

118TH CONGRESS  
1ST SESSION

# H. R. 189

To require that only two alternatives be considered with respect to certain proposed collaborative forest management activities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. MCCLINTOCK (for himself, Mr. LAMALFA, Mr. MOYLAN, Mr. STAUBER, Mr. BENTZ, and Mr. VALADAO) 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

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## A BILL

To require that only two alternatives be considered with respect to certain proposed collaborative forest management activities, 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. SHORT TITLE.**

4 This Act may be cited as the “Action Versus No Ac-  
5 tion Act”.

1 **SEC. 2. ANALYSIS OF ONLY TWO ALTERNATIVES (ACTION**  
2 **VERSUS NO ACTION) IN PROPOSED COLLABO-**  
3 **RATIVE FOREST MANAGEMENT ACTIVITIES.**

4 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-  
5 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-  
6 MENTS.—This section shall apply whenever the Secretary  
7 concerned prepares an environmental assessment or an en-  
8 vironmental impact statement pursuant to section 102 of  
9 the National Environmental Policy Act of 1969 (42 U.S.C.  
10 4332) for a forest management activity that—

11 (1) will occur on lands identified as the Sec-  
12 retary concerned as suitable for timber production;  
13 and

14 (2) meets at least one of the following condi-  
15 tions:

16 (A) The forest management activity will  
17 occur on lands designated by the Secretary (or  
18 designee thereof) pursuant to section 602(b) of  
19 the Healthy Forests Restoration Act of 2003  
20 (16 U.S.C. 6591a(b)), notwithstanding whether  
21 such forest management activity is initiated  
22 prior to the date of enactment of this Act.

23 (B) The forest management activity is de-  
24 veloped through a collaborative process.

25 (C) The forest management activity is pro-  
26 posed by a resource advisory committee.

1 (D) The forest management activity is cov-  
2 ered by a community wildfire protection plan.

3 (b) CONSIDERATION OF ALTERNATIVES.—In the case  
4 of an environmental assessment or environmental impact  
5 statement described in subsection (a), the Secretary con-  
6 cerned shall study, develop, and describe only the following  
7 two alternatives:

8 (1) The forest management activity.

9 (2) The alternative of no action.

10 (c) ELEMENTS OF NO ACTION ALTERNATIVE.—In  
11 the case of the alternative of no action described in sub-  
12 section (b)(2), the Secretary concerned shall consider  
13 whether to evaluate—

14 (1) the effect of no action on—

15 (A) forest health;

16 (B) potential losses of life and property;

17 (C) habitat diversity;

18 (D) wildfire potential;

19 (E) insect and disease potential; and

20 (F) timber production; and

21 (2) the implications of a resulting decline in  
22 forest health, loss of habitat diversity, wildfire, or in-  
23 sect or disease infestation (given fire and insect and  
24 disease historic cycles) on—

25 (A) potential losses of life and property;

1 (B) domestic water supply in the project  
2 area;

3 (C) wildlife habitat loss; and

4 (D) other economic and social factors.

5 (d) DEFINITIONS.—In this section:

6 (1) COLLABORATIVE PROCESS.—The term “col-  
7 laborative process” means a process relating to the  
8 management of National Forest System lands or  
9 public lands by which a project or forest manage-  
10 ment activity is developed and implemented by the  
11 Secretary concerned through collaboration with in-  
12 terested persons, as described in section  
13 603(b)(1)(C) of the Healthy Forests Restoration Act  
14 of 2003 (16 U.S.C. 6591b(b)(1)(C)).

15 (2) COMMUNITY WILDFIRE PROTECTION  
16 PLAN.—The term “community wildfire protection  
17 plan” has the meaning given the term in section 101  
18 of the Healthy Forests Restoration Act of 2003 (16  
19 U.S.C. 6511).

20 (3) RESOURCE ADVISORY COMMITTEE.—The  
21 term “resource advisory committee” has the mean-  
22 ing given the term in section 201 of the Secure  
23 Rural Schools and Community Self-Determination  
24 Act of 2000 (16 U.S.C. 7121).

1           (4) SECRETARY CONCERNED.—The term “Sec-  
2       retary concerned” means—

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

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

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