

117TH CONGRESS
1ST SESSION

H. R. 4623

To establish a categorical exclusion for forest management activities carried out by the Secretary of Agriculture jointly with another Federal agency if such forest management activities received a categorical exclusion with respect to such other Federal agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2021

Mr. BENTZ (for himself, Mr. STAUBER, Mrs. BOEBERT, Mr. TIFFANY, Mr. ROSENDALE, Mr. OBERNOLTE, Mr. WESTERMAN, Mr. LAMALFA, Mr. NEWHOUSE, and Mr. GARCIA of California) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a categorical exclusion for forest management activities carried out by the Secretary of Agriculture jointly with another Federal agency if such forest management activities received a categorical exclusion with respect to such other Federal agency, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commonsense Coordi-
3 nation Act”.

4 **SEC. 2. CATEGORICAL EXCLUSION FOR JOINT PROJECTS.**

5 (a) CATEGORICAL EXCLUSION ESTABLISHED.—For-
6 est management activities described in subsection (b) are
7 a category of actions hereby designated as being categori-
8 cally excluded from the preparation of an environmental
9 assessment or an environmental impact statement under
10 section 102 of the National Environmental Policy Act of
11 1969 (42 U.S.C. 4332).

12 (b) FOREST MANAGEMENT ACTIVITIES DESIGNATED
13 FOR CATEGORICAL EXCLUSION.—The forest management
14 activities designated under this section for a categorical
15 exclusion are forest management activities—

16 (1) carried out by the Secretary concerned
17 jointly with the head of another Federal agency on
18 National Forest System lands or public lands; and

19 (2) for which a categorical exclusion applies
20 with respect to such other Federal agency.

21 (c) AVAILABILITY OF CATEGORICAL EXCLUSION.—
22 On and after the date of the enactment of this Act, the
23 Secretary concerned may use the categorical exclusion es-
24 tablished under subsection (a) in accordance with this sec-
25 tion after obtaining written confirmation from the other

1 Federal agency that the categorical exclusion applies to
2 the proposed forest management activity.

3 (d) DEFINITIONS.—In this section:

4 (1) FOREST MANAGEMENT ACTIVITY.—The
5 term “forest management activity” means a project
6 or activity carried out by the Secretary concerned on
7 National Forest System lands or public lands con-
8 sistent with the forest plan covering such lands.

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

11 (A) a land use plan prepared by the Bu-
12 reau of Land Management for public lands pur-
13 suant to section 202 of the Federal Land Policy
14 and Management Act of 1976 (43 U.S.C.
15 1712); or

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

22 (3) NATIONAL FOREST SYSTEM.—The term
23 “National Forest System” has the meaning given
24 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 (4) 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 (5) SECRETARY CONCERNED.—The term “Sec-
10 retary concerned” means—

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

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

15 (e) EXCLUSIONS.—The authorities provided by this
16 section do not apply with respect to any National Forest
17 System lands or public lands—

18 (1) that are included in the National Wilderness
19 Preservation System;

20 (2) that are located within a national or State
21 specific inventoried roadless area established by the
22 Secretary of Agriculture through regulation, un-
23 less—

1 (A) the forest management activity to be
 2 carried out under such authority is consistent
 3 with the forest plan applicable to the area; or

4 (B) the Secretary concerned determines
 5 the activity is allowed under the applicable
 6 roadless rule governing such lands; or

7 (3) on which timber harvesting for any purpose
 8 is prohibited by Federal statute.

9 **SEC. 3. USE OF ESTABLISHED CATEGORICAL EXCLUSIONS.**

10 Title I of the National Environmental Policy Act of
 11 1969 (42 U.S.C. 4321 et seq.) is amended by adding at
 12 the end the following:

13 **“SEC. 106. USE OF ESTABLISHED CATEGORICAL EXCLU-**
 14 **SIONS.**

15 “(a) IN GENERAL.—

16 “(1) AUTHORITY ESTABLISHED.—A Federal
 17 agency may designate any covered category of ac-
 18 tions as being categorically excluded from the prepa-
 19 ration of an environmental assessment or an envi-
 20 ronmental impact statement under section 102 of
 21 the National Environmental Policy Act of 1969 (42
 22 U.S.C. 4332) without further substantiation.

23 “(2) COVERED CATEGORY OF ACTIONS.—For
 24 purposes of paragraph (1), the term ‘covered cat-
 25 egory of actions’ means, with respect to a Federal

1 agency, a category of action identified by another
2 Federal agency as being categorically excluded from
3 the preparation of an environmental assessment or
4 an environmental impact statement under section
5 102 of the National Environmental Policy Act of
6 1969 (42 U.S.C. 4332).

7 “(b) JUDICIAL REVIEW.—A categorical exclusion es-
8 tablished pursuant to subsection (a)(1) shall not be sub-
9 ject to judicial review.

10 “(c) EXCLUSION.—The authorities provided by this
11 section do not apply with respect to any National Forest
12 System lands or public lands—

13 “(1) that are included in the National Wilder-
14 ness Preservation System;

15 “(2) that are located within a national or State
16 specific inventoried roadless area established by the
17 Secretary of Agriculture through regulation, un-
18 less—

19 “(A) the forest management activity to be
20 carried out under such authority is consistent
21 with the forest plan applicable to the area; or

22 “(B) the Secretary concerned determines
23 the activity is allowed under the applicable
24 roadless rule governing such lands; or

- 1 “(3) on which timber harvesting for any pur-
2 pose is prohibited by Federal statute.”.

