

118TH CONGRESS
1ST SESSION

S. 3062

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2023

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 2023”.

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 risk;

11 (B) is located on Federal land; and

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

13 in the contiguous 48 States.

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

15 retary concerned” means—

16 (A) the Secretary of Agriculture, acting

17 through the Chief of the Forest Service, with

18 respect to Federal land administered by that

19 Secretary; and

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

21 spect to Federal land administered by that Sec-

22 retary.

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

24 diameter tree” means a tree, or portion thereof, as

25 determined by the Secretary concerned, that has a

1 diameter at breast height of generally not greater
2 than 8 inches.

3 **SEC. 3. PRICES.**

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

6 (1) the Secretary concerned may not—

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

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

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

19 (b) FEES.—The Secretary concerned may charge a
20 fee, in accordance with regulations promulgated by the
21 Secretary concerned, for removal of a small-diameter tree
22 of a particular species of tree in a fire hazard area if the
23 Secretary concerned—

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

25 (2) discloses that determination to the public.

1 (c) NO VOLUME DETERMINATIONS; APPRAISALS.—

2 As part of a small-diameter tree removal described in sub-
3 section (a), the Secretary concerned may not—

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

7 (2) conduct a timber appraisal to determine the
8 fair-market value of the small-diameter trees being
9 removed.

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

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

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

21 **SEC. 5. TREE DESIGNATION.**

22 The Secretary concerned shall seek to designate for
23 removal small-diameter trees in a fire hazard area by uti-
24 lizing the most efficient method of designation, which may

- 1 include designation by description, designation by pre-
- 2 scription, or physical marking.

