

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) 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;

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

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

(v) 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;

(vi) 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;

(vii) restores native vegetation following a natural disturbance;

(viii) 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;

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

wildfire or any other natural disturbance; or

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

(xi) 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-

tended to control use or improve wildlife habitat; or

(xi) necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.

**(C) Exclusions**

The term “covered vegetation management activity” does not include—

(i) any activity conducted in a wilderness area or wilderness study area;

(ii) any activity for the construction of a permanent road or permanent trail;

(iii) any activity conducted on Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(iv) any activity conducted in an area in which activities under subparagraph (B) would be inconsistent with the applicable land and resource management plan; or

(v) any activity conducted in an inventoried roadless area.

**(2) 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.

**(3) Temporary road**

The term “temporary road” means a road that is—

(A) authorized—

(i) by a contract, permit, lease, other written authorization; or

(ii) pursuant to an emergency operation;

(B) not intended to be part of the permanent transportation system of a Federal department or agency;

(C) not necessary for long-term resource management;

(D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—

(i) safety;

(ii) the cost of transportation; and

(iii) impacts to land and resources; and

(E) managed to minimize—

(i) erosion; and

(ii) the introduction or spread of invasive species.

**(b) Categorical exclusion**

**(1) In general**

Not later than 1 year after December 20, 2018, the Secretary concerned shall develop a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse or mule deer.

**(2) Administration**

In developing and administering the categorical exclusion under paragraph (1), the Secretary concerned shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) with respect to National Forest System land, apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion;

(C) with respect to public land, apply the extraordinary circumstances procedures under section 46.215 of title 43, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion; and

(D) consider—

(i) the relative efficacy of landscape-scale habitat projects;

(ii) the likelihood of continued declines in the populations of greater sage-grouse and mule deer in the absence of landscape-scale vegetation management; and

(iii) the need for habitat restoration activities after wildfire or other natural disturbances.

**(c) Implementation of covered vegetative management activities within the range of greater sage-grouse and mule deer**

If the categorical exclusion developed under subsection (b) is used to implement a covered vegetative management activity in an area within the range of both greater sage-grouse and mule deer, the covered vegetative management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.

**(d) Long-term monitoring and maintenance**

Before commencing any covered vegetation management activity that is covered by the categorical exclusion under subsection (b), the Secretary concerned shall develop a long-term monitoring and maintenance plan, covering at least the 20-year period beginning on the date of commencement, to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.

**(e) Disposal of vegetative material**

Subject to applicable local restrictions, any vegetative material resulting from a covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may be—

(1) used for—

(A) fuel wood; or

(B) other products; or

(2) piled or burned, or both.

**(f) Treatment for temporary roads**

**(1) In general**

Notwithstanding subsection (a)(1)(B)(xi), any temporary road constructed in carrying out a covered vegetation management activity that is covered by the categorical exclusion under subsection (b)—

(A) shall be used by the Secretary concerned for the covered vegetation management activity for not more than 2 years; and

(B) shall be decommissioned by the Secretary concerned not later than 3 years after the earlier of the date on which—

- (i) the temporary road is no longer needed; and
- (ii) the project is completed.

**(2) Requirement**

A treatment under paragraph (1) shall include reestablishing native vegetative cover—

- (A) as soon as practicable; but
- (B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

**(g) Limitations**

**(1) Project size**

A covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may not exceed 4,500 acres.

**(2) Location**

A covered vegetation management activity carried out on National Forest System land that is covered by the categorical exclusion under subsection (b) shall be limited to areas designated under section 6591a(b) of this title, as of December 20, 2018.

(Pub. L. 108-148, title VI, §606, as added Pub. L. 115-334, title VIII, §8611, Dec. 20, 2018, 132 Stat. 4848.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2)(A), 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.

**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, freshwater turtles, and tortoises and the habitats of marine turtles, freshwater turtles, and tortoises in foreign countries and territories of the United States by supporting and providing financial resources for projects—

- (1) to conserve marine turtle, freshwater turtle, and tortoise habitats under the jurisdiction of United States Fish and Wildlife Service programs;
- (2) to conserve marine turtles, freshwater turtles, and tortoises in those habitats; and
- (3) to address other threats to the survival of marine turtles, freshwater turtles, and tortoises, including habitat loss, poaching of turtles or their eggs, and wildlife trafficking.

(Pub. L. 108-266, §2, July 2, 2004, 118 Stat. 791; Pub. L. 116-9, title VII, §7001(c)(3)(A), Mar. 12, 2019, 133 Stat. 786.)

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.

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-9 added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “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.”

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: