

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for a categorical exclusion to meet forest plan goals for early successional forests.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. _____

To invest in the energy and outdoor infrastructure of the United States to deploy new and innovative technologies, update existing infrastructure to be reliable and resilient, and secure energy infrastructure against physical and cyber threats, 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 intended to be proposed by Mr. DAINES

Viz:

1 At the end of title VIII, add the following:

2 **SEC. 8___. CATEGORICAL EXCLUSION TO MEET FOREST**

3 **PLAN GOALS FOR EARLY SUCCESSIONAL**

4 **FORESTS.**

5 (a) DEFINITIONS.—In this section:

6 (1) FOREST MANAGEMENT ACTIVITY.—The

7 term “forest management activity” means a project

8 or activity carried out by the Secretary concerned on

9 National Forest System land or public land con-

10 sistent with the forest plan covering the land.

1 (2) FOREST PLAN.—The term “forest plan”
2 means—

3 (A) a land use plan prepared by the Bu-
4 reau of Land Management for public land pur-
5 suant to section 202 of the Federal Land Policy
6 and Management Act of 1976 (43 U.S.C.
7 1712); or

8 (B) a land and resource management plan
9 prepared by the Forest Service for a unit of the
10 National Forest System pursuant to section 6
11 of the Forest and Rangeland Renewable Re-
12 sources Planning Act of 1974 (16 U.S.C.
13 1604).

14 (3) NATIONAL FOREST SYSTEM.—The term
15 “National Forest System” has the meaning given
16 the term in section 11(a) of the Forest and Range-
17 land Renewable Resources Planning Act of 1974 (16
18 U.S.C. 1609(a)).

19 (4) PUBLIC LAND.—The term “public land”
20 has the meaning given the term “public lands” in
21 section 103 of the Federal Land Policy and Manage-
22 ment Act of 1976 (43 U.S.C. 1702).

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

1 (A) the Secretary, with respect to National
2 Forest System land; and

3 (B) the Secretary of the Interior, with re-
4 spect to public land.

5 (b) CATEGORICAL EXCLUSION ESTABLISHED.—Each
6 forest management activity described in subsection (c) is
7 designated as an action or category of actions categorically
8 excluded from the requirements to prepare an environ-
9 mental assessment or an environmental impact statement
10 under the National Environmental Policy Act of 1969 (42
11 U.S.C. 4321 et seq.).

12 (c) FOREST MANAGEMENT ACTIVITIES DE-
13 SCRIBED.—A forest management activity referred to in
14 subsection (b) is a forest management activity carried out
15 by the Secretary concerned on National Forest System
16 land or public land the primary purpose of which is to
17 modify, improve, enhance, or create early successional for-
18 ests for wildlife habitat improvement and other purposes,
19 consistent with the applicable forest plan.

20 (d) AVAILABILITY OF CATEGORICAL EXCLUSION.—
21 On and after the date of enactment of this Act, the Sec-
22 retary concerned may use the categorical exclusion estab-
23 lished by subsection (b) in accordance with this section.

24 (e) PROJECT GOALS.—To the maximum extent prac-
25 ticable, the Secretary concerned shall design a forest man-

1 agement activity under this section to meet early succes-
2 sional forest goals in such a manner so as to maximize
3 production and regeneration of priority species, as identi-
4 fied in the forest plan and consistent with the capability
5 of the activity site.

6 (f) ACREAGE LIMITATIONS.—A forest management
7 activity covered by the categorical exclusion established by
8 subsection (b) may not contain treatment units exceeding
9 a total of 250 acres.