

Amendment

Offered by Mr. Johnson of South Dakota

Amendment Description:

This amendment adds language to the Forestry Title allowing for exemptions from the National Environmental Policy Act and National Historic Preservation Act for communication use authorizations, such as broadband installation, on previously analyzed National Forest System lands, as seen in the text of the FOREST Act (H.R. 8230).

AMENDMENT TO H.R. 8467

OFFERED BY MR. JOHNSON OF SOUTH DAKOTA

At the end of subtitle F of title VIII, insert the following:

1 **SEC. 87___ . EXEMPTION FOR PREVIOUSLY ANALYZED**
2 **AREAS OF NATIONAL FOREST SYSTEM LANDS.**

3 (a) IN GENERAL.—The requirements under the Na-
4 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
5 et seq.) or division A of subtitle 54, United States Code,
6 shall not apply to an application for a communications use
7 authorization on National Forest System lands, including
8 National Forest System lands on which authorized utili-
9 ties, communications facilities, powerline facilities or roads
10 have been installed, if—

11 (1) the communications equipment is located in
12 or on existing infrastructure; or

13 (2) the communications facility is located on
14 previously analyzed areas of National Forest System
15 lands.

16 (b) NO ADDITIONAL CONSULTATION REQUIRED
17 UNDER CERTAIN CIRCUMSTANCES.—Notwithstanding
18 any other provision of law, the Secretary shall not be re-
19 quired to reinitiate consultation of the requirements under

1 the National Environmental Policy Act of 1969 (42 U.S.C.
2 4321 et seq.) or division A of subtitle 54, United States
3 Code, for an application for a communications use author-
4 ization on previously analyzed areas of National Forest
5 System lands if new information concerning a previously
6 analyzed area of National Forest System lands becomes
7 available.

8 (c) DEFINITIONS.—In this section:

9 (1) COMMUNICATIONS FACILITY; COMMUNICA-
10 TIONS USE AUTHORIZATION.—The terms “commu-
11 nications facility” and “communications use author-
12 ization” have the meanings given the terms, respec-
13 tively, in section 8705 of the Agriculture Improve-
14 ment Act of 2018 (43 U.S.C. 1761a).

15 (2) PREVIOUSLY ANALYZED AREAS OF NA-
16 TIONAL FOREST SYSTEM LANDS.—The term “pre-
17 viously analyzed areas of National Forest System
18 lands” means any National Forest System lands
19 with respect to which the Secretary has—

20 (A) granted, issued, and executed a com-
21 munications use authorization; and

22 (B) conducted sufficient environmental or
23 historical reviews.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, acting through the
3 Chief of the Forest Service.



