

111TH CONGRESS
1ST SESSION

H. R. 4407

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Oversight and Government Reform and 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 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 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of Agriculture.

6 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary, acting
8 through the Chief of the Forest Service, shall establish
9 a coordinated avalanche protection program to—

10 (1) identify the potential for avalanches on Fed-
11 eral lands and inform the public, including users of
12 those lands and other potentially affected parties,
13 about the probability of such avalanches and their
14 potential adverse effects on neighboring communities
15 and on transportation and utility corridors;

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

19 (3) reduce the risks of avalanches on Federal
20 lands and mitigate their effects on users of those
21 lands, neighboring communities, and transportation
22 and utility corridors.

23 (b) COORDINATION.—

24 (1) IN GENERAL.—In developing and imple-
25 menting the program, the Secretary shall consult

1 with the Secretary of the Interior, and coordinate
2 the program to ensure adequate levels of protection
3 for recreational users of public land under the juris-
4 diction of such Secretary.

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 the
11 Secretary has available in the development and
12 implementation of the program.

13 (c) ADVISORY COMMITTEE.—

14 (1) IN GENERAL.—The Secretary shall establish
15 an advisory committee of 15 members, appointed by
16 the Secretary, to assist in the development and im-
17 plementation 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 appropriate for
11 representation on the board;

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 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 and
21 entities in public education regarding ava-
22 lanches and in conducting research and develop-
23 ment activities for cost-effective and reliable al-
24 ternatives to minimize reliance on military
25 weapons for avalanche control.

1 (2) PRIORITY.—For each fiscal year for which
2 funds are made available under section 4, the Sec-
3 retary shall give priority to projects and activities
4 carried out in avalanche zones—

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

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

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

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

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

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

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

21 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated to carry out
23 this Act \$4,000,000 for each of fiscal years 2010 through
24 2014.

1 **SEC. 5. LIMITATION.**

2 Nothing in this Act shall be construed to require use
3 of artillery or any other avalanche-related actions affecting
4 any unit of the National Park System or any other Fed-
5 eral lands or to limit the applicability of any Federal law
6 or regulation with respect to any such actions on such
7 lands.

