

114TH CONGRESS
2D SESSION

S. _____

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Federal Land Policy and Management Act of 1976 to discourage litigation against the Forest Service and the Bureau of Land Management relating to land management projects.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Federal Land Policy and Management Act of 1976 to discourage litigation against the Forest Service and the Bureau of Land Management relating to land management projects.

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 “Litigation Relief for
5 Forest Management Projects Act”.

1 **SEC. 2. FOREST AND RANGELAND RENEWABLE RESOURCES**

2 **PLANNING ACT OF 1974.**

3 (a) CONSULTATION REGARDING LAND MANAGEMENT
4 PLANS.—Section 6(d) of the Forest and Rangeland Re-
5 newable Resources Planning Act of 1974 (16 U.S.C.
6 1604(d)) is amended—

7 (1) by striking “(d) The Secretary” and insert-
8 ing the following:

9 “(d) PUBLIC PARTICIPATION AND CONSULTATION.—

10 “(1) IN GENERAL.—The Secretary”;

11 (2) in paragraph (1) (as so designated)—

12 (A) by striking “plans including, but not
13 limited to,” and inserting “plans, including”;
14 and

15 (B) by striking “three months” and insert-
16 ing “90 days”; and

17 (3) by adding at the end the following:

18 “(2) NO ADDITIONAL CONSULTATION RE-
19 QUIRED AFTER APPROVAL OF LAND MANAGEMENT
20 PLANS.—

21 “(A) IN GENERAL.—Notwithstanding any
22 other provision of law, no additional consulta-
23 tion shall be required under this subsection or
24 any other provision of law (including section 7
25 of the Endangered Species Act of 1973 (16
26 U.S.C. 1536) and section 402.16 of title 50,

1 Code of Federal Regulations (or a successor
2 regulation)) with respect to—

3 “(i) the listing of a species as threat-
4 ened or endangered, or a designation of
5 critical habitat pursuant to the Endan-
6 gered Species Act of 1973 (16 U.S.C.
7 1531 et seq.), if a land management plan
8 has been adopted by the Secretary as of
9 the date of designation; or

10 “(ii) any provision of a land manage-
11 ment plan adopted as described in clause
12 (i).

13 “(B) EFFECT OF PARAGRAPH.—Nothing
14 in this paragraph affects any applicable require-
15 ment of the Secretary to consult with the head
16 of any other Federal department or agency—

17 “(i) regarding a project carried out,
18 or proposed to be carried out, in an area
19 designated as critical habitat pursuant to
20 the Endangered Species Act of 1973 (16
21 U.S.C. 1531 et seq.); or

22 “(ii) with respect to the development
23 of a new land management plan or the re-
24 vision of an existing land management
25 plan.”.

1 (b) DEFINITION OF SECRETARY; CONFORMING
2 AMENDMENTS.—

3 (1) DEFINITION OF SECRETARY.—Section 3(a)
4 of the Forest and Rangeland Renewable Resources
5 Planning Act of 1974 (16 U.S.C. 1601(a)) is
6 amended, in the first sentence of the matter pre-
7 ceding paragraph (1), by inserting “(referred to in
8 this Act as the ‘Secretary’)” after “Secretary of Ag-
9 riculture”.

10 (2) CONFORMING AMENDMENTS.—The Forest
11 and Rangeland Renewable Resources Planning Act
12 of 1974 (16 U.S.C. 1600 et seq.) is amended, in sec-
13 tions 4 through 9, 12, 13, and 15, by striking “Sec-
14 retary of Agriculture” each place it appears and in-
15 serting “Secretary”.

16 **SEC. 3. FEDERAL LAND POLICY AND MANAGEMENT ACT OF**
17 **1976.**

18 Section 202(f) of the Federal Land Policy and Man-
19 agement Act of 1976 (43 U.S.C. 1712(f)) is amended—

20 (1) by striking “(f) The Secretary” and insert-
21 ing the following:

22 “(f) PUBLIC INVOLVEMENT.—

23 “(1) IN GENERAL.—The Secretary”; and

24 (2) by adding at the end the following:

1 “(2) NO ADDITIONAL CONSULTATION RE-
2 QUIRED AFTER APPROVAL OF LAND USE PLANS.—

3 “(A) IN GENERAL.—Notwithstanding any
4 other provision of law, no additional consulta-
5 tion shall be required under this subsection or
6 any other provision of law (including section 7
7 of the Endangered Species Act of 1973 (16
8 U.S.C. 1536) and section 402.16 of title 50,
9 Code of Federal Regulations (or a successor
10 regulation)), with respect to—

11 “(i) the listing of a species as threat-
12 ened or endangered, or a designation of
13 critical habitat, pursuant to the Endan-
14 gered Species Act of 1973 (16 U.S.C.
15 1531 et seq.), if a land use plan has been
16 adopted by the Secretary as of the date of
17 listing or designation; or

18 “(ii) any provision of a land use plan
19 adopted as described in clause (i).

20 “(B) EFFECT OF PARAGRAPH.—Nothing
21 in this paragraph affects any applicable require-
22 ment of the Secretary to consult with the head
23 of any other Federal department or agency—

24 “(i) regarding a project carried out,
25 or proposed to be carried out, [with re-

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1 spect to a species listed as threatened or
2 endangered], or in an area designated as
3 critical habitat, pursuant to the Endan-
4 gered Species Act of 1973 (16 U.S.C.
5 1531 et seq.); or

6 “(ii) with respect to the development
7 of a new land use plan or the revision of
8 an existing land use plan.”.