To expedite salvage and reforestation projects in the Columbia Gorge National Scenic Area and other National Scenic Areas in response to certain catastrophic events, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 8, 2017

Mr. W. ALDEN 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 expedite salvage and reforestation projects in the Columbia Gorge National Scenic Area and other National Scenic Areas in response to certain catastrophic events, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Scenic Columbia Gorge Restoration Act of 2017”.

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SEC. 2. EXPEDITED RECOVERY ACTIVITIES IN RESPONSE TO CATASTROPHIC EVENTS IN NATIONAL SCENIC AREAS.

(a) DEFINITIONS.—In this section:

(1) CATASTROPHIC EVENT.—The term “catastrophic event” means any natural disaster (such as hurricane, tornado, windstorm, snow or ice storm, rain storm, high water, wind-driven water, tidal wave, earthquake, volcanic eruption, landslide, mudslide, drought, or insect or disease outbreak) or any fire, flood, or explosion, regardless of cause.

(2) CONCLUSION.—The term “conclusion”, with respect to a catastrophic event, includes containment of the catastrophic event if occurring before the actual end of the catastrophic event.

(3) NATIONAL SCENIC AREA.—The term “National Scenic Area” means an area of the National Forest System federally designated as a National Scenic Area in recognition of the outstanding natural, scenic, and recreational values of the area.

(4) RESPONSE ACTIVITY.—The term “response activity” means any salvage operation or reforestation activity proposed to be conducted within a National Scenic Area adversely impacted by a catastrophic event to address conditions caused or exacerbated by the catastrophic event.
(5) Secretary.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) Prompt Proposal of Response Activities.—Within 30 days after the conclusion of a catastrophic event within a National Scenic Area, the Secretary shall begin proposing response activities for lands within the National Scenic Area adversely impacted by the catastrophic event.

(c) Public Input and Response Process.—Notwithstanding any other provision of law, the Secretary shall allow 30 days for public scoping and comment regarding a National Scenic Area response activity, 15 days for filing an objection to the response activity, and 15 days for the agency response to the filing of an objection. Upon completion of this process and expiration of the period specified in subsection (d)(1) if applicable, the Secretary shall implement the response activity.

(d) Environmental Review.—

(1) Expedited Environmental Assessment.—Except as provided in paragraph (2), notwithstanding any other provision of law, an environmental assessment prepared by the Secretary concerned pursuant to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) for a National Scenic Area response activity shall be
completed within 60 days after the conclusion of the catastrophic event.

(2) CATEGORICAL EXCLUSION.—A categorical exclusion is available for any National Scenic Area response activity that—

(A) does not exceed 10,000 acres within the National Scenic Area; and

(B) includes lands that—

(i) are visible from key viewing areas, as described in the management plan for the National Scenic Area;

(ii) provide screening for human development;

(iii) are part of a municipal watershed; or

(iv) contain utility or power transmission right-of-ways.

(e) CONSULTATION UNDER THE ENDANGERED SPECIES ACT.—

(1) NO CONSULTATION IF RESPONSE ACTIVITY NOT LIKELY TO ADVERSELY AFFECT A LISTED SPECIES OR DESIGNATED CRITICAL HABITAT.—Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) shall not be required if the Secretary determines that a response activity
is not likely to adversely affect a listed species or
designated critical habitat.

(2) EXPEDITED CONSULTATION.—

(A) IN GENERAL.—With respect to a re-
response activity that is not covered by paragraph
(1), consultation required under section 7 of the
1536) shall be concluded within the 90-day pe-
riod beginning on the date on which such con-
sultation was requested by the Secretary.

(B) EFFECT OF NO CONCLUSION.—In the
case of a consultation described in subpara-
graph (A) that is not concluded within the 90-
day period specified in such subparagraph, the
response activity for which such consultation
was initiated—

(i) shall be deemed to have not vio-
lated section 7 of the Endangered Species
Act of 1973 (16 U.S.C. 1536(a)(2)); and

(ii) may be carried out.

(f) PROHIBITION ON RESTRAINING ORDERS, PRE-
LIMINARY INJUNCTIONS, AND INJUNCTIONS PENDING AP-
PEAL.—No restraining order, preliminary injunction, or
injunction pending appeal shall be issued by any court of
the United States with respect to any decision to prepare
or conduct a response activity. Section 705 of title 5, United States Code, shall not apply to any challenge to the response activity.

(g) **FUNDING SOURCE.**—Amounts in the special fund established pursuant to section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), shall be available to the Secretary for response activities.

(h) **REFORESTATION OBJECTIVE.**—In the case of response activities conducted on National Scenic Area lands adversely impacted by a catastrophic event, the Secretary shall achieve reforestation of at least 75 percent of the impacted lands before the end of the two-year period following the conclusion of the catastrophic event.