

funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

**(B) Inclusion**

The term “1890 Institution” includes Tuskegee University.

**(3) Forest-damaging insect**

The term “forest-damaging insect” means—

- (A) a Southern pine beetle;
- (B) a mountain pine beetle;
- (C) a spruce bark beetle;
- (D) a gypsy moth;
- (E) a hemlock woolly adelgid;
- (F) an emerald ash borer;
- (G) a red oak borer;
- (H) a white oak borer; and
- (I) such other insects as may be identified by the Secretary.

**(4) Secretary**

The term “Secretary” means—

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

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

(Pub. L. 108-148, title IV, §402, Dec. 3, 2003, 117 Stat. 1908.)

REFERENCES IN TEXT

The Act of August 30, 1890, referred to in par. (2)(A), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 321 of Title 7 and Tables.

**§ 6553. Accelerated information gathering regarding forest-damaging insects**

**(a) Information gathering**

The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

- (A) infestation prevention and suppression methods;
- (B) effects of infestations and associated disease interactions on forest ecosystems;
- (C) restoration of forest ecosystem efforts;
- (D) utilization options regarding infested trees; and
- (E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

**(b) Cooperation and assistance**

The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

(Pub. L. 108-148, title IV, §403, Dec. 3, 2003, 117 Stat. 1909.)

**§ 6554. Applied silvicultural assessments**

**(a) Assessment efforts**

For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

**(b) Limitations**

**(1) Exclusion of certain areas**

Subsection (a) does not apply to—

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

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

**(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.)

## 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, as amended, 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. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subchapter for each of fiscal years 2004 through 2008.

(Pub. L. 108-148, title IV, §406, Dec. 3, 2003, 117 Stat. 1911.)

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 pur-

pose of restoring and enhancing forest ecosystems—

- (1) to promote the recovery of threatened and endangered species;
- (2) to improve biodiversity; and
- (3) 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.)

**§ 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—

- (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.

**(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; and
- (2) 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) Limitation on use of cost-share agreements and easements****(A) In general**

Of the total amount of funds expended under the program for a fiscal year to acquire easements and enter into cost-share agreements described in paragraph (1)—