

- (i) activities to treat insect- and disease-infected trees;
- (ii) activities to reduce hazardous fuels; and
- (iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

**(B) Exclusions**

The term “forest, rangeland, and watershed restoration services” does not include—

- (i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas; or
- (ii) construction, alteration, repair or replacement of public buildings or works.

**(4) Good neighbor agreement**

The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor to carry out authorized restoration services under this section.

**(5) Governor**

The term “Governor” means the Governor or any other appropriate executive official of an affected State or the Commonwealth of Puerto Rico.

**(6) Road**

The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

**(7) Secretary**

The term “Secretary” means—

- (A) the Secretary of Agriculture, with respect to National Forest System land; and
- (B) the Secretary of the Interior, with respect to Bureau of Land Management land.

**(b) Good neighbor agreements**

**(1) Good neighbor agreements**

**(A) In general**

The Secretary may enter into a good neighbor agreement with a Governor to carry out authorized restoration services in accordance with this section.

**(B) Public availability**

The Secretary shall make each good neighbor agreement available to the public.

**(2) Timber sales**

**(A) In general**

Subsections (d) and (g) of section 472a of this title shall not apply to services performed under a cooperative agreement or contract entered into under subsection (a).

**(B) Approval of silviculture prescriptions and marking guides**

The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

**(3) Retention of NEPA responsibilities**

Any decision required to be made under the National Environmental Policy Act of 1969 (42

U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to a Governor.

(Pub. L. 113–79, title VIII, §8206, Feb. 7, 2014, 128 Stat. 921.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(3), 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 Agricultural Act of 2014, and not as part of the Cooperative Forestry Assistance Act of 1978 which comprises this chapter.

**§ 2114. Administration**

**(a) In general**

The Secretary shall administer this chapter in accordance with regulations that the Secretary shall develop.

**(b) Guidelines**

The regulations promulgated under this chapter shall include guidelines for the administration of this chapter at the Federal and State levels and shall identify the measures and activities that are eligible for cost sharing under this chapter.

**(c) Existing mechanisms**

Existing mechanisms shall be used to the extent possible to make payments and deliver services to the landowner under this chapter.

**(d) Land grant universities**

The Secretary, in consultation with State foresters or equivalent State officials, may provide assistance directly to other State and local natural resource management agencies and land grant universities in implementing this chapter in cases in which the State foresters or equivalent State officials are not able to make fund transfers to other State and local agencies.

(Pub. L. 95–313, §20, as added Pub. L. 101–624, title XII, §1223, Nov. 28, 1990, 104 Stat. 3542.)

**CHAPTER 42—EMERGENCY CONSERVATION PROGRAM**

|       |                                                                                                                    |
|-------|--------------------------------------------------------------------------------------------------------------------|
| Sec.  |                                                                                                                    |
| 2201. | Payments to agricultural producers for carrying out wind erosion control or rehabilitation measures; criteria.     |
| 2202. | Payments to agricultural producers for carrying out water conservation or water enhancing measures; criteria.      |
| 2203. | Emergency measures.                                                                                                |
| 2204. | Authorization of appropriations; availability of funds; implementation of provisions; limitations on expenditures. |
| 2205. | Regulations for implementation of provisions.                                                                      |
| 2206. | Emergency forest restoration program.                                                                              |

**§ 2201. Payments to agricultural producers for carrying out wind erosion control or rehabilitation measures; criteria**

The Secretary of Agriculture is authorized to make payments to agricultural producers who