

117TH CONGRESS
2D SESSION

S. 4835

To provide for the removal of small-diameter trees in fire hazard areas,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2022

Mr. KING introduced the following bill; which was read twice and referred to
the Committee on Energy and Natural Resources

A BILL

To provide for the removal of small-diameter trees in fire
hazard 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 “Small-diameter Timber
5 and Underutilized Material Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FEDERAL LAND.**—The term “Federal land”
9 means land under the jurisdiction of—

10 (A) the Bureau of Land Management;

- 1 (B) the Bureau of Reclamation;
- 2 (C) the National Park Service;
- 3 (D) the United States Fish and Wildlife
- 4 Service; or
- 5 (E) the Forest Service.

6 (2) FIRE HAZARD AREA.—The term “fire haz-

7 ard area” means an area that—

8 (A) has been identified by the Secretary

9 concerned as having a very high wildfire hazard

10 potential;

11 (B) is located on Federal land; and

12 (C) is located west of the 100th meridian.

13 (3) SECRETARY CONCERNED.—The term “Sec-

14 retary concerned” means—

15 (A) the Secretary of Agriculture, acting

16 through the Chief of the Forest Service, with

17 respect to Federal land administered by that

18 Secretary; and

19 (B) the Secretary of the Interior, with re-

20 spect to Federal land administered by that Sec-

21 retary.

22 (4) SMALL-DIAMETER TREE.—The term “small-

23 diameter tree” means a tree, or portion thereof, that

24 has a diameter at breast height of not greater than

25 8 inches.

1 **SEC. 3. PRICES.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), notwithstanding any other provision of law—

4 (1) the Secretary concerned may not—

5 (A) charge a fee to authorize a person to
6 remove a small-diameter tree in a fire hazard
7 area, including a fee for a special use permit;
8 or

9 (B) recover any processing or monitoring
10 cost of authorizing a person to remove a small-
11 diameter tree in a fire hazard area; and

12 (2) if the Secretary concerned authorizes a per-
13 son to remove a small-diameter tree, including
14 through a timber sale, in a fire hazard area, the Sec-
15 retary concerned shall not require the person to pay
16 any amount for the small-diameter tree.

17 (b) FEES.—The Secretary concerned may charge a
18 fee for removal of a small-diameter tree of a particular
19 species of tree in a fire hazard area if the Secretary con-
20 cerned—

21 (1) determines that the fee is appropriate; and

22 (2) discloses that determination to the public.

23 (c) NO VOLUME DETERMINATIONS; APPRAISALS.—
24 As part of a small-diameter tree removal described in sub-
25 section (a), the Secretary concerned may not—

1 (1) require a volume determination, including
 2 by scaling, measuring, weighing, or counting small-
 3 diameter trees before or after cutting or removal; or

4 (2) conduct a timber appraisal to determine the
 5 fair-market value of the small-diameter trees being
 6 removed.

7 (d) APPLICABILITY.—This section shall only apply to
 8 contracts authorizing a person to remove a small-diameter
 9 tree as described in subsection (a) entered into on or after
 10 the date of enactment of this Act.

11 **SEC. 4. FREE-USE AREA DESIGNATION.**

12 The Secretary of Agriculture, acting through the
 13 Chief of the Forest Service, shall designate as a free-use
 14 area under section 223.6 of title 36, Code of Federal Reg-
 15 ulations (or a successor regulation), any fire hazard area
 16 in the National Forest System that contains a small-di-
 17 ameter tree.

18 **SEC. 5. TREE DESIGNATION.**

19 The Secretary concerned shall seek to designate for
 20 removal small-diameter trees in a fire hazard area—

21 (1) to the maximum extent practicable, through
 22 means that do not include physically marking a
 23 small-diameter tree for removal; and

24 (2) by providing a written description of—

- 1 (A) the small-diameter trees to be removed
- 2 and to be retained from a project area; or
- 3 (B) the desired post-harvest stand charac-
- 4 teristics within the project area from which the
- 5 small-diameter tree would be removed.

