

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1540

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Federal Land Policy and Management Act of 1976 to provide for circumstances under which reinitiation of consultation is not required under a land and resource management plan or land use plan under those Acts, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. DAINES (for himself, Mr. KING,
and Mr. RISCH)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. CONSULTATION UNDER CERTAIN LAND AND**
4 **RESOURCE MANAGEMENT PLANS AND LAND**
5 **USE PLANS.**

6 (a) NATIONAL FOREST SYSTEM LAND AND RE-
7 SOURCE MANAGEMENT PLANS.—Section 6(d) of the For-
8 est and Rangeland Renewable Resources Planning Act of

1 1974 (16 U.S.C. 1604(d)) is amended by striking para-
2 graph (2) and inserting the following:

3 “(2) NO ADDITIONAL CONSULTATION RE-
4 QUIRED AFTER APPROVAL OF LAND MANAGEMENT
5 PLANS.—Notwithstanding any other provision of
6 law, the Secretary shall not be required to reinitiate
7 consultation under section 7 of the Endangered Spe-
8 cies Act of 1973 (16 U.S.C. 1536) or section 402.16
9 of title 50, Code of Federal Regulations (or a suc-
10 cessor regulation), on a completed land and resource
11 management plan that has no on-the-ground effects
12 when—

13 “(A) a new species is listed or a new crit-
14 ical habitat is designated under that Act (16
15 U.S.C. 1531 et seq.); or

16 “(B) new information reveals effects of the
17 land and resource management plan that may
18 affect a species listed or critical habitat des-
19 igned under that Act in a manner or to an
20 extent not previously considered.”.

21 (b) BUREAU OF LAND MANAGEMENT LAND USE
22 PLANS.—Section 202 of the Federal Land Policy and
23 Management Act of 1976 (43 U.S.C. 1712) is amended
24 by adding at the end the following:

1 “(g) NO ADDITIONAL CONSULTATION REQUIRED
2 AFTER APPROVAL OF LAND USE PLANS.—Notwith-
3 standing any other provision of law, the Secretary shall
4 not be required to reinitiate consultation under section 7
5 of the Endangered Species Act of 1973 (16 U.S.C. 1536)
6 or section 402.16 of title 50, Code of Federal Regulations
7 (or a successor regulation), on a completed land use plan
8 that has no on-the-ground effects when—

9 “(1) a new species is listed or a new critical
10 habitat is designated under that Act (16 U.S.C.
11 1531 et seq.); or

12 “(2) new information reveals effects of the land
13 use plan that may affect a species listed or critical
14 habitat designated under that Act in a manner or to
15 an extent not previously considered.”.