

Union Calendar No. 330

106TH CONGRESS
2^D SESSION

H. R. 1523

[Report No. 106-604, Part I]

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. SCHAFFER, 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

MAY 3, 2000

Additional sponsors: Mr. METCALF, Mr. GRAHAM, Mr. GIBBONS, Mr. GOODLATTE, Mr. MCINNIS, Mr. WATKINS, Mr. ROHRABACHER, Mr. SHOWS, Mr. KNOLLENBERG, Mr. HASTINGS of Washington, Mr. GREEN of Wisconsin, Mr. SKEEN, Mr. STUMP, Mr. RYUN of Kansas, Mrs. EMERSON, Mr. THUNE, Mr. BARTLETT of Maryland, Mr. THOMAS, Mr. RILEY, Mr. HUNTER, Mr. HAYWORTH, Mr. CANNON, and Mr. PETERSON of Minnesota

MAY 3, 2000

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

MAY 3, 2000

Referral to the Committee on Agriculture extended for a period ending not later than May 3, 2000

MAY 3, 2000

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 22, 1999]

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Forest Roads-Communi-*
5 *ty Right-To-Know Act”.*

6 **SEC. 2. FOREST SERVICE AND BUREAU OF LAND MANAGE-**
7 **MENT PROCEDURES FOR PERMANENT CLO-**
8 **SURE OF FOREST ROADS.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *PERMANENT CLOSURE.—The term “perma-*
11 *nent closure”, with respect to a forest road, means the*
12 *closure of the road to vehicular traffic for a contin-*
13 *uous period of more than one year. The term includes*
14 *a road closure of one year or less, or of an unspecified*
15 *duration, unless the Secretary concerned certifies at*

1 *the time of the closure that the closure will not extend*
2 *beyond one year.*

3 (2) *FOREST ROAD.*—*The term “forest road”*
4 *means any road on Federal lands.*

5 (3) *FEDERAL LANDS.*—*The term “Federal lands”*
6 *means—*

7 (A) *lands administered by the Bureau of*
8 *Land Management; and*

9 (B) *lands within units of the National For-*
10 *est System.*

11 (4) *STATE AND LOCAL GOVERNMENT OFFI-*
12 *CIALS.*—*The term “State and local government offi-*
13 *cial” means elected officials of States and counties*
14 *within which Federal lands are located.*

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

17 (A) *with respect to the Federal lands de-*
18 *scribed in paragraph (3)(A), the Secretary of the*
19 *Interior; and*

20 (B) *with respect to the Federal lands de-*
21 *scribed in paragraph (3)(B), the Secretary of*
22 *Agriculture.*

23 (b) *ADVANCE NOTICE OF PERMANENT ROAD CLO-*
24 *SURES TO STATE AND LOCAL GOVERNMENT OFFICIALS.*—

1 (1) *PURPOSE.*—*The purpose of this subsection is*
2 *to ensure that the Secretary concerned involves State*
3 *and local government officials in the process by which*
4 *the Secretary concerned considers and plans for the*
5 *potential permanent closure of forest roads on Federal*
6 *lands.*

7 (2) *ANNUAL MEETINGS REQUIRED.*—*At least*
8 *once each fiscal year, the Secretary concerned shall*
9 *meet with appropriate State and local government of-*
10 *icials to describe all agency plans or proposals that,*
11 *within the next two fiscal years, will or may result*
12 *in the permanent closure of forest roads on Federal*
13 *lands. Such agency plans or proposals include project*
14 *proposals, land management plan amendments or re-*
15 *visions, resource management plan amendments or*
16 *revisions, and regional or subregional plans or pro-*
17 *posals*

18 (3) *ELEMENTS OF NOTICE.*—*At a meeting under*
19 *paragraph (2), the Secretary concerned shall provide*
20 *information, using maps and other means, that at a*
21 *minimum—*

22 (A) *shows forest roads selected or proposed*
23 *for permanent closure;*

24 (B) *shows traffic patterns and volumes on*
25 *the roads over the previous five years; and*

1 (C) explains how users of the roads will be
2 adversely affected with longer travel times or ad-
3 verse travel conditions by the permanent closure
4 of the roads.

5 (4) *SPECIAL RULE FOR FIRST MEETING.*—At the
6 first meeting conducted under paragraph (2) for a
7 State or local government, the Secretary concerned
8 shall also provide information on all forest roads that
9 have been subject to permanent closure in that State
10 during the previous five years. The information shall
11 include a map showing the location of the forest roads
12 and a description of the methods and costs of the per-
13 manent closure of the forest roads.

14 (c) *PUBLIC NOTICE AND COMMENT REQUIREMENTS.*—

15 (1) *LOCAL NOTICE.*—Before proceeding with the
16 permanent closure of a forest road, the Secretary con-
17 cerned shall publish an announcement describing the
18 proposed closure in the local newspaper of record for
19 the area likely to be affected by the permanent closure
20 of the road. The announcement shall include a de-
21 scription and map of the forest road selected or pro-
22 posed for permanent closure and a description of any
23 comments generated regarding the closure in meetings
24 with State and local government officials under sub-
25 section (b).

1 (2) *COMMENT PERIOD.*—*The permanent closure*
2 *of a forest road may not take effect until after the end*
3 *of the 90-day period beginning on the date that the*
4 *announcement under paragraph (1) was published re-*
5 *garding that road so as to permit the public to sub-*
6 *mit comments regarding the decision to select or pro-*
7 *pose the forest road for permanent closure.*

8 (d) *PROHIBITION ON PERMANENT ROAD CLOSURES.*—
9 *The permanent closure of a forest road is prohibited*
10 *unless—*

11 (1) *advance notice of the permanent closure of*
12 *the road is provided to the appropriate State and*
13 *local government officials in the manner provided in*
14 *subsection (b); and*

15 (2) *the Secretary complies with the public notice*
16 *and comment requirements under subsection (c).*

17 (e) *APPLICATION OF REQUIREMENTS.*—*The require-*
18 *ments of this section shall take effect on the date of the en-*
19 *actment of this Act, except that the prohibition contained*
20 *in subsection (d)(1) shall not apply to prohibit the perma-*
21 *nent closure of any forest road implemented during the fis-*
22 *cal year in which this section is enacted.*

23 (f) *EFFECT ON VALID AND EXISTING RIGHTS.*—*Noth-*
24 *ing in this section shall invalidate rights-of-way designated*
25 *under section 2477 of the Revised Statutes of 1878 (43*

1 *U.S.C. 932) or other valid and existing rights, including*
2 *rights of ingress and egress.*

3 *(g) COMPLIANCE WITH STATE LAWS.—In carrying*
4 *out this section with respect to a forest road, the Secretary*
5 *concerned shall comply with the applicable laws of the State*
6 *in which the forest road is located.*

7 **SEC. 3. EMERGENCIES.**

8 *(a) EMERGENCY ROAD CLOSURES.—Subject to sub-*
9 *section (b), the requirements of section 2 shall not apply*
10 *to emergency road closures where life or property would be*
11 *endangered or threatened in the absence of the road closure.*

12 *(b) LENGTH OF CLOSURE.—If an emergency road clo-*
13 *sure will extend beyond one year, the Secretary concerned*
14 *shall comply with the requirements of section 2 within three*
15 *months after the date on which the emergency road closure*
16 *commenced.*

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