

(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.

(2) Submission

Not later than 1 year after February 7, 2014, 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, § 603, as added Pub. L. 113-79, title VIII, § 8204, Feb. 7, 2014, 128 Stat. 916.)

REFERENCES IN TEXT

Public Law 91-190, referred to in subsec. (a)(1), 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.

§ 6591c. Stewardship end result contracting projects

(a) Definitions

In this section:

(1) Chief

The term “Chief” means the Chief of the Forest Service.

(2) Director

The term “Director” means the Director of the Bureau of Land Management.

(b) Projects

The Chief and the Director, via agreement or contract as appropriate, may enter into stew-

ardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the national forests and the public lands that meet local and rural community needs.

(c) Land management goals

The land management goals of a project under subsection (b) may include any of the following:

(1) Road and trail maintenance or obliteration to restore or maintain water quality.

(2) Soil productivity, habitat for wildlife and fisheries, or other resource values.

(3) Setting of prescribed fires to improve the composition, structure, condition, and health of stands or to improve wildlife habitat.

(4) Removing vegetation or other activities to promote healthy forest stands, reduce fire hazards, or achieve other land management objectives.

(5) Watershed restoration and maintenance.

(6) Restoration and maintenance of wildlife and fish.

(7) Control of noxious and exotic weeds and reestablishing native plant species.

(d) Agreements or contracts

(1) Procurement procedure

A source for performance of an agreement or contract under subsection (b) shall be selected on a best-value basis, including consideration of source under other public and private agreements or contracts.

(2) Contract for sale of property

A contract entered into under this section may, at the discretion of the Secretary of Agriculture, be considered a contract for the sale of property under such terms as the Secretary may prescribe without regard to any other provision of law.

(3) Term

(A) In general

Except as provided in subparagraph (B), the Chief and the Director may enter into a contract under subsection (b) in accordance with section 3903 of title 41.

(B) Maximum

The period of the contract under subsection (b) may exceed 5 years but may not exceed 10 years.

(4) Offsets

(A) In general

The Chief and the Director may apply the value of timber or other forest products removed as an offset against the cost of services received under the agreement or contract described in subsection (b).

(B) Methods of appraisal

The value of timber or other forest products used as an offset under subparagraph (A)—

(i) shall be determined using appropriate methods of appraisal commensurate with the quantity of products to be removed; and

(ii) may—

(I) be determined using a unit of measure appropriate to the contracts; and

(II) may include valuing products on a per-acre basis.

(5) Relation to other laws

Notwithstanding subsections (d) and (g) of section 472a of this title, the Chief may enter into an agreement or contract under subsection (b).

(6) Contracting officer

Notwithstanding any other provision of law, the Secretary or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (b).

(7) Fire liability provisions

Not later than 90 days after February 7, 2014, the Chief and the Director shall issue for use in all contracts and agreements under this section fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400–13, part H, section H.4; and

(B) timber sale contracts conducted pursuant to section 472a of this title.

(e) Receipts

(1) In general

The Chief and the Director may collect monies from an agreement or contract under subsection (b) if the collection is a secondary objective of negotiating the contract that will best achieve the purposes of this section.

(2) Use

Monies from an agreement or contract under subsection (b)—

(A) may be retained by the Chief and the Director; and

(B) shall be available for expenditure without further appropriation at the project site from which the monies are collected or at another project site.

(3) Relation to other laws

(A) In general

Notwithstanding any other provision of law, the value of services received by the Chief or the Director under a stewardship contract project conducted under this section, and any payments made or resources provided by the contractor, Chief, or Director shall not be considered monies received from the National Forest System or the public lands.

(B) Knutson-Vanderberg¹ Act

The Act of June 9, 1930 (commonly known as the “Knutson-Vanderberg¹ Act”) (16 U.S.C. 576 et seq.) shall not apply to any agreement or contract under subsection (b).

(f) Costs of removal

Notwithstanding the fact that a contractor did not harvest the timber, the Chief may collect deposits from a contractor covering the costs of removal of timber or other forest products under—

(1) section 490 of this title; and

(2) section 498 of this title.

(g) Performance and payment guarantees

(1) In general

The Chief and the Director may require performance and payment bonds under sections 28.103–2 and 28.103–3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

(2) Excess offset value

If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director may—

(A) collect any residual receipts under the Act of June 9, 1930 (commonly known as the “Knutson-Vanderberg¹ Act”) (16 U.S.C. 576 et seq.); and

(B) apply the excess to other authorized stewardship projects.

(h) Monitoring and evaluation

(1) In general

The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

(2) Participants

Other than the Chief and Director, participants in the process described in paragraph (1) may include—

(A) any cooperating governmental agencies, including tribal governments; and

(B) any other interested groups or individuals.

(i) Reporting

Not later than 1 year after February 7, 2014, and annually thereafter, the Chief and the Director shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on—

(1) the status of development, execution, and administration of agreements or contracts under subsection (b);

(2) the specific accomplishments that have resulted; and

(3) the role of local communities in the development of agreements or contract plans.

(Pub. L. 108–148, title VI, §604, as added Pub. L. 113–79, title VIII, §8205(a), Feb. 7, 2014, 128 Stat. 918.)

REFERENCES IN TEXT

The Act of June 9, 1930, referred to in subsecs. (e)(3)(B) and (g)(2)(A), is act June 9, 1930, ch. 416, 46 Stat. 527, popularly known as the Knutson-Vanderberg Act, which is classified generally to sections 576, 576a, and 576b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 576 of this title and Tables.

Section 490 of this title, referred to in subsec. (f)(1), was in the original “the Act of August 11, 1916 (16 U.S.C. 490)”, and was translated as referring to the undesignated provisions appearing in act Aug. 11, 1916, ch. 313, 39 Stat. 462, as amended, which are classified to section 490 of this title.

¹ So in original. Probably should be “Knutson-Vanderberg”.

Section 498 of this title, referred to in subsec. (f)(2), was in the original “the Act of June 30, 1914 (16 U.S.C. 498)”, and was translated as referring to the undesignated provisions appearing in act June 30, 1914, ch. 131, 38 Stat. 430, as amended, which are classified to section 498 of this title.

CHAPTER 85—MARINE TURTLE CONSERVATION

Sec.	
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§ 6601. Findings and purposes

(a) Findings

The Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp’s ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;

(6) because marine turtles are flagship species for the ecosystems in which marine turtles are found, sustaining healthy populations of marine turtles provides benefits to many other species of wildlife, including many other threatened or endangered species;

(7) marine turtles are important components of the ecosystems that they inhabit, and studies of wild populations of marine turtles have provided important biological insights;

(8) changes in marine turtle populations are most reliably indicated by changes in the numbers of nests and nesting females; and

(9) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of marine turtles will require the joint commitment and effort of—

(A) countries that have within their boundaries marine turtle nesting habitats; and

(B) persons with expertise in the conservation of marine turtles.

(b) Purpose

The purpose of this chapter is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries

by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

(Pub. L. 108-266, §2, July 2, 2004, 118 Stat. 791.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(2), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

SHORT TITLE

Pub. L. 108-266, §1, July 2, 2004, 118 Stat. 791, provided that: “This Act [enacting this chapter] may be cited as the ‘Marine Turtle Conservation Act of 2004.’”

§ 6602. Definitions

In this chapter:

(1) CITES

The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(2) Conservation

The term “conservation” means the use of all methods and procedures necessary to protect nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats, including—

(A) protection, restoration, and management of nesting habitats;

(B) onsite research and monitoring of nesting populations, nesting habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

(D) enforcement and implementation of CITES and laws of foreign countries to—

(i) protect and manage nesting populations and nesting habitats; and

(ii) prevent illegal trade of marine turtles;

(E) training of local law enforcement officials in the interdiction and prevention of—

(i) the illegal killing of marine turtles on nesting habitat; and

(ii) illegal trade in marine turtles;

(F) initiatives to resolve conflicts between humans and marine turtles over habitat used by marine turtles for nesting;

(G) community outreach and education; and

(H) strengthening of the ability of local communities to implement nesting population and nesting habitat conservation programs.

(3) Fund

The term “Fund” means the Marine Turtle Conservation Fund established by section 6604 of this title.

(4) Marine turtle

(A) In general

The term “marine turtle” means any member of the family Cheloniidae or Dermochelyidae.