

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 Repealed.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—