

108TH CONGRESS
1ST SESSION

H. R. 2639

To expedite procedures for hazardous fuels reduction activities and restoration in wildland fire prone National Forests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2003

Ms. HOOLEY of Oregon introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expedite procedures for hazardous fuels reduction activities and restoration in wildland fire prone National Forests, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Community and Forest Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

- Sec. 3. Hazardous fuels reduction projects.
- Sec. 4. Expedited process.
- Sec. 5. Judicial review in the United States District Courts.
- Sec. 6. Contracting.
- Sec. 7. Biomass grants.
- Sec. 8. Forest stands inventory and monitoring program.
- Sec. 9. Emergency fuels reduction grants.
- Sec. 10. Market incentives for home protection.
- Sec. 11. Ongoing projects and existing authorities.
- Sec. 12. Preference to communities that have ordinances on fire prevention.
- Sec. 13. Sunset.
- Sec. 14. Authorization of appropriations.
- Sec. 15. Definitions.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 2002, approximately six and one half
4 million acres of forest lands in the United States
5 burned with varying degrees of severity, 21 people
6 lost their lives, and over 3000 structures were de-
7 stroyed. The Forest Service and Bureau of Land
8 Management spent more than \$1,000,000,000 fight-
9 ing these fires.

10 (2) 73,000,000 acres of public lands are classi-
11 fied as condition class 3 fire risks. This includes 23
12 million acres that are in strategic areas designated
13 by the United States Forest Service for emergency
14 treatment to withstand catastrophic fire.

15 (3) The forest management policy of fire sup-
16 pression has resulted in an accumulation of fuel
17 loads, dead and dying trees, and nonnative species
18 that create fuel ladders which allow fires to reach

1 the crowns of large old trees and cause catastrophic
2 fire.

3 (4) The United States Forest Service and the
4 Department of the Interior should immediately un-
5 dertake an emergency program to reduce the risk of
6 catastrophic fire.

7 (5) This emergency program should prioritize
8 the protection of homes and communities and the
9 restoration of forest health on lands at the highest
10 risk of catastrophic fire. All fuel reduction treat-
11 ments should protect old growth stands and large
12 trees to ensure a rich and continued species diversity
13 in the Nation's forests.

14 **SEC. 3. HAZARDOUS FUELS REDUCTION PROJECTS.**

15 (a) IN GENERAL.—The Secretaries of Agriculture
16 and the Interior shall conduct immediately and to comple-
17 tion hazardous fuels reduction projects consistent with the
18 Comprehensive Strategy for a Collaborative Approach for
19 Reducing Wildland Fire Risks to Communities and the
20 Environment on an aggregate area of 20,000,000 acres
21 of Federal land:

22 (1) These projects shall be conducted on the
23 priority lands identified in subsection (d), using the
24 expedited procedures in section 4.

1 (2) The Secretaries shall protect old growth
2 stands and large trees pursuant to subsection (h).

3 (b) SELECTION OF PROJECTS.—The Secretaries of
4 Agriculture and the Interior shall jointly select hazardous
5 fuels reduction projects identified by the Implementation
6 Plan of the Comprehensive Strategy.

7 (c) CONSISTENCY WITH EXISTING FOREST MANAGE-
8 MENT PLANS AND ENVIRONMENTAL LAWS.—Any project
9 carried out pursuant to this Act shall be consistent with
10 the applicable forest plan, resource management plan, or
11 other applicable agency plans or environmental laws ex-
12 cept as specifically amended by this Act.

13 (d) PRIORITY LANDS.—In implementing projects
14 under this Act, the Secretaries of Agriculture and the In-
15 terior shall give highest priority to:

16 (1) Wildland-urban interface: Condition class 3
17 or condition class 2 Federal lands or, where appro-
18 priate, non-Federal lands.

19 (2) Municipal watersheds: Condition class 3
20 Federal lands located in such proximity to a munic-
21 ipal water supply system that a hazardous fuels re-
22 duction project must be carried out to reduce the
23 risk of harm to such system resulting from wildfire.

24 (3) Fire Regime I lands: Federal lands that are
25 condition class 3.

1 (4) Fire Regimes II and III lands: Condition
2 class 3 Federal lands identified by the Secretary as
3 an area where windthrow or blowdown, or the exist-
4 ence of disease or insect infestation, pose a signifi-
5 cant threat to forest health or adjacent private
6 lands.

7 (e) PUBLIC NOTICE AND PUBLIC RESPONSE.—

8 (1) QUARTERLY NOTICE.—The Secretary shall
9 provide quarterly notice of each hazardous fuels re-
10 duction project which uses the streamlined processes
11 established by this Act. The quarterly notice shall be
12 provided for all projects in the Federal Register and
13 on an agency website and in a local paper of record
14 for local projects. The Secretary may combine this
15 quarterly notice with other quarterly notices other-
16 wise issued regarding Federal forest management.

17 (2) CONTENT.—For each hazardous fuels re-
18 duction project for which the processes established
19 by this Act are to be used the notice required by
20 paragraph (1) shall include at a minimum:

21 (A) Identification of each project as a haz-
22 ardous fuels reduction project for which the
23 processes established by this Act are to be used.

1 (B) A description of the project, including
2 as much information on its geographic location
3 as practicable.

4 (C) The approximate date on which
5 scoping for the project will begin.

6 (D) Information regarding how interested
7 members of the public can take part in the de-
8 velopment of the project, including, but not lim-
9 ited to, project related public meeting notifica-
10 tion.

11 (3) PUBLIC MEETING.—Following publication
12 of each quarterly notice under paragraph (1), but
13 before the beginning of scoping under section 4(a),
14 the Secretary shall conduct a public meeting at an
15 appropriate location in each administrative unit of
16 the Federal lands regarding those hazardous fuels
17 reduction projects contained in the quarterly notice
18 that are proposed to be conducted in that adminis-
19 trative unit. The Secretary shall provide advance no-
20 tice of the date and time of the meeting in the quar-
21 terly notice or using the same means described in
22 paragraph (1).

23 (4) PUBLIC RESPONSE TO NOTICE OF
24 PROJECTS.—

1 (A) IN GENERAL.—A federally formed re-
2 source advisory committee may petition, with
3 supporting evidence, the Secretary to better as-
4 sess ground conditions of land to be covered by
5 projects, during scoping or public comment on
6 specific hazardous fuels reduction projects iden-
7 tified under subsection (b).

8 (B) PRIORITY LANDS INCLUDED IN THE
9 PROJECTS.—For specific hazardous fuels reduc-
10 tion projects the petitioner may seek to correct
11 the inclusion or exclusion of priority lands iden-
12 tified in subsection (d). The petitioner may also
13 seek designation of large trees or old growth
14 stands to be protected under subsection (h).

15 (C) SECRETARIAL RESPONSE.—The Sec-
16 retary must respond to the petition within 30
17 days by public notice by the same means de-
18 scribed in paragraph (1). The Secretary shall
19 provide a public viewing of the area in question
20 if requested in the petition within 90 days of re-
21 ceipt of the petition, with the petitioner and any
22 other interested parties.

23 (D) DETERMINATION OF PETITION.—The
24 Secretary must accept or deny the petition
25 within 120 days of its receipt, based on site-

1 specific review of historic ecological conditions,
2 forest type, present fuel loads, and determina-
3 tion of whether the area properly qualifies as
4 priority lands under subsection (d).

5 (5) FINAL AGENCY ACTION.—The Secretary
6 shall provide notice by the same means described in
7 paragraph (1) of any final agency action regarding
8 a hazardous fuels reduction project for which the
9 processes established by this Act are used.

10 (f) PRIORITY HAZARDOUS FUELS REDUCTION
11 FUNDING.—The Secretaries shall expend no less than 70
12 percent of funds under this Act on projects within the
13 wildland-urban interface, provided that the Secretaries
14 may adjust this funding formula for a particular State at
15 the request of its governor. In no event shall the Secre-
16 taries expend less than 50 percent or greater than 75 per-
17 cent of funds within the wildland-urban interface for a
18 particular State.

19 (g) MONITORING.—The Secretaries shall establish a
20 multiparty monitoring process with representation from
21 resource industries, environmentalists, independent sci-
22 entists, community-based organizations, and other inter-
23 ested parties in order for Congress to assess a representa-
24 tive sampling of the hazardous fuels reduction projects im-
25 plemented pursuant to this Act.

1 (h) LIMITATIONS.—In implementing hazardous fuels
2 reduction projects under this Act the Secretary shall—

3 (1) not undertake any hazardous fuels reduc-
4 tion projects in wilderness study areas or compo-
5 nents of the National Wilderness Preservation Sys-
6 tem;

7 (2) not construct new roads in inventoried
8 roadless areas as part of any hazardous fuels reduc-
9 tion project;

10 (3) fully maintain the structure, function, proc-
11 esses and composition of structurally complex older
12 forests (old growth) according to each ecosystem
13 type; and

14 (4) outside old growth stands—

15 (A) shall focus on small diameter trees and
16 thin from below to modify fire behavior as
17 measured by rate of spread, height to live
18 crown, and flame length; and

19 (B) shall maximize the retention of large
20 trees to the extent that they promote fire-resist-
21 ant stands and species diversity as appropriate
22 for the forest type and site.

1 **SEC. 4. EXPEDITED PROCESS.**

2 (a) SCOPING.—The Secretary shall conduct scoping
3 for each hazardous fuels reduction project implemented
4 pursuant to this Act.

5 (b) CATEGORICAL EXCLUSIONS IN THE WILDLAND-
6 URBAN INTERFACE.—

7 (1) IN GENERAL.—The wildland-urban interface
8 hazardous fuels reduction projects authorized by this
9 Act are conclusively determined to be categorically
10 excluded from further analysis under the National
11 Environmental Policy Act of 1969 (“NEPA”) (42
12 U.S.C. 4332), and the Secretary need not make any
13 findings as to whether the projects individually or
14 cumulatively have a significant effect on the environ-
15 ment.

16 (2) VARIED TREATMENTS.—The Secretary shall
17 vary the treatments and avoid clear cuts inside the
18 wildland-urban interface to ensure forest health. The
19 Secretary shall also protect old growth and large
20 trees pursuant to section 3(h).

21 (3) EXTRAORDINARY CIRCUMSTANCES EXCEP-
22 TION.—For all hazardous fuels reduction projects
23 implemented pursuant to this subsection, if there are
24 extraordinary circumstances, the Secretary shall fol-
25 low agency procedures related to categorical exclu-
26 sions and extraordinary circumstances. For the pur-

1 poses of this subsection, a project’s location within
2 a municipal watershed shall not be considered an ex-
3 traordinary circumstance.

4 (4) APPEALS.—No hazardous fuels reduction
5 projects implemented pursuant to this subsection
6 shall be subject to appeal requirements of the Ap-
7 peals Reform Act (section 322 of Public Law 102–
8 381) or the Department of the Interior Office of
9 Hearings and Appeals.

10 (c) ENVIRONMENTAL ASSESSMENTS OUTSIDE THE
11 WILDLAND-URBAN INTERFACE.—

12 (1) IN GENERAL.—For hazardous fuels reduc-
13 tion projects implemented pursuant to this Act on
14 priority lands identified in section 3(d), if a categor-
15 ical exclusion does not apply, the Secretary shall de-
16 termine, consistent with NEPA, whether an environ-
17 mental assessment is sufficient and use the proce-
18 dures set forth in the Council on Environmental
19 Quality “Guidance for Environmental Assessments
20 of Forest Health Projects,” of December 9, 2002, or
21 as amended.

22 (2) ISSUANCE OF DOCUMENTATION AND SHORT-
23 ENED APPEALS.—Notwithstanding the Appeals Re-
24 form Act, section 322 of the Department of the In-
25 terior and Related Agencies Appropriations Act,

1 1993 (Public Law 102–381; 16 U.S.C. 1612 note),
2 or regulations pertaining to the Department of the
3 Interior Office of Hearings and Appeals procedures,
4 for hazardous fuels reduction projects implemented
5 by environmental assessments pursuant to sub-
6 section (c)(1):

7 (A) The Secretary may issue the environ-
8 mental documentation and the decision docu-
9 ment for the project simultaneously without
10 public comment. Such issuance shall begin the
11 administrative appeals process immediately.

12 (B) Persons must file any administrative
13 appeal of projects under this subsection within
14 30 days after the date of issuance of a decision.

15 (C) The Secretary shall resolve any appeal
16 not later than 30 days after the closing date for
17 filing an appeal.

18 (D) If the review officer determines that
19 an appeal has merit, in lieu of remanding the
20 proposed agency action, the review officer, in
21 consultation with the parties, may sign a new
22 decision.

23 (E) The Secretary shall stay implementa-
24 tion of the project for 15 days beginning on the
25 date on which the Secretary resolves any ad-

1 ministrative appeal that complies with the re-
2 quirements in subsection (d).

3 (d) STANDING TO APPEAL.—If a draft document pre-
4 pared pursuant to NEPA for a hazardous fuels reduction
5 project was available for public comment, or the project
6 had scoping, the Secretary may require that a person fil-
7 ing an administrative appeal with respect to the project
8 must have been involved in the public comment process
9 for the project by submitting specific and substantive writ-
10 ten comments with regard to the project or must have par-
11 ticipated in the scoping of the project.

12 (e) SALVAGE MONITORING PILOT PROGRAM.—

13 (1) SALVAGE PILOT.—The Secretary is author-
14 ized to use the administrative appeals authorities
15 under this subsection, pursuant to paragraph (2),
16 for salvage hazardous fuels reduction projects in the
17 area popularly known as the Biscuit Fire and ref-
18 erence on the map entitled _____ and dated _____ on
19 file at the Forest Service _____ office.

20 (2) MONITORING.—The Secretary shall require
21 that any salvage hazardous fuels reduction project
22 on the Biscuit Fire be subject to ecological and eco-
23 nomic monitoring of its effects, including on-site
24 evaluation and inspections. The monitoring shall be
25 conducted by a group with representation from inde-

1 (c) DURATION OF INJUNCTION.—Any temporary in-
2 junctive relief granted regarding a project undertaken pur-
3 suant to this Act shall be limited to 60 days, with author-
4 ity to renew each temporary injunction without limitation.
5 For each injunctive renewal the parties shall present the
6 court with updates on the status of the project.

7 (d) STANDARD OF REVIEW.—Nothing in this section
8 shall change the standards of judicial review for any action
9 concerning a project authorized under this Act.

10 **SEC. 6. CONTRACTING.**

11 (a) BEST VALUE CONTRACTING.—The Secretary
12 shall use best value contracting criteria in awarding at
13 least fifty percent of contracts and agreements for haz-
14 ardous fuels reduction projects pursuant to this Act. Best
15 value contract criteria will include, but not be limited to—

16 (1) the ability of the contractor to meet the eco-
17 logical goals of the projects;

18 (2) the use of equipment that will minimize or
19 eliminate impacts on soils; and

20 (3) benefit to local economies in performing the
21 restorative treatments and ensuring that wood by-
22 products are processed locally.

23 (b) MONITORING.—The Forest Service shall monitor
24 the business and employment impacts of hazardous fuels

1 reduction projects including the total dollar value of con-
2 tracts and agreements awarded to qualifying entities.

3 (c) PUBLIC LANDS CORPS.—

4 (1) CONTRACTS AND AGREEMENTS.—

5 (A) IN GENERAL.—The Secretaries are au-
6 thorized to enter into contracts or cooperative
7 agreements with a Public Lands Corps—

8 (i) to implement and complete
9 projects prioritized in section 3(b) and (d)
10 of this Act; and

11 (ii) to perform appropriate rehabilita-
12 tion, enhancement, or beautification
13 projects with the Department of Natural
14 Resources, Department of Forestry or De-
15 partment of Agriculture of any State.

16 (B) INDIAN LANDS.—Such projects may
17 also be carried out on Indian lands with the ap-
18 proval of the relevant Indian tribe.

19 (C) PREFERENCE.—The Secretaries shall
20 give preference to those projects which take
21 place on lands identified as priorities in section
22 3(d) of this Act and can be planned and initi-
23 ated promptly.

24 (D) SUPPORTIVE SERVICES.—The Secre-
25 taries are authorized to provide such services as

1 the Secretaries deem necessary to carry out the
2 purposes of this Act.

3 (E) TECHNICAL ASSISTANCE.—The Secre-
4 taries shall work with the National Association
5 of Service and Conservation Corps to provide
6 technical assistance, oversight, monitoring, and
7 evaluation to the United States Departments of
8 Agriculture and the Interior, State Depart-
9 ments of Natural Resources and Agriculture,
10 and Public Lands Corps.

11 (2) NONDISPLACEMENT.—The nondisplacement
12 requirements of section 177 of the National and
13 Community Service Trust Act of 1990 shall be ap-
14 plicable to all activities carried out under this Act by
15 the Public Lands Corps.

16 (3) AUTHORIZATION OF APPROPRIATIONS.—For
17 the purposes of this subsection there are authorized
18 to be appropriated \$12,500,000 annually for 5 years
19 after the enactment of this Act.

20 (d) DEFINITIONS.—For the purposes of this sec-
21 tion—

22 (1) CONTRACTS AND AGREEMENTS.—The term
23 “contracts and agreements” means service contracts,
24 timber sale contracts, construction contracts, supply
25 contracts, emergency equipment rental agreements,

1 architectural and engineering contracts, challenge
2 cost-share agreements, cooperative agreements, and
3 participating agreements.

4 (2) QUALIFYING ENTITY.—The term “quali-
5 fying entity” means—

6 (A) a natural-resource related small or
7 micro-enterprise;

8 (B) a Youth Conservation Corps or Public
9 Lands Corps crew or related partnership with
10 State, local and other non-Federal conservation
11 corps;

12 (C) an entity that will hire and train local
13 people to complete the contract or agreement;

14 (D) an entity that will re-train non-local
15 traditional forest workers to complete the con-
16 tract or agreement; or

17 (E) a local entity that meets the criteria to
18 qualify for the Historically Underutilized Busi-
19 ness Zone Program under section 32 of the
20 Small Business Act (15 U.S.C. 657a).

21 (3) PUBLIC LANDS CORPS.—The term “Public
22 Lands Corps” means any organization established
23 by a state or local government, nonprofit organiza-
24 tion, or Indian tribe that:

25 (A) has demonstrated the ability:

1 (i) to provide labor intensive produc-
2 tive work to individuals;

3 (ii) to recruit and train economically
4 disadvantaged or at-risk youth;

5 (iii) to give participants a combination
6 of work experience, basic and life skills,
7 education, training and support services;
8 and

9 (iv) to provide participants with the
10 opportunity to develop citizenship values
11 through service to their communities and
12 the United States; and

13 (B) has also successfully completed, or is
14 engaged in, a peer-reviewed, standards based
15 program assessment process.

16 (4) STATE.—The term “State” means any
17 State of the United States, the District of Columbia,
18 Puerto Rico, Guam, the Virgin Islands of the United
19 States, or the Commonwealth of the Northern Mar-
20 iana Islands.

21 **SEC. 7. BIOMASS GRANTS.**

22 (a) DEFINITIONS.—For the purposes of this section:

23 (1) ELIGIBLE OPERATION.—The term “eligible
24 operation” means a facility that is located within the
25 boundaries of an eligible community and uses bio-

1 mass from Federal or Tribal lands as a raw material
2 to produce electric energy, sensible heat, transpor-
3 tation fuels, or substitutes for petroleum-based prod-
4 ucts.

5 (2) BIOMASS.—The term “biomass” means pre-
6 commercial thinnings of trees and woody plants, or
7 non-merchantable material, from hazardous fuels re-
8 duction projects.

9 (3) GREEN TON.—The term “green ton” means
10 2,000 pounds of biomass that has not been mechani-
11 cally or artificially dried.

12 (4) ELIGIBLE COMMUNITY.—The term “eligible
13 community” means any Indian Reservation, or any
14 county, town, township, municipality, or other simi-
15 lar unit of local government that has a population
16 of not more than 50,000 individuals and is deter-
17 mined by the Secretary to be located in an area near
18 Federal or Tribal lands which is at significant risk
19 of catastrophic wildfire, disease, or insect infestation
20 or which suffers from disease or insect infestation.

21 (5) INDIAN TRIBE.—The term “Indian tribe”
22 has the meaning given the term in section 4(e) of
23 the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 450b(e)).

1 (b) BIOMASS COMMERCIAL UTILIZATION GRANT
2 PROGRAM.—

3 (1) IN GENERAL.—The Secretary may make
4 grants to any individual, community, Indian tribe,
5 small business or corporation, or nonprofit that owns
6 or operates an eligible operation to offset capital ex-
7 penses and costs incurred to purchase biomass for
8 use by such eligible operation with priority given to
9 operations using biomass from the highest risk
10 areas.

11 (2) LIMITATION.—No grant provided under this
12 subsection shall be paid at a rate that exceeds \$20
13 per green ton of biomass delivered.

14 (3) RECORDS.—Each grant recipient shall keep
15 such records as the Secretary may require to fully
16 and correctly disclose the use of the grant funds and
17 all transactions involved in the purchase of biomass.
18 Upon notice by the Secretary, the grant recipient
19 shall provide the Secretary reasonable access to ex-
20 amine the inventory and records of any eligible oper-
21 ation receiving grant funds.

22 (4) AUTHORIZATION OF APPROPRIATIONS.—For
23 the purposes of this subsection, there are authorized
24 to be appropriated \$12,500,000 each to the Sec-
25 retary of the Interior and the Secretary of Agri-

1 culture for each fiscal year for five years after the
2 date of enactment of this Act.

3 (c) IMPROVED BIOMASS UTILIZATION PROGRAM.—

4 (1) IN GENERAL.—The Secretary may make
5 grants to persons in eligible communities to offset
6 the costs of developing or researching proposals to
7 improve the use of biomass or add value to biomass
8 utilization.

9 (2) SELECTION.—Grant recipients shall be se-
10 lected based on the potential for the proposal to—

11 (A) develop affordable thermal or electric
12 energy resources for the benefit of an eligible
13 community;

14 (B) provide opportunities for the creation
15 or expansion of small businesses within an eligi-
16 ble community;

17 (C) create new job opportunities within an
18 eligible community, and

19 (D) reduce the hazardous fuels from the
20 highest risk areas.

21 (3) LIMITATION.—No grant awarded under this
22 subsection shall exceed \$500,000.

23 (4) AUTHORIZATION OF APPROPRIATIONS.—For
24 the purposes of this subsection, there are authorized
25 to be appropriated \$12,500,000 each to the Sec-

1 retary of the Interior and the Secretary of Agri-
2 culture for each fiscal year for the five years after
3 enactment of this Act.

4 (d) REPORT.—Not later than 3 years after the date
5 of enactment of this Act, the Secretary of the Interior and
6 the Secretary of Agriculture shall jointly submit to the
7 Congress a report that describes the interim results of the
8 programs authorized under this section.

9 **SEC. 8. FOREST STANDS INVENTORY AND MONITORING**
10 **PROGRAM.**

11 (a) IN GENERAL.—The Secretary of Agriculture and
12 the Secretary of the Interior shall carry out, in conjunc-
13 tion with the National Aeronautics and Space Administra-
14 tion and other relevant agencies and research facilities (in-
15 cluding the Forest Service Research Stations and aca-
16 demic institutions), a comprehensive program to inventory
17 and assess forest stands on federal forest land and, with
18 the consent of the owner, private forest land. The objective
19 of this program shall be to evaluate current and future
20 forest health conditions and address ecological impacts of
21 insect, disease, invasive species, fire and weather-related
22 episodic events. Emphasis shall be placed upon coordi-
23 nating, reconciling, and field verification of existing data
24 (including remotely sensed and modeled data utilized to
25 characterize vegetation/cover types, density, fire regimes,

1 fire effects, and condition classes), and improving the ac-
2 curacy of such data to assist in management activities.

3 (b) LOCATION.—The facility for this program shall
4 be located at the Ochoco National Forest Headquarters
5 in Prineville, Oregon.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—For the
7 purposes of this section, there are authorized to be appro-
8 priated \$5,000,000 each fiscal year for the five years after
9 enactment of this Act.

10 **SEC. 9. EMERGENCY FUELS REDUCTION GRANTS.**

11 (a) IN GENERAL.—The Secretary of Agriculture shall
12 establish an Emergency Fuels Reduction Grant program
13 to provide State and local agencies with financial assist-
14 ance for hazardous fuels reduction projects addressing
15 threats of catastrophic fire that have been determined by
16 the United States Forest Service to pose a serious threat
17 to human life.

18 (b) ELIGIBILITY.—Fuels reduction projects eligible
19 for funding under the Emergency Fuels Reduction Grant
20 program shall—

21 (1) be surrounded by or immediately adjacent
22 to national forest boundaries;

23 (2) have been determined to be of paramount
24 urgency by virtue of declarations of emergency by

1 both local officials and the governor of the State in
2 which they are located; and

3 (3) remove fuel loading determined to pose a
4 serious threat to human life by the United States
5 Forest Service.

6 (c) USE OF GRANT FUNDS.—Funds authorized
7 under this section shall be limited to the following uses:

8 (1) Removal of trees, shrubs or other potential
9 fuels adjacent to primary evacuation routes.

10 (2) Removal of trees, shrubs or other potential
11 fuels adjacent to emergency response centers, emer-
12 gency communication facilities or sites designated as
13 shelter-in-place facilities.

14 (3) evacuation drills and preparation.

15 (d) REVOLVING FUND.—For work done on private
16 property and county lands, the grant recipients shall de-
17 posit into a revolving fund any proceeds from sale of the
18 timber or biomass from the projects funded under this sec-
19 tion. The revolving fund shall be used to assist with subse-
20 quent grants under this section.

21 (e) EMERGENCY FUELS REDUCTION GRANTS.—For
22 the purposes of funding the Emergency Fuels Reduction
23 Grant program under this Act, there are authorized to be
24 appropriated to the Secretary of Agriculture \$50,000,000
25 each fiscal year that this Act is in effect. Subject to section

1 14, amounts appropriated in one fiscal year and unobli-
2 gated before the end of that fiscal year shall remain avail-
3 able for use in subsequent fiscal years.

4 **SEC. 10. MARKET INCENTIVES FOR HOME PROTECTION.**

5 It is the Sense of Congress that insurers should re-
6 duce premiums for homeowners in condition class 2 and
7 condition class 3 areas within the wildland-urban interface
8 who—

9 (1) clear brush and other flammable material in
10 the vicinity of their homes;

11 (2) use nonflammable building materials for
12 roofs and other critical structures;

13 (3) otherwise improve the defensibility of their
14 homes against catastrophic fire.

15 **SEC. 11. ONGOING PROJECTS AND EXISTING AUTHORITIES.**

16 Nothing in this Act shall affect projects begun prior
17 to enactment of this Act or affect authorities otherwise
18 granted to the Secretaries under existing law.

19 **SEC. 12. PREFERENCE TO COMMUNITIES THAT HAVE ORDI-**
20 **NANCES ON FIRE PREVENTION.**

21 (a) IN GENERAL.—In determining the allocation of
22 funding for the Community and Private Land Fire Assist-
23 ance Program (16 U.S.C. 2106c/PL-171 section 10A(b)),
24 the Secretary shall prioritize funding to those communities
25 which have taken proactive steps through the enactment

1 of ordinances and other means, including those that have
2 developed a comprehensive fire protection plan encom-
3 passing all ownerships, to encourage property owners to
4 reduce fire risk on private property.

5 (b) PRIVATE LANDS.—Nothing in this Act shall af-
6 fect existing authorities to use appropriations authorized
7 by this Act to carry out the provisions under this Act on
8 non-Federal lands with the consent of the land owner.

9 **SEC. 13. SUNSET.**

10 The provisions of this Act shall expire five years after
11 the date of enactment, except that projects for which a
12 decision notice has been issued by that date may continue
13 to be implemented.

14 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) NATIONAL FOREST SYSTEM LANDS.—For the
16 purposes of planning and conducting hazardous fuels re-
17 duction projects under this Act on National Forest System
18 Lands, there are authorized to be appropriated to the Sec-
19 retary of Agriculture \$1,943,100,000 during the 5-year
20 period beginning October 1, 2003. Subject to section 13,
21 amounts appropriated in one fiscal year and unobligated
22 before the end of that fiscal year shall remain available
23 for use in subsequent fiscal years.

24 (b) BLM LANDS.—For the purpose of planning and
25 conducting hazardous fuels reduction projects under this

1 Act on Federal lands managed by the Secretary of the In-
2 terior, there are authorized to be appropriated to the Sec-
3 retary of the Interior \$1,888,000,000 during the 5-year
4 period beginning October 1, 2003. Subject to section 13,
5 amounts appropriated in one fiscal year and unobligated
6 before the end of that fiscal year shall remain available
7 for use in subsequent fiscal years.

8 **SEC. 15. DEFINITIONS.**

9 (a) **LAND TYPES AND FIRE REGIME AREAS.**—In this
10 Act, definitions of land types and fire regimes originate
11 from the United States Forest Service Rocky Mountain
12 Research Station, as follows:

13 (1) **CONDITION CLASS 2.**—The term “condition
14 class 2” refers to lands on which—

15 (A) fire frequencies have been moderately
16 altered and have departed from historic fire re-
17 turn frequencies (either increased or decreased)
18 by one or more return interval, which results in
19 moderate changes to fire size, frequency, inten-
20 sity, severity or landscape patterns;

21 (B) there exists a moderate risk of losing
22 key ecosystem components; and

23 (C) vegetation attributes have been mod-
24 erately altered from their historic range.

1 (2) **CONDITION CLASS 3.**—The term “condition
2 class 3” refers to lands on which—

3 (A) fire regimes have been significantly al-
4 tered from their historic range, which results in
5 dramatic changes to fire size, frequency, inten-
6 sity, severity, or landscape patterns;

7 (B) there exists a high risk of losing key
8 ecosystem components; and

9 (C) vegetation attributes have been signifi-
10 cantly altered from their historic range.

11 (3) **FIRE REGIME I.**—The term “fire regime I”
12 refers to lands on which historically fire recurs in 0–
13 35 year intervals and burns with low severity.

14 (4) **FIRE REGIME II.**—The term “fire regime
15 II” refers to lands on which historically fire recurs
16 in 0–35 year intervals and replaces existing vegeta-
17 tion.

18 (5) **FIRE REGIME III.**—The term “fire regime
19 III” refers to lands on which historically fire recurs
20 in 35–100 year intervals and burns with mixed se-
21 verity.

22 (b) **AT-RISK COMMUNITY.**—The term “at-risk com-
23 munity” means a geographic area designated by the Sec-
24 retary as any area—

1 (1) defined as an interface community in Vol-
2 ume 66, page 753, of the January 4, 2001 Federal
3 Register;

4 (2) on which conditions are conducive to large-
5 scale wildland fire disturbance events; and

6 (3) for which a significant threat to human life
7 exists as a result of wildland fire disturbance events.

8 (c) BEST VALUE CONTRACTING.—The term “best
9 value contracting” means the contracting process de-
10 scribed in section 15.101 of title 48, Code of Federal Reg-
11 ulations, which allows the inclusion of non-cost factors in
12 the federal contract process.

13 (d) COMPREHENSIVE STRATEGY.—The term “Com-
14 prehensive Strategy” means the Comprehensive Strategy
15 for a Collaborative Approach for Reducing Wildland Fire
16 Risks to Communities and the Environment, dated May
17 2002, including by reference the related Implementation
18 Plan, which was developed pursuant to the conference re-
19 port to accompany the Department of Interior and Related
20 Agencies Appropriations Act, 2001 (House Report 106–
21 646).

22 (e) FEDERAL LANDS.—The term “Federal lands”
23 means National Forest System lands and public forested
24 lands administered by the Secretary of the Interior acting
25 through the Bureau of Land Management.

1 (f) GEOGRAPHIC FEATURE.—The term “geographic
2 feature” means a ridge top, road, stream, or other land-
3 scape feature which can serve naturally as a firebreak,
4 staging ground for firefighting, or boundary affecting fire
5 behavior.

6 (g) HAZARDOUS FUELS REDUCTION PROJECT.—The
7 term “hazardous fuels reduction project” means a
8 project—

9 (1) undertaken for the purpose of reducing the
10 amount of hazardous fuels resulting from alteration
11 of a natural fire regime as a result of fire suppres-
12 sion or other management activities; and

13 (2) accomplished through the use of prescribed
14 burning or mechanical treatment, or a combination
15 thereof.

16 (h) INVENTORIED ROADLESS AREA.—The term
17 “inventoried roadless area” means one of the areas identi-
18 fied in the set of inventoried roadless area maps contained
19 in the Forest Service Roadless Areas Conservation, Final
20 Environmental Impact Statement, Volume 2, dated No-
21 vember, 2000.

22 (i) LOCAL PREFERENCE CONTRACTING.—The term
23 “local preference contracting” means the Federal con-
24 tracting process that gives preference to local businesses
25 described in section 333 of the Department of Interior and

1 Related Agencies Appropriations Act, 2003 (division F of
2 Public Law 108–7, 117 Stat. 277).

3 (j) MUNICIPAL WATER SUPPLY SYSTEM.—The term
4 “municipal water supply system” means reservoirs, canals,
5 ditches, flumes, laterals, pipes, pipelines, or other surface
6 facilities and systems constructed or installed for the im-
7 poundment, storage, transportation, or distribution of
8 drinking water for a community.

9 (k) SECRETARY.—The term “Secretary” means the
10 Secretary of Agriculture, or the Secretary’s designee, with
11 respect to National Forest System lands; and the Sec-
12 retary of the Interior, or the Secretary’s designees, with
13 respect to public lands administered by the Secretary
14 through the Bureau of Land Management.

15 (l) WILDLAND-URBAN INTERFACE.—The term
16 “wildland-urban interface” means the area either within
17 an at-risk community or within the area—

18 (1) extending out to a geographic feature, if
19 there is such a feature within approximately three-
20 quarters of a mile of the community boundary; or

21 (2) if there is no such geographic feature, ex-
22 tending out ½ mile from the community boundary.

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