

**AMENDMENT TO H.R. 2, AS REPORTED**  
**OFFERED BY MR. WESTERMAN OF ARKANSAS**

At the end of part III of subtitle C of title VIII, insert the following:

1 **SEC. 8334. ANALYSIS OF ONLY TWO ALTERNATIVES (AC-**  
2 **TION VERSUS NO ACTION) IN PROPOSED COL-**  
3 **LABORATIVE FOREST MANAGEMENT ACTIVI-**  
4 **TIES.**

5 (a) APPLICATION TO CERTAIN ENVIRONMENTAL AS-  
6 SESSMENTS AND ENVIRONMENTAL IMPACT STATE-  
7 MENTS.—This section shall apply whenever the Secretary  
8 concerned prepares an environmental assessment or an en-  
9 vironmental impact statement pursuant to section 102 of  
10 the National Environmental Policy Act of 1969 (42 U.S.C.  
11 4332) for a forest management activity that—

12 (1) is developed through a collaborative process;

13 (2) is proposed by a resource advisory com-  
14 mittee;

15 (3) will occur on lands identified by the Sec-  
16 retary concerned as suitable for timber production;

17 (4) will occur on lands designated by the Sec-  
18 retary (or designee thereof) pursuant to section  
19 602(b) of the Healthy Forests Restoration Act of

1       2003 (16 U.S.C. 6591a(b)), notwithstanding wheth-  
2       er such forest management activity is initiated prior  
3       to September 30, 2018; or

4             (5) is covered by a community wildfire protec-  
5       tion plan.

6       (b) CONSIDERATION OF ALTERNATIVES.—In an envi-  
7       ronmental assessment or environmental impact statement  
8       described in subsection (a), the Secretary concerned shall  
9       study, develop, and describe only the following two alter-  
10      natives:

11            (1) The forest management activity.

12            (2) The alternative of no action.

13       (c) ELEMENTS OF NO ACTION ALTERNATIVE.—In  
14       the case of the alternative of no action, the Secretary con-  
15       cerned shall consider whether to evaluate—

16            (1) the effect of no action on—

17                    (A) forest health;

18                    (B) habitat diversity;

19                    (C) wildfire potential;

20                    (D) insect and disease potential; and

21                    (E) timber production; and

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

- 1 (A) domestic water supply in the project  
2 area;
- 3 (B) wildlife habitat loss; and
- 4 (C) other economic and social factors.

5 **SEC. 8335. INJUNCTIVE RELIEF.**

6 (a) BALANCING SHORT- AND LONG-TERM EFFECTS  
7 OF FOREST MANAGEMENT ACTIVITIES IN CONSIDERING  
8 INJUNCTIVE RELIEF.—As part of its weighing the equities  
9 while considering any request for an injunction that ap-  
10 plies to any agency action as part of a forest management  
11 activity the court reviewing the agency action shall balance  
12 the impact to the ecosystem likely affected by the forest  
13 management activity of—

14 (1) the short- and long-term effects of under-  
15 taking the agency action; against

16 (2) the short- and long-term effects of not un-  
17 dertaking the action.

18 (b) TIME LIMITATIONS FOR INJUNCTIVE RELIEF.—

19 (1) IN GENERAL.—Subject to paragraph (2) the  
20 length of any preliminary injunctive relief and stays  
21 pending appeal that applies to any agency action as  
22 part of a forest management activity, shall not ex-  
23 ceed 60 days.

24 (2) RENEWAL.—

1           (A) IN GENERAL.—A court of competent  
2 jurisdiction may issue one or more renewals of  
3 any preliminary injunction, or stay pending ap-  
4 peal, granted under paragraph (1).

5           (B) UPDATES.—In each renewal of an in-  
6 junction in an action, the parties to the action  
7 shall present the court with updated informa-  
8 tion on the status of the authorized forest man-  
9 agement activity.

