

117TH CONGRESS
1ST SESSION

S. 2698

To establish a categorical exclusion to improve or restore National Forest System land or public land or reduce the risk of wildfire, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 10, 2021

Ms. LUMMIS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a categorical exclusion to improve or restore National Forest System land or public land or reduce the risk of wildfire, 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 “Stop Causing Alarming
5 Tree, Air, and Soil Trauma Resulting from Obstructive
6 Progressives’ and Hypocritical Environmentalists’
7 Schemes Act” or the “Stop CATASTROPHES Act”.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

1 (1) FOREST MANAGEMENT ACTIVITY.—The
2 term “forest management activity” means a project
3 or activity carried out by the Secretary concerned on
4 National Forest System land or public land con-
5 sistent with the forest plan covering the land.

6 (2) FOREST PLAN.—The term “forest plan”
7 means—

8 (A) a land use plan prepared by the Bu-
9 reau of Land Management for public land pur-
10 suant to section 202 of the Federal Land Policy
11 and Management Act of 1976 (43 U.S.C.
12 1712); and

13 (B) a land and resource management plan
14 prepared by the Forest Service for a unit of the
15 National Forest System pursuant to section 6
16 of the Forest and Rangeland Renewable Re-
17 sources Planning Act of 1974 (16 U.S.C.
18 1604).

19 (3) HAZARDOUS FUEL MANAGEMENT.—The
20 term “hazardous fuel management” means any vege-
21 tation management activity that reduces the risk of
22 wildfire.

23 (4) LATE-SEASON GRAZING.—The term “late-
24 season grazing” means a grazing activity that oc-
25 curs—

1 (A) after an invasive species and native pe-
2 rennial species have each completed the cur-
3 rent-year annual growth cycle; and

4 (B) until new plant growth begins to ap-
5 pear in the following year.

6 (5) NATIONAL FOREST SYSTEM.—The term
7 “National Forest System” means the land described
8 in section 11(a) of the Forest and Rangeland Re-
9 newable Resources Planning Act of 1974 (16 U.S.C.
10 1609(a)).

11 (6) NOXIOUS WEED.—The term “noxious weed”
12 includes juniper trees, medusahead rye, conifer
13 trees, piñon pine trees, cheatgrass, and other nox-
14 ious or invasive weeds specified on a Federal or
15 State noxious weed list.

16 (7) PUBLIC LAND.—The term “public land”—
17 (A) has the meaning given the term “pub-
18 lic lands” in section 103 of the Federal Land
19 Policy and Management Act of 1976 (43 U.S.C.
20 1702); and

21 (B) includes Coos Bay Wagon Road Grant
22 land and Oregon and California Railroad Grant
23 land.

24 (8) SECRETARY CONCERNED.—The term “Sec-
25 retary concerned” means—

1 (A) the Secretary of Agriculture, with re-
 2 spect to National Forest System land; and

3 (B) the Secretary of the Interior, with re-
 4 spect to public land.

5 (9) TARGETED LIVESTOCK GRAZING.—The
 6 term “targeted livestock grazing” means grazing
 7 used for purposes of hazardous fuel management.

8 **SEC. 3. CATEGORICAL EXCLUSION TO IMPROVE OR RE-**
 9 **STORE NATIONAL FOREST SYSTEM LANDS OR**
 10 **PUBLIC LAND OR REDUCE THE RISK OF**
 11 **WILDFIRE.**

12 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
 13 est management activities described in subsection (b) are
 14 designated as a category of actions categorically excluded
 15 from the preparation of an environmental assessment or
 16 an environmental impact statement under section 102 of
 17 the National Environmental Policy Act of 1969 (42 U.S.C.
 18 4332).

19 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
 20 FOR CATEGORICAL EXCLUSION.—

21 (1) IN GENERAL.—The category of forest man-
 22 agement activities designated under this section for
 23 a categorical exclusion are forest management activi-
 24 ties described in paragraph (2)—

1 (A) carried out by the Secretary concerned
2 on National Forest System land or public land;
3 and

4 (B) the primary purpose of which is—

5 (i) to improve or restore the National
6 Forest System land or public land; or

7 (ii) to reduce the risk of wildfire on
8 the National Forest System land or public
9 land.

10 (2) ACTIVITIES AUTHORIZED.—The following
11 forest management activities may be carried out
12 pursuant to the categorical exclusion established
13 under subsection (a):

14 (A) Removal of noxious weeds through—

15 (i) late-season livestock grazing;

16 (ii) targeted livestock grazing;

17 (iii) prescribed burns; and

18 (iv) mechanical treatments.

19 (B) Performance of hazardous fuel man-
20 agement.

21 (C) Creation of fuel and fire breaks.

22 (D) Modification of existing fences to dis-
23 tribute livestock and improve wildlife habitat.

24 (E) Installation of erosion control devices.

1 (F) Construction of new permanent infra-
2 structure and maintenance of existing perma-
3 nent infrastructure, including stock ponds,
4 water catchments, and water spring boxes used
5 to benefit livestock and improve wildlife habitat.

6 (G) Performance of soil treatments, native
7 and nonnative seeding, and planting and trans-
8 planting of sagebrush, grass, forb, shrub, and
9 other species of grass.

10 (H) Use of herbicides, if the Secretary con-
11 cerned determines that the activity is otherwise
12 conducted consistent with any forest plan appli-
13 cable to the area covered by the activity.

14 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
15 On and after the date of enactment of this Act, the Sec-
16 retary concerned may use the categorical exclusion estab-
17 lished under subsection (a) in accordance with this section.

18 (d) ACREAGE LIMITATIONS.—A forest management
19 activity covered by the categorical exclusion established
20 under subsection (a) may not exceed 10,000 acres.

21 (e) EXCLUSIONS.—The categorical exclusion estab-
22 lished under subsection (a) shall not apply to a forest
23 management activity described in subsection (b)(2) that
24 is carried out on National Forest System land or public
25 land—

1 (1) that is a component of the National Wilder-
2 ness Preservation System;

3 (2) that is located within a national or State-
4 specific inventoried roadless area established by the
5 Secretary of Agriculture through regulation, un-
6 less—

7 (A) the forest management activity to be
8 carried out under on the National Forest Sys-
9 tem land or public land is consistent with the
10 forest plan applicable to the area; or

11 (B) the Secretary concerned determines
12 that the forest management activity is allowed
13 under the applicable roadless rule; or

14 (3) on which timber harvesting for any purpose
15 is prohibited by Federal law.

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