

116TH CONGRESS
1ST SESSION

H. R. 5218

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

NOVEMBER 21, 2019

Mr. MCCLINTOCK (for himself, Mr. GOSAR, Mr. CURTIS, Mr. LAMALFA, Mr. CALVERT, Mr. NEWHOUSE, and Mr. STAUBER) 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 2019”.

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

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

9 (b) FOREST MANAGEMENT ACTIVITIES.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), in conducting a forest management activ-
12 ity on National Forest System land, the Secretary
13 concerned shall conduct such activity in a manner
14 that attains multiple ecosystem benefits, including—

15 (A) reducing forest fuels;

16 (B) maintaining biological diversity;

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

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

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

25 (c) GROUND DISTURBANCE.—Consistent with appli-
26 cable Federal law and the forest plan developed for the

1 relevant National Forest System land, the Secretary con-
2 cerned shall—

3 (1) establish any post-program ground condi-
4 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 Depart-
17 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

1 governments, such as county supervisors or
2 county commissioners; and

3 (B) in consultation with other interested
4 entities; and

5 (3) is consistent with the forest plan developed
6 for the relevant National Forest System land.

7 (e) COOPERATIVE AUTHORITIES.—During the period
8 beginning on the date of the enactment of this Act and
9 ending on the date that is four years after, the Secretary
10 concerned, in conjunction with land adjustment programs,
11 may enter into contracts and cooperative agreements with
12 a qualified entity to provide for fuel reduction, erosion
13 control, reforestation, Stream Environment Zone restora-
14 tion, and similar management activities on Federal land
15 and non-Federal land within the programs.

16 (f) DEFINITIONS.—In this section:

17 (1) INTERESTED ENTITIES.—The term “inter-
18 ested entities” includes—

19 (A) the Administrator of the National Oce-
20 anic and Atmospheric Administration;

21 (B) State, local, and Tribal governments;

22 (C) local fire departments; and

23 (D) other relevant volunteer groups.

24 (2) FOREST MANAGEMENT ACTIVITY.—The
25 term “forest management activity” means a project

1 or activity carried out by the Secretary concerned on
2 National Forest System land and consistent with the
3 forest plan covering such land.

4 (3) 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 (4) PUBLIC LANDS.—The term “public lands”
10 has the meaning given that term in section 103 of
11 the Federal Land Policy and Management Act of
12 1976 (43 U.S.C. 1702), except that the term in-
13 cludes Coos Bay Wagon Road Grant lands and Or-
14 egon and California Railroad Grant lands.

15 (5) 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.

21 (6) STREAM ENVIRONMENT ZONE.—The term
22 “Stream Environment Zone” means an area that
23 generally owes the biological and physical character-

- 1 istics of the area to the presence of surface water or
- 2 groundwater.

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