

(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;

(C) in a wilderness study area; or

(D) in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.

**(4) Extraordinary circumstances**

The Secretary concerned shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).

**(d) Acreage and location limitations**

Treatments of vegetation in linear fuel breaks covered by the categorical exclusion established under subsection (b)—

(1) may not contain treatment units in excess of 3,000 acres;

(2) shall be located primarily in—

(A) the wildland-urban interface or a public drinking water source area;

(B) if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or

(C) an insect or disease area designated by the Secretary concerned as of November 15, 2021; and

(3) shall consider the best available scientific information.

**(e) Roads**

**(1) Permanent roads**

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

**(2) Existing roads**

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

**(3) Temporary roads**

The Secretary concerned 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.

**(f) Public collaboration**

To encourage meaningful public participation during the preparation of a project under this section, the Secretary concerned shall facilitate, during the preparation of each project—

(1) collaboration among State and local governments and Indian Tribes; and

(2) participation of interested persons.

(Pub. L. 117-58, div. D, title VIII, §40806, Nov. 15, 2021, 135 Stat. 1110.)

**Editorial Notes**

**REFERENCES IN TEXT**

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

**§ 6592c. Emergency actions**

**(a) Definitions**

In this section:

**(1) Authorized emergency action**

The term “authorized emergency action” means an action carried out pursuant to an emergency situation determination issued under this section to mitigate the harm to life, property, or important natural or cultural resources on National Forest System land or adjacent land.

**(2) Emergency situation**

The term “emergency situation” means a situation on National Forest System land for which immediate implementation of 1 or more authorized emergency actions is necessary to achieve 1 or more of the following results:

(A) Relief from hazards threatening human health and safety.

(B) Mitigation of threats to natural resources on National Forest System land or adjacent land.

**(3) Emergency situation determination**

The term “emergency situation determination” means a determination made by the Secretary under subsection (b)(1)(A).

**(4) Land and resource management plan**

The term “land and resource management plan” means a plan developed under section 1604 of this title.

**(5) National Forest System land**

The term “National Forest System land” means land of the National Forest System (as defined in section 1609(a) of this title).

**(6) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(b) Authorized emergency actions to respond to emergency situations**

**(1) Determination**

**(A) In general**

The Secretary may make a determination that an emergency situation exists with respect to National Forest System land.