

114TH CONGRESS
2D SESSION

S. 3533

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

DECEMBER 8, 2016

Mr. DAINES (for himself and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”; and

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

12 “(2) NO ADDITIONAL CONSULTATION RE-
13 QUIRED AFTER APPROVAL OF LAND MANAGEMENT
14 PLANS.—

15 “(A) IN GENERAL.—Notwithstanding any
16 other provision of law, no additional consulta-
17 tion shall be required under this subsection or
18 any other provision of law (including section 7
19 of the Endangered Species Act of 1973 (16
20 U.S.C. 1536) and section 402.16 of title 50,
21 Code of Federal Regulations (or a successor
22 regulation)) with respect to—

23 “(i) the listing of a species as threat-
24 ened or endangered, or a designation of
25 critical habitat pursuant to the Endan-
26 gered Species Act of 1973 (16 U.S.C.

1 1531 et seq.), if a land management plan
 2 has been adopted by the Secretary as of
 3 the date of designation; or

4 “(ii) any provision of a land manage-
 5 ment plan adopted as described in clause
 6 (i).

7 “(B) EFFECT OF PARAGRAPH.—Nothing
 8 in this paragraph affects any applicable require-
 9 ment of the Secretary to consult with the head
 10 of any other Federal department or agency—

11 “(i) regarding a project carried out,
 12 or proposed to be carried out, in an area
 13 designated as critical habitat pursuant to
 14 the Endangered Species Act of 1973 (16
 15 U.S.C. 1531 et seq.); or

16 “(ii) with respect to the development
 17 of a new land management plan or the re-
 18 vision of an existing land management
 19 plan.”.

20 (b) DEFINITION OF SECRETARY; CONFORMING
 21 AMENDMENTS.—

22 (1) DEFINITION OF SECRETARY.—Section 3(a)
 23 of the Forest and Rangeland Renewable Resources
 24 Planning Act of 1974 (16 U.S.C. 1601(a)) is
 25 amended, in the first sentence of the matter pre-

1 ceding paragraph (1), by inserting “(referred to in
 2 this Act as the ‘Secretary’)” after “Secretary of Ag-
 3 riculture”.

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

10 **SEC. 3. FEDERAL LAND POLICY AND MANAGEMENT ACT OF**
 11 **1976.**

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

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

16 “(f) PUBLIC INVOLVEMENT.—

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

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

19 “(2) NO ADDITIONAL CONSULTATION RE-
 20 QUIRED AFTER APPROVAL OF LAND USE 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

1 U.S.C. 1536) and section 402.16 of title 50,
2 Code of Federal Regulations (or a successor
3 regulation)), with respect to—

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

11 “(ii) any provision of a land use plan
12 adopted as described in clause (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, with respect
19 to a species listed as threatened or endan-
20 gered, or in an area designated as critical
21 habitat, pursuant to the Endangered Spe-
22 cies Act of 1973 (16 U.S.C. 1531 et seq.);
23 or

1 “(ii) with respect to the development
2 of a new land use plan or the revision of
3 an existing land use plan.”.

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