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

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Proven Forest Management Act of 2023”.

SEC. 2. FOREST MANAGEMENT ACTIVITIES FOR FEDERAL LANDS.

(a) COORDINATION.—In conducting a forest management activity on Federal lands, the Secretary concerned shall, as appropriate, coordinate with impacted parties to increase efficiency and maximize the compatibility of management practices across Federal lands.

(b) FOREST MANAGEMENT ACTIVITIES.—In conducting a forest management activity on Federal lands, the Secretary concerned shall conduct such activity in a manner that attains multiple ecosystem benefits, including—

(1) reducing forest fuels;

(2) maintaining biological diversity;
(3) improving wetland and water quality, including in riparian areas; and

(4) increasing resilience to changing water temperature and precipitation.

(c) GROUND DISTURBANCE.—Consistent with applicable Federal law and the forest plan developed for the relevant Federal lands, the Secretary concerned shall—

(1) establish any post-program ground condition criteria for a ground disturbance caused by a forest management activity required by such plan; and

(2) provide for monitoring to ascertain the attainment of relevant post-program conditions.

(d) AVAILABILITY OF CATEGORICAL EXCLUSION FOR CERTAIN FOREST MANAGEMENT ACTIVITIES.—A forest management activity conducted on Federal lands for the purpose of reducing forest fuels is categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the forest management activity—

(1) notwithstanding section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (division E of Public Law 111–8; 123 Stat. 748), does not exceed
10,000 acres, including not more than 3,000 acres of mechanical thinning;

(2) is developed—

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

(B) in consultation with other interested entities; and

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

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

(f) DEFINITIONS.—In this section:

(1) INTERESTED ENTITIES.—The term “interested entities” includes—

(A) State, local, and Tribal governments;

(B) local fire departments; and

(C) other relevant volunteer groups.
(2) **FOREST MANAGEMENT ACTIVITY.**—The term “forest management activity” means a project or activity carried out by the Secretary concerned on Federal lands and consistent with the forest plan covering such lands.

(3) **FEDERAL LANDS.**—The term “Federal lands” means public lands and National Forest system lands.

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

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

(B) with respect to National forest system land, a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) **NATIONAL FOREST SYSTEM.**—The term “National Forest system” has the meaning given that term in section 11(a) of the Forest and Range-
land Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(6) PUBLIC LANDS.—The term “public lands” has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), except that the term includes Coos Bay Wagon Road Grant lands and Oregon and California Railroad Grant lands.

(7) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to public lands.