) a strategy for reducing the threat  
11 of wildfire to at-risk communities in the  
12 wildland-urban interface;

13 “(ii) recommended fireshed manage-  
14 ment project size limitations based on the  
15 best available data;

16 “(iii) a timeline for the implementa-  
17 tion of fireshed management projects; and

18 “(iv) long-term benchmark goals for  
19 the completion of fireshed management  
20 projects in the highest wildfire exposure  
21 areas; and

22 “(D) shall be regularly updated based on  
23 the best available data, as determined by the  
24 Secretary.

25 “(2) INFORMATION IMPROVEMENT.—

1           “(A) MEMORANDA OF UNDERSTANDING.—

2           In carrying out a stewardship and fireshed as-  
3           sessment under this subsection, the Secretary  
4           may enter into memoranda of understanding  
5           with other Federal agencies or departments,  
6           States, private entities, or research or edu-  
7           cational institutions to improve, with respect to  
8           that assessment, the use and integration of—

9                   “(i) advanced remote sensing and  
10                   geospatial technologies;

11                   “(ii) statistical modeling and analysis;

12                   or

13                   “(iii) any other technology the Sec-  
14                   retary determines will benefit the quality of  
15                   information of that assessment.

16           “(B) STATE INFORMATION.—To the max-  
17           imum extent practicable, the Secretary shall in-  
18           corporate data from State forest action plans,  
19           State wildfire risk assessments, and other State  
20           sources in conducting an assessment under  
21           paragraph (1).

22           “(d) FIRESHED MANAGEMENT PROJECTS.—

23                   “(1) IN GENERAL.—The Secretary shall carry  
24                   out fireshed management projects in fireshed man-  
25                   agement areas designated under an agreement under

1 subsection (b)(1) in accordance with the timeline  
2 and project size limitations included in the steward-  
3 ship and fireshed assessment relating to those areas  
4 under subsection (c)(1)(C).

5 “(2) REQUIREMENTS.—A fireshed management  
6 project shall—

7 “(A) be carried out—

8 “(i) in accordance with paragraph (3);

9 “(ii) in accordance with the applicable  
10 forest plan; and

11 “(iii) in a manner that maximizes the  
12 retention of old-growth and large trees, to  
13 the extent that the trees promote stands  
14 that are resilient to wildfire; and

15 “(B) be—

16 “(i) developed through a collaborative  
17 process;

18 “(ii) proposed by a resource advisory  
19 committee;

20 “(iii) covered by a community wildfire  
21 protection plan; or

22 “(iv) proposed by a resource advisory  
23 council described in subpart 1784 of part  
24 1700 of title 43, Code of Federal Regula-  
25 tions (or successor regulations).

1           “(3) AUTHORIZED ACTIVITIES.—A fireshed  
2 management project shall have the primary purpose  
3 of—

4           “(A) creating fuel breaks and fire breaks;

5           “(B) conducting hazardous fuels manage-  
6 ment;

7           “(C) conducting prescribed burns;

8           “(D) removing dead trees or dying trees;

9 or

10           “(E) carrying out any combination of the  
11 activities described in subparagraphs (A)  
12 through (D).

13           “(4) CATEGORICAL EXCLUSION FOR FIRESHED  
14 MANAGEMENT PROJECTS.—Fireshed management  
15 projects under this subsection shall be—

16           “(A) considered an action categorically ex-  
17 cluded from the preparation of an environ-  
18 mental assessment or an environmental impact  
19 statement under section 102 of the National  
20 Environmental Policy Act of 1969 (42 U.S.C.  
21 4332); and

22           “(B) exempt from the special administra-  
23 tive review process under section 105.

24           “(5) EXCLUSIONS.—A fireshed management  
25 project may not be carried out on land—

1           “(A) that is included in the National Wil-  
2 derness Preservation System;

3           “(B) that is located within a national or  
4 State-specific inventoried roadless area estab-  
5 lished by the Secretary of Agriculture through  
6 regulation, unless—

7                   “(i) the forest management activity to  
8 be carried out under that authority is con-  
9 sistent with the forest plan applicable to  
10 the area; or

11                   “(ii) the activity is allowed under the  
12 applicable roadless area conservation rule  
13 governing that land, including—

14                           “(I) the Idaho roadless area con-  
15 servation rule under subpart C of part  
16 294 of title 36, Code of Federal Regu-  
17 lations;

18                           “(II) the Colorado roadless area  
19 conservation rule under subpart D of  
20 part 294 of title 36, Code of Federal  
21 Regulations; or

22                           “(III) any other roadless area  
23 conservation rule developed after the  
24 date of enactment of this section by

1 the Secretary with respect to a spe-  
2 cific State; or

3 “(C) on which timber harvesting for any  
4 purpose is prohibited by Federal statute.

5 “(6) EFFECT RELATING TO CERTAIN ROADLESS  
6 AREA CONSERVATION RULES.—Nothing in this sec-  
7 tion affects the roadless area conservation rules de-  
8 scribed in subclauses (I) and (II) of paragraph  
9 (5)(B)(ii).

10 “(7) USE OF OTHER AUTHORITIES.—To the  
11 maximum extent practicable, the Secretary shall use  
12 existing statutory and administrative authorities, in-  
13 cluding a good neighbor agreement entered into  
14 under section 8206 of the Agricultural Act of 2014  
15 (16 U.S.C. 2113a), to carry out each fireshed man-  
16 agement project.

17 “(e) JUDICIAL REVIEW.—Section 106 shall apply to  
18 a fireshed management project conducted under this sec-  
19 tion in the same manner as that section applies to an au-  
20 thorized hazardous fuel reduction project conducted under  
21 title I, except that no restraining order, preliminary in-  
22 junction, or injunction pending appeal shall be issued by  
23 any court of the United States with respect to any decision  
24 to prepare or conduct a fireshed management project  
25 under this section in the wildland-urban interface.

1       “(f) REPORT.—Not later than 2 years after the date  
2 of enactment of this section, and annually thereafter, the  
3 Secretary shall submit to Congress a report evaluating the  
4 progress and implementation of fireshed management  
5 projects under this section.”.

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