

113TH CONGRESS
1ST SESSION

S. 661

To amend the Healthy Forests Restoration Act of 2003 to promote timely emergency rehabilitation and restoration of Federal forest land impacted by catastrophic events, to redirect for a 5-year-period funding normally made available for land acquisition to mechanical forest treatment and salvage operations due to catastrophic events, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2013

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Healthy Forests Restoration Act of 2003 to promote timely emergency rehabilitation and restoration of Federal forest land impacted by catastrophic events, to redirect for a 5-year-period funding normally made available for land acquisition to mechanical forest treatment and salvage operations due to 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,*

1 **SECTION 1. EMERGENCY FOREST REHABILITATION AND**
 2 **RESTORATION.**

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

6 **“SEC. 602. EMERGENCY FOREST REHABILITATION AND**
 7 **RESTORATION.**

8 “(a) DEFINITION.—In this section:

9 “(1) CATASTROPHIC EVENT.—

10 “(A) IN GENERAL.—The term ‘cata-
 11 strophic event’ means any natural disaster or
 12 any fire, flood, or explosion, regardless of cause,
 13 that the Secretary determines has caused or
 14 has the potential to cause damage of significant
 15 severity and magnitude to Federal land.

16 “(B) NATURAL DISASTER.—For purposes
 17 of subparagraph (A), a natural disaster, as de-
 18 termined by the Secretary, may include a hurri-
 19 cane, tornado, windstorm, snow or ice storm,
 20 rain storm, high water, wind-driven water, tidal
 21 wave, earthquake, volcanic eruption, landslide,
 22 mudslide, drought, or insect or disease out-
 23 break.

24 “(2) SECRETARY.—The term ‘Secretary’ has
 25 the meaning given term in section 101.

26 “(b) MECHANICAL FOREST TREATMENT.—

1 “(1) IN GENERAL.—The Secretary shall imple-
 2 ment such procedures as are necessary to ensure
 3 that not less than 600,000 acres of Federal land
 4 each fiscal year are treated with mechanical treat-
 5 ments intended to produce merchantable wood.

6 “(2) FUNDING.—The Secretary shall use to
 7 carry out paragraph (1)—

8 “(A) funds described in subsection (f)(3);
 9 and

10 “(B) any other funds made available for
 11 the purposes described in paragraph (1).

12 “(c) EMERGENCY CIRCUMSTANCES.—

13 “(1) IN GENERAL.—The Secretary shall—

14 “(A) declare that emergency circumstances
 15 exist for all Federal land subject to the effects
 16 of a catastrophic event, including on Federal
 17 land outside urban interface areas; and

18 “(B) as soon as practicable, take all ac-
 19 tions necessary for the rehabilitation or restora-
 20 tion of the Federal land, with highest priority
 21 given to Federal land impacted by large-scale
 22 beetle infestations.

23 “(2) EMERGENCY ALTERNATIVE ARRANGE-
 24 MENTS.—In accordance with section 220.4 of title
 25 36, Code of Federal Regulations and section

1 1506.11 of title 40, Code of Federal Regulations (or
2 successor regulations), for any Federal land for
3 which the Secretary declares the existence of emer-
4 gency circumstances under paragraph (1), the Sec-
5 retary may use emergency alternative arrangements
6 to comply with the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.).

8 “(3) LIMITATION ON ADMINISTRATIVE AP-
9 PEALS.—Notwithstanding any other provision of
10 law, no administrative appeal shall be allowed for
11 any action classified as an emergency alternative ar-
12 rangement under paragraph (2) or a categorical ex-
13 clusion under the National Environmental Policy Act
14 of 1969 (42 U.S.C. 4321 et seq.) due to emergency
15 circumstances declared under paragraph (1).

16 “(d) CATASTROPHIC EVENTS.—

17 “(1) IN GENERAL.—As soon as practicable dur-
18 ing but not later than 30 days after the conclusion
19 of a catastrophic event, the Secretary shall initiate
20 timely salvage activities on the Federal land affected
21 by the catastrophic event so as to prevent significant
22 deterioration of timber values, development of sig-
23 nificant fire hazard, or other forest mortality that
24 would prevent the Federal land from regenerating to
25 forest within 5 years.

1 “(2) FUNDING.—The Secretary shall use to
2 carry out paragraph (1)—

3 “(A) funds described in subsection (f)(3);
4 and

5 “(B) any other funds made available for
6 the purposes described in paragraph (1).

7 “(e) EXCLUSION OF CERTAIN FEDERAL LAND.—
8 This section shall not apply to—

9 “(1) a component of the National Wilderness
10 Preservation System;

11 “(2) Federal land on which the removal of vege-
12 tation is prohibited or restricted by Act of Congress,
13 Presidential proclamation, or the applicable land
14 management plan; or

15 “(3) a wilderness study area.

16 “(f) LIMITATION ON ACQUISITION.—

17 “(1) IN GENERAL.—Notwithstanding any other
18 provision of law, except as provided in paragraph
19 (2), beginning on the date of enactment of this sec-
20 tion and during each of the subsequent 5 full fiscal
21 years, none of the funds made available to the Sec-
22 retary under any law may be used—

23 “(A) to survey land for future acquisition
24 as Federal land; or

1 “(B) to enter into discussions with non-
2 Federal landowners to identify land for acqui-
3 sition as Federal land.

4 “(2) EXCEPTION.—Paragraph (1) does not
5 apply to the use of funds—

6 “(A) to complete land transactions under-
7 way on the date of enactment of this section;

8 “(B) to exchange Federal land for non-
9 Federal land; or

10 “(C) to accept donations of non-Federal
11 land as Federal land.

12 “(3) USE OF FUNDS.—The Secretary shall use
13 funds that would otherwise have been used for pur-
14 chase of non-Federal land by the Forest Service to
15 carry out—

16 “(A) mechanical forest treatments de-
17 scribed in subsection (b); and

18 “(B) salvage activities described in sub-
19 section (d).”.

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