

DEFINITIONS

Pub. L. 115–141, div. O, title II, § 201, Mar. 23, 2018, 132 Stat. 1062, provided that: “In this title [see Tables for classification]:

“(1) NATIONAL FOREST SYSTEM.—The term ‘National Forest System’ has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

“(2) PUBLIC LAND.—The term ‘public land’ has the meaning given the term ‘public lands’ in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

“(3) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to public land.”

§ 6591d. Wildfire resilience projects**(a) In general**

Hazardous fuels reduction projects, as defined in section 6511(2) of this title may be—

(1) carried out in accordance with subsections (b), (c), and (d) of section 6512 of this title and sections 6514 and 6515 of this title;

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

(3) 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, and reduce the risk or extent of, or increase the resilience to, wildfires;

(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—

(A) Prioritized within the wildland-urban interface;

(B) If located outside the wildland-urban interface, limited to areas within Condition Classes 2 or 3 in Fire Regime Groups I, II, or III that contain very high wildfire hazard potential; and

(C) Limited to areas designated under section 6591a(b) of this title as of March 23, 2018.

(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.

(4) Extraordinary circumstances

The Secretary shall apply the extraordinary circumstances procedures under section 220.6 of title 36, code of Federal regulations¹ (or successor regulations), when using the categorical exclusion under this section.

(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.

¹ So in original. Probably should be “Code of Federal Regulations”.

(2) Submission

Not later than 1 year after March 23, 2018, 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, § 605, as added Pub. L. 115–141, div. O, title II, § 202, Mar. 23, 2018, 132 Stat. 1062.)

Editorial Notes

REFERENCES IN TEXT

Section 6511(2) of this title, referred to in subsec. (a), was in the original “the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(2))” and was translated as referring to section 101(2) of that Act, which is classified to section 6511(2) of this title and defines “authorized hazardous fuel reduction project”.

Public Law 91–190, referred to in subsec. (a)(2), 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.

March 23, 2018, referred to in subsec. (c)(2)(C), was in the original “the date of enactment of this Act” and was translated as meaning the date of enactment of Pub. L. 115–141, which enacted this section, to reflect the probable intent of Congress.

§ 6591e. Categorical exclusion for greater sage-grouse and mule deer habitat**(a) Definitions**

In this section:

(1) Covered vegetation management activity**(A) In general**

The term “covered vegetation management activity” means any activity described in subparagraph (B) that—

(i)(I) is carried out on National Forest System land administered by the Forest Service; or

(II) is carried out on public land administered by the Bureau of Land Management;

(ii) with respect to public land, meets the objectives of the order of the Secretary of the Interior numbered 3336 and dated January 5, 2015;

(iii) conforms to an applicable forest plan or land use plan;

(iv) protects, restores, or improves greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—

(I) Circular 1416 of the United States Geological Survey entitled “Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration” (2015); or

(II) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies;

(v) will not permanently impair—

(I) the natural state of the treated area;

(II) outstanding opportunities for solitude;

(III) outstanding opportunities for primitive, unconfined recreation;

(IV) economic opportunities consistent with multiple-use management; or

(V) the identified values of a unit of the National Landscape Conservation System;

(vi)(I) restores native vegetation following a natural disturbance;

(II) prevents the expansion into greater sage-grouse or mule deer habitat of—

(aa) juniper, pinyon pine, or other associated conifers; or

(bb) nonnative or invasive vegetation;

(III) reduces the risk of loss of greater sage-grouse or mule deer habitat from wildfire or any other natural disturbance; or

(IV) provides emergency stabilization of soil resources after a natural disturbance; and

(vii) provides for the conduct of restoration treatments that—

(I) maximize the retention of old-growth and large trees, as appropriate for the forest type;

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

(III) are developed and implemented through a collaborative process that—

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

(bb)(AA) is transparent and non-exclusive; or

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

(IV) may include the implementation of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 7303(b) of this title.

(B) Description of activities

An activity referred to in subparagraph (A) is—

(i) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

(ii) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

(iii) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;