

Frequently Asked Questions
Wildfire Resilience Categorical Exclusion
Healthy Forests Restoration Act, Section 605

Q1: How do I refer to this new categorical exclusion (CE)?

A: Its common name is the Wildfire Resilience CE. The authority for this CE is Section 605 of the Healthy Forests Restoration Act (HFRA). This is because the 2018 Consolidated Appropriations Act (2018 Omnibus Bill) amended the 2003 HFRA by adding Section 605. The CE has been included in the Forest Service Handbook (Ch. 32.3) and has been added to PALS.

Q2: What can this CE be used for?

A: The Wildfire Resilience CE is only available for projects that fit within the definition of authorized hazardous fuels projects in Title I of HFRA and that comply with other project limitations set forth in Section 605(c) of HFRA (3,000 acre limit, location requirements, etc). Authorized hazardous fuels reduction projects are projects that use various methods to reduce hazardous fuels, including prescribed fire; various mechanical methods such as crushing, tractor and hand piling, thinning (to produce commercial or precommercial products), and pruning; brush removal, salvage for wildfire prevention, and installation of fuel breaks and firebreaks. Section 203 of the 2018 Omnibus Bill amended HFRA's definition of hazardous fuels reduction projects by adding installation of fuel breaks and firebreaks to Section 101(2)(b) of HFRA.

Q3: Can we use pesticides, herbicides, and fungicides?

A: Pesticides, herbicides, and fungicides may be used, but their use must be consistent with applicable Land and Resource Management Plans and the purpose of the project must be hazardous fuels reduction.

Q4: Where can I utilize the CE? Does a project area have to be in an area designated under 602(b)?

A: Per Section 605(c), as amended by the 2018 Omnibus Bill, the Wildfire Resilience CE may only be used on NFS lands that occur within a landscape-scale area designated by the Chief under section 602(b) of HFRA on or before March 23, 2018. Projects shall be prioritized within the wildland-urban interface (WUI); if the project area is outside a WUI, projects are limited to areas within condition classes 2 or 3 in fire regime groups I, II, or III that contain very high wildfire hazard potential.

Q5: Does the Wildfire Resilience CE expand the land base where HFRA Title I Streamlined EA and EIS procedures may be applied?

A: No, the 2018 Omnibus Bill amendment to HFRA established a new statutory CE; it does not alter the requirements or provisions for the Streamlined EA/EIS procedures set forth in the original 2003 HFRA, Title I.

Q6: Is there a new designation process being established by the WO to approve designated areas under this authority, similar to the designation process for Section 602(b)?

A: There is no new designation process being established under this authority. Use of the Wildfire Resilience CE is limited to areas that were already designated under section 602(b) as of March 23, 2018. These designations have already been approved. Areas designated under section 602(b) after that date will only be able to use the Insect and Disease CE (HFRA Section 603); those areas designated after March 23 are not eligible for use with the Wildfire Resilience CE.

Q7: What is the difference between the Wildfire Resilience CE and the Insect and Disease CE? How is this different from what we already have?

A: The 2014 HFRA Insect and Disease CE is applicable to projects designed to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in designated areas. In contrast, the 2018 HFRA Wildfire Resilience CE expanded the existing streamlined EA/EIS NEPA procedures available for treatment of hazardous fuels reduction projects by adding a new categorical exclusion for qualifying projects. There may be instances where the underlying purpose of a proposal lends itself to classification under both HFRA provisions. In such cases, the responsible officials should look to the primary purpose of the action determine which provision is applicable.

Q8: Is collaboration required when utilizing the CE?

A: Yes. A Wildfire Resilience CE project must be developed and implemented through a collaborative process.

Q9: What qualifies as a collaborative process?

A: The collaborative process must include multiple interested persons representing diverse interests in the development and implementation of a project; the project must also use a process that is (1) transparent and inclusive or (2) that meets the requirements for an advisory committee under the Secure Rural Schools (SRS) Act (see Q10). Collaboration should involve States, counties, communities, tribal governments, non-governmental organizations and interested stakeholders in a public process to provide input on development and implementation of projects. Efforts should be made to involve a variety of diverse local and national interests and engage key stakeholders in collaboration throughout the life of the project.

While formal collaborative groups are welcome to participate in the collaborative process, the HFRA does not require a formal group to be in place to meet the collaborative process requirements. Along those same lines, if a self-established collaborative group chooses to

participate formally, they must be willing to allow for inclusion of other in the collaborative process so as to meet the requirement to be non-exclusive.

Responsible officials and team leaders may want to develop and document a collaborative process plan to demonstrate how they are meeting the collaborative process requirements if they are not working with a formal group. It is important to document the collaborative process used for project development and implementation and include this in the project file.

Q10: The Section 605 (b)(1)(C) collaborative requirements references a Resource Advisory Committee (RAC) established under the Secure Rural Schools and Community Self-Determination Act. Is a RAC required for use of the Wildfire Resilience CE?

A: No. The statutory language for the collaborative requirements is set out below. The legislation structure includes an intentional AND and OR to indicating that a RAC is not required. To qualify, a collaborative process must include multiple interested persons representing diverse interests and must either be (1) transparent and nonexclusive or (2) meet the requirements for an advisory committee under the SRS Act.

COLLABORATIVE RESTORATION PROJECT—

(1) IN GENERAL – A project referred to in subsection (a) is a project to carry out forest restoration treatments that --

(C) is developed and implemented through a collaborative process that –

(i) includes multiple interested persons representing diverse interests; **and**

(ii)(I) is transparent and nonexclusive; **or**

(II) meets the requirements for a resource advisory committee under subsections (c) through (g) of section 205 of the Secure Rural Schools Community Self-Determination Act of 2000 (16. U.S.C. 7125).

Q11: Under subsection (b)(2) Inclusion, is it correct to interpret the language to say that a project does not have to be part of a proposal under the Collaborative Forest Landscape Restoration Program (CFLRP)?

A: Section 605(b)(1) outlines the general requirements for a project that can be utilized under the CE, including the collaborative requirements listed at (b)(1)(c). Section 605(b)(2) Inclusion states “a project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the CFLRP under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).” This means that a project may be, but does not have to be, part of a CFLRP project in order to use the Section 605 CE.

Q12: Is the Wildfire Resilience CE subject to the administrative review (objections) process?

A: No. Section 605(a)(3) states that Wildfire Resilience projects are exempt from the administrative review process established under Section 105 of HFRA.

Q13: Is this a temporary CE because it was enacted in a budget bill?

A: No, the Wildfire Resilience category is permanently authorized.

Q14: What is the cap on utilizing the Wildfire Resilience CE?

A: Utilization of this CE falls under the 20-million-acre limit set up in the 2003 HFRA.

Q15: Is the Washington Office going to define the WUI interface on a map?

A: At this time there are no plans to add additional maps.

Q16: Can more than one project categorically excluded under section 605 occur in the same landscape-scale area?

A: Projects should be developed using the most efficient and effective NEPA tool. Where multiple projects are being considered in overlapping or adjacent areas, units should evaluate them carefully and select the appropriate tools, including examining whether the activities can be independently justified or represent connected actions.

Q17: Can Section 603 and 605 activities occur in the same landscape scale area? Can we use this CE with other existing Agency CEs (e.g. activities that restore, rehabilitate, or stabilize lands occupied by unauthorized roads and trails)?

A: More than one project using the 603 CE or the 605 CE can occur within each designated landscape-scale area as long as each project does not exceed 3,000 acres of treatment and any other requirements for using the CE are met. The 605 CE can be used with other CEs, including the Section 603 CE, as long as the proposed acres for treatment does not exceed 3,000 acres, the other requirements for using the applicable CEs are met, and the primary purpose of the project remains hazardous fuels reduction.

Q18: How do I enter this project into PALS?

A: When adding a project using the Wildfire Resilience CE in PALS, you need to add both the category and the special authority's identifier.

- Select Category: Hazardous fuels reduction projects in areas designated under section 602 of HFRA utilizing the CE in section 605 of HFRA. 32.3 (4))
- Select Special Authorities: HFRA Title VI: Wildfire Resilience CE

HFRA CE Crosswalk

Wildfire Resilience CE (Sec. 605) and Insect & Disease CE (Sec. 603)

	Wildfire Resilience CE	Insect & Disease CE
Legislative Origin	2018 Omnibus Bill	2014 Farm Bill
Statutory Authority	Amendment to 2003 Healthy Forest Restoration Act (HFRA); HFRA Section 605	Amendment to 2003 Healthy Forest Restoration Act (HFRA); HFRA Section 603
Common Name	Wildfire Resilience CE	Insect & Disease CE
Permitted Project Types	Hazardous fuels reduction projects as defined in HFRA Title I, including prescribed fire, wildland fire use, mechanical methods, hand piling, thinning and pruning; also includes fuel break and fire break projects.	Projects that reduce the risk or extent of, and increase the resilience to, insect or disease infestation in the designated areas; additional purposes can also be addressed.
Project Purpose	Purpose of projects are for hazardous fuels reduction.	Purpose of projects are to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in designated areas.
Permitted Project Locations	Projects must be located in areas that were designated under HFRA Section 602(b) <i>before March 23, 2018</i> ; in addition, projects in the wildland-urban interface (WUI) are prioritized. If the project area is outside the WUI, project locations are limited to areas within condition classes 2 or 3 in fire regime groups I, II, or III that contain very high wildfire hazard potential.	Projects must be located in areas that are designated under HFRA Section 602(b); in addition, projects in the wildland-urban interface (WUI) are prioritized. If the project area is outside the WUI, project locations are limited to areas within condition classes 2 or 3 in fire regime groups I, II, or III that contain very high wildfire hazard potential.
Permitted Project Acreage	Both CEs permit projects up to 3000 treatment acres in size. Utilization of both CEs are limited to HFRA's 20-million total acre cap.	

	Wildfire Resilience CE	Insect & Disease CE
Collaboration Requirements	Both CEs require projects be developed and implemented through a collaborative process.	
Old Growth Retention Requirements	Projects maximize retention of old growth, both for reducing the risk or extent of wildfires and for increasing resilience to wildfires, as well as for resilience to insect and disease.	Projects maximize the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease.
Roads	Both CEs prohibit permanent road construction. Projects completed under either CE may carry out necessary repair and maintenance on existing roads and temporary roads must be decommissioned no later than 3 years after project completion. Neither CE limits the miles of temporary road that can be constructed. Limitations should be based on land management plan direction.	
Exclusions	Sec. 603 and Sec. 605 do not apply to: areas of the National Wilderness Preservation System; Federal lands where the removal of vegetation is restricted or prohibited; congressionally designated wilderness study areas; or areas where project activities would be inconsistent with the applicable Forest Plan.	
Administrative Review	Projects using either CE are exempt from the administrative review process.	