



S.L.C.

Senator Smith
1st Degree # 2

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require Tribal consultation.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 1462

To improve forest management activities on National Forest System land, public land under the jurisdiction of the Bureau of Land Management, and Tribal land to return resilience to overgrown, fire-prone forested land, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Ms. SMITH to
the amendment (No. _____) proposed by

Viz:

- 1 In section 104, add at the end the following:
- 2 (d) TRIBAL LAND AND TRADITIONAL CULTURAL
- 3 PROPERTIES.—
- 4 (1) IN GENERAL.—The Secretary concerned
- 5 shall consult with each applicable Indian Tribe prior
- 6 to conducting any fireshed management project
- 7 using herbicide or pesticide treatments that would
- 8 impact Tribal land, traditional cultural properties,
- 9 access to land by Indians for traditional and cultural

1 purposes, or areas protected from such chemical
2 treatments under Tribal law.

3 (2) DURATION.—The Secretary concerned shall
4 initiate the consultation required under paragraph
5 (1) as early as possible and provide each applicable
6 Indian Tribe not less than 30 days to respond.

7 (3) APPLICABILITY.—Paragraph (1) shall apply
8 to any fireshed management project using herbicide
9 or pesticide treatments within any fireshed manage-
10 ment area, regardless of whether the applicable In-
11 dian Tribe has an agreement with the Secretary con-
12 cerned under subsection (a).

13 In section 105(b)(3)(A), strike “In addition” and in-
14 sert the following:

15 (i) IN GENERAL.—In addition

16 In section 105(b)(3)(A), add at the end the following:

17 (ii) INDIAN FOREST LAND OR RANGE-
18 LAND.—If the Indian forest land or range-
19 land of an Indian Tribe is subject to, in
20 whole or in part, a fireshed assessment
21 under paragraph (1), the Secretary con-
22 cerned shall consult with the Indian Tribe
23 as early as possible in the preparation of

1 the fireshed assessment, without regard to
2 whether the Indian Tribe is a party to an
3 agreement under section 104(c) within the
4 fireshed management area where the In-
5 dian forest land or rangeland is located.

6 In section 106(a), add at the end the following:

7 (3) CONSULTATION REQUIREMENTS.—

8 (A) IN GENERAL.—With respect to any
9 proposed Federal action pursuant to this sub-
10 section that may impact the rights, protected
11 interests, or Tribal trust resources of an Indian
12 Tribe, the Secretary concerned shall consult
13 with the Indian Tribe during the initial pre-
14 scoping planning process for the Federal action.

15 (B) RESPONSE PERIOD.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), an Indian Tribe with which
18 consultation is initiated under subpara-
19 graph (A) shall have not less than 30 days
20 to respond to the Secretary concerned re-
21 garding the proposed Federal action.

22 (ii) EMERGENCY CIRCUMSTANCES.—If
23 the Secretary concerned determines that
24 emergency circumstances exist involving an

1 imminent threat to human life, critical in-
2 frastructure, Tribal trust resources, or
3 other structures such that the response pe-
4 riod described in clause (i) is likely to re-
5 sult in significant, quantifiable damages,
6 the Indian Tribe with which consultation is
7 initiated under subparagraph (A) shall
8 have not less than 15 days to respond to
9 the Secretary concerned regarding the pro-
10 posed Federal action.

11 In section 211, strike subsection (c) and insert the
12 following:

(c) REVIEW AND APPROVAL PROCESS.—Section 512(c)(4)(A) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is amended by striking clause (iv) and inserting the following:

17 “(iv) ensures that—

18 “(I) a plan submitted without a
19 modification under clause (iii) shall be
20 automatically approved by the date
21 that is 120 days after the date of sub-
22 mission;

23 “(II) for a plan submitted with a
24 modification under clause (iii), if the

1 plan is not approved by the date that
2 is 120 days after the date of submis-
3 sion, the Secretary concerned shall de-
4 velop and submit to the owner and op-
5 erator a letter describing—

6 “(aa) a detailed timeline (to
7 conclude by the date that is 165
8 days after the date of submission
9 of the plan) for completing re-
10 view of the plan;

11 “(bb) any identified defi-
12 ciencies in the plan and specific
13 opportunities for the owner or
14 operator to address each defi-
15 ciency; and

16 “(cc) any other relevant in-
17 formation, as determined by the
18 Secretary concerned; and

19 “(III) the Secretary concerned
20 consults with each interested Indian
21 Tribe prior to approval.”.