

Pub. L. 112–74, div. E, title IV, §428, Dec. 23, 2011, 125 Stat. 1046, provided that: “Hereafter, upon issuance of final regulations, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall apply section 105(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515(a)), providing for a pre-decisional objection process, to proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and documented with a Record of Decision or Decision Notice, in lieu of subsections (c), (d), and (e) of section 322 of Public Law 102–381 ([former] 16 U.S.C. 1612 note), providing for an administrative appeal process: *Provided*, That if the Chief of the Forest Service determines an emergency situation exists for which immediate implementation of a proposed action is necessary, the proposed action shall not be subject to the pre-decisional objection process, and implementation shall begin immediately after the Forest Service gives notice of the final decision for the proposed action: *Provided further*, That this section shall not apply to an authorized hazardous fuel reduction project under title I of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.) [probably should be 16 U.S.C. 6511 et seq.]”

#### § 6516. Judicial review in United States district courts

##### (a) Venue

Notwithstanding section 1391 of title 28 or other applicable law, an authorized hazardous fuels reduction project conducted under this subchapter shall be subject to judicial review only in the United States district court for a district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

##### (b) Expeditious completion of judicial review

In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

##### (c) Injunctions

###### (1) In general

Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this subchapter shall not exceed 60 days.

###### (2) Renewal

###### (A) In general

A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

###### (B) Updates

In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

###### (3) Balancing of short- and long-term effects

As part of its weighing the equities while considering any request for an injunction that

applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

(Pub. L. 108–148, title I, §106, Dec. 3, 2003, 117 Stat. 1900.)

#### § 6517. Effect of subchapter

##### (a) Other authority

Nothing in this subchapter affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 6512(d) of this title) that is not conducted using the process authorized by section 6514 of this title.

##### (b) National Forest System

For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this subchapter affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

(Pub. L. 108–148, title I, §107, Dec. 3, 2003, 117 Stat. 1900.)

#### Editorial Notes

##### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

#### § 6518. Authorization of appropriations

There is authorized to be appropriated \$660,000,000 for each of fiscal years 2019 through 2023 to carry out—

(1) activities authorized by this subchapter; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States, local governments, Indian tribes, and other eligible recipients for activities authorized by law.

(Pub. L. 108–148, title I, §108, Dec. 3, 2003, 117 Stat. 1901; Pub. L. 115–334, title VIII, §8402, Dec. 20, 2018, 132 Stat. 4841.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115–334 substituted “\$660,000,000 for each of fiscal years 2019 through 2023” for “\$760,000,000 for each fiscal year” in introductory provisions.

## SUBCHAPTER II—BIOMASS

**§ 6531. Repealed. Pub. L. 115–334, title VIII, § 8403(a), Dec. 20, 2018, 132 Stat. 4841**

Section, Pub. L. 108–148, title II, §203, Dec. 3, 2003, 117 Stat. 1902, related to biomass commercial utilization grant program.

## SUBCHAPTER III—WATERSHED FORESTRY ASSISTANCE

**§ 6541. Omitted****Editorial Notes**

## CODIFICATION

Section, Pub. L. 108–148, title III, §301, Dec. 3, 2003, 117 Stat. 1902, which provided congressional findings and purposes of title III of Pub. L. 108–148 (enacting this subchapter and section 2103b of this title), was omitted in view of the repeal of sections 2103b and 6542 of this title.

**§ 6542. Water Source Protection Program****(a) Definitions**

In this section:

**(1) End water user**

The term “end water user” means a non-Federal entity, including—

- (A) a State;
- (B) a political subdivision of a State;
- (C) an Indian tribe;
- (D) a utility;
- (E) a municipal water system;
- (F) an irrigation district;
- (G) a nonprofit organization; and
- (H) a corporation.

**(2) Forest management activity**

The term “forest management activity” means a project carried out by the Secretary on National Forest System land.

**(3) Forest plan**

The term “forest plan” means a land management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 1604 of this title.

**(4) Non-Federal partner**

The term “non-Federal partner” means an end water user with whom the Secretary has entered into a partnership agreement under subsection (c)(1).

**(5) Program**

The term “Program” means the Water Source Protection Program established under subsection (b).

**(6) Secretary**

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

**(7) Water source management plan**

The term “water source management plan” means the water source management plan developed under subsection (d)(1).

**(b) Establishment**

The Secretary shall establish and maintain a program, to be known as the “Water Source Pro-

tection Program”, to carry out watershed protection and restoration projects on National Forest System land.

**(c) Water source investment partnerships****(1) In general**

In carrying out the Program, the Secretary may enter into water source investment partnership agreements with end water users to protect and restore the condition of National Forest watersheds that provide water to the end water users.

**(2) Form**

A partnership agreement described in paragraph (1) may take the form of—

- (A) a memorandum of understanding;
- (B) a cost-share or collection agreement;
- (C) a long-term funding matching commitment; or
- (D) another appropriate instrument, as determined by the Secretary.

**(d) Water source management plan****(1) In general**

In carrying out the Program, the Secretary, in cooperation with the non-Federal partners and applicable State, local, and Tribal governments, may develop a water source management plan that describes the proposed implementation of watershed protection and restoration projects under the Program.

**(2) Requirement**

A water source management plan shall be conducted in a manner consistent with the forest plan applicable to the National Forest System land on which the watershed protection and restoration project is carried out.

**(3) Environmental analysis**

The Secretary may conduct a single environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

- (A) for each watershed protection and restoration project included in the water source management plan; or
- (B) as part of the development of, or after the finalization of, the water source management plan.

**(e) Forest management activities****(1) In general**

To the extent that forest management activities are necessary to protect, maintain, or enhance water quality, and in accordance with paragraph (2), the Secretary shall carry out forest management activities as part of watershed protection and restoration projects carried out on National Forest System land, with the primary purpose of—

- (A) protecting a municipal water supply system;
- (B) restoring forest health from insect infestations and disease; or
- (C) any combination of the purposes described in subparagraphs (A) and (B).

**(2) Compliance**

The Secretary shall carry out forest management activities under paragraph (1) in accordance with—