

**Amendment to the Amendment in the Nature of a Substitute to H.R. 2989**

**Offered by Mr. Westerman of Arkansas**

Page 2, line 2, strike “certified under section 4” and insert “codified under section 4(a)”.

Page 2, line 6, strike “National Forest System lands or” and insert “covered National Forest system lands or covered”.

Page 2, after line 19, insert the following:

“(5) COVERED PUBLIC LANDS.—The term “covered public lands” means

(A) the Case Mountain Extensive Recreation Management Area in California managed by the Bureau of Land Management; and

(B) Kings Canyon National Park, Sequoia National Park, and Yosemite National Park in California managed by the National Park Service.”

Page 2, line 20, through page 3, line 6, redesignate paragraphs (5) through (7) as paragraphs (6) through (8) respectively.

Page 3, strike line 9 through 17.

Page 3, line 19, strike “cover” and insert “cover, taking into consideration species composition and resilience,”.

Page 5, line 5, insert “covered” before “public lands”.

Page 5, line 19, strike “shall enter” and all that follows through line 22 and insert “shall enter into or expand an existing shared stewardship agreement or enter into a similar agreement with the Secretary of Agriculture, the Governor of the State of California, and the Tribe to jointly carry out the short-term and long-term management and conservation of giant sequoias.”

Page 5, strike line 23 through page 6, line 7.

Page 6, strike line 24 through Page 7, line 1, and insert the following:

“(a) Codification.—The Coalition is the entity established under the”

Page 8, line 8, strike “carry out” and insert “produce”.

Page 8, line 10, insert “concerned” after “Secretary”.

Page 9, line 12, strike “180 days after the first meeting of the Coalition” and insert “6 months after the date of the enactment of this Act”.

Page 12, line 17, strike “initiate at least 7 Protection Projects” and insert “reduce hazardous fuels in at least 3 giant sequoia groves”.

Page 12, line 21, strike “initiate at least 7 Protection Projects” and insert “reduce hazardous fuels in at least 3 giant sequoia groves”.

Page 13, line 1, strike “at least 7 Protection Projects are initiated” and insert “hazardous fuels are reduced in at least 3 giant sequoia groves”.

Page 13, line 5, strike “initiating Protection Projects” and insert “reducing hazardous fuels in giant sequoia groves”.

Page 17, line 12, insert “covered” before “public lands”.

Page 17, line 23, insert “covered” before “public lands”.

Page 18, line 3, insert “covered” before “public lands”.

Page 18, strike line 9 and all that follows through page 19, line 10, and insert the following:

“(2) IMPLEMENTATION.—While the emergency determination established under subsection (a) is in effect, the following shall apply:

(A) The following shall have the force and effect of law:

(i) Section 220.4(b) of title 36, Code of Federal Regulations (as in effect July 21, 2022), with respect to covered National Forest System lands.

(ii) Section 46.150 of title 43, Code of Federal Regulations (as in effect October 12, 2022), with respect to covered public lands.

(iii) Section 402.05 of title 50, Code of Federal Regulations (as in effect July 21, 2022), with respect to covered National Forest System lands and covered public lands.

(iv) Section 800.12 of title 36, Code of Federal Regulations (as in effect July 21, 2022), with respect to covered National Forest System lands and covered public lands.

(B) A responsible official may carry out a Protection Project described by paragraph (4) before initiating—

(i) an analysis under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332);

(ii) consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); and

(iii) consultation under section 106 of the National Historic Preservation Act (16 U.S.C. 470(f)).

(C) The rules established under subsections (d) and (e) section 40807 of the Infrastructure Investment and Jobs Act (16 U.S.C. 6592c(d) and (e)) shall apply with respect to Protection Projects by substituting “Protection Projects” for “authorized emergency action under this section” each place it appears in such subsections.

(D) Protection Projects shall be subject to the requirements of section 106 of title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 et seq.).”

Page 19, strike line 11, and all that follows through page 20, line 9, and insert the following:

“(3) PROTECTION PROJECTS.—The responsible official shall carry out the following forest management activities, consistent with applicable grove-specific hazardous fuels reduction plans or activities recommend by the Assessment under section 5, as Protection Projects under the emergency determination under this section:

(A) Conducting hazardous fuels management, including mechanical thinning, mastication, and prescribed burning.

(B) Removing hazard trees, dead trees, dying trees, or trees at risk of dying, as determined by the responsible official.

(C) Removing trees to address overstocking or crowding in a forest stand, consistent with the appropriate basal area of the forest stand as determined by the responsible official.

(D) Activities included in the applicable grove-specific hazardous fuels reduction plan.

(E) Using chemical treatments to address insects and disease and control vegetation competition.

(F) Any combination of activities described in this paragraph.”

Page 20, strike line 25 and all that follows through page 21, line 13, and insert the following:

“(C) INTERAGENCY COOPERATION.—Congress finds that Protection Projects carried out under this section are consistent with improving the health and resiliency of critical habitat for threatened and endangered species, including the Pacific fisher and California spotted owl.”

Page 23, line 12, strike “initiate no fewer than 7 Protection Projects” and insert “reduce hazardous fuels in no fewer than 3 giant sequoia groves”.

Page 23, line 18, strike “In accordance with the timeline and agreement established in section 3(a)(3), the Secretary, in consultation with the parties to such agreement,” and insert “Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the Coalition,”.

Page 24, line 10, insert “and funding” after “regulatory”.

Page 25, strike line 20 and all that follows through page 26, line 2 and insert the following:

“(c) Implementation.—Section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) is amended by inserting “Nothing in this Act precludes reforestation (as defined in section 2

of the Save our Sequoias Act) activities to reestablish giant sequoias following a wildfire.” after the period at the end.”

Page 28, line 10, insert “or tribal entities” after “small businesses”.

Page 28, beginning line 23, strike “permanent or temporary”.

Page 29, line 2, strike “and”.

Page 29, line 5, strike the period and insert “; or”.

Page 29, after line 5, insert the following:

“(5) support tribal management and conservation of giant sequoias, including funding for tribal historic preservation officers.”

Page 29, after line 10 insert the following:

“(A) in paragraph (3)(A)—

(i) in clause (i), by striking “or” at the end;

(ii) by redesignating clause (ii) as clause (iii);

(iii) by inserting after clause (i) the following:

“(ii) Kings Canyon National Park, Sequoia National Park, and Yosemite National Park; or”.

Page 29 line 11 through page 30, line 3, redesignate subparagraphs (A) through (C) as subparagraphs (B) through (D) respectively.

Page 31, insert after line 2 the following:

“(ii) SPECIAL RULE FOR CERTAIN NATIONAL PARKS.—Funds received from the sale of timber by a Governor, an Indian tribe, or a county under a good neighbor agreement carried out within the boundaries of Kings Canyon National Park, Sequoia National Park, or Yosemite National Park shall be retained and used by the Governor, Indian tribe, or county, as applicable—

“(I) to carry out authorized restoration services under such good neighbor agreement;

“(II) if there are funds remaining after carrying out the services under clause (i), to carry out authorized restoration services under other good neighbor agreements within the boundaries of the park unit in which the initial good neighbor agreement occurred; and

“(III) if there are no further good neighbor agreements to carry out under clause (ii), to transfer to the park unit in which the initial good neighbor agreement occurred to be used for giant sequoia conservation and management.”.

Page 31, line 3, redesignate clause (ii) as clause (iii).

Page 31, strike line 9 and insert the following:

“(D) by amending paragraph (4) to read as follows:

“(4) AUTHORIZED RESTORATION SERVICES IN CERTAIN NATIONAL PARKS.—Authorized restoration services occurring in Kings Canyon National Park, Sequoia National Park, and Yosemite National Park shall be carried out in accordance with section 100753 of title 54, United States Code.”

Page 34, line 12, insert “including funding for tribal historic preservation officers” before the period at the end.

Page 35, line 8, insert “1011” after “chapter”.

Page 35, after line 22, insert the following:

“(c) SAVINGS CLAUSE.—Nothing in this Act affects—

“(1) the allocation of previously appropriated funds from prior fiscal years, consistent with applicable laws and regulations; and

“(2) the prerogative of the Secretary concerned to establish Departmental funding priorities, consistent with applicable laws and regulations.”