

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 179
OFFERED BY MR. MCCLINTOCK OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Proven Forest Man-
3 agement Act”.

4 SEC. 2. FOREST MANAGEMENT ACTIVITIES FOR COVERED
5 LAND.

6 (a) COORDINATION.—In conducting a forest manage-
7 ment activity on covered land, the Secretary concerned
8 shall, as appropriate, coordinate with impacted parties to
9 increase efficiency and maximize the compatibility of man-
10 agement practices across covered land.

11 (b) FOREST MANAGEMENT ACTIVITIES.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), in conducting a forest management activ-
14 ity on covered land, the Secretary concerned shall
15 conduct such activity in a manner that attains mul-
16 tiple ecosystem benefits, including—

17 (A) reducing forest fuels;

18 (B) maintaining biological diversity;

1 (C) improving wetland and water quality,
2 including in riparian areas; and

3 (D) increasing resilience to changing water
4 temperature and precipitation.

5 (2) EXCEPTION FOR COST.—Paragraph (1)
6 shall not apply if the Secretary concerned deter-
7 mines that the costs associated with attaining mul-
8 tiple ecosystem benefits are excessive.

9 (c) GROUND DISTURBANCE.—Consistent with appli-
10 cable Federal law and the forest plan developed for the
11 relevant covered land, the Secretary concerned shall—

12 (1) establish any post-program ground condi-
13 tion criteria for a ground disturbance caused by a
14 forest management activity required by such plan;
15 and

16 (2) provide for monitoring to ascertain the at-
17 tainment of relevant post-program conditions.

18 (d) AVAILABILITY OF CATEGORICAL EXCLUSION FOR
19 CERTAIN FOREST MANAGEMENT ACTIVITIES.—A forest
20 management activity conducted on covered land for the
21 purpose of reducing forest fuels is categorically excluded
22 from the requirements of the National Environmental Pol-
23 icy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest man-
24 agement activity—

1 (1) notwithstanding section 423 of the Depart-
2 ment of the Interior, Environment, and Related
3 Agencies Appropriations Act, 2009 (division E of
4 Public Law 111–8; 123 Stat. 748), does not exceed
5 10,000 acres, including not more than 3,000 acres
6 of mechanical thinning;

7 (2) is developed—

8 (A) in coordination with impacted parties,
9 specifically including representatives of local
10 governments, such as county supervisors or
11 county commissioners; and

12 (B) in consultation with other interested
13 entities; and

14 (3) is consistent with the forest plan developed
15 for the relevant covered land.

16 (e) COOPERATIVE AUTHORITIES.—The Secretary
17 concerned, in conjunction with land adjustment programs,
18 may enter into contracts and cooperative agreements with
19 an interested entity to provide for fuel reduction, erosion
20 control, reforestation, riparian restoration, and similar
21 management activities on Federal land and non-Federal
22 land within the programs.

23 (f) DEFINITIONS.—In this section:

24 (1) COVERED LAND.—The term “covered land”
25 means land that is—

1 (A) public land administered by the Sec-
2 retary of the Interior; or

3 (B) National Forest System land adminis-
4 tered by the Secretary of Agriculture.

5 (2) FOREST MANAGEMENT ACTIVITY.—The
6 term “forest management activity” means a project
7 or activity that is carried out by the Secretary con-
8 cerned on covered land and is consistent with the
9 forest plan covering such land.

10 (3) FOREST PLAN.—The term “forest plan”
11 means—

12 (A) with respect to public lands, a land use
13 plan prepared by the Bureau of Land Manage-
14 ment pursuant to section 202 of the Federal
15 Land Policy and Management Act of 1976 (43
16 U.S.C. 1712); and

17 (B) with respect to National Forest Sys-
18 tem land, a land and resource management
19 plan prepared by the Forest Service for a unit
20 of the National Forest System pursuant to sec-
21 tion 6 of the Forest and Rangeland Renewable
22 Resources Planning Act of 1974 (16 U.S.C.
23 1604).

24 (4) INTERESTED ENTITIES.—The term “inter-
25 ested entities” includes—

1 (A) State, local, and Tribal governments;

2 (B) local fire departments; and

3 (C) other relevant volunteer groups.

4 (5) NATIONAL FOREST SYSTEM.—The term
5 “National Forest System” has the meaning given
6 that term in section 11(a) of the Forest and Range-
7 land Renewable Resources Planning Act of 1974 (16
8 U.S.C. 1609(a)).

9 (6) PUBLIC LAND.—The term “public land”
10 has the meaning given the term “public lands” in
11 section 103 of the Federal Land Policy and Manage-
12 ment Act of 1976 (43 U.S.C. 1702), except that the
13 term includes Coos Bay Wagon Road Grant lands
14 and Oregon and California Railroad Grant lands.

15 (7) SECRETARY CONCERNED.—The term “Sec-
16 retary concerned” means—

17 (A) the Secretary of Agriculture, with re-
18 spect to National Forest System land; and

19 (B) the Secretary of the Interior, with re-
20 spect to public lands.

