

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 188
OFFERED BY MR. MCCLINTOCK OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Proven Forest Man-
3 agement Act of 2023”.

**4 SEC. 2. FOREST MANAGEMENT ACTIVITIES FOR FEDERAL
5 LANDS.**

6 (a) COORDINATION.—In conducting a forest manage-
7 ment activity on Federal lands, the Secretary concerned
8 shall, as appropriate, coordinate with impacted parties to
9 increase efficiency and maximize the compatibility of man-
10 agement practices across Federal lands.

11 (b) FOREST MANAGEMENT ACTIVITIES.—In con-
12 ducting a forest management activity on Federal lands,
13 the Secretary concerned shall conduct such activity in a
14 manner that attains multiple ecosystem benefits, includ-
15 ing—

16 (1) reducing forest fuels;

17 (2) maintaining biological diversity;

1 (3) improving wetland and water quality, in-
2 cluding in riparian areas; and

3 (4) increasing resilience to changing water tem-
4 perature and precipitation.

5 (c) **GROUND DISTURBANCE.**—Consistent with appli-
6 cable Federal law and the forest plan developed for the
7 relevant Federal lands, the Secretary concerned shall—

8 (1) establish any post-program ground condi-
9 tion criteria for a ground disturbance caused by a
10 forest management activity required by such plan;
11 and

12 (2) provide for monitoring to ascertain the at-
13 tainment of relevant post-program conditions.

14 (d) **AVAILABILITY OF CATEGORICAL EXCLUSION FOR**
15 **CERTAIN FOREST MANAGEMENT ACTIVITIES.**—A forest
16 management activity conducted on Federal lands for the
17 purpose of reducing forest fuels is categorically excluded
18 from the requirements of the National Environmental Pol-
19 icy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest man-
20 agement activity—

21 (1) notwithstanding section 423 of the Depart-
22 ment of the Interior, Environment, and Related
23 Agencies Appropriations Act, 2009 (division E of
24 Public Law 111–8; 123 Stat. 748), does not exceed

1 10,000 acres, including not more than 3,000 acres
2 of mechanical thinning;

3 (2) is developed—

4 (A) in coordination with impacted parties,
5 specifically including representatives of local
6 governments, such as county supervisors or
7 county commissioners; and

8 (B) in consultation with other interested
9 entities; and

10 (3) is consistent with the forest plan developed
11 for the relevant Federal lands.

12 (e) COOPERATIVE AUTHORITIES.—The Secretary
13 concerned, in conjunction with land adjustment programs,
14 may enter into contracts and cooperative agreements with
15 a qualified entity to provide for fuel reduction, erosion
16 control, reforestation, riparian restoration, and similar
17 management activities on Federal land and non-Federal
18 land within the programs.

19 (f) DEFINITIONS.—In this section:

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

22 (A) State, local, and Tribal governments;

23 (B) local fire departments; and

24 (C) other relevant volunteer groups.

1 (2) FOREST MANAGEMENT ACTIVITY.—The
2 term “forest management activity” means a project
3 or activity carried out by the Secretary concerned on
4 Federal lands and consistent with the forest plan
5 covering such lands.

6 (3) FEDERAL LANDS.—The term “Federal
7 lands” means public lands and National Forest sys-
8 tem lands.

9 (4) FOREST PLAN.—The term “forest plan”
10 means—

11 (A) with respect to public lands, a land use
12 plan prepared by the Bureau of Land Manage-
13 ment pursuant to section 202 of the Federal
14 Land Policy and Management Act of 1976 (43
15 U.S.C. 1712); and

16 (B) with respect to National forest system
17 land, a land and resource management plan
18 prepared by the Forest Service for a unit of the
19 National Forest System pursuant to section 6
20 of the Forest and Rangeland Renewable Re-
21 sources Planning Act of 1974 (16 U.S.C.
22 1604).

23 (5) NATIONAL FOREST SYSTEM.—The term
24 “National Forest system” has the meaning given
25 that term in section 11(a) of the Forest and Range-

1 land Renewable Resources Planning Act of 1974 (16
2 U.S.C. 1609(a)).

3 (6) PUBLIC LANDS.—The term “public lands”
4 has the meaning given that term in section 103 of
5 the Federal Land Policy and Management Act of
6 1976 (43 U.S.C. 1702), except that the term in-
7 cludes Coos Bay Wagon Road Grant lands and Or-
8 egon and California Railroad Grant lands.

9 (7) SECRETARY CONCERNED.—The term “Sec-
10 retary concerned” means—

11 (A) the Secretary of Agriculture, with re-
12 spect to National Forest System land; and

13 (B) the Secretary of the Interior, with re-
14 spect to public lands.

