AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5781
OFFERED BY MR. GARCIA OF CALIFORNIA

Add at the end the following:

SEC. 10. CATEGORICAL EXCLUSION TO EXPEDITE CERTAIN CRITICAL RESPONSE ACTIONS.

(a) Categorical Exclusion Established.—Forest management activities described in subsection (b) are a category of actions hereby designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(b) Forest Management Activities Designated for Categorical Exclusion.—The forest management activities designated under this section for a categorical exclusion are forest management activities carried out by the Secretary concerned on National Forest System lands or public lands where the primary purpose of such activity is—

(1) to address an insect or disease infestation;

(2) to reduce hazardous fuel loads;

(3) to protect a municipal water source;
(4) to maintain, enhance, or modify critical
habitat to protect such habitat from catastrophic
disturbances;
(5) to increase water yield;
(6) to remove dead or dying trees or trees at
high risk of dying;
(7) to facilitate native species restoration; or
(8) any combination of the purposes specified in
paragraphs (1) through (7).

(c) Availability of Categorical Exclusion.—

On and after the date of the enactment of this Act, the
Secretary concerned may use the categorical exclusion es-
tablished under subsection (a) in accordance with this sec-
tion.

(d) Acreage Limitations.—

(1) In general.—Except as provided in para-
graph (2), a forest management activity covered by
the categorical exclusion established under sub-
section (a) may not contain treatment units exceed-
ing a total of 10,000 acres.

(2) Larger areas authorized.—A forest
management activity covered by the categorical ex-
clusion established under subsection (a) may contain
treatment units exceeding a total of 10,000 acres
but not more than a total of 30,000 acres if the forest management activity is—

(A) developed through a collaborative process;

(B) proposed by a resource advisory committee; or

(C) covered by a community wildfire protection plan.

(e) EXCLUSIONS.—The authorities provided by this Act do not apply with respect to any National Forest System lands or public lands—

(1) that are included in the National Wilderness Preservation System;

(2) that are located within a national or State-specific inventoried roadless area established by the Secretary of Agriculture through regulation, unless—

(A) the forest management activity to be carried out under such authority is consistent with the forest plan applicable to the area; or

(B) the Secretary concerned determines the activity is allowed under the applicable roadless rule governing such lands; or

(3) on which timber harvesting for any purpose is prohibited by Federal statute.
(f) DEFINITIONS.—In this section:

(1) COLLABORATIVE PROCESS.—The term “collaborative process” means a process relating to the management of National Forest System lands or public lands by which a project or forest management activity is developed and implemented by the Secretary concerned through collaboration with multiple interested persons representing diverse interests.

(2) COMMUNITY WILDFIRE PROTECTION PLAN.—The term “community wildfire protection plan” has the meaning given that term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(3) FOREST MANAGEMENT ACTIVITY.—The term “forest management activity” means a project or activity carried out by the Secretary concerned on National Forest System lands or public lands consistent with the forest plan covering such lands.

(4) FOREST PLAN.—The term “forest plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public lands pursuant to section 202 of the Federal Land Policy
and Management Act of 1976 (43 U.S.C. 1712); or

(B) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(6) PUBLIC LANDS.—The term “public lands” has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), except that the term includes Coos Bay Wagon Road Grant lands and Oregon and California Railroad Grant lands.

(7) RESOURCE ADVISORY COMMITTEE.—The term “resource advisory committee” has the meaning given that term in section 201 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7121).
(8) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to public lands.