

(j) Monitoring, maintenance, and treatment plan and strategy**(1) In general**

Not later than 120 days after November 15, 2021, the Secretary of Agriculture and the Secretary of the Interior shall establish a 5-year monitoring, maintenance, and treatment plan that—

(A) describes activities under subsection (c) that the Secretary of Agriculture and the Secretary of the Interior will take to reduce the risk of wildfire by conducting restoration treatments and improving the Fire Regime Condition Class of 10,000,000 acres of Federal land or Tribal Forest land or rangeland that is identified as having very high wildfire hazard potential, not including annual treatments otherwise scheduled;

(B) establishes a process for prioritizing treatments in areas and communities at the highest risk of catastrophic wildfires;

(C) includes an innovative plan and process—

(i) to leverage public-private partnerships and resources, shared stewardship agreements, good neighbor agreements, and similar contracting authorities;

(ii) to prioritize projects for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed as of November 15, 2021;

(iii) to streamline subsequent projects based on existing statutory or regulatory authorities; and

(iv) to develop interagency teams to increase coordination and efficiency under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) [42 U.S.C. 4321 et seq.]; and

(D) establishes a process for coordinating prioritization and treatment with State and local entities and affected stakeholders.

(2) Strategy

Not later than 5 years after November 15, 2021, the Secretary of Agriculture and the Secretary of the Interior, in coordination with State and local governments, shall publish a long-term, outcome-based monitoring, maintenance, and treatment strategy—

(A) to maintain forest health improvements and wildfire risk reduction accomplished under this section;

(B) to continue treatment at levels necessary to address the 20,000,000 acres needing priority treatment over the 10-year period beginning on the date of publication of the strategy; and

(C) to proactively conduct treatment at a level necessary to minimize the risk of wildfire to surrounding at-risk communities.

(k) Authorized hazardous fuels projects

A project carried out using funding authorized under paragraphs (11)(A)(i), (13), or (14) of subsection (c) shall be considered an authorized hazardous fuel reduction project pursuant to section 6512 of this title.

(Pub. L. 117–58, div. D, title VIII, §40803, Nov. 15, 2021, 135 Stat. 1097.)

Editorial Notes

REFERENCES IN TEXT

The Southwest Forest Health and Wildfire Prevention Act of 2004, referred to in subsec. (c)(8), is Pub. L. 108–317, Oct. 5, 2004, 118 Stat. 1204, which is classified generally to chapter 86 (§6701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6701 of this title and Tables.

This title, referred to in subsec. (c)(8)(A), means title VIII of division D of Pub. L. 117–58, Nov. 15, 2021, 135 Stat. 1094, which enacted this section and sections 538a and 6592a to 6592d of this title and amended section 5545 of Title 5, Government Organization and Employees. For complete classification of title VIII to the Code, see Tables.

The National Environmental Policy Act of 1969, referred to in subssecs. (g)(1) and (j)(1)(C)(ii), (iv), 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.

CODIFICATION

Section is comprised of section 40803 of Pub. L. 117–58. Subsec. (d)(2) of section 40803 of Pub. L. 117–58 amended section 5545(d)(1) of Title 5, Government Organization and Employees.

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Healthy Forests Restoration Act of 2003 which comprises this chapter.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117–58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

DEFINITIONS

For definition of “Indian Tribe” as used in this section, see section 5304 of Title 25, Indians, as made applicable by section 18701(2) of Title 42, The Public Health and Welfare.

§ 6592a. Ecosystem restoration**(a) Authorization of appropriations**

There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (b), \$2,130,000,000 for the period of fiscal years 2022 through 2026.

(b) Activities

Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) \$300,000,000 shall be made available, in accordance with subsection (c), to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) entering into contracts, including stewardship contracts or agreements, the purpose of each of which shall be to restore ecological health on not fewer than 10,000 acres of Federal land, including Indian forest land or rangeland, and for salaries and

expenses associated with preparing and executing those contracts; and

(ii) establishing a Working Capital Fund that may be accessed by the Secretary of the Interior or the Secretary of Agriculture to fund requirements of contracts described in clause (i), including cancellation and termination costs, consistent with section 6591c(h) of this title, and periodic payments over the span of the contract period; and

(B) of which—

(i) \$50,000,000 shall be made available to the Secretary of the Interior to enter into contracts described in subparagraph (A)(i);

(ii) \$150,000,000 shall be made available to the Secretary of Agriculture to enter into contracts described in subparagraph (A)(i); and

(iii) \$100,000,000 shall be made available until expended to the Secretary of the Interior, notwithstanding any other provision of this Act, to establish the Working Capital Fund described in subparagraph (A)(ii);

(2) \$200,000,000 shall be made available to provide to States and Indian Tribes for implementing restoration projects on Federal land pursuant to good neighbor agreements entered into under section 2113a of this title or agreements entered into under section 3115a(b) of title 25, of which—

(A) \$40,000,000 shall be made available to the Secretary of the Interior; and

(B) \$160,000,000 shall be made available to the Secretary of Agriculture;

(3) \$400,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects in accordance with subsection (d);

(4) \$400,000,000 shall be made available to the Secretary of the Interior to provide grants to States, territories of the United States, and Indian Tribes for implementing voluntary ecosystem restoration projects on private or public land, in consultation with the Secretary of Agriculture, that—

(A) prioritizes funding cross-boundary projects; and

(B) requires matching funding from the State, territory of the United States, or Indian Tribe to be eligible to receive the funding;

(5) \$50,000,000 shall be made available to the Secretary of Agriculture to award grants to States and Indian Tribes to establish rental programs for portable skidder bridges, bridge mats, or other temporary water crossing structures, to minimize stream bed disturbance on non-Federal land and Federal land;

(6) \$200,000,000 shall be made available for invasive species detection, prevention, and eradication, including conducting research and providing resources to facilitate detection of invasive species at points of entry and awarding grants for eradication of invasive species on non-Federal land and on Federal land, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(7) \$100,000,000 shall be made available to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, in accordance with subsection (e);

(8) \$200,000,000 shall be made available to restore native vegetation and mitigate environmental hazards on mined land on Federal and non-Federal land, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(9) \$200,000,000 shall be made available to establish and implement a national revegetation effort on Federal and non-Federal land, including to implement the National Seed Strategy for Rehabilitation and Restoration, of which—

(A) \$70,000,000 shall be made available to the Secretary of the Interior; and

(B) \$130,000,000 shall be made available to the Secretary of Agriculture; and

(10) \$80,000,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to establish a collaborative-based, landscape-scale restoration program to restore water quality or fish passage on Federal land, including Indian forest land or rangeland, in accordance with subsection (f).

(c) Ecological health restoration contracts

(1) Submission of list of projects to congress

Until the date on which all of the amounts made available to carry out subsection (b)(1)(A)(i) are expended, not later than 90 days before the end of each fiscal year, the Secretary of the Interior and the Secretary of Agriculture shall submit to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives a list of projects to be funded under that subsection in the subsequent fiscal year, including—

(A) a detailed description of each project; and

(B) an estimate of the cost, including salaries and expenses, for the project.

(2) Alternate allocation

Appropriations Acts may provide for alternate allocation of amounts made available under subsection (b)(1), consistent with the allocations under subparagraph (B) of that subsection.

(3) Lack of alternate allocations

If Congress has not enacted legislation establishing alternate allocations described in paragraph (2) by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (b)(1)(B) shall be allocated by the President.

(d) Wood products infrastructure

The Secretary of Agriculture, in coordination with the Secretary of the Interior, shall—

(1) develop a ranking system that categorizes units of Federal land, including Indian forest land or rangeland, with regard to treating areas at risk of unnaturally severe wildfire or insect or disease infestation, as being—

- (A) very low priority for ecological restoration involving vegetation removal;
- (B) low priority for ecological restoration involving vegetation removal;
- (C) medium priority for ecological restoration involving vegetation removal;
- (D) high priority for ecological restoration involving vegetation removal; or
- (E) very high priority for ecological restoration involving vegetation removal;

(2) determine, for a unit identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal, if—

- (A) a sawmill or other wood-processing facility exists in close proximity to, or a forest worker is seeking to conduct restoration treatment work on or in close proximity to, the unit; and
- (B) the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal;

(3) in accordance with any conditions the Secretary of Agriculture determines to be necessary, using the amounts made available under subsection (b)(3), provide financial assistance, including a low-interest loan or a loan guarantee, to an entity seeking to establish, reopen, retrofit, expand, or improve a sawmill or other wood-processing facility in close proximity to a unit of Federal land that has been identified under paragraph (1) as high or very high priority for ecological restoration, if the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit of Federal land, including Indian forest land or rangeland, as determined under paragraph (2)(B); and

(4) to the extent practicable, when allocating funding to units of Federal land for ecological restoration projects involving vegetation removal, give priority to a unit of Federal land that—

- (A) has been identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal; and
- (B) has a sawmill or other wood-processing facility—
 - (i) that, as determined under paragraph (2)—
 - (I) exists in close proximity to the unit; and
 - (II) does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit; or

(ii) that has received financial assistance under paragraph (3).

(e) Recreation sites**(1) Site restoration and improvements**

Of the amounts made available under subsection (b)(7), \$45,000,000 shall be made available to the Secretary of the Interior and \$35,000,000 shall be made available the¹ Secretary of Agriculture to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites.

(2) Public use recreation cabins**(A) In general**

Of the amounts made available under subsection (b)(7), \$20,000,000 shall be made available to the Secretary of Agriculture for—

- (i) the operation, repair, reconstruction, and construction of public use recreation cabins on National Forest System land; and
- (ii) to the extent necessary, the repair or reconstruction of historic buildings that are to be outleased under section 306121 of title 54.

(B) Inclusion

Of the amount described in subparagraph (A), \$5,000,000 shall be made available to the Secretary of Agriculture for associated salaries and expenses in carrying out that subparagraph.

(C) Agreements

The Secretary of Agriculture may enter into a lease or cooperative agreement with a State, Indian Tribe, local government, or private entity—

- (i) to carry out the activities described in subparagraph (A); or
- (ii) to manage the renting of a cabin or building described in subparagraph (A) to the public.

(3) Exclusion

A project shall not be eligible for funding under this subsection if—

- (A) funding for the project would be used for deferred maintenance, as defined by Federal Accounting Standards Advisory Board; and
- (B) the Secretary of the Interior or the Secretary of Agriculture has identified the project for funding from the National Parks and Public Land Legacy Restoration Fund established by section 200402(a) of title 54.

(f) Collaborative-based, aquatic-focused, landscape-scale restoration program

Subject to the availability of appropriations, not later than 180 days after November 15, 2021, the Secretary of Agriculture shall, in coordination with the Secretary of the Interior and using the amounts made available under subsection (b)(10)—

- (1) solicit collaboratively developed proposals that—

¹ So in original. Probably should be preceded by “to”.

(A) are for 5-year projects to restore fish passage or water quality on Federal land and non-Federal land to the extent allowed under section 1011a(a) of this title, including Indian forest land or rangeland;

(B) contain proposed accomplishments and proposed non-Federal funding; and

(C) request not more than \$5,000,000 in funding made available under subsection (b)(10);

(2) select project proposals for funding in a manner that—

(A) gives priority to a project proposal that would result in the most miles of streams being restored for the lowest amount of Federal funding; and

(B) discontinues funding for a project that fails to achieve the results included in a proposal submitted under paragraph (1) for more than 2 consecutive years; and

(3) publish a list of—

(A) all of the priority watersheds on National Forest System land;

(B) the condition of each priority watershed on November 15, 2021; and

(C) the condition of each priority watershed on the date that is 5 years after November 15, 2021.

(Pub. L. 117-58, div. D, title VIII, § 40804, Nov. 15, 2021, 135 Stat. 1105.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1)(B)(iii), is Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 429, known as the Infrastructure Investment and Jobs Act. For complete classification of this Act to the Code, see Short Title of 2021 Amendment note set out under section 101 of Title 23, Highways, and Tables.

CODIFICATION

Section was enacted as part of the Infrastructure Investment and Jobs Act, and not as part of the Healthy Forests Restoration Act of 2003 which comprises this chapter.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of Title 42, The Public Health and Welfare.

DEFINITIONS

For definition of “Indian Tribe” as used in this section, see section 5304 of Title 25, Indians, as made applicable by section 18701(2) of Title 42, The Public Health and Welfare.

§ 6592b. Establishment of fuel breaks in forests and other wildland vegetation

(a) Definition of Secretary concerned

In this section, the term “Secretary concerned” means—

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

(2) the Secretary of the Interior, with respect to public lands (as defined in section 1702

of title 43) administered by the Bureau of Land Management.

(b) Categorical exclusion established

Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the categorical exclusion is documented through a supporting record and decision memorandum.

(c) Forest management activities designated for categorical exclusion

(1) In general

The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on public lands (as defined in section 1702 of title 43) administered by the Bureau of Land Management or National Forest System land the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.

(2) Activities

Subject to paragraph (3), the forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (b) are—

(A) mowing or masticating;

(B) thinning by manual and mechanical cutting;

(C) piling, yarding, and removal of slash or hazardous fuels;

(D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;

(E) targeted grazing;

(F) application of—

(i) pesticide;

(ii) biopesticide; or

(iii) herbicide;

(G) seeding of native species;

(H) controlled burns and broadcast burning; and

(I) burning of piles, including jackpot piles.

(3) Excluded activities

A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—

(A) in a component of the National Wilderness Preservation System;

(B) on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan), or regulation;