

(2) Location

A project under this section shall be limited to areas—

(A) in the wildland-urban interface; or

(B) Condition Classes 2 or 3 in Fire Regime Groups I, II, or III, outside the wildland-urban interface.

(3) Roads**(A) Permanent roads****(i) Prohibition on establishment**

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

(ii) Existing roads

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

(B) Temporary roads

The Secretary 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.

(d) Exclusions

This section does not apply to—

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

(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 stewardship 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). Notwithstanding the Materials Act of 1947 (30 U.S.C. 602(a)),¹ the Director 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 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 sub-

section (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-Vanderberg² Act

The Act of June 9, 1930 (commonly known as the ‘‘Knutson-Vanderberg² 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) use the excess to satisfy any outstanding liabilities for cancelled agreements or contracts; or

(B) if there are no outstanding liabilities described in subparagraph (A), apply the excess to other authorized stewardship projects.

(h) Cancellation ceilings

(1) In general

Notwithstanding section 3903(b)(1) of title 41, the Chief and the Director may obligate funds in stages that are economically or program-

¹ See References in Text note below.

² So in original. Probably should be ‘‘Knutson-Vandenberg’’.

matically viable to cover any potential cancellation or termination costs for an agreement or contract under subsection (b).

(2) Advance notice to Congress of cancellation ceiling in excess of \$25,000,000

Not later than 30 days before entering into a multiyear agreement or contract under subsection (b) that includes a cancellation ceiling in excess of \$25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to that cancellation ceiling, the Chief or the Director, as applicable, shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a written notice that includes—

(A) a description of the cancellation ceiling amounts proposed for each program year in the agreement or contract;

(B) the reasons why the cancellation ceiling amounts described under subparagraph (A) were selected;

(C) a description of the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

(D) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

(3) Transmittal of notice to OMB

Not later than 14 days after the date on which written notice is provided under paragraph (2), the Chief or the Director, as appropriate, shall transmit a copy of the notice to the Director of the Office of Management and Budget.

(i) 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.

(j) Reporting

Not later than 1 year after February 7, 2014, and annually thereafter, the Chief and the Director shall submit to the congressional committees described in subsection (h)(2) a report 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; amended Pub. L. 115-31, div. G, title IV, §422, May 5, 2017, 131 Stat. 499; Pub. L. 115-141, div. O, title II, §§204-206, Mar. 23, 2018, 132 Stat. 1064, 1065.)

REFERENCES IN TEXT

The Materials Act of 1947, referred to in subsec. (d)(5), is act July 31, 1947, ch. 406, 61 Stat. 681, which is classified generally to subchapter I (§601 et seq.) of chapter 15 of Title 30, Mineral Lands and Mining. Section 602(a) of Title 30 is section 2(a) of the Act. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 30 and Tables.

The Act of June 9, 1930, referred to in subsec. (e)(3)(B), is act June 9, 1930, ch. 416, 46 Stat. 527, popularly known as the Knutson-Vandenberg 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.

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.

AMENDMENTS

2018—Subsec. (g)(2). Pub. L. 115-141, §205, added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

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

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

Subsecs. (h), (i). Pub. L. 115-141, §204, added subsec. (h) and redesignated former subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 115-141, §§204(1), 206, redesignated subsec. (i) as (j) and substituted “submit to the congressional committees described in subsection (h)(2) a report” for “report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives” in introductory provisions.

2017—Subsec. (d)(5). Pub. L. 115-31, §422(1), inserted at end “Notwithstanding the Materials Act of 1947 (30 U.S.C. 602(a)), the Director may enter into an agreement or contract under subsection (b).”

Subsec. (d)(7). Pub. L. 115-31, §422(2), struck out “and the Director” after “the Chief” in introductory provisions.

20-YEAR STEWARDSHIP CONTRACTING

Pub. L. 115-141, div. O, title II, §207, Mar. 23, 2018, 132 Stat. 1065, provided that:

“(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior may award contracts or agreements under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511 [6591c]), for terms not to exceed 20 years on areas where the majority of Federal lands are in Fire Regime Groups I, II, or III.

“(b) PREFERENCE.—In awarding a contract under this section, the Secretary concerned [see Definitions note below] may, notwithstanding the Federal Acquisition Regulations, give a procurement preference to a contractor that would, as part of the contract, promote an innovative use of forest products, including cross-laminated timber.”

DEFINITIONS

Pub. L. 115-141, div. O, title II, §201, Mar. 23, 2018, 132 Stat. 1062, provided that: “In this title [see Tables for classification]:

“(1) NATIONAL FOREST SYSTEM.—The term ‘National Forest System’ has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

“(2) PUBLIC LAND.—The term ‘public land’ has the meaning given the term ‘public lands’ in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

“(3) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

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

“(B) the Secretary of the Interior, with respect to public land.”

§ 6591d. Wildfire resilience projects

(a) In general

Hazardous fuels reduction projects, as defined in section 6511(2) of this title may be—

(1) carried out in accordance with subsections (b), (c), and (d) of section 6512 of this title and sections 6514 and 6515 of this title;

(2) considered an action categorically excluded from the requirements of Public Law 91–190 (42 U.S.C. 4321 et seq.); and

(3) exempt from the special administrative review process under section 6515 of this title.

(b) Collaborative restoration project

(1) In general

A project referred to in subsection (a) is a project to carry out forest restoration treatments that—

(A) maximizes the retention of old-growth and large trees, as appropriate for the forest type, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires;

(B) considers the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity; and

(C) is developed and implemented through a collaborative process that—

(i) includes multiple interested persons representing diverse interests; and

(ii)(I) is transparent and nonexclusive; or

(II) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 7125 of this title.

(2) Inclusion

A project under this subsection may carry out part of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 7303(b) of this title.

(c) Limitations

(1) Project size

A project under this section may not exceed 3000 acres.

(2) Location

A project under this section shall be—

(A) Prioritized within the wildland-urban interface;

(B) If located outside the wildland-urban interface, limited to areas within Condition Classes 2 or 3 in Fire Regime Groups I, II, or

III that contain very high wildfire hazard potential; and

(C) Limited to areas designated under section 6591a(b) of this title as of March 23, 2018.

(3) Roads

(A) Permanent roads

(i) Prohibition on establishment

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

(ii) Existing roads

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

(B) Temporary roads

The Secretary 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.

(4) Extraordinary circumstances

The Secretary shall apply the extraordinary circumstances procedures under section 220.6 of title 36, code of Federal regulations¹ (or successor regulations), when using the categorical exclusion under this section.

(d) Exclusions

This section does not apply to—

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

(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 March 23, 2018, and each year thereafter, the Secretary shall

¹ So in original. Probably should be “Code of Federal Regulations”.