118TH CONGRESS 1ST SESSION H.R. 188

AUTHENTICATED U.S. GOVERNMENT INFORMATION

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To direct the Secretary concerned to coordinate with impacted parties when conducting a forest management activity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. MCCLINTOCK (for himself, Mr. LAMALFA, Mr. MOYLAN, Mr. STAUBER, and Mr. VALADAO) 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 direct the Secretary concerned to coordinate with impacted parties when conducting a forest management activity, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Proven Forest Man-

5 agement Act of 2022".

SEC. 2. FOREST MANAGEMENT ACTIVITIES FOR NATIONAL FOREST SYSTEM LAND.

3 (a) COORDINATION.—In conducting a forest manage4 ment activity on National Forest System land, the Sec5 retary concerned shall, as appropriate, coordinate with im6 pacted parties to increase efficiency and maximize the
7 compatibility of management practices across National
8 Forest System land.

9 (b) Forest Management Activities.—

(1) IN GENERAL.—Except as provided in paragraph (2), in conducting a forest management activity on National Forest System land, the Secretary
concerned shall conduct such activity in a manner
that attains multiple ecosystem benefits, including—
(A) reducing forest fuels;
(B) maintaining biological diversity;

17 (C) improving wetland and water quality,18 including in Stream Environment Zones; and

19 (D) increasing resilience to changing water20 temperature and precipitation.

21 (2) EXCEPTION FOR COST.—Paragraph (1)
22 shall not apply if the Secretary concerned deter23 mines that the costs associated with attaining mul24 tiple ecosystem benefits are excessive.

25 (c) GROUND DISTURBANCE.—Consistent with appli26 cable Federal law and the forest plan developed for the
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relevant National Forest System land, the Secretary con cerned shall—

3 (1) establish any post-program ground condi4 tion criteria for a ground disturbance caused by a
5 forest management activity required by such plan;
6 and

7 (2) provide for monitoring to ascertain the at-8 tainment of relevant post-program conditions.

9 (d) AVAILABILITY OF CATEGORICAL EXCLUSION FOR 10 CERTAIN FOREST MANAGEMENT ACTIVITIES.—A forest 11 management activity conducted on National Forest Sys-12 tem land for the purpose of reducing forest fuels is cat-13 egorically excluded from the requirements of the National 14 Environmental Policy Act of 1969 (42 U.S.C. 4321 et 15 seq.) if the forest management activity—

16 (1) notwithstanding section 423 of the Depart17 ment of the Interior, Environment, and Related
18 Agencies Appropriations Act, 2009 (division E of
19 Public Law 111-8; 123 Stat. 748), does not exceed
20 10,000 acres, including not more than 3,000 acres
21 of mechanical thinning;

22 (2) is developed—

23 (A) in coordination with impacted parties,24 specifically including representatives of local

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governments, such as county supervisors or
county commissioners; and
(B) in consultation with other interested
entities; and
(3) is consistent with the forest plan developed
for the relevant National Forest System land.
(e) Cooperative Authorities.—The Secretary
concerned, in conjunction with land adjustment programs,
may enter into contracts and cooperative agreements with
a qualified entity to provide for fuel reduction, erosion
control, reforestation, Stream Environment Zone restora-
tion, and similar management activities on Federal land
and non-Federal land within the programs.
(f) DEFINITIONS.—In this section:
(1) INTERESTED ENTITIES.—The term "inter-
ested entities' includes—
(A) the Administrator of the National Oce-
anic and Atmospheric Administration;
(B) State, local, and Tribal governments;
(C) local fire departments; and
(D) other relevant volunteer groups.
(2) Forest management activity.—The
term "forest management activity" means a project
or activity carried out by the Secretary concerned on

1	National Forest System land and consistent with the
2	forest plan covering such land.
3	(3) NATIONAL FOREST SYSTEM.—The term
4	"National Forest System" has the meaning given
5	that term in section $11(a)$ of the Forest and Range-
6	land Renewable Resources Planning Act of 1974 (16
7	U.S.C. 1609(a)).
8	(4) PUBLIC LANDS.—The term "public lands"
9	has the meaning given that term in section 103 of
10	the Federal Land Policy and Management Act of
11	1976 (43 U.S.C. 1702), except that the term in-
12	cludes Coos Bay Wagon Road Grant lands and Or-
13	egon and California Railroad Grant lands.
14	(5) Secretary concerned.—The term "Sec-
15	retary concerned" means—
16	(A) the Secretary of Agriculture, with re-
17	spect to National Forest System land; and
18	(B) the Secretary of the Interior, with re-
19	spect to public lands.
20	(6) STREAM ENVIRONMENT ZONE.—The term
21	"Stream Environment Zone" means an area that
22	generally owes the biological and physical character-
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	istics of the area to the presence of surface water or

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