

119TH CONGRESS
1ST SESSION

H. R. 168

To improve the ability of the Secretary of Agriculture and the Secretary of the Interior to carry out forest management activities that reduce the risk of catastrophic wildfires, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2025

Mr. LAMALFA introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural 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 improve the ability of the Secretary of Agriculture and the Secretary of the Interior to carry out forest management activities that reduce the risk of catastrophic wildfires, 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 (a) SHORT TITLE.—This Act may be cited as the
5 “Targeted Operations to Remove Catastrophic Hazards
6 Act” or the “TORCH Act”.

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

Sec. 1. Short title.

TITLE I—HAZARDOUS FUEL REDUCTION ACTIVITIES

Sec. 101. Categorical exclusion for high priority hazard tree activities.

Sec. 102. Utilizing timber sales on National Forest System land for extreme risk reduction.

Sec. 103. Utilizing grazing for wildfire risk reduction.

Sec. 104. Amendments to the Healthy Forest Restoration Act of 2003 to improve wildfire mitigation.

Sec. 105. Amendment to fuel breaks in forests and other wildland vegetation.

TITLE II—GOOD NEIGHBOR AUTHORITY

Sec. 201. Modification of the treatment of certain revenue and payments under good neighbor agreements.

TITLE III—ELECTRICAL UTILITY LINES RIGHTS-OF-WAYS AND RELATED VEGETATION MANAGEMENT

Sec. 301. Vegetation management, facility inspection, and operation and maintenance relating to electric transmission and distribution facility rights-of-way.

Sec. 302. Categorical exclusion for electric utility lines rights-of-way.

Sec. 303. Permits and agreements with electrical utilities.

TITLE IV—REFORM OF CERTAIN ADMINISTRATIVE REQUIREMENTS

Sec. 401. Nonapplicability of certain additional consultation requirements of the Endangered Species Act of 1973.

Sec. 402. Amendment to categorical exclusion for collaborative restoration projects.

3 **TITLE I—HAZARDOUS FUEL** 4 **REDUCTION ACTIVITIES**

5 **SEC. 101. CATEGORICAL EXCLUSION FOR HIGH PRIORITY** 6 **HAZARD TREE ACTIVITIES.**

7 (a) CATEGORICAL EXCLUSION.—

8 (1) IN GENERAL.—Not later than 1 year after
 9 the date of enactment of this section, the Secretary
 10 of Agriculture shall develop a categorical exclusion
 11 (as defined in section 1508.4 of title 40, Code of

1 Federal Regulations (or a successor regulation)) for
2 high priority hazard tree activities.

3 (2) ADMINISTRATION.—In developing and ad-
4 ministering the categorical exclusion under para-
5 graph (1), the Secretary shall—

6 (A) comply with the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.); and

9 (B) apply the extraordinary circumstances
10 procedures under section 220.6 of title 36, Code
11 of Federal Regulations (or successor regula-
12 tions), in determining whether to use the cat-
13 egorical exclusion.

14 (b) PROJECT SIZE LIMITATIONS.—A project to carry
15 out high priority hazard tree activities to which a categor-
16 ical exclusion under subsection (a) is applied may not ex-
17 ceed 3,000 acres.

18 (c) DEFINITIONS.—In this section:

19 (1) HIGH-PRIORITY HAZARD TREE.—The term
20 “high-priority hazard tree” means a standing tree
21 that—

22 (A) presents a visible hazard to people or
23 Federal property due to conditions such as de-
24 terioration of or damage to the root system,
25 trunk, stem, or limbs of the tree, or the direc-

tion or lean of the tree, as determined by the Secretary;

(B) is determined by the Secretary to be highly likely to fail and, if it failed, would be highly likely to cause injury to people or damage to Federal property; and

(C) is within 300 feet of a National Forest System road with a maintenance level of 3, 4, or 5, a National Forest System trail, or a developed recreation site on National Forest System lands that is operated and maintained by the Secretary.

(2) HIGH-PRIORITY HAZARD TREE ACTIVITIES.—The term “high priority hazard tree activities”—

(A) means forest management activities that mitigate the risks associated with high-priority hazard trees, including pruning, felling, and disposal of those trees; and

(B) does not include any activity—

(i) conducted in a wilderness area or wilderness study area;

(ii) for the construction of a permanent road or permanent trail;

1 (iii) conducted on Federal land on
 2 which, by Act of Congress or Presidential
 3 proclamation, the removal of vegetation is
 4 restricted or prohibited;

5 (iv) that would be inconsistent with
 6 the applicable land and resource manage-
 7 ment plan; or

8 (v) conducted in an inventoried
 9 roadless area.

10 **SEC. 102. UTILIZING TIMBER SALES ON NATIONAL FOREST**
 11 **SYSTEM LAND FOR EXTREME RISK REDUC-**
 12 **TION.**

13 Section 14 of the National Forest Management Act
 14 of 1976 (16 U.S.C. 472a) is amended—

15 (1) in subsection (d) by striking “\$10,000” and
 16 inserting “\$50,000”; and

17 (2) by adding at the end the following new sub-
 18 section:

19 “(j) In the event of extreme risks to a unit of Na-
 20 tional Forest System land, including catastrophic wildfire,
 21 insect and disease outbreak, wind, hurricane, flood,
 22 drought, or to avoid impacts from such extreme events,
 23 the Secretary may, without an appraisal and under such
 24 rules and regulations prescribed by the Secretary, dispose
 25 of by sale or otherwise, portions of trees, or forest prod-

1 ucts located on such unit of National Forest System
2 lands.”.

3 **SEC. 103. UTILIZING GRAZING FOR WILDFIRE RISK REDUC-**
4 **TION.**

5 The Secretary of Agriculture, acting through the
6 Chief of the U.S. Forest Service, in coordination with
7 holders of permits to graze livestock on Federal land, shall
8 develop a strategy to increase opportunities to utilize live-
9 stock grazing as wildfire risk reduction strategy, includ-
10 ing—

11 (1) completion of reviews (as required under the
12 National Environmental Policy Act of 1969 (U.S.C.
13 4321 et seq.)) to allow permitted grazing on vacant
14 grazing allotments during instances of drought, wild-
15 fire or other natural disasters that disrupt grazing
16 on allotments already permitted;

17 (2) use of targeted grazing;

18 (3) increase use of temporary permits to pro-
19 mote targeted fuels reduction and reduction of
20 invasive annual grasses;

21 (4) increased use of grazing as a postfire recov-
22 ery and restoration strategy, where appropriate; and

23 (5) use all applicable authorities under the law.

1 **SEC. 104. AMENDMENTS TO THE HEALTHY FOREST RES-**
 2 **TORATION ACT OF 2003 TO IMPROVE WILD-**
 3 **FIRE MITIGATION.**

4 (a) PROMOTING CROSS-BOUNDARY WILDFIRE MITI-
 5 GATION.—Section 103(e)(5) of the Healthy Forests Res-
 6 toration Act of 2003 (16 U.S.C. 6513(e)(5)) is amended
 7 by striking “2023” and inserting “2030”.

8 (b) WILDFIRE RESILIENCE PROJECT SIZE.—Section
 9 605(c)(1) of the Healthy Forests Restoration Act of 2003
 10 (16 U.S.C. 6591d(c)(1)) is amended by striking “3000
 11 acres” and inserting “10,000 acres”.

12 **SEC. 105. AMENDMENT TO FUEL BREAKS IN FORESTS AND**
 13 **OTHER WILDLAND VEGETATION.**

14 Section 40806(d)(1) of the Infrastructure Investment
 15 and Jobs Act (16 U.S.C. 6592b(d)(1)) is amended by
 16 striking “3,000 acres” and inserting “10,000 acres”.

17 **TITLE II—GOOD NEIGHBOR**
 18 **AUTHORITY**

19 **SEC. 201. MODIFICATION OF THE TREATMENT OF CERTAIN**
 20 **REVENUE AND PAYMENTS UNDER GOOD**
 21 **NEIGHBOR AGREEMENTS.**

22 (a) GOOD NEIGHBOR AUTHORITY.—Section 8206 of
 23 the Agricultural Act of 2014 (16 U.S.C. 2113a) is amend-
 24 ed—

25 (1) in subsection (a)(6), by striking “or Indian
 26 tribe”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1)(A), by inserting “,
3 Indian tribe,” after “Governor”;

4 (B) in paragraph (2)(C), by striking clause
5 (i) and inserting the following:

6 “(i) IN GENERAL.—Funds received
7 from the sale of timber by a Governor, an
8 Indian tribe, or a county under a good
9 neighbor agreement shall be retained and
10 used by the Governor, Indian tribe, or
11 county, as applicable—

12 “(I) to carry out authorized res-
13 toration services under the good
14 neighbor agreement; and

15 “(II) if there are funds remain-
16 ing after carrying out subclause (I),
17 to carry out authorized restoration
18 services under other good neighbor
19 agreements.”; and

20 (C) in paragraph (3), by inserting “, In-
21 dian tribe,” after “Governor”; and

22 (D) by striking paragraph (4).

23 (b) CONFORMING AMENDMENTS.—Section 8206(a)
24 of the Agricultural Act of 2014 (16 U.S.C. 2113a(a)) is
25 amended—

1 (1) in paragraph (1)(B), by inserting “, Indian
2 tribe,” after “Governor”; and

3 (2) in paragraph (5), by inserting “, Indian
4 tribe,” after “Governor”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this Act apply to any project initiated pursuant to a good
7 neighbor agreement (as defined in section 8206(a) of the
8 Agricultural Act of 2014 (16 U.S.C. 2113a(a)))—

9 (1) before the date of enactment of this Act, if
10 the project was initiated after the date of enactment
11 of the Agriculture Improvement Act of 2018 (Public
12 Law 115–334; 132 Stat. 4490); or

13 (2) on or after the date of enactment of this
14 Act.

15 **TITLE III—ELECTRICAL UTILITY** 16 **LINES RIGHTS-OF-WAYS AND** 17 **RELATED VEGETATION MAN-** 18 **AGEMENT**

19 **SEC. 301. VEGETATION MANAGEMENT, FACILITY INSPEC-** 20 **TION, AND OPERATION AND MAINTENANCE** 21 **RELATING TO ELECTRIC TRANSMISSION AND** 22 **DISTRIBUTION FACILITY RIGHTS-OF-WAY.**

23 (a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC
24 POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal
25 Land Policy and Management Act of 1976 (43 U.S.C.

1 1772(a)(1)(B)(ii)) is amended by striking “10” and in-
2 serting “50”.

3 (b) CONSULTATION WITH PRIVATE LANDOWNERS.—
4 Section 512(c)(3)(E) of the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is
6 amended—

7 (1) in clause (i), by striking “and” at the end;

8 (2) in clause (ii), by striking the period and in-
9 serting “; and”; and

10 (3) by adding at the end the following:

11 “(iii) consulting with private land-
12 owners with respect to any hazard trees
13 identified for removal from land owned by
14 such private landowners.”.

15 (c) REVIEW AND APPROVAL PROCESS.—Clause (iv)
16 of section 512(c)(4)(A) of the Federal Land Policy and
17 Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is
18 amended to read as follows:

19 “(iv) ensures that—

20 “(I) a plan submitted without a
21 modification under clause (iii) shall be
22 automatically approved 60 days after
23 review; and

24 “(II) a plan submitted with a
25 modification under clause (iii) shall be

1 automatically approved 67 days after
2 review.”.

3 **SEC. 302. CATEGORICAL EXCLUSION FOR ELECTRIC UTIL-**
4 **ITY LINES RIGHTS-OF-WAY.**

5 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
6 est management activities described in subsection (c) are
7 a category of activities designated as being categorically
8 excluded from the preparation of an environmental assess-
9 ment or an environmental impact statement under section
10 102 of the National Environmental Policy Act of 1969 (42
11 U.S.C. 4332).

12 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
13 FOR CATEGORICAL EXCLUSION.—The forest management
14 activities designated as being categorically excluded under
15 subsection (b) are—

16 (1) the development and approval of a vegeta-
17 tion management, facility inspection, and operation
18 and maintenance plan submitted under section
19 512(c)(1) of the Federal Land Policy and Manage-
20 ment Act of 1976 (43 U.S.C. 1772(c)(1)) by the
21 Secretary concerned; and

22 (2) the implementation of routine activities con-
23 ducted under the plan referred to in paragraph (1).

24 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
25 On and after the date of the enactment of this Act, the

1 Secretary concerned may use the categorical exclusion es-
2 tablished under subsection (b) in accordance with this sec-
3 tion.

4 (d) EXTRAORDINARY CIRCUMSTANCES.—Use of the
5 categorical exclusion established under subsection (b) shall
6 not be subject to the extraordinary circumstances proce-
7 dures in section 220.6, title 36, Code of Federal Regula-
8 tions, or section 1508.4, title 40, Code of Federal Regula-
9 tions.

10 (e) EXCLUSION OF CERTAIN AREAS.—The categor-
11 ical exclusion established under subsection (b) shall not
12 apply to any forest management activity conducted—

13 (1) in a component of the National Wilderness
14 Preservation System; or

15 (2) on National Forest System lands on which,
16 by Act of Congress, the removal of vegetation is re-
17 stricted or prohibited.

18 (f) PERMANENT ROADS.—

19 (1) PROHIBITION ON ESTABLISHMENT.—A for-
20 est management activity designated under subsection
21 (c) shall not include the establishment of a perma-
22 nent road.

23 (2) EXISTING ROADS.—The Secretary con-
24 cerned may carry out necessary maintenance and re-
25 pair on an existing permanent road for the purposes

1 of conducting a forest management activity des-
 2 ignated under subsection (c).

3 (3) TEMPORARY ROADS.—The Secretary con-
 4 cerned shall decommission any temporary road con-
 5 structed for a forest management activity designated
 6 under subsection (c) not later than 3 years after the
 7 date on which the action is completed.

8 (g) APPLICABLE LAWS.—A forest management activ-
 9 ity designated under subsection (c) shall not be subject
 10 to section 7 of the Endangered Species Act of 1973 (16
 11 U.S.C. 1536), section 106 of the National Historic Preser-
 12 vation Act, or any other applicable law.

13 (h) SECRETARY CONCERNED DEFINED.—In this sec-
 14 tion, the term “Secretary concerned” means—

15 (1) the Secretary of Agriculture, with respect to
 16 National Forest System lands; and

17 (2) the Secretary of the Interior, with respect
 18 to public lands.

19 **SEC. 303. PERMITS AND AGREEMENTS WITH ELECTRICAL**
 20 **UTILITIES.**

21 (a) IN GENERAL.—In any special use permit or ease-
 22 ment on National Forest System lands provided to an elec-
 23 tric utility company (as defined in section 1262 of the En-
 24 ergy Policy Act of 2005 (42 U.S.C. 16451)) the Secretary
 25 of Agriculture may provide permission to cut and remove

1 trees or other vegetation from within the vicinity of dis-
2 tribution lines or transmission lines, including hazardous
3 vegetation that increases fire risk, without requiring a sep-
4 arate timber sale if that cutting and removal is consistent
5 with the applicable land management plan.

6 (b) USE OF PROCEEDS.—A special use permit or
7 easement that includes permission for the cutting and re-
8 moval of trees or other vegetation described in subsection
9 (a), shall include a requirement that, if the applicable elec-
10 trical utility sells any portion of the material removed
11 under the permit or easement, the electrical utility shall
12 provide to the Secretary, acting through the Chief of the
13 Forest Service, any proceeds received from the sale, less
14 any transportation costs incurred in the sale.

15 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to require the sale of any material
17 removed under a special use permit or easement that in-
18 cludes permission for the cutting and removal of trees or
19 other vegetation described in subsection (a).

1 **TITLE IV—REFORM OF CERTAIN**
 2 **ADMINISTRATIVE REQUIRE-**
 3 **MENTS**

4 **SEC. 401. NONAPPLICABILITY OF CERTAIN ADDITIONAL**
 5 **CONSULTATION REQUIREMENTS OF THE EN-**
 6 **DANGERED SPECIES ACT OF 1973.**

7 (a) FOREST SERVICE PLANS.—Section 6(d)(2) of the
 8 Forest and Rangeland Renewable Resources Planning Act
 9 of 1974 (16 U.S.C. 1604(d)(2)) is amended to read as
 10 follows:

11 “(2) NO ADDITIONAL CONSULTATION RE-
 12 QUIRED UNDER CERTAIN CIRCUMSTANCES.—Not-
 13 withstanding any other provision of law, the Sec-
 14 retary shall not be required to reinitiate consultation
 15 under section 7(a)(2) of the Endangered Species Act
 16 of 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of
 17 title 50, Code of Federal Regulations (or a successor
 18 regulation), on a land management plan approved,
 19 amended, or revised under this section when—

20 “(A) a new species is listed or critical habi-
 21 tat is designated under the Endangered Species
 22 Act of 1973 (16 U.S.C. 1531 et seq.); or

23 “(B) new information reveals effects of the
 24 land management plan that may affect a spe-
 25 cies listed or critical habitat designated under

1 that Act in a manner or to an extent not pre-
2 viously considered.”.

3 (b) BUREAU OF LAND MANAGEMENT PLANS.—Sec-
4 tion 202 of the Federal Land Policy and Management Act
5 of 1976 (43 U.S.C. 1712) is amended by adding at the
6 end the following:

7 “(g) Notwithstanding any other provision of law, the
8 Secretary shall not be required to reinitiate consultation
9 under section 7(a)(2) of the Endangered Species Act of
10 1973 (16 U.S.C. 1536(a)(2)) or section 402.16 of title 50,
11 Code of Federal Regulations (or a successor regulation),
12 on a land use plan approved, amended, or revised under
13 this section when—

14 “(1) a new species is listed or critical habitat
15 is designated under the Endangered Species Act of
16 1973 (16 U.S.C. 1531 et seq.); or

17 “(2) new information reveals effects of the land
18 use plan that may affect a species listed or critical
19 habitat designated under that Act in a manner or to
20 an extent not previously considered.”.

1 **SEC. 402. AMENDMENT TO CATEGORICAL EXCLUSION FOR**
2 **COLLABORATIVE RESTORATION PROJECTS.**

3 Section 603(c)(1) of the Healthy Forests Restoration
4 Act of 2003 (16 U.S.C. 6591b(c)(1)) is amended by strik-
5 ing “3000 acres” and inserting “10,000 acres”.

○