

106TH CONGRESS
1ST SESSION

H. R. 1523

To establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decisionmaking process.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1999

Mrs. CHENOWETH (for herself, Mr. YOUNG of Alaska, Mr. DUNCAN, Mr. SCHAFER, Mr. HILL of Montana, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. HERGER, Mr. POMBO, Mr. PETERSON of Pennsylvania, Mr. WALDEN of Oregon, Mrs. CUBIN, Mr. TAYLOR of North Carolina, Mr. SIMPSON, and Mr. NETHERCUTT) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, 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 establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decision-making process.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Forest Roads-Communi-
3 ty Right-To-Know Act”.

4 **SECTION 2. FOREST SERVICE AND BUREAU OF LAND MAN-**
5 **AGEMENT PROCEDURES FOR PERMANENT**
6 **CLOSURE OF FOREST ROADS.**

7 (a) DEFINITIONS.—In this section:

8 (1) PERMANENT CLOSURE.—The term “perma-
9 nent closure”, with respect to a forest road, means
10 the closure of the road to vehicular traffic for a con-
11 tinuous period of more than one year. The term in-
12 cludes a road closure of one year or less, or of an
13 unspecified duration, unless the Secretary concerned
14 certifies at the time of the closure that the closure
15 will not extend beyond one year.

16 (2) FOREST ROAD.—The term “forest road”
17 means any road on Federal lands.

18 (3) FEDERAL LANDS.—The term “Federal
19 lands” means—

20 (A) lands administered by the Bureau of
21 Land Management; and

22 (B) lands within units of the National For-
23 est System.

24 (4) STATE AND LOCAL GOVERNMENT OFFI-
25 CIALS.—The term “State and local government offi-

1 cials” means elected officials of States and counties
2 within which Federal lands are located.

3 (5) SECRETARY CONCERNED.—The term “Sec-
4 retary concerned” means—

5 (A) with respect to the Federal lands de-
6 scribed in paragraph (3)(A), the Secretary of
7 the Interior; and

8 (B) with respect to the Federal lands de-
9 scribed in paragraph (3)(B), the Secretary of
10 Agriculture.

11 (b) ADVANCE NOTICE OF PERMANENT ROAD CLO-
12 SURES TO STATE AND LOCAL GOVERNMENT OFFI-
13 CIALS.—

14 (1) PURPOSE.—The purpose of this subsection
15 is to ensure that the Secretary concerned involves
16 State and local government officials in the process
17 by which the Secretary concerned considers and
18 plans for the potential permanent closure of forest
19 roads on Federal lands.

20 (2) ANNUAL MEETINGS REQUIRED.—At least
21 once each fiscal year, the Secretary concerned shall
22 meet with appropriate State and local government
23 officials to describe all agency plans or proposals
24 that, within the next two fiscal years, will or may re-
25 sult in the permanent closure of forest roads on

1 Federal lands. Such agency plans or proposals in-
2 clude project proposals, land management plan
3 amendments or revisions, resource management plan
4 amendments or revisions, and regional or sub-
5 regional plans or proposals

6 (3) ELEMENTS OF NOTICE.—At a meeting
7 under paragraph (2), the Secretary concerned shall
8 provide information, using maps and other means,
9 that at a minimum—

10 (A) shows forest roads selected or proposed
11 for permanent closure;

12 (B) shows traffic patterns and volumes on
13 the roads over the previous five years; and

14 (C) explains how users of the roads will be
15 adversely affected with longer travel times or
16 adverse travel conditions by the permanent clo-
17 sure of the roads.

18 (4) SPECIAL RULE FOR FIRST MEETING.—At
19 the first meeting conducted under paragraph (2) for
20 a State or local government, the Secretary concerned
21 shall also provide information on all forest roads
22 that have been subject to permanent closure in that
23 State during the previous five years. The informa-
24 tion shall include a map showing the location of the

1 forest roads and a description of the methods and
2 costs of the permanent closure of the forest roads.

3 (c) PUBLIC NOTICE AND COMMENT REQUIRE-
4 MENTS.—

5 (1) LOCAL NOTICE.—Before proceeding with
6 the permanent closure of a forest road, the Sec-
7 retary concerned shall publish an announcement de-
8 scribing the proposed closure in the local newspaper
9 of record for the area likely to be affected by the
10 permanent closure of the road. The announcement
11 shall include a description and map of the forest
12 road selected or proposed for permanent closure and
13 a description of any comments generated regarding
14 the closure in meetings with State and local govern-
15 ment officials under subsection (b).

16 (2) COMMENT PERIOD.—The permanent closure
17 of a forest road may not take effect until after the
18 end of the 90-day period beginning on the date that
19 the announcement under paragraph (1) was pub-
20 lished regarding that road so as to permit the public
21 to submit comments regarding the decision to select
22 or propose the forest road for permanent closure.

23 (d) PROHIBITION ON PERMANENT ROAD CLO-
24 SURES.—The permanent closure of a forest road is prohib-
25 ited unless—

1 (1) advance notice of the permanent closure of
2 the road is provided to the appropriate State and
3 local government officials in the manner provided in
4 subsection (b); and

5 (2) the Secretary complies with the public no-
6 tice and comment requirements under subsection (c).

7 (e) APPLICATION OF REQUIREMENTS.—The require-
8 ments of this section shall take effect on the date of the
9 enactment of this Act, except that the prohibition con-
10 tained in subsection (d)(1) shall not apply to prohibit the
11 permanent closure of any forest road implemented during
12 the fiscal year in which this section is enacted.

13 (f) EFFECT ON VALID AND EXISTING RIGHTS.—
14 Nothing in this section shall invalidate rights-of-way des-
15 ignated under section 2477 of the Revised Statutes of
16 1878 (43 U.S.C. 932) or other valid and existing rights,
17 including rights of ingress and egress.

18 (g) COMPLIANCE WITH STATE LAWS.—In carrying
19 out this section with respect to a forest road, the Secretary
20 concerned shall comply with the applicable laws of the
21 State in which the forest road is located.

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