

110TH CONGRESS
2D SESSION

S. 3042

To establish a coordinated avalanche protection program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2008

Mr. STEVENS (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a coordinated avalanche protection program,
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 “Federal Land Ava-
5 lanche Protection Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) PROGRAM.—The term “program” means
9 the avalanche protection program established under
10 section 3(a).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture, acting through the
3 Chief of the Forest Service.

4 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary shall establish
6 a coordinated avalanche protection program—

7 (1) to identify the potential for avalanches on
8 Federal land and inform the public, including users
9 of Federal land and other potentially affected par-
10 ties, about the probability of the avalanches and the
11 potential adverse effects of the avalanches on neigh-
12 boring communities and transportation and utility
13 corridors;

14 (2) to carry out ongoing research regarding the
15 causes of avalanche development, so as to improve
16 forecasting of avalanche events; and

17 (3) to reduce the risks of avalanches on Federal
18 land and mitigate the effects of the avalanches on
19 users of that land, neighboring communities, and
20 transportation and utility corridors.

21 (b) COORDINATION.—

22 (1) IN GENERAL.—In developing and imple-
23 menting the program, the Secretary shall—

24 (A) consult with the Secretary of the Inte-
25 rior; and

1 (B) coordinate the program to ensure ade-
2 quate levels of protection for recreational users
3 of public land under the jurisdiction of the Sec-
4 retary and the Secretary of the Interior.

5 (2) RESOURCES.—In carrying out this section,
6 the Secretary—

7 (A) shall, to the maximum extent prac-
8 ticable, use the resources of the National Ava-
9 lanche Center of the Forest Service; and

10 (B) may use such other resources as are
11 available to the Secretary in the development
12 and implementation of the program.

13 (c) ADVISORY COMMITTEE.—

14 (1) IN GENERAL.—The Secretary shall establish
15 an advisory committee composed of 15 members, ap-
16 pointed by the Secretary, to assist in the develop-
17 ment and implementation of the program.

18 (2) MEMBERSHIP.—The membership of the ad-
19 visory committee established pursuant to paragraph
20 (1) shall include representatives of—

21 (A) Federal land management agencies
22 and concessionaires or permittees that are ex-
23 posed to the threat of avalanches;

1 (B) State departments of transportation
2 that have experience in dealing with the effects
3 of avalanches;

4 (C) the Alaska railroad;

5 (D) the United States Geological Survey;

6 (E) the National Oceanic and Atmospheric
7 Administration;

8 (F) the National Weather Service;

9 (G) entities with interest in the program
10 that the Secretary considers to be appropriate
11 for representation on the advisory committee;

12 (H) authorized users of artillery, other
13 military weapons, or weapons alternatives used
14 for avalanche control; and

15 (I) such other members as the Secretary
16 considers to be appropriate.

17 (d) CENTRAL DEPOSITORY.—The Secretary, the Sec-
18 retary of Transportation, and the Secretary of the Army
19 shall establish a central depository for weapons, ammuni-
20 tion, and parts for avalanche control purposes, including
21 an inventory that can be made available to Federal and
22 non-Federal entities for avalanche control purposes under
23 the program.

24 (e) GRANTS.—

1 (1) IN GENERAL.—The Secretary may make
2 grants to carry out projects and activities under the
3 program—

4 (A) to assist in the prevention, forecasting,
5 detection, and mitigation of avalanches for the
6 safety and protection of persons, property, and
7 at-risk communities;

8 (B) to maintain essential transportation,
9 utilities, and communications affected or poten-
10 tially affected by avalanches;

11 (C) to assist avalanche artillery users to
12 ensure the availability of adequate supplies of
13 artillery and other unique explosives required
14 for avalanche control in or affecting—

15 (i) Federal land used for recreation
16 purposes; and

17 (ii) adjacent communities, and essen-
18 tial transportation corridors, that are at
19 risk of avalanches; and

20 (D) to assist public or private persons (in-
21 cluding entities) in—

22 (i) providing public education regard-
23 ing avalanches; and

24 (ii) conducting research and develop-
25 ment activities for cost-effective and reli-

1 able alternatives to minimize reliance on
2 military weapons for avalanche control.

3 (2) PRIORITY.—The Secretary shall give pri-
4 ority to projects and activities carried out in ava-
5 lanche zones—

6 (A) with a high frequency or severity of
7 avalanches; or

8 (B) in which deaths or serious injuries to
9 individuals, or loss or damage to public facilities
10 and communities, have occurred or are likely to
11 occur.

12 (f) SURPLUS ORDINANCE.—Section 549(c)(3) of title
13 40, United States Code, is amended—

14 (1) in subparagraph (A), by striking “or” after
15 the semicolon at the end;

16 (2) in subparagraph (B), by striking the period
17 at the end and inserting “; or”; and

18 (3) by adding at the end the following:

19 “(C) in the case of surplus artillery ord-
20 nance that is suitable for avalanche control pur-
21 poses, to a user of the ordnance.”.

22 **SEC. 4. LIMITATION.**

23 Nothing in this Act—

1 (1) requires the use of artillery or any other av-
2 alanche-related actions affecting any unit of the Na-
3 tional Park System or any other Federal land; or

4 (2) limits the applicability of any Federal law
5 or regulation with respect to any such actions on
6 Federal land.

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