

**(2) Certain treatment prohibited**

Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

**(3) Peer review****(A) In general**

Before being carried out, each applied silvicultural assessment under this subchapter shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

**(B) Existing peer review processes**

The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

**(c) Public notice and comment****(1) Public notice**

The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

**(2) Public comment**

The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

**(d) Categorical exclusion****(1) In general**

Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**(2) Administration**

Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

**(3) Maximum categorical exclusion**

The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

**(4) No additional findings required**

In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

(Pub. L. 108-148, title IV, § 404, Dec. 3, 2003, 117 Stat. 1910.)

**Editorial Notes**

## REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (d)(1), 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.

**§ 6555. Relation to other laws**

The authority provided to each Secretary under this subchapter is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

(Pub. L. 108-148, title IV, § 405, Dec. 3, 2003, 117 Stat. 1911.)

**§ 6556. Termination of effectiveness**

The authority provided by this subchapter terminates effective October 1, 2023.

(Pub. L. 108-148, title IV, § 406, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 115-334, title VIII, § 8406(a), Dec. 20, 2018, 132 Stat. 4845.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-334 amended section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated such sums as are necessary to carry out this subchapter for each of fiscal years 2004 through 2008.”

SUBCHAPTER V—HEALTHY FORESTS  
RESERVE PROGRAM**§ 6571. Establishment of healthy forests reserve program****(a) Establishment**

The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity;

(3) to conserve forest land that provides habitat for species described in section 6572(b) of this title; and

(4) to enhance carbon sequestration.

**(b) Coordination**

The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

(Pub. L. 108-148, title V, § 501, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 115-334, title VIII, § 8407(a)(1), Dec. 20, 2018, 132 Stat. 4845.)

**Editorial Notes**

## AMENDMENTS

2018—Subsec. (a)(3), (4). Pub. L. 115-334 added par. (3) and redesignated former par. (3) as (4).

**§ 6572. Eligibility and enrollment of lands in program****(a) In general**

The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

**(b) Eligibility**

To be eligible for enrollment in the healthy forests reserve program, land shall be private forest land, or private land being restored to forest land, the enrollment of which will maintain, restore, enhance, or otherwise measurably—

(1) increase the likelihood of recovery of a species that is listed as endangered or threatened under section 1533 of this title; or

(2) improve the well-being of a species that—

(A) is—

(i) not listed as endangered or threatened under such section; and

(ii) a candidate for such listing, a State-listed species, or a special concern species; or

(B) is deemed a species of greatest conservation need by a State wildlife action plan.

**(c) Other considerations**

In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity;

(2) conserve forest land that provides habitat for species described in subsection (b); and

(3) increase carbon sequestration.

**(d) Enrollment by willing owners**

The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

**(e) Methods of enrollment****(1) Authorized methods**

Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year easement; or

(C)(i) a permanent easement; or

(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

**(2) Acreage owned by Indian tribes****(A) Definition of acreage owned by Indian tribes**

In this paragraph, the term “acreage owned by Indian tribes” includes—

(i) land that is held in trust by the United States for Indian tribes or individual Indians;

(ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;

(iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;

(iv) land that is held in fee title by an Indian tribe; or

(v) land that is owned by a native corporation formed under section 5124 of title 25 or section 1607 of title 43; or

(vi) a combination of 1 or more types of land described in clauses (i) through (v).

**(B) Enrollment of acreage**

In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into

the healthy forests reserve program through the use of—

(i) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

(ii) a 10-year cost-share agreement;

(iii) a permanent easement; or

(iv) any combination of the options described in clauses (i) through (iii).

**(f) Enrollment priority****(1) Species**

The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 1533 of this title; and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 1533 of this title; but

(ii)(I) are candidates for such listing, State-listed species, or special concern species; or

(II) are deemed a species of greatest conservation need under a State wildlife action plan.

**(2) Cost-effectiveness**

The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

**(g) Easement modification or termination****(1) In general**

The Secretary may modify or terminate an easement or other interest in land administered by the Secretary under this title if—

(A) the owner of the land agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination—

(i) will address a compelling public need for which there is no practicable alternative; and

(ii) is in the public interest.

**(2) Consideration; conditions****(A) Termination**

As consideration for termination of an easement or other interest in land under this subsection, the Secretary shall enter into a compensatory arrangement, as the Secretary determines to be appropriate.

**(B) Modification**

In the case of a modification of an easement or other interest in land under this subsection—

(i) as a condition of the modification, the owner of the land shall enter into a compensatory arrangement, as the Secretary determines to be appropriate, to incur the costs of modification; and

(ii) the Secretary shall ensure that—

(I) the modification will not adversely affect the forest ecosystem functions and values for which the easement or other interest in land was acquired;

(II) any adverse impacts will be mitigated by enrollment and restoration of other land that provides greater forest ecosystem functions and values at no additional cost to the Federal Government; and

(III) the modification will result in equal or greater environmental and economic values to the United States.

(Pub. L. 108–148, title V, §502, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 110–234, title VIII, §8205(a), May 22, 2008, 122 Stat. 1294; Pub. L. 110–246, §4(a), title VIII, §8205(a), June 18, 2008, 122 Stat. 1664, 2056; Pub. L. 113–79, title VIII, §8203(a), Feb. 7, 2014, 128 Stat. 914; Pub. L. 115–334, title VIII, §8407(a)(2)–(6), Dec. 20, 2018, 132 Stat. 4845, 4846; Pub. L. 117–328, div. HH, title III, §401, Dec. 29, 2022, 136 Stat. 5984.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

##### AMENDMENTS

2022—Subsec. (g). Pub. L. 117–328 added subsec. (g).

2018—Subsec. (b). Pub. L. 115–334, §8407(a)(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “To be eligible for enrollment in the healthy forests reserve program, land shall be—

“(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 1533 of this title; and

“(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

“(A) are not listed as endangered or threatened under section 1533 of this title; but

“(B) are candidates for such listing, State-listed species, or special concern species.”

Subsec. (c)(2), (3). Pub. L. 115–334, §8407(a)(3), added par. (2) and redesignated former par. (2) as (3).

Subsec. (e)(2). Pub. L. 115–334, §8407(a)(4), redesignated par. (3) as (2) and struck out former par. (2) which related to limitation on use of cost-share agreements and easements.

Subsec. (e)(2)(B)(ii) to (iv). Pub. L. 115–334, §8407(a)(5), added cls. (ii) to (iv) and struck out former cls. (ii) and (iii) which read as follows:

“(ii) a 10-year cost-share agreement; or

“(iii) any combination of the options described in clauses (i) and (ii).”

Subsec. (e)(3). Pub. L. 115–334, §8407(a)(4), redesignated par. (3) as (2).

Subsec. (f)(1)(B)(ii). Pub. L. 115–334, §8407(a)(6), added cl. (ii) and struck out former cl. (ii) which read as follows: “are candidates for such listing, State-listed species, or special concern species.”

2014—Subsec. (e)(3). Pub. L. 113–79, §8203(a)(2), (3), added subpar. (A), designated existing provisions as subpar. (B) and inserted heading, and redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (B) and realigned margins.

Subsec. (e)(3)(C). Pub. L. 113–79, §8203(a)(1), substituted “clauses (i) and (ii)” for “subparagraphs (A) and (B)”.

2008—Subsecs. (e) to (g). Pub. L. 110–246, §8205(a), added subsec. (e), redesignated subsec. (g) as (f), and struck out former subsecs. (e) and (f) which related to maximum number of enrolled acres and methods of enrollment.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

#### § 6573. Restoration plans

##### (a) In general

Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of the Interior.

##### (b) Practices

The restoration plan shall require such restoration practices and measures as are necessary to restore and enhance habitat for species described in section 6572(b) of this title, including the following:

(1) Land management practices.

(2) Vegetative treatments.

(3) Structural practices and measures.

(4) Practices to increase carbon sequestration.

(5) Practices to improve biological diversity.

(6) Other practices and measures.

(Pub. L. 108–148, title V, §503, Dec. 3, 2003, 117 Stat. 1912; Pub. L. 115–334, title VIII, §8407(a)(7), (9), Dec. 20, 2018, 132 Stat. 4846.)

#### Editorial Notes

##### AMENDMENTS

2018—Subsec. (a). Pub. L. 115–334, §8407(a)(9), substituted “Secretary of the Interior” for “Secretary of Interior”.

Subsec. (b). Pub. L. 115–334, §8407(a)(7), amended subsec. (b) generally. Prior to amendment, text read as follows: “The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

“(1) species listed as endangered or threatened under section 1533 of this title; and

“(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.”

#### § 6574. Financial assistance

##### (a) Permanent easements

In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 6572(f)(1)(C)(ii)<sup>1</sup> of this title), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.

<sup>1</sup> So in original. Probably should be “6572(e)(1)(C)(ii)”.