

(1) experiencing declining forest health, based on annual forest health surveys conducted by the Secretary;

(2) at risk of experiencing substantially increased tree mortality over the next 15 years due to insect or disease infestation, based on the most recent National Insect and Disease Risk Map published by the Forest Service; or

(3) in an area in which the risk of hazard trees poses an imminent risk to public infrastructure, health, or safety.

(d) Treatment of areas

(1) In general

The Secretary may carry out priority projects on Federal land in the areas designated under subsection (b)—

(A) to reduce the risk or extent of, or increase the resilience to, insect or disease infestation; or

(B) to reduce hazardous fuels.

(2) Authority

Any project under paragraph (1) for which a public notice to initiate scoping is issued on or before September 30, 2023, may be carried out in accordance with subsections (b), (c), and (d) of section 6512 of this title, and sections 6514, 6515, and 6516 of this title.

(3) Effect

Projects carried out under this subsection shall be considered authorized hazardous fuel reduction projects for purposes of the authorities described in paragraph (2).

(4) Report

(A) In general

In accordance with the schedule described in subparagraph (B), the Secretary shall issue 2 reports on actions taken to carry out this subsection, including—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(B) Schedule

The Secretary shall—

(i) not earlier than September 30, 2018, issue the initial report under subparagraph (A); and

(ii) not earlier than September 30, 2024, issue the second report under that subparagraph.

(e) Tree retention

The Secretary shall carry out projects under subsection (d) in a manner that maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease.

(Pub. L. 108-148, title VI, §602, as added Pub. L. 113-79, title VIII, §8204, Feb. 7, 2014, 128 Stat. 915; amended Pub. L. 115-334, title VIII, §§8407(b), 8408, Dec. 20, 2018, 132 Stat. 4846, 4847.)

Editorial Notes

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 115-334, as in effect

on Sept. 30, 2023, to continue, and authorities to be carried out, until the later of Sept. 30, 2024, or the date specified in the provision of, or amendment made by, Pub. L. 115-334, see section 102(a) of Pub. L. 118-22, set out in an Extension of Agricultural Programs note under section 9001 of Title 7, Agriculture.

AMENDMENTS

2018—Subsec. (d)(1). Pub. L. 115-334, §8407(b)(1), substituted “subsection (b)—” and subpars. (A) and (B) for “subsection (b) to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in the areas.”

Subsec. (d)(2). Pub. L. 115-334, §8407(b)(2), substituted “2023” for “2018”.

Subsec. (f). Pub. L. 115-334, §8408, struck out subsec. (f). Prior to amendment, text read as follows: “There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2014 through 2024.”

§ 6591b. Administrative review

(a) In general

Except as provided in subsection (d), a project described in subsection (b) that is conducted in accordance with section 6591a(d) of this title may be—

(1) considered an action categorically excluded from the requirements of Public Law 91-190 (42 U.S.C. 4321 et seq.); and

(2) exempt from the special administrative review process under section 6515 of this title.

(b) Collaborative restoration project

(1) In general

A project referred to in subsection (a) is a project to carry out forest restoration treatments that—

(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease;

(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

(C) is developed and implemented through a collaborative process that—

(i) includes multiple interested persons representing diverse interests; and

(ii)(I) is transparent and nonexclusive; or

(II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 7125 of this title.

(2) Inclusion

A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 7303(b) of this title.

(c) Limitations

(1) Project size

A project under this section may not exceed 3000 acres.

(2) Location

A project under this section shall be limited to areas—

(A) in the wildland-urban interface; or

(B) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface.

(3) Roads

(A) Permanent roads

(i) Prohibition on establishment

A project under this section shall not include the establishment of permanent roads.

(ii) Existing roads

The Secretary may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(B) Temporary roads

The Secretary shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(d) Exclusions

This section does not apply to—

- (1) a component of the National Wilderness Preservation System;
- (2) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;
- (3) a congressionally designated wilderness study area; or
- (4) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(e) Forest management plans

All projects and activities carried out under this section shall be consistent with the land and resource management plan established under section 1604 of this title for the unit of the National Forest System containing the projects and activities.

(f) Public notice and scoping

The Secretary shall conduct public notice and scoping for any project or action proposed in accordance with this section.

(g) Accountability

(1) In general

The Secretary shall prepare an annual report on the use of categorical exclusions under this section that includes a description of all acres (or other appropriate unit) treated through projects carried out under this section.

(2) Submission

Not later than 1 year after February 7, 2014, and each year thereafter, the Secretary shall submit the reports required under paragraph (1) to—

- (A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;
- (B) the Committee on Environment and Public Works of the Senate;
- (C) the Committee on Agriculture of the House of Representatives;
- (D) the Committee on Natural Resources of the House of Representatives; and

(E) the Government Accountability Office.

(Pub. L. 108-148, title VI, § 603, as added Pub. L. 113-79, title VIII, § 8204, Feb. 7, 2014, 128 Stat. 916.)

Editorial Notes

REFERENCES IN TEXT

Public Law 91-190, referred to in subsec. (a)(1), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, known as the National Environmental Policy Act of 1969, 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.

§ 6591c. Stewardship end result contracting projects

(a) Definitions

In this section:

(1) Chief

The term “Chief” means the Chief of the Forest Service.

(2) Director

The term “Director” means the Director of the Bureau of Land Management.

(b) Projects

The Chief and the Director, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

(c) Land management goals

The land management goals of a project under subsection (b) may include any of the following:

- (1) Road and trail maintenance or obliteration to restore or maintain water quality.
- (2) Soil productivity, habitat for wildlife and fisheries, or other resource values.
- (3) Setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat.
- (4) Removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives.
- (5) Watershed restoration and maintenance.
- (6) Restoration and maintenance of wildlife and fish.
- (7) Control of noxious and exotic weeds and reestablishing native plant species.

(d) Agreements or contracts

(1) Procurement procedure

A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

(2) Contract for sale of property

A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.