

2014, 128 Stat. 915; Pub. L. 115-334, title VIII, §8407(a)(8), Dec. 20, 2018, 132 Stat. 4846.)

#### REFERENCES IN TEXT

The Soil Conservation and Domestic Allotment Act, referred to in subsec. (c), is act Apr. 27, 1935, ch. 85, 49 Stat. 163, which is classified generally to chapter 3B (§590a et seq.) of this title. For complete classification of this Act to the Code, see section 590q of this title and Tables.

#### 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 L. 110-234 were repealed by section 4(a) of Pub.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

2018—Subsec. (b). Pub. L. 115-334 substituted “Authorization of appropriations” for “Fiscal years 2014 through 2018” in heading and “2023” for “2018” in text.

2014—Subsec. (a). Pub. L. 113-79, §8203(b)(1), substituted “Fiscal years 2009 through 2013” for “In general” in heading.

Subsecs. (b) to (d). Pub. L. 113-79, §8203(b)(2), (3), added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

2008—Pub. L. 110-246, §8205(c), amended section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter—

“(1) \$25,000,000 for fiscal year 2004; and

“(2) such sums as are necessary for each of fiscal years 2005 through 2008.”

#### 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.

#### SUBCHAPTER VI—MISCELLANEOUS

### § 6591. Forest stands inventory and monitoring program to improve detection of and response to environmental threats

#### (a) In general

The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

(1) in units of the National Forest System (other than those units created from the public domain); and

(2) on private forest land, with the consent of the owner of the land.

#### (b) Issues to be addressed

In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

(2) loss or degradation of forests;

(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

(4) quantification of carbon uptake rates; and

(5) management practices that focus on preventing further forest degradation.

#### (c) Early warning system

In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

(1) isolate and treat a threat before the threat gets out of control; and

(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

#### (d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2004 through 2008.

(Pub. L. 108-148, title VI, §601, Dec. 3, 2003, 117 Stat. 1914.)

### § 6591a. Designation of treatment areas

#### (a) Definition of declining forest health

In this section, the term “declining forest health” means a forest that is experiencing—

(1) substantially increased tree mortality due to insect or disease infestation; or

(2) dieback due to infestation or defoliation by insects or disease.

#### (b) Designation of treatment areas

##### (1) Initial areas

Not later than 60 days after February 7, 2014, the Secretary shall, if requested by the Governor of the State, designate as part of an insect and disease treatment program 1 or more landscape-scale areas, such as subwatersheds (sixth-level hydrologic units, according to the System of Hydrologic Unit Codes of the United States Geological Survey), in at least 1 national forest in each State that is experiencing an insect or disease epidemic.

##### (2) Additional areas

After the end of the 60-day period described in paragraph (1), the Secretary may designate additional landscape-scale areas under this section as needed to address insect or disease threats.

#### (c) Requirements

To be designated a landscape-scale area under subsection (b), the area shall be—

(1) experiencing declining forest health, based on annual forest health surveys conducted by the Secretary;

(2) at risk of experiencing substantially increased tree mortality over the next 15 years due to insect or disease infestation, based on the most recent National Insect and Disease Risk Map published by the Forest Service; or

(3) in an area in which the risk of hazard trees poses an imminent risk to public infrastructure, health, or safety.

#### (d) Treatment of areas

##### (1) In general

The Secretary may carry out priority projects on Federal land in the areas designated under subsection (b)—

(A) to reduce the risk or extent of, or increase the resilience to, insect or disease infestation; or

(B) to reduce hazardous fuels.

**(2) Authority**

Any project under paragraph (1) for which a public notice to initiate scoping is issued on or before September 30, 2023, may be carried out in accordance with subsections (b), (c), and (d) of section 6512 of this title, and sections 6514, 6515, and 6516 of this title.

**(3) Effect**

Projects carried out under this subsection shall be considered authorized hazardous fuel reduction projects for purposes of the authorities described in paragraph (2).

**(4) Report**

**(A) In general**

In accordance with the schedule described in subparagraph (B), the Secretary shall issue 2 reports on actions taken to carry out this subsection, including—

- (i) an evaluation of the progress towards project goals; and
- (ii) recommendations for modifications to the projects and management treatments.

**(B) Schedule**

The Secretary shall—

- (i) not earlier than September 30, 2018, issue the initial report under subparagraph (A); and
- (ii) not earlier than September 30, 2024, issue the second report under that subparagraph.

**(e) Tree retention**

The Secretary shall carry out projects under subsection (d) in a manner that 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.

(Pub. L. 108-148, title VI, §602, as added Pub. L. 113-79, title VIII, §8204, Feb. 7, 2014, 128 Stat. 915; amended Pub. L. 115-334, title VIII, §§8407(b), 8408, Dec. 20, 2018, 132 Stat. 4846, 4847.)

AMENDMENTS

2018—Subsec. (d)(1). Pub. L. 115-334, §8407(b)(1), substituted “subsection (b)—” and subpars. (A) and (B) for “subsection (b) to reduce the risk or extent of, or increase the resilience to, insect or disease infestation in the areas.”

Subsec. (d)(2). Pub. L. 115-334, §8407(b)(2), substituted “2023” for “2018”.

Subsec. (f). Pub. L. 115-334, §8408, struck out subsec. (f). Prior to amendment, text read as follows: “There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2014 through 2024.”

**§ 6591b. Administrative review**

**(a) In general**

Except as provided in subsection (d), a project described in subsection (b) that is conducted in accordance with section 6591a(d) of this title may be—

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

(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 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;