



REPUBLICAN LEADER GLENN 'GT' THOMPSON

FIRE Act

Forestry Improvements to Restore the Environment

Sponsored by Dusty Johnson (SD-At Large)

SUMMARY: The legislation provides new management tools to expedite forest restoration activities, restore forest health, grow rural economies, and produce climate resilient communities and landscapes.

BACKGROUND: Forests are our largest carbon sink. Unfortunately, due to decades of mismanagement, many are now net emitters of carbon, particularly federal forests in the west. Active forest management creates healthier forests and cleaner watersheds, while reducing catastrophic wildfires and associated emissions. The Forest Service is increasingly incapable of managing the vast acreage of forest lands at high risk to severe wildfire, including critical post-fire restoration activities.

After a severe wildfire, some trees that were burned or harmed will remain in the forest unless removed by the Forest Service. 2020 was yet another record-breaking wildfire year with some 10.3 million acres burned. To get new forest stands growing, much of the damaged timber must be removed. Failing to do so will allow burned areas to generate thick brush, which can prevent the return of forested stands for decades and set the stage for severe wildfire outbreak in the future.

SPECIFICALLY, THE FIRE ACT...

- Requires the Forest Service to complete a survey of National Forest System land that has been impacted by a wildfire within 60 days after the fire has been contained.
- Provides new management tools to expedite forest restoration activities, restore forest health, grow rural economies, and produce climate resilient communities and landscapes.
- Enables rural communities to get salvage timber to market, increasing financial benefits to local communities and funding for future restoration activities.

FIRE Act: Forestry Improvements to Restore the Environment Act of 2021

Short Summary: This legislation provides new management tools to expedite restoration activities, restore forest health and growing rural economies.

Section-By-Section

Section 1. Short Title

The Forestry Improvements to Restore the Environment Act of 2021, or “FIRE Act.”

Section 2. Forest Management Activities Required After Wildfire

Subsection (a) of section 2 requires the Forest Service to complete a survey of National Forest System land that has been impacted by a wildfire within 60 days after the fire has been contained. The section further requires the U.S. Forest Service (USFS) to give priority first to lands where timber is under contract (per National Forest Management Act or stewardship contract); and next to lands where a stewardship contract was planned and an environmental document completed per the National Environmental Policy Act (NEPA).

Subsection (b) of section 2 similarly requires that within 60 days of containment of a wildfire on National Forest System Land the USFS convert any timber sale to a salvage sale. Such conversions shall be deemed as having met the purposes of an environmental assessment per NEPA.

Subsection (c) of section 2 requires the USFS to give priority to completing such Supplemental Information Reports that determine whether timber salvage constitutes relevant or significant changes to the existing NEPA document that covers its implementation.

Section 3. Roadside Salvage Categorical Exclusion

Section 3 establishes a new Categorical Exclusion of unlimited size for activities where the primary purpose is roadside salvage allowing for the removal of hazard trees within 200 feet of a roadway. The Categorical Exclusion shall become available on the date of enactment. Extraordinary circumstances procedures shall not apply to this new Categorical Exclusion.

Section 4. Judicial Review

Section 4 establishes judicial review procedures that would control a challenge to any actions pursuant to this Act. The section establishes an objection period of 30 days. Further, the section provides that an activity under this Act is subject to judicial review as other authorized hazardous fuels reduction are subject to the Healthy Forests Restoration Act of 2003. Finally, the section requires that timber sales be allowed to proceed during litigation as covered by the Healthy Forests Restoration Act of 2003 provisions regarding judicial review.

Section 5. Rule of Application for National Forest System Lands

Section 5 clarifies the rule of application of this Act. The authorities provided do not apply to wilderness areas or certain inventoried roadless areas established by the Secretary.