

**(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)—

(i) not more than 40 percent shall be used for cost-share agreements described in paragraph (1)(A); and

(ii) not more than 60 percent shall be used for easements described in subparagraphs (B) and (C) of paragraph (1).

**(B) Repooling**

The Secretary may use any funds allocated under clause (i) or (ii) of subparagraph (A) that are not obligated by April 1 of the fiscal year for which the funds are made available to carry out a different method of enrollment during that fiscal year.

**(3) Acreage owned by Indian tribes**

**(A) Definition of acreage owned by Indian tribes**

In this paragraph, the term “acreage owned by Indian tribes” includes—

(i) land that is held in trust by the United States for Indian tribes or individual Indians;

(ii) land, the title to which is held by Indian tribes or individual Indians subject to Federal restrictions against alienation or encumbrance;

(iii) land that is subject to rights of use, occupancy, and benefit of certain Indian tribes;

(iv) land that is held in fee title by an Indian tribe; or

(v) land that is owned by a native corporation formed under section 477 of title 25 or section 1607 of title 43; or

(vi) a combination of 1 or more types of land described in clauses (i) through (v).

**(B) Enrollment of acreage**

In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

(i) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

(ii) a 10-year cost-share agreement; or

(iii) any combination of the options described in clauses (i) and (ii).

**(f) Enrollment priority**

**(1) Species**

The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 1533 of this title; and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 1533 of this title; but

(ii) are candidates for such listing, State-listed species, or special concern species.

**(2) Cost-effectiveness**

The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

(Pub. L. 108-148, title V, §502, Dec. 3, 2003, 117 Stat. 1911; Pub. L. 110-234, title VIII, §8205(a), May 22, 2008, 122 Stat. 1294; Pub. L. 110-246, §4(a), title VIII, §8205(a), June 18, 2008, 122 Stat. 1664, 2056; Pub. L. 113-79, title VIII, §8203(a), Feb. 7, 2014, 128 Stat. 914.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (e)(3). Pub. L. 113-79, §8203(a)(2), (3), added subpar. (A), designated existing provisions as subpar. (B) and inserted heading, and redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (B) and realigned margins.

Subsec. (e)(3)(C). Pub. L. 113-79, §8203(a)(1), substituted “clauses (i) and (ii)” for “subparagraphs (A) and (B)”.

2008—Subsecs. (e) to (g). Pub. L. 110-246, §8205(a), added subsec. (e), redesignated subsec. (g) as (f), and struck out former subsecs. (e) and (f) which related to maximum number of enrolled acres and methods of enrollment.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

**§ 6573. Restoration plans**

**(a) In general**

Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of<sup>1</sup> Interior.

**(b) Practices**

The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 1533 of this title; and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

(Pub. L. 108-148, title V, §503, Dec. 3, 2003, 117 Stat. 1912.)

**§ 6574. Financial assistance**

**(a) Permanent easements**

In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 6572(f)(1)(C)(ii)<sup>1</sup> of this title), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and

<sup>1</sup> So in original. Probably should be “of the”.

<sup>1</sup> So in original. Probably should be “6572(e)(1)(C)(ii)”.