

(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 un-

designated 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 regulations<sup>1</sup> (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 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, § 605, as added Pub. L. 115-141, div. O, title II, § 202, Mar. 23, 2018, 132 Stat. 1062.)

REFERENCES IN TEXT

Section 6511(2) of this title, referred to in subsec. (a), was in the original “the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(2))” and was translated as referring to section 101(2) of that Act, which is classified

<sup>1</sup>So in original. Probably should be “Code of Federal Regulations”.

to section 6511(2) of this title and defines “authorized hazardous fuel reduction project”.

Public Law 91-190, referred to in subsec. (a)(2), 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.

March 23, 2018, referred to in subsec. (c)(2)(C), was in the original “the date of enactment of this Act” and was translated as meaning the date of enactment of Pub. L. 115-141, which enacted this section, to reflect the probable intent of Congress.

**§ 6591e. Categorical exclusion for greater sage-grouse and mule deer habitat**

**(a) Definitions**

In this section:

**(1) Covered vegetation management activity**

**(A) In general**

The term “covered vegetation management activity” means any activity described in subparagraph (B) that—

(i)(I) is carried out on National Forest System land administered by the Forest Service; or

(II) is carried out on public land administered by the Bureau of Land Management;

(ii) with respect to public land, meets the objectives of the order of the Secretary of the Interior numbered 3336 and dated January 5, 2015;

(iii) conforms to an applicable forest plan or land use plan;

(iv) protects, restores, or improves greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—

(I) Circular 1416 of the United States Geological Survey entitled “Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration” (2015); or

(II) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies;

(v) will not permanently impair—

(I) the natural state of the treated area;

(II) outstanding opportunities for solitude;

(III) outstanding opportunities for primitive, unconfined recreation;

(IV) economic opportunities consistent with multiple-use management; or

(V) the identified values of a unit of the National Landscape Conservation System;

(vi)(I) restores native vegetation following a natural disturbance;

(II) prevents the expansion into greater sage-grouse or mule deer habitat of—

(aa) juniper, pinyon pine, or other associated conifers; or

(bb) nonnative or invasive vegetation;

(III) reduces the risk of loss of greater sage-grouse or mule deer habitat from

wildfire or any other natural disturbance; or

(IV) provides emergency stabilization of soil resources after a natural disturbance; and

(vii) provides for the conduct of restoration treatments that—

(I) maximize the retention of old-growth and large trees, as appropriate for the forest type;

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

(III) are developed and implemented through a collaborative process that—

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

(bb)(AA) is transparent and non-exclusive; or

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

(IV) may include the implementation of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 7303(b) of this title.

**(B) Description of activities**

An activity referred to in subparagraph (A) is—

(i) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

(ii) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

(iii) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;

(iv) collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method;

(v) seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization;

(vi) targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;

(vii) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;

(viii) temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met;

(ix) in coordination with the affected permit holder, modification or adjustment of permissible usage under an annual plan of use of a grazing permit issued by the Secretary concerned to achieve restoration treatment objectives;

(x) installation of new, or modification of existing, fencing or water sources in-