

Calendar No. 549

117TH CONGRESS
2^D SESSION

S. 2561

[Report No. 117–198]

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and the Federal Land Policy and Management Act of 1976 to provide that a land resource management plan or land use plan approved, amended, or revised under those Acts shall not be considered to be a continuing Federal agency action or constitute a discretionary Federal involvement or control for a distinct Federal purpose, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2021

Mr. DAINES (for himself, Mr. RISCH, Mr. CRAPO, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 15, 2022

Reported by Mr. MANCHIN, with amendments and an amendment to the title

[Omit the part struck through and insert the part printed in *italic*]

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 provide that a land resource management plan or land use plan approved, amended, or revised under those Acts shall not be considered to be a continuing Federal agency action or constitute a

discretionary Federal involvement or control for a distinct Federal purpose, and for other purposes.

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. TREATMENT OF CONSULTATION UNDER CER-**
 4 **TAIN LAND AND RESOURCE MANAGEMENT**
 5 **PLANS AND LAND USE PLANS.**

6 (a) NATIONAL FOREST SYSTEM LAND AND RE-
 7 SOURCE MANAGEMENT PLAN.—Section 6 of the Forest
 8 and Rangeland Renewable Resources Planning Act of
 9 1974 (16 U.S.C. 1604) is amended by adding at the end
 10 the following:

11 “(n) COMPLETED FEDERAL ACTION.—A land and
 12 resource management plan for a unit of the National For-
 13 est System approved, amended, or revised under this sec-
 14 tion shall not—

15 “(1) be considered to be a continuing Federal
 16 agency action; or

17 “(2) constitute a discretionary Federal involve-
 18 ment or control for a distinct Federal purpose.”.

19 (a) NATIONAL FOREST SYSTEM LAND AND RESOURCE
 20 MANAGEMENT PLANS.—Section 6(d) of the Forest and
 21 Rangeland Renewable Resources Planning Act of 1974 (16
 22 U.S.C. 1604(d)) is amended by striking paragraph (2) and
 23 inserting the following:

1 “(2) *NO ADDITIONAL CONSULTATION REQUIRED*
 2 *AFTER APPROVAL OF LAND MANAGEMENT PLANS.—*
 3 *Notwithstanding any other provision of law, the Sec-*
 4 *retary shall not be required to reinitiate consultation*
 5 *under section 7 of the Endangered Species Act of*
 6 *1973 (16 U.S.C. 1536) or section 402.16 of title 50,*
 7 *Code of Federal Regulations (or a successor regula-*
 8 *tion), on a completed land and resource management*
 9 *plan that has no on-the-ground effects when—*

10 “(A) *a new species is listed or a new crit-*
 11 *ical habitat is designated under that Act (16*
 12 *U.S.C. 1531 et seq.); or*

13 “(B) *new information reveals effects of the*
 14 *land and resource management plan that may*
 15 *affect a species listed or critical habitat des-*
 16 *ignated under that Act in a manner or to an ex-*
 17 *tent not previously considered.”.*

18 (b) *BUREAU OF LAND MANAGEMENT LAND USE*
 19 *PLANS.—Section 202 of the Federal Land Policy and*
 20 *Management Act of 1976 (43 U.S.C. 1712) is amended*
 21 *by adding at the end the following:*

22 “~~(g) COMPLETED FEDERAL ACTION.—A land man-~~
 23 *agement plan approved, amended, or revised under this*
 24 *section shall not—*

1 ~~“(1) be considered to be a continuing Federal~~
 2 ~~agency action; or~~

3 ~~“(2) constitute a discretionary Federal involve-~~
 4 ~~ment or control for a distinct Federal purpose.”.~~

5 “(g) NO ADDITIONAL CONSULTATION REQUIRED
 6 AFTER APPROVAL OF LAND USE PLANS.—Notwithstanding
 7 any other provision of law, the Secretary shall not be re-
 8 quired to reinitiate consultation under section 7 of the En-
 9 dangered Species Act of 1973 (16 U.S.C. 1536) or section
 10 402.16 of title 50, Code of Federal Regulations (or a suc-
 11 cessor regulation), on a completed land use plan that has
 12 no on-the-ground effects when—

13 “(1) a new species is listed or a new critical
 14 habitat is designated under that Act (16 U.S.C. 1531
 15 et seq.); or

16 “(2) new information reveals effects of the land
 17 use plan that may affect a species listed or critical
 18 habitat designated under that Act in a manner or to
 19 an extent not previously considered.”.

Amend the title so as to read: “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 provide for circumstances under which reinitiation of consultation is not required under a land and resource management plan or land use plan under those Acts, and for other purposes.”.

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